

Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **AUG 16 2001**

A0110340. THE STATE v. TRIPLETT

The State filed this application seeking interlocutory review of the trial court's order denying the State's motion for court ordered medical records and granting in part and denying in part Deanna Lea Triplett's motion to suppress. In its application, the State contends that medical records obtained via an ex-parte subpoena issued prior to *King v. State*, 272 Ga. 788 (535 SE2d 492) (2000) should be able to be obtained by the State under the "independent source" doctrine as an exception to the "exclusionary rule." However, the authority of the State to appeal an adverse ruling in a criminal case is limited to the instances enumerated in OCGA § 5-7-1. In this case, the State is not appealing the trial court's order granting the motion to suppress as required by *King*, but is seeking review of the trial court's denial of its motion for court-ordered medical records as an exception to the exclusionary rule. Because the issue the State seeks to appeal does not come within one of the enumerated instances set forth in OCGA § 5-7-1, this Court lacks jurisdiction to consider this application. *Berky v. State*, 266 Ga. 28 (463 SE2d 891) (1995).

Further, to the extent the State contends it is seeking to appeal the grant of a motion to suppress, this Court also lacks jurisdiction to consider this application for interlocutory appeal as an appeal by the State of the grant of a motion to suppress is directly appealable. OCGA § 5-7-2; *State v. Blossfield*, 165 Ga. App. 111 (1) (299 SE2d 588) (1983). Therefore, the interlocutory appeal process is not applicable. *State v. Medley*, 205 Ga. App. 427 (422 SE2d 677) (1992).

For the foregoing reasons, the State's application is hereby DISMISSED for lack of jurisdiction.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

AUG 16 2001

I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

....., Clerk.