

# Court of Appeals of the State of Georgia

ATLANTA, SEP 13 2000

*The Court of Appeals hereby passes the following order:*

**A01D0001. Rattazzi v. Saye**

Ronald J. Rattazzi filed this application for discretionary appeal seeking review of the final judgment and decree of divorce entered by the trial court. Although the application indicates that copies of all pertinent documents were attached to the application, no such documents were filed with this Court. On August 16, 2000 this Court ordered that a stamped "filed" copy of the order on appeal be supplemented within 10 days. More than 10 days have passed and no order has been filed. Accordingly, this application is ordered DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* SEP 13 2000

*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.*

*Will L. Martin, III*  
Clerk

**Court of Appeals  
of the State of Georgia**

**ATLANTA,                    SEPTEMBER 08, 2000**

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0002

JEFFREY ALLEN WOLFE, D/B/A DICK'S WINGS V. GERALDINE ROBERTSON, ET AL

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

95001

0000708

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta      SEP - 8 2000*

*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.*

*Will L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 30, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A01D0003

EFFEREN SPEAD V. THE STATE

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

96001

94CR373

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta AUG 30 2000*

*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.*

*Will L. Mat*,   
Clerk.

# Court of Appeals of the State of Georgia

ATLANTA, AUG 30 2000

*The Court of Appeals hereby passes the following order:*

**A01D0004. CHEROKEE COUNTY, GEORGIA, ET AL. v. STEVE MARTIN.**

On August 15, 2000, Cherokee County, Georgia, Emily M. Lemcke, Larry G. Singleton, Jr., Paul E. Weatherby, J. J. Biello, and Ilona Sanders, Chairman and Members of the Cherokee County Board of Commissioners; and Christine White, Cherokee County Development Coordinator, defendants in the above styled action, filed this application for discretionary appeal from the trial court's July 13, 2000 order awarding declaratory relief to plaintiff R. Steve Martin on a zoning matter. However, defendants failed to file this application within 30 days after entry of the order sought to be

appealed. Therefore, this application is untimely and is hereby

DISMISSED. OCGA § 5-6-35 (d); compare OCGA § 5-6-38 (a).

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      AUG 30 2009

*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.*

*Will L. Maul* <sup>Clerk, III</sup>

# Court of Appeals of the State of Georgia

ATLANTA, SEP -7 2000

*The Court of Appeals hereby passes the following order:*

**A01D0005. THOMAS v. THE STATE.**

Eric Jamaal Thomas seeks a discretionary appeal from an order denying his motion to vacate a void sentence. Such an order is directly appealable. Williams v. State, 271 Ga. 686, 688-689 (1) (523 SE2d 857) (1999). Because Thomas has also filed a timely notice of appeal in the superior court from the same order complained of in his application, the application need not be granted under OCGA § 5-6-35 (j). Accordingly, Thomas's application for discretionary appeal is hereby DISMISSED as superfluous.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* SEP -7 2000

*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.*

*Will. L. Martin, III*  
Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, SEPTEMBER 05, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A01D0006

JAMES R. MEREDITH V. ATLANTA INTERMODAL RAIL SERVICES ET AL

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

99001

2000CV24573 256-82-7374

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta SEP -5 2000*

*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.*

*William L. Martin, III*

99-001

**SUPREME COURT OF GEORGIA**

Remittitur, Case No. S01C0078

Atlanta, June 5, 2001

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

JAMES R. MEREDITH v. ATLANTA INTERMODAL RAIL SERVICES et al.

Upon consideration of the petition for certiorari filed to review the judgment of the Court of Appeals in this case, it is ordered that the writ is granted. It is further ordered that the application for appeal is hereby granted. Notice of Appeal to the Supreme Court should be filed in the trial court within 10 days from the date of this order.

All the Justices concur, except Fletcher, P.J., Carley and Thompson, JJ., who dissent.

A010006 99001 2000CV24 25682737  
Bill of Costs, \$80.00

RECEIVED IN OFFICE  
2001 JUN 21 PM 3:33

**SUPREME COURT OF THE STATE OF GEORGIA**

Clerk's Office, Atlanta June 21, 2001



I hereby certify that the above is a true extract from the minutes of the Supreme Court of Georgia. Witness my signature and the seal of said court hereto affixed the day and year last above written.

*Nathaniel J. Hildebrand*  
Clerk.

Lower Court Case No. A010006 99001 2000CV24573  
256827374  
Court of Appeals of Georgia A0100006

Filed in office on: Remittitur from the Supreme Court.  
Clerk, Court of Appeals of Georgia.

99-00 JUN 11 2001



**SUPREME COURT OF GEORGIA**  
Case No. S01C0078

Atlanta June 5, 2001

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed.

**JAMES R. MEREDITH v. ATLANTA INTERMODAL RAIL SERVICES et al.**

Upon consideration fo the motion for reconsideration filed in this case, it is ordered that this Court's judgment of April 30, 2001, denying certiorari, be hereby vacated. All the Justices concur, except Fletcher, P. J., Carley and Thompson, JJ., who dissent.

Court of Appeals No. A01D0006



**SUPREME COURT OF THE STATE OF GEORGIA**  
Clerk's Office, Atlanta

I certify that the above is a true extract from the Minutes of the Supreme Court of Georgia.

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

*Lynn M. Stuchcomb*

, Chief Deputy Clerk



SUPREME COURT OF GEORGIA  
Case No. S01C0078

Atlanta

JUN 05 2001

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

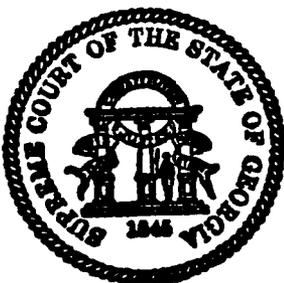
JAMES R. MEREDITH V. ATLANTA INTERMODAL RAIL SERVICES, et al.

Upon consideration of the Petition for Certiorari to review the judgment of the Court of Appeals in this case, it is ordered that it be hereby granted.

It is further ordered that the application for appeal is hereby granted. Notice of Appeal directed to the Supreme Court should be filed in the trial court within 10 days from the date of this order, timely enumeration of errors and briefs to be filed in this Court after the record is docketed here. All the Justices concur.

The Court is particularly concerned with the following:

**Is an employer who knew of a reason to controvert an employees right to workers' compensation benefits but nevertheless failed to file a notice to controvert within 21 days after learning of the employee's injury or death, precluded from raising a defense to an employee's claim for workers' compensation benefits by its failure to make benefit payments as required by OCGA § 34-9-221 (b)? See Cartersville Ready Mic Co. v. Hamby, 224 Ga. App. 116 (1996); Raines & Milam v. Milam, 161 Ga. App. 860 (1980).**



SUPREME COURT OF THE STATE OF GEORGIA  
Clerk's Office, Atlanta

I hereby certify that the above is a true extract from the minutes of the Supreme Court of Georgia  
Witness my signature and the seal of said court hereto affixed the day and year last above written.

*Lynn M. Stinchcomb*, Chief Deputy Clerk

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 28, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A01D0007

MICHAEL L. THURMOND, in his Official capacity as COMMISSIONER OF THE  
GEORGIA STATE DEPARTMENT OF LABOR V. JOHNNY C. IVEY

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby GRANTED. The Appellant may  
file a Notice of Appeal within 10 days of the date of this order.  
The Clerk of SUPERIOR COURT is directed to include a copy of this  
order in the record transmitted to the Court of Appeals.

94003

99V4788

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* AUG 28 2000

*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.*

*Will L. Martin, III* Clerk.

# Court of Appeals of the State of Georgia

ATLANTA, NOV -9 2000

*The Court of Appeals hereby passes the following order:*

**A01D0008. THARONE WARD v. PROFESSIONAL STANDARDS COMMISSION.**

Tharone Ward filed an application for discretionary appeal under OCGA § 5-6-35. This court granted his application by an order dated September 8, 2000. Ward did not file a timely notice of appeal within ten days of the date of this order as required by law. On October 6, 2000, Ward filed a motion for an out-of-time appeal in the office of the clerk of this court asserting that the order granting his application for discretionary appeal 2000 had been lost in the mail until that date.

OCGA § 5-6-35 (g) provides that within ten days of an order granting a discretionary appeal the applicant to secure a review of the issues, shall file a notice of appeal as provided by law. The procedure thereafter shall be the same as in other appeals.

"The timely filing of the notice of appeal is an absolute prerequisite in order to confer jurisdiction on this court."

White v. White, 188 Ga. App. 556 (373 SE2d 824) (1988); accord Barnes v. Justis, 223 Ga. App. 671, 672 (478 SE2d 402) (1996).

And, in civil cases, the granting of a motion for an out-of-time

appeal is ineffective to confer jurisdiction upon this court. See Woodall v. Woodall, 248 Ga. 172 (281 SE2d 619) (1981).

The burden is on the applicant to file his notice of appeal in a timely fashion. Because this court is without jurisdiction to consider this case, Ward's motion for out-of-time appeal is hereby dismissed. White v. White, supra at 557.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

NOV -9 2000

*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.*

*Will L. Martin, III*  
Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, SEPTEMBER 08, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A01D0009

WAL-MART STORES, INC. ET AL V. JOSEPH W. JENKINS

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

92001

2000S06-0550 574-60-2058

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta SEP - 8 2000*

*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.*

*Will L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, SEPTEMBER 20, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A01D0010

GREGORY A. MCCRARY V. PROFESSIONAL STANDARDS COMMISSION

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

71001

2000CV21895

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

SEP 20 2000

*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.

*William L. Martin, III*

# Court of Appeals of the State of Georgia

ATLANTA, SEP -6 2000

*The Court of Appeals hereby passes the following order:*

**A01D0011. MELVIN KENNETH LIGON v. DONALD ARNOLD ET AL.**

Melvin Kenneth Ligon filed this application for discretionary appeal of an order dismissing Leonard Myers as a defendant in Ligon's action against Myers and Donald Arnold. The order does not appear to be the final judgment for purposes of appeal; it appears that Ligon's claims against Arnold are pending in the trial court. Thus, Ligon should have followed the interlocutory appeal procedures of OCGA § 5-6-34 (b). Scruggs v. Department of Human Resources, 261 Ga. 587, 589 (408 SE2d 103) (1991).

Moreover, even if Ligon properly sought to appeal via the discretionary application procedures, his application would have to be dismissed as untimely because he did not file it within 30 days after entry of the order he seeks to appeal. OCGA § 5-6-35 (d).

For these reasons, this application is DISMISSED for lack of jurisdiction. Ligon's motion to recuse Presiding Judge Pope is DENIED AS MOOT.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* SEP -6 2000

*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.*

*Will. L. Mait* <sup>Clerks</sup> 

**Court of Appeals  
of the State of Georgia**

ATLANTA,            SEPTEMBER 20, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A01D0012  
CHRISTIE MITCHELL V. JOHN HOOKER

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

70001

99A56956            99A56946

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

*I certify that the above is a true extract fromd  
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 above written.*

*Clerk.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, SEPTEMBER 13, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A01D0013  
PATRICIA FLETCHER V. STATE OF GEORGIA

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

94002

CV000609MI

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta SEP 13 2000*

*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.*

*Will L. Martin, <sup>Clerk.</sup>*

**Court of Appeals  
of the State of Georgia**

ATLANTA, SEPTEMBER 12, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A01D0014

ELMON DAVID HURSTON V. TRENT TUBE DIVISION, ET AL

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

95002

CV000000906 256-17-8026

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta SEP 12 2000*

*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.*

*Will. L. Martin, III* Clerk.

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** September 27, 2000

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S01C0102**

ELMON DAVID HURSTON v. TRENT TUBE/CRUCIBLE MATERIALS CORPORATION  
et al.

Clerk, Supreme Court of Georgia

By: \_\_\_\_\_

Case No. A01D0014

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office SEP 29 2000

Clerk, Court of Appeals of Georgia

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      SEPTEMBER 20, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0015

MICHAEL BACKEY V. THE STATE

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

96002

97R1228

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*            SEP 20 2000

*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.*

*William L. Mart, mClerk.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, SEPTEMBER 14, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A01D0016

RODERICK TURNER V. GEORGIA DEPARTMENT OF HUMAN RESOURCES

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

90002

99115565

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta SEP 14 2000*

*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.

*Will L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, SEPTEMBER 28, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A01D0017

GEORGE G. CHENGGIS V. PLATON P. CONSTANTINIDES

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

98002

92A587063

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta SEP 28 2000*

*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.*

*William L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            OCTOBER    26, 2000

*The Honorable Court of Appeals met pursuant to adjournment.*

*The Following order was passed:*

Case No. A01D0017

GEORGE G. CHENGGIS V. PLATON P. CONSTANTINIDES

Upon consideration of the motion for reconsideration filed  
in this case, it is ordered that it be hereby denied.

98-002  
92A587063

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta      OCT 26 2000*

*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.

*Will L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, SEPTEMBER 14, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A01D0018

LARRY BELCHER V. THE STATE

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

99002

2000107

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* SEP 14 2000

*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.*

*Will. L. Martin, III* Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, SEPTEMBER 21, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A01D0019

FELICIA BAUGH-CARROLL V. HOSPITAL AUTHORITY OF RANDOLPH COUNTY

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

97001

2000CV082 261-71-6081

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta SEP 21 2000*

*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.*

*Will L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, SEPTEMBER 22, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A01D0020  
GREG SORRENTINO V. THE ARNOLD PALMER GOLF COMPANY

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

97002  
99VS0156893S

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta SEP 22 2000*

*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.*

*Will L. Martin, III*  
Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, SEPTEMBER 21, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A01D0021

GEORGIA RECEIVABLES, INC. ASSIGNEE OF HOUSEHOLD FINANCE CORP. V.  
MARY J. JONES, ET AL

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

93002

2000V29424

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta SEP 21 2000*

*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.

*Will. L. Martin, III*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** October 30, 2000

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S01C0255**

GEORGIA RECEIVABLES, INC., et al. v. MARY J. JONES et al.

Clerk, Supreme Court of Georgia

By: \_\_\_\_\_

Case No. A01D0021

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office OCT 31 2000

Clerk, Court of Appeals of Georgia

**Court of Appeals  
of the State of Georgia**

**ATLANTA,** NOV -6 2000

*The Court of Appeals hereby passes the following order:*

**A01D0021. GEORGIA RECEIVABLES v. JONES.**

The motion of respondent Mary J. Jones to impose sanctions under Court of Appeals Rule 15 against Georgia Receivables, Inc., as assignee of Household Finance Corp., for filing an allegedly frivolous application for discretionary appeal and frivolous motion for reconsideration is denied.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* NOV -6 2000

*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.*

*William L. [Signature]*

# Court of Appeals of the State of Georgia

ATLANTA, SEP 26 2000

*The Court of Appeals hereby passes the following order:*

**A01D0022. WENDY J. TITELMAN v. ANDREW CHARLES TITELMAN**

Wendy J. Titelman filed this application for discretionary appeal, challenging a provision in the final divorce decree of the parties, which awarded custody of the parties' minor children to their father, Andrew Charles Titelman. The Supreme Court has exclusive jurisdiction, however, over appeals involving a final judgment for divorce. Ga. Const. of 1983, Art. VI, Sec. VI, Par. III (6). Jurisdiction in the Supreme Court is maintained when child custody questions are raised so long as the appeal involves a judgment for divorce. Carter v. Foster, 247 Ga. 26 (273 SE2d 614) (1981); Munday v. Munday, 243 Ga. 863 (257 SE2d 282) (1979). Because this application involves a provision contained in a final order and decree of divorce, it is ordered TRANSFERRED to the Supreme Court.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* SEP 26 2000

*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.*

*W. L. Martin, Jr.*  
Clerk

**Court of Appeals  
of the State of Georgia**

ATLANTA, SEPTEMBER 20, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A01D0023

GEORGIA DEPARTMENT OF HUMAN RESOURCES V. D. BRENT HOSKISSON, ET AL

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

71002

2000CV18233

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* SEP 20 2000

*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.*

*Will L. Mart, III*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, SEPTEMBER 14, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A01D0024

DONNIE JASON COX V. THE STATE

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

91002

85R112

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta SEP 14 2000*

*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.*

*Will L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, SEPTEMBER 26, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A01D0025  
ASTRO DYE WORKS, INC., ET AL V. FRANCES E. WEST

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

70002

00CV37296 258-68-4003

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta SEP 26 2000*

*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.

*William L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, SEPTEMBER 22, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A01D0026

JOAN D. TERRY, AS EXECUTRIX U/W OF BETTY C. JOHNSON, DECEASED V.  
GENERAL MOTORS ACCEPTANCE CORPORATION

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

95003

99A1122

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta SEP 22 2000*

*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.*

*Will L. Martin, III*

# Court of Appeals of the State of Georgia

ATLANTA, SEP 29 2000

*The Court of Appeals hereby passes the following order:*

**A01D0027. THOMAS W. SCHAFFER v. LISA DUNAVIN, ET AL**

Thomas W. Schaffer filed this application seeking a discretionary appeal of the August 11, 2000 order of the superior court permitting the plaintiffs to voluntarily dismiss their lawsuit, dismissing Schaffer's motion for summary judgment, and denying Schaffer's motion under OCGA § 9-15-14 for attorney fees.

Because the order appealed is a final judgment, it is directly appealable. OCGA § 5-6-34 (a). Thus, Schaffer was not required to follow the discretionary appeal procedure. Under OCGA § 5-6-35 (j), where a party files a discretionary application that is subject to direct appeal without also filing a timely notice of appeal, this Court is required to grant the application. Because Schaffer also filed a timely notice of appeal in this case, there is no basis for granting this application. Accordingly, the application is hereby DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* SEP 29 2000

*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.*

*Will L. Mack, Clerk*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            OCTOBER    10, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A01D0028

JOEL FINEGOLD, ET AL V. DEKALB COUNTY, GEORGIA, ET AL

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

90003

99CV121485

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      OCT 10 2000

*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.

*William L. Martin, III*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** October 30, 2000

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S01C0259**

JOEL FINEGOLD et al. v. DEKALB COUNTY et al.

Clerk, Supreme Court of Georgia

By: \_\_\_\_\_

Case No. A01D0028

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

NOV -7 2000

Clerk, Court of Appeals of Georgia

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      OCTOBER      04, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0029  
JEFFREY SCOTT KNIGHT V. THE STATE

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

98003

91B023003

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta      OCT - 4 2000*

*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.*

*Will L. Martin, III* Clerk.

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** October 13, 2000

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S01C0162**

**JEFFREY SCOTT KNIGHT v. THE STATE**

Clerk, Supreme Court of Georgia

By: \_\_\_\_\_

Case No. A01D0029

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

OCT 13 2000

Clerk, Court of Appeals of Georgia

**Court of Appeals  
of the State of Georgia**

ATLANTA,            OCTOBER    06, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A01D0030

MICHAEL A. THOMASON V. DENISE H. THOMASON

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

99003

99CV01389

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    OCT - 6 2000*

*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.

*Will L. Martin, III*

# Court of Appeals of the State of Georgia

ATLANTA, OCT - 4 2000

*The Court of Appeals hereby passes the following order:*

**A01D0031. Stapleton v. The State**

Andre Laron Stapleton filed this application for discretionary appeal seeking review of the trial court's revocation of his probation. The order revoking Stapleton's probation was entered by the trial court on August 10, 2000. An application for discretionary appeal must be filed within 30 days of the entry of the order on appeal. OCGA § 5-6-35 (d). This application was filed in this Court on September 15, 2000, 36 days after entry of the order appealed. Therefore, the application is untimely and this Court lacks jurisdiction to consider it. Accordingly, this application is ordered DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* OCT - 4 2000

*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.*

*Will. L. Mart* Clerk, 

# Court of Appeals of the State of Georgia

ATLANTA, OCT -5 2000

*The Court of Appeals hereby passes the following order:*

**A01D0032. JOHN CONDO v. DONNA RAMSEY**

John Condo and Donna Ramsey were divorced in 1996, and were awarded joint physical and legal custody of their minor children. Donna Ramsey filed an action seeking to keep the children in the school they had previously attended and to modify visitation. On August 18, 2000, the superior court entered an order requiring the parties' minor children to be enrolled in that elementary school for the 2000-2001 school year, but specifically reserved ruling on all other issues in the case. Condo then filed this application for discretionary appeal seeking an appeal of this order. But this Court does not have jurisdiction to review the application.

The Appellate Practice Act defines a final judgment as "where the case is no longer pending in the court below." OCGA § 5-6-34 (a); Black v. Sturdivant, 131 Ga. App. 698 (206 SE2d 526) (1974). It is apparent on the face of the order that it is not a final judgment within the meaning of OCGA § 5-6-34 (a). Appeal of an order which is not a final judgment requires either an express determination under OCGA § 9-11-54 (b) or compliance with the interlocutory appeal procedures as set forth in OCGA § 5-6-34 (b).

Scruggs v. Ga. Dept. of Human resources, 261 Ga. 587 (408 SE2d 103) (1991); King v. Bishop, 198 Ga. App. 622 (402 SE2d 307) (1991).

Because this case is still pending in the court below, and immediate review has not been authorized, this Court lacks jurisdiction to consider it, and it is hereby DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      OCT -5 2000

*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.*

*Will. L. Math*<sup>Clerk.</sup> 

**Court of Appeals  
of the State of Georgia**

ATLANTA,            OCTOBER    03, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A01D0033

WOODGRAIN MILLWORK/WINDSOR WOOD WINDOWS, ET AL V. DONZI MILLENDER

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

92003

2000CV311RS    267-49-2277

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    OCT -3 2000*

*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.*

*Will L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            OCTOBER    20, 2000

*The Honorable Court of Appeals met pursuant to adjournment.*

*The Following order was passed:*

Case No. A01D0034

PROCTER AND GAMBLE DISTRIBUTING COMPANY V. MICHELLE VANN

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

71-003  
1999RCCV47

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    OCT 20 2000*

*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.

*Will L. Mait*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** November 9, 2000

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S01C0309**

PROCTER & GAMBLE v. MICHELLE VANN et al.

Clerk, Supreme Court of Georgia

Case No. A01D0034

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office NOV 27 2000

Clerk, Court of Appeals of Georgia

# Court of Appeals of the State of Georgia

ATLANTA, OCT -6 2000

*The Court of Appeals hereby passes the following order:*

**A01D0035. HALL, f/k/a Day v. DAY, Sr.**

Kathie I. Hall seeks an appeal from an order denying in part her motion to find former husband Thomas G. Day, Sr., in contempt for failing to comply with the support and property settlement provisions of the parties' final divorce decree. A contempt proceeding based on the failure to comply with the child support and property settlement provisions of a final divorce decree is ancillary to the prior divorce action and is therefore within the general appellate jurisdiction of the Supreme Court. Ga. Const. of 1983, Art. VI, § VI, Par. III (6); Griffin v. Griffin, 243 Ga. 149 (254 SE2d 80) (1979); see also Brown v. King, 266 Ga. 890 (472 SE2d 65) (1996); Smith v. Smith, 254 Ga. 450, 452 (2) (330 SE2d 706) (1985); Hines v. Hines, 237 Ga. 755 (1) (229 SE2d 744) (1976); compare Ashburn v. Baker, 256 Ga. 507 (350 SE2d 437) (1986) (jurisdiction in contempt action involving child custody issues, but not issues relating to divorce and alimony, is within the Court of Appeals). Accordingly, this application is hereby TRANSFERRED to the Supreme Court for disposition.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

OCT -6 2000

*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.*

*Will L. Martin, Clerk.*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            OCTOBER    04, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A01D0036

CITY OF ATLANTA BOARD OF ZONING ADJUSTMENT ET AL V. SHARON M. BAGBY

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

70003

1999CV04992

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    OCT -4 2000*

*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.*

*Will L. Martin, III* Clerk.

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** October 12, 2000

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S01C0154**

CITY OF ATLANTA BOARD OF ZONING ADJUSTMENT et al. v. SHARON M. BAGBY

Clerk, Supreme Court of Georgia

By: \_\_\_\_\_

Case No. A01D0036

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

Clerk, Court of Appeals of Georgia

**Court of Appeals  
of the State of Georgia**

ATLANTA,            OCTOBER    13, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A01D0037  
REMBERT DAVID GREESON V. THE STATE

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

94004

20237

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta    OCT 13 2000*

*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.

*Will L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            OCTOBER    12, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A01D0038  
BRYON POLSTON V. ANGELA POLSTON

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

95004

98CV3151S

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    OCT 12 2000*

*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.

*William L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            OCTOBER    19, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A01D0039

WBY, INC. D/B/A FOLLIES COMMUNITY THEATER & MUSEUM, ET AL V. KEITH  
MOSS, ET AL

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

96004

00CV67971

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    OCT 19 2000*

*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.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      OCTOBER      19, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0040

TROP, INC. D/B/A PINK PONY MUSEUM AND THEATRE V. TOM BLACK, ET AL

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

96005

00C67961

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta      OCT 19 2000*

*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.*

*William L. Martin, III*  
Clerk.

# Court of Appeals of the State of Georgia

ATLANTA, OCT 13 2000

*The Court of Appeals hereby passes the following order:*

**A01D0041. HOPKINSON v. HOPKINSON.**

Helen C. Hopkinson seeks an appeal from an order granting respondent Peter S. Hopkinson's OCGA § 9-15-14 motion for attorney's fees and expenses of litigation. Although Hopkinson has filed her application with this court, we conclude that appellate jurisdiction properly lies in the Supreme Court because the order complained of is ancillary to Hopkinson's unsuccessful attempt to relitigate the underlying divorce case. See Hallman v. Emory University, 225 Ga. App. 247, 248 (483 SE2d 362) (1997) (physical precedent only); see also Griffin v. Griffin, 243 Ga. 149 (253 SE2d 80) (1979) (holding in an analogous context that "an application for contempt to enforce the divorce decree is ancillary to, and an incident of, the divorce action, and jurisdiction to hear an appeal of this nature is in this court"); compare Kluge v. Renn, 226 Ga. App. 898 (487 SE2d 391) (1997) (abusive litigation action brought subsequent to underlying divorce case treated as a new action not within the divorce and alimony jurisdiction of the Supreme Court).

For the foregoing reasons, Hopkinson's application for appeal is hereby TRANSFERRED to the Supreme Court for disposition.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      OCT 13 2000

*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.*

*William L. Math, III*  
Clerk

**Court of Appeals  
of the State of Georgia**

ATLANTA,            OCTOBER    12, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A01D0042

KENYA RIGGINS V. THE STATE

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

98004

Y02337

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    OCT 12 2000*

*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.

*William L. Martin, III*



**Court of Appeals  
of the State of Georgia**

ATLANTA,                    OCTOBER    12, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0044

CORDIE BOLDEN V. THE STATE

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

97004

00CR2592

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    OCT 12 2000*

*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.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            OCTOBER    25, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A01D0045

DENISE M. FIELDS V. MCINTOSH COUNTY BOARD OF EDUCATION

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

93004

00CV204            289-54-5889

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    OCT 25 2000*

*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.*

*William L. Martin,  Clerk.*

# Court of Appeals of the State of Georgia

ATLANTA, OCT 18 2000

*The Court of Appeals hereby passes the following order:*

**A01D0046. FARIST v. THE STATE.**

Michael Edsel Farist seeks an appeal from an order denying his "extraordinary motion for new trial." While the discretionary appeal procedure is generally applicable to such orders under OCGA § 5-6-35 (a) (7), the substance of Farist's motion is not synonymous with an extraordinary motion for new trial. Farist was originally sentenced based on his entry of a guilty plea. A motion for new trial does not lie from a sentence entered upon a guilty plea because there is no verdict in such a case. Bowens v. State, 194 Ga. App. 391 (1) (390 SE2d 634) (1997).

Farist is in effect seeking to vacate a void sentence or, alternatively, to withdraw his guilty plea and reopen the case against him for further proceedings. Based on the substance of the motion disposed of by the trial court's order, we find that the discretionary appeal procedure does not apply. Farist's application is therefore GRANTED as required under OCGA § 5-6-35 (j). Farist shall have ten days from the date of this order

to file his notice of appeal. The clerk of superior court is directed to include a copy of this order in the record transmitted to this court.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      OCT 18 2000

*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.*

*Will L. Martin, III*<sup>Clerk.</sup>

# Court of Appeals of the State of Georgia

ATLANTA, OCT 18 2000

*The Court of Appeals hereby passes the following order:*

**A01D0047. Artis v. RACO Contractor, Inc.**

James Artis seeks discretionary review of the trial court's order affirming a decision of the Appellate Division of the State Board of Workers' Compensation. The hearing before the trial court was held on July 31, 2000. The trial court's order was entered on August 25, 2000. However, since the trial court's order was not issued within 20 days after the hearing date, that order was a nullity and cannot serve as a basis to appeal to this court. OCGA § 34-9-105 (b); Coronet Carpets v. Reynolds, 199 Ga. App. 383 (405 SE2d 103) (1991). Thus, for this Court to have jurisdiction to consider this application, Artis was required to file his application for discretionary appeal within 30 days after the appellate division decision became final by operation of law which was August 21, 2000. Artis' failure to timely file his application deprives this Court of jurisdiction to consider this application. Accordingly, the application is ordered DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* OCT 18 2000

*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.*

*Will. L. Martin, III*  
Clerk.

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** November 8, 2000

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S01C0349**

JAMES ARTIS v. RACO CONTRACTOR, INC.

Clerk, Supreme Court of Georgia

Case No. A01D0047

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

NOV 20 2000

Clerk, Court of Appeals of Georgia

**Court of Appeals  
of the State of Georgia**

ATLANTA,            OCTOBER    24, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A01D0048

JERRY L. ADAMS V. THE STATE

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

91004

97CR18451

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    OCT 24 2000*

*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.*

*Will L. Martin*

# Court of Appeals of the State of Georgia

ATLANTA, OCT 10 2000

*The Court of Appeals hereby passes the following order:*

**A01D0049. HAYDAR KAZAZ v. CHARLESTON SQUARE CONDOMINIUM ASSOCIATION, INC.**

Plaintiff Charleston Square Condominium Association, Inc. brought suit against Defendant Haydar Kazaz for unpaid association assessments and attorney fees. Thereafter, the Condominium Association filed a motion for summary judgment. On January 20, 2000, the State Court of Fulton County entered an order granting the Association's motion and entering judgment against Kazaz.

Rather than seeking a timely appeal of the order granting summary judgment, Kazaz filed a motion for reconsideration. On August 28, 2000, the trial court entered an order denying Kazaz's motion for reconsideration. On September 27, 2000, Kazaz filed an application for discretionary appeal seeking an appeal of both of these orders.

OCGA § 5-6-35 (d) provides that an application for discretionary appeal shall be filed with the clerk of the Supreme Court or the Court of appeals within 30 days of entry of the order, decision, or judgment complained of. The substance of Kazaz's

appeal is to obtain reversal the trial court's order granting the Association's motion for summary judgment. Because Kazaz failed to file his application within 30 days of the date of entry of the order granting summary judgment, this Court lacks jurisdiction over this appeal. OCGA § 5-6-35 (d); see Becker v. Fairman, 167 Ga. App. 708, 709 (1) (307 SE2d 520) (1983). The filing of a motion for reconsideration does not extend the time for the filing of an application. See Underwood v. Lanier Home Center, Inc., 239 Ga. App. 282 (521 SE2d 207) (1999).

As Kazaz's application for discretionary appeal is untimely it is hereby dismissed.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      OCT 10 2000

*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.*

*William L. Martin, Clerk.*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            OCTOBER    23, 2000

*The Honorable Court of Appeals met pursuant to adjournment.*

*The Following order was passed:*

Case No. A01D0049

HAYDAR KAZAZ V. CHARLESTON SQUARE CONDOMINIUM ASSOCIATION, INC.

Upon consideration of the motion for reconsideration filed  
in this case, it is ordered that it be hereby denied.

70-004  
99VS0152721

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    OCT 23 2000*

*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.

*Will L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            OCTOBER    20, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A01D0050  
CAVANAUGH MURPHY V. CHATHAM APARTMENTS

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

94005

CV000571FR

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    OCT 20 2000*

*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.*

*William L. Martin, III*            Clerk.

# Court of Appeals of the State of Georgia

ATLANTA, OCT 25 2000

*The Court of Appeals hereby passes the following order:*

**A01D0051. CODY v. SHIRAZY.**

Jamie M. Cody seeks an appeal from a contempt order entered against her former husband regarding child support originally established in the parties' divorce decree and later modified by order entered pursuant to OCGA § 19-6-19. A contempt proceeding based on the failure to comply with the child support provisions of a divorce decree is ancillary to the prior divorce action and is therefore within the general appellate jurisdiction of the Supreme Court. Ga. Const. of 1983, Art. VI, § VI, Par. III (6); Griffin v. Griffin, 243 Ga. 149 (254 SE2d 80) (1979); see also Brown v. King, 266 Ga. 890 (472 SE2d 65) (1996); Smith v. Smith, 254 Ga. 450, 452 (2) (330 SE2d 706) (1985); Hines v. Hines, 237 Ga. 755 (1) (229 SE2d 744) (1976); compare Ashburn v. Baker, 256 Ga. 507 (350 SE2d 437) (1986) (jurisdiction in contempt action involving child custody issues, but not issues relating to divorce and alimony, is within the Court of Appeals). Accordingly, this application is hereby TRANSFERRED to the Supreme Court for disposition.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* OCT 25 2000

*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.*

*Will L. Martin, Clerk*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            OCTOBER    13, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A01D0052

RUSSELL A. MORGAN LANDSCAPE MANAGEMENT, ET AL V. GILBERTO  
VELEZ-OCHOA

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

90005

00A057854        572-53-8873

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    OCT 13 2000*

*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.*

*William L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      OCTOBER    26, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A01D0053  
SHIRLEY SHAW V. METRO BROKERS, ET AL

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

98005

00VS0026825

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    OCT 26 2000*

*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.*

*Will L. Martin, III*  
Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      OCTOBER      20, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0054

IN RE:    C. N. W., A CHILD

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

99005

00A135

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta      OCT 20 2000*

*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.*

*William L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                    NOVEMBER 06, 2000

*The Honorable Court of Appeals met pursuant to adjournment.*

*The Following order was passed:*

Case No. A01D0054

IN RE: C. N. W., A CHILD

Upon consideration of the motion for reconsideration filed  
in this case, it is ordered that it be hereby denied.

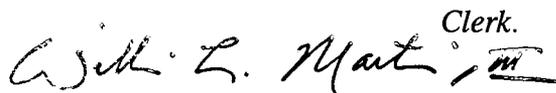
99-005  
00A135

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta                    NOV -6 2000*

*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.*

*A. J. L. Mart*, <sup>Clerk.</sup> 

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** November 27, 2000

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S01C0381**

IN RE: C.N.W.

Clerk, Supreme Court of Georgia

Case No. A01D0054

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office NOV 27 2000

Clerk, Court of Appeals of Georgia

**Court of Appeals  
of the State of Georgia**

ATLANTA,            OCTOBER    23, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A01D0055  
EDDIE LEVERETTE V. THE STATE

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

97005

99CR010436

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    OCT 23 2000*

*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.*

*Will L. Mantel, III*            Clerk.

# Court of Appeals of the State of Georgia

ATLANTA, NOV - 1 2000

*The Court of Appeals hereby passes the following order:*

**A01D0056. VARNER v. HUGHES, d/b/a Hughes Information Systems, et al.**

James Martin Varner petitioned the Supreme Court for interlocutory review of an order dismissing defendant Robert Allen Hughes from the case for lack of service. The Supreme Court transferred Varner's application to this court for disposition. Because Varner's application is from a non-final order and lacks a timely granted certificate of immediate review, it cannot be considered by this court under either OCGA § 5-6-34 (b) or OCGA § 5-6-35. Moreover, even if Varner's application did contain a valid certificate of immediate review filed on the latest date permissible under OCGA § 5-6-34 (b), Varner's application would still be dismissed as untimely filed.

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

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta NOV - 1 2000*

*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.*

*Will L. Martin, III*  
Clerk.

**Court of Appeals  
of the State of Georgia**

**ATLANTA,                      NOVEMBER 29, 2000**

*The Honorable Court of Appeals met pursuant to adjournment.*

*The Following order was passed:*

Case No. A01D0056

JAMES MARVIN VARNER V. ROBERT ALLEN HUGHES, D/B/A HUGHES INFORMATION  
SYSTEMS

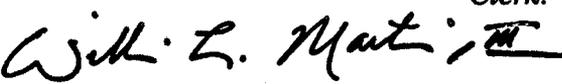
Upon consideration of the motion for reconsideration filed  
in this case, it is ordered that it be hereby denied.

93-005  
99C78033

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta      NOV 29 2000*

*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.*

*Will. L. Mart* Clerk.  


CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** December 18, 2000

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S01C0490**

JAMES MARVIN VARNER v. ROBERT ALLEN HUGHES, d/b/a HUGHES INFORMATION SYSTEMS

Clerk, Supreme Court of Georgia

Case No. A01D0056

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office      JAN 16 2001

Clerk, Court of Appeals of Georgia

93

**SUPREME COURT OF GEORGIA**

Remittitur, Case No. S01C0490

Atlanta. May 7, 2001

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

JAMES MARVIN VARNER v. ROBERT ALLEN HUGHES, d/b/a HUGHES INFORMATION SYSTEMS

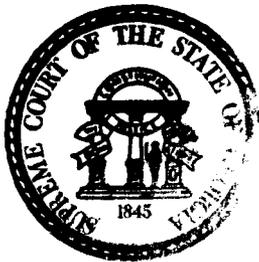
Upon consideration of the petition for certiorari filed to review the judgment of the Court of Appeals in this case, it is ordered that the writ be hereby denied.

All the Justices concur.

A01D0056 93005 99C78033  
Bill of Costs, \$80.00

**SUPREME COURT OF THE STATE OF GEORGIA**

Clerk's Office, Atlanta June 4, 2001



I hereby certify that the above is a true extract from the minutes of the Supreme Court of Georgia.  
Witness my signature and the seal of said court hereto affixed the day and year last above written.

*Nathaniel J. Middleton* Clerk.

Lower Court Case No. A01D0056 93005 99C78033  
Court of Appeals of Georgia

Filed in office  
on:

Remittitur from the Supreme Court.  
Clerk, Court of Appeals of Georgia.

JUN - 5 2001  
JUN - 5 2001

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      OCTOBER      19, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0057

JUAN JAMES V. SOUTHERN STATES ENVIRONMENTAL

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

92005

00CV145                      145-34-2933

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta      OCT 19 2000*

*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.

*Will L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, NOVEMBER 29, 2000

*The Honorable Court of Appeals hereby passes the following order:*

A01D0057. JUAN JAMES v. SOUTHERN STATES ENVIRONMENTAL.

Upon consideration of the motion for reconsideration, it is ordered that it be hereby dismissed as untimely filed.

92-005

00CV145

145-34-2933

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* NOV 29 2000

*I certify that the above is a true extract from  
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.*

*Will. L. Martin* <sup>Clerk</sup>

# Court of Appeals of the State of Georgia

ATLANTA, OCT 25 2000

*The Court of Appeals hereby passes the following order:*

**A01D0058. DERNELL E. SCHOLL, et al v. LAMAR COUNTY, et al**

Dernell and Judith Scholl filed this application for appeal from the trial court's September 1, 2000 order dismissing one of the defendants from the lawsuit. Because other defendants remain in the lawsuit, interlocutory application was the proper avenue for appeal of this order. OCGA § 5-6-34 (b); Andrews v. Yellow Freight System, Inc., 262 Ga. 476, 477 n.1 (421 SE2d 712) (1992). Under OCGA § 5-6-34 (b), this Court has jurisdiction to consider interlocutory appeals only when a certificate of immediate review is obtained and filed within ten days of entry of the order sought to be reviewed, and the application is filed in this Court within ten days after the certificate is filed. The Scholls failed to obtain a certificate of immediate review in this case. This Court thus does not have jurisdiction to consider this application, which is accordingly hereby DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* OCT 25 2000

*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.*

*William L. Martin, III*  
Clerk

**Court of Appeals  
of the State of Georgia**

ATLANTA,            OCTOBER    30, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0059

JOEL R. GLAZA V. JAMIE ANN MORGAN, F/K/A JAMIE ANN BARBER

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

91005

99A111242

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    OCT 30 2000*

*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.*

*William L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                    OCTOBER    23, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0060  
LEWIS M. HANCOCK V. THE STATE

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

70005

99CR137

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    OCT 23 2000*

*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.

*William L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      NOVEMBER 06, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0061  
RODNEY THOMAS V. THE STATE

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

94006

95CR40516

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    NOV -6 2000*

*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.*

*William L. Martin, <sup>Clerk.</sup>*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            OCTOBER    26, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A01D0062  
OASIS GOODTIME EMPORIUM I, INC. D/B/A OASIS, ET AL V. DEKALB COUNTY,  
GEORGIA, ET AL

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

95006

00CV67491

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta        OCT 26 2000*

*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.*

*Will L. Martin, III*

**Court of Appeals  
of the State of Georgia**

**ATLANTA,                      NOVEMBER 13, 2000**

*The Honorable Court of Appeals met pursuant to adjournment.*

*The Following order was passed:*

Case No. A01D0062

OASIS GOODTIME EMPORIUM I, INC. D/B/A OASIS, ET AL V. DEKALB COUNTY,  
GEORGIA, ET AL

Upon consideration of the motion for reconsideration filed  
in this case, it is ordered that it be hereby denied.

95-006  
00CV67491

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta      NOV 13 2000*

*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.

*William L. [Signature]*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      OCTOBER    31, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0063  
GORDON HOSPITAL, ET AL V. BETTY BROOKS, ET AL

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

96006

00CV37476            409-76-5455

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    OCT 31 2000*

*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.

*Will L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            NOVEMBER 01, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A01D0064

HENRY ERIC JOHNSON, ET AL V. CATHERINE WARD (JOHNSON)

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

90006

CV000840KA

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    NOV - 1 2000

*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.*

*Will L. Martin, <sup>Clerk.</sup>*

# Court of Appeals of the State of Georgia

ATLANTA, OCT 27 2000

*The Court of Appeals hereby passes the following order:*

**A01D0065. LARRY D. SMITH v. THE STATE.**

On October 10, 2000, Larry D. Smith filed this application for discretionary appeal from the superior court's order entered August 7, 2000, denying a motion to vacate an allegedly void sentence. Regardless of whether this case is subject to direct appeal under OCGA § 5-6-34 (a) or the discretionary appeal procedures of OCGA § 5-6-35 (a) and (b), Smith failed to file this application within 30 days after entry of the order which he seeks to appeal. Therefore, this application is untimely and is hereby DISMISSED. OCGA § 5-6-35 (d); compare OCGA § 5-6-38 (a).

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      OCT 27 2000

*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.*

*Will. L. Martin, Jr.* <sup>Clerk</sup>

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      NOVEMBER 08, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0066  
JOHN THOMPSON V. THE STATE

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

99006

97B016693

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    NOV - 8 2000*

*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.

*William L. Mat...*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            OCTOBER    30, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0067  
ARTHUR FERDINAND, FULTON COUNTY TAX COMMISSIONER V. JANET FLETCHER,  
ET AL

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

97006

2000CV19257

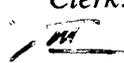
*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta            OCT 30 2000*

*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.

*William L. Mont* 

**Court of Appeals  
of the State of Georgia**

ATLANTA,            NOVEMBER 01, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A01D0068

A.J., A CHID V. WILKES COUNTY BOARD OF EDUCATION

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

93006

A00CV18574

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    NOV - 1 2000*

*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.

*Will L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      NOVEMBER    30,    2000

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.                      A01D0069  
ROBERT P. WILSON, JR. V. MARTHA RUTH CARVER

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

92006

2000CV0005S

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    NOV 30 2000*

*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.*

*Will. L. Martin, III*

# Court of Appeals of the State of Georgia

ATLANTA, OCT 31 2000

*The Court of Appeals hereby passes the following order:*

A01D0069. ROBERT F. WILSON, JR. v. MARTHA RUTH CARVER.

Robert F. Wilson has failed to file his application for discretionary appeal within 30 days of the entry of the order sought to be appealed as required by OCGA § 5-6-35 (d). The order sought to be appealed was entered on September 6, 2000. Wilson's application was not duly filed until October 10, 2000.

Wilson apparently sent his application to this court earlier but did not include therewith either a pauper's affidavit or the prescribed filing fee. The Clerk of this Court shall not file any matter, including applications for discretionary appeal, unless the costs have been paid or a sufficient affidavit has been filed. Court of Appeals Rule 5. Although Wilson's counsel has provided this court with information tending to show that extenuating circumstances may have precluded the timely filing of this application, no extension of filing time can be granted for discretionary applications. Court of Appeals Rule 16 (b).

This court lacks jurisdiction to consider an untimely application for discretionary appeal. Styles v. State, 245 Ga. App. 90, 91 ( SE2d ) (2000); Rosenstein v. Jenkins, 166 Ga. App. 385 (304 SE2d 740) (1983). Accordingly, this application is hereby dismissed.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      OCT 31 2000

*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.*

*Will L. Martin, <sup>Clerk</sup> m*

# Court of Appeals of the State of Georgia

ATLANTA, OCT 25 2000

*The Court of Appeals hereby passes the following order:*

**A01D0070. MARTHA SUE SIDES YORK v. RANDALL W. YORK**

Martha Sue Sides York filed this application for discretionary appeal from the superior court order dismissing her motion to set aside final judgment and decree in this divorce case. However, the Supreme Court has exclusive jurisdiction over all divorce and alimony cases. Ga. Const. Art. 6, Sec. 6, Par. III (6). See Griffin v. Griffin, 243 Ga. 149 (253 SE2d 80) (1979). Therefore, this application is TRANSFERRED to the Supreme Court.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* OCT 25 2000

*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.*

*Will L. Martin, Clerk*

# Court of Appeals of the State of Georgia

ATLANTA, NOV -8 2000

*The Court of Appeals hereby passes the following order:*

**A01D0071. WRIGHT v. CHARTER BANK AND TRUST CO.**

Attorney Paul Troy Wright seeks an appeal from an order entered June 23, 2000, granting the respondent's motion for attorney's fees under OCGA § 9-15-14. Wright's application was originally sent to this court by certified mail on July 24, 2000, but the filing fee was not included in that mailing. Wright attempted to mail a check to this court by regular mail that same day, but that mailing was returned to him because the address used was not recognized by the postal service and is not otherwise the proper address to be used for documents mailed to this court. See Court of Appeals Rule 2. Wright's completed application was not docketed in this court until October 10, 2000, 109 days after entry of the order he seeks to appeal.

In a supplement to Wright's application, he asserts that "[b]ecause the envelope in which the filing fee was mailed was properly addressed and had proper postage, it should be deemed to have been delivered in the ordinary course." He adds that the letter would have been delivered on July 27 "but for the U.S. Postal Service error."

An application for discretionary appeal must be timely filed within 30 days of the order complained of. OCGA § 5-6-35 (d). Furthermore, the clerk of this court is prohibited by law from accepting applications unless and until the required filing fee is paid. OCGA § 5-6-4; see also Court of Appeals Rule 5. Because Wright failed to pay costs in this matter on or before July 24, 2000, we are without jurisdiction to consider his submission. We note that even if this court could properly treat Wright's payment of costs as received on July 27, 2000, as he urges, the resulting filing date would be July 27 and therefore the application would still be untimely.<sup>1</sup>

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

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

NOV - 8 2000

*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.*

*W. L. <sup>Clerk</sup> Martin, II*

---

<sup>1</sup>Even if Wright's submission were deemed timely filed on July 24, 2000, the application could only be granted by this court by order entered within 30 days of the filing date. OCGA § 5-6-35 (f).

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      OCTOBER     20,   2000

*The Court of Appeals hereby passes the following order:*

APPLICATION   NO.            A01D0072  
HECTOR ANDRADE V. DIGNA M. LEON

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

70006  
99CV14884

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta            OCT 20 2000*

*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.*

*William L. Martin,  Clerk.*

# Court of Appeals of the State of Georgia

ATLANTA, NOV -9 2000

*The Court of Appeals hereby passes the following order:*

**A01D0073. JOHN MILES FOSTER v. THE STATE**

John Miles Foster filed a petition for writ of error coram nobis, which the trial court denied on August 29, 2000. Foster subsequently filed a motion for reconsideration of this order, which the trial court denied on September 12, 2000. Foster filed an application for discretionary appeal on October 13, 2000.

An application for discretionary appeal must be filed within 30 days after entry of the order sought to be appealed. OCGA § 5-6-35 (d). A motion for reconsideration does not extend the time for filing an appeal. Telephone Advertising Corp. of America v. Aaron Rents, 206 Ga. App. 493 (426 SE2d 54) (1992). Accordingly, Foster's application which was filed more than 30 days after entry of the order he seeks to appeal is untimely, and this Court lacks jurisdiction to consider it. Fabe v. Floyd, 199 Ga. App. 322 (405 SE2d 265) (1991). This application is accordingly DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* NOV -9 2000

*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.*

*Will. L. Mann, Clerk.*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** December 4, 2000

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S01C0418**

JOHN MILES FOSTER v. THE STATE

Clerk, Supreme Court of Georgia

Case No. A01D0073

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

DEC -5 2000

Clerk, Court of Appeals of Georgia

94

SUPREME COURT OF GEORGIA

Remittitur, Case No. S01C0418

Atlanta. May 7, 2001

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

JOHN MILES FOSTER v. THE STATE

Upon consideration of the petition for certiorari filed to review the judgment of the Court of Appeals in this case, it is ordered that the writ is dismissed.

All the Justices concur.

A01D0073 94CR6596  
Bill of Costs, \$80.00



SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta June 4, 2001

I hereby certify that the above is a true extract from the minutes of the Supreme Court of Georgia.  
Witness my signature and the seal of said court hereto affixed the day and year last above written.

*Nathaniel J. Middleton, Deputy Clerk.*

Lower Court Case No. A01D0073 94CR6596  
Court of Appeals of Georgia

Filed in office  
on:

Remittitur from the Supreme Court.  
Clerk, Court of Appeals of Georgia.

JUN - 5 2001

# Court of Appeals of the State of Georgia

ATLANTA, OCT 30 2000

*The Court of Appeals hereby passes the following order:*

**A01D0074. SHERRY BETTY v. GLEN DAVID BETTY.**

On June 17, 1997, a final judgment and decree of divorce was entered granting Sherri D. Betty, a/k/a Sherry Betty, and Glen David Betty a divorce, a vinculo matrimonii. This decree further awarded, inter alia, permanent care and custody of the parties' minor child to Sherri Betty, awarded visitation rights to Glen Betty, required Glen Betty to provide for all future medical expenses of the child, and ordered him to pay \$45.00 per week for the support and maintenance of the child.

On or about May 5, 2000, Glen Betty filed an application for contempt action against Sherri Betty asserting that she had violated the visitation provisions contained in the final judgment and decree and had abused the requirement that he provided for all the medical requirements of the child. The prayer for relief in the application sought to hold Sherri Betty in contempt for the violation of Glen Betty's visitation rights, sought modification of the final judgment so that he would be required to pay only one half the child's reasonable and necessary medical expenses, and contained a general prayer for relief.

Sherri Betty answered the application and filed a counterclaim for contempt. She contended that Glen Betty had wilfully violated the provisions of the final judgment and decree by failing to pay for all of the child's medical expenses and that he was delinquent in paying \$1122.32 in child support payments. She also alleged that there had been a substantial change in circumstances to justify a modification of the final judgment and decree. Included in her pleadings were specific and general prayers for relief.

Before a final order was issued disposing of the parties' claims, Glen and Sherri Betty reached an agreement on all issues other than the amount of medical bills to be reimbursed and Sherri Betty's claim for an increase in child support. The court adopted the agreement of the parties and incorporated that agreement in its final order and amended final order. The trial court also increased the amount of weekly child support to be paid by Glen

Betty. Glen Betty has asserted four errors in support of his application, each of these errors pertain to the increase in child support to be paid by Glen Betty under the terms of the amended final order.

Both the application for contempt of Glen Betty and the counterclaim of Sherri Betty for contempt and modification of the terms of the child payments are ancillary to, and an incident of, the divorce action and are, therefore, within the general appellate jurisdiction of the Supreme Court. Ga. Const. of 1983, Art. VI, Sec. VI, Par. III (6); see Griffin v. Griffin, 243 Ga. 149 (253 SE2d 80) (1979); see also Brown v. King, 266 Ga. 890 (472 SE2d 65) (1996); Hines v. Hines, 237 Ga. 755 (229 SE2d 744) (1976). Accordingly, this application is hereby TRANSFERRED to the Supreme Court for disposition.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      OCT 30 2000

*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.*

*William L. Clerk*

**Court of Appeals  
of the State of Georgia**

ATLANTA, NOVEMBER 08, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A01D0075

REY DAVID VARGAS V. THE STATE

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

96007

86B04273

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta NOV - 8 2000*

*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.*

*Will L. Martin, III*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** November 16, 2000

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S01C0352**

REY DAVID VARGAS v. THE STATE

Clerk, Supreme Court of Georgia

Case No. A01D0075

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office NOV 21 2000

Clerk, Court of Appeals of Georgia

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      NOVEMBER 15, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0076  
ROY KING RICHARDSON, JR. V. THE STATE

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

90007

921949                      923153

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    NOV 15 2000*

*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.*

*Will L. Martin, III*                      Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,            NOVEMBER 09, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A01D0077

THE CATHOLIC ARCHDIOCESE OF ATLANTA V. CITY OF ATLANTA BOARD OF  
ZONING ADJUSTMENT, ET AL

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

98007

2000CV23527

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    NOV -9 2000*

*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.

*Will L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, NOV -2 2000

*The Court of Appeals hereby passes the following order:*

**A01D0078. KENNETH RAY RAULS v. THE STATE**

Kenneth Ray Rauls seeks an appeal from orders denying his "motion for lesser concluded offense than armed robbery," and "extraordinary motion for new trial; motion for out of time appeal due to ineffective assistance of counsel, newly found evidence." In both motions, however, Rauls is in effect seeking to withdraw his guilty plea and reopen the case against him for further proceedings. Based on the substance of the motions disposed of by the trial court's orders, we find that the discretionary appeal procedure does not apply. Rauls' application is therefore GRANTED as required under OCGA § 5-6-35 (j). Rauls shall have ten days from the date of this order to file his notice of appeal. The clerk of superior court is directed to include a copy of this order in the record transmitted to this Court.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* NOV -2 2000

*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.*

*Will. L. Mait* <sup>Clerk.</sup> 

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      NOVEMBER 13, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0079

HOLMAN WADE WHITEHEAD V. GRAPHIC COMMUNICATION CORP., ET AL

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

97007

00A075485            252-58-3067

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    NOV 13 2000*

*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.*

*William L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      NOVEMBER 13, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0080  
MITCHELL SIMPSON, SR. V. THE STATE

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

93007  
85F101

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    NOV 13 2000*

*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.*

*William L. Mart* <sup>Clerk.</sup> 

**Court of Appeals  
of the State of Georgia**

ATLANTA, NOVEMBER 14, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A01D0081

REGANOL PULLIAM V. GEORGIA DEPARTMENT OF CORRECTIONS

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

92007

98V256

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

NOV 14 2000

*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.*

*Will L. Martin, III* Clerk.

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** December 4, 2000

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S01C0456**

REGEANOL PULLIAM v. GEORGIA DEPARTMENT OF CORRECTIONS

Clerk, Supreme Court of Georgia

Case No. A01D0081

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

DEC 11 2000

Clerk, Court of Appeals of Georgia

92

**SUPREME COURT OF GEORGIA**

Remittitur, Case No. S01C0456

Atlanta, May 7, 2001

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

REGANOL PULLIAM v. GEORGIA DEPARTMENT OF CORRECTIONS

Upon consideration of the petition for certiorari filed to review the judgment of the Court of Appeals in this case, it is ordered that the writ be hereby denied.

All the Justices concur.

A01D0081 92007 98V256  
Bill of Costs, \$80.00



**SUPREME COURT OF THE STATE OF GEORGIA**

Clerk's Office, Atlanta June 4, 2001

I hereby certify that the above is a true extract from the minutes of the Supreme Court of Georgia.  
Witness my signature and the seal of said court hereto affixed the day and year last above written.

*Daniel J. Middleton* Deputy Clerk.

Lower Court Case No. A01D0081 92007 98V256  
Court of Appeals of Georgia

Filed in office on:

**JUN - 5 2001**

Remittitur from the Supreme Court.  
Clerk, Court of Appeals of Georgia.

# Court of Appeals of the State of Georgia

ATLANTA, NOV - 1 2000

*The Court of Appeals hereby passes the following order:*

**A01D0082. Williams v. The State**

Dennis Devolar Williams filed this application for discretionary appeal seeking review of the trial court's denial of his motion to set aside for lack of jurisdiction. However, the Supreme Court has held that a motion to set aside a verdict and vacate a judgment is not an appropriate remedy in a criminal case. Crane v. State, 249 Ga. 501 (292 SE2d 67) (1982). Further, the evidence contained in the application fails to show the trial court erred in finding the motion to be based upon the same grounds previously raised in a motion to suppress which was denied by this Court. Accordingly, there is no basis for jurisdiction in this Court and this application is DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* NOV - 1 2000

*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.*

*Will. L. Mat* <sup>Clerk</sup> 

**Court of Appeals  
of the State of Georgia**

**ATLANTA,                    NOVEMBER 20, 2000**

*The Honorable Court of Appeals met pursuant to adjournment.*

*The Following order was passed:*

Case No. A01D0082

DENNIS DEVOLAR WILLIAMS V. THE STATE

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

71-007  
94CR7672

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta            NOV 20 2000*

*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.*

*Will. L. Mant* <sup>Clerk.</sup>

**SUPREME COURT OF GEORGIA**

Remittitur, Case No. S01C0473

Atlanta, May 7, 2001

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

DENNIS DEVOLAR WILLIAMS v. THE STATE

Upon consideration of the petition for certiorari filed to review the judgment of the Court of Appeals in this case, it is ordered that the writ be hereby denied.

All the Justices concur.

A01D0082 94CR7672  
Bill of Costs, \$80.00



**SUPREME COURT OF THE STATE OF GEORGIA**

Clerk's Office, Atlanta June 4, 2001

I hereby certify that the above is a true extract from the minutes of the Supreme Court of Georgia.  
Witness my signature and the seal of said court hereto affixed the day and year last above written.

*Nathaniel J. Middleton, Deputy* Clerk.

Lower Court Case No. A01D0082 94CR7672  
Court of Appeals of Georgia

Filed in office  
on:

Remittitur from the Supreme Court.  
Clerk, Court of Appeals of Georgia.

**JUN-5 2001**

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      NOVEMBER 08, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0083

VERONICA E. HARRISON V. MICHAEL L. THURMOND, COMMISSIONER OF LABOR,  
ET AL

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

91007

00CV49204

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    NOV -8 2000*

*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.*

*Will. L. Martin, <sup>Clerk.</sup>*

# Court of Appeals of the State of Georgia

ATLANTA,

NOV 15 2000

*The Court of Appeals hereby passes the following order:*

**A01D0084. CITY OF STATHAM, GEORGIA v. DIVERSIFIED DEVELOPMENT,  
INC.**

The City of Statham filed a timely application for discretionary appeal and a timely notice of direct appeal with the Supreme Court of Georgia seeking appellate review of the order of the Superior Court of Walton County granting the motion for summary judgment of defendant Diversified Development, Inc. and denying the City's motion for summary judgment in the above-captioned case. The Supreme Court transferred the application for discretionary appeal to this court but the notice for direct appeal has been docketed by the Supreme Court and remains pending before it.

This suit was brought by the City of Statham seeking a mandatory injunction to compel Diversified Development's compliance with a local zoning ordinance. Where, as in this litigation, a zoning case does not involve a superior court's review of an administrative decision, the trial court's order does not come within the purview of OCGA § 5-6-35 (a) (1) and no

application for discretionary appeal needs to be filed. King v. City of Bainbridge, 272 Ga. 427, 428 (1) (531 SE2d 350) (2000); see Harrell v. Little Pup Development &c., 269 Ga. 143 (1) (498 SE2d 251) (1998). Therefore this application is hereby dismissed.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

NOV 15 2000

*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.*

*Will R. Math, m*  
Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      NOVEMBER 02, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0085  
GLORI LEE HUNTER V. DARRYL M. ADAMS

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

94008

99A034194

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta      NOV -2 2000*

*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.*

*Will. L. Mart* <sup>Clerk.</sup> 

**Court of Appeals  
of the State of Georgia**

ATLANTA, NOVEMBER 21, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A01D0086

LOUISE B. TOLBERT V. A.G. RHODES HOME, INC.

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

95008

99VS0156861H

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* NOV 21 2000

*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.*

*William L. Martin, III* Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      NOVEMBER 21, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0087  
LANGFORD TRUCKING, ET AL V. ROY L. WILLIAMS, JR.

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

96008

00CV10119            254-96-1180

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*                      NOV 21 2000

*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.*

*William L. McCall*                      Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      NOVEMBER 20, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0088

STEPHANIE R. CHAMBERS V. SIM TALLEY WALKER, JR.

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

90008

00V1094

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta            NOV 20 2000*

*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.*

*Will. L. Martin, III*

# Court of Appeals of the State of Georgia

ATLANTA, NOV 14 2000

*The Court of Appeals hereby passes the following order:*

**A01D0089. DONALD KENDRIX v. HOLLINGSWORTH CONCRETE PRODUCTS, INC.,  
ET AL.**

Donald Kendrix has filed a timely application for a discretionary appeal of the order of the Superior Court of Carroll County affirming the award of the Appellate Division of the State Board of Workers' Compensation which adopted the award of the administrative law judge denying Kendrix's claim for workers' compensation benefits. Relying upon Love v. State, 271 Ga. 398 (517 SE2d 53) (1999), Kendrix's asserts that the superior court erred in failing to find OCGA § 34-9-17 (b) unconstitutional because it violates the equal protection clause.

Kendrix timely raised this constitutional challenge before the administrative law judge who declined to rule on the grounds that he did not have jurisdiction to determine the matter. The superior court did not expressly address this constitutional issue in its final order affirming the award of the appellate division but it did find that the administrative law judge's findings and conclusions are supported by competent evidence and are in

accordance with the applicable law. Therefore, this constitutional challenge has been preserved on appeal. See Rouse v. Department of Natural Resources, 271 Ga. 726 (524 SE2d 455) (1999).

As the parties have not cited and this court is unaware of any controlling legal authority regarding the constitutional question here at issue, this case lies within the exclusive jurisdiction of the Supreme Court of Georgia. Ga. Constitution of 1983, Art. VI, Sec. VI, Par. II (1). Therefore, this application is hereby TRANSFERRED to the Supreme Court as required by law.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

NOV 14 2000

*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.*

*Will L. Martin, III*  
Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

NOV -9 2000

*The Court of Appeals hereby passes the following order:*

**A01D0090. FATHER ISIAS RODRIGUEZ v. SANDRA ELIZABETH ECHEVERRIA NUNEZ.**

Father Isias Rodriguez filed this application seeking a discretionary appeal of the October 16, 2000 order of the superior court dismissing his direct appeal in a paternity action because he failed to comply with the application for discretionary appeal requirements. However, the dismissal of an appeal by the trial court is subject to direct appeal. Brown v. E. I. Du Pont De Nemours & Co., 240 Ga. App. 893, 894 (1) (525 SE2d 731) (1999); Castleberry's Food Co. v. Smith, 205 Ga. App. 859, 860 (424 SE2d 33) (1992). Under OCGA § 5-6-35 (j), where a party files a discretionary application seeking appellate review of an order that is subject to direct appeal without also filing a timely notice of appeal, this Court is required to grant the application.

Therefore, this application is hereby GRANTED. Father Isias Rodriguez shall have ten days from the date of this order to file a notice of appeal. The clerk of the superior court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

*Court of Appeals of the State of Georgia*

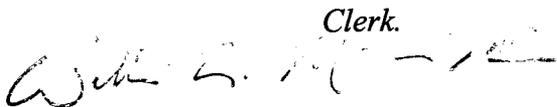
*Clerk's Office, Atlanta*

NOV - 9 2006

*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.*



**Court of Appeals  
of the State of Georgia**

ATLANTA, NOVEMBER 21, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A01D0091

SMD, L.L.P., ET AL V. CITY OF ROSWELL, GEORGIA, ET AL

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

97008

E65358

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* NOV 21 2000

*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.*

*Will E. Martin* Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, NOVEMBER 14, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A01D0092

THE SCRUGGS COMPANY, ET AL V. LOWNDES COUNTY BOARD OF COMMISSIONERS

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

93008

98CV2055

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta NOV 14 2000*

*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.*

*Will L. Martin, III* Clerk.

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** December 26, 2000

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S01C0541**

SCRUGGS COMPANY et al. v. LOWNDES COUNTY BOARD OF COMMISSIONERS

Clerk, Supreme Court of Georgia

Case No. A01D0092

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

DEC 29 2000

Clerk, Court of Appeals of Georgia

# Court of Appeals of the State of Georgia

ATLANTA, NOV -7 2000

*The Court of Appeals hereby passes the following order:*

**A01D0093. JOHN MILES PERRY v. GEORGIA LOU LEE.**

John Miles Perry filed this discretionary application from the superior court's order finding Georgia Lou Lee in contempt for failing to abide by various provisions of a final divorce decree, and finding that Perry had also failed to abide by certain provisions in the decree. An action based on the failure to comply with provisions of a final divorce decree is ancillary to the prior divorce action and is therefore within the general appellate jurisdiction of the Supreme Court. Ga. Const. of 1983, Art. VI, § VI, ¶ III (6); Griffin v. Griffin, 243 Ga. 149 (253 SE2d 80) (1979); Brown v. King, 266 Ga. 890 (472 SE2d 65) (1996); Smith v. Smith, 254 Ga. 450, 452 (2) (330 SE2d 706) (1985); Hines v. Hines, 237 Ga. 755 (1) (229 SE2d 744) (1976). This application is thus hereby TRANSFERRED to the Supreme Court.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* NOV -7 2000

*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.*

*Will. L. Martin, III*  
Clerk.

# Court of Appeals of the State of Georgia

ATLANTA, NOV 27 2000

*The Court of Appeals hereby passes the following order:*

A01D0094. AMERICAN CYANAMID COMPANY, ET AL v. NICHOLAS DETRINO, JR. C/O LORI ANN GREENE.

On Monday, October 30, 2000, American Cyanamid Company, et al., filed an application for discretionary appeal of the order of the Superior Court of Chatham County, entered on September 8, 2000, denying applicants' motion to set aside and of the order, entered on September 29, 2000, denying applicants' motion for reconsideration.

Nicholas Detrino, Jr., filed a workers' compensation claim seeking an award of benefits against his employer, American Cyanamid Company, and its insurer. On August 30, 1998, the parties agreed to settle Detrino's workers' compensation claim for a lump sum and entered into a stipulation and settlement agreement. On September 3, 1998, Detrino died as a result of an illness unrelated to his compensable accident. On September 9, 1998, the Detrino settlement agreement was filed with the State Board of Workers' Compensation. On September 23, 1998, the Board approved the parties' settlement agreement. This ruling was not appealed.

Subsequently, the parties contested the enforceability of the settlement agreement. On May 24, 1999, the Administrative Law Judge entered an award denying the request of Lori Ann Greene, executor of Detrino's estate, for payment of the settlement proceeds in accordance with the terms of the approved settlement agreement. On November 10, 1999, the Appellate Division of the State Board of Workers' Compensation vacated the award of the Administrative Law Judge and directed that American Cyanamid Company and its insurer pay the claim in accordance with the terms of the settlement agreement.

American Cyanamid and its insurer appealed the award of the Appellate Division to the Superior Court of Chatham County. On

April 12, 2000, the superior court entered an order affirming the award of the Appellate Division of the State Board of Workers' Compensation. On or about May 30, 2000, American Cyanamid and its insurer filed a motion to set aside the judgment of the superior court under the provisions of OCGA § 9-11-60.

On September 8, 2000, the Superior Court of Chatham County entered an order denying the motion to set aside. American Cyanamid and its insurer subsequently filed a motion for reconsideration of the superior court's order. On September 29, the superior court entered an order denying the motion for reconsideration.

The denial of a motion to set is appealable in its own right if the motion is filed under OCGA § 9-11-60 (d) but the right of appeal is conditioned, under such circumstances, upon compliance with the application procedures set forth in OCGA § 5-6-35 (a)(8). N.C. Construction Co. v. Action Mobilplatform, Inc., 187 Ga. App. 507 (370 SE2d 800) (1988). OCGA § 5-6-35 (d) requires that an application for discretionary review must be filed with the clerk of the Supreme Court or the Court of Appeals within 30 days of the entry of the order, decision, or judgment for which discretionary appeal is sought. Although, applicants American Cyanamid Co., et al., have filed an application for discretionary appeal, this application was not filed within 30 days of the date of entry of the order denying the motion to set aside. Thus, this application would be untimely if "the order complained of" is the order of the superior court, entered on September 8, 2000, denying the motion to set aside. OCGA § 5-6-35 (d).

Applicants American Cyanamid Co., et al., assert in their application, however, that they also seek discretionary appeal of the order, entered on September 29, 2000, denying their motion for reconsideration. An order denying a motion for reconsideration is an interlocutory order that is subject to an application for interlocutory review under OCGA § 5-6-34 (b) if a certificate of immediate review is timely obtained from the trial court. Mayor & Aldermen &c. v. Norman J. Bass Constr. Co., 264 Ga. 16, 17 (1) (441 SE2d 63) (1994).

And, a motion for reconsideration will not extend the time for filing an application for discretionary appeal. Compare OCGA § 5-6-38 (a) with OCGA § 5-6-35 (d); see Jones v. Walker, 209 Ga. App. 532, 534 (1) (433 SE2d 726) (1993); Rockdale County v. Water Rights Committee, 189 Ga. App. 873, 874 (377 SE2d 730) (1989); In The Interest Of: A. R. B., a child, 209 Ga. App. 324, 325 (1) (433 SE2d 411) (1993) (physical precedent only); see also Holiday v. State, 258 Ga. 393, 394 (2) (369 SE2d 241) (1988).

Because applicants American Cyanamid Company, et al., have not filed their application within 30 days of the date of entry of a

final order that is appealable under either OCGA § 5-6-34 (a) or OCGA § 5-6-35, said application is hereby DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      NOV 27 2000

*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.*

*William L. Maul, Jr.*      Clerk

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      NOVEMBER 21, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0095  
JOHN B. ULAM, JR. V. STELLA M. BURNS

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

91008

99VG108264A

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*            NOV 21 2000

*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.*

*William L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                    NOVEMBER 28, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0096  
KMART CORPORATION V. CATHY CHATTMAN

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

70008

2000CV26481 293-58-1364

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    NOV 28 2000*

*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.

*William L. Martin, III*

**Court of Appeals  
of the State of Georgia**

**ATLANTA,            DECEMBER 20, 2000**

*The Honorable Court of Appeals met pursuant to adjournment.*

*The Following order was passed:*

Case No. A01D0096

KMART CORPORATION V. CATHY CHATTMAN

Upon consideration of the motion for reconsideration filed  
in this case, it is ordered that it be hereby denied.

70-008  
2000CV26481    293-58-1364

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    DEC 20 2000*

*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.

*Will L. Mart, III*

# Court of Appeals of the State of Georgia

ATLANTA, NOV 14 2000

*The Court of Appeals hereby passes the following order:*

**A01D0097. Wallace v. Adams**

Murphy Wallace d/b/a Gray & White Co. filed this application for discretionary appeal seeking review of the trial court's order affirming a ruling of the Board of Workers' Compensation. The appeal to the trial court was docketed on June 7, 2000. No hearing was conducted within 60 days as required by OCGA § 34-9-105; thus, the decision of the Board of Workers' Compensation was affirmed by operation of law on August 7, 2000. Therefore, the trial court's order of October 4, 2000 was a nullity and cannot serve as a basis for appeal to this Court. Coronet Carpets v. Reynolds, 199 Ga. App. 383 (405 SE2d 103) (1991). Wallace was required to seek a discretionary appeal within 30 days of the August 7 automatic affirmance by the trial court, or by September 6, 2000. This application was not filed until November 3, 2000 and is thus untimely. This Court lacks jurisdiction to consider this application, OCGA § 5-6-35 (d), and this application is ordered DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* NOV 14 2000

*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.*

*Will. L. Mc* <sup>Clerk</sup> *III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            NOVEMBER 28, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0098

CHRISTOPHER JONES D/B/A SUCCESS ENTERTAINMENT GROUP V. TINO MCINTOSH

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

95009

98VS01389615

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    NOV 28 2000*

*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.*

*Will. L. Martin, III*  
Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,                    NOVEMBER 29, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0099

RICHARD T. HOLLIDAY V. JACKY JONES LINCOLN MERCURY, ET AL

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

96009

2000CV1675

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

*I certify that the above is a true extract fromd  
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 above written.*

*Clerk.*

# Court of Appeals of the State of Georgia

ATLANTA, NOV 28 2000

*The Court of Appeals hereby passes the following order:*

**A01D0100. MARGO L. ABROUGHT v. JASON R. STANFORD.**

Margo L. Abrought filed this application for discretionary appeal seeking review of the final judgment entered in a child custody matter. The application does not contain a stamped "filed" copy of the order from which appeal is sought as required by Court of Appeals Rule 31 (c). On November 6, 2000, this Court ordered that a stamped "filed" copy of the order on appeal be supplemented within 10 days, or the application would be dismissed. No stamped "filed" order has been filed within the time allowed. Therefore, this application is ordered DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

NOV 28 2000

*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.*

*W. L. Mart, III*  
Clerk

# Court of Appeals of the State of Georgia

ATLANTA,

JAN 02 2001

*The Court of Appeals hereby passes the following order:*

**A01D0100. ABROUGHT v. STANFORD.**

This application was dismissed for lack of compliance with this court's directive that applicant submit a stamped "filed" copy of the order to be appealed. Applicant has moved for reconsideration of that dismissal order on the ground that providential cause prevented her from timely submitting a stamped "filed" copy of the order. She also has belatedly filed a stamped "filed" copy of the order.

Even if this court had discretion to excuse applicant's failure to file the document requested in a timely fashion, the court also lacks jurisdiction of the case because the tardily received stamped "filed" copy of the order shows on its face that the initial application was not timely.

For these reasons, applicant's motion for reconsideration is DENIED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 02 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.*

*W. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            DECEMBER 06, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0101

BOB WOOD REALTY COMPANY V. ROBERT BOSWELL, III, ET AL

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

98009

SU99CV0860S

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    DEC -6 2000*

*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.*

*Will L. Martin, <sup>m</sup> Clerk.*

# Court of Appeals of the State of Georgia

ATLANTA, NOV -9 2000

*The Court of Appeals hereby passes the following order:*

**A01D0102. HELEN C. HOPKINSON v. PETER S. HOPKINSON**

Helen C. Hopkinson filed this application for discretionary appeal from an order that granted Peter S. Hopkinson's motion to dismiss. However, because this case involves construction of a settlement agreement incorporated into a divorce decree, the Supreme Court has exclusive jurisdiction over this matter. Ga. Const. of 1983, Art. VI, Sec. VI, Par. III (6); Griffin v. Griffin, 243 Ga. 149 (253 SE2d 80) (1979). Therefore, Hopkinson's application to appeal is hereby TRANSFERRED to the Supreme Court for disposition.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* NOV -9 2000

*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.*

*Will L. Martin, Clerk*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                    DECEMBER 04, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0103

TRAVELERS INSURANCE COMPANY, ET AL V. GLENNIS TURNER, ET AL

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

97009

007389C                    254-60-5004

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    DEC 4 2000

*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.

*William Z. Martin*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            JANUARY    04, 2001

*The Court of Appeals hereby passes the following order:*

Case No. A01D0103

TRAVELERS INSURANCE COMPANY, ET AL V. GLENNIS TURNER, ET AL

Upon consideration of the motion for reconsideration filed  
in this case, it is ordered that it be hereby denied.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    JAN -4 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.*

*Will. L. Martin, III*            Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, DEC -7 2000

*The Court of Appeals hereby passes the following order:*

**A01D0104. CHRISTOPHER KEVIN AUTRY v. THE STATE.**

As the order the applicant seeks to appeal from is not one of those specified in OCGA § 5-6-35 (a), his application for a discretionary appeal is hereby dismissed.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* DEC -7 2000

*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.*

*William L. McCall, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                    NOVEMBER 21, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0105

ETHERIDGE KING V. THE STATE

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DISMISSED.

92009

9102CR06883

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

*I certify that the above is a true extract fromd  
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 above written.*

*Clerk.*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            DECEMBER 12, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A01D0106  
AMY JAMES V. SAFARI ENTERPRISES, INC.

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

71009

98CV69314

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    DEC 12 2000*

*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.*

*Will L. Mart*,  Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, NOVEMBER 28, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A01D0107  
LEAH STITZER V. DAVID STITZER

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of Juvenile Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

91009

00J05240 00J05242 991333110

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta NOV 28 2000*

*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.*

*William L. Marshall, III*  
Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, DEC 4 2000

*The Court of Appeals hereby passes the following order:*

**A01D0108. J. FRANCES HURT-WHITMIRE v. REGIONS BANK**

J. Frances Hurt-Whitmire filed this discretionary application seeking review of the trial court's order granting a directed verdict to Regions Bank and dismissing Hurt-Whitmire's action with prejudice. However, this was a final order under OCGA § 5-6-34 (a) (1). Thus, an application was not necessary because the case is directly appealable. Therefore, the application is ordered GRANTED pursuant to OCGA § 5-6-35 (j). Hurt-Whitmire shall have 10 days from the date of this order in which to file a notice of appeal. The clerk of the superior court is directed to include a copy of this order in the appeal record transmitted to this Court.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

DEC 4 2000

*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.*

*Will Z. Martin*

Clerk.

# Court of Appeals of the State of Georgia

ATLANTA, NOV 29 2000

*The Court of Appeals hereby passes the following order:*

**A01D0109. In re: Estate of Thomas Skrine**

Henry Crawford Skrine, Jr. brought this application for discretionary appeal seeking review of a decision of the superior court affirming a decision of the probate court denying Skrine's petition for letter of administration. However, appeals of decisions of superior courts reviewing decisions of probate courts are specifically excluded from the discretionary appeal requirements set forth in OCGA § 5-6-35 (a) (1). Thus, Skrine's appeal is directly appealable. Accordingly, this appeal is ordered GRANTED pursuant to OCGA § 5-6-35 (j).

Skrine shall have ten days from the date of this order to file a notice of appeal with the trial court. The Clerk of the Superior Court is directed to include a copy of this order in the appeal record transmitted to this Court.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* NOV 29 2000

*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.*

*Wilk. L. Mart, III*  
Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, NOV 28 2000

*The Court of Appeals hereby passes the following order:*

**A01D0110. JAMES STEVEN KARAS v. VICTORIA BARBARA KARAS.**

James Steven Karas filed this application for discretionary appeal from the superior court order denying his motion to set aside final judgment and decree in this divorce case. However, the Supreme Court has exclusive jurisdiction over all divorce and alimony cases. Ga. Const. Art. VI, Sec. VI, Par. III (6). See Griffin v. Griffin, 243 Ga. 149 (253 SE2d 80) (1979). Therefore, this application is TRANSFERRED to the Supreme Court.

98CVD0083

*Court of Appeals of the State of Georgia*

NOV 28 2000

*Clerk's Office, Atlanta*

*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.*

*William L. Mc* Clerk

# Court of Appeals of the State of Georgia

ATLANTA, NOV 28 2001

*The Court of Appeals hereby passes the following order:*

**A01D0111. JAMES STEVEN KARAS v. VICTORIA BARBARA KARAS.**

James Steven Karas filed this application for discretionary appeal from the superior court order denying his motion to set aside judgment and extraordinary motion for new trial which sought to overturn the final judgment and decree in a divorce case. However, the Supreme Court has exclusive jurisdiction over all divorce and alimony cases. Ga. Const. Art. VI, Sec VI, Par. III (6). See Griffin v. Griffin, 243 Ga. 149 (253 SE2d 80) (1979). Therefore, this application is TRANSFERRED to the Supreme Court.

00CV0070

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* NOV 28 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.*

*Will R. [Signature]* Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,                    NOVEMBER 28, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0112

JAMES STEVEN KARAS V. VICTORIA BARBARA KARAS

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

95012

00CV0481

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*            NOV 28 2000

*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.*

*William L. Martin, m*                    Clerk.

SUPREME COURT OF GEORGIA

Remittitur, Case No. S01C0455

Atlanta, May 7, 2001

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

JAMES STEVEN KARAS v. VICTORIA BARBARA KARAS

Upon consideration of the petition for certiorari filed to review the judgment of the Court of Appeals in this case, it is ordered that the writ be hereby denied.

All the Justices concur.

A01D0112 95012 00CV0481  
Bill of Costs, \$80.00



SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta June 4, 2001

I hereby certify that the above is a true extract from the minutes of the Supreme Court of Georgia. Witness my signature and the seal of said court hereto affixed the day and year last above written.

*Nathaniel J. Middleton* Deputy Clerk.

Lower Court Case No. A01D0112 95012 00CV0481  
Court of Appeals of Georgia

Filed in office on:

Remittitur from the Supreme Court.  
Clerk, Court of Appeals of Georgia.

JUN-5 2001

**Court of Appeals  
of the State of Georgia**

ATLANTA,                   DECEMBER 11, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A01D0113  
DWAYNE DONNELLY V. COLUMBUS, GEORGIA

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

96010

SU00CV3022

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta   DEC 11 2000*

*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.

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

**ATLANTA,            JANUARY    08, 2001**

*The Honorable Court of Appeals met pursuant to adjournment.*

*The Following order was passed:*

Case No. A01D0113

DWAYNE DONNELLY V. COLUMBUS, GEORGIA

Upon consideration of the motion for reconsideration filed  
in this case, it is ordered that it be hereby denied.

96-010  
SU00CV3022

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta      JAN - 8 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.*

*Will. L. Mart, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      NOVEMBER 28, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0114  
RANDOLPH SEGAL V. CARMAN DORBER

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of Juvenile Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

90010

9914572                      14700J0267            14700J0268

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    NOV 28 2000*

*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.*

*William L. Martin, III* Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,            DECEMBER 11, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0115  
STACY S. SOUTHERS V. BRIAN EDWARD BEASLEY

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

98010  
D991127

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    DEC 11 2000*

*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.*

*Will L. Mart*, <sup>Clerk.</sup><sub>m</sub>

**Court of Appeals  
of the State of Georgia**

ATLANTA,           DECEMBER 05, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A01D0116  
BRYANT ELECTRIC, ET AL V. LOUIS ETHEREDGE

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

99010  
00EV515H        252-68-2608

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    DEC -5 2000*

*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.*

*William L. Mantel* <sup>Clerk.</sup> 

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      NOVEMBER 29, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A01D0117  
VACIE J. PENNYMON V. LIZZIE MAE WILLIAMS

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

97010

48790

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    NOV 29 2000*

*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.*

*Will. L. Martin*                      Clerk.

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** December 15, 2000

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S01C0503**

VACIE J. PENNYMON v. LIZZIE MAE WILLIAMS

Clerk, Supreme Court of Georgia

Case No. A01D0117

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

DEC 21 2000

Clerk, Court of Appeals of Georgia

97  
✓

**SUPREME COURT OF GEORGIA**

Remittitur, Case No. S01C0503

Atlanta, May 7, 2001

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

VACIE J. PENNYMON v. LIZZIE MAE WILLIAMS

Upon consideration of the petition for certiorari filed to review the judgment of the Court of Appeals in this case, it is ordered that the writ be hereby denied.

All the Justices concur.

A01D0117 97010 48790  
Bill of Costs, \$80.00



**SUPREME COURT OF THE STATE OF GEORGIA**

Clerk's Office, Atlanta June 4, 2001

I hereby certify that the above is a true extract from the minutes of the Supreme Court of Georgia.  
Witness my signature and the seal of said court hereto affixed the day and year last above written.

*Nathaniel J. Middleton* clerk.

Lower Court Case No. A01D0117 97010 48790  
Court of Appeals of Georgia

Filed in office  
on:

Remittitur from the Supreme Court.  
Clerk, Court of Appeals of Georgia.

**JUN - 5 2001**

**Court of Appeals  
of the State of Georgia**

ATLANTA,            DECEMBER 08, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A01D0118

H. GILBERT MADDOX, JR., M.D. V. STILL WATERS PLANTATION, LTD.

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

93010

E21132

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    DEC -8 2000*

*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.*

*Will. L. Martin, III*            Clerk.

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** December 22, 2000

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S01C0526**

H. GILBERT MADDOX, Jr. v. STILL WATERS PLANTATION, Ltd.

Clerk, Supreme Court of Georgia

Case No. A01D0118

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

DEC 27 2000

Clerk, Court of Appeals of Georgia

*W. Z. Mathis, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA, NOV 30 2000

*The Court of Appeals hereby passes the following order:*

**A01D0119. Parker v. Parker**

William E. Parker filed this application for discretionary appeal seeking review of the trial court's order finding him in contempt of a final separate maintenance order which provided for a distribution of property and permanent alimony. At issue is the validity and meaning of the alimony provision in the separate maintenance order. However, the Georgia Supreme Court has jurisdiction over all divorce and alimony cases. Ga. Const. 1983, Art. VI, § VI, ¶ III (6); Hayes v. Hayes, 191 Ga. 237 (11 SE2d 764) (1940); Ridgeway v. Ridgeway, 224 Ga. 310 (161 SE2d 866) (1968). Accordingly, this case is ordered TRANSFERRED to the Georgia Supreme Court.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* NOV 30 2000

*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.*

*Will. L. Mart*, <sup>Clerk</sup> *III*



**Court of Appeals  
of the State of Georgia**

ATLANTA,            DECEMBER 21, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0121  
TONY WATKINS, ET AL V. JOHN A. MCGAHA

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

91010  
9812482

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    DEC 21 2000*

*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.*

*Will L. Martin, <sup>Clerk.</sup>*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** January 10, 2001

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S01C0612**

TONY WATKINS et al. v. JOHN A. MCGAHA

Clerk, Supreme Court of Georgia

Case No. A01D0121

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office JAN 17 2001

Clerk, Court of Appeals of Georgia

**Court of Appeals  
of the State of Georgia**

ATLANTA,            DECEMBER 20, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0122

CORY Z. MORRIS V. THE STATE

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

70010

009051818

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*    DEC 20 2000

*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.*

*Will L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                    DECEMBER 21, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0123  
LARRY WATERS V. GLYNN COUNTY, GEORGIA

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

94011

98011478

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta            DEC 21 2000*

*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.*

*William L. [Signature]* Clerk.

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** January 22, 2001

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S01C0663**

LARRY H. WATERS v. GLYNN COUNTY, GEORGIA

Clerk, Supreme Court of Georgia

Case No. A01D0123

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office JAN 25 2001

Clerk, Court of Appeals of Georgia

**Court of Appeals  
of the State of Georgia**

ATLANTA, DEC 27 2008

*The Court of Appeals hereby passes the following order:*

**A01D0124. WALLACE CHEVROLET v. LINDA L. WRIGHT**

Upon consideration of the motion for withdrawal of the above styled application, it is hereby ordered that said motion be GRANTED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* DEC 27 2008

*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.*

*Will L. Martin* Clerk, 

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      JANUARY      02, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0125  
HANS J. NEIN ET AL V. MICHELLE SPIRES

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

90011

98VS0142828H

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 02 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.*

*W. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            DECEMBER 27, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A01D0126  
ATI SERVICES, INC., ET AL V. GILBERT BEARDEN

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

98011

2000CV1861C 255-90-0548

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    DEC 27 2000*

*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.*

*William L. Martin, Clerk.*

# Court of Appeals of the State of Georgia

ATLANTA, DEC 11 2000

*The Court of Appeals hereby passes the following order:*

**A01D0127. GENE NELSON GOODMAN v. RANDY TILLMAN, WARDEN.**

On November 27, 2000, Gene Nelson Goodman filed this application for discretionary appeal from a sentence imposed on August 31, 2000, for three counts of the sale of cocaine in violation of the Georgia Controlled Substances Act. Regardless of whether this case is subject to direct appeal under OCGA § 5-6-34 (a) or the discretionary appeal procedures of OCGA § 5-6-35 (a) and (b), Smith failed to file this application within 30 days after entry of the order which he seeks to appeal. Therefore, this

application is untimely and is hereby DISMISSED. OCGA § 5-6-35

(d); compare OCGA § 5-6-38 (a).

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

DEC 11 2000

*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.*

*William L. Clark, Clerk*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            JANUARY    02, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A01D0128

LYNN CODY KENNEDY V. JEFFREY LEN SWAGGER

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

97011

SU99CV1944S

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 02 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.*

*Will. Z. Mat...*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,                   DECEMBER 21, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.           A01D0129

JEROME D. THOMAS V. THE STATE

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

93011

50674

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*           DEC 21 2000

*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.*

*William L. Martin, Clerk.*

**Court of Appeals  
of the State of Georgia**

ATLANTA,           DECEMBER 20, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.       A01D0130

CONSECO FINANCE SERVICING CORPORATION V. WILLIE HILL, ET AL

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

92011

00CV17645

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

*I certify that the above is a true extract fromd  
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.*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            JANUARY    05, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A01D0131

BARRY FRISON D/B/A FRISON MASONRY, ET AL V. CHRISTINO SIFUENTES

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

71011

2000CV27938    000-00-1998

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 05 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.*

*W. L. Martin, III*

# Court of Appeals of the State of Georgia

ATLANTA,

DEC 28 2000

*The Court of Appeals hereby passes the following order:*

**A01D0131. BARRY FRISON D/B/A FRISON MASONRY, ET AL. v. CHRISTINO SIFUENTES**

The Court has received a "Motion by All Parties" to stay the Court's action on the above application. However, the Court is required to issue an order granting, denying or dismissing the application within 30 days of the filing date. See OCGA §5-6-35(f). Therefore, the Motion to Stay is hereby DENIED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

DEC 28 2000

*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.*

*William L. Martin, Clerk*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            DECEMBER 21, 2000

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A01D0132

THE GEORGIA DEPARTMENT OF PUBLIC SAFETY, ET AL V. MARK D. ROBINETTE

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

91011

2000CV20883

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      DEC. 21 2000

*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.*

*William L. Martin, Clerk.*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            JANUARY    02, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A01D0133  
AFLAC INCORPORATED, ET AL V. PATSY HARDY

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

70011

SU2000CV3751

419-78-9081

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 02 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.*

*Will. Z. Martin*

Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, **JAN 05 2001**

*The Court of Appeals hereby passes the following order:*

**A01D0134. BERMUDA, LLC. v. SUMMERTOWN HOMEOWNERS ASSOCIATION, INC.,  
et al.**

Bermuda, LLC has filed an application for appeal from a final order of the superior court entered November 6, 2000. The application was submitted by certified mail on December 7, 2000, 31 days after entry of the order complained of. Because the application was not timely filed within 30 days as required under OCGA § 5-6-35 (d), it is hereby DISMISSED for lack of jurisdiction.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 05 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.*

*William Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                    JANUARY    09, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A01D0135  
KENNETH RAY ALDREDGE V. THE STATE

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

96012

95CR118

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    JAN -9 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.*

*Will. L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      JANUARY      08, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0136

THOMAS L. CRAWFORD V. J.A. JONES MANAGEMENT

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

90012

00CV860                      256-49-5782

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta      JAN - 8 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.*

*William L. Martin, Clerk.*



# Court of Appeals of the State of Georgia

ATLANTA, JAN -9 2001

*The Court of Appeals hereby passes the following order:*

**A01D0138. UNITED WASTE SERVICE, INC. v. SOUTHERN CRAFT DENTAL  
LABORATORY, INC.**

United Waste Service, Inc. filed this discretionary application seeking appellate review of the state court's order granting summary judgment in favor of, and also awarding attorneys' fees to, Southern Craft Dental Laboratory, Inc. Additionally, United Waste Service, Inc. was held in contempt and ordered to pay Southern Craft Dental Laboratory, Inc. the sum of \$500.00. Orders granting summary judgment are directly appealable and do not require a discretionary application. OCGA § 9-11-56 (h); Culwell v. Lomas & Nettleton Company, 242 Ga. 242, 243 (248 SE2d 641) (1978). Nor does appeal of an award of attorneys' fees as part of a judgment which is otherwise subject to direct appeal require a discretionary application. Haggard v. Board of Regents, 256 Ga.

524 (360 SE2d 588) (1987). Therefore, this application in hereby  
GRANTED pursuant to OCGA § 5-6-35 (j). United Waste Service, Inc.  
shall have ten days from the date of this Order to file a notice of  
appeal. The clerk of the state court is directed to include a copy  
of this Order in the record transmitted to the Court of Appeals

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JAN - 9 1987

*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.*

*Will. L. Meritt, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            JANUARY    16, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION   NO.            A01D0139

GLENN D. VOGEL, ET AL V. THE SHORES HOMEOWNERS ASSOCIATION, INC.

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

97012

00A684034

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    JAN 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.*

*William L. Martin, III*  
Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,            JANUARY    10, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A01D0140

DONNA MAXWELL EDWARDS V. JOHN ADAM EDWARDS

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

93012

E5004

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    JAN 10 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.*

*Will L. Martin, <sup>Clerk.</sup>*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      JANUARY      10, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0141

DONNA MAXWELL EDWARDS V. JOHN ADAM EDWARDS

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

93013

E42293

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta      JAN 10 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.*

*Will L. Martin,  Clerk.*

# Court of Appeals of the State of Georgia

ATLANTA, JAN 16 2001

*The Court of Appeals hereby passes the following order:*

**A01D0142. DOCTOR AND NURSES WEIGHT CONTROL, et al v. MARILYN MUSGROVE**

Marilyn Musgrove filed a claim with the State Board of Workers' Compensation for additional benefits, contending that Doctor and Nurses Weight Control, the employer in this case, had miscalculated income benefits owed to her. The administrative law judge determined that Musgrove's claim was time-barred. The State Board of Workers' Compensation Appellate Division, however, reversed and remanded the case to the administrative law judge "for a hearing, if needed, and the taking of additional evidence on Musgrove's request for income benefits." Pursuant to OCGA § 34-9-105 (b), the employer filed an appeal to the superior court, which held a hearing, but did not issue an order. Believing that the Appellate Division's decision was affirmed by operation of law, the employer then filed this discretionary application with this Court.

The appeal, however, was not properly before the superior court, and thus the Appellate Division's decision could not be affirmed by operation of law. Only final awards or final decisions may be appealed to the superior court. OCGA § 34-9-105 (b). The decision by the Appellate Division was to remand the case to the

administrative law judge for evidentiary considerations and thus was interlocutory. The superior court thus was without jurisdiction and is directed to dismiss the appeal as premature. See Cartwright v. Midtown Hosp., 243 Ga. App. 828 (534 SE2d 504) (2000); Garner v. Owens-Illinois Glass Container, 134 Ga. App. 917, 920 (216 SE2d 709) (1975). This discretionary application is thus not properly before this Court and is accordingly hereby DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JAN 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.*

*W. L. Martin, III*  
Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

JAN 12 2001

*The Court of Appeals hereby passes the following order:*

A01D0143. CITY OF ATLANTA, ET AL v. SDH INVESTMENT CORPORATION.

The City of Atlanta, Norman Koplon, in his official capacity as Director of Bureau of Buildings, and the City of Atlanta Urban Design Commission filed an application for discretionary appeal of the superior court's order that granted in part and denied in part SDH Investment Corporation's petition for mandamus. The substantial legal issue raised in this appeal pertains to the legality or propriety of the extraordinary relief sought in the superior court. See Beauchamp v. Knight, 261 Ga. 608, 609 (2) (409 SE2d 208) (1991). Unless otherwise provided by law, the Supreme Court of Georgia shall have appellate jurisdiction of all cases involving extraordinary remedies. Ga. Const. of 1983, Art. VI, Sec. VI, Par. III (5); see Settle v. McWhorter, 203 Ga. 93 (1) (45 SE2d 210) (1947).

Accordingly, this case is hereby transferred to the Supreme Court of Georgia.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      JAN 12 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.*

*William E. [unclear]*      Clerk.

# Court of Appeals of the State of Georgia

ATLANTA, JAN 11 2001

*The Court of Appeals hereby passes the following order:*

**A01D0144. KARL W. NEBEL v. PATRICIA G. NEBEL.**

Karl W. Nebel and Patricia G. Nebel were divorced in 1996. A written agreement incorporated into the divorce decree provided that the parties share joint legal custody of their minor children with the primary physical custodian being Patricia G. Nebel and with Karl W. Nebel paying periodic child support. On May 22, 2000, Karl W. Nebel filed this action seeking a downward modification of his child support obligation.

On November 21, 2000, the trial court entered the order sought to be appealed via this discretionary application, denying Karl W. Nebel's petition for modification of child support. However, this order is silent as to the claims submitted by Patricia G. Nebel in her counterclaim, and the counterclaim apparently remains pending.

The Appellate Practice Act defines a final judgment as "where the case is no longer pending in the court below." OCGA § 5-6-34 (a); Black v. Sturdivant, 131 Ga. App. 698 (206 SE2d 526) (1974). It appears that the November 21, 2000 order is not a final judgment within the meaning of OCGA § 5-6-34 (a). Appeal of an order which

is not a final judgment requires either an express determination under OCGA § 9-11-54 (b) or compliance with the interlocutory appeal procedures as set forth in OCGA § 5-6-34 (b). Scruggs v. Ga. Dept. of Human Resources, 261 Ga. 587 (408 SE2d 103) (1991); King v. Bishop, 198 Ga. App. 622 (402 SE2d 307) (1991).

Because this case remains pending in the court below, and immediate review has not been authorized, this Court lacks jurisdiction to consider it. This application is hereby DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JAN 11 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.*

*Will L. Martin, Clerk*

# Court of Appeals of the State of Georgia

ATLANTA, JAN 17 2001

*The Court of Appeals hereby passes the following order:*

**A01D0145. FULLER v. JOHNSON.**

On December 21, 2000, this court docketed an application for discretionary appeal filed by Leo Fuller, who is incarcerated. This court ordered Fuller to supply a stamped "filed" copy of the order from which the appeal is sought. Although Fuller did respond to this court's order, the response does not contain a stamped "filed" copy of any order entered within 30 days of December 21, 2000. Because Fuller has failed to present a copy of a currently appealable order for this court's consideration, his application for appeal is fatally deficient and is hereby DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* JAN 17 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.*

*Will L. M. Clerk, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                    JANUARY    17, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A01D0146  
CURTIS LAMAR MOORE V. THE STATE

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

94013

1202497            1202499

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta            JAN 17 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.*

*Will L. Martin*, <sup>Clerk.</sup> 

**Court of Appeals  
of the State of Georgia**

ATLANTA,            JANUARY    11, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A01D0147  
LOUISE PINNELL V. BOB KIGHT, ET AL

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

95013

99V5164

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta    JAN 11 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.*

*Will L. Martin, III*            Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,            JANUARY    30, 2001

*The Honorable Court of Appeals met pursuant to adjournment.*

*The Following order was passed:*

Case No. A01D0147

LOUISE PINNELL V. BOB KIGHT, ET AL

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

95-013  
99V5164

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JAN 30 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.*

*Will Z. Mart...*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                    JANUARY    18, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A01D0148

ALTERNATE ENERGY RESOURCES, ET AL V. DONALD L. EVANS

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

96013

2000RCCV704    259-96-7051

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta    JAN 18 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.*

*A. J. L. Martin, III*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** February 7, 2001

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S01C0710**

ALTERNATE ENERGY RESOURCES et al. v. DONALD L. EVANS

Clerk, Supreme Court of Georgia

Case No. A01D0148

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

FEB -7 2001

Clerk, Court of Appeals of Georgia

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      JANUARY    12, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A01D0149  
SEYPHOUS HOUSTON V. KIM TUCKER

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

90013  
99CV777

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta    JAN 12 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.*

*William L. Martin, Clerk.*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                    JANUARY    16, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A01D0150

K & K DIRECTIONAL BORING, ET AL V. THOMAS W. STEWART

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

98013

2000CV28959

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    JAN 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.*

*William L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                    JANUARY    12, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0151

JOHN M. BOYLE, III V. TIFFNEY LYNN HACKETT

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

99013

97CV104

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    JAN 12 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.*

*Will L. Martin, <sup>III</sup> Clerk.*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      JANUARY      12, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.              A01D0152

JOHN M. BOYLE, III V. TIFFNEY LYNN HACKETT

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

99014

00CV77

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta      JAN 12 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.*

*William L. Mart* <sup>Clerk.</sup> 

**Court of Appeals  
of the State of Georgia**

ATLANTA,            JANUARY    16, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A01D0153

WILLIAM G. HARVEY V. ESTATE OF FRANCES E. SULLIVAN, ET AL

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

97013

S7161

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    JAN 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.*

*William L. Martin, III*  
Clerk.

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** January 30, 2001

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S01C0725**

WILLIAM G. HARVEY v. ESTATE OF FRANCES E. SULLIVAN et al.

Clerk, Supreme Court of Georgia

Case No. A01D0153

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

FEB -8 2001

Clerk, Court of Appeals of Georgia

**Court of Appeals  
of the State of Georgia**

ATLANTA,            JANUARY    12, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A01D0154

MARINE PORT TERMINALS, INC., ET AL V. WILLIAM J. DIXON

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

92013

0001351            256-17-3197

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta        JAN 12 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.*

*William L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      JANUARY      12, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.              A01D0155

DAVID J. DUNN V. HOWARD M. BAGWELL, ET AL

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

71013

99SV263D

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta      JAN 12 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.*

*Will L. Martin, <sup>Clerk.</sup>*



CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** February 14, 2001

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S01C0738**

D. ROBERT AUTREY, JR., P.C. v. ELENA S. BAKER

Clerk, Supreme Court of Georgia

Case No. A01D0156

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

FEB 14 2001

Clerk, Court of Appeals of Georgia

**Court of Appeals  
of the State of Georgia**

ATLANTA,            JANUARY    17, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A01D0157

ALFRED MCCANNON WELL BORING & DRILLING, ET AL V . EDWARD SKELTON

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

70013

00MV6635            253-70-9220

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    JAN 17 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.*

*Will L. Martin, III*  
Clerk.

# Court of Appeals of the State of Georgia

ATLANTA, JAN 19 2001

*The Court of Appeals hereby passes the following order:*

**A01D0158. G. WILLIAM FLOYD v. HAROLD W. GORE, ET AL**

G. William Floyd filed this discretionary application on December 28, 2000, from the trial court's November 20, 2000 order denying his motion for reconsideration of the court's October 25, 2000 order denying his motion to set aside judgment. An application for discretionary appeal, however, must be filed within 30 days of the order appealed. OCGA § 5-6-35 (d). The denial of the motion to set aside judgment -- the order properly appealed from -- was entered 64 days prior to the date this application was filed. Although Floyd filed a motion asking the trial court to reconsider its decision, a motion for reconsideration does not extend the time for filing an application. OCGA § 5-6-35 (d); See also OCGA § 5-6-38 and Blackwell v. Sutton, 261 Ga. 284 (404 S.E.2d 114) (1991). Further, a denial of a motion for reconsideration is not itself appealable. Savage v. Newsome, 173 Ga. App. 271 (326 SE2d 5) (1985). Because the application is untimely, this Court lacks

jurisdiction to consider it. For these reasons, the application is ordered DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      JAN 19 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.*

*William L. Martin, III* <sup>Clerk</sup>

# Court of Appeals of the State of Georgia

ATLANTA, FEB 22 2001

*The Court of Appeals hereby passes the following order:*

A01D0158. G. WILLIAM FLOYD v. HAROLD W. GORE et al.

By an order dated January 19, 2001, this court dismissed this application for discretionary appeal as untimely, based on the application not having been filed within 30 days after the entry of the appealable judgment. It appears, however, that the application was in fact timely filed within 30 days after entry of the judgment sought to be appealed. OCGA § 5-6-35 (d); Court of Appeals Rule 4. Accordingly, Floyd's motion for reconsideration is GRANTED, this court's previous order dismissing the application is VACATED, and the application is REINSTATED.

Upon considering Floyd's application for discretionary appeal on the merits, the application is GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of Superior Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* FEB 22 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.*

*Will L. [Signature]*  
Clerk



**Court of Appeals  
of the State of Georgia**

ATLANTA,            JANUARY    09, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A01D0160

MICHAEL FRANCIS SINNOTT V. SUSAN LYNNE GALLUP SINNOTT

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

96014

E63066

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta      JAN -9 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.*

*William L. Marshall III*

# Court of Appeals of the State of Georgia

ATLANTA,

JAN 29 2001

*The Court of Appeals hereby passes the following order:*

**A01D0161. VT, INC., As Trustee of World Omni LT Administered By  
World Omni Financial Corp. v. Murray, et al.**

Plaintiff VT, Inc., seeks an appeal from an order titled as a "final order" setting aside a default judgment entered against garnishee Bronner Bros., Inc., based on insufficiency of service. "In the absence of an order dismissing the case, the grant of a motion to set aside a judgment on jurisdictional grounds, like the grant of a motion for new trial, leaves the case still pending in the trial court below and is not a final judgment. [Cit.]" Hooper v. Taylor, 230 Ga. App. 128 (1) (495 SE2d 594) (1998). An order setting aside a default judgment entered in a garnishment case based on insufficiency of service is likewise a non-final order. English v. Tucker Federal Savings & Loan Ass'n, 175 Ga. App. 69 (332 SE2d 365) (1985). Since the order appealed from does not affirmatively resolve the pending issues in favor of either party and does not otherwise dismiss the plaintiff's complaint, applicant was required to follow the additional requirements of the

interlocutory appeal procedure, OCGA § 5-6-34 (b); Scruggs v. Ga. Dept. of Human Resources, 261 Ga. 587-589 (1) (408 SE2d 103) (1991). Because the applicant has failed to follow the proper procedure here, the application is hereby DISMISSED without prejudice as premature.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JAN 29 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.*

*Will. Z. Mart* <sup>Clerk</sup> 

**Court of Appeals  
of the State of Georgia**

ATLANTA,                    JANUARY    16, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A01D0162

RAY WILLIAM WHITLOW, III V. RENDY THOMAS, ET AL

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

98014

00CV0021

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    JAN 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.

*William L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            JANUARY    24, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A01D0163

JENNINGS MILL COUNTRY CLUB, INC. V. JAMES E. JACKSON

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

97014

99CV389J

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta      JAN 24 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.*

*W. L. Mart* <sup>Clerk</sup> 

**Court of Appeals  
of the State of Georgia**

ATLANTA,            FEBRUARY 02, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A01D0164

GEORGIA MANUFACTURERS WORKERS' COMPENSATION FUND ET AL V. TRAVELERS  
GUARANTEE MUTUAL LIFE COMPANY ET AL

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

93014

00A097673        256-17-0157

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

FEB -2 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.*

*Will L. ...*

# Court of Appeals of the State of Georgia

ATLANTA,

JAN 26 1999

*The Court of Appeals hereby passes the following order:*

**A01D0165. IN THE INTEREST OF: B. M., a child.**

Dr. and Mrs. Ronald McLean filed this application for discretionary appeal seeking review of the juvenile court's order finding the minor child, B. M., deprived. Orders in deprivation actions are directly appealable and do not require a discretionary application. In the Interest of J. P., 267 Ga. 492 (480 SE2d 8) (1997). Under OCGA § 5-6-35 (j), where a party files a discretionary application seeking appellate review of an order that is subject to direct appeal without also filing a timely notice of appeal, this Court is required to grant the application.

Therefore, this application is hereby GRANTED. Dr. and Mrs. McLean shall have ten days from the date of this order to file a notice of appeal. The clerk of the juvenile court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

*Court of Appeals of the State of Georgia*

JAN 26 1999

*Clerk's Office, Atlanta*

*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.*

*William L. Stewart, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                    JANUARY    22, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A01D0166

ROY BRYANT V. THE STATE

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

71014

99CR468110

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta      JAN 22 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.*

*Will L. Mart, III*

# Court of Appeals of the State of Georgia

ATLANTA, FEB 20 2001

*The Court of Appeals hereby passes the following order:*

**A01D0166. ROY BRYANT v. THE STATE.**

Roy Bryant has moved this Court to reconsider the denial of his application for appeal on the revocation of his probation. Upon consideration of the Motion for Reconsideration, said Motion for Reconsideration is hereby GRANTED and the order of this court issued on January 22, 2001 is hereby VACATED. It is further ordered that Bryant's application for discretionary appeal be GRANTED. Bryant shall have ten (10) days from the date of this order to file a notice of appeal. OCGA § 5-6-35 (g). The clerk of the superior court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* FEB 20 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.*

*William L. Marshall, Jr.*  
Clerk

**Court of Appeals  
of the State of Georgia**

ATLANTA,            JANUARY    25, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A01D0167  
LEOPOLDO CARDENAS V. DAVID LIMON

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

91014  
00CV22

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta            JAN 25 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.*

*William L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            JANUARY    24, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A01D0168

LAWRENCE RANGE V. THE STATE

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

70014

99R40

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    JAN 24 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.

*William L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            JANUARY    23, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A01D0169  
CITY OF POULAN, ET AL V. WILLIAM F. HODGE

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

94015  
00CV312            260-84-4067

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    JAN 23 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.*

*William L. Martin, III*  
Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,            JANUARY    24, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A01D0170  
BEAULIEU OF AMERICA, ET AL V. MIKE SMITH

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

95015

77947B            254-53-2434

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    JAN 24 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.*

*Will L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                    JANUARY    31, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0171

JAN 31 2001

BRENDA HARRISON V. ISLAND BREEZE OWNERS ASSOCIATION, INC.

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

96015

9977296

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

JAN 31 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.

*Will Z. Mat...*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      JANUARY    30, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A01D0172  
WORTHEN INDUSTIRES, INC., ET AL V. CURTIS HANEY

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

90015

00V1097            252-94-1580

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JAN 30 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.*

*Will. Z. Mart...*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      FEBRUARY 06, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0173

DONALD K. POPE V. GEORGIA HEARTPINE, INC., ET AL

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

98015

NONE                      253-53-9097

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta      FEB -6 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.*

*William L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            JANUARY    24, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A01D0174  
DEBBIE L. DEWBERRY V. SEWELL CLOTHING

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

99015

00V01622        258-06-6397

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    JAN 24 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.*

*William L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      FEBRUARY 08, 2001

*The Honorable Court of Appeals met pursuant to adjournment.*

*The Following order was passed:*

Case No. A01D0174

DEBBIE L. DEWBERRY V. SEWELL CLOTHING

Upon consideration of the motion for reconsideration filed  
in this case, it is ordered that it be hereby denied.

99-015  
00V01622                      258-06-6397

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta                      FEB -8 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.*

*Will L. Mart* <sup>Clerk.</sup> 

**Court of Appeals  
of the State of Georgia**

ATLANTA,            FEBRUARY 01, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A01D0175  
LEIGH ANN EVANS V. STEPHEN BRIAN WYNN

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

97015

20001063F

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta        FEB - 1 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.*

*Will. Z. Mat. JR*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            FEBRUARY 08, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0176

GEORGIA-PACIFIC CORPORATION V. CLEVELAND GALLIMORE

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

93015

0001675            256-92-4936

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    FEB - 8 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.*

*William L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            JANUARY    26, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A01D0177

J. KENNETH ROYAL V. LAWRENCE O. CURRY, ET AL

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

92015

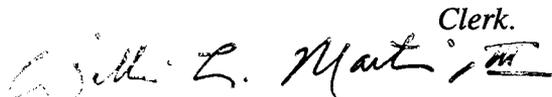
89CV0570

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta        JAN 26 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.*

*Will L. Mart* <sup>Clerk.</sup> 

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      FEBRUARY 05, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0178  
CON-AIR INDUSTRIES, INC., ET AL V. JOSEPH DAYS

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

71015

00A081952            252-51-1549

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta            FEB -5 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.*

*Will L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            JANUARY    25, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A01D0179

ERIC HASSEL V. THE STATE

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

91015

SU00CR1321

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta      JAN 25 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.*

*William L. Marshall, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            FEBRUARY 16, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0180  
TRO LEARNING, INC., ET AL V. BARBARA DIERS

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

70015

00CV29441            471-56-2575

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta            FEB 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.*

*William L. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      FEBRUARY 16, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0181  
PATRICK RENTALS, ET AL V. EUGENE BEAVERS

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

94016

00CV2729C            255-06-2583

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta    FEB 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.*

*Will L. Martin, III*  
Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

FEB - 1 2001

*The Court of Appeals hereby passes the following order:*

**A01D0182. DINOFF v. DINOFF**

On November 14, 2000, the trial court entered a Final Judgment and Decree of Divorce between the parties. Both parties moved the court for an award of attorney fees and expenses of litigation. On December 20, 2000, the trial court granted Debbie Dinoff's motion for attorney fees and denied Lee Dinoff's motion for attorney fees. Lee Dinoff seeks discretionary review of the trial court's order granting Debbie Dinoff's motion for attorney fees.

The Supreme Court has exclusive jurisdiction over appeals in divorce cases. Ga. Const. of 1983, Art. VI, Sec. VI, Par. III (6). Because the order sought to be appealed is an order in a divorce case, this Court lacks jurisdiction to consider this application. Keeler v. Keeler, 263 Ga. 151 (430 SE2d 5) (1993); Shapiro v. Lipman, 259 Ga. 85 (377 SE2d 673) (1989); Odom v. Odom, 241 Ga. 451 (246 SE2d 308) (1978). Further, a motion for attorney fees and expenses is ancillary to the underlying divorce case. Hallman v. Emory University, 225 Ga. App. 247 (483 SE2d 362) (1997); see also Griffin v. Griffin, 243 Ga. 149 (253 SE2d 80) (1979) (holding in an

analogous context that "an application for contempt to enforce the divorce decree is ancillary to, and an incident of, the divorce action, and jurisdiction to hear an appeal of this nature is in this court.") For the foregoing reasons, this appeal is ordered TRANSFERRED to the Supreme Court.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

FEB - 1 2006

*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.*

*Will. L. Mat. JR*

**Court of Appeals  
of the State of Georgia**

**ATLANTA,                      FEBRUARY 19, 2001**

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.                      A01D0183

BEAUTY COLLEGE OF AMERICA, ET AL V. LINDA CAFFEE

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

96016

2000CV2135N    243-70-3406

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta                      FEB 19 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.*

*William L. Martin, III*

# Court of Appeals of the State of Georgia

ATLANTA,

JAN 30 2001

*The Court of Appeals hereby passes the following order:*

**A01D0184. HEATHER STEWART v. CARLOS RAUL BUCHHAMMER.**

Heather Stewart filed this application for discretionary appeal seeking review of the trial court's order on Carlos Raul Buchhammer's application for contempt. At issue in the contempt proceedings was an alleged violation of a provision expressly contained in a custody agreement wherein the parties agreed to keep the children in a proper moral and wholesome atmosphere while the children were in their respective custody and not to engage in an improper relationship with another party while the children were present.

On January 24, 2000, this provision and certain other provisions in the custody agreement, were incorporated into a final order on custody entered by the Superior Court of Peach County. On February 4, 2000, the Superior Court entered a divorce judgment and decree that provided, inter alia: "The Settlement Agreement and Final Order on Custody filed of record in this case is hereby approved, adopted and incorporated by reference in this order. The parties hereto are expressly

ordered and commanded to abide by the terms of this final judgment and decree in its entirety."

Because this application concerns the enforcement of rights and obligations vested by virtue of a settlement agreement and final order on custody that have been incorporated into a divorce decree, the Supreme Court has exclusive jurisdiction over this matter. Ga. Const. of 1983, Art. VI, Sec. VI, Par. III (6); compare Eickhoff v. Eickhoff, 263 Ga. 498 (435 SE2d 914) (1993) (agreement not incorporated into judgment and decree of divorce), rev. on other grounds, Lee v. Green Land Co., 272 Ga. 107 (527 SE2d 204) (2000) with Crotty v. Crotty, 219 Ga. App. 408 (1) (465 SE2d 517) (1995); see also Griffin v. Griffin, 243 Ga. 149 (253 SE2d 80) (1979); Brown v. King, 266 Ga. 890 (472 SE2d 65) (1996); Bryant v. Cole, 266 Ga. 535 (468 SE2D 361) (1996).

For this reason, this application is ordered TRANSFERRED to the Supreme Court of Georgia.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JAN 30 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.*

*Will Z. Martin*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            FEBRUARY 14, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A01D0185

OSCAR BELVIN V. THE STATE

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

98016

96DR1448

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    FEB 14 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.*

*Will. L. Mart*, <sup>Clerk.</sup> 

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date: March 8, 2001**

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S01C0893**

OSCAR BELVIN v. THE STATE

Clerk, Supreme Court of Georgia

Case No. A01D0185

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

MAR 13 2001

Clerk, Court of Appeals of Georgia

# Court of Appeals of the State of Georgia

ATLANTA,

JAN 30 2001

*The Court of Appeals hereby passes the following order:*

**A01D0186. NEWCOMB v. NEWCOMB.**

Elizabeth Carol Dube Newcomb filed an application on January 18, 2001, seeking an appeal from a declaratory judgment order entered on November 20, 2000, as well as a contempt citation entered on November 30, 2000. To be valid, however, an application for discretionary appeal must be filed within 30 days of the entry of the order or judgment to be appealed. OCGA § 5-6-35 (d); Hill v. State, 204 Ga. App. 582 (420 SE2d 393) (1992). Newcomb relied on an order of the trial court granting her request for an extension of time to file "an Application or Notice of Appeal." Although we acknowledge Newcomb's application would be considered timely filed based on the terms of the extension order, the trial court lacked the statutory authority to grant an extension of time for Newcomb to file an application for appeal in this court. See OCGA § 5-6-39 (a); Rosenstein v. Jenkins, 166 Ga. App. 385 (304 SE2d 740) (1983). Accordingly, Newcomb's application must be and is hereby DISMISSED as untimely filed.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JAN 30 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.*

*William Z. Martin* Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,            FEBRUARY 08, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A01D0187

BUTLER ALIGNMENT & AUTO SERVICE, INC., ET AL V. TERRY C. LAMBERT

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

97016

2000RCCV766    265-79-4948

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    FEB -8 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.*

*Will L. Martin* <sup>Clerk.</sup>

**Court of Appeals  
of the State of Georgia**

ATLANTA,            FEBRUARY 14, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0188

THE CHASE MANHATTAN BANK V. KENNETH C. LAFRAY, ET AL

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

93016

00GR000288A

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta    FEB 14 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.

*William L. Martin, III*

**Court of Appeals  
of the State of Georgia**

**ATLANTA,                      FEBRUARY 06, 2001**

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0189  
CONAGRA POULTRY CO. (SEABOARD) V. INICE A. CROWE

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

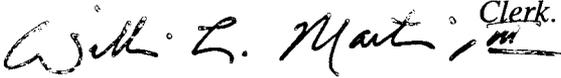
92016

00CV1996            257-02-6280

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    FEB -6 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.*

*Will L. Mart*, <sup>Clerk.</sup>  


**Court of Appeals  
of the State of Georgia**

ATLANTA,            FEBRUARY 06, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0190  
RANDALL W. SANFORD V. THE STATE

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

71016  
96C501425

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    FEB -6 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.*

*William L. Mantel, <sup>Clerk.</sup>*

# Court of Appeals of the State of Georgia

ATLANTA,

JAN 31 2001

*The Court of Appeals hereby passes the following order:*

**A01D0191. THAKKER v. ST. IVES COUNTRY CLUB.**

Defendant Chittranjan Thakker has filed an application for discretionary appeal from a final judgment awarding plaintiff St. Ives Country Club \$7929.39 in damages under OCGA §§ 51-12-51, 51-9-1, and 51-9-3, as well as \$15,660.00 in attorney's fees and litigation expenses under OCGA §§ 9-15-14, 13-6-11, and 51-12-51. Thakker filed this application as a precautionary measure based on OCGA § 5-6-35 (a) (6), which mandates that appeals from judgments of \$10,000.00 or less be taken by application for discretionary appeal. He contends, however, that OCGA § 5-6-35 (a) (6) is not applicable here because the total amount of damages is \$23,589.39. Because the trial court relied in part on OCGA § 13-6-11 in making its award for attorney's fees and litigation expenses, we agree with Thakker's interpretation and find that the award should be treated as part of the total damages for jurisdictional purposes. See Ostrom v. Kapetanakos, 185 Ga. App. 728, 729 (1) (365 SE2d 849)

(1988); MTW Investment Company v. Vanguard Properties Financial Corp., 256 Ga. 318 (349 SE2d 749) (1986).

Because the clerk of the lower court has confirmed that Thakker has already filed a timely notice of appeal in the trial court, OCGA § 5-6-35 (j) does not apply here. Accordingly, Thakker's application for discretionary appeal is deemed superfluous and is therefore DISMISSED for lack of jurisdiction.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

JAN 31 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.

*William Z. Mart...*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            FEBRUARY 16, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A01D0192  
CANOOCHEE EMC, ET AL V. ARDITH DURRENCE, ET AL

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

70016

2000V219            253-37-8652

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta        FEB 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.*

*Will L. Martin, <sup>Clerk.</sup>*

# Court of Appeals of the State of Georgia

ATLANTA, FEB 20 2001

*The Court of Appeals hereby passes the following order:*

**A01D0193. JODY THOMAS v. JIM WETHERINGTON, COMMISSIONER**

Jody Thomas, a pro se prisoner, seeks discretionary review of the trial court's order denying his petition to be allowed to wear his hair long for religious purposes and his petition to proceed in forma pauperis. The order Thomas appeals from was entered on December 14, 2000. Thomas's application for discretionary appeal was docketed in this Court on January 26, 2001. An application for discretionary appeal must be filed within 30 days of the judgment appealed from. OCGA § 5-6-35 (d). Thomas's application was not filed within the 30-day period. An applicant's failure to timely file a discretionary application deprives this Court of jurisdiction to consider the appeal. Styles v. State, 245 Ga. App. 90 (537 SE2d 377) (2000). This application is thus DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* FEB 20 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.*

*Will. L. Martin, III*  
Clerk

**Court of Appeals  
of the State of Georgia**

**ATLANTA,                    FEBRUARY 02, 2001**

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0194

JOSEPH L. MCCOY V. THE STATE

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DISMISSED.

95017

46183

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

*I certify that the above is a true extract fromd  
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 above written.*

*Clerk.*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            FEBRUARY 16, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A01D0195

CHARLES BURDETTE V. THE STATE

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

96017

949290T28

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

*I certify that the above is a true extract fromd  
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 above written.*

*Clerk.*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            FEBRUARY 22, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A01D0196

ROY L. DYKES V. THE STATE

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

90017

92CR234

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    FEB 22 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.*

*William L. Martin, <sup>Clerk.</sup>*

**Court of Appeals  
of the State of Georgia**

**ATLANTA,                    FEBRUARY 22, 2001**

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A01D0197  
LEONARD JENKINS V. ALERION BANK

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

98017

2000V0883M

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta            FEB 22 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.*

*William L. Martin, III*  
Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,            FEBRUARY 21, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A01D0198

PATRICIA A. MACK V. DAVID A. LINDSEY, ET AL

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

99017

00V241

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta        FEB 21 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.*

*Will L. Martin* <sup>Clerk.</sup> 

# Court of Appeals of the State of Georgia

ATLANTA, FEB 12 2001

*The Court of Appeals hereby passes the following order:*

**A01D0199. DONALD C. BANKHEAD v. THE STATE.**

Donald C. Bankhead has filed an application for direct appeal of the order of the superior court denying his motion to vacate void sentence and motion for re-sentencing.

The denial of a motion to vacate a void sentence is directly appealable as a matter of right and a trial court can correct a void sentence at any time. See Williams v. State, 271 Ga. 686, 688 (1) (523 SE2d 857) (1999). But Bankhead filed a timely application for discretionary appeal rather than a notice of appeal. When an otherwise timely application for discretionary appeal is filed in a case where a direct appeal could have been filed under OCGA § 5-6-34 (a), an appellate court has jurisdiction and shall grant the application. OCGA § 5-6-35 (j).

As it appears that this application for discretionary appeal falls under OCGA § 5-6-35 (j), it is hereby GRANTED. Bankhead shall have ten (10) days from the date of this Order to file a notice of appeal. OCGA § 5-6-35 (g). The clerk of the state court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* FEB 12 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.*

*W. L. Mart*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,            FEBRUARY 12, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A01D0199  
DONALD C. BANKHEAD V. THE STATE

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of SUPERIOR COURT is directed to include a copy of this order in the record transmitted to the Court of Appeals.

97017

93CR34125

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

*I certify that the above is a true extract fromd  
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 above written.*

*Clerk.*