

Court of Appeals of the State of Georgia

ATLANTA, March 13, 2013

The Court of Appeals hereby passes the following order:

A13D0258. DANIEL TAYLOR v. THE STATE.

Daniel Taylor has filed an application for discretionary review of the trial court's order denying in part his request for copies of various documents, including transcripts from a Grand Jury hearing. Taylor asserts that he needs these documents to support his habeas action.

Taylor's motion for documents at government expense was, essentially, a mandamus petition. See *Coles v. State*, 223 Ga. App. 491 (1) (477 SE2d 897) (1996); *Rogers v. Wood*, 263 Ga. 568 (436 SE2d 495) (1993). Therefore, the Supreme Court has appellate jurisdiction over the trial court's order denying his request. See Ga. Const. of 1983, Art. VI, Sec. VI, Par. III (5); *Ladzinske v. Allen*, 280 Ga. 264 (626 SE2d 83) (2006) (“[C]ases involving the grant or denial of mandamus are within the exclusive jurisdiction of this [the Supreme] Court . . .”). Accordingly, this application is hereby TRANSFERRED to the Supreme Court for disposition.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 03/13/2013

*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.*

Holly K. O. Spawor, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, March 21, 2013

The Court of Appeals hereby passes the following order

A13D0262. IN THE INTEREST OF: C. M. AND I. M., CHILDREN (MOTHER) .

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.

LC NUMBERS:

03912J137 03912J136



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, March 21, 2013.

*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.*

Hally K. O. Spano

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, March 28, 2013

The Court of Appeals hereby passes the following order:

**A13D0280. IN THE INTEREST OF: C. T. AND M. S., CHILDREN
(FATHER).**

The father of C. T. and M. S. seeks to appeal the January 28, 2013, order terminating his parental rights. The father filed his application for discretionary appeal on March 8, 2013. To be timely, a discretionary application must be filed within 30 days of entry of the order at issue. OCGA § 5-6- 35 (d); *Hill v. State*, 204 Ga. App. 582 (420 SE2d 393) (1992). Here, the father filed his application 39 days after the juvenile court entered its termination order. We lack jurisdiction to consider an untimely application for discretionary appeal. See *Hill*, supra. Accordingly, this untimely application for appeal is *DISMISSED* for lack of jurisdiction.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 03/28/2013

*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
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Hally K. O. Spawort, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, April 02, 2013

The Court of Appeals hereby passes the following order:

A13D0288. DANIEL W. TAYLOR v. CITY OF ATLANTA, POLICE, et al.

On June 6, 2012, the trial court entered an order denying Taylor's request to file a civil action and to proceed in forma pauperis. The trial court treated Taylor's action as one seeking mandamus relief. On March 13, 2012, Taylor filed this application for discretionary appeal.

We lack jurisdiction because the Supreme Court has exclusive appellate jurisdiction over all cases involving extraordinary remedies, including mandamus. See Ga. Const. of 1983, Art. VI, Sec. VI, Par. III (5); *Ladzinske v. Allen*, 280 Ga. 264 (626 SE2d 83) (2006) (“[C]ases involving the grant or denial of mandamus are within the exclusive jurisdiction of [the Supreme] Court without regard to the underlying subject matter or the legal issues raised.”); *Jones v. Townsend*, 267 Ga. 489 (480 SE2d 24) (1997). Accordingly, this case is hereby TRANSFERRED to the Supreme Court for disposition.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 04/02/2013

*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.*

Holly K. O. Spencer, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, May 06, 2013

The Court of Appeals hereby passes the following order:

A13D0334. DAVID PATTON v. GINNE K. MILLER.

David Patton filed this application for discretionary appeal from the trial court's amended order on his motion for new trial in this child custody/contempt action. The order specifically addresses custody and/or visitation issues for the parties' minor child, and notes that "the Court's April 19, 2011 order does not reflect the parties' agreement regarding summer visitation as read in open Court." OCGA § 5-6-34 (a) (11) provides that "[a]ll judgments or orders in child custody cases including, but not limited to, awarding or refusing to change child custody or holding or declining to hold persons in contempt of such child custody judgment or orders" are now directly appealable. See *Collins v. Davis*, 318 Ga. App. 265, (733 SE2d 798) (2012). And a child custody proceeding has been defined as "a proceeding in which legal custody, physical custody, or visitation with respect to a child is an issue." OCGA § 19-9-41 (4); see also *Edge v. Edge*, 290 Ga. 551, 552 (1) (722 SE2d 749) (2012) (actions seeking to change visitation are considered to be child custody cases). The order at issue here, addressing summer visitation, is directly appealable under OCGA § 5-6-34 (a) (11) "as it involved the establishment of legal custody over [the] child." *Caldwell v. Meadows*, 312 Ga. App. 70, 77 (4) (717 SE2d 668) (2011).

This Court will grant an otherwise timely discretionary application if the lower court's order is directly appealable and the applicant has not already filed a notice of appeal. See OCGA § 5-6-35 (j). Accordingly, this application is hereby GRANTED. Patton shall have ten days from the date of this order to file a notice of appeal with the trial court. If, however, he has already filed a notice of appeal, he need not file a second notice. The clerk of the trial 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, 05/06/2013

*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.*

Holly K. O. Spencer _____, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, July 29, 2013

The Court of Appeals hereby passes the following order

A13D0452. BARBARA HOLT v. DONALD R. TOLLE .

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.

LC NUMBERS:

DR130133 DR130134 DR130135



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 29, 2013.*

*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.*

Hally K. O. Spanow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, July 30, 2013

The Court of Appeals hereby passes the following order

**A13D0466. THE GEORGIA PROFESSIONAL STANDARDS COMMISSION v. JOEY
DEWAYNE JAMES.**

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.

LC NUMBERS:

2012CV2535



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 30, 2013.*

*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.*

Hally K. O. Sparrow

, Clerk.