

Court of Appeals of the State of Georgia

ATLANTA, MAY 30, 2002

The Court of Appeals hereby passes the following order:

A02A1762. HAROLD A. JOHNSON, TRUSTEE v. GENERAL D. CARTER , et al.

The above appeal was docketed in this Court on May 1, 2002. On May 13, 2002, the pro se appellant, Harold A. Johnson, filed a Motion to Disqualify “judges McMurray, Andrews and Johnson as well as the rest of this court”.

Rule 44 of this Court requires motions for disqualification or recusal be filed within twenty (20) days of docketing and requires that such motions shall contain such evidence and affidavits which shall fully assert the facts upon which such motions are founded. The rule further states that the affidavit shall clearly state the facts and reasons for the belief that bias or prejudice exists, being definite and specific as to time, place, persons and circumstances which demonstrate either bias in favor of any adverse party or prejudice against the moving party or systematic pattern of prejudicial conduct. Allegations consisting of conclusions and opinions are not legally sufficient to support the motion or warrant further proceedings.

While the Motion to Disqualify was filed timely under this rule, the supporting affidavit fails to comply with the rule or to demonstrate bias or prejudice. In fact, one

of the named judges for which disqualification is sought has been retired from this Court since March 31, 2000.

Therefore, while the Motion to Disqualify is timely, the motion and the attached affidavit are devoid of any legal sufficiency, even assuming the facts and affidavit are true, to warrant disqualification. The motion is DENIED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY 30 2002

*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. Martini, III