

Court of Appeals of the State of Georgia

ATLANTA, July 31, 1995

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A95A3456. John Doe v. The State

The motion for reconsideration filed in the above referenced matter is hereby dismissed as untimely. Motions for reconsideration or notices of intent to apply for certiorari must be filed within ten days of the date of the order or decision disposing of the case in this Court.

This Court holds the remittitur on all cases until at least ten days have passed to afford parties before this Court an opportunity to file a motion for reconsideration or a notice of intent to seek certiorari. Since the motion for reconsideration was not filed within ten days of the date of the order or decision disposing of this case, the remittitur went out. As such, this Court no longer has jurisdiction over this matter.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta July 31, 1995

*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, MAR 11 2004

The Court of Appeals hereby passes the following order:

A03A1744. JERRY R. REECE, ET AL. v. GEORGE DENNIS SMITH, ET AL.

Appellants have filed a Motion to Vacate Order Denying Appellants' Motion for Reconsideration. This Court notes it has earlier denied the Motion for Reconsideration by this Court's order of February 11, 2004. Thereafter, appellants filed a Motion to Recall the Remittitur stating appellants never received this Court's order denying the Motion for Reconsideration. That motion was denied.

Appellants now wish this Court to vacate its order on the Motion for Reconsideration in an effort to facilitate their right to petition for certiorari to the Supreme Court of Georgia. This Court's remittitur issued on March 2, 2004, some 20 days after the Motion for Reconsideration was denied.

When the remittitur issues, this Court loses jurisdiction. This rule would be different where the remittitur has been transmitted as a result of mistake, irregularity, inadvertence, fraud or the like. *Slappy v. Georgia Power Company*, 109 *Ga.App.* 850 (1964). That was not the case here and this Court no longer has jurisdiction over this appeal. Being without jurisdiction, this Court must DISMISS this motion.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 11 2004

*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 R. [Signature]
Clerk.