

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

ATLANTA, SEPTEMBER 08, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0001

ANN BENTLEY V. CRAWFORD COUNTY BOARD OF EDUCATION

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

92001

99CV7544

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP - 8 1999

*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, SEPTEMBER 13, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0002
ITHACA HOLDING, INC., ET AL V. SUE G. RHODES

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

94001

99CV090 258-60-5857

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP 13 1999

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Clerk.

Will. L. Martin, III

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

ATLANTA,

SEPTEMBER 28, 1999

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A00D0002

ITHACA HOLDING, INC., ET AL V. SUE G. RHODES

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

94-001
99CV090

258-60-5857

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 28 1999

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Clerk.

Will L. Mart, III

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

ATLANTA,

SEPTEMBER 09, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0003

SOUTHWIRE COMPANY V. DAVID R. MCINTOSH

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

95001

CVCV99000100 7

256-74-1857

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP -9 1999

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Clerk.

Will L. Martin, III

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

ATLANTA,

SEPTEMBER 23, 1999

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A00D0003

SOUTHWIRE COMPANY V. DAVID R. MCINTOSH

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

95-001
CVCV99000100 7

256-74-1857

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 23 1999

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Clerk.

Will L. Martin, III

Court of Appeals of the State of Georgia

ATLANTA, SEP 22 1999

The Court of Appeals hereby passes the following order:

A00D0004. OUTDOOR SYSTEMS, INC. v. CHEROKEE COUNTY, GEORGIA

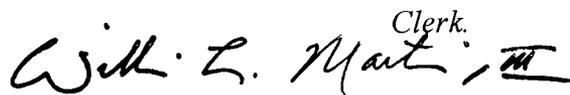
This Court's order dated September 3, 1999 dismissing Outdoor System's application for discretionary appeal is hereby VACATED and the following order is substituted therefor. Outdoor Systems' motion for reconsideration and its application for discretionary appeal are hereby GRANTED. Outdoor Systems' appeal is properly brought by discretionary application pursuant to the Georgia Supreme Court's recent opinions in Chordegian v. Williams, 271 Ga. 179 (SE2d) (1999) and Outdoor West &c. v. Coweta County, 270 Ga. 527 (512 SE2d 604) (1999). Outdoor Systems shall have 10 days from the date of this order in which to file a notice of appeal. OCGA § 5-6-35 (g).

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP 22 1999

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Will. L. Mart, ^{Clerk.} 

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

ATLANTA, SEPTEMBER 15, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0005

JACK PARKER, ET AL V. TED WILLIS FOR VIRGINIA KRUEGER

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

96001

98C56944

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 15 1999

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Clerk.

Will. L. Martin, III

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

ATLANTA, SEPTEMBER 14, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0006
INTERMARINE, U.S.A., ET AL V. ROGER D. BOYLES

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

90001

CV990908MO 260-82-3361

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 14 1999

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Clerk.

Will L. Mat, III

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

ATLANTA, SEPTEMBER 16, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0007

CHEROKEE WAREHOUSES, INC. V. BABB LUMBER COMPANY, INC.

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

98CV01600

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 16 1999

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the minutes of the Court of Appeals of Georgia.*

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Clerk.

Will L. Martin, III

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

ATLANTA, SEPTEMBER 13, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0008

RALPH D'AURIA V. COMPOSITE STATE BOARD OF MEDICAL EXAMINERS

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

90002

E47535

S99D1619

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 13 1999

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Clerk.

Will. L. Mart, III

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

ATLANTA, SEPTEMBER 03, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0009

DENNIS J. GERSCHICK V. SPURLIN INDUSTRIES, INC., ET AL

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

99001

96VS111400D

Court of Appeals of the State of Georgia

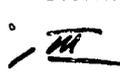
Clerk's Office, Atlanta

SEP - 3 1999

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

Clerk.

Will L. Mart, 

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

ATLANTA, SEPTEMBER 16, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0010

FRANCIS E. WESTBROOK V. HARRY HUGHES HARRISON, ET AL

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

70001

971289205

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP 16 1999

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Clerk.

Will. L. Martin, III

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

ATLANTA, SEPTEMBER 03, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0011

ROBERT DONALD POUNDS, ET AL V. SPURLIN INDUSTRIES, INC., ET AL

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

99002

96VS111400D

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP -3 1999

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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, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0012
GEORGE F. ROUNDTREE V. JIM HOFFINES

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.

99003
9896001

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta AUG 30 1999*

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Clerk.

Will. L. Martin, III

Court of Appeals of the State of Georgia

ATLANTA, SEP 14 1999

The Court of Appeals hereby passes the following order:

A00D0013. GILLIS, et al. v. CITY OF WAYCROSS, et al.

The applicants in this case are property owners who sought, among other things, to enjoin the conveyance of adjoining property owned by the City of Waycross to a private concern. The effort was unsuccessful. Because applicants also challenged a separate but related zoning decision, they filed an application for appeal in addition to a notice of direct appeal. O S Advertising Co. v. Rubin, 267 Ga. 723, 724 (1) (482 SE2d 295) (1997); Trend Dev. Corp. v. Douglas County, 259 Ga. 425 (383 SE2d 123) (1989); but see Eickhoff v. Eickhoff, 263 Ga. 498, 497^q (1) (1993) (holding in an analogous context that an action presenting a domestic relations issue is not a "domestic relations" case under OCGA § 5-6-35 (a) (2) if additional, directly appealable matters are also presented). Because, however, it appears that the propriety of the equitable relief sought is at issue here and the case does not otherwise turn on legal issues routinely addressed to this court, this application is hereby TRANSFERRED to the Supreme Court for disposition. Ga. Const. 1983, Art. VI, § VI, ¶ III (2); compare Pittman v. Harbin

Clinic Professional Assn., 263 Ga. 66 (428 SE2d 328) (1993)

(Supreme Court's jurisdiction not invoked where underlying issue is a question involving the construction of a contract).

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 14 1999

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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 16 1999

The Court of Appeals hereby passes the following order:

A00D0014. SMITH v. HONORABLE ADELE GRUBBS, et al.

Donna Marie Smith seeks an appeal from an order denying Smith leave to pursue a petition for writ of mandamus and writ of prohibition in the manner provided under OCGA § 9-15-2. Because the court's decision appears to be based on an examination of the merits of Smith's petition rather than on her financial status, Smith's application is hereby TRANSFERRED to the Supreme Court for disposition. Ga. Const. of 1983, Art. VI, § VI, ¶ III (5); Chandler v. Davis, 269 Ga. 727 (504 SE2d 440) (1998); Vanalstine v. Roach, 265 Ga. 820 (461 SE2d 539) (1995).

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP 16 1999

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Will. L. Mart Clerk. 

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

ATLANTA, SEP - 3 1999

The Court of Appeals hereby passes the following order:

A00D0015. Embry J. McBride v. The State

Embry J. McBride seeks an appeal from the order of the trial court denying his extraordinary motion for new trial. The denial of the extraordinary motion was filed on April 19, 1999, and McBride's application was filed on August 24, 1999. Because McBride failed to file his application within 30 days as required under OCGA § 5-6-35 (d), this Court is without jurisdiction to consider this application. This is true even if, as McBride asserts, he did not receive notice of the denial of the extraordinary motion. See generally, Atlantic-Canadian corp. v. Hammer, Siler, George Assoc., Inc., 167 Ga. App. 257 (306 SE2d 22) (1983). Accordingly, this untimely application is hereby DISMISSED without prejudice to any relief McBride may seek in the trial court under the holding in Cambron v. Canal Ins. Co., 246 Ga. 147-149 (1) (269 SE2d 426) (1980).

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP - 3 1999

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Clerk.

Will. L. Martin, III

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

ATLANTA, SEPTEMBER 21, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0016

JANE GOLD BROWN GRAY V. KEVIN OLIVER, 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.

92002

98A21685

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP 21 1999

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Clerk.

Will L. Martin, III

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

ATLANTA, SEPTEMBER 22, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0017

SOUTHERN PAN SERVICES, ET AL V. MANUEL LOPEZ, ET AL

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

94002

1999CV10342 633-61-7084

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP 22 1999

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Clerk.

Will. L. Martin, III

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

ATLANTA, SEPTEMBER 16, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0018

ADAM JOHN HOPKINS V. LEASECOMM CORPORATION

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

95002

99CV57

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP 16 1999

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Will. L. Martin, III Clerk.

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

ATLANTA, SEP 23 1999

The Court of Appeals hereby passes the following order:

A00D0019. AROUND THE CORNER, INC., et al v. HELEN A. MULLINS

Around the Corner, Inc. and Shown N Tell Car Wash, Inc. filed this discretionary application seeking review of the superior court's June 16, 1999 order affirming the award of the State Board of Workers' Compensation Appellate Division. Applications for discretionary appeal must be filed within 30 days of entry of the order complained of. OCGA § 5-6-35 (d). This application for discretionary appeal was filed on August 30, 1999, 75 days after the order was entered. The applicants' failure to file a timely application deprives this Court of jurisdiction to consider this appeal, and the application is thus ordered DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP 23 1999

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Will. L. Martin, III
Clerk.

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

ATLANTA, SEPTEMBER 16, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0020

ANTHONY CRANE RENTAL, INC., ET AL V. DONALD PETENBRINK

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

96002

98CV09983 280-34-8185

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

SEP 16 1999

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Clerk.

Will. L. Martin, III

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

ATLANTA, SEP 24 1999

The Court of Appeals hereby passes the following order:

A00D0022. CLAY v. TURNER.

Shirl Clay seeks an appeal from a legitimation order entered on July 29, 1999. Clay's application for appeal was not filed in this court until September 1, 1999. Because Clay's application was not filed in this court within 30 days as required under OCGA § 5-6-35 (d), this court lacks jurisdiction to consider the petition. See Rosenstein v. Jenkins, 166 Ga. App. 385 (304 SE2d 740) (1983). Accordingly, Clay's application is hereby DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP 24 1999

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the minutes of the Court of Appeals of Georgia.*

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Will L. Martin, III
Clerk.

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

ATLANTA, OCTOBER 07, 1999

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A00D0022

SHIRL CLAY V. RODERICK TURNER

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

70-002
9974845

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT - 7 1999

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Clerk.

Will. L. Martin, III

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

ATLANTA, OCT 14 1999

The Court of Appeals hereby passes the following order:

A00D0022. CLAY v. TURNER.

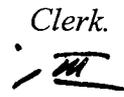
On October 7, 1999, this court denied Shirl Clay's motion for reconsideration of the dismissal of her application. Clay's motion for leave to amend her motion for reconsideration is therefore DISMISSED as moot.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT 14 1999

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Will. L. Mart, ^{Clerk.} 

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

ATLANTA, SEPTEMBER 24, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0023
GEORGIA LOU LEE V. JOHN MILES PERRY

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

71002

98118793

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP 24 1999

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Clerk.

Will. L. Martin, III

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

ATLANTA, SEPTEMBER 27, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0024
FRUIT OF THE LOOM, ET AL V. JANICE M. WELCH

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

91002

99CV191W 242-70-1978

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 27 1999

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Clerk.

Will. L. Martin, III

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

ATLANTA, NOVEMBER 04, 1999

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A00D0024

FRUIT OF THE LOOM, ET AL V. JANICE M. WELCH

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

91-002
99CV191W 242-70-1978

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV - 4 1999

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Clerk.

Will. L. Martin, III

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

ATLANTA, SEPTEMBER 28, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0025

THE BRADLEY FACTOR V. GRANDSTAND COMMUNICATIONS, INC.

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

93002

97C20623

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 28 1999

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Clerk.

Will. L. Martin, III

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

ATLANTA, SEPTEMBER 24, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0026
WILLIAM L. OGBURN 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 State Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

92003

97C66526

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 24 1999

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Clerk.

Will. L. Martin, III

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

ATLANTA, SEPTEMBER 22, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0027

CHRISTOPHER CHISENHALL V. WAYNE CHISENHALL, ET AL

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

94003

99C23484

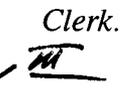
Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 22 1999

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Will. L. Mart, ^{Clerk.} 

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

ATLANTA, SEPTEMBER 23, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0028
FRANCIS ASBURY UMC, ET AL V. ANN NELL FLETCHER

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

95003

99EV3795 254-50-6508

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 23 1999

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Clerk.

Will L. Mart, III

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

ATLANTA, OCTOBER 01, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0029
MARY LOU GASSER, ET AL V. MOSES MOULTRIE, JR.

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

98003

95A959062

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT - 1 1999

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Clerk.

Will. L. Mart

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

ATLANTA, SEPTEMBER 30, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0030

CAROL L. MICKENS V. WESTERN PROBATION DETENTION CENTER, 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.

96003

99CV126 424-02-2229

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 30 1999

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Clerk.

Will L. Martin, III

Court of Appeals of the State of Georgia

ATLANTA, OCT -6 1999

The Court of Appeals hereby passes the following order:

A00D0031. DAVID B. WALKER v. THE STATE.

Pursuant to an order granting a motion for out of time appeal, David B. Walker filed this discretionary application seeking review of a revocation of probation order of unknown date, but apparently arising from a hearing held on November 20, 1998. The application did not contain a stamped "filed" copy of the order Walker seeks to appeal as required by Court of Appeals Rule 32 (b). By order dated September 9, 1999, this Court directed Walker to supplement the application with a stamped "filed" copy of the order within ten days. The September 9, 1999 order further provided that if Walker failed to file the order within ten days, his application would be dismissed. Walker did not file a stamped "filed" copy of the order he seeks to appeal within the time required. Therefore, Walker's application is hereby DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT - 6 1999

*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.*

Wm. L. Martin, III
Clerk.

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

ATLANTA, OCTOBER 25, 1999

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A00D0031

DAVID B. WALKER V. THE STATE

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

90-003
93CR222M

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT 25 1999

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*Witness my signature and the seal of said court
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Clerk.

Will. L. Martin, III

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

ATLANTA, OCTOBER 07, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0032
CITY OF ATLANTA V. NEIL ARNOLD

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.

97003

1999CV09310 285-52-7044

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT -7 1999

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

Clerk.

Will. L. Martin, III

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

ATLANTA, SEP 22 1999

The Court of Appeals hereby passes the following order:

A00D0033. Dennis Hooper v. W. Robert Lane

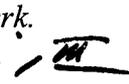
Dennis Hooper filed this discretionary application seeking review of an August 13, 1999 order by the trial court. The application did not contain a "filed" copy of the order Hooper seeks for this Court to review as required by Rule 32 (b) of the Court of Appeals. This Court sent Hooper notice of his noncompliance with Rule 32 and gave him 10 days to file the required order. Hooper failed to comply with this Court's order. Accordingly, this application is ordered DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP 22 1999

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the minutes of the Court of Appeals of Georgia.*

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Will L. Mat, ^{Clerk.} 

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

ATLANTA, OCTOBER 05, 1999

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A00D0033

DENNIS HOOPER V. W. ROBERT LANE

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

70-003
NONE

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT - 5 1999

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Clerk.

Will. L. Mat, III

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

ATLANTA, SEPTEMBER 29, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0034

VISHNU PATEL, ET AL V. AURORA ENTERPRISES CORPORATION

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

71003

99A33904 98A46924

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

SEP 29 1999

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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, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0035
DEKALB COUNTY, GEORGIA, C/O DEKALB COUNTY RISK MANAGEMENT V.
LUCIA S. HUBBARD

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

91003

99CV724410 256-90-5258

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT 12 1999

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

Clerk.

Will. L. Martin, III

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

ATLANTA, OCTOBER 08, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0036

TERRY JOE SPRINKLE V. THE MEDICAL COLLEGE OF GEORGIA, ET AL

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

93003

1999CV05068

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT - 8 1999

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

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Clerk.

Will. L. Mart, III

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

ATLANTA, OCTOBER 07, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0037

QUANTE L. PITTS V. THE STATE

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

92004

SU99CR0368

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT - 7 1999

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the minutes of the Court of Appeals of Georgia.*

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Clerk.

Will L. Martin, III

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

ATLANTA, SEP 28 1999

The Court of Appeals hereby passes the following order:

A00D0038. Elburz Corporation, Inc. v. Gyro Wrap

Elburz Corporation, Inc. and Faramarz Masoodi seek discretionary review of the trial court's denial of their motion to set aside a default judgment. The trial court denied their motion by order entered on August 10, 1999. This application was filed on September 13, 1999 pursuant to OCGA § 5-6-35 (a) (8). OCGA § 5-6-35 (d) requires applications for discretionary appeal to be filed within 30 days of the entry of the order complained of. In this case, the application was filed 34 days after entry of the order complained of. Thus, this Court lacks jurisdiction to consider this untimely application, and it is ordered DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP 28 1999

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the minutes of the Court of Appeals of Georgia.*

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Clerk.

Will. L. Mat, III

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

ATLANTA, OCTOBER 26, 1999

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A00D0038

ELBURZ CORPORATION, ET AL V. GYRO WRAP D/B/A GREAT WRAPS!

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

94-004
97A310571

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

OCT 26 1999

*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, OCT -7 1999

The Court of Appeals hereby passes the following order:

A00D0039. EDWARD CAMACHO v. KIMBERLY CAMACHO

Edward Camacho filed this discretionary application from the superior court's order modifying the parties' settlement agreement and finding him in wilful contempt of that agreement, which was incorporated by reference into their final divorce decree. Camacho specifically appeals that portion of the order relating to sale of the marital home. An order granting a petition for contempt and modifying a final divorce decree falls within the divorce and alimony jurisdiction of the Supreme Court. Ga. Const. of 1983, Art. VI, Sec. VI, Par. III (6); Griffin v. Griffin, 243 Ga. 149 (253 SE2d 80) (1979); compare Eickhoff v. Eickhoff, 263 Ga. 498, 499 (1) (435 SE2d 914) (1993) (petition seeking to enforce an unincorporated settlement agreement does not raise a domestic relations issue); Ashburn v. Baker, 256 Ga. 507 (350 SE2d 437) (1986) (jurisdiction over appeal of contempt action involving child custody issues, but not issues relating to divorce and alimony, is within the Court of Appeals, even though such action involves an action for contempt for violation of a divorce decree). For the foregoing reasons, Camacho's application is hereby TRANSFERRED to the Supreme Court for disposition.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT -7 1999

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the minutes of the Court of Appeals of Georgia.*

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Will. L. Mart, ^{Clerk.} III

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

ATLANTA, OCTOBER 21, 1999

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A00D0040

DONALD T. PHARRIS V. TRENIA R. PHILLIPS

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

98-004
1999CV07911

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT 21 1999

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Clerk.

Will. L. Martin, III

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

ATLANTA, OCTOBER 05, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0041

ALVIN W. HOGAN V. THE STATE

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

96004

98C24629

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT - 5 1999

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Clerk.

Will. L. Mant, III

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

ATLANTA, OCTOBER 12, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0042
CURTIS ALTON STYLES 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.

90004
96CR000360

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT 12 1999

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Clerk.

Will. L. Martin, III

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

ATLANTA, OCTOBER 14, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0043

SID MILES V. LAURA TRACY AHEARN

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

1999CV06932

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 14 1999

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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 06, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0044

TAMMY J. FALCONNIER, F/K/A TAMMY J. DUNN V. RUBEN C. DUNN

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.

99004

99144535

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT -6 1999

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the minutes of the Court of Appeals of Georgia.*

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Clerk.

Will. L. Martin, III

ADD 0045



SUPREME COURT OF GEORGIA

Case No. S99C1139

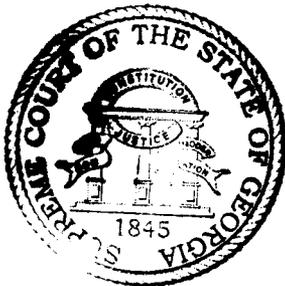
Atlanta September 16, 1999

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed.

HAROLD J. FARRIS v. PAULINE FARRIS

A timely filed application for discretionary review was inadvertently docketed as a petition for certiorari. Since jurisdiction of the discretionary application lies in the Court of Appeals, it is hereby transferred to the Court of Appeals. Schmidt v. Schmidt, 270 Ga. 461 (1999). See also Farris v. Farris, A99A1321 decided April 6, 1999.



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

OCT 14 1999

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. Sturtevant Chief Deputy Clerk

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

ATLANTA, OCTOBER 20, 1999

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A00D0045

HAROLD J. FARRIS V. PAULINE FARRIS

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

70-004
E54985

S99C1139

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 20 1999

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the minutes of the Court of Appeals of Georgia.*

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Clerk.

Will L. Martin, III

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

ATLANTA, OCTOBER 14, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0046
LUCINDA JOHNSON MOORE V. DAVID ALLEN JOHNSON

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

71004

98CV682

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT 14 1999

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Clerk.

Will L. Martin, III

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

ATLANTA, OCTOBER 18, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0047

SANDRA LYNN GATLIN MORRIS V. RICHARD LEE MORRIS

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

91004

99CV304

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT 18 1999

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Clerk.

Will. L. Martin, III

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

ATLANTA, OCT -5 1999

The Court of Appeals hereby passes the following order:

A00D0048. Johnson v. The State

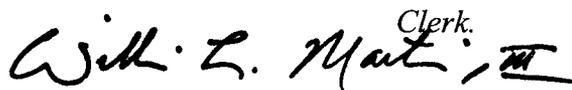
Michael Johnson seeks discretionary review of the trial court's order revoking his probation. On September 20, 1999 this Court issued an order in this case requiring Johnson to file a "filed" stamped copy of the order which is being appealed. Johnson has failed to comply with this Court's order. Thus, in accordance with this Court's September 20, 1999 order, this application is ordered DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT -5 1999

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Will. L. Mat, ^{Clerk.} 

Court of Appeals of the State of Georgia

ATLANTA, October 15, 1999

The Court of Appeals hereby passes the following order:

A00D0049. GRADY SMITH v. GWINNETT COUNTY, GEORGIA, et al.

Grady Smith was convicted in the Gwinnett County Recorder's Court of engaging in land disturbance activities without a permit in violation of the Gwinnett County Development Regulations. He filed a petition for certiorari in the State Court of Gwinnett County, which sanctioned the petition. After a hearing, the State Court denied the petition on the merits, finding that Smith's conviction was supported by substantial evidence. Smith then filed a discretionary application to this Court.

This appeal, however, does not appear to fall within any category of OCGA § 5-6-35 (a) requiring a discretionary appeal. This is an appeal from a decision of a state court, not a superior court reviewing a decision of a lower court by certiorari or de novo proceedings, and OCGA § 5-6-35 (a) (1) thus does not apply. Moreover, it is an appeal from a decision of a state court reviewing a decision of a recorder's court (not a magistrate court) by certiorari (not by de novo proceedings) and thus does not fall within the ambit of OCGA § 5-6-35 (a) (11). Accordingly, the order appealed from is a final judgment directly appealable under OCGA §

5-6-34 (a) (1), and an application for discretionary appeal was not necessary. This application is thus GRANTED pursuant to OCGA § 5-6-35 (j). Applicant shall have ten days from the date of this order to file his notice of appeal with the State Court. The Clerk of the State Court is directed to include a copy of this order in the record transmitted to this Court.

The parties are expressly directed to brief the issue of whether the State Court of Gwinnett County had jurisdiction to consider the petition for certiorari in this case.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT 15 1999

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the minutes of the Court of Appeals of Georgia.*

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Will. L. Mat^{Clerk.} 

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

ATLANTA, OCTOBER 15, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0050

ERIC PASCHAL V. THE STATE

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

94005

NONE

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT 15 1999

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hereto affixed the day and year last above written.*

Clerk.

Will. L. Martin, III

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

ATLANTA, OCTOBER 21, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0051

GENERAL MOTORS ACCEPTANCE CORPORATION V. T. JERRY JACKSON

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.

95005

1999CV06252

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 21 1999

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Clerk.

Will. L. Martin, III

Court of Appeals of the State of Georgia

ATLANTA, OCT 18 1999

The Court of Appeals hereby passes the following order:

A00D0052. CARTWRIGHT v. MIDTOWN HOSPITAL, et al.

Cynthia J. Cartwright seeks an appeal from a superior court order affirming a workers' compensation "award" which denied her motion to compel a physician to provide his Social Security number during deposition. Cartwright's application is hereby GRANTED.

In addition to the merits, we ask the parties to address whether the superior court had jurisdiction to entertain the appeal from the decision of the full board when no award granting or denying compensation had yet been entered. See GAC, Mfg./Processing v. Busbin, 233 Ga. App. 406 (504 SE2d 270) (1998); Gilman Paper Co. v. Davis, 230 Ga. App. 364 (496 SE2d 469) (1998); Fasher Painting & Decorating Co. v. Bordelon, 204 Ga. App. 196 (419 SE2d 82) (1992).

Cartwright shall have ten days from the date of this order to file her 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 1999

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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, OCTOBER 06, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0053
ROBERT JOSEPH HANOUSEK V. NAOMI SCHAFFER

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

96005

981405F

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT -6 1999

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Clerk.

Will. L. Mart, III

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

ATLANTA, OCTOBER 20, 1999

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A00D0053

ROBERT JOSEPH HANOUSEK V. NAOMI SCHAFFER

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

96-005
981405F

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT 20 1999

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Clerk.

Will. L. Mart, III

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

ATLANTA, OCTOBER 14, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0054
JESSIE DALE BENTON V. THE STATE

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

90005

98CR48451

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT 14 1999

*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 15, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0055
THOMAS LAMAR SHEATS V. ANTOINETTE DWYER

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

97005

E71710

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT 15 1999

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Clerk.

Will. L. Martin, III

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

ATLANTA, OCTOBER 25, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0056
THOMAS TRAVEL, INC., D/B/A CLASSIC ADVENTURES V. MARTIN O'FARRELL
D/B/A O'FARRELL SAFARIS, 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.

99005

98VX0035444

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 25 1999

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Clerk.

Will. L. Martin, III

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

ATLANTA, OCT -6 1999

The Court of Appeals hereby passes the following order:

A00D0058. Scarborough v. Scarborough

Franklin D. Scarborough filed this discretionary application seeking review of a contempt order issued by the trial court in a domestic relations case on August 24, 1999. Scarborough's application was filed with this Court on September 24, 1999. By statute, applications for discretionary appeal must be filed within 30 days of entry of the order complained of. OCGA § 5-6-35 (d). Scarborough's application was filed 31 days after entry of the order complained of and is therefore untimely. This Court lacks jurisdiction to consider an untimely application for discretionary appeal. Rosenstein v. Jenkins, 166 Ga. App. 385 (304 SE2d 740) (1983). Accordingly, this appeal is ordered DISMISSED.

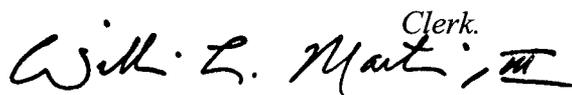
Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT -6 1999

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Will. L. Mart, ^{Clerk.} 

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

ATLANTA, OCT 14 1999

The Court of Appeals hereby passes the following order:

A00D0058. Scarborough v. Scarborough

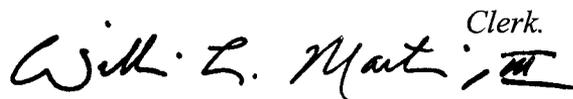
Gladys C. Scarborough filed a motion to dismiss the referenced application as untimely. However, as the application has already been dismissed by this Court, the motion DENIED as moot.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT 14 1999

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*Witness my signature and the seal of said court
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Will. L. Mart ^{Clerk.} 

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

ATLANTA, OCTOBER 28, 1999

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A00D0058

FRANKLIN D. SCARBOROUGH V. GLADYS C. SCARBOROUGH

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

71-005
98CV012

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT 28 1999

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Clerk.

Will. L. Martin, III

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

ATLANTA, OCTOBER 18, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0059
CHILDREN'S FRIEND, ET AL V. TERRY HERVOL

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

91005

99CV6441 392-58-1967

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT 18 1999

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Clerk.

Will. L. Mart, III

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

ATLANTA, OCTOBER 25, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0060

GREENFIELD COMMERCIAL CREDIT, L.L.C. V. GLENN D. KAAS

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.

93005

99VX38496J 99VX38498A 99VX38499D

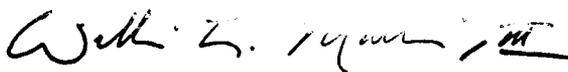
Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT 25 1999

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*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, OCTOBER 25, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0061

GREENFIELD COMMERCIAL CREDIT, L.L.C. V. GLENN D. KAAS

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.

93006

99VX384965 99VX38498A 99VX38499D

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 25 1999

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Clerk.

Will L. Martin, III

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

ATLANTA, OCTOBER 25, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0062

GREENFIELD COMMERCIAL CENTER, L.L.C. V. GLENN D. KAAS

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.

93007

99VX384965J 99VX38498A 99VX30499D

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT 25 1999

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Clerk.

Will L. Martin, III

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

ATLANTA, October 8, 1999

The Court of Appeals hereby passes the following order:

**A00D0063. JERRY LEWIS CLARK, Jr. v. DEANNA K. OVERCARSH f/k/a
DEANNA K. CLARK.**

Petitioner Deanna K. Overcarsh filed an application for discretionary appeal from the order of the superior court placing physical custody of her son with her former husband and the child's father, respondent Jerry Lewis Clark, Jr. In an order entered October 8, 1999, that application was denied on the merits. Upon consideration of petitioner's Emergency Motion to Retain Jurisdiction, it is hereby ORDERED that the motion be DENIED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT - 8 1999

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

Will. L. Mart, ^{Clerk.}

Court of Appeals
of the State of Georgia

ATLANTA, OCTOBER 08, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0063
DEANNA K. OVERCARSH V. JERRY LEWIS CLARK, JR.

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

92006

DR981835F8

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT - 8 1999

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Clerk.

Will. L. Martin, III

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

ATLANTA, OCTOBER 27, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0064

JOSEPH SMITH V. THE STATE

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

94006

SU99CR0582

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT 27 1999

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the minutes of the Court of Appeals of Georgia.*

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Clerk.

Will L. Martin, III

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

ATLANTA, OCTOBER 15, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0065
CENTRAL GEORGIA HEALTH SYSTEM V. PATRICIA PERRY ADAMS

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

95006

99CV6212 252-92-4317

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

OCT 15 1999

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the minutes of the Court of Appeals of Georgia.*

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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, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0066
NEIL BLAIR CROWE V. JOYCE MARIE GENTHNER

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

98006

99A07104

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 20 1999

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Clerk.

Will. L. Martin, III

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

ATLANTA, OCTOBER 27, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0067
TYSON FOODS, INC. V. PEARLIE MAE JOSEPH

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

96006

99V170 260-68-2078

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta OCT 27 1999*

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Clerk.

Will. L. Martin, III

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

ATLANTA, NOVEMBER 01, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0068
LARISA SHAHBAZIAN V. KENNETH ROY MICHNO

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

90006

97C39824

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV - 1 1999

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Clerk.

Will. L. Martin, III

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

ATLANTA, OCTOBER 28, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0069
TRAVIS SOLOMON V. THE STATE

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

97006

97CR32

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT 28 1999

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Clerk.

Will. L. Martin, III

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

ATLANTA, OCT 15 1999

The Court of Appeals hereby passes the following order:

A00D0070. Wyatt v. Hertz Claim Management Corporation

Chelsa Wyatt filed this application for discretionary appeal seeking review of the trial court's award of attorney fees to Hertz Claim Management Corporation pursuant to OCGA § 9-15-14. The order Wyatt seeks to have reviewed was entered on August 30, 1999. Wyatt filed this application on September 30, 1999, 31 days after entry of the order she seeks to appeal. The statute authorizing this application requires that the application be filed within 30 days of entry of the order, decision or judgment complained of. OCGA § 5-6-35 (d). The untimely filing deprives this Court of jurisdiction to consider this application. Rosenstein v. Jenkins, 166 Ga. App. 385 (304 SE2d 740) (1983). Accordingly, this application is ordered DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT 15 1999

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Clerk.

William L. Martin, III

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

ATLANTA, OCTOBER 28, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0071

GLEN MEDDERS V. JAMES SMITH D/B/A JAMES SMITH CONSTRUCTION, 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.

70006

1E99CV200T 257-15-8587

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

OCT 28 1999

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the minutes of the Court of Appeals of Georgia.*

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Clerk.

Will L. Martin, III

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

ATLANTA, NOVEMBER 04, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0072

VANCE JONES V. THE STATE

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

71006

97CR4407

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV - 4 1999

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the minutes of the Court of Appeals of Georgia.*

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Clerk.

Will. L. Martin, III

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

ATLANTA, NOVEMBER 03, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0073

ALLSTATE INDEMNITY COMPANY V. ROBERT JOHN WHITE

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

91006

98VS0143396H

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV - 3 1999

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the minutes of the Court of Appeals of Georgia.*

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Clerk.

Will. L. Martin, III

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

ATLANTA, NOVEMBER 18, 1999

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A00D0073

ALLSTATE INDEMNITY COMPANY V. ROBERT JOHN WHITE

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

91-006
98VS0143396H

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 18 1999

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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 9, 1999

The Court of Appeals hereby passes the following order:

A00D0074. NED B. MAJORS v. LYNN G. FEATHERLY.

Ned B. Majors seeks an appeal from an order denying his motion for attorney fees and expenses under OCGA § 9-15-14 in the context of a divorce case.¹ Respondent Lynn G. Featherly applied for an appeal from the order granting summary judgment to Majors on the ground that Featherly failed to demonstrate the existence of a common law marriage. Featherly's application was made to the Supreme Court, presumably based on the Supreme Court's appellate jurisdiction in divorce and alimony cases. Accord Henderson v. Henderson, 258 Ga. 205 (367 SE2d 40) (1988); Busby v. Busby, 242 Ga. 382 (249 SE2d 70) (1978); Brown v. Brown, 234 Ga. 300 (215 SE2d 671) (1975). Application No. S99D1763 was denied by order entered on September 20, 1999.

¹Majors informs this Court that he has also filed a direct appeal in this matter based on the theory that OCGA § 5-6-35 (a) (2) does not apply here. Since that appeal is directed to this Court, Majors is advised to consider the applicability of OCGA § 5-6-35 (a) (10) before going forward with the expense of a direct appeal. See also Russo v. Manning, 252 Ga. 155 (312 SE2d 319) (1984) (discretionary appeal procedure applicable where the underlying subject matter "clearly arises from or is ancillary to divorce proceedings").

Although Majors has filed his application with this Court, we conclude that appellate jurisdiction properly lies in the Supreme Court because the order on Majors' 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"); 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).

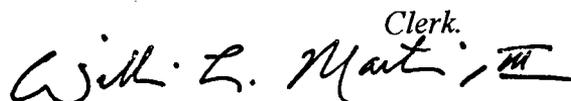
For the foregoing reasons, Majors' application for appeal is hereby TRANSFERRED to the Supreme Court for disposition.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV - 9 1999

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

W. L. Mart, ^{Clerk.} 

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

ATLANTA, DECEMBER 13, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0076
RHEEM MANUFACTURING CO. V. MARY E. KING

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

95007

99CV53549B 255-60-9042

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

DEC 13 1999

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Clerk.

William L. Martin, III

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

ATLANTA, NOVEMBER 01, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0075

LESTER BRANDFORD, SR. V. FULTON COUNTY GOVERNMENT, ET AL

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

94007

1999CV11956 252-98-2852

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV - 1 1999

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Clerk.

Will. L. Martin, III

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

ATLANTA, NOVEMBER 04, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0077

CHARLES MICHAEL REUSS V. MICHAEL RIVERS REUSS, 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.

98007

E66216

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV - 4 1999

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Clerk.

Will. L. Martin, III

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

ATLANTA, NOVEMBER 03, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0078
SHERRY GREEN V. JAMES ANTHONY KREBS

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.

96007

98CV0616 98CV1152

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV - 3 1999

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Clerk.

Will. L. Martin, III

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

ATLANTA, NOVEMBER 15, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0079
DAN ASBURY ALDRIDGE V. KRISTAN ALDRIDGE

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

90007

E70050

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV 15 1999

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Clerk.

Will. L. Martin, III

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

ATLANTA, OCT 21 1999

The Court of Appeals hereby passes the following order:

A00D0080. Rodriguez v. The State

Jairo Walter Rodriguez filed this discretionary application seeking review of the trial court's denial of his extraordinary motion for new trial and the denial of his motion for an out-of-time appeal. Rodriguez's extraordinary motion for new trial, however, is in substance a motion to withdraw his guilty plea. Downs v. State, 270 Ga. 310 (509 SE2d 40) (1998). Further, since Rodriguez's motion to withdraw his guilty plea is outside the term of court in which the judgment of conviction was entered, it is dismissed for lack of jurisdiction. Id.

The denial of a motion for an out-of-time appeal, however, is directly appealable. Accordingly, as to the denial of the motion for an out-of-time appeal, this application is GRANTED pursuant to OCGA § 5-6-35 (j). Rodriguez shall have ten days from the date of this order to file his notice of appeal with the state court. The clerk of the state court is directed to include a copy of this order in the record transmitted to this Court.

97-007

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta OCT 21 1999

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the minutes of the Court of Appeals of Georgia.*

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Clerk.

Will L. Mann, III

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

ATLANTA, NOVEMBER 03, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0081

TONY MCNEIL V. THE STATE

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

99007

96R026

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV - 3 1999

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Clerk.

Will L. Martin, III

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

ATLANTA, NOVEMBER 04, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0082

GLADYS NICOLE GRADY V. JOHN HENRY AUTRY, JR.

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

70007

98CVD1882

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV - 4 1999

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Clerk.

Will. L. Martin, III

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

ATLANTA, NOVEMBER 12, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0083

MICHAEL B. READ V. BOARD OF COMMISSIONERS OF DEKALB COUNTY, GEORGIA,
ET AL

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

71007

97111171

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV 12 1999

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*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 30, 1999

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A00D0083

MICHAEL B. READ V. BOARD OF COMMISSIONERS OF DEKALB COUNTY, GEORGIA,
ET AL

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

71-007
97111171

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 30 1999

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*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 -9 1999

The Court of Appeals hereby passes the following order:

A00D0084. BOYLE v. THE STATE.

Alexander J. Boyle seeks an appeal from an order revoking his probation entered on January 9, 1998. The trial court entered an order purporting to grant Boyle an out-of-time appeal on April 30, 1999. An "order of extension" was entered on May 25, purporting to give Boyle additional time to obtain the trial transcript from the court reporter. Similar orders were entered on July 12 and September 17. Boyle filed his application for discretionary appeal on October 13.

This court lacks jurisdiction to consider Boyle's application because it was not filed within 30 days of the entry of the probation revocation order. The trial court's order granting Boyle an out-of-time appeal, even if interpreted as the grant of an out-of-time application for appeal, was ineffective for that purpose. Department of Offender Rehabilitation v. Meeks, 165 Ga. App. 269 (299 SE2d 757) (1983). The trial court's orders purporting to grant Boyle extensions of time to file his application were

likewise ineffective. Rosenstein v. Jenkins, 166 Ga. App. 385 (304 SE2d 740) (1983).

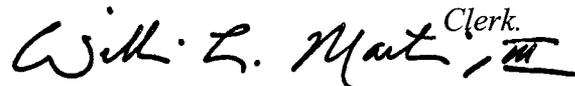
Because Boyle's application was not filed within 30 days as required under OCGA § 5-6-35 (d), it is hereby DISMISSED for lack of jurisdiction. Hill v. State, 204 Ga. App. 582-583 (420 SE2d 393) (1992).

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV - 9 1999

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Will. L. Mart, ^{Clerk.} 

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

ATLANTA, NOVEMBER 04, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0085
LAURA ESTELLE LONG V. SHANNON LEE COBB

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

92008

98CV2500N

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV - 4 1999

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hereto affixed the day and year last above written.*

Clerk.

Will L. Martin, III

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

ATLANTA, NOVEMBER 17, 1999

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A00D0085

LAURA ESTELLE LONG V. SHANNON LEE COBB

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

92-008
98CV2500N

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 17 1999

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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. Mart, III

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

ATLANTA, NOVEMBER 15, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0086

ROY DELK V. SHANA STRICKLAND

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

94008

99V0196

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV 15 1999

*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 16 1999

The Court of Appeals hereby passes the following order:

A00D0087. CHARLES R. TREGLOWN v. K MART CORPORATION

Charles and Ailene Treglown brought suit against K Mart Corporation after Ailene Treglown sustained injury when she slipped on a foreign substance in a Super K Mart store and was injured. She asserted claims against K Mart Corporation for general and consequential damages and for pain and suffering. He asserted a claim for loss of consortium. The jury awarded Ailene Treglown \$180,000 in damages but found for the defendant K Mart Corporation as to Charles Treglown's claim for loss of consortium. Charles Treglown filed both a notice of direct appeal under OCGA § 5-6-34 (a) and an application for discretionary appeal under OCGA § 5-6-35 (a).

OCGA § 5-6-35 (a) (6) requires that an application for discretionary appeal must be filed when appealing an action for damages in which the judgment is \$10,000 or less. This statutory provision applies to actions in which the money judgment is one cent through \$10,000. See City of Brunswick v. Todd, 255 Ga. 448 (339 SE2d 589) (1986). The judgment in the main claim exceeds

\$10,000 and there was also a zero judgment on the consortium claim. OCGA § 5-6-35 (a) (6) does not apply to an appeal from a judgment in favor of a defendant where the plaintiff has obtained no recovery whatever. Motor Finance Co. v. Davis, 188 Ga. App. 291 (372 SE2d 674) (1988); Whitley v. Bank South, 185 Ga. App. 896, 897 (1) (366 SE2d 182) (1988). A judgment entering a zero verdict on a consortium claim is subject to direct appeal. Compare Goss v. Total Chipping, 220 Ga. App. 643, n. 1 (469 SE2d 855) (1996). Because the judgment in this case is subject to direct appeal, Charles Treglown's application for discretionary appeal is dismissed.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV 16 1999

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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, NOVEMBER 22, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0088

THE COMMISSIONER OF INSURANCE, STATE OF GEORGIA V. HARRELL TILLER

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.

98008

1999RCCV471

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 22 1999

*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 22, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0089

THE COMMISSIONER OF INSURANCE, STATE OF GEORGIA V. CHARLIE DEAL, 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

1999RCCV470

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV 24 1999

*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 23, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0090
SAMUEL TYRONE EVANS V. THE STATE

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

96008

SU99CR0670

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 23 1999

*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 04, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0091

GWINNETT-CLUB ASSOCIATES, L.P. V. SOUTHERN ELECTRIC SUPPLY COMPANY,
INC.

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.

90008

96A34561

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV - 4 1999

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Clerk.

Will. L. Martin, III

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

ATLANTA, NOVEMBER 17, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0092

DONNA C. GLADE V. DEKALB COUNTY DEPARTMENT OF FAMILY AND CHILDREN
SERVICES

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

97008

9930839

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV 17 1999

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court
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Clerk.

Will. L. Martin, III

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

ATLANTA, NOVEMBER 18, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0093

LARRY BROWN V. THE STATE

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

99008

95R707 95R0001

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 18 1999

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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 24 1999

The Court of Appeals hereby passes the following order:

A00D0094. AER ENERGY RESOURCES, INC. v. COBB COUNTY BOARD OF TAX ASSESSORS.

On November 2, 1999, AER Energy Resources, Inc. filed this application seeking discretionary appeal of the superior court's October 5, 1999 order dismissing its ad valorem tax appeal from the Cobb County Board of Tax Assessors. Although this is an appeal from a final order of the superior court reviewing a decision of a local administrative agency, it is not subject to the discretionary appeal procedure because it is a case "involving ad valorem taxes." OCGA 5-6-35 (a) (1). Thus, the judgment complained of is directly appealable pursuant to OCGA § 5-6-34 (a).

Therefore, the application is hereby GRANTED as required under OCGA § 5-6-35 (j). AER Energy Resources, Inc. may file a notice of appeal in the superior court within 10 days of the date of this order. The clerk of the superior court is directed to include a copy of this order in the record transmitted to this court.

70-008

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV 24 1999

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

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hereto affixed the day and year last above written.*

Will. L. Maul, ^{Clerk.} III

Court of Appeals of the State of Georgia

ATLANTA, DEC - 1 1999

The Court of Appeals hereby passes the following order:

A00D0095. HARALSON COUNTY, et al. v. KIMBALL.

Haralson County and county commissioner Amos Sparks brought an action against Sheriff Ronnie Kimball seeking to compel Kimball to refrain from exceeding his allotted budget. A consent order was entered disposing of the matter. Sheriff Kimball thereafter sought attorney's fees and costs under OCGA § 45-9-21 (e) (2). The superior court granted the sheriff's motion. The plaintiffs filed a discretionary appeal from that decision to the Supreme Court. The application was transferred to this court for disposition.

Because we conclude that the order complained of is not subject to the discretionary appeal procedure, the application is hereby GRANTED under OCGA § 5-6-35 (j). Applicants shall have ten days from the date of this order to file their notice of appeal. The clerk of the superior court is directed to include a copy of this order in the record transmitted to this court.

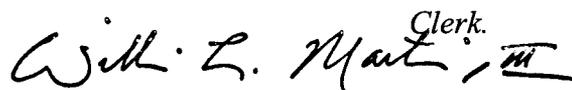
Court of Appeals of the State of Georgia

71-008

Clerk's Office, Atlanta DEC - 1 1999

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

Will. L. Mart, ^{Clerk.} 

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

ATLANTA, NOVEMBER 17, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0096
MICHAEL A. GUICE V. OWANA RENEE SLOCUM

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

91008
98A29604

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

NOV 17 1999

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the minutes of the Court of Appeals of Georgia.*

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Clerk.

Will L. Mart, III

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

ATLANTA, DECEMBER 09, 1999

The Honorable Court of Appeals hereby passes the following order:

A00D0096. MICHAEL A. GUICE v. OWANA RENEE SLOCUM.

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

91-008

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta DEC - 9 1999

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minutes of the Court of Appeals of Georgia.*

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Will. L. Mart ^{Clerk.} 

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

ATLANTA, NOVEMBER 18, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0097
BILLY RAY WILSON 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.

93008

97CR18446

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 18 1999

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hereto affixed the day and year last above written.*

Clerk.

Will L. Martin, III

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

ATLANTA, NOVEMBER 18, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0098
RANDY LOWERY, ET AL V. ANTONIO DALLIS

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

92009

97VX0030252D

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

NOV 18 1999

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

Clerk.

Will. L. Martin, III

Court of Appeals of the State of Georgia

ATLANTA, DEC -3 1999

The Court of Appeals hereby passes the following order:

**A00D0099. MICHAEL L. STUCKEY v. THE CITY COUNCIL OF THE CITY OF
PINE LAKE, ET AL.**

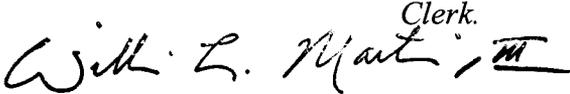
Michael L. Stuckey filed this application for discretionary review of the superior court order entered on October 5, 1999. However, the final paragraph of that order, by which a related appeal pending in the superior court is stayed "pending resolution of the instant action," can only be construed as indicating that the order sought to be appealed is not a final resolution of all issues in the case. Since the case remains pending in the superior court, the interlocutory appeal procedures are required to appeal the order. Bailey v. Bailey, 266 Ga. 832 (471 SE2d 213) (1996). Because Stuckey has not satisfied the interlocutory appeal procedures, this court lacks jurisdiction to consider this appeal, and the application must be DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta DEC - 3 1999

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

Will. L. Mart, ^{Clerk.} 

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

ATLANTA, NOV 17 1999

The Court of Appeals hereby passes the following order:

A00D0100. LEONARD et al. v. DIXON.

The plaintiffs in this personal injury case filed a motion for new trial following a defense verdict and judgment. The motion was denied. Plaintiffs now seek a discretionary appeal to this Court. We agree with respondent, however, that the judgment complained of is directly appealable. Accordingly, plaintiffs' application is hereby GRANTED as required under OCGA § 5-6-35 (j). The plaintiffs may file a notice of appeal in the state court within ten days of the date of this order. The clerk of the state 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

95-009

Clerk's Office, Atlanta NOV 17 1999

*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. Martin, III
Clerk.

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

ATLANTA, NOVEMBER 16, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0101
GRAPHIC SOLUTIONS, ET AL V. RAY M. CARDER

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

96009

991646018 255-82-6411

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV 16 1999

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

Clerk.

William L. Martin, III

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

ATLANTA, DECEMBER 02, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0102
DETRONE ROYAL 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.

90009
CR971817FR

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta DEC - 2 1999

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

Clerk.

Will. L. Martin, III

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

ATLANTA, DEC -2 1999

The Court of Appeals hereby passes the following order:

A00D0103. CIARAN OFAOLIAN v. YVONNE SINGH

The application of Ciaran Ofaolian for discretionary appeal in the above-captioned case is denied. The motions of Yvonne Singh for writ of supersedeas and for domestication of U. S. court's order in a non-U.S. court are also denied.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta DEC -2 1999

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

*Clerk.
Will. L. Martin, III*

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

ATLANTA, DECEMBER 08, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0104

RODNEY GOODS V. THE STATE

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

99009

Y09489

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC - 8 1999

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

Clerk.

William L. Martin, III

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

ATLANTA, DECEMBER 08, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0105
ESL FEDERAL CREDIT UNION V. KARIN J. CHRISTY

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

70009

99VX0037130

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC - 8 1999

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Clerk.

Will L. Mart, 

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

ATLANTA, NOVEMBER 30, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0106

PEGGY BENNETT V. TELEMON CORPORATION ET AL

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

71009

99CV035576 256-64-8295

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV 30 1999

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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, DECEMBER 09, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0107
THOMASTON TIMES ET AL V. MELANIE S. LOGUE

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

91009

253-25-2946 99V601

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta DEC - 9 1999

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Clerk.

Will. L. Martin, III

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

ATLANTA, DECEMBER 06, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0108

DAVILON HUNTER V. MARQUIS GRISSOM

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

93009

E62883 S00D0243

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC -6 1999

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hereto affixed the day and year last above written.*

Clerk.

Will L. Martin, III

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

ATLANTA, NOVEMBER 22, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0109
CERULEAN COMPANIES, INC., ET AL V. COMMISSIONER OF INSURANCE
OF THE STATE OF GEORGIA, 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.

98010

1999RCCV471 S00D0151

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV 22 1999

*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, NOVEMBER 22, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0110
CERULEAN COMPANIES, INC., ET AL V. INSURANCE COMMISSIONER OF THE
STATE OF GEORGIA, 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.

98011

1999RCCV470 S00D0152

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV. 22, 1999

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Clerk.

Will L. Martin, III

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

ATLANTA, DECEMBER 09, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0111

ROSE HERRING V. GEORGIA DEPARTMENT OF HUMAN RESOURCES

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

92010

99CV4771

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC - 9 1999

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*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 14, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0112
NACOM CORP., ET AL V. RANDY MURPHY

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

94010

NONE 264-53-6260

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 14 1999

*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, DECEMBER 03, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0113
PAUL P. SAVAGE V. JAQUELINE M. SAVAGE

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

95010

1998CV00184

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta DEC - 3 1999

*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 10, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0114
JOSEPH ALEXANDER V. THE STATE

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

96010

99CV744

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta DEC 10 1999

*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. Martini, III Clerk.

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

ATLANTA, DECEMBER 13, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0115
JAMES ALLEN DRAA V. DIANE MARIE DRAA

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

90010

99A44872

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 13 1999

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

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hereto affixed the day and year last above written.*

Clerk.

Will. L. Mart, III

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

ATLANTA, DECEMBER 15, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0116

PAM SASSER V. MIKE ADKINSON

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.

97010

981587699

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 15 1999

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

Clerk.

Will L. Martin, III

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

ATLANTA, DECEMBER 15, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0117

ERIC B. JACKSON V. THE STATE

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

99010

92R245 95R1554

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 15 1999

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*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 02, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0118
EDITH BROWN V. DEKALB COUNTY, GEORGIA

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

70010

97100195

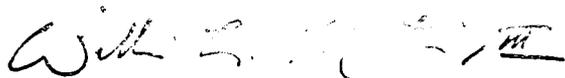
Court of Appeals of the State of Georgia

Clerk's Office, Atlanta DEC - 2 1999

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Clerk.



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

ATLANTA, DECEMBER 15, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0119
VLADIMIR NIKITIN V. NATALIE NIKITIN

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

71010

1999CV09780

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 15 1999

*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

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

ATLANTA, DECEMBER 17, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0121

DOROTHY ALLEN V. GEORGIA DEPARTMENT OF HUMAN RESOURCES

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

93010

99CV35267F

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 17 1999

*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 06, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0122

GEORGIA DEPARTMENT OF CORRECTIONS/GEORGIA STATE PRISON, ET AL V.
GLENN H. CHAPMAN

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

99V308 258-76-8281

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC - 6 1999

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

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hereto affixed the day and year last above written.*

Clerk.

Will. L. Martin, III

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

ATLANTA, NOV 29 1999

The Court of Appeals hereby passes the following order:

A00D0123. Fews v. Capitol Materials, Incorporated

Joseph A. Fews, Jr. filed this application seeking discretionary review of the trial court's grant of summary judgment to Capitol Materials, Incorporated. This case arose as a complaint on a lien against Fews' property. While the amount of the award was less than \$10,000.00, an action on a lien is not an action for damages necessitating a discretionary appeal under OCGA § 5-6-35 (a) (6). Kelly v. Pierce Roofing Company, Inc., 220 Ga. App. 391 (469 SE2d 469) (1996). Thus, this case is directly appealable pursuant to OCGA § 5-6-34 (a) (1).

Accordingly, this application is GRANTED pursuant to OCGA § 5-6-35 (j). Fews may file a notice of appeal in the state court within 10 days of the date of this order. The clerk of the state court is directed to include a copy of this order in the record transmitted to this Court.

94-011

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta NOV 29 1999

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the minutes of the Court of Appeals of Georgia.*

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Wilk. L. Mart, III
Clerk.

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

ATLANTA, DECEMBER 17, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0124

SOUTHEASTERN REALTY ADVISERS, INC. V. ROBERT A. MILLS, JR.

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.

95011

9917403

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 17 1999

*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. Mont, III

Court of Appeals of the State of Georgia

ATLANTA, DEC 15 1999

The Court of Appeals hereby passes the following order:

A00D0125. FRANK D. ECHOLS v. CITY OF ATLANTA, ET AL.

Frank D. Echols has filed an application for discretionary appeal of the order of the Superior Court of Fulton County denying his petition for injunction for reformation of pension and petition for writ of certiorari.

Echols was a member of the City of Atlanta Police force for 33 years. During most of his police career, he was married to Hazel Echols. During his employment, the City of Atlanta provided a pension plan for its police officers. The plan was administered by the Trustees of the Police Officer Pension Board. It included a provision for survivors benefits coverage of eligible spouses. Echols enrolled his wife for pension beneficiary coverage.

In 1978, the pension plan was amended so that to be eligible for survivors benefits the designated spouse must have been legally married to the employee for a period of one year prior to the officer's retirement. Echols enrolled in this plan.

In December 1985, the pension plan was amended to authorize a change of beneficiary if the pensioner had been married to his

spouse for a period of one year prior to the pensioner's death and if payments for this benefit had been made prior to the pensioner's retirement. No enrollment document can be found showing Echols enrolled in this plan after its amendment in 1985.

On January 15, 1991, Hazel Echols died. Echols made no further beneficiary payments to the retirement plan following her death. He retired in November 1991. In April 1992, Echols remarried and sought to name his new wife, Joann, as his pension beneficiary. He obtained a hearing by the Trustees of the Police Pension Board. The Board determined that Echols should be allowed to name his new wife as his beneficiary if such action did not violate applicable state law or city ordinances. After the city law department determined that the action would require a change in a city ordinance, the Board declined to act further on Echols application.

Echols filed a two count petition. Count 1 was captioned as a petition for writ of certiorari asserting that the Board erred in denying his request to designate his new spouse as his pension beneficiary. Count 2 was captioned as a petition for injunction for reformation of pension. In Count 2, Echols asserted a claim for equitable relief seeking to compel the City of Atlanta to designate his new spouse as his pension beneficiary. On March 13, 1995, the superior court entered an order denying Echols' petition for a writ of certiorari. On October 21, 1999, the superior court

entered a final order denying Echols' petition for injunction for reformation of pension.

Whether an action is an equity case for the purpose of determining jurisdiction on appeal depends on the issue raised and not upon how the case is styled or upon the kinds of relief which may be sought by the complaint. Equity cases are those in which a substantive issue on appeal involves the legality or propriety of equitable relief in the superior court. Cases in which the grant or denial of such relief was merely ancillary to underlying issues of law or would have been a matter of routine once the underlying issues of law were resolved, are not equity cases. See Beauchamp v. Knight, 261 Ga. 608, 609 (2) (409 SE2d 208) (1991). Echols argues that even if his new wife does not qualify to be designated as his beneficiary under the 1978 amendment, he is entitled to equitable relief because he always chose additional benefits when available and he was never informed of the 1985 amendment or of its benefits by the Trustees of the Police Pension Fund who stood in a fiduciary relationship to him. See OCGA § 23-2-58.

Even if Echols timely applied for coverage under the 1985 plan, it appears that his legal claim under Count 1 of his petition would fail because he did not make the required payments for this additional coverage prior to his retirement and after Hazel Echols died. But Count 2 of Echols' petition, seeking an injunction for reformation of his pension, is a claim for equitable relief. Cf. Robbins v. Robbins, 248 Ga. 273 (282 SE2d 340) (1981). Equity will

reform a written instrument for the unilateral mistake of one party accompanied by fraud or inequitable conduct on behalf of the other party. Cotton States v. Woodruff, 215 Ga. App. 511, 512 (2) (451 SE2d 100) (1994). Suppression of a material fact which a party is under an obligation to communicate constitutes fraud. The obligation to communicate may arise from the confidential relations of the parties or from the particular circumstances of the case. OCGA § 23-2-53; see OCGA § 23-2-58. Surprise can also constitute a form of fraud which would appear to raise a substantive issue as to the propriety of the equitable relief of reformation. See OCGA § 23-2-54. If Echols is to prevail on his claim it must be because under the particular circumstances of this case, he would be entitled to equitable relief. Thus, the controlling issue in the disposition of this case is the propriety of equitable relief.

As the propriety of equitable relief is a substantive issue in this case, this application is transferred to the Supreme Court of Georgia for disposition. Constitution of Georgia 1983, Article VI, Section VI, Paragraph III (2) & (5).

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta DEC 15 1999

*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, DECEMBER 20, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0126

WALKER COUNTY BOARD OF EDUCATION ET AL V. GENE CLONTS

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

90011

99CV54977 252-62-7261

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 20 1999

*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 17, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0127

R. PIERCE HEAD, JR., ET AL V. DEKALB COUNTY, 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.

97011

98123608 S00D0248

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 17 1999

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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. Mant

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

ATLANTA, DECEMBER 03, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0128

RALPH GARNER V. JONES, COPELAND, LEFKOWITZ, & GREER, A GEORGIA
PARTNERSHIP, ET AL

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

99011

96VS011166TJ

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC - 3 1999

*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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Clerk.

Will L. Martin, III

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

ATLANTA, DECEMBER 17, 1999

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A00D0128

RALPH GARNER V. JONES, COPELAND, LEFKOWITZ, & GREER, A GEORGIA
PARTNERSHIP, ET AL

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

99-011
96VS011166TJ

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 17 1999

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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 13, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0129

REZA KHALAJ V. ROYA JAHANGARD

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

70011

1999CV03737

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 13 1999

*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 22, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0130
MARGARET SCHAEDEL V. CAREY LANDON, ET AL

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

71011
99CV045

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta DEC 22 1999*

*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 16, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0131

TONY BULLOCK V. THE STATE

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

91011

94R476

94R571

94R0163

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta DEC 16 1999

*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 23, 1999

The Honorable Court of Appeals hereby passes the following order:

A00D0132. Atlanta Urban Radio Alliance v. James Marino, et al

Upon consideration of the motion for withdrawal, it is hereby ordered that said motion be GRANTED. Respondents' motion for sanctions remains pending before the Court.

93-011

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 23 1999

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

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hereto affixed the day and year last above written.*

Will L. Mont, III
Clerk.

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

ATLANTA, JAN - 3 2000

The Court of Appeals hereby passes the following order:

A00D0132. ATLANTA URBAN RADIO ALLIANCE v. JAMES MARINO et al.

The respondents motion for sanctions is hereby ordered denied.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JAN - 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.*

Will. L. Mart, ^{Clerk.} *III*

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

ATLANTA, December 14, 1999

The Court of Appeals hereby passes the following order:

A00D0133. DAVID D. SWEENEY v. DEBRA A. MOORE f/k/a DEBRA A. SWEENEY.

Upon consideration of applicant-defendant's motion for discretionary review, it appearing that jurisdiction and venue were proper in the underlying contempt action for violation of visitation rights and non-payment of support and the trial court having thus been authorized to modify visitation in such action though not brought in the county in which the applicant-defendant resides, Bennett v. Wood, 188 Ga. App. 630, 631 (1), 632 (373 SE2d 645), it is hereby ORDERED that the application for discretionary review be DENIED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta DEC 14 1999

*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 21 1999

The Court of Appeals hereby passes the following order:

A00D0134. NATHANIEL GARNER, et al v. LINDA MITCHELL, et al

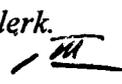
Nathaniel and Rosalind Garner seek a discretionary appeal from an order of the superior court denying their motion for recusal and granting the defendants' motion to compel discovery. The order complained of, however, is not a final judgment and therefore the applicants were required to follow the interlocutory appeal procedures, OCGA § 5-6-34 (b), including obtaining a certificate of immediate review from the superior court. See Johnson & Johnson v. Kaufman, 226 Ga. App. 77 (485 SE2d 525) (1997). Since the applicants did not obtain a certificate of immediate review as required, this court is without jurisdiction to consider their application on the merits. Accordingly, the application is hereby DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta DEC 21 1999

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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, DECEMBER 17, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0135

JOHN H. HEDQUIST, III V. RICHARD O. CONBOY, ET AL

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

95012

1998CV03449

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 17 1999

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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. Martini, III Clerk.

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

ATLANTA, DECEMBER 29, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0136

DEJUAN NASH V. THE STATE

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

98012

96CR020946

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 29 1999

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the minutes of the Court of Appeals of Georgia.*

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Clerk.

Will. L. Martin, III

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

ATLANTA, DECEMBER 29, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0137

STACEY DAVIS-REDDING V. JEFFERSON HOWARD REDDING

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.

96012

99PQ41582

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 29 1999

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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 03, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0138

EAGLE DEVELOPMENT GROUP, ET AL V. HERBERT LEE HODGES, JR.

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

90012

CV991472FR 254-17-8200

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JAN - 3 2000

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

Clerk.

Will. L. Martin, III

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

ATLANTA, DEC 17 1999

The Court of Appeals hereby passes the following order:

A00D0139. DOUGLAS T. SMITH v. FHF ENTERPRISES, INC.

Douglas T. Smith filed this discretionary application on December 1, 1999, from the trial court's November 1, 1999 order denying his motion for reconsideration of its August 27, 1999 order granting FHF Enterprises' motion for summary judgment. 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). This Court will grant an otherwise timely discretionary application pursuant to OCGA § 5-6-35 (j), if the order is subject to direct appeal. However, 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), and a motion for reconsideration does not extend the time for filing a discretionary application. OCGA § 5-6-35 (d); see also OCGA § 5-6-38 and Blackwell v. Sutton, 261 Ga. 284 (404 SE2d 114) (1991). This Court lacks jurisdiction to consider an untimely appeal. Accordingly, this application is hereby ordered DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta DEC 17 1999

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

Will L. Martin, III
Clerk.

Court of Appeals
of the State of Georgia

ATLANTA, DECEMBER 17, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0140
METRO AMBULANCE SERVICE, INC., D/B/A AMERICAN MEDICAL RESPONSE V.
GEORGIA DEPARTMENT OF HUMAN RESOURCES, ET AL

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

99012

1999CV12866

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 17 1999

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

Clerk.

Will L. Mart, III

Court of Appeals
of the State of Georgia

ATLANTA, JANUARY 05, 2000

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A00D0140

METRO AMBULANCE SERVICE, INC., D/B/A AMERICAN MEDICAL RESPONSE V.
GEORGIA DEPARTMENT OF HUMAN RESOURCES, ET AL

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

99-012
1999CV12866

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN -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.

Will L. Martin, III

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

ATLANTA, DECEMBER 28, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0141

BRENDA D. HARRISON V. DIGITAL EQUIPMENT CORPORATION, ET AL

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

70012

1999CV13813 193-50-7626

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 28 1999

*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, DEC 17 1999

The Court of Appeals hereby passes the following order:

A00D0142. Bryant v. The State

James Lewis Bryant seeks a discretionary appeal from an order denying his motion for an out of time appeal. However, a denial of a motion for out of time appeal is directly appealable. Randolph v. The State, 220 Ga. App. 769 (470 SE2d 300) (1996). Thus, an application for discretionary appeal was not necessary. Accordingly, this application is GRANTED pursuant to OCGA § 5-6-35 (j). Bryant shall have ten days from the date of this order to file his notice of appeal with the trial court. The clerk of the superior court is directed to include a copy of this order in the record transmitted to this Court.

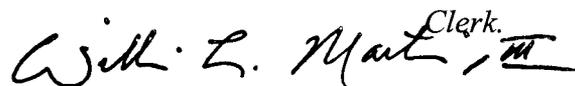
71_ 012

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta DEC 17 1999

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

Will. L. Mant, ^{Clerk.} 

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

ATLANTA, DEC 20 1999

The Court of Appeals hereby passes the following order:

A00D0143. Jamie Edelkind v. Peter J. Ulbrich

Jamie Edelkind filed this application for discretionary appeal seeking review of the trial court's order granting Peter J. Ulbrich's traverse of a garnishment filed by Edelkind. The trial court's order was entered on September 14, 1999. This application was not filed with this Court until December 7, 1999. OCGA § 5-6-35 (a) (4) requires a discretionary application in all cases involving garnishment. Further, all applications must be filed within 30 days of the entry of the order complained of. OCGA § 5-6-35 (d). Edelkind failed to file a timely application; therefore, this Court lacks jurisdiction to consider this application. Further, a timely notice of appeal does not cure the jurisdiction impediment of an untimely application. Wallace v. Saks Fifth Avenue, Atlanta, Inc., 180 Ga. App. 679 (350 SE2d 308) (1986). Accordingly, this application is ordered DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta DEC 20 1999

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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. Maw Clerk 

Court of Appeals of the State of Georgia

ATLANTA, DEC 22 1999

The Court of Appeals hereby passes the following order:

A00D0144. BRENDA D. POWERS v. MARVIN D. POWERS

Brenda D. Powers filed this application for discretionary appeal to this Court from the trial court's order stating that Georgia law, rather than Texas law, would apply in construing an antenuptial agreement in contemplation of the parties' divorce. Jurisdiction of appeals in divorce cases is vested exclusively in the Supreme Court. Ga. Const. of 1983, Art. VI, Sec. VI, Par. III (6). This application is accordingly hereby ordered TRANSFERRED to the Supreme Court for disposition. See Eickhoff v. Eickhoff, 263 Ga. 498, 499 (1) (435 SE2d 914) (1993).

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta DEC 22 1999

*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, DECEMBER 22, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0145

CLINTON "BRAD" SHAW V. DORSEY TRAILER REPAIR, INC., ET AL

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

92013

CV991351MO 260-33-3873

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 22 1999

*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 06, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0146

CHARLES E. ADAMS V. SWEETHEART CUP COMPANY, INC., 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.

94013

99CV2208N 257-53-7165

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN -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, JAN - 5 2000

The Court of Appeals hereby passes the following order:

A00D0147, A00I0132. DeCLUE v. CITY OF CLAYTON (two applications).

Plaintiff Jeffrey DeClue filed an action pursuant to 42 USC § 1983 against his former employer, the City of Clayton. DeClue contends that he had a vested property interest in his employment with the City, which was terminated without cause in 1997. He later amended his complaint by adding a claim for impairment of contract. The superior court entered an order granting the City's motion for summary judgment and denying DeClue's cross motion for summary judgment on November 8, 1999. The court entered a supplemental order denying DeClue's motion for summary judgment as to his impairment of contract claim on November 23, 1999. The City's motion did not address this claim and the trial court determined that the issue remained pending for trial.

DeClue thereafter filed both a direct appeal and an application for discretionary appeal from the order entered November 8, as well as a timely and proper application for interlocutory appeal from the supplemental order entered November 23. Because we find the discretionary appeal procedure to be inapplicable under the circumstances presented and because a

direct appeal from the same order referenced therein has already been filed, Application No. A00D0147 is hereby DISMISSED. Moreover, because DeClue is already authorized to enumerate errors related to the supplemental order entered November 23 as part of his direct appeal, Application No. A00I0132 is hereby DISMISSED as superfluous. See Southeast Ceramics v. Klem, 246 Ga. 294-296 (1) (271 SE2d 199) (1980).¹

The clerk of superior court is hereby directed to supplement the record in DeClue's direct appeal (docketed in this court as Appeal No. A00A0958) with a copy of this order.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JAN -6 2000

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

Will. L. Mast, III
Clerk.

¹Note that this result is unaffected by DeClue's failure to enumerate the November 23 order as part of his notice of appeal from the order entered November 8. See OCGA § 5-6-37.

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

ATLANTA, DECEMBER 29, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0148
JOHN B. ULAM, JR. V. STELLA M. BURNS

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

98013

99VX40332

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

DEC 29 1999

*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 07, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0149

 MITSUBISHI CONSUMER ELECTRONICS, ET AL V. NITA QUINN

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

96013

99CV0832 254-90-6315

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN -7 2000

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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 12, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0150

KIRAN C. PATEL V. HOWARD M. BRYANT, ET AL

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

90013

1998CV01997

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 12 2000

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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 06, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0151

VANGUARD PAVING & CONTRACTING, ET AL V. CHRISTOPHER L. PITTMAN, SR.

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

97013

9983006 259-23-3349

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN -6 2000

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the minutes of the Court of Appeals of Georgia.*

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Clerk.

Will L. Martin, III

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

ATLANTA, JANUARY 19, 2000

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A00D0151

VANGUARD PAVING & CONTRACTING, ET AL V. CHRISTOPHER L. PITTMAN, SR.

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

97-013
9983006

259-23-3349

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 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, JANUARY 11, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0152

DOOLITTLE WELDING, INC., ET AL V. MICHAEL J. LEITHISER

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

99013

99CV21861 556-19-0686

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JAN 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.

William L. Mont, III

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

ATLANTA, DECEMBER 28, 1999

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0153

NANCY ANTHONY V. RELIANCE ELECTRIC/ROCKWELL INTERNATIONAL, 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.

70013

SU99CV1620S 266-72-2429

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta DEC 28 1999

*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 12, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0154

ROBERT HIGHTOWER, COMMISSIONER, DEPT. OF PUBLIC SAFETY V. OMAR T.
SIMS

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

92015

99CV0421S

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JAN 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
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Clerk.

Will. L. Martin, III

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

ATLANTA, JAN 12 2000

The Court of Appeals hereby passes the following order:

A00D0155. SID TETTERTON v. JOHN DAVIS, ET AL.

Because Sid Tetterton has failed to comply with the order of this court, entered in the above-captioned case on December 17, 1999, by timely filing a stamped copy of the order sought to be appealed, this application for discretionary appeal is dismissed.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JAN 12 2000

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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 28, 2000

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A00D0155

SID TETTERTON V. JOHN DAVIS, ET AL

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

91-013
96053

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JAN 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
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Will L. Martin, III Clerk.

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

ATLANTA, FEBRUARY 01, 2000

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A00D0156

FRANKLIN D. MCMILLAN, SR., ET AL V. DALE UNGER, ET AL

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

93-013
99A16134 99A16034

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

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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. Mant, III

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

ATLANTA, JANUARY 12, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0157

JAMES EDWARD OGLESBY V. CARRIE KATHLEEN MILLER

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

90014

99EV167B

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JAN 12 2000

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court
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Clerk.

Will L. Martin, III

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

ATLANTA, JAN -6 2000

The Court of Appeals hereby passes the following order:

A00D0158. Cantarella v. Cantarella

Aurora Cantarella filed this discretionary application seeking review of the trial court's denial of her motion for contempt against her former spouse, Nicholas P. Cantarella. Aurora Cantarella filed the contempt action alleging Nicholas Cantarella failed to comply with a provision of a divorce settlement agreement, which was incorporated into and made a part of the final divorce decree, concerning division of military retirement benefits. 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); Eickhoff v. Eickhoff, 263 Ga. 498, 499 (1) (435 SE2d 914) (1993); Harris v. U. S. Development Corp., 269 Ga. 659 (502 SE2d 721) (1998); Williams v. Williams, 268 Ga. 126 (485 SE2d 772) (1997). Accordingly, this application is TRANSFERRED to the Supreme Court.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JAN -6 2000

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*Witness my signature and the seal of said court
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Clerk.

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

ATLANTA, JAN -6 2000

The Court of Appeals hereby passes the following order:

A00D0159. GRIFFIN LOTTSON v. CITY OF DARIEN, GEORGIA

This discretionary appeal is from an order of the superior court reviewing a decision by the election superintendent in a municipal election contest. As such, the appeal is within the exclusive appellate jurisdiction of the Supreme Court. Ga. Const. 1983, Art. VI, Sec. VI, Par. II (2); see also Collins v. American Tel. & Tel. Co., 265 Ga. 37 (456 SE2d 50) (1995). Accordingly, the appeal is hereby TRANSFERRED to the Supreme Court for disposition.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JAN -6 2000

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the minutes of the Court of Appeals of Georgia.*

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Will L. Mart, Clerk 

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

ATLANTA, JANUARY 18, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0160
PATSY ANN MOONEY V. JACKIE LEE MOONEY

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.

98014

98A02994

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 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
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Clerk.

Will L. Martin, III

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

ATLANTA, JANUARY 21, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0161
LESHA BERNARD V. CARL BLACK BUICK, ET AL

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

96014

9910762699 252-33-4405

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JAN 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, . JAN 25 2000

The Court of Appeals hereby passes the following order:

A00D0162. WALKER v. WALKER.

Mychal Hutchinson Walker seeks an appeal from an order finding him in contempt for failing to abide by various provisions of a final divorce decree entered on July 21, 1999. A contempt action based on the failure to comply with the child support 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); 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 JAN 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, JANUARY 06, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0163

STACY GRAHAM V. CLEOPATRA SHONTEZ LEE, ET AL

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

97014

99CV20371

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JAN -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
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Clerk.

Will. L. Martin, III

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

ATLANTA, JANUARY 06, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0164

GEORGE MCCARLEY, ET AL V. GENE WHITLEY MCCARLEY

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.

99014

99CV130

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN -6 2000

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the minutes of the Court of Appeals of Georgia.*

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Clerk.

Will L. Martin, III

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

ATLANTA, JANUARY 07, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0165
JENNY HUDSON HATCH V. R. SCOTT KELLER

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.

70014
98A059783

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

Clerk.

William L. Martin, III

Court of Appeals of the State of Georgia

ATLANTA, JAN 20 2000

The Court of Appeals hereby passes the following order:

A00D0165. JENNY HUDSON HATCH v. R. SCOTT KELLER

Both R. Scott Keller and Linda S. McKinley, as the court appointed guardian ad litem of the three minor children of Keller and Jenny Hudson Hatch, have filed motions for reconsideration of the order of this court granting the application for discretionary appeal of Jenny Hudson Hatch. McKinley, as guardian ad litem for the minor children, has also filed a motion to dismiss this application and to dismiss Hatch's motion for writ of supersedeas.

Because this court denied Hatch's motion for writ of supersedeas by order dated, January 13, 2000, the guardian ad litem's motion to dismiss Hatch's motion for writ of supersedeas is moot and is hereby denied.

Although Keller and the guardian ad litem's responses to the application for discretionary appeal were filed late, this court in aid of its jurisdiction considered both responses during its evaluation of Hatch's application for discretionary appeal. Both Keller and the guardian ad litem have filed timely motions for reconsideration of the order of this court granting Hatch's

application for discretionary appeal. Both of these motions have also been considered by this court. In aid of the continuing jurisdiction of this court, the motions for reconsideration filed by Keller and the guardian ad litem are both hereby denied. Ga. Const. of 1983, Art. VI, Sec. I, Par. IV.

The clerk of this court shall take such action as appropriate to add Linda S. McKinley, in her capacity as guardian ad litem of the minor children, as a party to this discretionary appeal on behalf of said children. See Miller v. Rieser, 213 Ga. App. 683, 690 (2) (446 SE2d 233) (1994). Jenny Hudson Hatch shall hereafter strictly comply with Court of Appeal Rule 1 and shall serve both R. Scott Keller and Linda S. McKinley, as guardian ad litem of the minor children, with any and all filings, documents, motions, briefs, requests, and communications relating to the appeal of this case.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JAN 20 2000

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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, January 26, 2000

The Court of Appeals hereby passes the following order:

A00D0166. EDWARD VAN LANG v. WILLIAM O. COX.

Applicant Edward Van Lang seeks a discretionary appeal from an order of the superior court denying his motion and amended motion for appointment of counsel, motion for subpoenas and/or depositions, motion for lien, and motion for evidentiary hearing. However, applicant failed to include in his application a stamped "filed" copy of the order from which the appeal is sought as required by Rule 31 (c) of the Court of Appeals. On December 28, 1999, this Court issued an order to applicant directing him to supplement the application within ten days with a stamped "filed" copy of the order being appealed, else the application would be dismissed.

Applicant then filed a copy of the order which had not been stamped "filed" and thus did not comply with the directions of this Court's order or the requirements of Court of Appeals Rule 31 (c). Therefore, the application is hereby DISMISSED. Court of Appeals Rule 7.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JAN 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, FEBRUARY 16, 2000

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A00D0166

EDWARD VAN LANG V. WILLIAM O. COX

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

92-014
990608

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta FEB 16 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. ...

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

ATLANTA, JANUARY 27, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0167

T&L SERVICES, INC. V. T. JERRY JACKSON, STATE REVENUE COMMISSIONER

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

91014

99V224

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 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.*

Clerk.

Will L. Martin, III

Court of Appeals of the State of Georgia

ATLANTA, JAN 18 2000

The Court of Appeals hereby passes the following order:

A00D0168. Lynch v. Gattis

Mary Lynch filed this discretionary application seeking review of the trial court's denial of her motion to set aside a default judgment. Generally, the denial of a motion to set aside a judgment requires the discretionary appeal procedures. OCGA § 5-6-35 (a) (8). However, because the issue of damages remains pending before the trial court, no final judgment has been entered and the interlocutory appeal procedures were required in this case. OCGA § 5-6-34 (b); Scruggs v. Ga. Dept. of Human Resources, 261 Ga. 587, 589 (408 SE2d 103) (1991). Lynch's failure to comply with the interlocutory appeal requirements deprives this Court of jurisdiction to consider this application. Accordingly, this application is ordered DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JAN 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, Clerk.

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

ATLANTA, JANUARY 27, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0169

DAVID EVERETTE V. MSC INDUSTRIAL SUPPLY CO., ET AL

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

90015

991867928 253-35-9012

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JAN 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.*

Clerk.

Will L. Martin, III

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

ATLANTA, JANUARY 26, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0170
PHYLLIS M. MILNER V. KENNETH WAYNE MILNER

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

94015

99V072

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JAN 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, JANUARY 31, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0171
DARRELL WAYNE ATHA V. THE STATE

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

95015

97B34723

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JAN 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, January 13, 2000

The Honorable Court of Appeals hereby passes the following order:

A00D0172. Hunter, Lewis & Brannon, L.L.P. v. Home Insurance Co.

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

98-015

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JAN 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. Mart^{Clerk.} 

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

ATLANTA, JANUARY 07, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0173
DON JOHNSON V. BUDDY WHITLEY, 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.

99015
99CV130

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN - 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.*

Clerk.

Will L. Martin, III

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

ATLANTA, JANUARY 21, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0174

LOUIS ANTHONY PARAVATE V. ERIN COLLEEN DAVIS, ET AL

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

96015

DR971324BR

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 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
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Clerk.

Will L. Martin, III

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

ATLANTA, FEBRUARY 07, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0175

FLANDERS INSURANCE AGENCY, INC. V. CHARLES L. BURKES

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

71015

NONE 259-96-7616

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta FEB -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.*

Clerk.

Will L. Martin, III

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

ATLANTA, FEBRUARY 02, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0176
JAMES A. LOWE, JR. V. BLUE BIRD, ET AL

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

97015

99V786 252-41-2350

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta FEB - 2 2000

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Clerk.

William L. Martin, III

Court of Appeals of the State of Georgia

ATLANTA, FEB -1 2000

The Court of Appeals hereby passes the following order:

**A00D0177. ROBERT E. HIGHTOWER, COMMISSIONER, GEORGIA DEPARTMENT OF
PUBLIC SAFETY v. JUSTIN E. HARRISON.**

The Georgia Department of Public Safety seeks review of the superior court order, entered on December 10, 1999, which overturned the revocation of Harrison's driver's license. The superior court order ruled on a petition appealing an administrative ruling and which also prayed for a writ of habeas corpus. The superior court having determined in its order that the petition for habeas corpus was an appropriate avenue for Harrison's challenge to the revocation of his license, the order must be viewed as granting habeas corpus relief.

However, under Ga. Const. 1983, Art. VI, Sec. VI, Par III, the Supreme Court has jurisdiction over appeals in all habeas corpus cases. Therefore, this application is hereby transferred to the Supreme Court.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta FEB - 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, ^{Clerk.} [Signature]

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

ATLANTA, FEBRUARY 07, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0178
MARIAN VARNER V. DOWLING TEXTILE, ET AL

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

91015

98CV2067M

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta FEB -7 2000

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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, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0179

LRA CONSTRUCTORS, INC., ET AL V. JAMES E. MCGOUGH, JR.

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

93015

99CV11582 260-90-1762

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JAN 25 2000

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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. Matson, III

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

ATLANTA, FEBRUARY 16, 2000

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A00D0179

LRA CONSTRUCTORS, INC., ET AL V. JAMES E. MCGOUGH, JR.

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

93-015
99CV11582 260-90-1762

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta FEB 16 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, March 8, 2000

The Court of Appeals passes the following order:

A00D0179. LRA CONSTRUCTORS, INC. ET AL v. JAMES E. MCGOUGH, JR.

Upon consideration of the appellant's motion for permission to file a SECOND MOTION FOR RECONSIDERATION of the Court's order of JANUARY 25, 2000, the same is hereby DENIED.

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta March 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 ^{Clerk.} 

Court of Appeals of the State of Georgia

ATLANTA, FEB -2 2000

The Court of Appeals hereby passes the following order:

**A00D0180. ROYAL INSURANCE COMPANY OF AMERICA v. BLUE RIBBON BUILDERS,
INC., ET AL**

Royal Insurance Company of America filed suit in the State Court of Cobb County against Blue Ribbon Builders for additional premiums allegedly due for workers compensation insurance. Blue Ribbon filed a motion for summary judgment, which the state court granted. Royal Insurance filed this application for discretionary appeal from the order. This appeal, however, does not fall within those classes of cases listed in OCGA § 5-6-35 (a) requiring a discretionary application. This application is accordingly ordered GRANTED pursuant to OCGA § 5-6-35 (j).

Royal Insurance Company of America shall have 10 days from the date of this order in which to file a notice of appeal. The Clerk of the state court is directed to include a copy of this order in the appeal record transmitted to this Court.

90-016

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta FEB -2 2000

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

Clerk.

William L. Mat...

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

ATLANTA, FEBRUARY 07, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0181

RICHARD TRZCINSKI V. KATHLEEN KEETING, F/K/A KATHLEEN TRZCINSKI

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

94016

99CV0523

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta FEB -7 2000

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hereto affixed the day and year last above written.*

Clerk.

Will. L. Martin, III

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

ATLANTA, FEBRUARY 02, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0182
CARLTON S. JOHNSON V. REBECCA T. DENT

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

95016

1999RCCV670

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta FEB -2 2000

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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, MARCH 9, 2000

The Honorable Court of Appeals hereby passes the following order:

A00D0182. CARLTON S. JOHNSON v. REBECCA T. DENT.

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

95-016

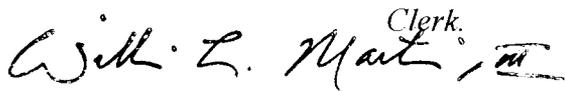
1999RCCV670

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR -9 2000

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minutes of the Court of Appeals of Georgia.*

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Will L. Mart, ^{Clerk.} 

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

ATLANTA, FEBRUARY 08, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0183
MARINE PORT TERMINALS, INC., ET AL V. CLYDE E. EVANS

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

98016

9901675 279-32-2646

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

FEB 08 2000

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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, FEBRUARY 24, 2000

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A00D0183

MARINE PORT TERMINALS, INC., ET AL V. CLYDE E. EVANS

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

98-016
9901675

279-32-2646

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta FEB 24 2000

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

Clerk.

Will L. Mart, 

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

ATLANTA, JANUARY 27, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0184

ANDERSON STEEL ERECTION, INC. V. CLARENDON NATIONAL INSURANCE COMPANY

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

96016

1B99CV289M 250-06-1959

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JAN 27 2000

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Clerk.

Will. L. Martin, III

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

ATLANTA, FEBRUARY 08, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0185
LONNIE PRITCHETT V. THE STATE

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

71016

98CR00800

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta FEB - 8 2000

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the minutes of the Court of Appeals of Georgia.*

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Clerk.

Will. L. Martin, III

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

ATLANTA, FEBRUARY 09, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0186

THOMAS SHANE HARRISON V. WINN DIXIE STORES, 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.

97016

99CV1130310 254-29-0871

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta FEB -9 2000

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

Clerk.

Will. L. Martin, III

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

ATLANTA, FEBRUARY 08, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0187
RONALD DEAN HOVET V. DEANNA IRENE HOVET

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.

99016

99CV1588 S00D0569

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta FEB - 8 2000

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Clerk.

Will. L. Martin, III

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

ATLANTA, FEBRUARY 17, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0188
ANN MCCAULEY V. COOK'S PEST CONTROL, INC., ET AL

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

70016

91A56592 98A053972

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta FEB 17 2000

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the minutes of the Court of Appeals of Georgia.*

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Will L. Mart,  Clerk.

Court of Appeals of the State of Georgia

ATLANTA, FEB 15 2000

The Court of Appeals hereby passes the following order:

A00D0189. North Fulton Land Equity, Ltd. v. Shannon

North Fulton Land Equity, Ltd. (NFLE) filed this application for discretionary appeal seeking review of the trial court's denial of its motion to set aside judgment and open default. John and Barbara Shannon brought claims against NFLE and The Masters Construction Company, Inc. ("Masters") when they found substantial amounts of construction debris underground on their property when they attempted to build a swimming pool. NFLE failed to timely answer the complaint, and a default judgment was entered against it. NFLE filed a motion to set aside the judgment and open the default which was denied. NFLE seeks review of this denial. However, the order NFLE seeks review of is an interlocutory order as the claims of the Shannons remain pending below against Masters.

When multiple parties are involved, the trial court may direct entry of a final judgment as to one or more but fewer than all of the parties "only upon an express determination that there is no just reason for delay and upon an express direction for the entry of judgment." OCGA § 9-11-54 (b). In this case, the trial court expressly directed that final judgment be entered; however, it

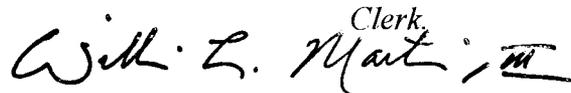
failed to make the express determination that there is no just reason for delay as required by the statute. The failure of the trial court's order to expressly determine that there is no just reason for delay required NFLE to comply with the interlocutory appeal requirements set forth in OCGA § 5-6-34 (b). Hadid v. Beals, 233 Ga. App. 5 (502 SE2d 798) (1998), See also Financial Investment Group, Inc. v. Cornelison, 238 Ga. App. 223 (516 SE2d 844) (1999); Cox v. Farmers Bank, 151 Ga. App. 64 (258 SE2d 731) (1979). NFLE's failure to comply with the interlocutory appeal requirements 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 FEB 15 2000

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

Will. L. Mart, ^{Clerk.} 

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

ATLANTA, FEBRUARY 11, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0190
WILLIAM L. CROLLEY V. ANN DERGARA

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.

91016
8926323

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta FEB 11 2000

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

Clerk.

Will. L. Martini, III

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

ATLANTA, FEBRUARY 10, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0191

MARTIN MARIETTA AGGREGATES, ET AL V. JAMES V. MCDANIEL

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

93016

99CV1116 256-29-1610

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta FEB 10 2000

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Clerk.

William L. Mann, III

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

ATLANTA, FEBRUARY 17, 2000

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A00D0191

MARTIN MARIETTA AGGREGATES, ET AL V. JAMES V. MCDANIEL

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

93-016
99CV1116

256-29-1610

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

FEB 17 2000

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Clerk.

William L. McIntosh, III

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

ATLANTA, FEBRUARY 10, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0192

ANTOINETTE NICOLE HAYES V. DEBORAH OSBORNE

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.

90017

99SV00496

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

FEB 10 2000

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

Clerk.

Will L. Martin, III

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

ATLANTA, FEBRUARY 10, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0193

ANTOINETTE NICOLE HAYES V. ELBERT OSBORNE, SR.

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.

90018

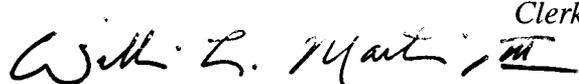
99VS00497

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta FEB 10 2000

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

Will L. Mart, ^{Clerk.} 

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

ATLANTA, FEBRUARY 28, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0194

DEPARTMENT OF PUBLIC SAFETY, ET AL V. AMBER L. IMBRIANO

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.

94017

99CV2173

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta FEB 28 2000

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the minutes of the Court of Appeals of Georgia.*

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Clerk.

Will L. Martin, III

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

ATLANTA, FEB -3 2000

The Court of Appeals hereby passes the following order:

A00D0195. TAYLOR v. STATE

Applicant James E. Taylor was convicted of rape and aggravated sodomy. In an unreported opinion, this Court affirmed his convictions and remanded for the trial court to correct his aggravated sodomy sentence. Taylor v. State, Case No. A95A1587 (Aug. 8, 1995). Subsequently, Taylor filed a pro se extraordinary motion for new trial, which the trial court denied in an order entered December 13, 1999. On January 31, 2000, Taylor filed this pro se application for discretionary appeal under OCGA § 5-6-35 (a) (7) from the order denying his extraordinary motion for new trial.

Applications for discretionary appeal must be filed within 30 days of the entry of the order the applicant seeks to appeal. OCGA § 5-6-35 (d). Therefore, Taylor's application is untimely and is DISMISSED for lack of jurisdiction. See Hill v. State, 204 Ga. App. 582 (420 SE2d 393) (1992).

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta FEB -3 2000

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Will L. Mart, ^{Clerk}_{III}

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

ATLANTA, FEBRUARY 22, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0196
PIONEER HOUSING SYSTEMS, ET AL V. CHARLES M. GLASS, ET AL

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

98017

99CV390 253-02-9444

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta FEB 22 2000

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court
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Clerk.

William L. Hunt, III

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

ATLANTA, MARCH 13, 2000

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A00D0196

PIONEER HOUSING SYSTEMS, ET AL V. CHARLES M. GLASS, ET AL

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

98-017
99CV390 253-02-9444

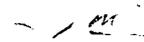
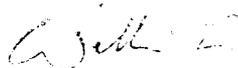
Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR 13 2000

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hereto affixed the day and year last above written.*

Clerk.



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

ATLANTA, FEBRUARY 29, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0197

JAY-HUGH BARTLEY D/B/A CHATSWORTH SALVAGE V. CASIMIRO OSORIA

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

96017

99CI919 383-50-4159

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

FEB 29 2000

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

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hereto affixed the day and year last above written.*

Clerk.

Will L. Martin, III

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

ATLANTA, MARCH 03, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0198

METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY V. WILBUR WEEMS

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.

71017

1999CV15696 254-64-0076

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR -3 2000

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Clerk.

Will L. Martin, III

Court of Appeals of the State of Georgia

ATLANTA, FEB 29 2001

The Court of Appeals hereby passes the following order:

A00D0199. Fleming v. Fleming

Mary Ellen Fleming filed this discretionary application seeking review of the trial court's dismissal of count two of her complaint alleging claims of forgery and conversion of assets. This case arose out of a divorce action filed by Mary Ellen Fleming against John Van Fleming. Count one of the complaint was for divorce. On April 19-21, 1999 a jury trial was held on the divorce complaint and a verdict was entered. On May 14, 1999 a final judgment and decree of divorce was entered, and no appeal was filed. The trial court then entertained the issue of count two of the complaint and granted John Van Fleming's motion to dismiss that count.

An application for discretionary appeal is required for all appeals in domestic relations cases. OCGA § 5-6-35 (a) (2). However, in this case, the divorce action was final, and the only issue on appeal is the dismissal of a tort action which is directly appealable. Thus, this case is directly appealable. Eickhoff v. Eickhoff, 263 Ga. 498, 499 (435 SE2d 914) (1993). Accordingly,

this application is GRANTED pursuant to OCGA § 5-6-35 (j). Mary Ellen Fleming shall have ten days from the date of this order to file her notice of appeal. The clerk of the Superior Court of Gwinnett County is directed to include a copy of this order in the record transmitted on appeal.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta FEB 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.

Clerk.



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

ATLANTA, FEBRUARY 29, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0200

GEOFFREY JONES V. THE STATE

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

99017

94R136

Court of Appeals of the State of Georgia

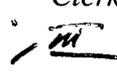
Clerk's Office, Atlanta

FEB 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.*

Clerk.

Will. L. Mart, 

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

ATLANTA, MAR - 1 2000

The Court of Appeals hereby passes the following order:

A00D0201. HELEN C. HOPKINSON v. PETER S. HOPKINSON

Helen C. Hopkinson filed this discretionary application seeking review of the trial court's denial of her extraordinary motion for new trial. She had filed the motion, asking the court to set aside the parties' final divorce decree or, in the alternative, to enforce an equal division of undisclosed assets as provided in the divorce settlement agreement, which was incorporated into and made a part of the final divorce decree. 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); Eickhoff v. Eickhoff, 263 Ga. 498, 499 (1) (435 SE2d 914) (1993). Accordingly, this application is TRANSFERRED to the Supreme Court.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR - 1 2000

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Will L. Maul, ^{Clerk.} 

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

ATLANTA, March 3, 2000

The Court of Appeals hereby passes the following order:

A00D0202. ALONZO BROWN v. LRA CONSTRUCTORS, INC.

Alonzo Brown filed an application for discretionary appeal of the order of the superior court affirming the award of the Appellate Division of the State Board of Workers' Compensation. Because the superior court did not enter its order within 20 days from the date that it held its hearing on Brown's appeal, the order of the Appellate Division was affirmed by operation of law and the superior court's subsequent order is erroneous and a nullity. OCGA § 34-9-105 (b); Pine Timber Trucking Co. v. Teal, 230 Ga. App. 362, 362-363 (1) & (2) (496 SE2d 270) (1998); see Taylor Timber Co. v. Baker, 226 Ga. App. 211, 213 (1) (485 SE2d 819) (1997).

Brown also failed to file his application with this court within 30 days of the last date on which the superior court could have taken action under OCGA § 34-9-105 (b) as required under OCGA §§ 5-6-35 (d) and 34-9-105 (d). Therefore, no further issues remain for appellate consideration by this court and a review of the Appellate Division's award, which was affirmed by operation of law, is not necessary in disposing of Brown's application. Pine Timber Trucking Co. v. Teal, supra at 363 (2).

As nothing further remains for this court to review and in the aid of our discretionary jurisdiction, Brown's application for discretionary appeal is hereby dismissed. Ga. Const. of 1983, Art. VI, Sec. I, Para. IV; see Pine Timber Trucking Co. v. Teal. supra.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR - 3 2000

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

A. J. L. Martin, III^{Clerk.}

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

ATLANTA, FEBRUARY 22, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0203

JAMES CHRISTOPHER TURK V. STACI LIN MORGAN TURK

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

91017

99V62874L

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta FEB 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
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Clerk.

Will. L. Martin, III

Court of Appeals of the State of Georgia

ATLANTA, MAR -9 2000

The Court of Appeals hereby passes the following order:

A00D0204. LADRIGAN v. SLIZ.
A00D0205. LADRIGAN v. LADRIGAN.

The above styled applications are from the same orders appealed from in Appeal Nos. A00A1126 and A00A1127, respectively. Each of Ladrigan's direct appeals was dismissed due to Ladrigan's failure to follow the discretionary appeal procedure as required under OCGA § 5-6-35 (a) (2). Although this court's respective dismissal orders did not prejudice Ladrigan's opportunity to pursue the matters further by filing applications for discretionary appeal, to be considered such applications must be filed "within 30 days of the order, decision, or judgment complained of. . . ." OCGA § 5-6-35 (d); Rosenstein v. Jenkins, 166 Ga. App. 385 (304 SE2d 740) (1983). Because Ladrigan failed in both instances to file his applications within the time required, this court lacks jurisdiction to consider them. Accordingly, the applications are hereby DISMISSED as untimely filed.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR -9 2000

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*Witness my signature and the seal of said court
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Will. L. Mant, III
Clerk.

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

ATLANTA, MAR -9 2000

The Court of Appeals hereby passes the following order:

A00D0204. LADRIGAN v. SLIZ.
A00D0205. LADRIGAN v. LADRIGAN.

The above styled applications are from the same orders appealed from in Appeal Nos. A00A1126 and A00A1127, respectively. Each of Ladrigan's direct appeals was dismissed due to Ladrigan's failure to follow the discretionary appeal procedure as required under OCGA § 5-6-35 (a) (2). Although this court's respective dismissal orders did not prejudice Ladrigan's opportunity to pursue the matters further by filing applications for discretionary appeal, to be considered such applications must be filed "within 30 days of the order, decision, or judgment complained of. . . ." OCGA § 5-6-35 (d); Rosenstein v. Jenkins, 166 Ga. App. 385 (304 SE2d 740) (1983). Because Ladrigan failed in both instances to file his applications within the time required, this court lacks jurisdiction to consider them. Accordingly, the applications are hereby DISMISSED as untimely filed.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR -9 2000

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Will. L. Mart, ^{Clerk.} 

Court of Appeals of the State of Georgia

ATLANTA, FEB 22 2000

The Court of Appeals hereby passes the following order:

A00D0206. Crossroads Holdings, Inc. v. City of Atlanta

Levenson and Associates filed this discretionary application seeking review of the trial court's denial of its motion for OCGA § 9-15-14 attorneys fees against Franklin R. Nix. Levenson and Associates represents the plaintiffs in Crossroads Holdings, Inc. v. City of Atlanta, a case which is apparently pending in the State Court of Fulton County. Nix, who is neither a party nor counsel in the Crossroads case, unsuccessfully sought to have Levenson and Associates disqualified. Once the trial court denied Nix's motion for disqualification, Levenson and Associates sought OCGA § 9-15-14 attorneys fees.

Generally, a party must follow the discretionary appeal procedures to appeal the denial of a motion for OCGA § 9-15-14 attorneys fees. OCGA § 5-6-35 (a) (10). However, because the underlying case of Crossroads Holdings, Inc. v. City of Atlanta apparently remains pending in the trial court, no final judgment has been entered and Levenson and Associates was required to follow the interlocutory appeal procedures. OCGA § 5-6-34 (b); Scruggs

v. Ga. Dept. of Human Resources, 261 Ga. 587, 589 (408 SE2d 103)
(1991). Levenson and Associates' failure to follow the
interlocutory appeal procedures deprives this Court of jurisdiction
to consider this application. Accordingly, this application is
DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta FEB 22 2000

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hereto affixed the day and year last above written.*

Clerk.

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

ATLANTA, MARCH 09, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0207

MELVIN MCCLAIN V. GRIFFIN-SPALDING COUNTY BOARD OF EDUCATION

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

95018

99V673

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR -9 2000

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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, MARCH 08, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0208
CON-EQUITIES, INC. V DRUG EMPORIUM, INC.

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

98018

98A17157

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR - 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, MARCH 08, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0209
CIBA VISION CORPORATION V. T. JERRY JACKSON

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.

96018
E71169

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

Court of Appeals of the State of Georgia

ATLANTA, MAR -2 2000

The Court of Appeals hereby passes the following order:

A00D0210. WINN-DIXIE CHARLOTTE, INC. v. BRUNNER COMPANIES INCOME PROPERTIES LIMITED PARTNERSHIP I.

Defendant Winn-Dixie Charlotte, Inc., seeks an appeal from an order that both sets aside and re-enters a default judgment and denies a motion to set aside that judgment as re-entered. A default judgment is directly appealable so long as it otherwise constitutes the final judgment in the case. Smithson v. Harry Norman, Inc., 192 Ga. App. 796 (386 SE2d 546) (1989). Moreover, all rulings that are a part of that final judgment, including the denial of defendant's motion to set aside pursuant to OCGA § 9-11-60 (d) (2), are likewise directly appealable. See generally Martin v. Williams, 263 Ga. 707 (438 SE2d 353) (1994). Because the defendant has already filed a timely notice of appeal from the same judgment complained of here, and because we find that a direct appeal is authorized under the present circumstances, defendant's application is hereby DISMISSED as superfluous.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR = 2 2000

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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, FEB 17 2016

The Court of Appeals hereby passes the following order:

A00D0211. Lowery v. Dallis

Randy Lowery and Withrow Wilson seek to appeal the order overruling their objections to the dismissal of their motion for reconsideration. The trial court entered an order against them in this garnishment action. They filed a motion for reconsideration and then an application for discretionary appeal, which this Court denied. Lowery v. Dallis, Case No. A00D0098 (November 18, 1999). The trial court dismissed the motion for reconsideration on the ground that the application for appeal had deprived it of jurisdiction. Nest Investments, Inc. v. Tzavaris, 221 Ga. App. 282 (471 SE2d 223) (1996). Lowery and Wilson then filed a Notice of Objections to the dismissal of the motion for reconsideration. They seek to appeal the trial court's order overruling their objections.

A denial of a motion to set aside a judgment is appealable in its own right so long as it attacks the original judgment on the basis of jurisdiction, fraud or a non-amendable defect. OCGA

§ 9-11-60 (d); OCGA § 5-6-35 (a) (8); Anton v Garvey, 160 Ga. App. 157 (286 SE2d 493) (1981).

Lowery and Wilson have not included in their application their Notice of Objections, so it is unclear whether they attacked the original judgment on the basis of jurisdiction, fraud or a non-amendable defect. However, they do not raise those grounds in the instant application. Further, their objections to the dismissal of their motion for reconsideration did not extend the time period for appealing the original order against them, which, in any event, they sought to appeal in Case No. A00D0098. Filing a motion for reconsideration that does not contain elements showing it is brought under OCGA § 9-11-60 (d) "does not extend the time for filing an appeal, nor [is] its denial appealable in its own right." Anton, 160 Ga. App. at 158. That being the case, then the overruling of the objections to the dismissal of the motion for reconsideration is not appealable in its own right. Therefore, this application is DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta FEB 17 2000

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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.

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

ATLANTA, MARCH 08, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0212
INTERMARINE, U.S.A., ET AL V. RICHARD JOE HIGGINS

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

99018

CV991527MI

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR - 8 2000

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Clerk.

Will. L. Martin, III

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

ATLANTA, FEBRUARY 29, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0213
ALBERT J. HARRIS V. THE STATE

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

70018

94R3210 97R3683 94R3224

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

FEB 29 2000

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the minutes of the Court of Appeals of Georgia.*

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Clerk.

Will. L. Martin, III

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

ATLANTA, FEB 22 2000

The Court of Appeals hereby passes the following order:

A00D0214. TERRY A. SAMPSON v. HUGH SMITH, WARDEN

Terry A. Sampson seeks an appeal from an order denying his motion to set aside a judgment denying his petition for habeas corpus relief. The Georgia Supreme Court has jurisdiction in all habeas corpus cases. Ga. Const. of 1983, Art. VI, Sec. VI, Par. III (4); OCGA § 9-14-22. Therefore, Sampson's application is hereby TRANSFERRED to the Supreme Court for disposition.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta FEB 22 2000

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the minutes of the Court of Appeals of Georgia.*

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Clerk.
Will L. Martin, III

Court of Appeals of the State of Georgia

ATLANTA, MAR 15 2000

The Court of Appeals hereby passes the following order:

A00D0215. AREVALO v. THE BANK OF NEW YORK.

In this dispossessory action, Rebekah M. Arevalo filed a direct appeal from the final judgment of the superior court reviewing de novo a decision of the magistrate court. That appeal was docketed in this court as Appeal No. A00A1227. Arevalo's appeal was dismissed by order entered February 15, 2000 due to Arevalo's failure to follow the discretionary appeal procedure as required. The remittitur was issued on March 6, 2000.

Before Appeal No. A00A1227 had been dismissed by this court, the trial court issued a second writ of possession based on Arevalo's failure to pay rent into the registry of the court. OCGA § 44-7-56 authorizes the trial court, upon motion of the landlord and upon good cause shown, to order tenants such as Arevalo to pay into the registry of the court all sums found to be due for rent in order to remain in possession of the premises. That Code section also requires the tenant to pay future rent due "until the issue has finally been determined on appeal." Because Arevalo failed to pay rent into the registry of the court for the month of February,

the trial court issued a second writ of possession as is required under OCGA §§ 44-7-56 and 44-7-54 (b). It is from the entry of this second writ of possession that Arevalo now seeks a discretionary appeal.

Because Arevalo's direct appeal from the final judgment of the trial court has been dismissed, her right to remain on the premises has ended by operation of law. Neither OCGA §§ 44-7-54 nor 44-7-56 provides any basis for a tenant's continued possession of the premises after an appeal from the final judgment has been disposed of in the landlord's favor. Since Arevalo no longer has a present right of possession under any provision of Chapter 7 of Title 44, any question regarding the propriety of the second writ of possession issued pursuant to OCGA § 44-7-54 (b) has been rendered moot. Accordingly, Arevalo's application for appeal is hereby DISMISSED. Accord Franklin v. Shackelford, 174 Ga. App. 520 (330 SE2d 449) (1985).

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR 15 2000

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

Will. L. Maul, III
Clerk

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

ATLANTA, MARCH 06, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0216

PAMELA J. BRATCHER, ET AL V. DEBRA A. DEWITT

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

90019

98VS146864H

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR -6 2000

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Clerk.

William L. Martin, III

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

ATLANTA, MARCH 17, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0217
ROBERT GRAHAM V. L&H SHEET METAL, ET AL

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

94019

1999CV16192 260-66-1828

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR 17 2000

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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, MAR -2 2000

The Court of Appeals hereby passes the following order:

A00D0218. STICARLO VANDERSON v. THE STATE.

Because Sticarlo Vanderson has failed to timely file a stamped copy of the probation revocation order which he seeks to appeal, as required by the order of this court, dated February 17, 2000, this application for discretionary appeal is hereby dismissed.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR -2 2000

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hereto affixed the day and year last above written.*

W. L. Mart, ^{Clerk.} *m*

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

ATLANTA, MARCH 15, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0219
BETTY L. SMITH V. MR. SWEEPER STORES, INC., 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.

~~98019~~ To 93

99CV15707 261-48-0278

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR 15 2000

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

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Clerk.

William L. McIntosh, III

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

ATLANTA, MARCH 16, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0220
JERRY LARRY COLLIER V. DAGMAR J. SPISAK

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

96019

99VS0157040

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR 16 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, MARCH 09, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0221

JACK MCGARITY V. THE STATE

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

71019

909170234

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR -9 2000

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Clerk.

Will L. Martin, III

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

ATLANTA, MARCH 24, 2000

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A00D0221

JACK MCGARITY V. THE STATE

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

71-019
909170234

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 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.

William L. Mont

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

ATLANTA, MARCH 15, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0222
ROCKIN' COUNTRY USA, INC. V. CITY OF ATLANTA, GEORGIA

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

97019

1999CV12695

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR 15 2000

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Clerk.

William L. Mont, III

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

ATLANTA, MAR -9 2000

The Court of Appeals hereby passes the following order:

A00D0223. ALAN BEGNER v. STATE ETHICS COMMISSION.

Alan Begner has filed an application for discretionary appeal of a purported final order of contempt. The order holds Begner in contempt but does not expressly impose any punishment upon him for his conduct.

Where a trial court issues an order finding a party in contempt of court but does not impose punishment, no final judgment has been entered and the case is still pending in the court below. In re Crudup, 149 Ga. App. 214 (253 SE2d 802) (1979). As the case is not final and the contempt action remains pending below, Begner was required to comply with the interlocutory review procedure of OCGA § 5-6-34 (b). Because Begner failed to file an application for interlocutory review of the contempt order, this court is without jurisdiction and the application for discretionary appeal must be dismissed. See Liberty Mutual Ins. Co. v. Anthony, 233 Ga. App. 463 (504 SE2d 525) (1998); McDowell v. The State, 158 Ga. App. 712 (282 SE2d 125) (1981).

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR -9 2000

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hereto affixed the day and year last above written.*

Will. L. Masten, III

Court of Appeals of the State of Georgia

ATLANTA, FEB 28 2000

The Court of Appeals hereby passes the following order:

A00D0224. EMBERY J. MCBRIDE v. THE STATE.

Embery J. McBride filed this discretionary application on February 23, 2000, from the trial court's January 6, 2000 order setting aside and then reentering a previous order. However, an application for discretionary appeal must be filed within 30 days of entry of the order sought to be appealed. See OCGA § 5-6-35 (d) and Johnson v. State, 237 Ga. App. 677 (516 SE2d 539) (1999). Because the application is untimely, this Court lacks jurisdiction to consider it. Therefore, this application is hereby DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta FEB 28 2000

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hereto affixed the day and year last above written.*

Will. L. Mart, ^{Clerk} 

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

ATLANTA, MARCH 16, 2000

The Honorable Court of Appeals hereby passes the following order:

A00D0224. EMBERY J. MCBRIDE v. THE STATE.

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

70-019

51132

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR 16 2000

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

W. L. Hunt, III
Clerk.

Court of Appeals

of the State of Georgia

ATLANTA, MARCH 23, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0225
CITY OF TRENTON, ET AL V. DONALD MULLINS

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

92019

99CV10202 414-94-6325

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR 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, MAY 3, 2000

The Honorable Court of Appeals hereby passes the following order:

A00D0226. CATHERINE LAVERNE HAYES v. THE STATE

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

99-020

96R233

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY - 3 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.*

William L. [Signature] Clerk.

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

ATLANTA, MARCH 15, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0226
LAURA HUNERWADEL V. MALCOLM DULOCK

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

91019

981835624

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR 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.*

Clerk.

William L. Matz, III

Court of Appeals
of the State of Georgia

ATLANTA, MARCH 21, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0227

BRUCE PETERSON D/B/A CS INDUSTRIES V. INDUSTRIAL CHEMICALS, INC.

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

93019

99C69144

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 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. Mount, III

Court of Appeals of the State of Georgia

ATLANTA, MAR 16 2000

The Court of Appeals hereby passes the following order:

A00D0228. MICHAEL CHILDS, ET AL v. BILL CAMPBELL, ET AL.

Applicants Michael Childs, et al., were notified that their 1998 alcoholic beverage license was subject to non-renewal action. A show cause hearing was held before the City of Atlanta License Review Board.

At the conclusion of the City's case and before applicants presented any evidence to the Board, applicants made a motion for directed verdict. The motion was granted and the Board recommended that Mayor Bill Campbell grant the application for renewal because the City had failed to show due cause for the denial of licence renewal. Mayor Campbell reviewed the case and directed the revocation of applicants 1998 liquor license.

Applicants filed a petition for writ of mandamus and writ of certiorari to the superior court. The superior court entered an order denying the relief sought and dismissing applicants' petition. Applicants filed a timely discretionary appeal of that order with this court.

This application raises a substantial issue regarding the legality or propriety of the extraordinary relief sought in the superior court. See Beauchamp v. Knight, 261 Ga. 608, 609 (409 SE2d 208) (1991). The answer to this issue depends on whether Mayor Bill Campbell lawfully exercised his authority to deny the renewal of applicants' liquor license without returning the case to the License Review Board for a new hearing. Unless otherwise provided by law, the Supreme Court 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).

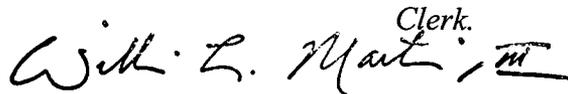
Accordingly, this case is transferred to the Supreme Court.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR 16 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, JUN 21 2006

The Court of Appeals hereby passes the following order:

A00D0228. MICHAEL CHILDS AND BOOBY TRAP d/b/a NIKKI VIP v. BILL CAMPBELL AND CITY OF ATLANTA, GEORGIA.

Appellants motion for clarification is hereby DENIED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUN 21 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.*

Will L. Mart^{terk}, m

Court of Appeals
of the State of Georgia

ATLANTA, MARCH 24, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0229
RAYMOND KYLE PACK V. THE STATE

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

94020

99CR86

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

Court of Appeals of the State of Georgia

ATLANTA, MAR 17 2000

The Court of Appeals hereby passes the following order:

A00D0230. CORNELIUS v. CORNELIUS
A00D0231. CORNELIUS v. CORNELIUS

E. Frank Cornelius (E. Cornelius) filed these discretionary applications seeking review of the trial court's temporary restraining order against E. Cornelius pursuant to the Family Violence Act, as well as the trial court's denial of his motion to recuse the trial judge, Gene Reeves, Jr. However, because both orders nonfinal, this Court has no jurisdiction to consider these applications.

The trial court's supplemental order concerning the temporary restraining order pursuant to the Family Violence Act specifically provides that "this case is continued pending the outcome" of the action E. Cornelius filed in Federal District Court to enjoin the trial court proceedings. Although the District Court dismissed the action, E. Cornelius has appealed that decision to the Court of Appeals for the Eleventh Circuit. Thus, the trial court's order is not a final order subject to a discretionary application, which distinguishes this case from Williams v. Stepler, 221 Ga. App. 338

(471 SE2d 284) (1996). See also Scruggs v. Ga. Dept. of Human Resources, 261 Ga. 587, 589 (408 SE2d 103) (1991).

Further, an appeal from an order denying a motion to recuse is not a final judgment and requires an application for interlocutory appeal. Rolleston v. Glynn County Board of Tax Assessors, 213 Ga. App. 552 (445 SE2d 345) (1994); Chandler v. Davis, 269 Ga. 727 (504 SE2d 440) (1998).

E. Cornelius' failure to comply with the interlocutory appeal requirements deprives this Court of jurisdiction to consider these discretionary applications. OCGA § 5-6-34 (b). Accordingly, these applications are ordered DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR 17 2000

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the minutes of the Court of Appeals of Georgia.*

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Will. L. Martin, Clerk, III

Court of Appeals of the State of Georgia

ATLANTA, MAR 17 2000

The Court of Appeals hereby passes the following order:

A00D0230. CORNELIUS v. CORNELIUS
A00D0231. CORNELIUS v. CORNELIUS

E. Frank Cornelius (E. Cornelius) filed these discretionary applications seeking review of the trial court's temporary restraining order against E. Cornelius pursuant to the Family Violence Act, as well as the trial court's denial of his motion to recuse the trial judge, Gene Reeves, Jr. However, because both orders nonfinal, this Court has no jurisdiction to consider these applications.

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E. Cornelius' failure to comply with the interlocutory appeal requirements deprives this Court of jurisdiction to consider these discretionary applications. OCGA § 5-6-34 (b). Accordingly, these applications are ordered DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR 17 2000

*I certify that the above is a true extract from
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Will. L. Maul, III^{Clerk}

Court of Appeals of the State of Georgia

ATLANTA, MAR 17 2000

The Court of Appeals hereby passes the following order:

A00D0230. CORNELIUS v. CORNELIUS
A00D0231. CORNELIUS v. CORNELIUS

E. Frank Cornelius (E. Cornelius) filed these discretionary applications seeking review of the trial court's temporary restraining order against E. Cornelius pursuant to the Family Violence Act, as well as the trial court's denial of his motion to recuse the trial judge, Gene Reeves, Jr. However, because both orders nonfinal, this Court has no jurisdiction to consider these applications.

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(471 SE2d 284) (1996). See also Scruggs v. Ga. Dept. of Human Resources, 261 Ga. 587, 589 (408 SE2d 103) (1991).

Further, an appeal from an order denying a motion to recuse is not a final judgment and requires an application for interlocutory appeal. Rolleston v. Glynn County Board of Tax Assessors, 213 Ga. App. 552 (445 SE2d 345) (1994); Chandler v. Davis, 269 Ga. 727 (504 SE2d 440) (1998).

E. Cornelius' failure to comply with the interlocutory appeal requirements deprives this Court of jurisdiction to consider these discretionary applications. OCGA § 5-6-34 (b). Accordingly, these applications are ordered DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR 17 2000

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Will. L. Maul, ^{Clerk} III

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

ATLANTA, MARCH 15, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0232

NATIONWISE AUTOMOTIVE, INC. , ET AL V. BRENDA S. THOMPSON

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

98020

1999CV16130

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR 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.*

Clerk.

Will L. Martin, III

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

ATLANTA, MARCH 23, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0233
ASTRID RICHARDSON V. ROBERT E. RICHARDSON

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

96020

D99506

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta MAR 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. Mart, III

Court of Appeals of the State of Georgia

ATLANTA, MAR 10 2000

The Court of Appeals hereby passes the following order:

**A00D0234. THOMAS JOSEPH KEMPTON v. FRANCES JANELLE RICHARDS F/K/A
FRANCES JANELLE KEMPTON**

On December 16, 2000, the Superior Court of the Houston County Judicial Circuit entered an order declining to direct mediation or arbitration, and directing the domestication of the final judgment and dissolution of marriage entered by the circuit court of the second judicial circuit in and for Leon County, Florida.

On or about January 4, 2000, Thomas Joseph Kempton filed a motion for reconsideration of the superior court's order of December 16, 2000. On January 25, 2000, the superior court entered an order denying Kempton's motion for reconsideration. On February 24, 2000, Kempton filed an application for discretionary appeal of the order of the superior court denying the motion for reconsideration. Kempton contends that the superior court erred by failing to enforce the arbitration provisions of the final judgment and dissolution of marriage entered by the circuit court in Florida.

A motion for reconsideration does not extend the statutory time for filing an application for a discretionary appeal. OCGA § 5-6-38 (a); see Underwood v. Lanier Home Center, 239 Ga. App. 282 (521 SE2d 207) (1999). Kempton has failed to file his application for discretionary appeal within 30 days after entry of the appealable judgment, which in this case was the trial court's December 16, 1999 order. The time requirement of OCGA § 5-6-38 (a) is jurisdictional, and because of Kempton's failure to file a timely notice of appeal, this appeal is hereby dismissed for lack of jurisdiction. Id.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 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.*

Will. L. Mart, ^{Clerk.} 

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

ATLANTA, MARCH 27, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0235

JIMMIE LYNN MCMICHAEL V. PINE FOREST COUNTRY CLUB, ET AL

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

97020

99CV0660 254-35-8870

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

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

ATLANTA, MARCH 27, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0236
CATHERINE LAVERNE HAYES V. THE STATE

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

99020

96R233

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

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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, MARCH 09, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0237

JIM WEBB COUCH 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.

70020

93B14945

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR -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
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Clerk.

Will. L. Martin, III

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

ATLANTA, MARCH 29, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0238

ALAN NEIL PARNES V. CARRIE FRANCES PARNES

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

92020

961263134

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR 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. [Signature] Clerk.

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

ATLANTA, MARCH 17, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0239
RANDY EARL GREENE 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.

91020
90R208

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR 17 2000

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

Clerk.

Will. L. Martin, III

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

ATLANTA, MARCH 30, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0240

STACEY HELM, F/K/A STACEY GRAHAM V. ROBERT DEAN GRAHAM

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.

93020

SU99DM21118

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 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. Martin, III Clerk.

Court of Appeals
of the State of Georgia

ATLANTA, MARCH 31, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0241

MICHAEL JORDAN V. AMANDA ANDERSON, ET AL

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

90021

I961942G

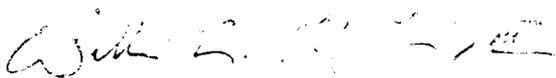
Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR 31 2000

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

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hereto affixed the day and year last above written.*

Clerk.



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

ATLANTA, MAR 27 2000

The Court of Appeals hereby passes the following order:

A00D0242. Emmett v. Regions Bank

Nolan Emmett and Richard Emmett filed this discretionary application seeking review of the trial court's order granting Regions Bank's motion for attorney fees and expenses of litigation pursuant to OCGA § 9-15-14. On March 9, 2000, this Court issued an order in this case requiring the Emmetts to supplement the application, within 10 days of the date of the order, with a stamped "filed" copy of the order being appealed as required by Rule 32 (b) of the Court of Appeals. The Emmetts have failed to comply with this Court's order. Accordingly, this application for discretionary appeal is ordered DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR 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. Mc... Clerk, III

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

ATLANTA, APRIL 12, 2000

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A00D0242

NOLAN EMMETT, ET AL V. REGIONS BANK

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

94-021
97CV1469B 97CV1470B

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

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

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hereto affixed the day and year last above written.*

Clerk.

Will L. Martin, III

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

ATLANTA, MAR 28 2000

The Court of Appeals hereby passes the following order:

A00D0243. CRESTON CARPET MILL, LLC v. HANLON COX, ET AL

Creston Carpet Mill, LLC filed an application for discretionary appeal by certified mail on March 6, 2000, seeking an appeal from the trial court's February 2, 2000, order granting defendants' motion to amend, arrest, set aside, or strike verdict for attorney's fees. OCGA § 5-6-35 (d) requires that an application for discretionary appeal must be filed within 30 days of the date of entry of the order complained of. Creston Carpet Mill's application was not filed until 33 days after the superior court order was entered. The application was accordingly untimely. An applicant's failure to file a timely discretionary application deprives this Court of jurisdiction to consider the appeal. Tobitt v. Tobitt, 249 Ga 245 (290 SE2d 49) (1982). Accordingly, the application is hereby DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR 28 2000

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

W. L. Mart, III
Clerk.

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

ATLANTA, MARCH 17, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0244
ANTONIO BERNARD JOHNSON V. THE STATE

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

96021

CR980605M1

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

Will L. Martin, III

Court of Appeals of the State of Georgia

ATLANTA, MAR 29 2000

The Court of Appeals hereby passes the following order:

A00D0245. NORMAN LEE BARNES v. CLAYTON COUNTY, GEORGIA.

Norman Lee Barnes seeks a discretionary appeal from an order dismissing his motion for an out of time appeal. However, a denial of a motion for out of time appeal is directly appealable. Randolph v. State, 220 Ga. App 769 (470 SE2d 300) (1996). Thus an application for discretionary appeal was not necessary and Barnes's direct appeal from the order sought to be appeal, Case No. A00A1137, remains pending before this Court.

However, this application, filed March 10, 2000, seeking appellate review of the December 13, 1999 dismissal of the motion for out of time appeal was not timely filed within 30 days following entry of the order sought to be appealed pursuant to OCGA § 5-6-35 (d). The time requirement in OCGA § 5-6-35 (d) is jurisdictional, and because Barnes failed to file a timely application, the application must be DISMISSED. Thompkins v. State, 157 Ga. App. 203 (276 SE2d 885) (1981).

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR 29 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.*

William L. McIntosh, III
Clerk

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

ATLANTA, APRIL 10, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0246

GEORGIA BOARD OF NATURAL RESOURCES V. GEORGIA EMISSION TESTING, CO.

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.

71021

1999CV03636

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 10 2000

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the minutes of the Court of Appeals of Georgia.*

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Clerk.

Will L. Martin, III

Court of Appeals of the State of Georgia

ATLANTA, MAR 17 2000

The Court of Appeals hereby passes the following order:

A00D0247. Livery v. The State

William Lee Livery filed this discretionary application seeking review of the trial court's denial of his motion for reconsideration of the trial court's previous order denying his extraordinary motion for new trial. The order denying Livery's extraordinary motion for new trial was entered by the trial court on January 28, 2000. Livery's motion for reconsideration was denied by order entered February 18, 2000. This application was filed on March 9, 2000.

However, under OCGA § 5-6-35 (d), a discretionary application must be filed within 30 days of entry of the appealable judgment, which in this case was the order denying Livery's extraordinary motion for new trial which was entered on January 28, 2000. Livery's motion for reconsideration did not extend the time for filing an appeal. Campbell v. State, 192 Ga. App. 316 (385 SE2d 316) (1989). The time requirement in OCGA § 5-6-35 (d) is jurisdictional, and because Livery failed to file this application

timely, this appeal must be dismissed. Thompkins v. State, 157 Ga.
App. 203 (276 SE2d 885) (1981).

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR 17 2000

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Will. L. Martin, III ^{Clerk.}

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

ATLANTA, APRIL 05, 2000

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A00D0247

WILLIAM LEE LIVERY V. THE STATE

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

97-021
97CR16526

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR -5 2000

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Clerk.



Court of Appeals of the State of Georgia

ATLANTA, MAY 23, 2000

The Court of Appeals hereby passes the following order:

A00D0248. FREDDIE R. LEWIS v. THE STATE

Freddie R. Lewis, pro se, filed an application for discretionary appeal of the superior court's order denying his extraordinary motion for new trial in this probation revocation case. Lewis pled guilty to violation of the Georgia Controlled Substances Act and was placed on five-years' probation on August 23, 1993, by the Cobb Superior Court under the First Offender Act, OCGA § 42-8-60, et seq. He alleges that, at his request, his probation supervision was transferred to Bartow County, the county of his residence and employment. Lewis maintains he regularly reported to the Bartow County probation officer and made timely payments on his fine. He also alleges that when his father became ill with cancer, he requested that his probation supervision be transferred to Louisiana where his father lives. He maintains that his probation officer informed him that only the sentencing court could transfer his probation supervision out of state, and thus his probation was transferred back to Cobb County. Lewis also contends that his Bartow County probation officer issued him a travel release to go to Louisiana to care for his father.

Lewis sent payment of \$300 of his fine to the Marietta Probation Office, which informed him by letter dated February 22, 1994, that his payment had been forwarded to the Cobb Superior Court to be applied to any fine he might have. The letter also

indicated that it "only accepts probation fee payments and our records indicate you do not pay a probation fee in Cobb County at this time." Cobb County Superior Court sent Lewis a receipt for this payment. Lewis maintains that both the Marietta Probation Office letter and the Cobb County receipt were sent to his father's home in Louisiana where he was staying. The Cobb County Superior Court records reflect that Lewis made no other payment on his fine than the \$300.

When Lewis failed to report to his Cobb County probation officer, the Cobb Superior Court issued a warrant for his arrest on March 30, 1994. The warrant indicates that Lewis's probation was transferred on September 9, 1993, to the Cherokee Judicial Circuit, which includes Bartow County, and that "[c]ase materials were returned to Cobb County on February 9, 1994." A Certificate of Non Est Inventus was issued on August 25, 1994. The warrant and certificate show only Lewis' Bartow County address. On September 2, 1994, the Cobb Superior Court ordered Lewis' probated sentence suspended.

Lewis was taken into custody in Cobb County in August 1999. He maintains that only at this point was he made aware of the 1994 warrant and Certificate of Non Est Inventus. His probation officer then sought to have his probation revoked. After a hearing on the matter, the Cobb Superior Court ordered Lewis's probation revoked on September 28, 1999, on the basis that Lewis had violated the terms of his probation by failing to report to his probation officer and by failing to pay fees and fines. Lewis was ordered to serve almost four years of his prison term. Lewis apparently filed an extraordinary motion for new trial in January 2000. The trial court denied the motion on February 28, 2000, and Lewis filed a discretionary appeal from that order, which this Court denied on March 29, 2000. Lewis has filed "an amendment" to his application, along with two "supplements," as well as various motions relating

to his application. We will treat these motions, the amendment, and supplements as a motion for reconsideration of this Court's decision to deny Lewis' discretionary appeal application.

Lewis argues that he had paid his fine and timely reported to his Bartow County probation officer and that he was given a travel release to go to Louisiana, but that these records have somehow been lost. But Lewis has failed to provide any support for these assertions. Moreover, there is nothing in the materials submitted by Lewis indicating he attempted to contact any probation officer or pay any fine after February 1994. Accordingly, Lewis' application and the supplementary materials fail to provide any support for his assertion that the trial court erred in revoking his probation and in subsequently denying his extraordinary motion for new trial. Lewis has not even provided this Court with a copy of his extraordinary motion, nor did he include a copy of the transcript of the hearing. Lewis bears the burden of demonstrating that his application should be granted. Harper v. Harper, 259 Ga. 246 (378 SE2d 673) (1989). In this case, he has failed to meet his burden of showing error by the superior court. Accordingly, his motion for reconsideration and all other motions he submitted to this Court are hereby DENIED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY 23 2000

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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.

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

ATLANTA, MARCH 29, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0248

FREDDIE R. LEWIS V. THE STATE

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

99021

939123528

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR 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.*

Clerk.

Will L. Mont, III

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

ATLANTA, MARCH 23, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0249
DAVID L. BONAR V. KIMBERLY ADAMS BONAR

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.

70021
2000V01

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAR 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, APRIL 12, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0250
JAMES WILLIAMS V. CITY OF ATLANTA, 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.

92021
1999CV13667

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

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

ATLANTA, APRIL 17, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0251
DARWIN PORTER ,ET AL V. MARC TISSENBAUM

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

91021

99CV17902

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta APR 17 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, APR -4 2000

The Court of Appeals hereby passes the following order:

A00D0252. Armstrong v. Armstrong

Beverly Armstrong filed this discretionary application seeking review of the trial court's order which set aside a divorce decree incorporating a settlement agreement on the ground that Lawrence Lamar Armstrong lacked the mental capacity to understand the agreement fully. However, because this case involves the setting aside 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); Eickhoff v. Eickhoff, 263 Ga. 498, 499 (1) (435 SE2d 914) (1993). Accordingly, this application is TRANSFERRED to the Supreme Court.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR -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

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

ATLANTA, APRIL 13, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0253

ALFONZO SMITH V. GEORGIA DEPARTMENT OF MEDICAL ASSISTANCE

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

94022

1999CV12876

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 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, APRIL 20, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0254
SHERI LYNN GORDY V. JEFREY TODD GORDY

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.

95022

99V11

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 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, APR 11 2000

The Court of Appeals hereby passes the following order:

A00D0256. JAMES DAVID SUMPTER v. THE STATE.

James David Sumpter was convicted of murder and sentenced to life imprisonment. The conviction was affirmed by the Supreme Court in Sumpter v. State, 260 Ga. 683 (398 SE2d 12) (1990).

Sumpter now seeks appellate review of a superior court order denying his motion to vacate void judgment and sentence in the murder case. Because Sumpter was convicted of murder and received a life sentence, his application is hereby TRANSFERRED to the Supreme Court for disposition as required under State v. Thornton, 253 Ga. 524 (322 SE2d 711) (1984).

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 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. Martin, III
Clerk

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

ATLANTA,

MAR 31 2000

The Court of Appeals hereby passes the following order:

A00D0257. **Elmore v. Lavoie, Regional Director, Department of
Corrections**

Elmon M. Elmore, Jr. filed this discretionary application seeking review of the trial court's order dismissing his complaint for temporary restraining order and declaratory relief. The order Elmore seeks to have this Court review was filed on December 3, 1999. Elmore filed this application on March 27, 2000. However, applications for discretionary appeal must be filed within 30 days of the entry of the order, decision, or judgment complained of. OCGA § 5-6-35 (d). Elmore's failure to file this application within 30 days of the order he seeks to appeal deprives this Court of jurisdiction to consider this application. Rosenstein v. Jenkins, 166 Ga. App. 385 (304 SE2d 740) (1983). Accordingly, this application for discretionary appeal is ordered DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAR 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, III Clerk.

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

ATLANTA, APR -4 2000

The Court of Appeals hereby passes the following order:

A00D0258. JAMES T. SANDERS v. CARMEL W. SANDERS

James T. Sanders filed this discretionary application from an order denying his motion for new trial, in which he sought reconsideration of the trial court's order finding him in contempt for failing to abide by various provisions of a final divorce decree. A contempt action based on the failure to comply with the child support 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). Accordingly, this application is hereby TRANSFERRED to the Supreme Court.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR -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.*

W. L. [Signature]
Clerk

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

ATLANTA, APRIL 14, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0259
KENNETH G. KNOTT V. KATHRYN H. KNOTT

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

97022

991961022

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 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. Hunt, III

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

ATLANTA, APRIL 13, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0260
CITY OF ADEL, ET AL V. VINSON CHARLES DEBERRY

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

99022

NONE

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 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. Mant, III Clerk.

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

ATLANTA, APRIL 20, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0261
CYPRESS COMPANIES, ET AL V. MARY JEAN BROWN

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.

70022

2000CV18002 219-42-3473

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 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, APRIL 17, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0262
NAMCO CYBERTAINMENT, ET AL V. BILLIE CLOWERS

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

92022

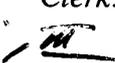
99CV7706 256-08-2794

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 17 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, MAY 24, 2000

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A00D0262

NAMCO CYBERTAINMENT, ET AL V. BILLIE CLOWERS

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

92-022
99CV7706 256-08-2794

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY 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.

William L. Martin, III

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

ATLANTA, APRIL 11, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0263

ADERION A. BREWER V. HENDERSON COMMONS HOMEOWNERS ASSOCIATION, INC.

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

93022

99A586393

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 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.

William L. Martin, III

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

ATLANTA, APRIL 26, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0264
JAMES LEON WOODY, JR. 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.

90023

96CR46 97CR33

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 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. Mont, III

Court of Appeals of the State of Georgia

ATLANTA, MAY -1 2000

The Court of Appeals hereby passes the following order:

A00D0265. AISSA HOLLIDAY v. FREDERICK D. TODD, II.

Aissa Holliday filed this discretionary application seeking review of the trial court's partial grant of her motion for expenses of litigation, including attorneys fees, pursuant to OCGA § 19-6-19 (d). Generally, a party must follow the discretionary appeal procedures to appeal a final judgment in an action to modify child support. OCGA § 5-6-35 (a) (2) and (b). However, no final judgment has been entered in the underlying modification action which remains pending so that Holliday was required to follow the interlocutory appeal procedures. OCGA § 5-6-34 (b); Scruggs v. Ga. Dept. of Human Resources, 261 Ga. 587, 589 (408 SE2d 103) (1991). Holliday's failure to follow the interlocutory appeal procedures

deprives this Court of jurisdiction to consider this application.
Therefore, this application is DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY - 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. [Signature] Clerk. 

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

ATLANTA, JUN 21 2000

The Court of Appeals hereby passes the following order:

A00D0265. AISSA HOLLIDAY v. FREDERICK D. TODD, II.

By order dated May 1, 2000, this Court dismissed this application for discretionary appeal on the grounds the judgment appealed from was not final and the interlocutory appeal procedures set forth in OCGA § 5-6-34 (b) thus were required. On motion for reconsideration, however, applicant Aissa Holliday showed that another order disposing of the remaining issues in the case had been filed contemporaneously with the order she sought to appeal. Accordingly, the motion for reconsideration is granted and the dismissal order of May 1, 2000 is hereby VACATED.

Having reviewed Aissa Holliday's application on its merits,
the application is DENIED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 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. Mat^{Clerk.}

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

ATLANTA, May 1, 2000

The Honorable Court of Appeals hereby passes the following order:

A00D0266. WADDELL M. BRITTON, JR. v. MOHAMED ABASHEIKH, ET AL.

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

95-023

1999CV13061

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY 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 H. [unclear] Clerk.

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

ATLANTA, APRIL 13, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0267
MANPOWER, INC., ET AL V. JOE MCCLUNEY

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

98023

000112047 259-04-7682

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

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0268

GEORGIA DEPARTMENT OF MEDICAL ASSISTANCE V. MICHAEL KENT

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

96023

1999CV14359

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 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. Hunt, III

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

ATLANTA, APRIL 13, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0269

DONNA MARIE SMITH V. CATHY COX, SECRETARY OF STATE, ET AL

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

71023

2000CV21113

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta APR 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. Mart, ^{Clerk.} 

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

ATLANTA, APR 28 2006

The Court of Appeals hereby passes the following order:

A00D0270. Christine M. Stadler v. Peter J. Ulbrich, M.D., et al.

Christine M. Stadler seeks to appeal the award of OCGA § 9-15-14 attorneys fees imposed against her in a series of garnishment actions in Fulton County Magistrate Court. Under OCGA § 15-10-41 (b), however, a judgment of the magistrate court may only be appealed to a state or superior court. Stadler's failure to first appeal to the state or superior court deprives this Court of jurisdiction to consider this appeal. Handler v. Hulsey, 199 Ga. App. 751 (406 SE2d 225) (1991). Accordingly, this application is DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 28 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.*

William L. [Signature]
Clerk

Court of Appeals of the State of Georgia

ATLANTA, MAY 11 2000

The Court of Appeals hereby passes the following order:

A00D0270. Christine M. Stadler v. Peter J. Ulbrich, M.D., et al.

Christine M. Stadler has filed a motion for reconsideration of this Court's dismissal of her application for discretionary appeal. Although Stadler correctly points out that the order she seeks to appeal originated in Fulton County State Court, not Fulton County Magistrate Court, the Court nonetheless lacks jurisdiction to consider the application.

Stadler seeks to appeal the award of OCGA § 9-15-14 attorneys fees imposed against her in a series of garnishment actions. Generally, a party must follow the discretionary appeal procedures to appeal an order imposing OCGA § 9-15-14 attorneys fees. OCGA § 5-6-35 (a) (10). However, because the underlying garnishment actions apparently remain pending in the trial court, Stadler was required to follow the interlocutory appeal procedures. OCGA § 5-6-34 (b); Scruggs v. Ga. Dept. of Human Resources, 261 Ga. 587, 589 (408 SE2d 103) (1991). Her failure to follow the interlocutory appeal procedures deprives this Court of jurisdiction to consider her application. Accordingly, the motion for reconsideration is DENIED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY 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. [Signature] Clerk. 

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

ATLANTA, APRIL 20, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0271
RANDALL SCOTT MCCARTY V. DELTA PRIDE

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.

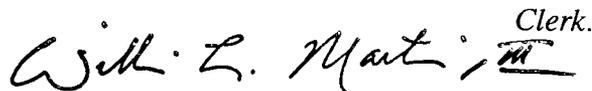
99023

99V0644 255-19-7711

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta APR 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, ^{Clerk.} 

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

ATLANTA, APRIL 14, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0272
MAMIE WELBORN V. ATHENS-CLARKE COUNTY, GEORGIA

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

70023

SU99CV2102G

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 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. Mart

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

ATLANTA, APR 28 2000

The Court of Appeals hereby passes the following order:

A00D0273. LYNDA LORES v. MANUEL LORES

The parties to this discretionary appeal entered into a divorce settlement agreement which was incorporated into and made a part of the final divorce decree. Mr. Lores later brought an action seeking a reduction in his alimony obligation to Mrs. Lores. After a jury trial, the trial court entered an order modifying Mr. Lores' alimony obligation to Mrs. Lores. Mrs. Lores sought attorney fees pursuant to a provision of the settlement agreement requiring the party seeking a modification to pay attorney fees for both parties. The trial court determined that each party should pay its own attorney fees. Mrs. Lores filed an application for discretionary appeal from this order. 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); Eickhoff v. Eickhoff, 263 Ga. 498, 499 (1) (435 SE2d 914) (1993). This application is accordingly TRANSFERRED to the Supreme Court.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 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. McCall, III
Clerk

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

ATLANTA, APRIL 20, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0274

STEVEDORING SERVICES OF AMERICA, ET AL V. GEORGIA COLLINS

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.

91023

9901772 255-86-3437

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 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, MAY 02, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0275
ERNEST LEE HOLT, SR. V. GOODY PRODUCT, INC.

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

93023

2000CV40 252-54-6599

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY -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.*

Clerk.

Will L. Mart

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

ATLANTA, APRIL 26, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0276
ROY LEE DYKES V. THE STATE

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

90024

92CR234

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 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. [Signature] Clerk.

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

ATLANTA, MAY 31, 2000

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A00D0276

ROY LEE DYKES V. THE STATE

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

90-024
92CR234

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY 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. Mart

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

ATLANTA, APRIL 26, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0277

MARIANNE RITA FAGIOLI V. AMERICAN HONDA MOTOR COMPANY, ET AL

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

94024

1999CV17407 205-34-2187

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 26 2000

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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, MAY -5 2000

The Court of Appeals hereby passes the following order:

A00D0278. INCOTECH, INC. v. PAVEWAY OF AUGUSTA, INC.

Incotech, Inc. filed this discretionary application from the trial court's judgment of default entered in favor of Pave-Way of Augusta, Inc. The court ordered Incotech, Inc. to pay \$9,397 in liquidated damages and \$3,204.25 for litigation expenses. OCGA § 5-6-35 (a) (6) requires that appeals in all actions for damages in which the judgment is \$10,000 or less must be brought in accordance with the discretionary appeals procedures. But the total judgment in this case of \$12,601.25, including litigation expenses, makes OCGA § 5-6-35 (a) (6) inapplicable. See Alpharetta, Old Milton County, Ga. Historical & Genealogical Society v. Dowda, 217 Ga. App. 792, 793 fn. 2 (459 SE2d 443) (1995). Because OCGA § 5-6-35 (a) does not require an application for appeal, this application is ordered GRANTED pursuant to OCGA § 5-6-35 (j).

Incotech, Inc. shall have ten days from the date of this order in which to file a notice of appeal. The Clerk of the State Court of Richmond County 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 MAY -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. Mart, ^{Clerk.} 

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

ATLANTA, APRIL 21, 2000

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A00D0279. DONALD RUMNEY v. ROSE'S STORES, INC.

Applicant's attorney has filed a voluntary dismissal of the discretionary application to appeal in the above styled matter. Since it is the province of this Court to dismiss applications and not the parties, the Court will treat the voluntary dismissal as a motion to withdraw the application and the same hereby granted.

98-024

45851

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 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, III
Clerk.

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

ATLANTA, MAY 01, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0280

EARL MCKINNION V. THE STATE

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

96024

96CR1293 96CR1294 96CR1295

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY - 1 2000

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

Clerk.

Will L. Mart, III

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

ATLANTA, APR 27 2000

The Court of Appeals hereby passes the following order:

A00D0281. ADKINSON v. NETWORK PUBLICATIONS, INC.

Michael Adkinson seeks an appeal from an order denying his motion for new trial following entry of a default judgment against him. The default judgment was entered on May 24, 1999, but the case against codefendant Jaye Communications, Inc., remained pending for trial. Plaintiff purported to voluntarily dismiss its complaint against Jaye Communications on September 1, 1999. On November 22, Adkinson filed a motion to reconsider default judgment, or, alternatively, to open the default. The trial court entered an order denying the motion on December 16.

Plaintiff thereafter moved for attorney's fees. Adkinson responded to plaintiff's motion and also moved for a new trial. The trial court denied both parties' motions. Adkinson's new trial motion was denied specifically because it was not filed within 30 days of the date the default judgment was deemed final and the requirements for filing an extraordinary motion for new trial were

not otherwise met. It is from this order that Adkinson seeks a discretionary appeal.

We agree that Adkinson's motion was not a proper motion for new trial or even an extraordinary motion for new trial. Regardless of whether the specific procedure for filing an extraordinary motion for new trial was followed, a motion for new trial is not a valid method for challenging a default judgment. Royal Lepage Real Estate Svcs. of Atlanta v. Spalding Partners, Ltd., 192 Ga. App. 284, 285 (2) (384 SE2d 424) (1989). In substance Adkinson's motion was merely a motion for reconsideration of the court's order entered December 16. The denial of a motion for reconsideration is not an appealable judgment in its own right. Savage v. Newsome, 173 Ga. App. 271 (326 SE2d 5) (1985).

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

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

APR 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. Maitland ^{Clerk.}

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

ATLANTA, APR 28 2000

The Court of Appeals hereby passes the following order:

A00D0282. Tammy Kimsey v. William Kimsey

Tammy Kimsey filed this discretionary application seeking review of the trial court's order denying her motion to dismiss William Kimsey's change of custody complaint. On April 10, 2000, this Court ordered Ms. Kimsey to supplement the application, within 10 days of the date of the order, with a stamped "filed" copy of the order being appealed as required by Rule 32 (b) of the Court of Appeals. Ms. Kimsey failed to comply with this Court's order. Therefore, this application for discretionary appeal is DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta APR 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. Kimsey Clerk.

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

ATLANTA, MAY 11, 2000

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A00D0282

TAMMY KIMSEY V. WILLIAM KIMSEY

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

97-024
99CV5852

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY 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. [Signature]

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

ATLANTA, MAY 04, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0283
ALVINA GILHAM V. JEFFREY EUGENE WOODS

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.

99024

SU97CV1011

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta MAY - 4 2000*

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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, MAY 01, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0284

IRA HUNTER V. THE STATE

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

70024

SU99CR1109J SU99CR1253J SU99CR1254J

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY - 1 2000

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the minutes of the Court of Appeals of Georgia.*

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Clerk.

William L. Martin, III

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

ATLANTA, MAY 03, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0285
CARMICIO HUTCHINS V. THE STATE

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

92024

200013

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY - 3 2000

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court
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Clerk.

Will L. Martin, III

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

ATLANTA, MAY 10, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0286
WEBSTER R. POPE, ET AL V. BOARD OF COMMISSIONERS OF FULTON COUNTY,
GEORGIA, 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.

91024

1998CV03569

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

Will L. Martin Clerk.

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

ATLANTA, MAY 02, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0287

LANDMARK BANK OF ORLANDO V. VIRGINIA S. DANIELS

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

93024

99A633413

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta MAY -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, ^{Clerk.} 

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

ATLANTA, MAY 08, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0288
DARRYL MIX V. ALLIED READYMIX

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.

90025

00A00077 436-29-5186

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY - 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. Mant, ^{Clerk.} 

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

ATLANTA, MAY 08, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0289
STANLEY EDWARDS 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.

94025

98CR06711

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY - 8 2000

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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, MAY 11, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0290
DIXIE HOMECRAFTERS, INC. V. GOVERNOR'S OFFICE OF CONSUMER AFFAIRS

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

95025

1999CV12678

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY 11 2000

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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, MAY -2 2000

The Court of Appeals hereby passes the following order:

A00D0291. DUFRESNE v. DUFRESNE.

Richard Robert Dufresne seeks a discretionary appeal from an order denying his motion for summary judgment in a divorce action. Respondent Lynette D. Dufresne moves this court to dismiss the application based on Robert Dufresne's failure to follow the interlocutory appeal procedure. This court's initial inquiry, however, is whether applicant has filed his submission in the proper court. Because the Supreme Court has appellate jurisdiction in divorce and alimony cases, Robert Dufresne's application is hereby TRANSFERRED to the Supreme Court for disposition. Ga. Const. of 1983, Art. VI, § VI, ¶ III (6).

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY -2 2000

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the minutes of the Court of Appeals of Georgia.*

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Will. L. Martin, III
Clerk

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

ATLANTA, MAY 05, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0292
LOUISE BLACKMON V. DUNDEE MILLS, INC., ET AL

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

96025

OOV34

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

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Will. L. Mart,
Clerk.

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

ATLANTA, MAY 04, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0293
RUSSELL F. TAPTICH V. SHEILA DUREN

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

71025

99CV2345N

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta MAY - 4 2000*

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

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hereto affixed the day and year last above written.*

Clerk.

Will L. Martin, III

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

ATLANTA, MAY 31 2000

The Court of Appeals hereby passes the following order:

A00D0293. RUSSELL F. TAPTICH v. SHEILA DUREN

On May 19, 2000, Russell F. Taptich filed his motion for reconsideration of this Court's May 4, 2000 order denying his application for discretionary appeal. Court of Appeals Rule 37 (b) requires motions for reconsideration to be filed within ten days of judgment. Taptich's motion was thus untimely, and the motion is accordingly hereby DENIED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 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, ^{Clerk}

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

ATLANTA, MAY 17, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0294

TONY L. VAUGHN V. THE KROGER COMPANY, ET AL

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

97025

00A3055 410-04-0879

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta MAY 17 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, MAY 16, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0295

MAYOR AND COUNCIL OF THE CITY OF DOUGLASVILLE, ET AL V. BETTY R.
JONES, ET AL

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

99025

99CV00998 S00D1109

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY 16 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. McCall

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

ATLANTA, MAY 16, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0296

JUDY S. YOUNG, ET AL V. BETTY R. JONES, ET AL

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

99026

99CV00998 S00D1132

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 16 2000

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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, MAY 16, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0297
EIGHT POINTS HOLDING, INC. V. BETTY R. JONES, ET AL

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

99027

99CV00998 S00D1143

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY 16 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, MAY 16 2000

The Court of Appeals hereby passes the following order:

A00D0298. CITY OF ATLANTA v. STANFORD.

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 Court is particularly concerned with the issue of whether the superior court erred in entertaining Stanford's petition for certiorari prior to a final determination of the cause. See Jenga v. Deveaux, 193 Ga. App. 436, 437 (1) (388 SE2d 361) (1989); OCGA § 5-4-6 (a). The parties are advised that if this issue is deemed to be dispositive, the underlying merits of the superior court's disposition will not be reached. Moreover, in the interest of judicial economy, the granting of the City's application for appeal shall not prejudice the superior court's discretion to vacate the writ of certiorari at any time prior to the filing of the City's notice of appeal should such action be deemed proper.

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 MAY 16 2000

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

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hereto affixed the day and year last above written.*

Will L. Martin, Clerk

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

ATLANTA, MAY 22, 2000

The Court of Appeals hereby passes the following order:

A00D0299. Riley v. The State

Wesley Floyd Riley, III, who is proceeding pro se, filed this discretionary application seeking to appeal, among other rulings of the trial court, the judgment of conviction and the denial of his motion for out-of-time appeal. Both a judgment of conviction and a denial of a motion for out-of-time appeal are directly appealable. OCGA § 5-6-34; Rowland v. State, 264 Ga. 872, 875 (452 SE2d 756) (1995). Before filing this application, Riley had filed a notice of appeal in the Superior Court of Clinch County apparently to appeal the same judgment and orders. Thus, this application is duplicative of Riley's direct appeal and is accordingly DISMISSED. See Zachery v. State, 233 Ga. App. 519, 522 (504 SE2d 466) (1998).

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY 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,

JUNE

15, 2000

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A00D0299

WESLEY FLOYD RILEY, III V. THE STATE

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

91-025
95R270

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUN 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.*

Clerk.

Will L. Martin, III

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

ATLANTA, MAY 15 2000

The Court of Appeals hereby passes the following order:

A00D0300. JEAN ANN VAWTER v. DOUGLAS ALAN VAWTER

Jean Ann Vawter filed this discretionary application from the superior court's order finding her in contempt for failing to abide by various provisions of a final divorce decree. A contempt 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 MAY 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.*

William L. Maul, Jr.
Clerk

Court of Appeals of the State of Georgia

ATLANTA, MAY 15 2000

The Court of Appeals hereby passes the following order:

**A00D0301. JOSEPHINE UPSHAW v. SNAPPER POWER EQUIPMENT DIVISION OF
FUQUA INDUSTRIES, INC.**

Josephine Upshaw seeks an appeal from the order of the superior court affirming the award of the appellate division of the State Board of Workers' Compensation denying her request for temporary total disability benefits. The superior court's order originally had a filing stamp that erroneously reflected that the order had been entered on March 20, 2000. See OCGA § 9-11-60 (g). This clerical error was subsequently corrected by a supplemental order of the superior court documenting that the original order had been entered on March 1, 2000.

Upshaw's application for discretionary appeal was filed on April 18, 2000. Because she failed to file her application within 30 days of the date of entry of the order sought to be appealed, as required under OCGA § 5-6-35 (d), this court is without jurisdiction to consider her application. This is true even if Upshaw did not receive accurate notice as to the date of entry of the order. Accordingly, Upshaw's untimely application is hereby

DISMISSED WITHOUT PREJUDICE to any relief she may seek in the trial court under the holding in Cambron v. Canal Ins. Co., 246 Ga. 147, 147-149 (1) (269 SE2d 426) (1980). See also, Leventhal v. Moseley, 264 Ga. 891 (453 SE2d 455) (1995); Brown v. E. I. du Pont de Nemours & Company, 240 Ga. App. 893 (SE2d) (1999).

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY 15 2000

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hereto affixed the day and year last above written.*

Will L. Martin, Clerk

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

ATLANTA, MAY 24, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0302

HYLAND YL CHEN V. GEORGIA INSTITUTE OF TECHNOLOGY, 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.

94026

1999CV06927

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY 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, III

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

ATLANTA, MAY 11, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0303
DAMARIS ROBINSON V. HEARTLAND EMS

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

95026

99V742

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

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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, III

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

ATLANTA, MAY - 1 2000

The Court of Appeals hereby passes the following order:

A00D0304. Watson v. The State

Spurgeon Watson filed this application for discretionary appeal pursuant to OCGA § 5-6-35 (a) (7). However, an application for discretionary appeal must be filed within 30 days of the entry of the order, decision, or judgment complained of. OCGA § 5-6-35 (d). In this case, the orders Watson seeks to appeal were two orders entered on February 21, 2000 and two orders entered on March 21, 2000. This application was not filed until April 25, 2000, more than 30 days after entry of any of the orders Watson seeks to appeal. As a timely application is an absolute requirement to confer jurisdiction upon this Court, this application is ordered DISMISSED. Rowland v. State, 264 Ga. 872 (452 SE2d 756) (1995).

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY - 1 2000

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W. L. Mart, III
Clerk

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

ATLANTA, MAY 16, 2000

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A00D0304

SPURGEON WATSON V. THE STATE

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

98-026
98CR001766

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

MAY 16 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, June 5, 2000

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A00D0304. SPURGEON WATSON v. THE STATE.

Upon consideration of the motion for leave to file a second motion for reconsideration in the above styled case, it is hereby ordered that said motion be DENIED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUN -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. Martin, ^{Clerk.} [Signature]

Court of Appeals of the State of Georgia

ATLANTA, MAY 17 2000

The Court of Appeals hereby passes the following order:

A00D0305. MICHAEL B. BROADNAX v. THE STATE

Michael B. Broadnax filed this pro se application for discretionary review of the trial court's March 29, 2000 order denying his motion for funds to hire investigator and expert witness, petition for bond revocation hearing, petition for remission of forfeiture, motion to set new bond, and request for production of discoverable material. But the interlocutory appeal procedures are required to appeal each of these orders, because the case remains pending for trial. Boyd v. State, 191 Ga. App. 435 (383 SE2d 906) (1989). The application shows that Broadnax sought and was denied a certificate of immediate review, which is required to request an appeal of an interlocutory order under OCGA § 5-6-34 (b). Because of Broadnax's failure to satisfy the interlocutory appeal procedures, this court lacks jurisdiction to consider this appeal, and the application is hereby DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY 17 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, May 30, 2000

The Court of Appeals hereby passes the following order:

A00D0306. FRANTZ MIDY v. LEVI STRAUSS & COMPANY.

Upon consideration of applicant Frantz Midy to withdraw the application for discretionary appeal in Case Number A00D0306, it appearing that the motion complies with Georgia Court of appeals Rule 41 9f) (1), it is hereby ORDERED that the motion be GRANTED and that Case Number A00D0306 be marked "VOLUNTARILY WITHDRAWN."

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY 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. Marshall, Clerk.

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

ATLANTA, MAY 18, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0307

ROBERT E. HIGHTOWER, COMMISSIONER, GEORGIA DEPT. OF PUBLIC SAFETY V.
ANDREW COOPER

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.

97026

1999CV16531

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY 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.*

Clerk.

Will. L. Martin, III

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

ATLANTA, MAY 19, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0308

ROBERT DALE DOSS V. HOLLY WILKES RENO DRIVER

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

96026

96MV628BH

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY 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 

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

ATLANTA, MAY 19, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0309

PHILLIPS CORRECTIONAL INSTITUTE, ET AL V. JEFFREY YARBROUGH

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.

92026

00A014573 262-65-7192

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY 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, MAY 25 2000

The Court of Appeals hereby passes the following order:

A00D0310. MATTHEW L. CERCY v. THE STATE

After a week-long trial, Matthew L. Cercy pled guilty to rape and other charges and was sentenced to 30 years in prison. Cercy subsequently filed a motion for discharge and acquittal maintaining that the State did not comply with his speedy trial demand. The trial court denied the motion, and Cercy filed this discretionary application seeking review of that order. However, a denial of such a motion is directly appealable. Hubbard v. State, 254 Ga. 694 (333 SE2d 827) (1985). Thus, an application for discretionary appeal was not necessary. This Court would normally grant this application pursuant to OCGA § 5-6-35 (j), but Cercy has also filed a timely notice of direct appeal from the trial court's order. Because a direct appeal is pending in this case, this discretionary application is hereby DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY 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. [Signature] Clerk.

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

ATLANTA, MAY 23, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0311
KIMBERLY SMITH BROWN V. SCOTT ASHLEY BROWN

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

93026

96A006474

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

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

ATLANTA, JUNE 07, 2000

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A00D0311

KIMBERLY SMITH BROWN V. SCOTT ASHLEY BROWN

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

93-026
96A006474

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN -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
Clerk.

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

ATLANTA, MAY 22, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0312
WILLIAM D. WALKER V. SARA CARVER WALKER

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.

70026
98CV158

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

William L. Martin, III
Clerk.

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

ATLANTA, MAY 24, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0313
CLINCH COUNTY BOARD OF EDUCATION V. DAVID HINSON

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.

94027

99V0122

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY 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, III

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

ATLANTA, MAY 11 2000

The Court of Appeals hereby passes the following order:

A00D0314. BROWN v. ALIG

Paul Brown filed this application for discretionary appeal seeking review of the trial court's order denying his motion for modification of child support. The order Brown seeks to appeal was entered by the trial court on March 14, 2000. This application was filed on April 27, 2000. Applications for discretionary appeal must be filed within 30 days of the entry of the order complained of. OCGA § 5-6-35 (d). Brown's application was not filed until 44 days after entry of the order he seeks to appeal, and is therefore untimely. This Court lacks jurisdiction to consider an untimely application. Accordingly, this application is ordered DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY 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. Mant Clerk

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

ATLANTA, MAY 24, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0315

THOMAS JOSEPH KEMPTON V. FRANCES JANELLE RICHARDS

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

98027

65025

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY 24 2000

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Clerk.

Will. L. Mart

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

ATLANTA, MAY 23, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0316

JAMES D. MOOSE V. AUGUSTA-RICHMOND COUNTY COMMISSION COUNCIL

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.

90027

2000RCCV75 251-15-0677

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY 23 2000

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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. Mant, III

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

ATLANTA, MAY 18, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0317
SERRINA RANDOLPH STEPHENS V. THE STATE

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

71027

98CR00835

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY 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.*

Clerk.

William L. Martin, III

Court of Appeals of the State of Georgia

ATLANTA, MAY 31 2000

The Court of Appeals hereby passes the following order:

A00D0318. IN THE INTEREST OF: L. M. J., a child.

Esther F. Johnston seeks an appeal from a judgment terminating her daughter's parental rights. Johnston moved to intervene in the juvenile court and sought custody of her granddaughter. The juvenile court found that Johnston is not a suitable relative with whom to place the child. The Department of Human Resources has filed a response to Johnston's application contending, among other things, that the order complained of is subject to direct appeal rather than to the discretionary appeal procedure. We agree. Because Johnston has already filed a timely direct appeal, her application for discretionary appeal is hereby DISMISSED as superfluous.¹

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY 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.*

William L. Madlock, III
Clerk

¹Because we are without jurisdiction to consider the substance of Johnston's application and because OCGA § 5-6-35 (j) does not otherwise apply, we decline at this time to consider the Department's argument regarding Johnston's standing to appeal.

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

ATLANTA, MAY 16, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0319

RONNIE LAMAR V. THE STATE

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

96027

37657

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta MAY 16 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, MAY 31, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0320
ALI SADEGHI V. SUAD, INC., ET AL

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

92027

2000CV21025 252-61-1975

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY 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.

William L. Mont, III

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

ATLANTA, MAY 30, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0321

SAZ, INC., D/B/A AMOCO FOOD SHOP, ET AL V. MARY GOLDENBURG, ET AL

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

91027

99CV71501

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY 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.

A. J. L. [Signature]

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

ATLANTA, MAY 24 2000

The Court of Appeals hereby passes the following order:

A00D0322. SYLVIA MAYBAUGH v. CARESOUTH ADVANTAGE HOME HEALTH, ET
AL.

Sylvia Maybaugh filed an application for discretionary appeal on May 3, 2000, from the superior court's order affirming a decision of the Appellate Division of the State Board of Workers' Compensation. The issues raised by Maybaugh and ruled on by the superior court includes challenges to the constitutionality of OCGA § 34-9-221. These issues as to the constitutionality of the statute are again submitted in this application.

The application lies within the Supreme Court's exclusive jurisdiction to rule on the constitutionality of statutes. Ga.

Const. of 1983, art. VI, Sec. VI, Par II (1), Doe v. Department of
Corrections, 224 Ga. App. 494 (481 SE2d 837) (1887). Therefore,
this application for discretionary appeal must be TRANSFERRED to
the Supreme Court.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY 24 2000

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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, JUN -5 2000

The Court of Appeals hereby passes the following order:

A00D0323. PETTY v. THE STATE.

Frank Petty has filed an application for discretionary appeal from a criminal conviction and sentence entered in December 1996. Petty has also filed a notice of appeal following the dismissal of a motion for new trial filed after the grant of Petty's motion for out-of-time appeal.¹ While the exhibits included with Petty's petition are insufficient to determine whether Petty's direct appeal is timely, it is clear that no order presented in Petty's application is subject to the discretionary appeal procedure. Moreover, even if the discretionary appeal procedure applied under

¹The response reveals that the trial court has concluded, presumably aided by argument from the State, that Petty's notice of appeal is untimely because it was not filed within 30 days of the date Petty's motion for out-of-time appeal was granted. The State and trial court are reminded, however, that "the grant of an out-of-time appeal constitutes permission to pursue appropriate post-conviction remedies, including a motion for new trial." Ponder v. State, 260 Ga. 840 (499 SE2d 922) (1991). This is true even though Petty had previously pursued a motion for new trial. See Maxwell v. State, 262 Ga. 541, 542-543 (3) (422 SE2d 543) (1992). It follows that the timeliness of Petty's appeal cannot be properly determined without reference to Petty's second motion for new trial and the order denying that motion. OCGA § 5-6-38 (a).

these circumstances, Petty's application is not timely filed from any order referenced in his submission.² Accordingly, Petty's application for discretionary appeal is hereby DISMISSED for lack of jurisdiction.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUN -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. Martin, III
Clerk

²Although Petty failed to comply with our previous order requiring submission of a stamped "filed" copy of the orders complained of, the Clerk's office has confirmed that the latest order contained in Petty's application, which was signed by the trial court on April 3, 2000, was in fact filed in the clerk's office the same day. Petty's application was filed 32 days later on May 5, 2000, and is therefore untimely. OCGA § 5-6-35 (d).

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

ATLANTA, JUNE 21, 2000

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A00D0323

FRANK PETTY V. THE STATE

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

70-027
96CR215

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUN 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. Mart, III

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

ATLANTA, MAY 31, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0324
ANGELA MCLAUGHLIN V. JEFF GRANTHAM

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

94028

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY 31 2000

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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, MAY 31, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0325

WASEEM ANAS DAKER V. W. THOMAS WEATHERS, III, COBB COUNTY D.A., ET AL

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

95028

2000CV17559

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY 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, MAY 16, 2000

The Court of Appeals hereby passes the following order:

A00D0326. JERRY C. GUEST v. THE STATE.

Jerry Guest seeks a discretionary appeal of the order of the Superior Court of Rockdale County denying his extraordinary motion for new trial. The order was entered on March 8, 2000. Guest's application was filed with this court on May 9, 2000.

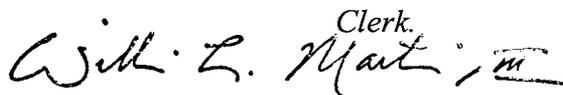
Because this application was not filed within thirty (30) days of the date of entry of the order sought to be appealed, it is untimely and is hereby dismissed. OCGA § 5-6-35 (d).

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY 16 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, ^{Clerk.} 

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

ATLANTA, MAY 30, 2000

*The Honorable Court of Appeals met pursuant to adjournment.
The Following order was passed:*

Case No. A00D0326
JERRY C. GUEST V. THE STATE

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

98-028
92CR1457M

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta MAY 30 2000*

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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, JUN - 8 2000

The Court of Appeals hereby passes the following order:

A00D0327. ELIZABETH ANNE HELLMEISTER v. KENNETH ALAN HELLMEISTER.

Elizabeth Anne Hellmeister filed this discretionary application seeking appellate review of a change of custody of five children from herself to the father of the children. In considering applications of this type, the Court neither weights evidence nor determines the credibility of witnesses but defers to the trial court's fact finding, if supported by reasonable evidence in the record. Mahan v. McRae, 241 Ga. App. 109, 110 (522 SE2d 772) (1999). Reasonable evidence exists in the record to support the trial court's decision to change custody in this case.

The application fails to show reversible error or that the establishment of a precedent is desirable. See Court of Appeals Rule 31. Therefore, this application for discretionary appeal is DENIED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUN - 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, ^{Clerk.} III

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

ATLANTA, JUNE 07, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0328

WENDELL BRENT HITCHCOCK V. JACK WIGGINS, INC., D/B/A WIGGINS PAINT &
BODY SHOP, 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.

71028

2000CV57 254-19-0800

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUN -7 2000

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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, MAY 24, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0329
TIMOTHY KEITH WILLIAMS V. THE STATE

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

97028

50856

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

Will. L. Martin, III Clerk.

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

ATLANTA, MAY 31, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0330

CYNTHIA RIDENOUR, F/K/A CYNTHIA ADAMS V. DEBRA ENFINGER, ET AL

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

99028

99CV253

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY 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, JUNE 21, 2000

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A00D0331

BREMEN-BOWDON INVESTMENT CO., ET AL V. ELLA WEE STRICKLAND

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

96-028
00V0179 259-70-6683

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUN 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, JUN - 8 2000

The Court of Appeals hereby passes the following order:

A00D0332. GERLIE HUVAL v. WENDY JACOBS, ET AL.

Gerlie Huval seeks a discretionary appeal from an order awarding guardianship of Chelsea Jacobs, a minor, to her paternal aunt, Wendy Jacobs, and her husband, David Gracyalny. However, this appeal does not fall within those classes of cases listed in OCGA § 5-6-35 (a) requiring a discretionary application. In this regard, guardianship proceedings are not domestic relations cases subject to OCGA § 5-6-35 (a) (2). See Schmidt v. Schmidt, 270 Ga. 461 (1) (510 SE2d 810) (1999); In re J. P., 267 Ga. 492 (480 SE2d 8) (1997); Kipp v. Rawson, 193 Ga. App. 532 (388 SE2d 409) (1989).

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).

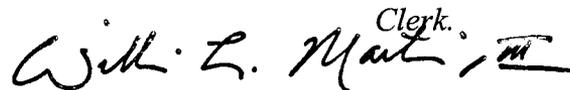
Gerlie Huval shall have ten days from the date of this order to file her notice of appeal. The clerk of the probate court is directed to include a copy of this order in the record transmitted to this Court.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUN - 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. Mart, ^{Clerk.} 

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

ATLANTA, MAY 24 2000

The Court of Appeals hereby passes the following order:

A00D0333. MOORE v. MOORE.

Because this application for appeal is taken from a final judgment and decree of divorce, it is hereby TRANSFERRED to the Supreme Court for disposition. Ga. Const. of 1983, Art. VI, § VI, ¶ III (6).

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY 24 2000

*I certify that the above is a true extract from
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hereto affixed the day and year last above written.*

Will L. Martin, III
Clerk.

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

ATLANTA, JUNE 07, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0334

LARRY MOORE V. FEDERATED CORPORATE SERVICES, INC., D/B/A RICH'S
DEPARTMENT STORES

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

93028

96VS0114980J

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUN -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.*

Clerk.

Will L. Martin, III

Court of Appeals of the State of Georgia

ATLANTA, JUN -1 2000

The Court of Appeals hereby passes the following order:

A00D0335. COURTNEY A. BAILEY v. DURHAM STAFFING, INC., et al

Courtney A. Bailey filed this application for discretionary appeal from the superior court's order affirming the award of the State Board of Workers' Compensation Appellate Division, which had affirmed the award of the administrative law judge. Bailey raises a challenge to the constitutionality of OCGA § 34-9-17 in light of the Supreme Court's recent decision in Love v. State, 217 Ga. 398 (517 SE2d 57) (1999). The issue was preserved for review on appeal and has not been previously ruled on by the Supreme Court. The Supreme Court has exclusive appellate jurisdiction in all cases in which the constitutionality of a law has been drawn in question. Ga. Const. of 1983, Art. VI, Sec. VI, Par. II. Accordingly, this Court lacks jurisdiction over this appeal, and it is hereby TRANSFERRED to the Supreme Court.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUN -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.*

William L. Maul, III
Clerk

Court of Appeals of the State of Georgia

ATLANTA, JUN -5 2000

The Court of Appeals hereby passes the following order:

A00D0336. BETTY JEAN REWIS, ET AL v. TOOMBS COUNTY, GEORGIA.

Betty Jean Rewis filed this timely application for discretionary appeal of the special master's award in a condemnation case. The special master awarded Rewis the sum of \$140 as the actual market value of the property sought to be condemned and found there was no consequential damages to the remaining property. Rewis contends that her application should be granted to determine the fair market value of the property involved in this condemnation action and to determine consequential damages.

OCGA § 22-2-112 sets forth the appellate procedure to be followed by a party who is dissatisfied with the amount of the special master's award. The statute requires that the party seeking to appeal enter a written appeal to the superior court within ten days after the award is filed. The documents filed in support of this application reflect that Rewis has not timely filed a written appeal under OCGA § 22-2-112. In Hardy v. Georgia Power Company, 151 Ga. App. 805, 806 (261 SE2d 748) (1979), it was held that a special master's award is final as to the issue of valuation if it is not appealed to a jury, pursuant to OCGA § 22-2-112, within ten days after the filing of the award. As the documents presented to this court show that no such appeal was timely made, the award is final as the issue of valuation. Hardy, supra.

This condemnation case, however, is not subject to either the discretionary appeal provisions of OCGA § 5-6-35 (a) (1) or OCGA § 5-6-35 (a) (6). Brownlow v. City of Calhoun, 198 Ga. App. 710, 712 (1) (402 SE2d 788) (1991); Walker v. Georgia Power Co., 177 Ga. App. 493, 494 (339 SE2d 728) (1986). As the award is final as to valuation but not subject to the discretionary appeals procedure, it is subject to direct appeal under OCGA § 5-6-34 (a).

Although Rewis has not filed a notice of direct appeal, she has filed a timely application for discretionary appeal. OCGA § 5-6-35 (j) provides that when a case enumerated in OCGA § 5-6-34 (a), but not in OCGA § 5-6-35 (a), is initiated by filing an otherwise timely application for permission to appeal pursuant to OCGA § 5-6-

35 (b) without also filing a timely notice of appeal, the appellate court shall have jurisdiction to decide the case and shall grant the application. Therefore, this application is hereby granted pursuant to OCGA § 5-6-35 (j).

Rewis shall have 10 days from the date of this order in which to file a notice of appeal. OCGA § 5-6-35 (g) & (j). The Clerk of the Superior Court of Toombs County 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 JUN - 5 2000

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

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hereto affixed the day and year last above written.*

Will. L. Mat^{Clerk}, III

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

ATLANTA, MAY 24 2000

The Court of Appeals hereby passes the following order:

A00D0337. MITCHELL W. DENT v. THE STATE.

Mitchell W. Dent filed this application for discretionary appeal from the trial court's orders, denying his motion to modify, amend or correct sentence, filed December 16, 1999, and denying his motion to set aside judgment, filed March 21, 2000. The application was filed May 19, 2000, or 59 days following the later of the two orders sought to be appealed.

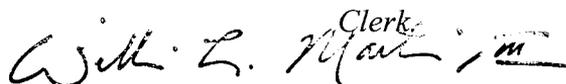
An application for discretionary appeal must be filed within 30 days of the entry of the order appealed. OCGA § 5-6-35 (d). Because this application is untimely, this Court lacks jurisdiction to consider it. Fabe v. Floyd, 199 Ga. App. 322 (405 SE2d 265) (1991). Therefore, this application is hereby DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY 24 2000

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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. Max ^{Clerk} 

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

ATLANTA, JUN 13 2000

The Court of Appeals hereby passes the following order:

A00D0338. CODY v. COLDWELL BANKER REAL ESTATE SERVICES, INC., et al.

Channon R. Cody filed an action against respondents to recover earnest money paid in connection with a real estate contract. The respondents' motions for summary judgment were granted in a single order, and Cody timely filed a notice of appeal from that order on August 23, 1999. A separate order granting defendant Coldwell Banker's motion for attorney's fees was entered on February 4, 2000. On April 20, 2000, the trial court entered an order granting Coldwell Banker's motion to dismiss Cody's appeal under OCGA § 5-6-48 (c). It is from this order that Cody seeks a discretionary appeal.

Because the order complained of is not subject to the discretionary appeal procedure and is otherwise directly appealable under OCGA § 5-6-34 (a) (1), Cody's application for discretionary appeal is hereby GRANTED under OCGA § 5-6-35 (j). Cody shall have ten days from the date of this order to file her notice of appeal. The clerk of the state 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 JUN 13 2000

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

Will. L. Mat^{Clerk.} 

Court of Appeals of the State of Georgia

ATLANTA, JUN -5 2000

The Court of Appeals hereby passes the following order:

A00D0339. Holly J. Fontaine v. Michael L. Thurmond, Commissioner of Labor, et al.

Holly J. Fontaine seeks review of the superior court's judgment affirming the decision denying her unemployment benefits. Bibb Distributing Company terminated Fontaine's employment. Reversing an administrative hearing officer, the Board of Review of the Department of Labor concluded that Fontaine was not entitled to unemployment compensation benefits. Fontaine sought review in the superior court under OCGA § 34-8-223. After the superior court affirmed the decision of the Board of Review, Fontaine filed a motion for new trial in the superior court. The superior court did not deny the motion outright, but "adopted" its earlier decision and denied Fontaine's appeal. Fontaine then filed this application to appeal.

The Court, however, lacks jurisdiction. The superior court was acting as an appellate court, not a trial court, when it affirmed the Board of Review's decision. Caldwell v. Atlanta Board of Education, 152 Ga. App. 291, 292 (262 SE2d 573) (1979). See also OCGA § 34-8-223 (b) (providing that the superior court's jurisdiction "shall be confined to questions of law" when reviewing decisions of the Board of Review). Therefore, Fontaine's motion for new trial was not valid and did not extend the time for filing her application for appeal under OCGA § 5-6-34 (a). See Moski v. Public Service Commission, 148 Ga. App. 28 (251 SE2d 9) (1978)

(holding that a motion for new trial filed in superior court was invalid and did not extend the filing date of a notice of appeal in an action in which the superior court was reviewing a decision of the state personnel board).

Fontaine argues that even if the motion for new trial was inappropriate, she could appeal the superior court's April 20, 2000, order adopting the earlier decision to deny her appeal. In certain circumstances, a court may begin a new 30-day appeal period after re-entry of the judgment, as long as the earlier judgment is first set aside. Kendall v. Peach State Mach., 215 Ga. App. 633, 634 (451 SE2d 810) (1994). Here, however, the superior court did not set aside the earlier denial of Fontaine's appeal. It merely adopted its earlier decision. Consequently, the April 20, 2000, order did not begin a new 30-day period in which Fontaine could file her application to appeal the affirmance of the denial of benefits.

Since Fontaine did not file her application to appeal within 30 days of the entry of the superior court order affirming the Board of Review, the application is not timely and is DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUN -5 2000

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

Will L. Martin, ^{Clerk.} III

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

ATLANTA, JUNE 09, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0340

MICHELE R. BALLIET V. THOMAS C. BALLIET, JR.

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

71029

1999RCD687

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUN -9 2000

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

Clerk.

Will. L. Martini, III

Court of Appeals of the State of Georgia

ATLANTA, JUN -9 2000

The Court of Appeals hereby passes the following order:

A00D0341. MADISON P. TUCKER, JR. v. BARBARA G. WINSTON.

Madison P. Tucker, Jr., filed this application for discretionary appeal of the order of the superior court finding him in wilful contempt for failure to abide by various terms of a Child Support and Property Settlement agreement annexed to the judgment and final decree of divorce. The trial court found Tucker had wilfully failed to make certain obligatory payments to his former wife, had failed to provide proof of insurance, and had wilfully failed to pay \$116.67 in unpaid medical expenses, as required by certain property settlement provisions of the judgment and decree of divorce. The contempt order does not address the issue of child support.

Under the state constitution, the Supreme Court has exclusive jurisdiction over all divorce and alimony cases. 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) with Crotty v. Crotty, 219 Ga. App. 408 (1) (465 SE2d 517) (1995).

In the present application, the settlement agreement was incorporated into the parties' divorce decree. Moreover, an action for contempt arising out of a party's failure to make certain payments required under a settlement agreement incorporated into a divorce decree has been held to be ancillary to the divorce action and thus, jurisdiction to hear such an appeal is in the Supreme Court. Griffin v. Griffin, 243 Ga. 149 (253 SE2d 80) (1979). For these reasons, this case is transferred to the Supreme Court of Georgia.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN -9 2000

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*Witness my signature and the seal of said court
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Will. L. Martin, III
Clerk.

Court of Appeals of the State of Georgia

ATLANTA, JUN 22 2000

The Court of Appeals hereby passes the following order:

A00D0342. GEORGE A. THORNE v. CINDY G. MOBLEY.

George A. Thorne filed this application for discretionary appeal of the order of the superior court finding him in contempt for failure to comply with the child support provisions of a final divorce decree entered August 10, 1994. A contempt proceeding based on the failure to comply with the child support 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). Therefore, this

application is hereby TRANSFERRED to the Supreme Court.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUN 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.*

W. L. Martin, III
Clerk

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

ATLANTA, JUNE 22, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0343
INGLES MARKETS, INC., ET AL V. SUSAN RUTH LEWIS

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

96029

00CV17679 259-21-1264

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

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0344
CHRISTOPHER SHANE DAVIS V. THE STATE

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

92029

974393

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUN 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, JUNE 22, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0345

CHIFFON HODGES V. STATE PERSONNEL DEPARTMENT, ET AL

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

91029

CV000040BA

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUN 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, JUNE 20, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0346

TOBIAS STROZIER 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.

93029

98R411

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUN 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, JUN 21 2000

The Court of Appeals hereby passes the following order:

A00D0347. LEROY DAVIS v. BRUNO'S, INC., ET AL.

The application for discretionary appeal filed by Leroy Davis was not filed within 30 days of the entry of the order affirming the decision of the Appellate Division of the State Board of Workers' Compensation. OCGA § 5-6-35 (a) (1) & (d); Johnson v. State, 237 Ga. App. 677 (516 SE2d 539) (1999). Therefore, this untimely application for discretionary appeal is hereby DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUN 21 2000

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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, AUG -9 2000

The Court of Appeals hereby passes the following order:

A00D0347. LEROY DAVIS v. BRUNO'S, INC., ET AL.

By an order dated June 21, 2000, this Court dismissed the application for discretionary appeal filed in this case as untimely, based on the application not having been filed within 30 days after the entry of the appealable judgment. On motion for reconsideration, it appears that the application was, in fact, filed timely, within 30 days after entry of the judgment sought to be appealed. OCGA § 5-6-35 (d); Court of Appeals Rule 4. Accordingly, this Court's previous order dismissing the application is vacated, and the application is reinstated.

Upon considering Davis's application for discretionary appeal
on the merits, the application is DENIED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG - 9 2000

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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, ^{Clerk.} m

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

ATLANTA, JUNE 26, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0348
CHARLES WILLIAM JACOBS V. THE STATE

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

94030

90CR82 91CR202

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUN 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. Mart, ^{Clerk.} 

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

ATLANTA, JUNE 21, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0349
JUDY LEEK D/B/A THE TRAFFIC LIGHT LOUNGE V. CITY OF COLUMBUS,
GEORGIA

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

95030

SU00CV2412 SU99CV2864

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

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0350

KIMBERLY CHILDS V. STATE FARM INSURANCE CO.

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

98030

98VS0140388G

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUN 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, JUN -9 2000

The Court of Appeals hereby passes the following order:

A00D0351. TYRONE W. HOLLAND v. THE STATE.

On June 2, 2000, Tyrone W. Holland filed this application for discretionary appeal of the order of the superior court, entered April 26, 2000, denying his motion for an out-of-time appeal. 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), Holland failed to file this application within 30 days after entry of the order which he seeks to appeal. Accordingly, 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 JUN -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
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Will. L. Martin, III
Clerk

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

ATLANTA, JULY 11, 2000

The Honorable Court of Appeals hereby passes the following order:

A00D0351. TYRONE W. HOLLAND v. THE STATE.

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

90-030

96CR10668

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 11 2000

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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, JUNE 19, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0352
WESLEY FLOYD RILEY, III V. THE STATE

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

91031
95R270

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

Will. L. Martin, III
Clerk.

Court of Appeals of the State of Georgia

ATLANTA, JUN 27 2000

The Court of Appeals hereby passes the following order:

A00D0355. LEE ANTHONY TEASLEY v. THE STATE

Lee Anthony Teasley was convicted on August 18, 1992, of violation of the Georgia Controlled Substances Act and was sentenced to serve thirty years. His conviction was upheld by this Court on appeal.¹ In April 2000, he filed a "motion to vacate and resentence," in which he attacked his sentence as void. The trial court denied this motion on May 15, 2000. Teasley then filed this application for discretionary appeal to this Court, as well as a notice of direct appeal in the superior court.

The denial of Teasley's motion to vacate and resentence was directly appealable. See Williams v. State, 271 Ga. 686 (523 SE2d 857) (1999). 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 Teasley filed a timely notice of

¹Teasley v. State, 214 Ga. App. 646 (448 SE2d 904) (1994).

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 JUN 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, III
Clerk

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

ATLANTA, JULY 06, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0356
GEORGE L. MCDONALD V. LOUIS ECHOLS, ET AL

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

96030

98CV022066

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUL -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, III

Clerk.

Court of Appeals
of the State of Georgia

ATLANTA, JULY 06, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0353
WILLIE TOM THORNTON V. THE STATE

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

71030

97CR56818

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL -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, JUL -7 2000

The Court of Appeals hereby passes the following order:

A00D0354. MCCREARY, et al. v. VANERWEGAN, et al.

The respondents have filed a motion to dismiss as premature the above styled application for discretionary appeal from a judgment awarding attorney's fees under OCGA § 9-15-14. It is undisputed that a final judgment has not yet been entered in this case. It follows that in the absence of a certificate of immediate review, this court is without jurisdiction to consider the merits of the above styled application. Accordingly, the respondents' motion is GRANTED and the application is DISMISSED as premature. See Williams v. Clark-Atlanta Univ., 200 Ga. App. 51, 52 (406 SE2d 559) (1991).

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL -7 2000

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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, JULY 05, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0357

BURLEN CORPORATION, ET AL V. SHERRY ELAINE MILLER

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

92030

NONE 258-04-2468

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUL -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

Court of Appeals of the State of Georgia

ATLANTA, JUL 10 2000

The Court of Appeals hereby passes the following order:

A00D0357. BURLIN CORPORATION AND HILB, ROGAL & HAMILTON OF SAVANNAH, INC. v SHERRY ELAINE MILLER

The respondent moved for "Ten (10%) Percent Damages." In her motion, she refers to a "15 percent add-on." Fifteen is not a percentage mentioned in the statutes relating to practice in this court nor in the rules of this court. The "add-on" may be a reference to penalties within the purview of the State Board of Worker's Compensation. See, e.g. O.C.G.A. § 34-9-221(e).

Despite the above ambiguity, the ad damnum clause of respondent's motion prays for ten (10) percent damages pursuant to O.C.G.A. § 5-6-6.¹

The court has considered the record and, in light of the entire history of the case as presented there, the motion is denied.²

¹ See generally Taylor v. Bentley, 166 Ga. App. 887 (305 SE2d 617) (1983) (motion for damages in amount other than 10% properly denied).

² See Prattes v. Southeast Ceramics, Inc., 132 Ga. App. 584 (208 SE2d 600) (1974).

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUL 10 2000

*I certify that the above is a true extract from
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hereto affixed the day and year last above written.*

W. Z. Martin, Jr.

Clerk.

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

ATLANTA, JULY 11, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0358

AMERICAN FEDERATION OF LABOR, ET AL V. DONNA LEE WILLIAMS

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

93030

NONE 493-44-7643

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUL 11 2000

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the minutes of the Court of Appeals of Georgia.*

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Clerk.

Will. L. Martini

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

ATLANTA, JUNE 26, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0359
CHERRY O'NEAL SEARCY V. THE STATE

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

70030

89R147

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUN 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. Martini, III
Clerk.

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

ATLANTA, JULY 12, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0360

MATTHEW L. CERCY V. SUSAN L. WALDRON, CLERK SUPERIOR COURT OF CAMDEN
COUNTY

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

94031

97R564

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUL 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, JUNE 29, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0361

ALISON MELISSA PEEL V. PEYTON TIMOTHY SEXTON

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

95031

98CV252C

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUN 29 2000

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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, JUNE 30, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0362
SUZANNA K. DANIEL V. MARVIN C. DANIEL, JR.

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.

98031

DR991466KA

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JUN 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. Martin, III
Clerk.

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

ATLANTA, JULY 14, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0363

BRENDA D. HALL V. WARE COUNTY BOARD OF EDUCATION

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

90031

95V776

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 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, JULY 06, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0364

JOSEPHINE UPSHAW V. SNAPPER POWER EQUIPMENT DIVISION OF FUQUA
INDUSTRIES, INC.

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

71031

00CV0116C 255-58-1273

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL -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.

William L. Martin, III

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

ATLANTA, JULY 11, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0365

EDDIE D. RISNER V. BULK EQUIPMENT MFG., INC., ET AL

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

97031

00FCV115T 259-06-5775

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

Court of Appeals of the State of Georgia

ATLANTA, JUN 29 2000

The Court of Appeals hereby passes the following order:

A00D0366. GENE PASCAL BOND v. ESTHER MARIE BOND.

Gene Pascal Bond filed this application for discretionary appeal of the order of the superior court entering a Qualified Domestic Relations Order, under OCGA § 19-5-13, that construed the terms of a compromise settlement agreement between Bond and his former wife, Esther Marie Bond. Bond states in his application that the Qualified Domestic Relations Order was entered as a result of an order of contempt and that he seeks, inter alia, to have the motion for contempt reversed.

Bond acknowledges that the compromise settlement agreement was incorporated into the terms of the parties' divorce decree. The issue sought to be resolved by the trial court was a provision in the compromise settlement agreement pertaining to the property rights of the parties regarding Esther Bond's 401-(k) defined contribution plan and Gene Bond's defined benefits pension plan.

Because this case concerns the enforcement of rights vested in the parties by virtue of a settlement agreement that has been incorporated into a divorce decree, the Supreme Court has exclusive

jurisdiction over this matter. Ga. Const. of 1983, Art. VI, Sec. VI, Pars. III and III (6); compare Eichoff v. Eichoff, 263 Ga. 498, 499 (1) (435 SE2d 914) (1993), rev. on other grounds, Lee v. Green Land Co., 272 Ga. 107 (SE2d) (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) (contempt arising out of party's failure to make certain payments required under a settlement agreement incorporated into a divorce decree).

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUN 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. Mat^{Clerk}*, III*

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

ATLANTA, JULY 20, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0367
MARLENE WILLARD V. ROBERT CHRIS TREASURE

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

96031

1999RCD1814

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JUL 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, JUL 18 2000

The Court of Appeals hereby passes the following order:

A00D0368. SCOTT v. PICKENS.

Joan M. Henson Scott filed an action against Kelsey Reese Pickins alleging invasion of privacy, intentional infliction of emotional distress and negligent infliction of emotional distress. Scott seeks a discretionary appeal from an order granting Pickins' motion for summary judgment, basing her application on the theory that the judgment is less than \$10,000.00. OCGA § 5-6-35 (a) (6) does not apply, however, unless the order complained of actually involves a money judgment totaling \$10,000.00 or less. Denton v. Hogge, 208 Ga. App. 734 (1) (431 SE2d 728) (1993). Because we find that the discretionary appeal procedure does not apply here and because Scott has already filed a timely notice of appeal in the superior court, her application for appeal is hereby DISMISSED as superfluous.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUL 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.*

William L. Martin, III
Clerk

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

ATLANTA, JULY 17, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0369
NORTHWEST GEORGIA BANK V. SIUPREM, INC.

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

93031

99CV01047

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUL 17 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, JUL 17 2000

The Court of Appeals hereby passes the following order:

A00D0370. TERRY E. BUCHANAN v. THE STATE

Terry E. Buchanan filed this discretionary application seeking review of the trial court's order denying his motion to vacate illegal sentence. On June 22, 2000, this Court ordered Mr. Buchanan to supplement the application, within 10 days of the date of the order, with a stamped "filed" copy of the order being appealed as required by Rule 32 (b) of the Court of Appeals. Mr. Buchanan failed to comply with this Court's order. Therefore, this application for discretionary appeal is DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUL 17 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, III
Clerk.

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

ATLANTA, JULY 10, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0372

DEACON ERIC JACKSON, ET AL V. MCINTOSH COUNTY, ET AL

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

95032

99V176

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 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.*

Will L. Mart, III Clerk.

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

ATLANTA, JULY 11, 2000

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A00D0373. RUBY TUESDAY, INC., ET AL v. LINDA SAMUEL.

Applicant's attorney has filed a voluntary dismissal of the discretionary application to appeal in the above styled matter. Since it is the province of this Court to dismiss applications and not the parties, the Court will treat the voluntary dismissal as a motion to withdraw the application and the same hereby granted.

98-032

2000CV21901

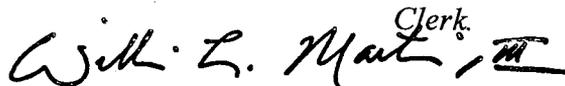
435-68-5108

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUL 11 2000

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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. Maut, ^{Clerk} 

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

ATLANTA, JULY 24, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0374
JOYCE M. GRIGGS V. RONALD SCOTT BOWEN

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

90032

I000492F I951453F

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

William L. Martin, III

Court of Appeals of the State of Georgia

ATLANTA, JUN 29 2000

The Court of Appeals hereby passes the following order:

A00D0375. Scott v. Perrine

Gary Michael Scott filed this application for discretionary appeal seeking review of the trial court's order on Nancy S. Perrine's application for contempt. At issue is a provision contained in the parties' divorce and settlement agreement which was incorporated into their final divorce decree. However, a contempt action based on the failure to comply with the child support 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); see also Brown v. King, 266 Ga. 890 (472 SE2d 65) (1996); Bryant v. Cole, 266 Ga. 535 (468 SE2d 361) (1996). Accordingly, this application is ordered TRANSFERRED to the Supreme Court.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUN 29 2000

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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, JULY 20, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0376

WHITFIELD COUNTY BOARD OF COMMISSIONERS V. RANDY LONG

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

97032

76621T 254-02-1230

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

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

Clerk.

Will L. Martin, III

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

ATLANTA, JULY 20, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0377
WILLIAM C. AKINS V. JENNIFER L. WHEELER

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

99032

9739103

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

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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, JULY 20, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0378

HERBERT BAKER, ET AL V. CLIFFORD BASCOMBE D/B/A SUNBELT CONTRACTING
COMPANY

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

96032

CV970397MI

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

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0379
CHERYL VANOVER V. RALPH HOLCOMB

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

92032

00CV178663

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

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0380
HARRISON WILLIAMS V. CLAYTON HOMES, INC.

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

91032

00V0033

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

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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, AUGUST 02, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0381
CHUN MING CHENG, ET AL V. PO CHIN LIN

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

93032

00CV0167M

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG -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.*

Clerk.

William L. Martin, III

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

ATLANTA, JULY 12, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0382

JUDY LEEK D/B/A THE TRAFFIC LIGHT LOUNGE V. CITY OF COLUMBUS, GEORGIA

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

70032

SU99CV2412 SU99CV2864

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

JUL 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, JUL 25 2000

The Court of Appeals hereby passes the following order:

A00D0383. THELMA J. HINKLE v. SUE ELLEN WOOLEVER.

Thelma J. Hinkle filed this timely discretionary appeal to the Supreme Court from an order of the trial court awarding certain insurance proceeds to the estate of her former husband. Since the transfer of the application to this Court conclusively establishes that this is not an appeal of an order or judgment in a divorce case, it follows that the present appeal is not subject to OCGA § 5-6-35 (a) (2). The order sought to be appealed appears to be a final order under OCGA 5-6-34 (a), and a direct appeal was proper instead of the discretionary application. This application is therefore ordered GRANTED pursuant to OCGA § 5-6-35 (j). The applicant shall have 10 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 appeal record transmitted to this Court.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUL 25 2003

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, AUGUST 01, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0384

VIVIAN HARLEAN SMITH V. BUENA VISTA PICTURES WALT DISNEY, ET AL

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

95033

OOAO29452 410-56-5585

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG - 1 2000

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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, JULY 20, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0385
DAVID GAULT V. LEWIS PATTERSON ET AL

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

98033

00CV17676

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUL 20 2000

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

Clerk.

William L. Martin, III

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

ATLANTA, AUGUST 01, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0386
PAMELA SUE GAUNTT V. DUANE L. GAUNTT

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

90033

99CA076

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG - 1 2000

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

Clerk.

Will L. Martin, III

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

ATLANTA, JULY 18, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0387

JANICE GRACE V. THE STATE

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

71033

92R125

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta JUL 18 2000*

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

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hereto affixed the day and year last above written.*

Clerk.

Will. L. Martin, III

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

ATLANTA, AUGUST 07, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0388

ST. PAUL REINSURANCE CO., LTD V. SHIRLEY ROSS 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.

97033

99G72569

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG -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.*

Clerk.

Will L. Martin, III

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

ATLANTA, AUGUST 07, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0389
DON ROBIN CHEATWOOD 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.

99033

97CR535

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG -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. Mart,  Clerk.

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

ATLANTA, AUGUST 10, 2000

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A00D0390

RONNIE CHAPMAN V. TRACEY R. HARDY

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

96-033
990187

990185

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG 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.

Will L. Martin, III

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

ATLANTA, JULY 31, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0391

AMERICAN SPECIALITY PROPERTIES INC. V. GAREC LIMITED PARTNERSHIP I

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

92033

96138852

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

William L. Martin, III

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

ATLANTA, AUGUST 08, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0392
CATHERINE BRANDT V. DIANE M. BECHT

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

91033

00CV17011

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG - 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. Martin, III

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

ATLANTA, JUL 25 2000

The Court of Appeals hereby passes the following order:

A00D0393. SPENCER SHORTER v. THE STATE.

Spencer Shorter, pro se, filed this discretionary application on July 10, 2000, from the trial court's May 22, 2000 order denying two post-conviction motions. However, an application for discretionary appeal must be filed within 30 days of entry of the order sought to be appealed. See OCGA § 5-6-35 (d) and Johnson v. State, 237 Ga. App. 677 (516 SE2d 539) (1999). This Court lacks jurisdiction to consider the untimely application which is hereby DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUL 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, III
Clerk

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

ATLANTA, AUGUST 14, 2000

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A00D0393

SPENCER SHORTER V. THE STATE

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

93-033
97CR17049

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

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

ATLANTA, AUGUST 03, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0394
LISA MICHELLE JONES V. KELLY VANN SMITH

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.

70033

9901545

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG -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
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Clerk.

William L. Martin, III

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

ATLANTA, AUGUST 02, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0395
JOHN NESMITH V. LEATRICE AUSTIN

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

94034

0013626

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

Clerk.

W. L. Martin, III

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

ATLANTA, AUGUST 10, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0396
ARTISTIC ENTERTAINMENT, INC., D/B/A TEASERS, ET AL V. PHILIP I.
CAMPBELL, SR., ET AL

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

95034

2000V65758L

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG 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.

Will. L. Martin, III

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

ATLANTA, August 3, 2000

The Honorable Court of Appeals hereby passes the following order:

A00D0397. SPRINGHILL SERVICES INC. C/O CEBCOR SERVICE CORPORATION,
ET AL v. RAYMOND O. WILKES.

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

98-034

00412153 256-27-1193

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG -3 2000

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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. Mant ^{Clerk}

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

ATLANTA, JULY 27, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0398
SOUTHEASTERN FREIGHT LINES, ET AL V. GARY MEDLEY

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

90034

00CV309W 262-25-1918

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

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

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hereto affixed the day and year last above written.*

Clerk.

Will L. Martin, III

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

ATLANTA, AUG 10 2000

The Court of Appeals hereby passes the following order:

**A00D0399. HENDERMAN, et al. v. WALTON COUNTY WATER AND SEWERAGE
AUTHORITY, et al.**

The above styled application for discretionary appeal is hereby GRANTED. Applicants shall have ten days from the date of this order to file their notice of appeal. The clerk of the superior court is directed to include a copy of this order in the record transmitted to this court.

It is further ordered that applicants' motion to strike respondents' Exhibit A is hereby DISMISSED as moot.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG 10 2000

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

Wilk. L. Martin, III
Clerk.

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

ATLANTA, JULY 19, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0400

IDA NELL DEVINE, ET AL V. RICHARD A. BRYANT, ET AL

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

97034

97CV340S

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUL 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, JUL 21 2000

The Court of Appeals hereby passes the following order:

A00D0401. Bryant-Bey v. Paulk

Ernest Leon Bryant-Bey filed this application for discretionary appeal seeking review of the trial court's denial of his motion for out of time appeal in his civil prisoners litigation action. The order Bryant-Bey seeks to appeal was entered by the trial court on June 12, 2000. Bryant-Bey filed this application on July 14, 2000. An application for discretionary appeal must be filed within 30 days of the entry of the order complained of. OCGA § 5-6-35 (d). Bryant-Bey filed this application 32 days after entry of the order he seeks to appeal; therefore, this 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 JUL 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. Mathis, Clerk

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

ATLANTA, JUL 25 2000

The Court of Appeals hereby passes the following order:

A00D0402. PATRICK L. WEBB v. THE STATE

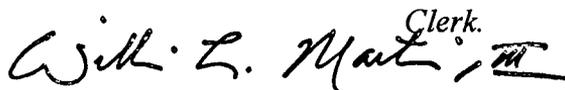
Patrick L. Webb filed this application for discretionary appeal from the the superior court's May 2, 2000 order revoking his probation. Webb, however, failed to file this application within 30 days after entry of the order which he seeks to appeal. Accordingly, this application is untimely and is hereby dismissed. OCGA § 5-6-35 (d); compare OCGA § 5-6-38 (a).

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta JUL 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. Mat^{Clerk.}

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

ATLANTA, AUGUST 10, 2000

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A00D0402

PATRICK L. WEBB V. THE STATE

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

96-034
CR962445MI

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

Will L. Martin, III

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

ATLANTA, AUGUST 16, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0403

LEE DAVIS V. STATE OF GEORGIA DEPARTMENT OF LABOR

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

92034

E71687

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta AUG 16 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 12, 2000

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

Case No. A00D0403

LEE DAVIS V. STATE OF GEORGIA DEPARTMENT OF LABOR

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

92-034
E71687

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP 12 2000

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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 08, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0404

JERRY M. WILBANKS, EXECUTOR OF THE ESTATE OF ALICE RUTH WILBANKS V.
SHERRY WILBANKS, ET AL

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

91034

99GR000124F

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG - 8 2000

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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, AUG -8 2000

The Court of Appeals hereby passes the following order:

A00D0405. CLOUD v. THE STATE.

Dwayne E. Cloud seeks a discretionary appeal from an order denying his motion for out-of-time appeal. Cloud's application is untimely and therefore cannot be considered by this court. Moreover, the judgment appealed from is not subject to the discretionary appeal procedure. OCGA § 5-6-35. Finally, Cloud's timely and proper direct appeal from the same order referenced in his application renders the application superfluous. For the foregoing reasons, Cloud's application for appeal is hereby DISMISSED for lack of jurisdiction.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG -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. Mait, ^{Clerk.} 

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

ATLANTA, AUGUST 09, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0406

DAVID B. TUCKER V. SGT. WALKER J. DUCKWORTH, JR.

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

70034

NONE

*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta AUG -9 2000*

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the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court
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Clerk.

Will. L. Martin, III

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

ATLANTA, AUGUST 21, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0407

AGRICREDIT ACCEPTANCE CORPORATION V. BANK OF DOOLY

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.

94035

99V516

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG 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, AUGUST 21, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0408

H. AL WILLIAMS, AS GUARDIAN OF THE ESTATE OF MIRIAM B. GIBSON, ET AL
V. MARY STREET LOGAN, ET AL

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

95035

139925D

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG 21 2000

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

Clerk.

Will. L. Martin, III

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

ATLANTA, AUGUST 17, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0409
SANDRA MARTIN V. BIBB COUNTY, GEORGIA

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

98035

00CV9017 254-78-4921

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

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

Clerk.

Will. L. Martin, III

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

ATLANTA, AUGUST 23, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0410

THREE CROWN ANTIQUES, LTD. V. MICHAEL A. JERRELL, D/B/A MAJOR
COMPUTER INDUSTRIES

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

90035

95SV89

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG 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, AUGUST 22, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0411
CARLA WEST, ET AL V. ANTHONY HENRY

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

71035

99V00897

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG 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.

William L. Martin, III

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

ATLANTA, AUG 31 2000

The Court of Appeals hereby passes the following order:

A00D0412. PAMELA SUE GAUNTT v. DUANE L. GAUNTT

On July 6, 2000, Pamela Sue Gauntt filed an application for discretionary review to this Court in A00D0386, which this Court denied on August 1, 2000. She simultaneously filed an identical application to the Supreme Court, which was docketed as S00D1720. The Supreme Court then transferred the appeal to this Court, where it was docketed as A00D0412. Because this appeal is duplicative of appeal A00D0386, it is hereby ordered DISMISSED.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG 31 2000

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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 ^{Clerk.} 

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

ATLANTA, AUGUST 24, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0413

CATHERINE BRANDT V. DIANE M. BECHT

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

91035

00CV17011

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG 24 2000

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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, AUGUST 25, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0414

JOHNNY ISAAH PRATHER V. HILTON HALL, WARDEN, ET AL

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

99035

00NH13

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG 25 2000

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the minutes of the Court of Appeals of Georgia.*

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Clerk.

Will L. Martin, III

Court of Appeals of the State of Georgia

ATLANTA, AUG 30 2000

The Court of Appeals hereby passes the following order:

**A00D0415. THOMAS JOSEPH KEMPTON v. FRANCES JANELL RICHARDS F/K/A
FRANCES JANELL KEMPTON**

Thomas Joseph Kempton filed a discretionary application to appeal the final order in this action to modify custody and visitation. Kempton alleges that the trial court erred by failing to appoint an arbitrator and a guardian ad litem; by changing custody, reducing summer visitation and refusing to impose joint legal custody; by shortening the discovery period; and by limiting testimony to events that had occurred since an earlier hearing.

It does not appear from the application and the materials Kempton submitted with the application that either reversible error exists or that the establishment of precedent is desired. Court of Appeals Rule 31 (a). Accordingly, this application for discretionary appeal is denied.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG 30 2000

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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, AUGUST 23, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0416

JAMES C. TRAMMELL V. CLAYTON COUNTY BOARD OF COMMISSIONERS, 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.

92035

98CV47152

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG 23 2000

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Clerk.

Will L. Martin, III

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

ATLANTA, SEPTEMBER 06, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0417
SONJA GRATZER V. CURTIS GRATZER

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

93035

98V0738

*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.*

Clerk.

Will. L. Martin, III

Court of Appeals of the State of Georgia

ATLANTA, SEP -5 2000

The Court of Appeals hereby passes the following order:

A00D0418. CTX INTERNATIONAL, INC. v. INFOLAB, INC.

CTX has filed an application for discretionary appeal of an order by the superior court denying its motion to set aside a default judgment and to transfer the case to the Superior Court of Fulton County. The order sought to be appealed, however, is not a final order because its clear language reflects that the set aside issue remains in the breast of the trial court for further consideration. This language makes the order interlocutory in substance even though it apparently was not entered until after the parties filed supplemental briefs. The discretionary appeal procedure does not excuse a party seeking appellate review of an interlocutory order from complying with the additional requirements of OCGA § 5-6-34 (b). Bailey v. Bailey, 266 Ga. 832 (471 SE2d 213) (1996); Scruggs v. Department of Human Resources, 261 Ga. 587, 589 (408 SE2d 103) (1991).

Because CTX International, Inc. failed to follow the interlocutory procedures of OCGA § 5-6-34 (b), this premature application is hereby dismissed.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP -5 2000

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the minutes of the Court of Appeals of Georgia.*

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hereto affixed the day and year last above written.*

Will L. Martin, Clerk.

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

ATLANTA, AUGUST 24, 2000

The Court of Appeals hereby passes the following order:

APPLICATION NO. A00D0419
GEORGIA-PACIFIC CORPORATION 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.

94036

99V4788

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta AUG 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.

William 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. A00D0420
STEVEN C. PETRY V. KELLY J. ROMO

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.

95036

00CV00384

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.

Clerk.

William L. Martin, III