

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

ATLANTA,                      SEPTEMBER 13, 2001

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

APPLICATION NO.            A02I0001

MAGEE/MAGEE BUILDERS, INC. ET AL V. D.A. DERUSHA INVESTMENTS, INC.

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

94001

99A068527

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      **SEP 13 2001**

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

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

Clerk.

*W. Z. Martin, Jr.*

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

ATLANTA, SEPTEMBER 12, 2001

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

APPLICATION NO. A02I0002  
RODRICK S. PATRICK V. THE STATE

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

99001

1B00CR280 1B00CR285

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 12 2001**

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

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

*W. Z. Mathis, Jr.* Clerk.

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

ATLANTA,

*The Court of Appeals hereby passes the following order:* **SEP 12 2001**

**A02I0003. L & T, INC. et al. v. FAYE LITTLE et al.**

A certificate for immediate review is ineffective unless it is filed within ten days of the order or judgment sought to be appealed. *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973); *Van Schallern v. Stanco*, 130 Ga. App. 687 (204 SE2d 317) (1974). Here, although the order sought to be appealed was entered on July 26, 2001, the order certifying this case for immediate appellate review was not filed until August 13, 2001, well past the ten-day statutory deadline set forth in OCGA § 5-6-34 (b). Accordingly, this application is DISMISSED for failure to comply with the statutory requirements for obtaining interlocutory review. See *Intl. Indem. Co. v. Robinson*, 231 Ga. App. 236 (498 SE2d 795) (1998).

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

**SEP 12 2001**

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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. Z. Martin, Jr.*, Clerk.

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

ATLANTA, AUGUST 30, 2001

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

APPLICATION NO. A02I0004

ALAN J. MILBY V. THE STATE

Upon consideration of the Application for Interlocutory 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.

96001

01CR410

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 30 2001**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA, SEPTEMBER 17, 2001

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

APPLICATION NO. A02I0005  
KEITH E. PREWITT V. CITY OF ATLANTA

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

90001

2000CV28655

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **SEP 17 2001**

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

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

*Clerk.*



CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

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

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** October 9, 2001

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S02C0128**

KEITH E. PREWITT v. CITY OF ATLANTA

Clerk, Supreme Court of Georgia

Case No. A02I0005

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

Clerk, Court of Appeals of Georgia

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

ATLANTA,

SEPTEMBER 05, 2001

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

APPLICATION NO. A02I0006

THE BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF GEORGIA ET AL V.  
GERALD JENSEN ET AL

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

97001

2000CV2701

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

**SEP 05 2001**

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

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

Clerk.

*W. Z. Martin, Jr.*

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

ATLANTA September 12, 2001

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

**A02I0007. EDWARD U. MILLER v. BIOSHIELD TECHNOLOGIES, INC.**

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

70-001

01A009613

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta September 12, 2001*

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

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

*C. Will. L. Martini*, Clerk.

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

ATLANTA, SEPTEMBER 14, 2001

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

APPLICATION NO. A02I0008  
GINA LYNN THOMAS ET AL V. KENNON PARKER ET AL

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

98001

99VS0159347E

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 14 2001**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

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

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** October 2, 2001

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S02C0100**

GINA LYNN THOMAS et al. v. COLDWELL BANKER REAL ESTATE CORPORATION, INC., et al.

Clerk, Supreme Court of Georgia

Case No. A02I0008

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

Clerk, Court of Appeals of Georgia

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

ATLANTA, SEPTEMBER 14, 2001

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

APPLICATION NO. A02I0009

COLDWELL BANKER REAL ESTATE CORPORATION V. GINA LYNN THOMAS

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

98002

99VS0159347E

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 14 2001**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA, SEPTEMBER 18, 2001

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

APPLICATION NO. A02I0010

HORMEL FOOD CORPORATION V. DEKALB COUNTY BOARD OF TAX ASSESSORS

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

93001

01CV442510

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 18 2001**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA, SEPTEMBER 18, 2001

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

APPLICATION NO. A02I0011

HORMEL FOOD CORPORATION V. DEKALB COUNTY BOARD OF TAX ASSESSORS

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

93002

01CV442610

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 18 2001**

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

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

*Clerk.*

*W. Z. Martz, Jr.*

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

ATLANTA, SEPTEMBER 13, 2001

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

APPLICATION NO. A02I0012

UNUM LIFE INSURANCE COMPANY OF AMERICA V. GLENDOLYN CRUTCHFIELD

Upon consideration of the Application for Interlocutory 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.

92001

E67803

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 13 2001**

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*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA, SEPTEMBER 20, 2001

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

APPLICATION NO. A02I0013  
ARTHUR J. SIMON, M.D. ET AL V. JUDY WEBB GUNBY

Upon consideration of the Application for Interlocutory 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.

71001

99VS0153254D

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 20 2001**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA, SEPTEMBER 20, 2001

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

APPLICATION NO. A02I0014  
THOMAS BRIAN LATHAM V. THE STATE

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

91001

0100138

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 20 2001**

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

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

*W. Z. Martin, Jr.*

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

ATLANTA, SEPTEMBER 25, 2001

*The Court of Appeals hereby passes the following order:* **SEP 25 2001**

APPLICATION NO. A02I0015

KENNON, PARKER, DUNCAN & KEY ET AL V. GINA LYNN THOMAS

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

98003

99VS0159347E

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 25 2001**

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

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

Clerk.

*W. Z. Martin, Jr.*

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

ATLANTA, SEPTEMBER 25, 2001

*The Court of Appeals hereby passes the following order:* **SEP 25 2001**

APPLICATION NO. A02I0016  
MITCHELL GRAPHICS V. GINA THOMAS

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

98004

99VS0159347E

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 25 2001**

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

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

*Clerk.*

*Will. Z. Martin, III*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **SEP 18 2001**

**A02I0017. ROY H. KIRCHBERG, M.D. v. HARVEY ROGERS, JR.**

The above-captioned application is GRANTED. Applicant Roy H. Kirchberg, M.D., shall have 10 days from the date of this order in which to file a notice of appeal. The clerk of the superior court is directed to include a copy of this order in the appeal record transmitted to this Court.

The parties are directed to address in their appellate briefs the issue of whether this court has appellate jurisdiction over this appeal. See generally Respondent's Motion To Dismiss Petitioner's Application For Leave To Appeal Interlocutory Order filed by respondent Harvey Rogers, Jr. In particular, the parties should address the issue of whether the certificate of immediate review is invalid because it was not signed by the assigned trial judge. See generally, OCGA § 5-6-34 (b); *Freemon v. Dubroca*, 177 Ga. App. 745 (1) (341 SE2d 276) (1986); *Tingle v. Harvill*, 125 Ga. App. 312 (187 SE2d 536) (1972).

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

**SEP 18 2001**

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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. Z. Math, Jr.* ..... Clerk.

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

ATLANTA, SEPTEMBER 25, 2001

*The Court of Appeals hereby passes the following order:* **SEP 25 2001**

APPLICATION NO. A02I0018  
CHRISTOPHER DERRICK DUTY V. THE STATE

Upon consideration of the Application for Interlocutory 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.

95002  
2001FE075F

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **SEP 25 2001**

*I certify that the above is a true extract from  
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*Witness my signature and the seal of said court  
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Clerk.

*W. Z. Martin, Jr.*

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

ATLANTA,                      SEPTEMBER 25, 2001

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

APPLICATION NO.            A02I0019  
PRISON HEALTH SERVICES V. NASH MITCHELL ET AL

Upon consideration of the Application for Interlocutory 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.

96002

I992864F

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    **SEP 25 2001**

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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.*

*W. Z. Martin, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **SEP 13 2001**  
**A02I0020. Hancock v. The State**

Merry Angela Hancock filed this application for interlocutory appeal seeking review of the trial court's order requiring her to submit to a psychological examination. Hancock has been charged with two counts of murder and other charges. Hancock filed a notice of intent to raise the issue of insanity, mental illness, mental retardation or mental incapacity in defense of the charges against her. The state filed a motion for the court to require Hancock to submit to a psychological examination by an expert of the state's choosing. This motion was granted and Hancock seeks to appeal this order. The Supreme Court, however, has directed this Court to transfer to it "all cases in which either a sentence of death or of life imprisonment has been imposed upon conviction of murder, and all pre-conviction appeals in murder cases . . . ." *State v. Thornton*, 253 Ga. App. 524 (322 SE2d 711) (1984). Since this appeal involves a pre-conviction appeal in a murder case, this application is ordered TRANSFERRED to the Supreme Court.

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

**SEP 13 2001**

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*W. L. Martin, Jr.*, Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **SEP 26 2001**

**A02I0021. MARCUS PATRICK v. THE STATE**

Marcus Patrick filed this application for interlocutory appeal seeking review of the trial court's order denying his motion to suppress. The application does not contain a stamped "filed" copy of the order appealed from, nor a stamped "filed" copy of the certificate of immediate review, as required by Court of Appeals Rule 30 (b). On September 10, 2001, this Court ordered that Patrick supplement his application with a stamped "filed" copy of these orders within 10 days, or the application would be dismissed. No stamped "filed" orders have been filed within the time allowed. Therefore, this application is ordered DISMISSED.

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

**SEP 26 2001**

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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. Z. Martin, Jr.*, Clerk.

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

ATLANTA,                      OCTOBER      04, 2001

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

APPLICATION NO.            A02I0022  
RICARDO RODRIGUEZ WRIGHT V. THE STATE

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

70002

1B01CR080

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 04 2001**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA,                      OCTOBER      10, 2001

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

APPLICATION NO.            A02I0023

XEROX CORPORATION ET AL V. ACES REPROGRAPHICS, INC.

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

99002

00A34513

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 10 2001**

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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.*

*W. Z. Martin, Jr.*

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

ATLANTA, SEPTEMBER 26, 2001

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

**SEP 26 2001**

APPLICATION NO. A02I0024

BOBBY F. BAGLEY V. FORSYTH COUNTY , GEORGIA

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

92002

00CV0971

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 26 2001**

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

*W. Z. Martin, III*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

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

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** November 8, 2001

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S02C0339**

BOBBY F. BAGLEY v. FORSYTH COUNTY et al.

Clerk, Supreme Court of Georgia

Case No. A02I0024

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

Clerk, Court of Appeals of Georgia

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **SEP 17 2001**

## **A02I0025. THE AUTOMOBILE INSURANCE COMPANY OF HARTFORD ET AL. v. SIMONE ITELD**

On August 21, 2001, the trial court in this case granted partial summary judgment to Simone Iteld and directed that the order be entered as a final judgment pursuant to OCGA § 9-11-54 (b). The Automobile Insurance Company of Hartford, Connecticut filed this application for interlocutory review from the order. This Court, however, does not have jurisdiction to consider this application. The interlocutory appeal procedure is reserved for those rulings that are not otherwise subject to direct appeal. OCGA § 5-6-34 (b); see also *Artis v. Gaither*, 199 Ga. App. 114 (404 SE2d 322) (1991); compare *Southeastern Security Ins. Co. v. Empire Banking Co.*, 268 Ga. 450 (490 SE2d 372) (1997). Because the trial court directed that the order be entered as a final judgment under OCGA § 9-11-54 (b), the Automobile Insurance Company of Hartford, Connecticut was required to file a direct appeal, not an interlocutory application. The application is thus hereby DISMISSED. We note that, under OCGA § 5-6-38 (a), the applicant has until September 20, 2001, to file a notice of appeal in this case.

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

**SEP 17 2001**

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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. Z. Martin, Jr.*, Clerk.

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

ATLANTA, NOVEMBER 13, 2001

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

**NOV 13 2001**

APPLICATION NO. A02I0026

HAZEL P. PULLUM ET AL V. TOMMY SEWELL ET AL

Upon consideration of the Application for Interlocutory 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.

91002

99CV22412

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 13 2001**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA,            OCTOBER    30, 0001

*The Court of Appeals passed the following order*    **OCT 30 2001**

Case No. A02I0027

DAVID R. BOWEN ET AL V. GOLD CREEK RESORT ASSOCIATES

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

94-003  
01A45135

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

**OCT 30 2001**

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

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

Clerk.

*W. Z. Martin, Jr.*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

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

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** November 19, 2001

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S02C0369**

DAVID R. BOWEN et al. v. GOLD CREEK RESORT ASSOCIATES et al.

Clerk, Supreme Court of Georgia

Case No. A02I0027

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

NOV 26 2001

Clerk, Court of Appeals of Georgia

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

ATLANTA,            OCTOBER    10, 2001

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

APPLICATION    NO.            A02I0028  
SAMUEL SHANE McFALLS V. THE STATE

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

95003

00CR01398

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 10 2001**

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

*W. Z. Martin, Jr.*

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

ATLANTA,            OCTOBER    11, 2001

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

APPLICATION NO.        A02I0029  
ALLSTATE INSURANCE, COMPANIES V. TIM EDGE

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

96003

00CV945

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 11 2001**

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hereto affixed the day and year last above written.*

Clerk.

*W. Z. Martin, Jr.*

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

ATLANTA,

*The Court of Appeals hereby passes the following order:* **OCT 02 2001**

**A02I0030. B. T. EASON ET AL. v. A.B.C. DORMINY, JR. ET AL.**

The applicants filed this application for interlocutory appeal seeking review of the trial court's order holding that venue was proper in Ben Hill County and denying their motion to remand the case to Lee County. The application does not contain a stamped "filed" copy of the order appealed from, nor a stamped "filed" copy of the certificate of immediate review, as required by Court of Appeals Rule 30 (b). On September 14, 2001, this Court ordered that the applicants supplement their application with a stamped "filed" copy of these orders within 10 days, or the application would be dismissed. No stamped "filed" orders have been filed within the time allowed. Accordingly, the respondents' motion to dismiss is hereby GRANTED and this application is ordered DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 02 2001**

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

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

*W. Z. Marti, Jr.*, Clerk.

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

ATLANTA,            OCTOBER    03, 2001

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

APPLICATION NO.        A02I0031

ATLANTA FIXTURE & SALES COMPANY, INC., V. CHRISTOPHER WARNOCK

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

97003

95VS0101440

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 03 2001**

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

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

*Clerk.*

*W. Z. Martin, III*

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

ATLANTA, SEPTEMBER 26, 2001

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

APPLICATION NO. A02I0032

REX ROAD PARTNERS V. CLAYTON COUNTY BOARD OF TAX ASSESSORS

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

97004

01CV6555

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 26 2001**

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

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

*Clerk.*

*W. Z. Martini, III*

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

ATLANTA,            OCTOBER    16, 2001

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

APPLICATION NO.        A02I0033  
ANNE PARKE V. JOSEPH LEWIS FANT, IV

Upon consideration of the Application for Interlocutory 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.

70003  
2001CV0078

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 16 2001**

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

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

*W. Z. Martin, Jr.* Clerk.

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

ATLANTA,                      OCTOBER    18, 2001

*The Court of Appeals hereby passes the following order:*    **OCT 18 2001**

APPLICATION    NO.            A02I0034  
GLYNN COUNTY V. RAYNARD TAYLOR HALE

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

99003  
0001132

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

**OCT 18 2001**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

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

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** November 7, 2001

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S02C0338**

GLYNN COUNTY et al. v. RAYNARD TAYLOR HALE

Clerk, Supreme Court of Georgia

Case No. A02I0034

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

**NOV 16 2001**

Clerk, Court of Appeals of Georgia

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

ATLANTA,                      OCTOBER      22, 2001

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

**OCT 22 2001**

APPLICATION NO.              A02I0035

WELLSTAR PAULDING HOSPITAL V. JANIE L. HUNTER ET AL

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

93003

00C77781

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 22 2001**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA,                      OCTOBER    02, 2001

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

**Case No. A02I0036**

**OLDE OAKS HOMEOWNERS ASSOCIATION, INC. V. DIVIDA GUDE ET AL**

The interlocutory application received in the above docketed matter does not contain a stamped "filed" copy of the order appealed, as required by Rule 31 (c).

Applicant is hereby ordered to supplement the application with a stamped "filed" copy of the order instanter. If applicant does not cause a copy of said order to be physically filed with the Court within 10 days of the date of this order, the application will be dismissed. Applicant's submission in response to this order will be deemed filed only on the date it is physically received in the Clerk's office.

The Court is required to issue an order granting or denying the application within 30 days of the filing of the application. See OCGA 5-6-34 (b).

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 02 2001**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA, October 30, 2001

*The Court of Appeals hereby passes the following order:* **OCT 30 2001**

**A02I0036. OLDE OAKS HOMEOWNERS ASSOCIATION, INC. v. DIVIDA  
GUDE ET AL**

It appearing the order of this Court issued OCTOBER 29, 2001, is incorrect due to clerical error, it is hereby ordered that the order attached hereto be substituted for the original order.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **OCT 30 2001**

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

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

*Clerk.*

*W. Z. Marti, Jr.*

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

ATLANTA, OCTOBER 29, 2001

*The Court of Appeals hereby passes the following order:* **OCT 30 2001**

A02I0036. OLDE OAKS HOMEOWNERS ASSOCIATION, INC. v. DIVIDA  
GUDE ET AL

On October 2, 2001, this court entered an order directing applicant, Olde Oaks Homeowners Association, Inc. to supplement its interlocutory application within 10 days of the date of said order with a stamped "filed" copy of the order of the superior court sought to be appealed. As the Homeowners Association has failed to supplement its interlocutory application as directed, it is ordered DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 30 2001**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA,

*The Court of Appeals hereby passes the following order:* **OCT 29 2001**

**A02I0036. OLDE OAKS HOMEOWNERS ASSOCIATION, INC. v. DIVIDA  
GUDE ET AL.**

On October 2, 2001, this court entered an order directing applicant, Olde Oaks Homeowners Association, Inc., to supplement its discretionary application within 10 days of the date of said order with a stamped "filed" copy of the order of the superior court sought to be appealed. As the Homeowners Association has failed to supplement its discretionary application as directed, it is ordered DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 29 2001**

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

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

*W. Z. Martin, Jr.* Clerk.

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

ATLANTA, NOVEMBER 21, 0001

*The Court of Appeals passed the following order* **NOV 21 2001**

Case No. A02I0036

OLDE OAKS HOMEOWNERS ASSOCIATION, INC. V. DIVIDA GUDE ET AL

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

92-003  
2000CV26166

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **NOV 21 2001**

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

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

*Clerk.*

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

ATLANTA,            OCTOBER    30, 2001

*The Court of Appeals hereby passes the following order:*    **OCT 30 2001**

APPLICATION    NO.            A02I0037

RESOURCE BANCSHARES MORTGAGE V. DEBORAH K. ALVARADO

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

71003

1999CV08273

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 30 2001**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA,                      OCTOBER      31, 2001

*The Court of Appeals hereby passes the following order:*      **OCT 31 2001**

APPLICATION NO.              A02I0038

ADEWALE ADEYEMO ET AL V. DULCIE S. PHILIP

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

91003

97CV64622

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 31 2001**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA,                      OCTOBER    23, 2001

*The Court of Appeals hereby passes the following order:*    **OCT 23 2001**

APPLICATION NO.            A02I0039  
ANDY BLALOCK V. SYBIL LECKIE ET AL

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

94004

01CV11692

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 23 2001**

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

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

*Clerk.*

*W. Z. Mathis, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **NOV 21 2001**

**A02I0039. ANDY BLALOCK v. SYBIL LECKIE**

Andy Blalock seeks reconsideration of the denial of his application for interlocutory appeal. Blalock primarily raises the same arguments he raised in his application. See Court of Appeals Rule 37 (e). He does raise one new argument, namely that venue was proper in the Supreme Court. But Blalock originally filed his application in the Supreme Court, which transferred it here, finding that “[b]ecause this case does not involve a dispute over which [a] party holds a presently enforceable fee simple title in the subject property, this case is not a ‘title to land case’ for purposes of appellate court jurisdiction.” Blalock’s motion for reconsideration is DENIED.

*Court of Appeals of the State of Georgia*

*Clerk’s Office, Atlanta*

**NOV 21 2001**

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

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

*W. Z. Martin, Jr.* Clerk.

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

ATLANTA,            OCTOBER    25, 2001

*The Court of Appeals hereby passes the following order:*    **OCT 25 2001**

APPLICATION    NO.            A02I0040

PINEY GROVE BAPTIST CHURCH V. LESLIE KEITH GROSS

Upon consideration of the Application for Interlocutory 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.

95004

0010265540

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 25 2001**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA,                      OCTOBER    22, 2001

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

**OCT 22 2001**

APPLICATION NO.            A02I0041

GOODY'S FAMILY CLOTHING V. SANDRA RADKE

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

96004

01V00181

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 22 2001**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:*      **OCT 19 2001**

**A02I0042. SHERYL A. WANGSNESS ET AL. v. ALBERT A. HEDDEN ET AL.**

Sheryl A. Wangsness and John Wangsness seek interlocutory review of an order granting the motion for summary judgment of Natural Goodness Health Foods, Inc. "The interlocutory appeal procedure is applicable to those rulings which are not otherwise subject to direct appeal." *Southeastern Security Insurance Co. v. Empire Banking Co.*, 268 Ga. 450 (490 SE2d 372) (1997). A grant of summary judgment as to any party is directly appealable pursuant to OCGA § 9-11-56 (h). Because the order sought to be appealed is subject to direct appeal, the interlocutory appeal provisions of OCGA § 5-6-34 (b) are inapplicable. *Artis v. Gaither*, 199 Ga. App. 114 (404 SE2d 322) (1991). The application is hereby DISMISSED for lack of jurisdiction.

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*      **OCT 19 2001**

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

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

*W. Z. Martin, Jr.* Clerk.

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

ATLANTA,                      NOVEMBER 02, 2001

*The Court of Appeals hereby passes the following order:*      **NOV 02 2001**

APPLICATION NO.            A02I0043  
DENNIS L. HENDRIX V. HANK MCGILL

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

70004

00CV0317

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 02 2001**

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

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

Clerk.

*W. Z. Martin, Jr.*

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

ATLANTA,                      OCTOBER      24, 2001

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

**OCT 24 2001**

APPLICATION NO.            A02I0044

TODD BARLOW V. BRENDA B. LITTLE

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

99004

99VS015766J

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 24 2001**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA,            OCTOBER    31, 2001

*The Court of Appeals hereby passes the following order:*    **OCT 31 2001**

APPLICATION NO.        A02I0045

THOMAS E. HURD, M.D., ET AL V. PATRICIA WILKINSON ET AL

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

93004

95A065634

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 31 2001**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA,                      OCTOBER    23, 2001

*The Court of Appeals hereby passes the following order:*      **OCT 23 2001**

APPLICATION NO.            A02I0046  
GWINNETT COUNTY, GEORGIA V. MICHAEL BAKER

Upon consideration of the Application for Interlocutory 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.

92004  
00A050412

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*      **OCT 23 2001**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA, NOVEMBER 06, 2001

*The Court of Appeals hereby passes the following order:* **NOV 06 2001**

APPLICATION NO. A02I0047

THOMAS JACKSON TIDWELL V. WILBUR B. BASSETT, JR.

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

71004

SU2000CV3514

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 06 2001**

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

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

*Clerk.*

*Will. Z. Martin, Jr.*

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

ATLANTA,                      NOVEMBER 08, 2001

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

APPLICATION NO.            A02I0048  
LARRY LAMAR PRICE V. THE STATE

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

91004

00T26765

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*                      **NOV 08 2001**

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

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

*W. Z. Marti, Jr.*                      Clerk.

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

ATLANTA,            OCTOBER    29, 2001

*The Court of Appeals hereby passes the following order:*    **OCT 29 2001**

APPLICATION NO.            A02I0049

MICHAEL BAKER V. GWINNETT COUNTY, GEORGIA

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

92005

00A050412

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 29 2001**

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

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

*Clerk.*

*W. Z. Marti, Jr.*

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

ATLANTA,            OCTOBER    31, 2001

*The Court of Appeals hereby passes the following order:*    **OCT 31 2001**

APPLICATION NO.            A02I0050

KENNESTONE HOSPITAL, INC., ET AL V. PATRICIA WILKINSON ET AL

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

93005

95A0065634

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 31 2001**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA,                      OCTOBER    25, 2001

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

**OCT 25 2001**

APPLICATION NO.            A02I0051

ALBANY HEALTHCARE, INC., V. ESTATE OF LAURA LEE CARTER ET AL

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

94005

01SCV0213

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**OCT 25 2001**

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

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

*Clerk.*

*W. Z. Martin, III*

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

ATLANTA, NOVEMBER 14, 2001

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

**NOV 14 2001**

APPLICATION NO. A02I0052

THE STATE OF GEORGIA ET AL V. GANN ENTERPRISES, INC.

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

95005

01A16247

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 14 2001**

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

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

*Clerk.*

*Wil. Z. Martini, Jr.*

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

ATLANTA,                      NOVEMBER 30, 2001

*The Court of Appeals passed the following order*

Case No. A02I0052

THE STATE OF GEORGIA ET AL V. GANN ENTERPRISES, INC.

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

95-005  
01A16247

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      **NOV 30 2001**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

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

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** December 18, 2001

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S02C0522**

STATE OF GEORGIA et al. v. GANN ENTERPRISES, INC.

Clerk, Supreme Court of Georgia

Case No. A02I0052

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

~~DEC 21 2001~~

DEC 21 2001

Clerk, Court of Appeals of Georgia

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

ATLANTA, NOVEMBER 13, 2001

*The Court of Appeals hereby passes the following order:* **NOV 13 2001**

APPLICATION NO. A02I0053  
WILLIAM GRIZZARD V. THE STATE

Upon consideration of the Application for Interlocutory 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.

96005

01CR0065

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 13 2001**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA,            OCTOBER    29, 2001

*The Court of Appeals hereby passes the following order:*    **OCT 29 2001**

APPLICATION NO.            A02I0054  
PAUL ERICKSON ET AL V. DAVID HODGES

Upon consideration of the Application for Interlocutory 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.

90005  
01C05452

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

**OCT 29 2001**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA,                      NOVEMBER 08, 2001

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

APPLICATION NO.            A02I0055

R.B. DIXON TIMBER CO., INC., V. CHARLES E. BELL ET AL

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

97005

00CV0334

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 08 2001**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:*      **NOV 14 2001**

**A02I0056. MARCUS PATRICK v. THE STATE.**

Marcus Patrick filed a previous application seeking discretionary review of the order of the superior court denying his motion to suppress. On September 21, 2001, this court entered an order dismissing that application for failure to comply with its order, entered September 10, 2001, directing Patrick to supplement his application with a stamped "filed" copy of the order sought to be appealed and a stamped "filed" copy of the certificate of immediate review.

On October 18, 2001, Patrick filed the above-captioned application for interlocutory review of the order, dated July 23, 2001, denying his motion to suppress. Examination of Patrick's application reveals the following deficiencies that divest this court of jurisdiction over this appeal.

First, the only order denying Patrick's motion to suppress that is contained in this application is found at Exhibit C thereto. This order is signed by the chief judge of the superior court and is dated July 23, 2001. This order does not contain any stamp whatsoever showing the date on which it was duly filed. Thus, even as of this

date Patrick has failed to supplement his application with a stamped “filed” copy of the order he seeks to appeal.

Secondly, an order, filed on October 19, 2001, is contained at Exhibit D of Patrick’s application. This order states that an order granting immediate review “of a motion to suppress filed by defendant” was entered on August 20, 2001, and that “[i]t appears that the Court stamp copy of said order was illegible and unacceptable to the Court of Appeals.” This order further provides that “[i]n the furtherance of justice this court hereby vacates it’s Order of August 20, 2001.” Thus, this order on its face effectively vacates the prior certificate of immediate review granted on August 20, 2001. But the order of October 19, 2001 does not vacate and re-enter, as of a new date, the order of July 23, 2001 denying the motion to suppress. Neither does the order of October 19, 2001 contain any language purporting to re-enter a certificate of immediate review of the order sought to be appealed as of any new date.

OCGA § 5-6-34 (b) contains the following requirements: Where the trial judge in rendering an order . . . , not otherwise subject to direct appeal, certifies within ten days of entry thereof that the order . . . is of such importance to the case that immediate review should be had . . . , the Court of Appeals may thereupon, in their respective discretion, permit an appeal to be taken from the order . . . if application is made thereto within ten days after such certificate is granted.”

Under these statutory requirements, a certificate of immediate review must be filed within ten days of entry of the order sought to be appealed. If it is not, the certificate of immediate review is ineffective to confer appellate jurisdiction on this court to review the order. See *Von Waldner v. Baldwin/Cheshire*, 133 Ga. App. 23, 24 (2) (209 SE2d 715) (1974). After a timely certificate of immediate review is obtained, an applicant must file his application for interlocutory review within 10 days after the grant of the certificate. *Genter v. State*, 218 Ga. App. 311 (460 SE2d 879) (1995). And, a nunc pro tunc certificate of immediate review is without efficacy to support an appeal. *Whitlock v. State*, 124 Ga. App. 599, 599 hn. 1 & 601 (1) (185 SE2d 90) (1971).

Because the documents submitted in support of this application show that the statutory requirements of OCGA § 5-6-34 (b) have not been met, the above-captioned application is ordered DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 14 2001**

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

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

*W. Z. Mathis, Jr.* Clerk.

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

ATLANTA,                    NOVEMBER 09, 2001

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

APPLICATION NO.            A02I0057  
CHARLES RANDALL HALE V. THE STATE

Upon consideration of the Application for Interlocutory 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.

98005  
011252

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

**NOV 09 2001**

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

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

*W. Z. Marti, Jr.*                    Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **NOV 15 2001**

**A02I0058. Holy Fellowship Church of God in Christ, Inc. v. Greater Travelers  
Rest Baptist Church, Inc.**

Holy Fellowship Church of God in Christ, Inc. has filed an application to appeal the order vacating its summary judgment. The trial court issued a certificate of immediate review on October 4, 2001. The Clerk of Court received the application on October 15, 2001, but could not docket the application because the applicant had not included the filing fee. OCGA § 5-6-4. The Clerk of Court received the filing fee and docketed the application on October 17, 2001. However, an application for interlocutory appeal is valid only if filed within 10 days of the date a timely certificate of immediate review is entered in the court below. OCGA § 5-6-34 (b). Since the applicant failed to accomplish the filing of its application for interlocutory appeal within the time provided by law, the application is hereby dismissed as untimely.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 15 2001**

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

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

*W. Z. Martin, Jr.*, Clerk.

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

ATLANTA, NOVEMBER 16, 2001

*The Court of Appeals hereby passes the following order:* **NOV 16 2001**

APPLICATION NO. A02I0059

SCHUSTER ENTERPRISES, INC., V. STEPHANIE MINTER

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

71005

SUOOCV4014

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **NOV 16 2001**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA, NOVEMBER 20, 2001

*The Court of Appeals hereby passes the following order:* **NOV 20 2001**

APPLICATION NO. A02I0060

YUKON PARTNERS, INC., V. THE LODGE KEEPER GROUP, INC

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

91005

0156617

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 20 2001**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA,                    NOVEMBER 20, 2001

*The Court of Appeals hereby passes the following order:*    **NOV 20 2001**

APPLICATION NO.            A02I0061

FLAMINGO PROPERTIES, LLC V. THE LODGE KEEPER GROUP, INC

Upon consideration of the Application for Interlocutory 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.

91006

0156627

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 20 2001**

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

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

*Clerk.*

*W. Z. Mathis, Jr.*

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

ATLANTA, NOVEMBER 20, 2001

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

**NOV 20 2001**

APPLICATION NO. A02I0062

PLATTE CITY SUPER 8, LLC, V. THE LODGE KEEPER GROUP, INC

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

91007

0156657

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **NOV 20 2001**

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

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

Clerk.

*W. Z. Martin, Jr.*

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

ATLANTA, NOVEMBER 20, 2001

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

**NOV 20 2001**

APPLICATION NO. A02I0063

CHILLICOTHE SUPER 8, INC., V. THE LODGE KEEPER GROUP, INC

Upon consideration of the Application for Interlocutory 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.

91008

0156667

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 20 2001**

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

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

*W. Z. Martin, Jr.*

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

ATLANTA, NOVEMBER 20, 2001

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

**NOV 20 2001**

APPLICATION NO. A02I0064

OVERLAND PARTNERS, LLC V. THE LODGE KEEPER GROUP, INC

Upon consideration of the Application for Interlocutory 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.

91009

0156677

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 20 2001**

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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 above written.*

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA, NOVEMBER 20, 2001

*The Court of Appeals hereby passes the following order:* **NOV 20 2001**

APPLICATION NO. A02I0065  
BRMG, LLC, V. THE LODGE KEEPER GROUP, INC

Upon consideration of the Application for Interlocutory 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.

91010

0156687

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **NOV 20 2001**

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

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

*W. Z. Martin, Jr.*

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

ATLANTA, NOVEMBER 20, 2001

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

**NOV 20 2001**

APPLICATION NO. A02I0066

QUALITY LODGING, LLC, V. THE LODGE KEEPER GROUP, INC

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

91011

0156687

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 20 2001**

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

*W. Z. Martin, Jr.*

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

ATLANTA, NOVEMBER 20, 2001

*The Court of Appeals hereby passes the following order:* **NOV 20 2001**

APPLICATION NO. A02I0067

GARDNER SUPER 8, LLC, V. THE LODGE KEEPER GROUP, INC

Upon consideration of the Application for Interlocutory 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.

91012

0156707

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 20 2001**

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA, NOVEMBER 20, 2001

*The Court of Appeals hereby passes the following order:* **NOV 20 2001**

APPLICATION NO. A02I0068

FORD MOTOR COMPANY V. ARTUMUS G. GIBSON, JR., ET AL

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

94006

ST00CV0111

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 20 2001**

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the minutes of the Court of Appeals of Georgia*

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*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA, NOVEMBER 14, 2001

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

**NOV 14 2001**

APPLICATION NO. A02I0069

JUAN D. THOMPSON V. J. LARRY BONNER

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

95006

00V67883N

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

**NOV 14 2001**

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

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

Clerk.

*Will Z. Martin, III*

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

ATLANTA, NOVEMBER 26, 2001

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

**NOV 26 2001**

APPLICATION NO. A02I0070

HORACE D. TRAMMEL, JR., ET AL V. B.R. BRADBERRY ET AL

Upon consideration of the Application for Interlocutory 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.

96006

97CV011174

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 26 2001**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA, NOVEMBER 15, 2001

*The Court of Appeals hereby passes the following order:* **NOV 15 2001**

APPLICATION NO. A02I0071  
ALBERT CHARLES MITCHELL V. THE STATE

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

90006

01RCCR941

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

**NOV 15 2001**

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

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Clerk. —

*W. Z. Martin, Jr.*

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

ATLANTA,                      NOVEMBER 27, 2001

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

APPLICATION NO.            A02I0072

SOUTHERN GUARANTY INSURANCE COMPANY OF GEORGIA V. CONTINENTAL STUCCO  
PRODUCTS, INC

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

97006

99A532326

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 27 2001**

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

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

*Clerk.*

*W. Z. Marti, Jr.*

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

ATLANTA, NOVEMBER 20, 2001

*The Court of Appeals hereby passes the following order:* **NOV 20 2001**

APPLICATION NO. A02I0073  
BASS CUSTOM LANDSCAPES, INC., V. JUDITH L. CUNARD

Upon consideration of the Application for Interlocutory 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.

70006

2000V29542

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 20 2001**

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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 above written.*

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA,            NOVEMBER 26, 2001

*The Court of Appeals hereby passes the following order:*    **NOV 26 2001**

APPLICATION NO.            A02I0074

SUNBEAM TRADING COMPANY, INC., V. RAYMOND FOWLER ET AL

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

98006

981414999

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

**NOV 26 2001**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA,                      NOVEMBER 28, 2001

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

APPLICATION NO.            A02I0075

STEVEN A. HEEGER ET AL V. FRANKLINS COPY SERVICE, INC

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

99006

2000CV25619

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 28 2001**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **NOV 20 2001**

**A02I0076. Charles B. Campbell v. David G. Chadwick**

Charles B. Campbell filed this interlocutory application to appeal the grant of David G. Chadwick's motion for partial summary judgment. "The interlocutory appeal procedure is applicable to those rulings which are not otherwise subject to direct appeal." *Southeastern Security Insurance Co. v. Empire Banking Co.*, 268 Ga. 450 (490 SE2d 372) (1997). A grant of partial summary judgment is directly appealable. OCGA § 9-11-56 (h); *Whiddon v. Stargell*, 192 Ga. App. 826, 828 (386 SE2d 884) (1989). Because the order Campbell seeks to appeal is directly appealable, the interlocutory appeal provisions of OCGA § 5-6-34 (b) are inapplicable. *Artis v. Gaither*, 199 Ga. App. 114 (404 SE2d 322) (1991). The application for appeal is hereby DISMISSED for lack of jurisdiction.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 20 2001**

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

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

*W. Z. Marti, Jr.* Clerk.

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

ATLANTA,                      NOVEMBER 28, 2001

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

APPLICATION NO.            A02I0077

N.S. OSBORNE V. TED F. KELLEY

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

92006

99HV328BH

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*            **NOV 28 2001**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA,

*The Court of Appeals hereby passes the following order:* **NOV 13 2001**

**A02I0078. HERMAN E. KORPI v. THE STATE**

This application was docketed on November 5, 2001. Although it was sent by certified mail, it did not contain the official United States postal service cancellation postmark date on the envelope. Pursuant to Rule 4, the applicant has submitted to this Court his certified mail receipt with the official United States postal service cancellation postmark date of November 1, 2001. Therefore, the filing date in this application is hereby changed to reflect November 1, 2001, pursuant to Rule 4 of this Court.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **NOV 13 2001**

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

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

*Clerk.*

*W. Z. Mathis, Jr.*

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

ATLANTA, NOVEMBER 29, 2001

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

APPLICATION NO. A02I0078

HERMAN E. KORPI V. THE STATE

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

71006

R00J108

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **NOV 29 2001**

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

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

*Clerk.*

*W. Z. Marti, Jr.*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

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

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** December 19, 2001

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S02C0557**

HERMAN E. KORPI v. THE STATE

Clerk, Supreme Court of Georgia

Case No. A0210078

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

Clerk, Court of Appeals of Georgia

*W. Z. Mat. JR.*

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

ATLANTA,                      NOVEMBER 27, 2001

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

APPLICATION NO.            A02I0079

OZELL OSBY V. THE STATE

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

94007

2001CR44

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**NOV 27 2001**

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

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

Clerk.

*W. Z. Martin, III*

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

ATLANTA,            DECEMBER 07, 2001

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

APPLICATION NO.        A02I0080  
CITY OF FORT OGLETHORPE, GEORGIA V. HOMER MOYE

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

95007

00CV00606

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 07 2001**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA,            DECEMBER 03, 2001

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

APPLICATION NO.        A02I0081

HARMONY CROSSROADS, L.P. D/B/A HARMONY CROSS ROADS APARTMENTS V. SHERI  
L. STUDDARD

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

96007

1998CV43524

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 03 2001**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA,                      DECEMBER 04, 2001

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

APPLICATION NO.            A02I0082  
SUSAN ELIZABETH MARTIN V. THE STATE

Upon consideration of the Application for Interlocutory 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.

90007  
01T6105

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*      **DEC 04 2001**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA,                      NOVEMBER 30, 2001

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

APPLICATION NO.            A02I0083

MITCHELL M. LEE V. THE STATE

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

97007

01SR28276

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      **NOV 30 2001**

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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 above written.*

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA,                      DECEMBER 13, 2001

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

APPLICATION NO.            A02I0084

HIGHER, INC., D/B/A JACKSON REALTY ET AL V. APRIL CHI WARD

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

70007

99CV55021

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 13 2001**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA,            DECEMBER 13, 2001

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

APPLICATION NO.        A02I0085

TA OPERATING CORPORATION D/B/A TAVELCENTERS OF AMERICA ET AL V. LONDON  
PIATT ET AL

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

98007

00VS008060F

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 13 2001**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA,            DECEMBER 04, 2001

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

APPLICATION NO.        A02I0086

MONIKA T. GOVERT V. THE STATE

Upon consideration of the Application for Interlocutory 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.

99007

01SR617

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 04 2001**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA,            DECEMBER 12, 2001

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

APPLICATION NO.        A02I0087  
DARRYL J. COLZIE V. THE STATE

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

93007  
019316440

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*        **DEC 12 2001**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA,            DECEMBER 19, 2001

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

APPLICATION NO.        A02I0088  
WILLIE B. SMITH V. KINDERLYNN NASIR

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

92007  
9728774

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

**DEC 19 2001**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA,            DECEMBER 13, 2001

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

APPLICATION NO.        A02I0089  
JIMMY RAY PROCTOR V. THE STATE

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

71007

0100384

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 13 2001**

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

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

*Clerk.*

*W. Z. Marti, Jr.*

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

ATLANTA,                    DECEMBER 26, 2001

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

APPLICATION NO.            A02I0090

SADIE HENDERSON ET AL V. LOUIS I LEVY, M.D. ET AL

Upon consideration of the Application for Interlocutory 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.

94008

00VS011448E

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **DEC 26 2001**

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

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

*William Z. Martini* Clerk.

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

ATLANTA,            DECEMBER 06, 2001

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

APPLICATION NO.            A02I0091

CRISP REGIONAL NURSING & REHABILITATION CENTER V. EARNEST LEE JOHNSON  
ET AL

Upon consideration of the Application for Interlocutory 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.

95008

99V335

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*    **DEC 06 2001**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA,            DECEMBER 13, 2001

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

APPLICATION NO.        A02I0092  
THOMAS R. HOPSON V. BANK OF NORTH GEORGIA

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

96008

01SC06455

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

**DEC 13 2001**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA,            DECEMBER 19, 2001

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

APPLICATION NO.        A02I0093

JUNE T. DICKS V. ZURICH AMERICAN INSURANCE COMPANY

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

90008

E23675

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 19 2001**

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

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

Clerk.

*W. Z. Martin, Jr.*

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

ATLANTA,                    DECEMBER 27, 2001

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

APPLICATION NO.            A02I0094  
PRENTISS EDWARDS ET AL V. TINA CROOK

Upon consideration of the Application for Interlocutory 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.

97008

99CV7249

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*    **DEC 27 2001**

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

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

*William Z. Mart...*                    Clerk.

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

ATLANTA,            DECEMBER 19, 2001

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

APPLICATION NO.        A02I0095

ZURICH AMERICAN INSURANCE COMPANY V. JUNE T. DICKS

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

90009

E23675

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 19 2001**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA,            DECEMBER 31, 2001

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

APPLICATION NO.        A02I0096

JENEANE'S CAFE, INC. V. BELLSOUTH ADVERTISING ET AL

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

70008

48128

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 31 2001**

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

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

*Clerk.*

*W. Z. Marti, Jr.*

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

ATLANTA,                      DECEMBER 13, 2001

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

· APPLICATION NO.            A02I0097  
KENNETH C. LAFRAY V. ATLANTIC MUTUAL INSURANCE COMPANY ET AL

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

98008

99VG0104987H

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 13 2001**

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

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

*Clerk.*

*Will. L. Martin*

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

ATLANTA,            DECEMBER 19, 2001

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

APPLICATION NO.        A02I0098

CEROY ADDISON V. THE STATE

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

99008

1B01CR758A

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 19 2001**

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

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

*Clerk.*

*W. Z. Martin, III*

# Court of Appeals of the State of Georgia

ATLANTA,

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

**DEC 11 2001**

**A02I0099. BRIGIDO SERVIN MORENO v. JEREMY DAVID STRICKLAND,  
ET AL.**

Defendant Brigido Servin Moreno seeks interlocutory review of the superior court's order, entered November 15, 2001, granting the motion for partial summary judgment of Plaintiffs Jeremy David Strickland, et al. Under OCGA § 5-6-34 (b), an application for interlocutory review may be filed regarding an order, decision, or judgment that is "not otherwise subject to direct appeal." An order granting a motion for partial summary judgment is an order subject to direct appeal under OCGA § 9-11-56 (h). *Sapp v. ABC Credit & Investment Co.*, 243 Ga. 151, 153 (1) (253 SE2d 82) (1979). The appeal of such an order cannot be maintained under the interlocutory application procedure of OCGA § 5-6-34 (b). Compare *Artis v. Gaither*, 199 Ga. App. 114 (404 SE2d 322) (1991).

Accordingly, the above-captioned application for interlocutory review is ordered DISMISSED. Id.

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

**DEC 11 2001**

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

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

 , Clerk.

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

ATLANTA,            DECEMBER 27, 2001

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

APPLICATION NO.        A02I0100

SERVICO CENTRE ASSOCIATES, LTD., ET AL V. BARBARA DIERS ET AL

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

92008

2000CV26960

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

DEC 27 2001

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

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

*William Z. Mat...* Clerk.

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

ATLANTA,            JANUARY    16, 2002

*The Court of Appeals passed the following order*

Case No. A02I0100

SERVICO CENTRE ASSOCIATES, LTD., ET AL V. BARBARA DIERS ET AL

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

92-008  
2000CV26960

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 16 2002**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA,            JANUARY    07, 2002

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

APPLICATION NO.        A02I0101

MARY ELLEN RAUX, M.D., ET AL V. MARCIA M. DANIEL

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

71008

98VS01445244

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 07 2002**

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

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

Clerk.

*W. Z. Martin, Jr.*

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

ATLANTA,                    DECEMBER 31, 2001

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

APPLICATION NO.            A02I0102

REGIONS BANK, D/B/A REGIONS FUNDING V. COLUMBIA CASUALTY COMPANY

Upon consideration of the Application for Interlocutory 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.

94009

1999CV17758

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**DEC 31 2001**

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

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

*Clerk.*

*W. Z. Martin, III*

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

ATLANTA,                      JANUARY    07, 2002

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

APPLICATION NO.            A02I0103  
CARDIOVASCULAR CONSULTANTS, P.C., ET AL V. CAROLYN BOLES

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

95009

CV010887KA

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 7 2002**

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

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

Clerk.

*W. Z. Martin, Jr.*

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

ATLANTA,            JANUARY    07, 2002

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

APPLICATION NO.        A02I0104

MEMORIAL HEALTH UNIVERSITY MEDICAL CENTER, INC. V. CAROLYN BOLES

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

95010

CV010887KA

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 07 2002**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA,            DECEMBER 13, 2001

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

APPLICATION NO.        A02I0105  
JUDY RAYLENE AYARS V. THE STATE

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

96009

01B14873

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*        **DEC 13 2001**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA,            JANUARY    10, 2002

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

APPLICATION NO.            A02I0106

BITUMINOUS FIRE & MARINE INSURANCE COMPANY V. DAN W. COX ET AL

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

97009

2000CV30957

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 10 2002**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA,                    JANUARY    11, 2002

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

APPLICATION    NO.            A02I0107  
JAMES D. FOTOS ET AL V. MICHAEL B. VLASS

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

70009

2000CV24955

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 11 2002**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA,                    JANUARY    10, 2002

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

APPLICATION NO.            A02I0108

STATE AUTO INSURANCE COMPANIES ET AL V. BRETT LEE PILCHER ET AL

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

98009

01C53

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 10 2002**

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

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

*Clerk.*

*W. Z. Marti, Jr.*

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

ATLANTA,            JANUARY    16, 2002

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

APPLICATION NO.            A02I0109  
PEDIATRIC EMERGENCY ASSOCIATES, P.C. V. WILLIAM USSERY FOR THE ESTATE  
OF ELLA M. USSERY

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

99009

00VS3182J

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

**JAN 16 2002**

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

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

*Clerk.*

*W. Z. Marti, Jr.*

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

ATLANTA,            JANUARY    15, 2002

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

APPLICATION    NO.            A02I0110  
WILLIAM DAVID UNDERWOOD V. THE STATE

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

93009

00D2772

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 15 2002**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **JAN 15 2002**

**A02I0111. THE STATE v. DANIEL LINDSAY.**

The State seeks interlocutory review of the superior court order granting defendant Lindsay's motion to suppress evidence. However, this Court lacks jurisdiction to consider this application for interlocutory appeal as an appeal by the State of the grant of a motion to suppress is directly appealable. OCGA § 5-7-1 (a) (4); *State v. Pastorini*, 226 Ga. App. 260 (486 SE2d 399) (1997). The trial court's order of December 11, 2001, recites that it is suppressing the evidence, in part, because it was "obtained in violation of the Law of the State of Georgia." Thus, the order excludes evidence "illegally seized" and is within the language of OCGA § 5-7-1 (a) (4), as amended effective July 1, 2000, *Pastorini*, supra, and is not evidence excluded under the general rules of evidence as in *Berky v. State*, 266 Ga. 28 (463 SE2d 891) (1995).

Because the trial court's order suppressing the evidence is directly appealable, the interlocutory appeal process is not applicable. *State v. Medley*, 205 Ga. App. 427 (422 SE2d 677) (1992). Moreover, this application for interlocutory appeal is not saved by OCGA § 5-6-35 (j) because the case is not one enumerated in subsection (a) of OCGA § 5-6-34. Therefore, the State's application is hereby DISMISSED for lack of jurisdiction.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **JAN 15 2002**

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

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

*W. L. Martin, Jr.*, Clerk.

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

ATLANTA,            JANUARY    28, 2002

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

APPLICATION    NO.            A02I0112

VONZEL JOHNSON ET AL V. R.C. GARMON ET AL

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

71009

001850

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 28 2002**

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

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

*Clerk.*

*Will. Z. Martin, Jr.*

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

ATLANTA,            JANUARY    17, 2002

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

APPLICATION    NO.            A02I0113  
GYPSUM MANAGEMENT & SUPPLY, INC ET AL V. LINDA ROSS

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

94010

00A704643

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 17 2002**

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

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

*Clerk.*

*W. Z. Marti, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **JAN 16 2002**

## **A02I0114. TOWN OF DAVISBORO v. GENEVA BETZOLD, SURVIVING SPOUSE OF EDWARD G. BETZOLD**

The Town of Davisboro filed this interlocutory application from the trial court's order denying its motion for reconsideration of the court's order denying summary judgment.<sup>1</sup> The applicant sought and obtained a certificate of immediate review on December 10, 2001, and filed the application with this Court by certified mail on December 26, 2001, sixteen days after the certificate of immediate review was issued. OCGA § 5-6-34 (b) permits this Court to consider interlocutory appeals only where the application is made within ten days after the certificate of immediate review is entered. Because the applicant failed to file its application within this time frame, the application is untimely, and this Court is without jurisdiction to consider

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<sup>1</sup>We note that the applicant did not include a copy of the order denying the motion for reconsideration, which was the order appealed from in this case. While Rule 30 (b) and OCGA § 5-6-34 (b) require the applicant to provide this document, we will not require the applicant to supplement the application in this instance because we dismiss this application on other grounds.

it. *Graves v. Dean*, 166 Ga. App. 186 (303 SE2d 751) (1983). Accordingly, the application for interlocutory appeal is hereby DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **JAN 16 2002**

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

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

*W. Z. Marti, Jr.*, Clerk.

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

ATLANTA,            JANUARY    22, 2002

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

APPLICATION NO.        A02I0115  
GUADALUPE SANDOVAL V. THE STATE

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

90010

01CR846C

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

**JAN 22 2002**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA,                      FEBRUARY 11, 2002

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

APPLICATION NO.            A02I0116

JASON BELLAMY V. THE STATE

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

97010

2001F03074

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 11 2002**

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

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

*Clerk.*

*W. Z. Mathis, Jr.*

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

ATLANTA,                      FEBRUARY 07, 2002

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

APPLICATION NO.            A02I0117

PRISCILLA STORM, M.D. ET AL V. TERESA JULIE LONDON

Upon consideration of the Application for Interlocutory 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.

70010

99111885

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 07 2002**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:*     **JAN 25 2002**

**A02I0118. MOCK PLUMBING & MECHANICAL, INC. et al. v. COLLINS  
CONSTRUCTION SERVICES, INC. et al.**

On December 14, 2001, the superior court denied the applicants' motions to intervene in this case. The court issued a timely certificate of immediate review on December 21, 2001. Twenty-six days later, on January 16, 2002, the applicants filed an application for interlocutory appeal with this Court. But an application for interlocutory appeal is valid only if filed within 10 days of the date a timely certificate of immediate review is entered in the court below. OCGA § 5-6-34 (b). Since the applicants failed to accomplish the timely filing of their application for interlocutory appeal, the application is hereby dismissed.

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*     **JAN 25 2002**

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

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

*W. Z. Marti, Jr.* , Clerk.

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

ATLANTA, FEBRUARY 14, 2002

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

APPLICATION NO. A02I0119

ROMULO NAVARRO V. GARY LOTT

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

99010

2000S020109

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 14 2002**

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

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

*Clerk.*

*W. Z. Marti, Jr.*

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

ATLANTA,            JANUARY    30, 2002

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

APPLICATION    NO.            A02I0120  
TIMOTHY WAYNE DOBBS V. THE STATE

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

93010

01C11874IIB

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 30 2002**

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

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

*Clerk.*

*Wil. Z. Marti, Jr.*

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

ATLANTA,                      FEBRUARY 14, 2002

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

APPLICATION NO.            A02I0121

BALFOUR BEATTY CONSTRUCTION, INC V. CITY OF ATLANTA ET AL

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

92010

1998CV02275

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 14 2002**

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

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

*Clerk.*

*Will. Z. Martini, Jr.*

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

ATLANTA,                      FEBRUARY 13, 2002

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

APPLICATION NO.            A02I0122  
GEORGE RANDY ACHTZIGER V. THE STATE

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

71010

1E00CR150

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

**FEB 13 2002**

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

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

*Clerk.*

*W. Z. Mathis, Jr.*

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

ATLANTA,                      FEBRUARY 08, 2002

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

APPLICATION NO.            A02I0123  
MICHAEL JOSEPH KRIEG V. THE STATE

Upon consideration of the Application for Interlocutory 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.

94011  
01RCCR66

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

**FEB 08 2002**

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

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

*Clerk.*

*W. Z. Marti, Jr.*

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

ATLANTA,                      FEBRUARY 20, 2002

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

APPLICATION NO.            A02I0124

JULIET KILBY V. PREMIER VALET, INC., ET AL

Upon consideration of the Application for Interlocutory 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

00C078754

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 20 2002**

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

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

*Clerk.*

*W. Z. Martin, III*

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

ATLANTA,            JANUARY    31, 2002

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

APPLICATION    NO.            A02I0125

TJBPR, INC. V. LISA KIRBY PETERS F/K/A LISA KIRBY MAULDEN

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

96011

CV0115

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 31 2002**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA,                      FEBRUARY 18, 2002

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

APPLICATION NO.            A02I0126  
SHANTERIAN FERGUSON V. KENNETH R. CARVER

Upon consideration of the Application for Interlocutory 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.

90011  
991466140

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

**FEB 18 2002**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA,                      FEBRUARY 26, 2002

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

APPLICATION NO.            A02I0127  
MILANA BRANKOVIC V. AVEREL B. SNYDER, M.D., ET AL

Upon consideration of the Application for Interlocutory 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.

97011

01VS16903B

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 26 2002**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA,            FEBRUARY 11, 2002

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

APPLICATION NO.        A02I0128

NISSAN NORTH AMERICAN, INC., ET AL V. ROSS CAMPBELL

Upon consideration of the Application for Interlocutory 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.

70011

00VS009947E

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 11 2002**

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

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

Clerk.

*W. Z. Martin, Jr.*

Court of Appeals  
of the State of Georgia

ATLANTA,            FEBRUARY 22, 2002

*The Court of Appeals passed the following order*

Case No. A02I0128

NISSAN NORTH AMERICAN, INC., ET AL V. ROSS CAMPBELL

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

70-011  
00VS009947E

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 22 2002**

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

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

*Clerk.*

*W. Z. Math, Jr.*

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

ATLANTA,                    FEBRUARY 11, 2002

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

APPLICATION NO.            A02I0129

BRIDGESTONE-FIRESTONE NORTH AMERICAN TIRE LLC V. ROSS CAMPBELL

Upon consideration of the Application for Interlocutory 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.

70012

00VS009947E

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      **FEB 11 2002**

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

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

*Clerk.*

*Will Z. Martin, Jr.*

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

ATLANTA,                      FEBRUARY 25, 2002

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

APPLICATION NO.            A02I0130

DOERUN GIN COMPANY, INC V. QUALITY COTTONSEED, INC

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

98011

99CV538

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 25 2002 .**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA,            FEBRUARY 13, 2002

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

APPLICATION NO.        A02I0131  
CHEMTALL INCORPORATED V. KENNETH L. FINK ET AL

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

99011

00V0338

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 13 2002**

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

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

*Clerk.*

*Wil. Z. Marti, Jr.*

Court of Appeals  
of the State of Georgia

ATLANTA,                      FEBRUARY 25, 2002

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

APPLICATION NO.            A02I0132

DOERUN GIN COMPANY, INC., V. QUALITY COTTONSEED, INC., ET AL

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

98012

99CV538

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 25 2002**

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

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

*Clerk.*

*W. Z. Marti, III*

Court of Appeals  
of the State of Georgia

ATLANTA,            FEBRUARY 27, 2002

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

APPLICATION NO.            A02I0133

JEFFREY LYLE SCHAEFER ET AL V. GEORGIA POWER COMPANY ET AL

Upon consideration of the Application for Interlocutory 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.

93011

00CV0532

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*      **FEB 27 2002**

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

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

*Clerk.*

*W. Z. Marti, Jr.*

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

ATLANTA,                      FEBRUARY 27, 2002

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

APPLICATION NO.            A02I0134

CHARLES ROBERTS ET AL V. GEORGIA POWER COMPANY ET AL

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

93012

00CV0525

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

**FEB 27 2002**

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

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

*Clerk.*

*W. Z. Mathis, Jr.*

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

ATLANTA,                      FEBRUARY 27, 2002

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

APPLICATION NO.            A02I0135

ROGER W. CLINE ET AL V. GEORGIA POWER COMPANY ET AL

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

93013

00CV0526

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*            **FEB 27 2002**

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

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

*Clerk.*

*W. Z. Mathis, Jr.*

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

ATLANTA,                      FEBRUARY 27, 2002

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

APPLICATION NO.            A02I0136  
SARAH H. CLINE V. GEORGIA POWER COMPANY ET AL

Upon consideration of the Application for Interlocutory 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.

93014

OOCV0533

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 27 2002**

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

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

*Clerk.*

*W. Z. Martini, III*

# Court of Appeals of the State of Georgia

ATLANTA,

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

**MAR 05 2002**

**A02I0137. CONLEY v. GORDON.**

Oren Kelly Conley has filed an application for appeal from a judgment finding him in contempt regarding the child support provisions of the parties' final divorce decree. Because a certificate of immediate review was included in Conley's application, the submission was docketed as an application for interlocutory appeal as a matter of course. Pretermitted whether the application should be redocketed as an application for discretionary appeal, we find that the order complained of falls within the Supreme Court's divorce and alimony jurisdiction. Because this action is ancillary to the parties' divorce proceeding, a matter within the Supreme Court's appellate jurisdiction, this appeal is hereby *transferred* to the Supreme Court for disposition. 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 with the Court of Appeals).

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 05 2002**

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

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

*W. Z. Martin, III* Clerk.

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

ATLANTA,            FEBRUARY 25, 2002

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

APPLICATION NO.            A02I0138

R & S FARMS, INC. D/B/A MASTER CARE FLOOR SERVICE V. CHARLES EDWIN  
BUTLER ET AL

Upon consideration of the Application for Interlocutory 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.

71011

48033

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 25 2002**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA, MARCH 05, 2002

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

APPLICATION NO. A02I0139  
JAMES MICHAEL AYRES V. THE STATE

Upon consideration of the Application for Interlocutory 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.

94012

1B01CR031

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 05 2002**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA,                      FEBRUARY 21, 2002

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

APPLICATION NO.            A02I0140  
DEBRA SUR CHICON V. MICHAEL J. CARTER ET AL

Upon consideration of the Application for Interlocutory 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.

95012  
2001SUV02

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*            **FEB 21 2002**

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

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

*Clerk.*

*Wil. Z. Marti, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **FEB 22 2002**

**A02I0141. ALTON TYWON GLENN v. THE STATE.**

Alton Tywon Glenn appealed to this Court for interlocutory review of the trial court's order denying his motion for bond in this prosecution for murder. However, the Supreme Court has directed this Court to transfer to it "all cases in which either a sentence of death or of life imprisonment has been imposed upon conviction of murder, and all pre-conviction appeals in murder cases..." *State v. Thornton*, 253 Ga. 524 (322 SE2d 711) (1984). Therefore, Glenn's application is ordered TRANSFERRED to the Supreme Court.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 22 2002**

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

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

*W. Z. Martin, III*, Clerk.

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

ATLANTA, MARCH 11, 2002

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

APPLICATION NO. A02I0142  
LISA BERRIOS V. VIRGINIA L. DAVIE

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

90012

01A043755

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 11 2002**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **FEB 14 2002**

## **A02I0143. Georgia Farm Bureau Mutual Insurance Company v. Auto-Owners Insurance Company**

Georgia Farm Bureau Mutual Insurance Company ("GFB") filed this application for interlocutory appeal seeking review of the trial court's January 17, 2002 order granting Auto-Owners Insurance Company's motion for summary judgment and denying GFB's cross-motion for summary judgment. On February 6, 2002, GFB filed a timely notice of appeal. Because the grant of summary judgment is directly appealable pursuant to OCGA § 9-11-56 (h), and because the denial of summary judgment may be appealed without application when it is tied to the directly appealable judgment, this application is moot. OCGA § 5-6-34 (d); *Southeastern Security Insurance Company v. Empire Banking Co.*, 268 Ga. 450 (490 SE2d 372) (1997). Accordingly, this application is ordered DISMISSED.

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

**FEB 14 2002**

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

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

*Will. Z. Martin, III*, Clerk.

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

ATLANTA, MARCH 07, 2002

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

APPLICATION NO. A02I0144  
JOHNNY IRWIN BLACKBURN V. THE STATE

Upon consideration of the Application for Interlocutory 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.

99012  
01CR184

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

**MAR 07 2002**

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

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

Clerk.

*W. Z. Martin, Jr.*

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

ATLANTA, MARCH 11, 2002

*The Court of Appeals hereby passes the following order:* **MAR 11 2002**

APPLICATION NO. A02I0145

JACQUELINE E. DANIELS V. JUAN D. BURSON ET AL

Upon consideration of the Application for Interlocutory 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.

92012

99A574192

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **MAR 11 2002**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA, MARCH 18, 2002

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

APPLICATION NO. A02I0146

WILLIAM A. EYZAGUIRRE ET AL V. CHARLES S. BAKER ET AL

Upon consideration of the Application for Interlocutory 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.

71012

E71272

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 18 2002**

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

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

*Clerk.*

*W. Z. Mathis, Jr.*

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

ATLANTA, MARCH 15, 2002

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

APPLICATION NO. A02I0147  
DUPONT YARD, INC., V. CHARLES G. BARTENFELD

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

94013

99V91

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

**MAR 15 2002**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **FEB 28 2002**

## **A02I0148. Robert Strickland, Jr. v. The State**

Robert Strickland, Jr. has filed an application to appeal the denial of his motion to suppress. An application for interlocutory appeal is valid only if filed within 10 days of the date a timely certificate of immediate review is entered in the court below. OCGA § 5-6-34 (b). The trial court issued a certificate of immediate review on February 8, 2002. Allowing for the February 18, 2002 federal holiday, see Court of Appeals Rule 3, Strickland had to file his application by February 19, 2002. He did not file his application until February 20, 2002, one day late. Since Strickland failed to file his application for interlocutory appeal within the time provided by law, the application is DISMISSED as untimely.

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

**FEB 28 2002**

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

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

*John Z. Martini, Jr.* Clerk.

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

ATLANTA, MARCH 21, 2002

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

APPLICATION NO. A02I0149

DR. LOUISA PORTER BRANSCOMB V. PAULA BURGESS

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

96013

CV01860

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 21 2002**

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

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

*Clerk.*

*Wil. Z. Martin, III*

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

ATLANTA, MARCH 07, 2002

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

APPLICATION NO. A02I0150

JOHN HEAD V. CSX TRANSPORTATION, INC., A RAILROAD CORPORATION

Upon consideration of the Application for Interlocutory 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.

90013

90VS0027650B

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 07 2002**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA, MARCH 15, 2002

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

APPLICATION NO. A02I0151

DOTSON CLAYTON HORNE ET AL V. ROBERT W. STRICKLAND ET AL

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

97013

2000V545

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 15 2002**

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

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

*Clerk.*

*W. Z. Martin, Jr.*



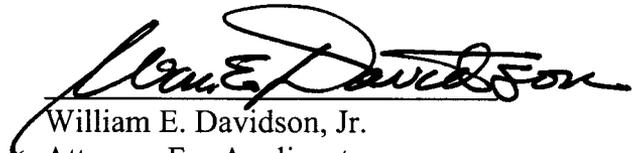
CERTIFICATE OF SERVICE

This is to certify that I have this date served a copy of the foregoing  
DISMISSAL OF PETITION FOR INTERLOCUTORY APPEAL upon Care  
More Management Co., Inc., Starcrest of Cartersville, Inc., and Ivelesse  
Rodriguez, by mailing copy thereof via first class mail with sufficient postage  
thereon to their counsel of record, to wit:

Richard Sheinis  
Hall, Booth, Smith & Slover  
Suite 2500  
230 Peachtree St., N.W.  
Atlanta, Georgia 30303-1515

This 26 of February, 2002.

DAVIDSON & STRAIN



William E. Davidson, Jr.  
Attorney For Applicant  
State Bar No. 207100

Post Office Box 1951  
Rome, Georgia 30162-1951  
(706) 234-1300

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

ATLANTA, March 13, 2002

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

**A02I0152. HAZEL KING, ADMINISTRATRIX OF THE ESTATE OF ETHAL  
BUNCH (DECEASED) v. CARE MORE MANAGEMENT CO., ET AL.**

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

70-013

CV991175

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta March 13, 2002*

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

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

*W. Z. Martin, III*, Clerk.

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

ATLANTA, MARCH 19, 2002

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

APPLICATION NO. A02I0153  
JERRI NICOLE WHITE V. THE STATE

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

98013

01B037442

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 19 2002**

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

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

Clerk.

*Will Z. Martin, III*

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

ATLANTA, MARCH 27, 2002

*The Court of Appeals passed the following order*

Case No. A02I0153

JERRI NICOLE WHITE V. THE STATE

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

98-013  
01B037442

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

**MAR 27 2002**

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

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

Clerk.

*W. Z. Martin, Jr.*

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

ATLANTA, MARCH 19, 2002

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

APPLICATION NO. A02I0154  
EMMANUEL K. AGUNOBI V. THE STATE

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

98014

01B37442

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

**MAR 19 2002**

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

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

Clerk.

*W. Z. Martin, Jr.*

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

ATLANTA, APRIL 08, 2002

*The Court of Appeals passed the following order*

Case No. A02I0154

EMMANUEL K. AGUNOBI V. THE STATE

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

98-014  
01B37442

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

**APR 08 2002**

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

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

Clerk.

*W. Z. Martin, Jr.*

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

ATLANTA, MARCH 19, 2002

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

APPLICATION NO. A02I0155  
MORIN CORPORATION V. ARCHITECTURAL SALES & CONTRACTING, INC

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

99013

01C18474

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **MAR 19 2002**

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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 above written.*

*Clerk.*

*W. Z. Marti, Jr.*

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

ATLANTA, MARCH 14, 2002

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

APPLICATION NO. A02I0156  
JOHN W. MCGHEE III V. THE STATE

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

92013

00CR52223

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **MAR 14 2002**

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

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

Clerk.

*W. Z. Mathis, Jr.*

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

ATLANTA, MARCH 19, 2002

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

APPLICATION NO. A02I0157

SANDRA HOLT GUTHRIE V. BENJAMIN REED GUTHRIE ET AL

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

71013

2001CV36881

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 19 2002**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA, MARCH 21, 2002

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

APPLICATION NO. A02I0158  
CLINTON S. HUDGINS V. THE STATE

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

91013

S22CR01864

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 21 2002**

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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 above written.*

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA, MARCH 07, 2002

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

APPLICATION NO. A02I0159  
KEN KRAUS ET AL V. JOSE RODRIGUEZ ET AL

Upon consideration of the Application for Interlocutory 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.

94014

99VS0155776C

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **MAR 07 2002**

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

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

Clerk.

*W. Z. Martin, Jr.*

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

ATLANTA, MARCH 22, 2002

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

**MAR 22 2002**

APPLICATION NO. A02I0160  
LIFE PARTNERS, INC., V. STEVE J. EVANS

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

95014

2001CV072RS

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

**MAR 22 2002**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA, MARCH 20, 2002

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

APPLICATION NO. A02I0161  
SPEEDWAY SUPERAMERICA, LLC, V. LARRY COLLINS

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

96014

991789534

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

**MAR 20 2002**

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

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

Clerk.

*W. Z. Martin, Jr.*

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

ATLANTA, MARCH 25, 2002

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

APPLICATION NO. A02I0162  
BRADFORD SQUARE CONDOMINIUM ASSOCIATION, INC V. DOLORES  
M. MILLER

Upon consideration of the Application for Interlocutory 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.

90014

9993048

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

**MAR 25 2002**

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

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

Clerk. —

*W. Z. Martin, Jr.*

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

ATLANTA, MARCH 27, 2002

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

APPLICATION NO. A02I0163

UNION CAMP CORPORATION V. PHYLLIS DAVIS ET AL

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

97014

1990271G

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 27 2002**

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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 above written.*

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA, MARCH 14, 2002

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

APPLICATION NO. A02I0164  
ICODE, INC., V. CREATIVE FINE ARTS, INC

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

70014

00VS008233C

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

**MAR 14 2002**

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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 above written.*

Clerk.

*W. Z. Marti, Jr.*

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

ATLANTA, MARCH 26, 2002

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

APPLICATION NO. A02I0165  
WAL-MART STORES, INC., V. EVELYN GRIFFIN

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

99014

2000S090848

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

**MAR 26 2002**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA, MARCH 29, 2002

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

APPLICATION NO. A02I0166  
CARL DAVID RICHARDSON V. THE STATE

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

92014

SU01CR0110S

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 29 2002**

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

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

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA, MARCH 27, 2002

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

APPLICATION NO. A02I0167  
DOUGLAS ASPHALT COMPANY ET AL V. SKYE FERGUSON

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

71014

SU2000CV2687 SU2000CV2688 SU2000CV2689

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 27 2002**

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the minutes of the Court of Appeals of Georgia*

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*Clerk.*

*W. Z. Martin, III*

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

ATLANTA, MARCH 27, 2002

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

APPLICATION NO. A02I0168

DOUGLAS ASPHALT COMPANY ET AL V. ANDREW D. REEVES ET AL

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

71015

SU2000CV2688 SU2000CV2687 SU2000CV2689

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 27 2002**

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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 Z. Martin, Jr.*

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

ATLANTA, MARCH 27, 2002

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

APPLICATION NO. A02I0169

DOUGLAS ASPHALT COMPANY ET AL V. PATRICIA REEVES ET AL

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

71016

SU2000CV2689 SU2000CV2687 SU2000CV2688

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 27 2002**

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the minutes of the Court of Appeals of Georgia*

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*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA, APRIL 03, 2002

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

APPLICATION NO. A02I0170  
BRUNO'S FOOD STORES., INC., ET AL V. IRMA FISHER

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

91014

971497F

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 03 2002**

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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 above written.*

*Clerk.*

*W. Z. Martin, III*

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

ATLANTA, MARCH 15, 2002

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

APPLICATION NO. A02I0171

UMAKISHORE RAMACHANDRAN ET AL V. ANGELIA SHEFFIELD ET AL

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

94015

00A55885

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **MAR 15 2002**

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

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hereto affixed the day and year last above above written.*

Clerk.

*Will. Z. Martini, Jr.*

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

ATLANTA, MARCH 28, 2002

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

APPLICATION NO. A02I0172

ELIZABETH D. BAXTER V. CHEROKEE FORD, INC.

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

95015

00CV2144

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 28 2002**

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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.*

*W. Z. Martin, III*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

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

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** April 17, 2002

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S02C1189**

**ELIZABETH D. BAXTER v. CHEROKEE FORD, INC.**

Clerk, Supreme Court of Georgia

Case No. A02I0172

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

**MAY 20 2002**

Clerk, Court of Appeals of Georgia

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

ATLANTA, MARCH 27, 2002

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

APPLICATION NO. A02I0173  
STATE FARM FIRE AND CASUALTY CO. V. SHERRY GOODMAN  
ET AL

Upon consideration of the Application for Interlocutory 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.

96015  
1B01CV196T

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

**MAR. 27. 2002**

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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 above written.*

*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA, MARCH 29, 2002

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

APPLICATION NO. A02I0174

OLD REPUBLIC INSURANCE CO. ET AL V. LINDA S. SILLS

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

90015

CV000070FR

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 29 2002**

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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.*

*W. Z. Martin, Jr.*

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

ATLANTA, APRIL 10, 2002

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

APPLICATION NO. A02I0175

MICHAEL C. RAY V. KIMBERLY WEDDINGTON - DERSCH

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

97015

00A096617

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 10 2002**

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

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*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA, MARCH 26, 2002

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

APPLICATION NO. A02I0176  
EDWIN PERRY WALDREP V. RALPH EDWARD PETTY

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

70015

99CV01985

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **MAR 26 2002**

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

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

*Clerk.*

*W. Z. Marti, Jr.*

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

ATLANTA, APRIL 09, 2002

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

APPLICATION NO. A02I0177  
DARIN M. SMITH V. JANICE CLARKE

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

98015

01CV0016

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

**APR 09 2002**

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the minutes of the Court of Appeals of Georgia*

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Clerk.

*W. Z. Martin, Jr.*

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

ATLANTA, MARCH 29, 2002

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

APPLICATION NO. A02I0178

FRANK A. BUCHHEIT ET AL V. E.R. GILLIS ET AL

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

99015

I001261G

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

**MAR 29 2002**

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

*W. Z. Martin, Jr.*

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

ATLANTA, APRIL 08, 2002

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

APPLICATION NO. A02I0179

PHOENIX LOSS PREVENTION INC., ET AL V. MADISON HUNTER

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

93015

I001450F

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 08 2002**

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*Clerk.*

*W. Z. Martin, Jr.*

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

ATLANTA,

*The Court of Appeals hereby passes the following order:* **APR 12 2002**

*A02I0180. United States Fire Insurance Co., et al. v. Centennial Insurance Company*

*A02I0185. Centennial Insurance Co. v. Ruark, et al.*

Upon consideration of the above styled applications for appeal, the applications are hereby DENIED. The O'Neill defendants' motion to dismiss is likewise DENIED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 12 2002**

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

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

*Will. Z. Martin, III*, Clerk.

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

ATLANTA, MARCH 28, 2002

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

APPLICATION NO. A02I0181

SABRINA HAWKINS-BAILEY ET AL V. THE MONEY TREE, INC.

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

91015

00CV767

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 28 2002**

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

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

*Clerk.*

*Wil. Z. Martin, Jr.*

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

ATLANTA, APRIL 11, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0182

THE CITY OF ROSWELL, GEORGIA ET AL V. ALAN C. HANSON ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

94016

2001CV40450

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **APR 11 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 11, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0183

ARLETHA LOVE ET AL V. GEORGIA TRANSMISSION CORPORATION

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

95016

01CV01250 01CV01252

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 11 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 30, 2002

*The Court of Appeals passed the following order*

Case No. A02I0183

ARLETHA LOVE ET AL V. GEORGIA TRANSMISSION CORPORATION

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

95-016  
01CV01250 01CV01252

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 30 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. Z. Martin, III*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** May 20, 2002

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S02C1352**

ARLETHA LOVE et al. v. GEORGIA TRANSMISSION CORPORATION

Clerk, Supreme Court of Georgia

Case No. A02I0183

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

**MAY 22 2002**

Clerk, Court of Appeals of Georgia

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 15, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0184  
WOODY'S STEAKS V. DAVID PASTORIA

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

96016

2001CV43363

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**APR 15 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **APR 12 2002**

*A02I0180. United States Fire Insurance Co., et al. v. Centennial Insurance Company*

*A02I0185. Centennial Insurance Co. v. Ruark, et al.*

Upon consideration of the above styled applications for appeal, the applications are hereby DENIED. The O'Neill defendants' motion to dismiss is likewise DENIED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 12 2002**

*I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto affixed the day and year last above written.*

*Will. Z. Martin, Jr.*, Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:*

**A02I0186. IN RE: SCHWINDLER v. THE STATE.**

**APR 19 2002**

Chatham County sheriff Al St. Lawrence has filed a petition for interlocutory appeal from the denial of his motion seeking an order to transfer defendant Frank Joseph Schwindler to the Georgia Department of Corrections. St. Lawrence argues that OCGA § 42-5-50 (c)<sup>1</sup> does not apply here because Schwindler is not represented by an attorney.

Because the order appealed from fully disposed of the applicant's post-conviction motion, the interlocutory appeal procedure is not required here. See generally *ITT Terryphone Corporation v. Modems Plus, Inc.*, 171 Ga. App. 710 (320

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<sup>1</sup>"In the event that the attorney for the convicted person shall file a written request with the court setting forth that the presence of the convicted person is required within the county of the conviction, or incarceration, in order to prepare and prosecute properly the appeal of the conviction, the convicted person shall not be transferred to the correctional institution as provided in subsection (b) of this Code section. In such event the convicted person shall remain in the custody of the local jail or lockup until all appeals of the conviction shall be disposed of or until the attorney of record for the convicted person shall file with the trial court an affidavit setting forth that the presence of the convicted person is no longer required within the county in which the conviction occurred, or in which the convicted person is incarcerated, whichever event shall first occur."

SE2d 784) (1984). Accordingly, the application is hereby *dismissed* for lack of jurisdiction.<sup>2</sup> *Artis v. Gaither*, 199 Ga. App. 114 (404 SE2d 322) (1991).

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. Z. Martin, Jr.*  
....., Clerk.

---

<sup>2</sup>Schwindler's appeal in this court was disposed of on March 14, 2002. Schwindler has since filed a notice of intent to file a petition for a writ of certiorari in the Supreme Court. Even if the sheriff had timely filed a direct appeal in this matter, unless the Supreme Court grants Schwindler's pro se petition, it would seem unlikely that this court could render a decision in this case before the matter was effectively rendered moot by the return of the remittitur in Schwindler's criminal appeal.

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 02, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0187  
FLASH FOOD, INC., V. PATRICIA SMITH

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

97016  
99V0546

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **APR 02 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*Will Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 18, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0188

ATLANTA AUTO AUCTION, INC., ET AL V. SHANANDOAH COMBS ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

70016

01VS014693J 01VS014699J 01VS014700J

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 18 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:*

**APR 10 2002**

**A02I0189. RECARDO J. HOLMES v. THE STATE.**

Recardo J. Holmes seeks interlocutory review of the order denying his motion to suppress DNA evidence obtained as the result of a blood test. Holmes has been indicted for burglary, rape, felony murder, malice murder, and aggravated assault. This application is in substance a pre-conviction appeal in a murder case.

In *State v. Thornton*, 253 Ga. 524 (322 SE2d 711) (1984), it was held that as a matter of policy, the Supreme Court of Georgia shall review "all cases in which either a sentence of death or life imprisonment has been imposed upon conviction of murder, and all pre-conviction appeals in murder cases."

Accordingly, the above-captioned application case is ordered TRANSFERRED to the Supreme Court for appropriate appellate disposition. See Georgia Const. of 1983, Art. VI, Sec. I, Par. VIII.

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**APR 10 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*William L. Martin, III*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 24, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0190  
ANTONIO R. NELSON ET AL V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

99016  
2000R96

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**APR 24 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*W. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 23, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0191  
WENDELL BALL V. MONTY M. VEAZEY

Upon consideration of the Application for Interlocutory 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.

93016  
2000CV908

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**APR 23 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 23, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0192

PHOEBE PUTNEY MEMORIAL HOSPITAL, INC., ET AL V. MELBA S. WASHINGTON  
AS EXECUTRIX OF THE ESTATE OF PAUL LEON WASHINGTON

Upon consideration of the Application for Interlocutory 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.

91016

01SCV0755

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 23 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*W. Z. Martin, III*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:*

**APR 12 2002**

**A02I0193. KYUNG H. CHANG v. THE STATE**

Kyung H. Chang filed this application for interlocutory appeal, seeking review of the trial court's February 27, 2002 order denying his motion to suppress. The trial court executed and filed a certificate of immediate review on March 20, 2002, twenty-one days after the motion to suppress was entered. For this Court to have jurisdiction to consider an application for interlocutory appeal, a certificate of immediate review must be filed with the trial court within ten days after entry of the order sought to be appealed. OCGA § 5-6-34 (b); *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973). Chang's failure to have a certificate of immediate review filed with the trial court within ten days of entry of the order appealed from deprives this Court of jurisdiction to consider this appeal, which is hereby ordered DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 12 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will Z. Martin, Jr.*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 17, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0194  
THE KROGER CO. V JEROME WILLIAMS ET AL

Upon consideration of the Application for Interlocutory 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.

95017  
2001A14026

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **APR 17 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 25, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0195

JAMES E. JONES V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

96017

2002S142

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 25 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 01, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0196

CONTRACTORS SPECIALTY SUPPLY, INC. ET AL V. ARTLEY COMPANY

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

90017

I991765CH

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 01 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Will. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 01, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0197  
ARTLEY COMPANY ET AL V. KOREAN UNITED METHODIST CHURCH  
OF SAVANNAH, INC.

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

90018

I991765CH

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 01 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, April 5, 2002

The Honorable Court of Appeals hereby passes the following order:

A02I0198. GREGORY LEE CROW v. THE STATE

It appearing the DISCRETIONARY application A02D0276 was  
incorrectly filed, it is hereby ordered that said application is  
hereby changed to an INTERLOCUTORY application with the case number  
A02I0198 as stated above.

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

**APR 05 2002**

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*W. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 25, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0198  
GREGORY LEE CROW V. THE STATE

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

97017

01B19444

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**APR 25 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*W. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 30, 2002

*The Court of Appeals passed the following order*

Case No. A02I0198

GREGORY LEE CROW V. THE STATE

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

97-017  
01B19444

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 30 2002**

*I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto affixed the day and year last above written.*

*Clerk.*

*W. Z. Martin, Jr.*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** June 13, 2002

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S02C1508**

GREGORY LEE CROW v. THE STATE

Clerk, Supreme Court of Georgia

Case No. A02I0198

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

**JUN 21 2002**

Clerk, Court of Appeals of Georgia

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 02, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0199  
LANIER ORR V. GEORGIA TRANSMISSION CORPORATION

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

70017

01CV1366

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**MAY 02 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 22, 2002

*The Court of Appeals passed the following order*

Case No. A02I0199

LANIER ORR V. GEORGIA TRANSMISSION CORPORATION

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

70-017  
01CV1366

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 22 2002**

*I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto affixed the day and year last above written.*

*Clerk.*

*Will Z. Martin, III*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** June 11, 2002

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S02C1466**

LANIER ORR v. GEORGIA TRANSMISSION CORPORATION

Clerk, Supreme Court of Georgia

Case No. A02I0199

Court of Appeals of Georgia

Notice of Petition for Certiorari

**JUN 12 2002**

filed in office

Clerk, Court of Appeals of Georgia

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 24, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0200  
RAILCAR, LTD. V. PEEPLES INDUSTRIES, INC., ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

98017

2001CV40824

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 24 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Will Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 08, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0201

CYNTHIA NOLES JOHNSON ET AL V. RUSSELL ADKINS, JR., ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

99017

011764518

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**MAY 08 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 06, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0202

FOUNTAINHEAD DEVELOPMENT CORP., ET AL V. ROGER E. DAILEY ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

93017

00CV1877A

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **MAY 06 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Will Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,

*The Court of Appeals hereby passes the following order:* **MAY 01 2002**

**A02I0203. Agro Distribution, LLC v. Wendell P. Quick**

Agro Distribution, LLC seeks immediate review of an order denying its motion for summary judgment. The trial court entered the order March 14, 2002. It entered a certificate of immediate review on April 4, 2002. Because the trial court did not enter its certificate of immediate review within ten days as OCGA § 5-6-34 (b) requires, Agro's application is hereby **DISMISSED** for lack of jurisdiction. *Turner v. Harper*, 231 Ga. 175, 176 (200 SE2d 748) (1973).

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **MAY 01 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
~~hereto affixed the day and year last above written.~~*

*W. Z. Martin, III*, Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

**MAY 08 2002**

*The Court of Appeals hereby passes the following order:*

**A02I0204. SIX FLAGS OVER GEORGIA II, L.P. v. KATHY MARKLEY ET AL.**

Six Flags Over Georgia II, L.P. filed a petition for interlocutory review of the superior court's March 18, 2002 order denying its motion in limine. The trial court then issued a timely certificate of immediate review on March 27, 2002. Six Flags filed its application for interlocutory review by drop box with this Court on April 9, 2002,<sup>1</sup> thirteen days after the certificate of immediate review was issued. OCGA § 5-6-34 (b) permits this Court to consider interlocutory appeals only where the application is made within ten days after the certificate of immediate review is entered. Because Six Flags failed to file its application within this time frame, the application is untimely, and this Court is without jurisdiction to consider it. *Graves*

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<sup>1</sup>Georgia Court of Appeals Rule 2 (b) provides that "[t]he clerk's office has provided a drop box for filing documents after business hours. Any items placed in the drop box after 4:30 p.m. Monday through Friday, will be docketed to the date the documents were placed in the drop box. . . . Court personnel will remove the documents the morning of the following business day and clock documents to the present time and date and file the documents to the date they were placed in the drop box." This application was removed from the drop box on April 10, 2002, and thus was deemed filed on April 9, 2002.

v. *Dean*, 166 Ga. App. 186 (303 SE2d 751) (1983). Accordingly, the application for interlocutory appeal is hereby DISMISSED.

**MAY 08 2002**

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*William L. Martin, III*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 01, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0205

CAPITOL INDEMNITY CORPORATION V. JAMES BROWN, JR ET AL

Upon consideration of the Application for Interlocutory 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.

91017

2001CV39330

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 01 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 15, 2002

*The Court of Appeals hereby passes the following order:*

**Case No. A02I0206**

**WILLIAM EDWARD ROCCO V. THE STATE**

The interlocutory application received in the above docketed matter does not contain a stamped 'filed' copy of the order appealed, nor a stamped 'filed' copy of the certificate of immediate review as required by Rule 31 (c).

Applicant is hereby ordered to supplement the application with a stamped 'filed' copy of the order instanter. If applicant does not cause a copy of said order to be physically filed with the Court within 10 days of the date of this order, the application will be dismissed. Applicant's submission in response to this order will be deemed filed only on the date it is physically received in the Clerk's office.

The Court is required to issue an order granting or denying the application within 45 days of the filing of the application. See OCGA 5-6-34 (b).

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**APR 15 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk  
*William Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,

*The Court of Appeals hereby passes the following order:*

**A02I0206. WILLIAM EDWARD ROCCO v. THE STATE.**

William Edward Rocco has filed an application to appeal the denial of his motion to suppress. An application for interlocutory appeal is valid only if filed within 10 days of the date a timely certificate of immediate review is entered in the court below. OCGA § 5-6-34 (b). The superior court issued a certificate of immediate review on March 29, 2002, therefore Rocco had to file his application by April 8, 2002. He did not file his application until April 10, 2002, two days late. Since Rocco failed to file his application for interlocutory appeal within the time provided by law, the application is DISMISSED as untimely.

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **APR 22 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*William Z. Martin, III* Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 05, 2002

*The Court of Appeals passed the following order*

Case No. A02I0206

WILLIAM EDWARD ROCCO V. THE STATE

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

97-018  
2001CR1714C

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**JUN 05 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*W. Z. Martini, III*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** June 18, 2002

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S02C1506**

WILLIAM EDWARD ROCCO v. THE STATE

Clerk, Supreme Court of Georgia

Case No. A02I0206

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

**JUN 21 2002**

Clerk, Court of Appeals of Georgia

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 14, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0207

PROPERTY SERVICES OF ATLANTA, INC. ET AL V. ANGELA JEAN

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

95018

00A40932

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 14 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 03, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0208

HALL COUNTY BOARD OF COMMISSIONERS V. CITY OF FLOWERY BRANCH GEORGIA

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

96018

01CV2910C

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**MAY 03 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **MAY 09 2002**

**A02I0209. ROBERT LAMONT PINKNEY v. THE STATE.**

This application for interlocutory appeal seeks review of the denial of defendant Pinkney's motion to suppress evidence. The order was filed January 9, 2002, but the certificate of immediate review was not filed until April 3, 2002.

To be effective, a certificate of immediate review must be signed and filed within 10 days of the entry of the order to which the certificate refers. *Turner v. Harper*, 231 Ga. App. 175 (200 SE2d 748) (1973). As the certificate of immediate review was untimely in this case, the application must be DISMISSED.

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **MAY 09 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*W. Z. Martin, Jr.*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 14, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0210

PALMER JOHNSON SAVANNAH, INC. V. THUNDERBOLT MARINE, INC

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

70018

CV010845FR

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 14 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Will Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 09, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0211

GREGORY SHEPARD, JR., ET AL V. HOSPITAL AUTHORITY OF THE CITY OF  
BAINBRIDGE AND DECATUR COUNTY, GEORGIA., ET AL

Upon consideration of the Application for Interlocutory 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.

98018

01CV639

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 09 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Mathis, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 21, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0212

DONALD TRIMBLE MORTUARY, INC. V. MENZIE SULLEN ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

99018

00CV82381

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 21 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Marti, III*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:*

**MAY 02 2002**

## **A02I0213. Carswell v. The State**

Darren Edward Carswell filed this application for interlocutory appeal, seeking appellate review of the trial court's order denying his motion to dismiss, which was entered on January 10, 2002. OCGA § 5-6-34 (b) provides that where the trial court renders an interlocutory order and certifies it for immediate review within ten days of entry of the order, the appellate courts of this State may permit an appeal if the application is made within ten days after such certificate is granted. In this case, the trial court never entered a certificate of immediate review, but did grant an extension of time to file an application for interlocutory appeal on April 11, 2002.

However, not only did the trial court have no authority to grant an extension of time for filing an interlocutory appeal, but it also never complied with the statutory requirement of entering a certificate of immediate review within ten days after entry of the order sought to be appealed. *Smith v. State*, A91I0085 (unpublished, decided April 10, 1991). Cf. *Rosenstein v. Jenkins*, 166 Ga. App. 385 (304 SE2d 740) (1983)(no extensions of time for filing discretionary applications authorized). "While the trial court has the authority under OCGA § 5-6-39 to grant a 30-day extension of time for filing a notice of appeal, there is not comparable authority for granting an extension of time for filing an application" *Id.*, or for obtaining a certificate of immediate review.

Since Carswell's application did not contain a certificate of immediate review and was untimely, this Court lacks jurisdiction to consider this application. Accordingly, this application is ordered DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 02 2002**

*I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto affixed the day and year last above written.*

*W. Z. Martin, III*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 21, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0214  
CITY OF FORSYTH, ET AL V. JEFFREY BELL, ET AL

Upon consideration of the Application for Interlocutory 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.

92018

2002CV04

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 21 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 15, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0215

ALN J. ALVARADO, M.D. ET AL V. JASMINE YARBROUGH ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

71018

2001CV674

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 15 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 29, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0216  
TOMMY RAY - BRENT MARSH V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.  
91018

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 29 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Mathis, Jr.*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** June 12, 2002

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S02C1473**

TOMMY RAY-BRENT MARSH v. THE STATE

Clerk, Supreme Court of Georgia

Case No. A02I0216

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

Clerk, Court of Appeals of Georgia

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 23, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0217  
SHARON ANITA HICKS V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

97019

01CR289B

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**MAY 23 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 20, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0218

APOLLO INVESTMENT FUND IV, L.P., V. ROBERT C. WEBB ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

95019

2001CV40317

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 20 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 28, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0219  
THOMAS CARPETS, INC V. MARTHA MACCULLEN, ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

96019

99A71543

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 28 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Wil. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 20, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0220  
ALLIEDSIGNAL, INC. V. FRANK OWENS ET AL

Upon consideration of the Application for Interlocutory 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.

90019  
9700233

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **MAY 20 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 20, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0221  
ALLIEDSIGNAL, INC. V. GLYNN COUNTY ET AL

Upon consideration of the Application for Interlocutory 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.

90020  
9500745

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 20 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 28, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0222  
BOBBY EDWARD MCDANIEL V. THE STATE

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

93019

2001CR163

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**MAY 28 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. L. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 29, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0223  
RICK K. ST. PIERRE V. CHRISTINE MICHELLE BABE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

70019

2002CV47512

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 29 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** June 10, 2002

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S02C1456**

RICK K. ST. PIERRE v. CHRISTINE MICHELLE BABE

Clerk, Supreme Court of Georgia

Case No. A02I0223

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

Clerk, Court of Appeals of Georgia

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 08, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0224

CHARITY DUKE V. THE STATE

Upon consideration of the Application for Interlocutory 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

2001CR7413

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 08 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, May 2, 2002

The Honorable Court of Appeals hereby passes the following order:

A02I0224. CHARITY DUKE v. THE STATE

It appearing the DISCRETIONARY application A02D0294 was

incorrectly filed, it is hereby ordered that said application is

hereby changed to an INTERLOCUTORY application with the case number

A02I0224 as stated above.

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**MAY 02 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 28, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0225  
PHILLIP MORRIS HORTON V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

99019

019374924

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 28 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** June 12, 2002

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S02C1469**

PHILLIP MORRIS HORTON v. THE STATE

Clerk, Supreme Court of Georgia

Case No. A02I0225

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

Clerk, Court of Appeals of Georgia

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 03, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0226  
ANTONIO TERRELL PINCKNEY V. THE STATE

Upon consideration of the Application for Interlocutory 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.

94019

99B40285

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 03 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

\_\_\_\_\_  
Clerk.

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 22, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0227  
CARL LUEM ET AL V. KELLY JOHNSON

Upon consideration of the Application for Interlocutory 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.

92019  
99CV130A

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **MAY 22 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 28, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0228  
C. GRANT WASHINGTON V. SANDRA TRAUB

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

71019

1992616F

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **MAY 29 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*W. Z. Martin, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:*

**MAY 31 2002**

**A02I0229. JENNIFER LEE KLEVINS v. THE STATE**

Jennifer Lee Klevins seeks to appeal the denial of her motion for reconsideration of the denial of her motion to suppress. An application for interlocutory appeal is valid only if filed within 10 days of the date a timely certificate of immediate review is entered in the court below. OCGA § 5-6-34 (b). The trial court entered the certificate of immediate review on April 25, 2002. Since the tenth day, May 5, 2002, was a Sunday, Klevins had until Monday, May 6, 2002, to perfect filing of her application.

Klevins mailed the application by certified mail using only a metered postmark. A metered postmark cannot be considered by this Court as an official postmark for purposes of determining the timeliness of filing. Court of Appeals Rule 4. Consequently, Klevins' application may only be deemed filed on the date the Court actually received it. The Court received the application for docketing on May 9, 2002.

Since Klevins' application was filed 14 days after the entry of the certificate of immediate review, the application is untimely, this Court lacks jurisdiction and the application is hereby DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 31 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*W. Z. Martin, Jr.* Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 04, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0230  
ADAMS CONSTRUCTION COMPANY, INC., V. DORA CHANT

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

97020

STCV0001680F

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **JUN 04 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*Will Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 30, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0231

D.W. CALDWELL V. TOM WAGES FUNERAL SERVICES, INC

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

95020

00C48203

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 30 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*John Z. Martini, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 05, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0232  
JOYCE MORRISETTE FREEMAN V. COLONIAL HOMES

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

96020

99CV070

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**JUN 05 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*Will. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 10, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0233  
SIENA AT RENAISSANCE PARK CONDOMINIUM ASSOCIATION, INC., ET AL  
V. HARBANS K. SHIKH

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

93020

99VS0155300F

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**JUN 10 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*Will Z. Martin, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:*

## **A02I0234. Moore v. Iwanski**

Robert E. Moore filed this application for interlocutory appeal seeking review of the trial court's order denying his motions for summary judgment. The order was filed in the trial court on April 26, 2002. Moore obtained a certificate of immediate review from the trial court by order dated May 1, 2002; however, the certificate of immediate review was not filed of record until May 9, 2002. To be effective, a certificate of immediate review must be signed and filed within 10 days of the entry of the order to which the certificate refers. *Turner v. Harper*, 231 Ga. 175 (200 SE2d 748) (1973). In this case, the certificate of immediate review was not filed until 13 days after entry of the order to which the certificate refers. Because the certificate of immediate review was untimely, this Court lack jurisdiction to consider this application. Accordingly, this application is ordered DISMISSED.

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**MAY 16 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto, affixed the day and year last above written.*

*W. Z. Martin, Jr.*  
....., Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 05, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0235  
PRICE COMMUNICATIONS WIRELESS, INC., D/B/A CELLULAR ONE  
V. EDMUND W. RUCHALSKI

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

98020

I992906F

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**JUN 05 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*Will Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 30, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0236  
JARMARCUS ANTWAN WHEELER V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

99020

02B08827

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 30 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 11, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0237

THE GEORGIA DEPARTMENT OF HUMAN RESOURCES ET AL

V. PARTHENIA JOHNSON , AS ADMINISTRATOR OF THE ESTATE  
OF BRYAN JONES

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

94020

97CV146

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* JUN 11 2002

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.



**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 12, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0238

LAKWOOD HOMES V. JOHN COX

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

92020

01A033928

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**JUN 12 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Will. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 29, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0239  
GLENN MILTON CONNOR ET AL V. SANDRA TRAUB

Upon consideration of the Application for Interlocutory 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.

71020  
I992616F

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **MAY 29 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.



**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 10, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0240  
JONAH ORION BRIDGER V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

91020

02T919

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 10 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 12, 2001

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0241

VILLAGE WALK PHARMACY, INC. V. ANTHONY J. BITTMAN

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

97021

I991731G

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **JUN 12 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 30, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0242  
BRYANT DEANDRE WHEELER V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

99021

02B08827

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 07, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0243  
COOPER TIRE & RUBBER COMPANY V. D.K. MERRIT

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

95021

98CV12742

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 07 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*William Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 11, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0244  
CINDY HARDY V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

96021

2001CR5003

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 11 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Will Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 11, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0245

JEFFERY HARDY V. THE STATE

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

96022

2001CR4973

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**JUN 11 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*Will Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 04, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0246

TOTAL CAR FRANCHISING CORPORATION V. W. JAMES SQUIRE, III

Upon consideration of the Application for Interlocutory 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.

90021

00A698515

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 04 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*Will. Z. Martini, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 13, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0247

KENNETH D. MARTINELLI ET AL V. ELVELEAN OLIVER

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

93021

2000CV32240

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 13 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.



**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 06, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0248

RICHARD S. ROSE, C.P.A. V. COMMERCIAL FACTORS OF ATLANTA, INC.

Upon consideration of the Application for Interlocutory 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

99A106505

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* JUN 06 2002

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 13, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0249

MICHAEL ROSS V. THE STATE

Upon consideration of the Application for Interlocutory 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.

98021

2002CR01562

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* JUN 13 2002

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Will. Z. Martin, III* Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 19, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0250  
MARIO RAFIZADEH D/B/A MARCHELLO'S ITALIAN RESTAURANT  
V. LILLIAN CHRISTINE RADERSTORF ET AL

Upon consideration of the Application for Interlocutory Appeal, it is ordered that it be hereby DENIED.

94021

01C04592

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 19 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 11, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02I0251

ROCKWOOD INTERNATIONAL SYSTEMS SUPPLY, INC. V. RADER COMPANIES, INC.

Upon consideration of the Application for Interlocutory  
Appeal, it is ordered that it be hereby DENIED.

96023

00A083164

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 11 2002**

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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 above written.*

*Clerk.*

*[Handwritten Signature]*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      FEBRUARY 04, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A02D0201

RONNIE WILSON V. THE STATE

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

93017

01CR076

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**FEB 4 2002**

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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 above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            JANUARY    24, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A02D0202  
SOUTHWIRE COMPANY V. RICKEY BAILEY

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

92017

01V01907

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 24 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      FEBRUARY 05, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A02D0203  
ED VENABLE V. ALLEN BRYANS, SR

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

71017

200122581

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 05 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, FEBRUARY 13, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0204

LARRY M. PHILLIPS V. GEORGIA DEPARTMENT OF HUMAN RESOURCES ET AL

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

91017

01CV1267

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 13 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      FEBRUARY   01, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A02D0205

LEE COUNTY BOARD OF EDUCATION V. GREGORY L. OLIVER

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

94018

2001CV304

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 01 2002**

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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 above written.*

*Clerk.*

*Will Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      FEBRUARY 07, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A02D0206  
DEBORAH A. SWANK V. DAVID W. SWANK

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

95018

99V1011E

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 07 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Wil. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      JANUARY      31, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.              A02D0207

VINCENT JOHN MAHONY V. CHANDRA BROWN MAHONY

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

96018

0000977

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JAN 31 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            FEBRUARY 15, 2002

*The Court of Appeals passed the following order*

Case No. A02D0207

VINCENT JOHN MAHONY V. CHANDRA BROWN MAHONY

Upon consideration of the motion for reconsideration filed  
in this case, it is ordered that it be hereby denied.

96-018  
0000977

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 15 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*W. Z. Martin, III*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:*

**FEB 8 2002**

**A02D0208. DOROTHY RUBISCH v. DEPT. OF JUVENILE JUSTICE ET AL.**

Via an application filed on January 16, 2002, Dorothy Rubisch seeks a discretionary appeal of the order of the superior court, filed on December 13, 2001, reversing a decision of the Appellate Division of the State Board of Workers' Compensation. OCGA § 5-6-35 (d) requires that an application for discretionary appeal must be filed within 30 days of the entry of the order, decision, or judgment sought to be appealed. Because this application was not timely filed, this Court lacks appellate jurisdiction over this application. *Gates v. Yeager*, 232 Ga. App. 91 (498 SE2d 372) (1998). Therefore, this application is ordered DISMISSED.

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**FEB 8 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*W. Z. Martin, III*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      FEBRUARY 13, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A02D0209  
JULIE DALTON MASON V. RENEE STAPLES

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

97018

01C62751

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 13 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Wil. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      FEBRUARY 07, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A02D0210

ARCHER WESTERN CONTRACTORS ET AL V. ABEL DIAZ

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

70018

0118841

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 07 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Marti, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, FEBRUARY 12, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0211  
CHARLES UNDERWOOD V. DAN BRANCH ET AL

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

98018

2000CV31892

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 12 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Marti, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **FEB 05 2002**

**A02D0212. RICHARD BARRY ROSENTHAL v. PATTI ROSENTHAL.**

Richard Barry Rosenthal and Patti Rosenthal were married and one minor child was born of that union. The parties were subsequently divorced and on April 19, 2001, a final judgment and decree was entered in which the parties' rights of custody of their minor child were adjudicated. Richard Rosenthal subsequently filed an emergency complaint against Patti Rosenthal seeking temporary and permanent change of custody and modification of visitation of the child.

During the course of this litigation, Richard Rosenthal filed a motion for psychological evaluation of the parties and their minor child and a motion for appointment of a guardian ad litem. On December 26, 2001, the trial court entered an interlocutory order denying these motions.

On December 31, 2001, Richard Rosenthal filed a motion for reconsideration and requested a certificate of immediate review of the interlocutory order. On January 16, 2002, the trial court denied both the motion for reconsideration and the request for a certificate of immediate review. On January 24, 2002, Richard Rosenthal, citing *Waldrip v. Head*, 272 Ga. 572 (532 SE2d 380) (2000), filed an application for discretionary appeal of the interlocutory order.

*Waldrip v. Head*, supra, is factually distinguishable from this case and it does not mandate or authorize this court to circumvent the interlocutory application procedures of OCGA § 5-6-34 (b). An appellate court will not pass upon questions on which no final ruling has ever been made by the trial judge or where there is no compliance with the requirement of OCGA § 5-6-34 (b) that the trial court certify its interlocutory order for immediate review. See *Smith & Wesson v. City of Atlanta*, 273

Ga. 431, 435 (3) (543 SE2d 16) (2001). When the only order sought to be appealed is interlocutory, it cannot be appealed without a certificate of immediate review. *Smith v. Adamson*, 226 Ga. App. 698, 701 (4) (487 SE2d 386) (1997); *Jordan v. State* 129 Ga. App. 176 (198 SE2d 188) (1973).

Nor is the interlocutory order denying the motion psychological evaluation of the parties and their minor child and the motion for appointment of a guardian ad litem appealable under the collateral orders exception. The collateral order exception is applicable only to a very limited class of orders. Compare *Johnson & Johnson v. Kaufman*, 226 Ga. App. 77 (485 SE2d 525) (1997). And, the order sought to be appealed in this application does not concern an issue that is substantially separate from the basic issues presented in the emergency complaint. See *Scroggins v. Edmondson*, 250 Ga. 430, 432 (1) (c) (297 SE2d 469) (1982); *Johnson & Johnson v. Kaufman*, supra at 79.

Because this application seeks the review of an interlocutory order and a certificate of immediate review has not been granted by the trial court, this application is ordered DISMISSED.

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**FEB 05 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*W. Z. Martin, Jr.*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, FEBRUARY 18, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0213

MARY ELLEN JACKSON ET AL V. J J & S TRANSPORTATION, INC., ET AL

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

93018

M01CV0946

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**FEB 18 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*W. Z. Martin, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:*

**FEB 26 2002**

**A02D0214. COOK v. MURRAY, et al.**

This court dismissed inmate Marcus Cook's direct appeal no. A02A0943 on January 17, 2002, for failure to follow the discretionary appeal procedure as required under OCGA § 42-12-8. Cook thereafter filed an application for discretionary appeal. The judgment complained of, however, was entered on November 14, 2001. Because Cook failed to file his application within 30 days as required under OCGA § 5-6-35 (d), the application is *dismissed* for lack of jurisdiction. *Hill v. State*, 204 Ga. App. 582 (420 SE2d 393) (1992).

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 26 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. Z. Martin, III*, Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **FEB 13 2002**

## **A02D0215. Lane v. The State**

Roger Lane filed this application for discretionary appeal seeking review of the trial court's denial of his motion for out of time appeal. However, Lane has already had his conviction reviewed and this Court affirmed the conviction. *Lane v. The State*, 244 Ga. 756 (536 SE2d 608) (2000). It appears Lane seeks to contend that his appellate counsel was ineffective; however, to seek appellate review for ineffective assistance of appellate counsel, Lane must file a petition for writ of habeas corpus. *Stanford v. Stewart*, 274 Ga. 468 ( SE2d ) (2001); *Battles v. Chapman*, 269 Ga. 702 (506 SE2d 838) (1998). Lane has not sought an extraordinary motion for new trial nor has he presented any evidence to support an extraordinary motion for new trial. Thus, the discretionary appeal procedures are not applicable. OCGA § 5-6-35 (a) (7). Further, the provisions of OCGA § 5-6-35 (j) are inapplicable because Lane's appeal is not appealable under OCGA § 5-6-34 (a). Accordingly, this Court lacks jurisdiction to consider this application and it is ordered DISMISSED.

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will Z. Martin, Jr.*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      FEBRUARY 27, 2002

*The Court of Appeals passed the following order*

Case No. A02D0215

ROGER LANE V. THE STATE

Upon consideration of the motion for reconsideration filed  
in this case, it is ordered that it be hereby denied.

71-018  
98CR397

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**FEB 27 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      FEBRUARY 19, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A02D0216  
MARSHAL GILBERT ARNOLD V. SAMUEL BERNARD WEBB

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

91018

01C78244

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      **FEB 19 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Wil. Z. Marti, III*

**Court of Appeals  
of the State of Georgia**

**ATLANTA,                    FEBRUARY 14, 2002**

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A02D0217  
PRINTPACK, INC., ET AL V. CHARLIE JOE CROCKER

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.

94019  
01V001703

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*            **FEB 14 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA,

FEBRUARY 04, 2002

*The Court of Appeals hereby passes the following order:*

Case No. A02D0218

WARREN PRICE V. THE STATE

The discretionary application received in the above docketed matter does not contain a stamped 'filed' copy of the order which is being appealed as required by Rule 32 (b) of the Court of Appeals.

Applicant is hereby ordered to supplement the application with a stamped 'filed' copy of the order instanter. If applicant does not cause a copy of said order to be physically filed with the Court within 10 days of the date of this order, the application will be dismissed. Applicant's submission in response to this order will be deemed filed only on the date it is physically received in the Clerk's office.

The Court is required to issue an order granting or denying the application within 45 days of the filing of the application See OCGA 5-6-35 (f).

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **FEB 04 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA,

*The Court of Appeals hereby passes the following order:* **FEB 26 2002**

**A02D0218. WARREN PRICE v. THE STATE.**

On February 4, 2002, this Court entered an order directing applicant Warren Price to supplement his discretionary application within 10 days of the date of said order with a stamped "filed" copy of the order sought to be appealed. As Price has failed to supplement his discretionary application as directed, the application is ordered DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 26 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Wil. Z. Martin, Jr.*, Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,                      FEBRUARY 04, 2002

*The Court of Appeals hereby passes the following order:*

**Case No. A02D0219**

**EARL BRITT V. THE STATE**

The discretionary application received in the above docketed matter does not contain a stamped 'filed' copy of the order which is being appealed as required by Rule 32 (b) of the Court of Appeals.

Applicant is hereby ordered to supplement the application with a stamped 'filed' copy of the order instantler. If applicant does not cause a copy of said order to be physically filed with the Court within 10 days of the date of this order, the application will be dismissed. Applicant's submission in response to this order will be deemed filed only on the date it is physically received in the Clerk's office.

The Court is required to issue an order granting or denying the application within 45 days of the filing of the application See OCGA 5-6-35 (f).

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*      **FEB 04 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*  


**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 05, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0219

EARL BRITT V. THE STATE

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

96019

98B28886

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **MAR 05 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Will. Z. Martin, III*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** April 2, 2002

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S02C1075**

**EARL BRITT v. THE STATE**

)  
Clerk, Supreme Court of Georgia

Case No. A02D0219

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

Clerk, Court of Appeals of Georgia

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      FEBRUARY 14, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A02D0220

EMANUEL ISAACS ET AL V. HARRY J. FREESE, A/K/A MARIO FREESE ET AL

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

90019

E47881

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 14 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      FEBRUARY 28, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A02D0221

H.S. SOUTHERN GRAPHICS SYSTEMS, INC., V. DEKALB COUNTY ZONING BOARD  
OF APPEALS

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

97019

01CV81013

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**FEB 28 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Will. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      FEBRUARY 25, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A02D0222

EDWARD C. HEATH V. DISCOVER FINANCIAL SERVICES, INC

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

70019

01CV394

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 25 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Wil. Z. Martin, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **MAR 08 2002**

**A02D0223. GLENN PARRIS v. GWINNETT HOSPITAL SYSTEM, INC.**

Glenn Parris filed this application for discretionary appeal from the state court's order denying his motion to set aside a default judgment in favor of Gwinnett Hospital System, Inc. The response maintains that there is no final judgment since a third-party complaint filed by Parris remains pending. In a reply brief, Parris acknowledges the existence of the third-party claim, but maintains that the default judgment entered against him is a "final judgment" within the meaning of OCGA § 9-11-54 (b).

In a case involving multiple claims or multiple parties, a decision adjudicating fewer than all claims or the rights and liabilities of less than all the parties is not a final judgment. In such circumstances, there must be an express determination under OCGA § 9-11-54 (b) or there must be compliance with the interlocutory appeal requirements of OCGA § 5-6-34 (b). Where neither of these code sections are followed, the appeal is premature and must be dismissed. *Johnson v. Hospital Corporation of America*, 192 Ga. App. 628, 629 (385 SE2d 731 (1989)).

Parris relies upon *Cherry v. Hersch*, 193 Ga. App. 471 (388 SE2d 64) (1989) for the proposition that an order need not recite the exact language of OCGA § 9-11-54 (b) in order to show an intent by the trial court that the order be final, and therefore appealable. The order in the case at bar states that "the matter stands in default and the judgment is appropriate" and provides that plaintiff "shall have judgment against" defendant. This language fails to express the requisite intent that the order be final. Nor is a determination of finality contained in an amended order filed to correct a typographical error.

No final judgment has been entered in this case and no interlocutory application has been filed. Therefore, this application is hereby DISMISSED.

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**MAR 08 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*W. Z. Martin, Jr.*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 05, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0224

RCG PROPERTIES V. CITY OF ATLANTA BOARD OF ZONING ADJUSTMENT ET AL

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby 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.

99019

2001CV38778

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 05 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Wil. Z. Marti, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **FEB 22 2002**

## **A02D0225. Khambete v. Gangal**

Abjali Mukund Khambete seeks an appeal from an order awarding attorney fees to Shrinivas P. Gangal in this divorce and alimony case. However, the Supreme Court has exclusive appellate jurisdiction over appeals in divorce and alimony cases. Ga. Const. of 1983, Art. VI, Sec. VI, par. III (6). Because the order sought to be appealed is an order in a divorce case, this Court lacks jurisdiction to consider this application. *Odem v. Odem*, 241 Ga. 451 (246 SE2d 308) (1978). Accordingly, this application is ordered TRANSFERRED to the Supreme Court.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 22 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*W. Z. Martin, Jr.*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 11, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0226

CHRISTA GRAHAM V. THE STATE

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

92019

93CR0630

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 11 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      FEBRUARY 22, 2002

*The Court of Appeals hereby passes the following order:*

**FEB 22 2002**

APPLICATION NO.            A02D0227  
EMMANUEL MONFORT V. THE STATE

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

71019

2001CR150

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**FEB 22 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA,

*The Court of Appeals hereby passes the following order:*

**APR 12 2002**

**A02D0228. DORIAN A. WILLIS v. MCLAIN INDUSTRIES OF GEORGIA,  
INC. , ET AL.**

Via this discretionary application, Dorian A. Willis seeks appellate review of a superior court order denying a petition for judgment in this workers' compensation case pursuant to OCGA § 34-9-106. The narrow purpose of OCGA § 34-9-106 is judicial enforcement of the award of the State Board of Workers' Compensation. *Ayers v. Rembert*, 241 Ga. App. 698 (527 SE2d 290) (1999); *Wade v. Harris*, 210 Ga. App. 882, 884 (1) (437 SE2d 863) (1993). And, because there is no review of the Board's decision, OCGA § 5-6-35 (a) (1) is inapplicable. Since the discretionary appeal procedure is inapplicable, and the case does not remain pending below, the proper avenue of appeal was via OCGA § 5-6-34 (a) (1). Under these circumstances,

the application must be granted pursuant to OCGA § 5-6-35 (j), so that Willis's appeal may be considered on its merits. *Harrell v. Little Pup Development & Construction*, 269 Ga. 143, 144 (1) (498 SE2d 251) (1998).

Therefore, Willis's application is hereby GRANTED. Willis shall have 10 days from the date of this order to file a notice of appeal in the court below. 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  
Clerk's Office, Atlanta

APR 12 2002

I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

*W. Z. Martin, Jr.*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 07, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0229  
NATIONAL CAB COMPANY V. MARILYN S. HARRIS ET AL

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

94020

01A635

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**MAR 07 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*Will Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,

*The Court of Appeals hereby passes the following order:* **MAR 12 2002**

**A02D0230. WESLEY TERRY REECE v. THE STATE**

Wesley Terry Reece filed a notice of direct appeal in appeal A02A1114 from a judgment of conviction and order revoking his probation. He also filed this application for discretionary appeal from the probation revocation order. While such orders ordinarily require an application for discretionary appeal under OCGA § 5-6-35 (a) (5), we have concluded that Reece's direct appeal from both the judgment of conviction and the probation revocation is valid; therefore, his application for discretionary appeal is hereby DISMISSED as superfluous.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 12 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*W. Z. Martin, Jr.*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      FEBRUARY 27, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A02D0231

THE PROFESSIONAL STANDARDS COMMISSION V. CHARLES 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.

96020

2000CV22182

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**FEB 27 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **MAR 11 2002**

**A02D0232. JACQUELINE K. COOPER-BYRD ET AL. v. DLJ MORTGAGE  
CAPITAL, INC.**

Jacqueline K. Cooper-Byrd, acting pro se, filed this application seeking discretionary appeal of an order and judgment in a dispossessory case. Cooper-Byrd had, however, previously filed a timely notice of direct appeal of the same order and judgment, which has been entered on the appellate docket of this Court as Case No. A02A1251.

This dispossessory case involves issues other than the amount of rent due and is therefore not subject to the discretionary appeal requirements of OCGA § 5-6-35 (a) (3). In view of the pending direct appeal under OCGA § 5-6-34 (a), this discretionary appeal must be dismissed. *In the Interest of R.L.Y.*, 180 Ga. App. 559 (349 SE2d 800) (1986). Compare OCGA § 5-6-35 (j).

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**MAR 11 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will Z. Martin, III*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 19, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0233

COLISEUM MEDICAL CENTER V. GEORGIA DEPARTMENT OF COMMUNITY HEALTH-  
DIVISION OF HEALTH PLANNING 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.

97020

00CV10891

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 19 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **MAR 19 2002**

## A02D0234. GOODRICH v. GOODRICH

Frank Eugene Goodrich seeks an appeal from a contempt order entered against him relating to certain provisions of the parties' final divorce decree. Because this action is ancillary to the parties' divorce proceeding, a matter within the Supreme Court's appellate jurisdiction, this appeal is hereby *transferred* to the Supreme Court for disposition. 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 with the Court of Appeals).

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta **MAR 19 2002**

I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.

Witness my signature and the seal of said court  
~~hereto affixed the day and year last above written.~~

*W. Z. Martin, Jr.*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 18, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0235  
NORTHLAND COMMUNICATIONS CORPORATION V. FORTUNE - JOHNSON,  
INC., ET AL

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

98020

2B00CV237

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**MAR 18 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 19, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0236

DAVID L. WILSON V. JAMES ROBERT WILSON III

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

99020

200009741

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 19 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Will. Z. Martini, III*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** April 8, 2002

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S02C1104**

DAVID L. WILSON v. JAMES ROBERT WILSON III

Clerk, Supreme Court of Georgia

Case No. A02D0236

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

**APR 10 2002**

Clerk, Court of Appeals of Georgia

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 18, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0237

NORRIS BERNARD GRESHAM V. LEESA MOORE GRESHAM

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

93020

2002P005236

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 18 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 21, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0238

HAROLD A. JOHNSON, TRUSTEE, ET AL. V. GENERAL D. CARTER ET AL

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

92020

0100661

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 21 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 19, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0239

JUDITH F. HURT V. ROBERT D. CULLIFER ET AL

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

71020

98CV175S

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 19 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*W. Z. Martin, Jr.*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date: May 3, 2002**

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S02C1296**

JUDITH F. HURT v. ROBERT D. CULLIFER et al.

Clerk, Supreme Court of Georgia

Case No. A02D0239

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office **MAY 09 2002**

Clerk, Court of Appeals of Georgia

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 19, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0240

NORTHEAST GEORGIA HEALTH SYSTEM, INC., ET AL V. CHERYL G. DANNER

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

01CV286413

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 19 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Wil. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 21, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0241

IN THE INTEREST OF C.A.R., K.S.R., & C.A.R., CHILDREN

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.

94021

01100J195501 01100J195601 01100J195701

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 21 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Will. Z. Martin, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA, MARCH 01, 2002

The Court of Appeals hereby passes the following order:

**MAR 01 2002**

Case No. A02D0242

JASON ERIC BURCHFEILD V. THE STATE

The discretionary application received in the above docketed matter does not contain a stamped 'filed' copy of the order which is being appealed as required by Rule 32 (b) of the Court of Appeals.

Applicant is hereby ordered to supplement the application with a stamped 'filed' copy of the order instantler. If applicant does not cause a copy of said order to be physically filed with the Court within 10 days of the date of this order, the application will be dismissed. Applicant's submission in response to this order will be deemed filed only on the date it is physically received in the Clerk's office.

The Court is required to issue an order granting or denying the application within 45 days of the filing of the application See OCGA 5-6-35 (f).

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 01 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*William Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,

*The Court of Appeals hereby passes the following order:* **MAR 22 2002**

**A02D0242. JASON ERIC BURCHFIELD v. THE STATE.**

On March 1, 2002, this Court entered an order directing applicant Jason Eric Burchfield to supplement his discretionary application within 10 days of the date of said order with a stamped "filed" copy of the order sought to be appealed. As Burchfield has failed to supplement his discretionary application as directed, it is ordered  
**DISMISSED.**

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**MAR 22 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. Z. Martin, III*, Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **MAR 27 2002**

## **A02D0243. EVERETT CUMMINGS v. TARGET STORES.**

After being awarded a judgment against defendant Freda Watkins, plaintiff Everett Cummings initiated a continuing garnishment action. Garnishee Target Stores was served with the summons of garnishment on August 7, 2002, but no timely answer was filed. Subsequently, a default judgment in favor of Everett Cummings and against Target Stores was entered.

After learning of the judgment, Target Stores filed its motion for relief from judgment, invoking the provisions of OCGA § 18-4-91. The superior court granted the motion for relief from judgment, and Target Stores was directed to file an answer and pay certain funds into the registry of the court for distribution to plaintiff.

Everett Cummings then filed a discretionary application seeking appellate review of the superior court order. The response maintains that the continuing garnishment action remains pending in the superior court so that the order sought to be appealed is not a final judgment as defined in OCGA § 5-6-34 (a) (1), but is subject to the interlocutory appeal requirements of OCGA § 5-6-34 (b). We find no support for Everett Cummings's argument that "the default judgment rendered against

Target is a separate and distinct action from the underlying continuing garnishment action..."

As the case appears to remain pending in the superior court, it is subject to the additional requirements of the interlocutory appeal procedure. OCGA § 5-6-34 (b); *Bailey v. Baily*, 266 Ga. 832 (471 SE2d 213) (1996); *English v. Tucker Federal Savings & Loan Ass'n*, 175 Ga. App. 69 (332 SE2d 365) (1985). Because of the failure to follow the proper appellate procedure, this application is DISMISSED for lack of jurisdiction.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 27 2002**

*I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto affixed the day and year last above written.*

*Will Z. Martin, Jr.* Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 29, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0244

M.A.P.S.S., INC., ET AL V. COLUMBIA/HCA COLISEUM HOME HEALTH ET AL

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

90021

01CV15143

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 29 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Marti, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **MAR 11 2002**

**A02D0245. Studio X, Inc. v. Mary T. Cristal Trust**

Applicants Studio X, Inc. and Interfinancial Properties, Inc. seek discretionary review of the trial court's order granting a motion for payment of accruing rent and supersedeas bond. Specifically Studio X and Interfinancial contend the trial court was without authority to require payment of both accruing rent and supersedeas bond. Examination of OCGA § 5-6-35 (a) (1) - (11) reveals that the order sought to be appealed does not fall within the category of cases requiring an application for discretionary appeal, but rather is an order that is directly appealable. *Ruffin v. Banks*, 249 Ga. App. 297, 299 (3) (548 SE2d 30) (2001). When, as in this case, an order is directly appealable, but an appeal is initiated by filing a timely application for permission to appeal, this Court shall have jurisdiction to consider the appeal and shall grant the application pursuant to OCGA § 5-6-35 (j). Accordingly, this application is ordered GRANTED. Applicants shall have ten days from the date of this order to file their notice of appeal. OCGA § 5-6-35 (g). The clerk of the state court is directed to include a copy of this order in the record transmitted on appeal.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 11 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. Z. Martin, III*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 26, 2002

*The Court of Appeals passed the following order*

Case No. A02D0245

STUDIO X, INC., ET AL V. MARY T. CRISTAL TRUST

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

93-021  
01DD0005445

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**MAR 26 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*W. Z. Martin, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:*      **MAR 26 2002**

**A02D0246. BRENDA JO PARKER v. NATIONSBANC MORTGAGE CORP.**

Brenda Jo Parker filed a notice of appeal from the trial court's October 22, 1999 order granting summary judgment to Nationsbanc Mortgage Corp., which was docketed in this court as direct appeal A00A1551. Parker filed a request that this court remand the case to the trial court to rule on a motion to correct the transcript. On April 6, 2000, this court granted Parker's request and ordered the appeal to be remanded. The order also provided that "[o]nce [Parker] has filed her motion to correct the transcript and it has been ruled on by the trial court, the superior court clerk is directed to send a complete record, including a corrected transcript if corrections are ordered by the trial judge, to this court, and the appeal will be docketed anew."

The trial court held a hearing, which was transcribed, and entered an order on August 31, 2000, making certain changes in the transcript. Parker then moved to have the transcript of that hearing corrected, which the trial court denied on January 31, 2002. Parker then filed this application for discretionary appeal, seeking an appeal from this order.

The order appealed from, however, is included as part of the same case that was originally docketed as appeal A00A1551. OCGA § 5-6-34 (d) provides that when a direct appeal is filed, "all judgments, rulings, or orders rendered in the case which are raised on appeal and which may affect the proceedings below shall be reviewed and determined by the appellate court . . ." Under this code section, Parker may allege any errors committed by the trial court with respect to the January 31, 2002 order, along with all other allegations of error, in appeal A00A1551 that is to be redocketed

in this court. Accordingly, no separate appeal from the January 31, 2002 order is required, and this application is thus DISMISSED as superfluous.

When the superior court clerk has completed preparation of the record and transcript, in accordance with this court's April 6, 2000 order in appeal A00A1551, the clerk is directed to transmit the record and transcript to this court for redocketing of the appeal.

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*

**MAR 26 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. Z. Martin, Jr.* Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 22, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0247  
JAMIE RUSSELL CASH V. THE STATE

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

70021

2000SUCR351

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**MAR 22 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 29, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0248

STEVE THOMPSON V. THE STATE

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

98021

00CR14521R1

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 29 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 12, 2002

*The Court of Appeals passed the following order*

Case No. A02D0248

STEVE THOMPSON V. THE STATE

Upon consideration of the motion for reconsideration filed  
in this case, it is ordered that it be hereby denied.

98-021  
00CR14521R1

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**APR 12 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 03, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0249

ELMON M. ELMORE JR., V. DANNY WATERS, WARDEN: ET AL

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

99021

99V099

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 03 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 29, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0250

D.W. ADCOCK, M.D., P.C. ET AL V. D.W. ADCOCK, M.D.

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

01CV693

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 29 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 03, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0251  
GRAPHIC TEC, INC., V. HENRY MCCURDY

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

71021

01CI1207

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**APR 03 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, III*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** April 23, 2002

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S02C1204**

GRAPHIC TEC, INC., et al. v. HENRY MCCURDY

Clerk, Supreme Court of Georgia

Case No. A02D0251

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

**APR 24 2002**

Clerk, Court of Appeals of Georgia

# Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **MAR 22 2002**

**A02D0252. GERALD ALTON DAVISON v. THE STATE.**

Gerald Alton Davidson was convicted of two counts of child molestation, four counts of aggravated sodomy, two counts of aggravated child molestation, three counts of aggravated sexual battery, two counts of cruelty to children, and one count of statutory rape. Davidson's convictions were affirmed on appeal. *Davidson v. State*, 231 Ga. App. 605 (499 SE2d 697) (1998), cert. den. 231 Ga. App. 907. Davidson now seeks discretionary appeal of the order of the superior court denying his extraordinary motion for special demurrer. Davidson claims that he is entitled to seek a discretionary appeal under both OCGA § 5-6-35 (a) (1) and the Prison Litigation Reform Act of 1966, OCGA § 44-12-1 et seq.

Because the order sought to be appealed is not a decision from a superior court reviewing the decision of a lower court, this order is not subject to the discretionary appeal procedure under OCGA § 5-6-35 (a) (1). Davidson claims, however, that he is seeking appeal of a civil action and therefore is entitled to file an application for discretionary appeal under OCGA § 5-6-35 as provided by OCGA § 42-12-8. It is the underlying subject matter of the case sought to be appealed that generally controls in determining the proper appellate procedure that shall be followed. See *Armstrong v. Miles*, 265 Ga. 344 (455 SE2d 587) (1995); *Rebich v. Miles*, 264 Ga. 467 (448 SE2d 192) (1994). The underlying subject matter of this action is criminal rather than civil. Thus, the provisions of the Prison Litigation Reform Act do not apply. See OCGA § 42-12-3 (1) and § 42-12-8.

A defendant is not entitled to a second direct appeal of his criminal conviction and sentence. In *Williams v. State*, 271 Ga. 686, 688 (1) (523 SE2d 857) (1999), the

Supreme Court held that the denial of a petition to correct a void sentence is directly appealable as a matter of right. In this case, however, Davidson is not attempting to collaterally attack a void sentence, rather he is attempting to attack his indictment as being absolutely void by means of an extraordinary motion for special demurrer. The underlying purpose of such a motion is to obtain a second direct appeal of his convictions. *Williams* does not purport to authorize a second direct appeal by such a procedure.

When, as in this case, it is asserted that "an indictment is absolutely void and upon the trial, no demurrer to the indictment is interposed and the accused is convicted under the indictment and judgment is entered on the verdict, the accused's proper remedy is a motion in arrest of judgment or habeas corpus." *McKay v. State*, 234 Ga. App. 556, 559 (2) (507 SE2d 484) (1998). And, "when a claim that an accusation or indictment is absolutely void is not properly asserted in the trial court, it can be reviewed on appeal only through a habeas corpus proceeding." *Id.* at 560 (2).

Davidson had an opportunity to appeal his judgment of conviction and sentence and his judgment of conviction was affirmed on appeal. Because this application presents no basis for discretionary appeal under OCGA § 5-6-35 (a) (1) and (b) or direct appeal under OCGA § 5-6-35 (g) and (j), this application is ordered DISMISSED.

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**MAR 22 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. Z. Martin, III*  
....., Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 18, 2002

*The Court of Appeals passed the following order*

Case No. A02D0252

GERALD ALTON DAVIDSON V. THE STATE

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

91-021  
01CV521X      97CR007

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*

**APR 18 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*W. Z. Martin, III*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** June 20, 2002

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of S02C1512

GERALD ALTON DAVIDSON v. THE STATE

Clerk, Supreme Court of Georgia

Case No. A02D0252

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

JUN 20 2002

JUN 20 2002

Clerk, Court of Appeals of Georgia

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **MAR 28 2002**

**A02D0253. DONNA MARIE SMITH v. THE STATE.**

Donna Marie Smith filed a timely application for discretionary appeal apparently predicated on the supposition that she was appealing from the dismissal of a motion to set aside judgment pursuant to OCGA § 5-6-35 (a) (8). However, this is a criminal case, and a motion to set aside is not an available remedy in a criminal case, particularly after the end of the term in which the judgment is entered. *Lacey v. State*, 253 Ga. 711 (324 SE2d 471) (1985); *Crane v. State*, 249 Ga. 501 (292 SE2d 67) (1982); *Dorrough v. State*, 226 Ga. App. 362, 363 (1) (486 SE2d 644 ) (1997). Also, because the underlying subject matter of this action is criminal rather than civil, the provisions of the Prison Litigation Reform Act do not apply. See OCGA § 42-12-3 (1) and § 42-12-8.

Therefore, Smith's motion is not subject to the discretionary appeal procedure. The case does not remain pending below so the proper avenue of appeal was via OCGA § 5-6-34 (a) (1). Under these circumstances, the application must be granted pursuant to OCGA § 5-6-35 (j), so that Smith's appeal may be considered on its

merits. *Harrell v. Little Pup Development & Construction*, 269 Ga. 143, 144 (1) (498 SE2d 251) (1998).

Therefore, Smith's application is hereby GRANTED. Smith shall have 10 days from the date of this order to file her notice of appeal in the court below. 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*  
*Clerk's Office, Atlanta* **MAR 28 2002**

*I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto affixed the day and year last above written.*

*Wil. Z. Marti, Jr.*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,

*The Court of Appeals hereby passes the following order:* **APR 03 2002**

**A02D0254. PRICE v. THE STATE.**

Warren Price seeks an appeal from an order denying his motion to reconsider a previous order revoking his probation. A motion for reconsideration, however, is not subject to appeal in its own right. *Savage v. Newsome*, 173 Ga. App. 271 (326 SE2d 5) (1985). Price's application is therefore *DISMISSED* for lack of jurisdiction.

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta* **APR 03 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*William Z. Martin, III*  
....., Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **MAR 19 2002**

**A02D0255. Perry & Co. v. James C. Rosner Revocable Trust**

Applicant Perry & Co. filed this application seeking discretionary review of the trial court's order in a stock appraisal action. Perry & Co. asserts in its application that the order on review is directly appealable and that it filed this application only out of an abundance of caution. *McCaughey v. Murphy*, 267 Ga. 64, 65-66 (473 SE2d 762) (1996). Because the order Perry & Co. seeks to appeal is directly appealable, and since Perry & Co. states in the application that a notice of direct appeal has been timely filed, this application is ordered DISMISSED as superfluous.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **MAR 19 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*W. Z. Martin, Jr.*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 01, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0256  
KENNETH WAYNE STEED V. THE STATE

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

90022

919148618

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 01 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Will. Z. Martin, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA, MARCH 12, 2002

*The Court of Appeals hereby passes the following order:*

**Case No. A02D0257**

**SOUTHERN EXECUTIVE OFFICES, INC. V. EXECUTIVE BUSINESS CENTERS, INC.**

The discretionary application received in the above docketed matter does not contain a stamped 'filed' copy of the order which is being appealed as required by Rule 32 (b) of the Court of Appeals.

Applicant is hereby ordered to supplement the application with a stamped 'filed' copy of the order instanter. If applicant does not cause a copy of said order to be physically filed with the Court within 10 days of the date of this order, the application will be dismissed. Applicant's submission in response to this order will be deemed filed only on the date it is physically received in the Clerk's office.

The Court is required to issue an order granting or denying the application within 45 days of the filing of the application See OCGA 5-6-35 (f).

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*

**MAR 12 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*W. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,

*The Court of Appeals hereby passes the following order:* **MAR 18 2002**

**A02D0257. SOUTHERN EXECUTIVE OFFICES, INC. v.  
EXECUTIVE BUSINESS CENTERS, INC.**

The Court's order of March 12, 2002 is incorrect due to clerical error and is hereby WITHDRAWN. The attached order is substituted therefore.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **MAR 18 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA,

*The Court of Appeals hereby passes the following order:*

**MAR 18 2002**

**A02D0257. SOUTHERN EXECUTIVE OFFICES, INC. v.  
EXECUTIVE BUSINESS CENTERS, INC.**

The discretionary application received in the above docketed matter does not contain a stamped 'filed' copy of the order which is being appealed as required by Rule 32(b) of the Court of Appeals.

Applicant is hereby ordered to supplement the application with a stamped 'filed' copy of the order instanter. If applicant does not cause a copy of said order to be physically filed with the Court within ten (10) days of the date of this order, the application will be dismissed. Applicant's submission in response to this order will be deemed filed only on the date it is physically received in the Clerk's Office.

The Court is required to issue an order granting or denying the application within 30 days of the filing of the application. See OCGA §5-6-35(f).

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **MAR 18 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*W. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,

*The Court of Appeals hereby passes the following order:* **MAR 22 2002**

**A02D0257. SOUTHERN EXECUTIVE OFFICES, INC. v. EXECUTIVE  
BUSINESS CENTERS, INC.**

The above-captioned application for discretionary appeal of the order of the superior court granting the motion of Executive Business Centers, Inc. for a temporary restraining order is ordered DENIED.

The Emergency Application for Supersedeas of Southern Executive Offices, Inc. is ordered DENIED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAR 22 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*W. Z. Martin, Jr.*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 02, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0258  
TIMOTHY MICHELFELDER V. CITY IF SUWANEE

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  
9909371

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **APR 02 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Marti, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 10, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0259  
GENERAL MOTORS V. DAVID CLARK

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

98022

01CV93006

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **APR 10 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 14, 2002

*The Court of Appeals passed the following order*

Case No. A02D0259

GENERAL MOTORS V. DAVID CLARK

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

98-022  
01CV93006

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**MAY 14 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will Z. Martin, III*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

(404) 656-3470

Sherie M. Welch, Clerk

**Docketing Date:** June 3, 2002

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari into the Court of Appeals in the case of S02C1416

GENERAL MOTORS v. DAVID CLARK

Clerk, Supreme Court of Georgia

Case No. A02D0259

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

Clerk, Court of Appeals of Georgia

**Court of Appeals  
of the State of Georgia**

ATLANTA, MARCH 26, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0260  
LINDA GAIL WILSON V. THE STATE

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

99022

020003

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**MAR 26 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*W. Z. Martini, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 11, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0261

PAMELA S. NEAL F/K/A PAMELA GAY TRITT V. WILLIAM RICHARD TRITT

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

93022

00V67271N

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**APR 11 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **APR 03 2002**

**A02D0262. PHILIPH L. PERKINS v. LILLIE ANN PERKINS.**

This is a domestic relations suit and the underlying subject matter of this suit pertains to the provisions of a final judgment and decree of divorce. The parties were divorced in 1991. In 1996, Philip Perkins sought and obtained a modification of child support and Lillie Perkins sought and obtained a ruling that Philip Perkins was in willful contempt of the final judgment and decree of divorce for failure to pay child support.

In 1997, Lillie Perkins filed another petition for contempt and as a result, an Income Deduction Order was entered against Philip Perkins. In 2000, Philip Perkins filed a petition to terminate the income deduction order and for other relief seeking, inter alia, the termination of said order and reimbursement of all money given to Lillie Perkins, through income deduction, in excess of that legally owed by Perkins as child support. Lillie Perkins filed an answer admitting the existence of the income deduction order and asserting a counterclaim for contempt on the grounds that Philip Perkins had failed to pay a home equity loan as required by the final judgment and decree of divorce. Lillie Perkins also asserted that she should be allowed to retain any overpayment as a credit against the sum Philip Perkins owed her for his failing to pay the home equity loan.

On April 19, 2000, the trial court entered an order directing Philip Perkins's employer to make no further deductions from Philip Perkins's income pursuant to any income deduction order, and reserved all further issues for future determination. On February 15, 2002, the trial court entered an order pertaining to Lillie Perkins's counterclaim, holding that Philip Perkins had failed to pay the home equity loan as

he was obligated to do, the home equity loan currently was required to be paid to Greystone Financial Inc., and that any overpayment made to Lillie Perkins as child support should be credited against her claim for payments she had paid to Greystone Financial Inc. on the home equity loan. The trial court held, inter alia, that Philip Perkins owed Lillie Perkins the net sum of \$1912.00 for child support arrearage and for the payments she had made to Greystone Financial Inc. It is from this order that Philip Perkins seeks a discretionary appeal.

Because this action is ancillary to the parties' divorce proceeding, a matter within the Supreme Court's appellate jurisdiction, this appeal is hereby TRANSFERRED to the Supreme Court for disposition. 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 with the Court of Appeals).

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 03 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will Z. Martin, Jr.*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,

*The Court of Appeals hereby passes the following order:*

**APR 12 2002**

**A02D0263. THOR THOMPSON v. THE STATE.**

Thor Thompson filed this application seeking discretionary review of the trial court's denial of his motion to correct void sentence. However, an appeal of the denial of a motion to set aside a void sentence is directly appealable. *Jackson v. State*, 223 Ga. App. 471 (477 SE2d 893) (1996). In fact, Thompson has filed a timely direct appeal of the same order he seeks to have this court review in this application. Since a grant of this application pursuant to OCGA § 5-6-35 (j) would be duplicative of the direct appeal, this application for discretionary appeal is ordered DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 12 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*W. Z. Marti, Jr.*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 18, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0264

A.S. TURNER ET AL V. JOHN W. OXENDINE ET AL

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

91022

2001CV32500

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **APR 18 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*Will Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 05, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0265

BELLSOUTH TELECOMMUNICATIONS, INC., ET AL V. JOHN W. KING, III

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

94023

02A006718

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 05 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Will Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 22, 2002

*The Court of Appeals passed the following order*

Case No. A02D0265

BELLSOUTH TELECOMMUNICATIONS, INC., ET AL V. JOHN W. KING, III

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

94-023  
02A006718

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 22 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*W. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 17, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0266

CHARLES S. HUNTER V. FEDERAL FINANCIAL CO.

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

95023

001125205

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 17 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*W. Z. Martin, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **APR 09 2002**

**A02D0267. AUSTIN MONROE, JR. v. ADRIENNE TAYLOR.**

The above-caption application for discretionary appeal is GRANTED only as to the following issue: "Whether the trial court erred as a matter of law in granting attorney fees to respondent under OCGA § 19-6-19 (d)."

Pursuant to the authority of this court to protect and aid its appellate jurisdiction, the application for discretionary appeal is denied as to all other issues. Ga. Const. of 1983, Art. VI, Sec. I, Par. IV.; see *Grim v. Grim*, 268 Ga. 2, 3 (2) (486 SE2d 27) (1997); *Brown v. Kinser*, 218 Ga. App. 385, 386 (461 SE2d 564) (1995); *A Southern Outdoor Promotions v. National Banner Company*, 215 Ga. App. 133 (1) (449 SE2d 684) (1994); see also *Matthews v. Riviera Equipment, Inc.*, 152 Ga. App. 870, 871 (2) (264 SE2d 318) (1980).

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **APR 09 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed-the day and year last above written.*

*W. Z. Martin, Jr.*; Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 22, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0268  
NUTRITIONAL SUPPORT, INC., V. OFFICE OF SCHOOL READINESS

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

90023

01CV118333

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 22 2002**

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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 above written.*

Clerk.

*Will Z. Martin, III*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **APR 02 2002**

**A02D0269. ROSS v. THE STATE.**

Gary Ross filed an application for appeal on March 22, 2002, from a probation revocation order entered on October 12, 2001. To be timely, such an application must be filed within 30 days of the entry of the order complained of. OCGA § 5-6-35 (d). The trial court's order purporting to extend the time to file a notice of appeal is ineffective to extend the time for filing an application for appeal. *Rosenstein v. Jenkins*, 166 Ga. App. 385 (304 SE2d 740) (1983). Ross's untimely application is therefore *dismissed* for lack of jurisdiction. *Hill v. State*, 204 Ga. App. 582 (420 SE2d 393) (1992).

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 02 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*W. Z. Martin, Jr.*, Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **APR 09 2002**

**A02D0270. Andre Laron Stapleton v. The State**

Relying on the trial court's order granting his motion for an out-of-time appeal, Andre Laron Stapleton seeks discretionary review of the revocation of his probation. We cannot consider Stapleton's application because the superior court's grant of an out-of-time appeal is insufficient to authorize the filing of an otherwise untimely application for discretionary appeal. *Department of Offender Rehabilitation v. Meeks*, 165 Ga. App. 269 (299 SE2d 757) (1983). Therefore, this application for discretionary appeal is DISMISSED as untimely filed.

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **APR 09 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Wil. Z. Mart...*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 24, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0271

CYNTHIA T. GLADDEN V. MICHAEL L. THURMOND ET AL

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

98023

01CV00723

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**APR 24 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Will. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 22, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0272  
ROCHELLE WILLIAMS V. THE STATE

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

99023

CR922829FR

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **APR 22 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 24, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0273  
STANLEY J. SAWYER V. AUBREY A. SAWYER, JR., ET AL

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

93023

2000CV30999

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**APR 24 2002**

*I certify that the above is a true extract fromd  
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*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*W. Z. Martin, III*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date: May 13, 2002**

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S02C1321**

**STANLEY J. SAWYER v. AUBREY A. SAWYER, Jr., et al.**

Clerk, Supreme Court of Georgia

Case No. A02D0273

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

**MAY 15 2002**

Clerk, Court of Appeals of Georgia

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **APR 02 2002**

**A02D0274. DOUGHERTY COUNTY, GEORGIA, et al. v. MAPLE HILL  
LANDFILL, INC.**

Applicants seek an appeal from the superior court's issuance of a writ of mandamus compelling the county to issue a special approval for a landfill. Because the Supreme Court has appellate jurisdiction in mandamus cases, the application and accompanying emergency motion are hereby *transferred* to the Supreme Court for disposition. Ga. Const. of 1983, Art. VI, § VI, ¶ III (5); OCGA § 9-6-28.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 02 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last-above written.*

*W. L. Martin, Jr.* Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 15, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0275  
KATHIE KULIKOWSKI V. LENOX HEIGHTS

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

71023

2000CV22423

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 15 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Marti, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 01, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0276

FIRST QUALITY MAINTENANCE ET AL V. VICTOR TRIGUEROS

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

2001CV46349

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 01 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Will Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 22, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0277

RALPH GOLDBERG V. ASSOCIATED & FEDERAL EMPLOYEES CREDIT UNION 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.

94024

98A481186

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 22 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 25, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0278  
LARRY LEE PIERCE V. JUNE S. PIERCE

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

95024

02335

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **APR 25 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*W. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 25, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0279  
MARK ANTHONY HARRIS V. DOUGLAS GLEN WILLIAMS

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

96024

01CV46881

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 25 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*W. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 14, 2002

*The Court of Appeals passed the following order*

Case No. A02D0279

MARK ANTHONY HARRIS V. DOUGLAS GLEN WILLIAMS

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

96-024  
01CV46881

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 14 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will. Z. Martin, III*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date: June 3, 2002**

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S02C1412**

**MARK ANTHONY HARRIS v. DOUGLAS GLEN WILLIAMS**

Clerk, Supreme Court of Georgia

Case No. A02D0279

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

**JUN 03 2002**

**JUN 03 2002**

Clerk, Court of Appeals of Georgia

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 23, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0280  
BRIAN KEYON CANNON 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.

90024  
97R3698

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**APR 23 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*Will Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 22, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0281

BRUCE SMITH V. THE STATE

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

97024

96R0059

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 22 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 18, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0282

JUDITH F. HURT V. MADELINE I. FERLAND ET AL

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

70024

01CV05C

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 18 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Will Z. Martin, III*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:*

**MAY 09 2002**

**A02D0282. HURT v. FERLAND, et al.**

Upon consideration of the applicant's motion for reconsideration, because the motion was not physically received within 10 days as required, it is hereby *dismissed* for lack of jurisdiction. Court of Appeals Rules 4 and 37.

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**MAY 09 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. Z. Martin, III*, Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

**JUN 06 2002**

*The Court of Appeals hereby passes the following order:*

**A02D0282. JUDITH F. HURT v. MADELINE I. FERLAND, et al.**

The above discretionary application was filed with this Court on March 30, 2002. On April 18, 2002, this Court issued an order denying the application. Thereafter, a Motion for Reconsideration was filed by the movant and docketed as of April 30, 2002, and as such was untimely and on May 9, 2002, this Court dismissed the application as untimely.

Movant has filed a second Motion for Reconsideration claiming that the first Motion for Reconsideration was timely filed in the Court's drop box for after hours filing. Upon a review of the application and the docketing procedures of the Motion for Reconsideration, this Court cannot determine that the Motion for Reconsideration was or was not filed as indicated by movant. In fact, upon a close review of the procedures, this Court believes the motion may have been mis-docketed by the clerk's office. In an abundance of caution, and in order to do justice to the parties, the Court's order of May 9, 2002, dismissing the Motion for Reconsideration as untimely, is hereby VACATED. The clerk of this Court is directed to docket the untimely Motion for Reconsideration as a timely Motion for Reconsideration and mark it filed on April 29, 2002.

Upon consideration of the Motion for Reconsideration, the same is hereby DENIED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 06 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*W. Z. Hunt, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 29, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0283  
WILLIAM JONATHAN MAYO V. THE STATE

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

98024

9194138

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**APR 29 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*W. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 25, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0284  
FAYE E. BELLAH, EXECUTRIX OF THE ESTATE OF GORDON E. BELLAH  
V. HARLEY J. PETERSON A/K/A JOE PETERSON

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

90CV1791M

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 25 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 17, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0285

EDDIE YOUNG V. THE STATE

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

93024

01R07

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **APR 17 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 02, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0286

CURTIS ARTHUR V. THE STATE

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

92024

99CR05451 99CR09251 99CR09261

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 02 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 17, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0287  
JOSEPH D. VARNER V. THE STATE

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

71024

98CR5306 99CR1005

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 17 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*W. Z. Martin, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **MAY 02 2002**

**A02D0288. GEORGIA DEPARTMENT OF HUMAN RESOURCES v. LAURA  
A. ALLISON.**

Georgia Department of Human Resources seeks an appeal from an order denying its petition to adopt an agency recommendation as an order of the trial court pursuant to OCGA § 19-11-12. Since the petition sought a modification of the child support provisions of a final divorce decree, the matter falls within the divorce and alimony jurisdiction of the Supreme Court. Ga. Const. 1983, Art VI, Sec. VI, Para. III (6); *Early v. Early*, 269 Ga. 415 (499 SE2d 329) (1998); *Pearson v. Pearson*, 265 Ga. 100 (454 SE2d 124) (1985); *Eickhoff v. Eickhoff*, 263 Ga. 498, 499 (1) (435 SE2d 914) (1993). Therefore, the application is TRANSFERRED to the Supreme Court for disposition

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **MAY 02 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will Z. Martin, Jr.*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 06, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0289  
ROSEMARIE BELEW V. EDDIE RUTH BAILEY

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.

94025

01C27931

*Court of Appeals of the State of Georgia*  
Clerk's Office, Atlanta **MAY 06 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*John Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 18, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0290  
METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY V. PERVIES  
LEE ARY

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

95025

2002CV47508

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**APR 18 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA,

*The Court of Appeals hereby passes the following order:* **APR 25 2002**

**A02D0291. EULITA KAY FOUNTAIN v. FORSTMANN & COMPANY, INC.  
ET AL.**

Applicant Eulita Kay Fountain's motion for permission to withdraw her application for discretionary appeal is hereby GRANTED.

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta* **APR 25 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*W. Z. Martin, III*, Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **APR 25 2002**

**A02D0292. ROBERT CALHOUN v. MARGARITA BRYSON, F/K/A  
MARGARITA PARRISH-CALHOUN.**

On April 5, 2002, Robert Calhoun filed an application for discretionary appeal seeking an appeal of the order denying his petition for change of custody. On April 25, 2001, a final judgment of dissolution of marriage was entered dissolving the marriage of Robert Calhoun and Margarita Bryson, f/k/a Margarita Parrish-Calhoun. On February 6, 2001, Robert Calhoun filed a petition for modification of custody and child support. Margarita Bryson filed a counterclaim for modification of child support.

On September 1, 2001, the superior court entered an order denying both Robert Calhoun's petition for modification of child support and Margarita Bryson's counterclaim for modification of child support. On October 9, 2001, Robert Calhoun filed a motion for reconsideration of the order denying the petition for modification of child support. On March 8, 2002, the superior court entered an order denying the motion for reconsideration.

Under OCGA § 5-6-35 (d), an application shall be filed within 30 days of the entry of the order, decision, or judgment sought to be appealed, except when a motion for new trial, motion in arrest of judgment, or motion for judgment notwithstanding the verdict has been timely filed. More than 30 days have elapsed since the entry of the order of September 1, 2001 denying Robert Calhoun's petition for modification of child support.

Although Robert Calhoun filed a timely motion for reconsideration of the order of September 1, 2001, such a motion will not extend the filing time of an application

under OCGA § 5-6-35. See 5-6-35 (d); see also *Blackwell v. Sutton*, 261 Ga. 284 (404 SE2d 114) (1991); *Cheeley-Towns v. Rapid Group*, 212 Ga. App. 183 (1) (442 SE2d 452) (1994); *In The Interest of A. R. B.*, 209 Ga. App. 324, 325 (1) (433 SE2d 411) (1993); OCGA § 5-6-38 (a). And, a motion for reconsideration is not an appealable order, per se, except that an order denying a motion for reconsideration, being an interlocutory order, can be the subject of an application for interlocutory review if a certificate of immediate review is timely obtained. Compare *Mayor &c of Savannah v. Norman J. Bass Constr. Co.*, 264 Ga. 16, 17 (1) (441 SE2d 63) (1994) with *Savage v. Newsome*, 173 Ga. App. 271 (326 SE2d 5) (1985); see also OCGA § 5-6-34 (b).

Because Robert Calhoun has not filed his application for discretionary appeal within 30 days of the date of entry of the order denying his petition for child custody and has not filed a timely application for interlocutory review, under OCGA § 5-6-34 (b), of the order denying his motion for reconsideration, the above-captioned application is ordered DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 25 2002**

*I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto affixed the day and year last above written.*

*W. Z. Mathis, Jr.*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 08, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0293

ROBERT E. HIGHTOWER ET AL V. CONSTANTINO CERVANTES

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.

97025

01CV110662

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 08 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

70-025

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 06, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0294  
KEVIN ANDERSON V. THE STATE

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

70025  
01SC03565

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**JUN 06 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*Will Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

**ATLANTA, APRIL 25, 2002**

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0295

MARY S. BUCHHEIT V. ASHLEY STINSON, AS GUARDIAN AD LITEM

FOR MARY RACHEL BUCHHEIT

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.

98025

01A130200

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 25 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Will Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 01, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0296

RICHARD RAULERSON, ET AL V. JOHN A. BARNES

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

99025

01V143

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 01 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Will. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 24, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0297

LUIS ALBERT GOMEZ - CAMPO'S V. TERRY EUGENE WEST

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

93025

01CV93572

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 24 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 15, 2002

*The Court of Appeals passed the following order*

Case No. A02D0297

LUIS ALBERT GOMEZ - CAMPO'S V. TERRY EUGENE WEST

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

93-025  
01CV93572

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**MAY 15 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Wil. Z. Martin, III*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** June 4, 2002

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S02C1441**

*LUIS ALBERT GOMEZ-CAMPOS v. TERRY EUGENE WEST*

Clerk, Supreme Court of Georgia

Case No. A02D0297

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

Clerk, Court of Appeals of Georgia

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 10, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0298

RIOKARDO SANCHEZ V. CLESTRA CLEANROOM, INC., ET AL

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

92025

02CV01711

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 10 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 13, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0299  
ESTHER MARIA SCHOFIELD V. BRENT READ SCHOFIELD

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

71025

9958892 99A67075

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 13 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 30, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0300  
ALLIED READYMIX ET AL V. JIMMY ROBBINS

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

91025

02CV0312

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**APR 30 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 21, 2002

*The Court of Appeals passed the following order*

Case No. A02D0300

ALLIED READYMIX ET AL V. JIMMY ROBBINS

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

91-025  
02CV0312

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 21 2002**

*I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto affixed the day and year last above written.*

*Clerk.*

*Will Z. Martin, III*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** June 10, 2002

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S02C1451**

**ALLIED READYMIX et al. v. JIMMY ROBBINS**

Clerk, Supreme Court of Georgia

Case No. A02D0300

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

Clerk, Court of Appeals of Georgia

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 09, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0301

MICHELLE LYNN RICHARDSON V. JULIUS EUGENE RICHARDSON ET AL

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

97026

01CV57945

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 09 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Mathis, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 01, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0302  
FREE AT LAST BAIL BONDS, SURETY ( JEAN CURRY ) V. CITY OF  
ATLANTA

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

95026

1977870 1977871 1977872 1977873

1977874

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 01 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 01, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0303  
FREE AT LAST BAIL BONDS, SURETY ( KELLENE R. MORRISON-  
BRUNIOUS ) V. CITY OF ATLANTA

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

95027

2106331 2106332 2106333 2106334

2106335

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 01 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 01, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0304  
FREE AT LAST BAIL BONDS, SURETY ( LARRY PENA ) V. CITY  
OF ATLANTA

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

95028

2033403 2033404

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **MAY 01 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*W. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 01, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0305  
FREE AT LAST BAIL BONDS, SURETY ( DAVID VICK ) V. CITY OF  
ATLANTA

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

95029

2104681 2104682

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **MAY 01 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 14, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0306  
DAVID RONALD STALVEY V. GISELA I. BATES

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

96026

99V129

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**MAY 14 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*W. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 09, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0307

JOE STEPHENSON V. RELIANCE ELECTRIC/ROCKWELL INTERNATIONAL ET AL

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

90026

SU02CV0189G

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 09 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **MAY 02 2002**

**A02D0308. Kingsley v. Florida Rock Industries, Inc.**

Kent Kingsley, Nancy Giles, Roberta Jones, Ray Brinkley and Royce Turner, in their official capacities as members of the Board of Commissioners of Lamar County, Georgia and Lamar County, Georgia ("County") filed this application for discretionary appeal seeking review of the trial court's orders which found the County's adoption of its Comprehensive Plan invalid for failure to comply with the hearing notification procedures required by law. However, because this case involves neither a direct nor indirect challenge to an administrative decision to rezone property, the judgment complained of is not subject to discretionary appeal. *Sprayberry v. Dougherty County*, 273 Ga. 503 (543 SE2d 29) (2001); *SMD, L.L.P. v. City of Roswell*, 252 Ga. App. 438 (555 SE2d 813) (2001).

In accordance with OCGA § 5-6-35 (j), which requires this Court to grant a timely application for permission to appeal when the substance of the appeal is directly appealable pursuant to OCGA § 5-6-34 (a), the County's application for discretionary appeal is hereby GRANTED. The County shall have ten days from the date of this order to file its notice of appeal. The clerk is directed to include a copy of this order in the record transmitted to his Court.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **MAY 02 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*W. Z. Martin, Jr.*, Clerk.

**Court of Appeals  
of the State of Georgia**

**ATLANTA, MAY 14, 2002**

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0309  
KEVIN L. STEPHENSON V. THE STATE

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

70026

95CR25914

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 14 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, III*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** November 5, 2002

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S03C0372**

KEVIN LAMAR STEPHENSON v. THE STATE

Clerk, Supreme Court of Georgia

Case No. A02D0309

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

NOV 15 2002

Clerk, Court of Appeals of Georgia

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 14, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0310

FORSTMANN & COMPANY, INC., ET AL V. EULITA KAY FOUNTAIN

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

98026

2002003E

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **MAY 14 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Will Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 28, 2002

*The Court of Appeals passed the following order*

Case No. A02D0310

FORSTMANN & COMPANY, INC., ET AL V. EULITA KAY FOUNTAIN

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

98-026  
2002003E

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**MAY 28 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*W. Z. Martin, Jr.*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

Docketing Date: June 4, 2002

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office  
on this day a petition to the Supreme Court for a writ of certiorari  
to the Court of Appeals in the case of S02C1421

FORSTMANN & COMPANY, INC., et al. v. EULITA KAY FOUNTAIN

Clerk, Supreme Court of Georgia

Case No. A02D0310

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

Clerk, Court of Appeals of Georgia

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **MAY 10 2002**

**A02D0311. RODNEY A. ELLIS v. KATRYNA L. ELLIS.**

Rodney A. Ellis seeks an appeal from the final decree in this divorce case. However, the Supreme Court has exclusive appellate jurisdiction over appeals in divorce and alimony cases. Ga. Const. of 1983, Art VI, Sec. VI, par III (6). This Court lacks jurisdiction to consider an appeal in this divorce case. *Odem v. Odem*, 241 Ga. 451 (246 SE2d 308) (1978). Therefore, this application is ordered TRANSFERRED to the Supreme Court.

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**MAY 10 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*W. Z. Martin, Jr.*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, APRIL 29, 2002

*The Court of Appeals hereby passes the following order:*

**Case No. A02D0312**

**STEVEN R. COTTING V. MIKI COTTING**

The discretionary application received in the above docketed matter does not contain a stamped 'filed' copy of the order which is being appealed as required by Rule 32 (b) of the Court of Appeals.

Applicant is hereby ordered to supplement the application with a stamped 'filed' copy of the order instanter. If applicant does not cause a copy of said order to be physically filed with the Court within 10 days of the date of this order, the application will be dismissed. Applicant's submission in response to this order will be deemed filed only on the date it is physically received in the Clerk's office.

The Court is required to issue an order granting or denying the application within 30 days of the filing of the application See OCGA 5-6-35 (f).

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**APR 29 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 29, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0312  
STEVEN R. COTTING V. MIKI COTTING

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

94026

01A03232

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 29 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, III*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** July 5, 2002

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S02C1588**

STEVEN R. COTTING v. MIKI COTTING

Clerk, Supreme Court of Georgia

Case No. A02D0312

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

**JUL 08 2002**

Clerk, Court of Appeals of Georgia

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 17, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0313  
MARK R. MCDUFFIE V. PAMELA L. BROWN

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

92026

01CV434

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 17 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, III*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **MAY 28 2002**

**A02D0314. DONNA MARIE SMITH v. MOLLIE L. FLEEMAN ET AL.**

Donna Marie Smith filed this pro se application for discretionary review of the trial court's March 29, 2002 "Omnibus Order Addressing Petitioner/Appellant in Error's Pending Motions." Because the case remains pending below, Smith was required to follow the interlocutory appeal procedure to appeal this order, including requesting and obtaining a certificate of immediate review from the trial court within ten days of entry of the order sought to be appealed, and filing a petition for interlocutory review in this court within ten days of obtaining the certificate of immediate review. OCGA § 5-6-34 (b); *Boyd v. State*, 191 Ga. App. 435 (383 SE2d 906) (1989). Because of Smith'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 28 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will Z. Martin, Jr.* Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 11, 2002

*The Court of Appeals passed the following order*

Case No. A02D0314

DONNA MARIE SMITH V. MOLLIE L. FLEEMAN, ET AL

Upon consideration of the motion for reconsideration filed  
in this case, it is ordered that it be hereby denied.

71-026  
01CV014704

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 11 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. L. Martin, III*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** July 1, 2002

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S02C1584**

**DONNA MARIE SMITH v. MOLLIE FLEEMAN et al.**

Clerk, Supreme Court of Georgia

Case No. A02D0314

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

Clerk, Court of Appeals of Georgia

**JUL 08 2002**

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 20, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0315

HARRIS COUNTY SHERIFF'S OFFICE, ET AL V. JOSEPH NEGRETE

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.

91026

02CV028

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 20 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 28, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0316  
JARVIS WITCHER 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.

97027

01CR0661

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 28 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, III*

# Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **MAY 21 2002**

**A02D0317. CONWAY v. THE STATE.**

Fabian Conway filed an application for appeal on April 29, 2002, from an order denying an extraordinary motion for new trial entered on March 26, 2002. Because Conway failed to file his application within 30 days as required under OCGA § 5-6-35 (d), we lack jurisdiction to consider it. Moreover, because the order reflects that this was the second extraordinary motion for new trial filed by Conway, the trial court lacked jurisdiction to consider the motion. OCGA § 5-5-41 (b); *Richards v. State*, \_\_\_ Ga. \_\_\_ (Appeal No. S02A0435, decided May 13, 2002).

For the foregoing reasons, Conway's application is hereby *dismissed* for lack of jurisdiction.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **MAY 21 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will Z. Martin, Jr.*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 20, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0318  
COLLIE CALLOWAY, JR. V. THE STATE

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

90027

96R105

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**MAY 20 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Marti, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 22, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0319  
TOMMY STURDIVANT V. THE STATE

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

93027

01CR1481

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 22 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 20, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0320  
AT&T V. MILDRED WARE BARNES

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.

70027

02CV19886 423-82-5862

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 20 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 06, 2002

*The Court of Appeals passed the following order*

Case No. A02D0320

AT&T V. MILDRED WARE BARNES

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

70-027  
02CV19886 423-82-5862

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**JUN 06 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*W. Z. Martin, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* JUN 05 2002

**A02D0321. PETER ELDRIDGE v. MELANIE ANA IRELAND.**

Peter Eldridge seeks review of a post-judgment order that he pay attorney fees pursuant to OCGA § 9-15-14. The underlying child support judgment is on appeal following the grant of a discretionary application, as Case No. A02A1724.

Under *Rolleston v. Huie*, 198 Ga. App. 49 (400 SE2d 349) (1990), a post-judgment award of attorney fees may be directly appealed without regard to the discretionary appeal procedures, where there is a pending "direct appeal" taken from the underlying judgment. The reasoning of this case is equally applicable where the pending appeal from an underlying judgment follows the grant of a discretionary application. Because Eldridge was entitled to bring this appeal pursuant to OCGA § 5-6-34 (a), this application is GRANTED pursuant to OCGA § 5-6-35 (j).

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.

Witness my signature and the seal of said court  
hereto affixed the day and year last above written.

*Will Z. Martin, Jr.*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 07, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0322  
FLEETWOOD HOMES OF GEORGIA ET AL V. RANDY DEAL

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

98027

2002C25

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 07 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.



**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 02, 2002

*The Court of Appeals passed the following order*

Case No. A02D0322

FLEETWOOD HOMES OF GEORGIA ET AL V. RANDY DEAL

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

98-027  
2002C25

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**JUL 02 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will Z. Martin, III*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** July 22, 2002

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S02C1703**

**FLEETWOOD HOMES OF GEORGIA et al. v. RANDY DEAL**

Clerk, Supreme Court of Georgia

Case No. A02D0322

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

**JUL 24 2002**

Clerk, Court of Appeals of Georgia

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 28, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0323

LOUISIANA-PACIFIC CORPORATION ET AL V. DONALD L. GOWEN, JR

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

99027

02CV0145

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 28 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Will Z. Martin, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **JUN 19 2002**

**A02D0324. CALVIN MANN v. THE STATE**

On June 5, 2002, this Court granted this discretionary application under OCGA § 5-6-35 (j) on the basis that Calvin Mann was entitled to a direct appeal. It has now been brought to this Court's attention that Mann filed a timely direct appeal of the same order he sought to have this Court review in this application. The direct appeal has been docketed in this Court as appeal A02A2004. Since a grant of this application pursuant to OCGA § 5-6-35 (j) is duplicative of the direct appeal, this Court's June 5, 2002 order granting this application is hereby VACATED, and this application for discretionary appeal is ordered DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 19 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*W. Z. Martin, III*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 29, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0325  
DEKALB COUNTY V. DRS INVESTMENTS, 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.

92027

01108039

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**MAY 29 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **JUN 03 2002**

**A02D0326. ANDRE L. SMITH v. THE STATE.**

Relying on the trial court's order granting his motion for out-of-time appeal, Andre L. Smith seeks discretionary review of the revocation of his probation. We cannot consider Smith's application because the superior court's grant of an out-of-time appeal is insufficient to authorize the filing of an otherwise untimely application for discretionary appeal. *Department of Offender Rehabilitation v. Meeks*, 165 Ga. App. 269 (299 SE2d 757) (1983). Therefore, this application for discretionary appeal is DISMISSED as untimely filed.

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**JUN 03 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will Z. Martin, Jr.*, Clerk.

# Court of Appeals of the State of Georgia

ATLANTA, JUN 13 2002

*The Court of Appeals hereby passes the following order:*

**A02D0327. MADISON, SR, et al. v. BARNETT, et al.**

William J. Madison, Sr., and Shirley C. Madison have filed what they concede is an "out-of-time" application for appeal from a custody order entered on August 6, 2001. Applicants previously filed an untimely application for discretionary appeal as well as a direct appeal from the same order. Both the direct appeal and the application for appeal were dismissed for lack of jurisdiction. Applicants are advised that out-of-time appeals are not allowed in civil cases. *Woodall v. Woodall*, 248 Ga. 172 (281 SE2d 619) (1981). Moreover, out-of-time applications for discretionary appeal are not authorized in any case. *Dept. of Offender Rehabilitation v. Meeks*, 165 Ga. App. 269 (299 SE2d 757) (1983). Because this court lacks jurisdiction to consider the applicants' second untimely application for discretionary appeal, the application is hereby *dismissed*.

Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta JUN 13 2002

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*W. Z. Martin, III*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, MAY 29, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0328

JOHN THOMPSON V. THE STATE

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

97028

97B016693

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **MAY 29 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 10, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0329

GREGORY SCREAM V. THE STATE

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

90028

99FE253T 98FE413T

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 10 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Will. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 04, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0330  
BILLY PAUL SMITH V. JAMIE LYNN HILL

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

93028

01CV0917

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **JUN 04 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 06, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0331  
QUINCY JAMES HASLEM V. THE STATE

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

70028

21949 23031

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 06 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*W. Z. Martin, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **JUN 19 2002**

**A02D0332. GLOVER v. THE STATE.**

Defendant Charles Glover seeks a discretionary appeal from an order denying his motion to modify his sentence. Because the discretionary appeal procedure does not apply to such an order and because Glover also filed a timely direct appeal from the same order complained of here, this application is hereby *dismissed* as superfluous.

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **JUN 19 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will Z. Martin, Jr.*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 05, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0333  
KMART CORPORATION V. SUSAN MONTGOMERY

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

98028

021029724

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 05 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 19, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0334

GEORGIA RIVER NETWORK V. HAROLD REHEIS ET AL

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

99028

2002CV49094

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN-19 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Marti, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 07, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0335  
IN THE INTEREST OF I.Y. AND M.Y., CHILDREN

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

94028

12602J663 12602J662

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**JUN 07 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 18, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0336

RONNIE DUKES V. THE STATE

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

92028

00SC04701

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 18 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Will. Z. Martini, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 18, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0337

BENJAMIN SCOTT YOUNGBLOOD V. LAURA YOUNGBLOOD

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

02CV0169M

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 18 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 12, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0338  
AMERICAN FREIGHTWAYS, INC., V. AARON HARRIS

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

97029

02CV22384

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*

**JUN 12 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.



**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 20, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0339  
RICHARD W. CROWDER V. HALL COUNTY ET AL

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

96029

01CV870C

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 20 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 25, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0340  
JOHNNY MERVIN V. MARY EVELYN MOORE

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

90029

SC1999CV1253

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**JUL 10 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*W. Z. Martin, III*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **JUN 27 2002**

**A02D0341. RONNIE H DYKES ET AL. v. CARROLL & CARROLL OF  
MACON, INC.**

Defendants Ronnie Dykes and A&D Asphalt Company filed this discretionary application seeking review of the trial court's order striking their answers and defenses, and entering a default judgment against them and another defendant. However, 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). There are two reasons the default judgment sought to be appealed is not final. First, issues of unliquidated damages remain pending before the trial court for resolution at trial.

Secondly, issues as to liability as well as damages remain pending with respect to other defendants, including Cathy D. Yearwood and Johnny Lois Dykes, against whom no sanctions were imposed. In a case involving multiple parties or multiple claims, a decision adjudicating fewer than all the claims or the rights and liabilities of less than all the parties is not a final judgment. In such circumstances, there must be an express determination under OCGA § 9-11-54 (b) or there must be compliance

with the interlocutory appeal requirements of OCGA § 5-6-34 (b). Where neither of these code sections is followed, the appeal is premature and must be dismissed. *Johnson v. Hospital Corporation of America*, 192 Ga. App. 628, 629 (385 SE2d 731) (1989). Therefore, this application is ordered DISMISSED for lack of jurisdiction.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 27 2002**

*I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto affixed the day and year last above written.*

*W. Z. Martin, III*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 28, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0342  
ROSE HUSSEY AS NEXT TO FRIEND TO ERIN HICKS, A MINOR  
V. PATSY MULLINS ET AL

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

70029  
99A969

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **JUN 28 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Will. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 19, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0343  
IN THE INTEREST OF J.L.K., CHILD

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

98029

1828250101

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 19 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Will Z. Martin, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **JUL 01 2002**

**A02D0344. EUGENE GRANT, JR. v. OFFICER SMITH ET AL.**

Eugene Grant, Jr., a pro se prisoner, filed this application for discretionary appeal in this Court on June 3, 2002, from the trial court's April 29, 2002 order denying the filing of his petition. An application for discretionary appeal must be filed within 30 days of the judgment appealed from. OCGA § 5-6-35 (d). Grant's application was filed 35 days after entry of the order dismissing his petition. An applicant's failure to timely file a discretionary application deprives this Court of jurisdiction to consider the appeal. *Styles v. State*, 245 Ga. App. 90 (537 SE2d 377) (2000). This application is thus DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 01 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will Z. Martin, Jr.*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 19, 2002

*The Court of Appeals passed the following order*

Case No. A02D0344

EUGENE GRANT JR. V. OFFICER SMITH ET AL

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

99-029  
2002NH1

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta JUL 19, 2002*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 19, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0345  
DAVID DALE NELSON 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.

94029  
00CR19431

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**JUN 19 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 01, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0346

GREGORY L. OLIVER V. PROFESSIONAL STANDARDS COMMISSION

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

92029

2002CV48881

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 01 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*W. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 01, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0347  
AUGUSTA COCA - COLA ET AL V. FRANK B. SMALLS, III

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.

71029

2002RCCV236

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 01 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, III*

# Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **JUN 17 2002**

## A02D0348. Larry Dancy, Sr. v. Deborah Dancy

Larry Dancy, Sr. seeks an appeal from a contempt order relating to certain provisions of the parties' final divorce decree. Because this action is ancillary to the parties' divorce proceeding, a matter within the Supreme Court's appellate jurisdiction, this appeal is hereby *transferred* to the Supreme Court for disposition. 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 with the Court of Appeals).

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

**JUN 17 2002**

I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.

Witness my signature and the seal of said court  
hereto affixed the day and year last above written.

*W. Z. Martin, Jr.*, Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **JUL 01 2002**

**A02D0349. ELAINE YOTHER FORREST v. SCOTT CHRISTOPHER  
YOTHER**

Elaine Yother Forrest filed this application for discretionary review from the superior court's order declining to exercise jurisdiction under the Uniform Child Custody Jurisdiction Act. By its express terms, however, the order is not a final judgment and is therefore an interlocutory order. Accordingly, Forrest was required to follow the interlocutory appeal procedures of OCGA § 5-6-34 (b), including obtaining a certificate of immediate review from the trial court. Forrest's failure to follow the interlocutory appeal procedures deprives this Court of jurisdiction to consider this appeal, which is hereby DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **JUL 01 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. Z. Martin, III*  
\_\_\_\_\_, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 26, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0350  
COMMERCIAL CREDIT COUNSELING SERVICES V. TUBULAR STEEL, 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.

95030

02GR008508C

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 26 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 26, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0351

COMMERCIAL CREDIT COUNSELING SERVICES V. MOTION INDUSTRIES, 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.

95031

02GR9419

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 26 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Will. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

**ATLANTA, JUNE 19, 2002**

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0352  
RODNEY BERNARD TAYLOR V. THE STATE

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

96030

92R646 94R1434

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**JUN 19 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*W. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 08, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0353  
WALKER GROUP ET AL V. CYNTHIA BILLINGS

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

90030

02CV5611 259-08-4771

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**JUL 08 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JUNE 26, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0354  
DENNIS K. WEHNER V. MYRA S. PARRIS

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.

93030

2001CV34759

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**JUN 26 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*Will Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 08, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0355

SANDRA D. BURCHETT V. BANK OF AMERICA, N.A. ET AL

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

70030

2001CV33423

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 08 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Will Z. Martin, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **JUN 19 2002**

**A02D0356. JERRY L. WORTHY v. EMILY GAINES WORTHY.**

Because this appeal is from a declaratory judgment action involving the provisions of a settlement agreement incorporated into a final divorce decree, the appeal is within the divorce and alimony jurisdiction of the Supreme Court. Ga. Const. of 1983, Art. VI, § VI, ¶ III (6); *Bryant v. Cole*, 266 Ga. 535 (468 SE2d 361) (1996); *Brown v. Brown*, 265 Ga. 725 (462 SE2d 609) (1995); *Waggaman v. Franklin Life Ins. Co.*, 265 Ga. 565 (458 SE2d 826) (1995); *Kent v. Kent*, 265 Ga. 211 (452 SE2d 764) (1995); *Perry v. Perry*, 265 Ga. 186 (454 SE2d 122) (1995); *Crosby v. Tomlinson*, 263 Ga. 522 (436 SE2d 8) (1993). Accordingly, the above-captioned appeal is ordered TRANSFERRED to the Supreme Court of Georgia.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **JUN 19 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

 Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:*

**JUL 08 2002**

**A02D0357. JOHN R. CALHOUN v. CULLUM's LUMBER MILLS, INC. ET AL.**

John R. Calhoun filed this application seeking appellate review of two orders granting awards of attorney's fees and expenses of litigation against him. On May 9 and May 13, 2002, the trial court entered orders determining that an award of attorney's fees, in favor of defendants Commercial Real Estate Properties, Inc., Collum's Lumber Mills, Inc., and Mickey Scott, was proper pursuant to OCGA § 9-15-14. While the motions of these defendants for attorney's fees was granted, the orders contemplated a future hearing or hearings at which defendants might prove the amounts which are reasonable and necessary for defending their rights.

Nonetheless, the application does not show that any hearing as contemplated by the orders has been held, and there is no order determining the amount of attorney's fees to be awarded. Thus, the motions for attorney's fees remains pending

in the trial court, and the orders sought to be appealed are not final within the meaning of OCGA § 5-6-34 (a). Thus, Calhoun was required to file an application for interlocutory appeal pursuant to OCGA § 5-6-34 (b). *Bailey v. Bailey*, 266 Ga. 832 (471 SE2d 213) (1996). Calhoun's failure to follow the interlocutory appeal procedure as required deprives this court of jurisdiction and his application is hereby DISMISSED.

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*W. Z. Martin, Jr.*, Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **JUL 12 2002**

**A02D0358. NEELY v. MR. STORE-IT.**

Plaintiff Delores Neely seeks an appeal from an order entered on March 21, 2002, granting defendant's motion for summary judgment. As respondent correctly argues, Neely's application, filed on June 13, 2002, is neither timely nor appropriate. Moreover, Neely's direct appeal from the same judgment was dismissed as untimely on June 20, 2002. For all of the foregoing reasons, Neely's application is hereby *dismissed* for lack of jurisdiction.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 12 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*John Z. Martin, Jr.*

....., Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **JUN 25 2002**

**A02D0359. Titelman v. Titelman**

Wendy J. Titelman seeks an appeal from the trial court's denial of her motion for new trial, extraordinary motion for new trial and motion to set aside the Final Judgment and Decree of Divorce. However, because this action is ancillary to the parties' divorce proceeding, a matter within the Supreme Court's appellate jurisdiction, this appeal is hereby *transferred* to the Supreme Court for disposition. 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).

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**JUN 25 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*William Z. Martin, III*, Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **JUL 29 2002**

**A02D0360. PAUL A. COLLIER v. DAVID SCARBOROUGH ET AL.**

On July 18, 2002, Paul A. Collier filed his motion for reconsideration of this Court's July 5, 2002 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. Collier's motion for reconsideration is thus untimely, and the motion is accordingly hereby DISMISSED.

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**JUL 29 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*John L. Martin, Jr.*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 02, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0361

JOHN B. WASIK V. CHAD PORTER

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

91030

99SC0288

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 02 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 09, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0362  
ANNIE RUTH SCRUGGS V. EMORY HOSPITAL

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

97031

02CV30535

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **JUL 09 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Will. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 29, 2002

*The Court of Appeals passed the following order*

Case No. A02D0363

DAVID REEDMAN A/K/A DAVID REEVES V. THE STATE

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

96-031  
00CR01125

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta JUL 29, 2002*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 01, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0364  
PATRICIA A. MONTFORD V. LEON RUSSELL

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

90031

2001DR34112

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 01 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*W. Z. Martin, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **JUL 12 2002**

## **A02D0365. GREGORY PONDER v. GEORGIA STATE INDEMNIFICATION COMMISSION**

Gregory Ponder seeks discretionary review of the superior court's order affirming the decision of the Georgia State Indemnification Commission finding that he was not entitled to indemnification under OCGA § 45-9-80, et seq. The order Ponder appeals from was entered on May 14, 2002. Ponder's application for discretionary appeal was docketed in this Court on June 14, 2002. An application for discretionary appeal must be filed within 30 days of the judgment appealed from. OCGA § 5-6-35 (d). Ponder's application was filed 31 days after the superior court's order was entered. An applicant's failure to timely file a discretionary application deprives this Court of jurisdiction to consider the appeal. *Styles v. State*, 245 Ga. App. 90 (537 SE2d 377) (2000). This application is thus DISMISSED.

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*William Z. Martin, Jr.*, Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **AUG 08 2002**

## **A02D0365. GREGORY PONDER v. GEORGIA STATE INDEMNIFICATION COMMISSION**

Gregory Ponder seeks reconsideration of this Court's order dismissing his application for discretionary appeal as untimely. Ponder contends that because he sent his application via overnight mail in a timely manner, his application should be considered timely. However, this Court's Rule 4 specifically states that "[a] document is also deemed filed in the Clerk's office when it is deposited in the United States Postal Service *registered or certified mail. . . .*" Court of Appeals Rule 4. Ponder's failure to send his application via registered or certified mail means his application is deemed filed when it was received by this Court. In this case, the application was not received until 31 days after entry of the order sought to be appealed, and this Court therefore lacks jurisdiction to consider it on the merits. Accordingly, the motion for reconsideration is DENIED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 08 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*William Z. Martin, III*, Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **JUN 20 2002**

**A02D0366. PATRICIA SUNDVIK v. HANK PAULEY.**

Patricia Sundvik filed an application for discretionary appeal on June 14, 2002 from a default judgment entered against her in a dispossessory action on May 14, 2002. However, the appeal of any judgment in a dispossessory action is permitted only if filed within seven days from the date the judgment appealed from is entered. OCGA § 44-7-56. Since Sundvik's application was untimely filed, it is ordered **DISMISSED** for lack of jurisdiction. See *Lewis v. Countrywide Funding Corporation*, 225 Ga. App. 440 (484 SE2d 66) (1997).

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUN 20 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. Z. Martin, Jr.*, Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **JUL 03 2002**

**A02D0367. DENNIS DRAPER v. THE STATE.**

Dennis Draper seeks a discretionary appeal from the trial court's order denying his "Extraordinary Motion For Special Demurrer Where The Indictment Was 'Absolutely Void.'" Although he included a copy of the order appealed from in the application materials, it is not a stamped "filed" copy, as required by Rule 31 (c) of the Court of Appeals. On June 17, 2002, this court issued an order to Draper directing him to supplement the application within ten days with a stamped "filed" copy of the order appealed from and stressed that the application would be dismissed if the document was not timely filed in this court.

As Draper has failed to timely file a stamped "filed" copy of the order sought to be appealed, his application is hereby DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **JUL 03 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*William Z. Martin, III*, Clerk.

**Court of Appeals  
of the State of Georgia**

**ATLANTA,            JULY            02, 2002**

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A02D0369  
STEVEN R. COTTING V. MIKI COTTING

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.

94031  
01A130696

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 02 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 02, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0370  
STEVEN R. COTTING V. MIKI COTTING

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.

94032  
01A32326

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**JUL 02 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*Will Z. Martin, III*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **JUL 10 2002**

**A02D0371. SANDRA HOLT GUTHRIE v. BENJAMIN REED GUTHRIE ET AL.**

Sandra Holt Guthrie and Dallas Rufus Guthrie, deceased, were husband and wife. The husband was diagnosed with brain cancer, after which they sought a divorce from each other. They entered into a settlement agreement to resolve the issues relating to the divorce. Subsequently, the husband moved to set aside the agreement on the basis that his illness rendered him unable to make informed decisions relating to the settlement agreement. The wife filed a separate motion to enforce the agreement. The husband died, and the superior court dismissed the divorce action without deciding either motion. The wife then filed a complaint against the husband's heirs and executors of his estate, seeking to enforce the settlement agreement. The trial court granted summary judgment to the heirs and executors of the husband's estate. The wife filed this application for discretionary appeal from this order.

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 only issue on appeal is the enforceability of the settlement agreement, which was never incorporated into a divorce decree. Such an order is directly appealable. See *Eickhoff v. Eickhoff*, 263 Ga. 498, 499 (435 SE2d 914) (1993). Accordingly, this application is GRANTED pursuant to OCGA § 5-6-35 (j). Sandra Holt Guthrie shall have ten days from the date of this order to file her notice of appeal. The clerk of the Superior

Court of Fulton 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*

**JUL 10 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. Z. Martin, III*, Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **AUG 13 2002**

**A02D0371. SANDRA HOLT GUTHRIE v. BENJAMIN REED GUTHRIE ET AL.**

On June 10, 2002, this Court granted this discretionary application under OCGA § 5-6-35 (j) on the basis that Sandra Holt Guthrie was entitled to a direct appeal. It has now been brought to this Court's attention that she filed a timely direct appeal of the same order she sought to have this Court review in this application. The direct appeal has been docketed in this Court as appeal A02A2329. Since a grant of this application pursuant to OCGA § 5-6-35 (j) is duplicative of the direct appeal, this Court's June 10, 2002 order granting this application is hereby VACATED, and this application for discretionary appeal is ordered DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **AUG 13 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*William Z. Martini, III*

, Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:*

**JUN 27 2002**

**A02D0372. IN RE: ESTATE OF BUNZIE NANCY NEAL, DECEASED.**

On March 25, 2002, the probate court entered an order directing Caveator, Debra N. McEver, to pay to the Estate of Bunzie Nancy Neal a/k/a Nancy Bunzie Neal attorneys fees and expenses in the amount of \$8,841.90. On April 24, 2002, McEver filed a motion for reconsideration. On May 22, 2002, the probate court entered an order denying the motion for reconsideration. On June 21, 2002, McEver filed an application for discretionary appeal of the orders of March 25, 2002 and May 22, 2002.

The substance of McEver's discretionary application is to seek reversal or vacation of the underlying order entered March 25, 2002 awarding attorney fees and expenses to the Estate of Bunzie Nancy Neal. When a motion for new trial, motion in arrest of judgment, or a motion for judgment notwithstanding the verdict has not been filed, an application for discretionary appeal must be filed with the clerk of the Supreme Court or the Court of Appeals within 30 days of the entry of the order, decision, or judgment sought to be appealed. OCGA § 5-6-35 (d). McEver's

application for discretionary appeal, filed on June 21, 2002 or 58 days following entry of the March 25, 2002 order, was untimely. McEver's motion for reconsideration did not extend the time for filing an application for discretionary appeal. See *Blackwell v. Sutton*, 261 Ga. 284 (404 SE2d 114) (1991); OCGA § 5-6-35 (d). And, the denial of McEver's motion for reconsideration is not appealable. See *Savage v. Newsome*, 173 Ga. App. 271 (326 SE2d 5) (1985). Accordingly the above-captioned application for discretionary appeal is ordered DISMISSED.

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*

**JUN 27 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*W. Z. Martin, Jr.* Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **JUL 18 2002**

**A02D0373. THOMAS E. GARRETT v. ROBIN E. SHIPMAN.**

Thomas E. Garrett seeks an appeal from an order holding him in contempt based on his failure to comply with the child support provisions of a divorce decree. The order sought to be appealed is ancillary to the prior divorce decree and is therefore within the general appellate jurisdiction of the Supreme Court. Ga. Const. of 1983, Art VI, Sec. VI, Par. III (6); *Griffin v. Griffin*, 243 Ga. 149 (254 SE2d 80) (1978); see also *Brown v. Brown*, 266 Ga. 890 (472 SE2d 65) (1996); *Smith v. Smith*, 254 Ga. 450, 452 (2) (330 SE2d 706) (1985). Therefore, this application is hereby TRANSFERRED to the Supreme Court for disposition.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **JUL 18 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Jul. Z. Martin, Clerk.*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **JUL 19 2002**

**A02D0374. BUCKHORN VENTURES, LLC v. FORSYTH COUNTY, et al.**

Applicant Buckhorn Ventures, LLC, seeks an appeal from an order declaring void a 1992 settlement agreement between applicant and Forsyth County, among others. The applicant states that this application has been filed out of an abundance of caution due to frequent challenges to the right of direct appeal in cases involving zoning. Because this case does not appear to involve a direct or indirect challenge to an administrative decision involving zoning and because applicant has already timely filed a notice of direct appeal from the same decision complained of here, this application is hereby *dismissed* as superfluous. See generally *SMD, L.L.P. v. City of Roswell*, 252 Ga. App. 438, 439 (1) (555 SE2d 813) (2001).

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **JUL 19 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*William Z. Martin, III*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 25, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0375

KRISTIN RAMSEY CLYDE ET AL V. STATE BAR OF GEORGIA

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

95032

2001CV46073

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **JUL 25 2002**

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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 above written.*

*Clerk.*

*W. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 17, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0376  
JAMES HUDSON, JR. V. THE STATE

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

96032

02514

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**JUL 17 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*W. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 18, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0377

THE STATE V. NELSON 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.

90032

26993

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 18 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Will. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 23, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0378  
CROWN ANDERSEN INC. ET AL V. GEORGIA GULF CORPORATION

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

93032

99VS150983A

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 23 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*W. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 01, 2002

*The Court of Appeals passed the following order*

Case No. A02D0378

CROWN ANDERSEN INC. ET AL V. GEORGIA GULF CORPORATION

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

93-032  
99VS150983A

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta AUG 01, 2002*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.



CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** August 20, 2002

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S02C1880**

CROWN ANDERSEN, INC., et al. v. GEORGIA GULF CORPORATION

Clerk, Supreme Court of Georgia

Case No. A02D0378

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

AUG 20 2002

Clerk, Court of Appeals of Georgia

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **JUL 25 2002**

**A02D0379. MISHAL v. MISHAL.**

Applicant Hisham Mishal seeks a discretionary appeal from an order of the superior court denying his motion to recuse in a pending divorce case. Because this application for appeal from a non-final judgment has not been certified by the superior court for immediate review as required under OCGA § 5-6-34 (b), the application is hereby *dismissed* for lack of jurisdiction. *Chandler v. Davis*, 269 Ga. 727 (504 SE2d 440) (1998); *Rolleston v. Glynn County Board of Tax Assessors*, 213 Ga. App. 552 (445 SE2d 345) (1994); *Scruggs v. Ga. Dept. of Human Resources*, 261 Ga. 587, 589 (408 SE2d 103) (1991).

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **JUL 25 2002**

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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.*

*John Z. Martini, III*, Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:*

**JUL 19 2002**

**A02D0380. PC Group Acquisition I, Inc. v. Winchester Insurance Company,  
Ltd. et al.**

PC Group Acquisition I, Inc. seeks discretionary review of a superior court order directing the American Arbitration Association to stay certain arbitration in its Atlanta office pending the conduct of related arbitration in the state of Delaware.

PC Group filed the application under OCGA § 5-6-35 (9), apparently reasoning that the order was the equivalent of the grant of a temporary restraining order. But the grant of a motion to stay arbitration is not the equivalent of a temporary restraining order. See *Phillips Constr. Co. v. Cowart Iron Works*, 250 Ga. 488 (299 SE2d 538) (1983) (holding that the denial of a motion to stay judicial proceedings pending the conduct of arbitration is not the legal equivalent of the denial of an interlocutory injunction for purposes of appeal under OCGA § 5-6-34 (a) (4)). The order does not fall into any other category of OCGA § 5-6-35 that would require PC Group to proceed via application for discretionary appeal.

It appears that the case is no longer pending in the superior court. Winchester Insurance Company, Ltd. and Ed Beneville, Jr. filed the “motion to stay arbitration, or in the alternative, to consolidate arbitration proceedings” seeking only to stay or consolidate the Atlanta arbitration; they sought no further relief. Therefore, the order granting the motion is a final order subject to direct appeal. In fact, PC Group has filed a timely notice of direct appeal of the same order. Because PC Group has already filed a timely notice of appeal in the trial court, OCGA § 5-6-35 (j) does not

apply here. Accordingly, PC Group's application for discretionary appeal is deemed superfluous and is therefore DISMISSED for lack of jurisdiction.

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**JUL 19 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*W. Z. Martin, Jr.*  
....., Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **JUL 25 2002**

## **A02D0381. BRIAN E. KOZAR v. KIMBERLY ANN KOZAR**

Brian E. Kozar filed actions for contempt, modification of visitation, and modification of custody against his former wife, Kimberly Ann Kozar. She counterclaimed for a change in visitation and an increase in alimony and child support. After a hearing on the matter, the trial court found the mother in contempt and modified certain visitation privileges but refused to change custody to the father. The court expressly reserved ruling on the mother's counterclaim for an increase in alimony and child support, noting that those issues were to be tried before a jury at a later date. The father filed an application with this Court, seeking a discretionary appeal from this order. But this Court does not have jurisdiction to review this application.

"Generally, an order is final and appealable when it leaves no issues remaining to be resolved, constitutes the court's final ruling on the merits of the action, and leaves the parties with no further recourse in the trial court." *Thomas v. Douglas Co.*, 217 Ga. App. 520 (457 SE2d 835) (1995). The mother's counterclaim for increased alimony and child support remains pending for decision; thus, the judgment for which an appeal is sought is not the final judgment in the case. Because the order appealed from is not a final order, the applicant was required to follow the interlocutory application procedures in OCGA § 5-6-34 (b) by obtaining a certificate of immediate review from the trial court within the requisite time period. *Scruggs v. Dept. of Human Resources*, 261 Ga. 587 (408 SE2d 103) (1991). Because the applicant failed to follow the interlocutory appeal procedures, this Court lacks jurisdiction to entertain this appeal. See *Pinyan v. Hamby*, 176 Ga. App. 411 (336 SE2d 331) (1985); *Gray*

v. *Springs*, 224 Ga. App. 427 (481 SE2d 3) (1997). Accordingly, Kimberly Ann Kozar's motion to dismiss the application is hereby GRANTED, and the application is hereby ordered DISMISSED.

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**JUL 25 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*W. L. Martin, Jr.*, Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **JUL 17 2002**

**A02D0382. WAYNE THOMAS v. CORRECTIONS CORP. OF AMERICA.**

On June 24, 2002, Wayne Thomas, acting pro se, filed an application for discretionary appeal of the Order Denying Filing of Pro Se Pleading Presented for Filing Under Paupers' Affidavit, entered on April 29, 2002 by the Superior Court of Coffee County. Under OCGA § 5-6-35 (d), an application for discretionary appeal shall be filed within 30 days of the entry of the order, decision, or judgment sought to be appealed. As Thomas has failed to file his application within 30 days of the date of entry of the order complained of, the application is untimely and this court lacks appellate jurisdiction over it. Accordingly, the above-captioned application is ordered DISMISSED. See *Patel v. Georgia Power Co.*, 234 Ga. App. 141 (505 SE2d 787) (1998); *Davis v. State*, 233 Ga. App. 825 (505 SE2d 801) (1998).

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **JUL 17 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. Z. Martin, Jr.* Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **AUG 23 2002**

**A02D0382. WAYNE THOMAS v. CORRECTIONS CORP. OF AMERICA.**

On August 1, 2002, Wayne Thomas filed a motion for reconsideration and to substantiate the record of appeal and for out-of-time discretionary appeal seeking, inter alia, reconsideration of the order of this Court, dated July 17, 2002, dismissing his application for discretionary appeal as untimely.

Court of Appeals Rule 37 (b) requires that motions for reconsideration must be filed within 10 days from the entry of the judgment or dismissal sought to be reconsidered. Thus, Thomas's motion for reconsideration is untimely. And, there is no statutory authority authorizing the grant of an out-of-time discretionary appeal. *Department of Offender Rehabilitation v. Meeks*, 165 Ga. App. 269 (299 SE2d 757) (1983); see OCGA § 5-6-35 (b) and (d); see also *Williamson v. Department of Public Safety*, 173 Ga. App. 249 (326 SE2d 480) (1985). Also, an out-of-time appeal is not

an available remedy in civil cases. *Woodall v. Woodall*, 248 Ga. 172 (281 SE2d 619) (1981).

Accordingly, Thomas's motion for reconsideration and to substantiate the record of appeal and for out-of-time discretionary appeal is DENIED.

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*

**AUG 23 2002**

*I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto affixed the day and year last above written.*

*William Z. Martin, Jr.*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 23, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0383  
MAYOR ET AL V. EUNITA STEVENS

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.

71032  
CV020366BA

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**JUL 23 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk*

*W. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

**ATLANTA, JULY 25, 2002**

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0384

AMERICAN MOBILE IMAGING, INC. ET AL V. KATHLEEN MILES

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.

91032

02CV753

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 25 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 16, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0385

TYRONE JONES V. THE STATE

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

97033

02CV62

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 16 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*Will. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 31, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0386

SUZANNE KATHERINE WARING V. GEORGE ORAL WARING, III

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

95033

2001CV39955

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 31 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 28, 2002

*The Court of Appeals passed the following order*

Case No. A02D0386

SUZANNE KATHERINE WARING V. GEORGE ORAL WARING, III

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

95-033  
2001CV39955

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta AUG 28, 2002*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

**ATLANTA,                    JULY                    22, 2002**

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A02D0387  
JACQUELYN BARRETT V. DEXTER SANDERS 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.

96033  
2000CV25765

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**JUL 22 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Will. Z. Martin, III*

# Court of Appeals of the State of Georgia

ATLANTA,

The Court of Appeals hereby passes the following order: **JUL 31 2002**

**A02D0388. RANDALL WADE ANDERSON v. THE STATE.**

Randall Wade Anderson, pro se, filed this application seeking discretionary review of the trial court's dismissal of his Motion to Void an Illegal Conviction and Sentence. In 1994, Anderson pled guilty to a charge of robbery and was sentenced to ten years imprisonment. In his motion, he contends that his conviction and sentence are void because the conduct to which he pled guilty did not constitute a crime.

The denial of Anderson's motion seeking correction of an allegedly void judgment was directly appealable. *Barrett v. State*, 183 Ga. App. 729 (1) (360 SE2d 400) (1987) (reversed on other grounds in *Gonzalez v. Abbott*, 262 Ga. App. 671 (425 SE2d 272) (1993)). See also *Barber v. State*, 240 Ga. App. 156, 157 (1b) (522 SE2d 528) (1999). There being no basis in OCGA § 5-6-35 (a) requiring an application for appeal, this application is GRANTED pursuant to OCGA § 5-6-35 (j).

Anderson shall have 10 days from the date of this order in which to file a notice of appeal. The Clerk of the Superior Court is directed to include a copy of this order in the appeal record transmitted to this Court.

Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta

**JUL 31 2002**

I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.

Witness my signature and the seal of said court  
hereto affixed the day and year last above written.

*William Z. Martin, III*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 31, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0389

JORGE FERNANDEZ V. PERRY M. ALEXANDER CONSTRUCTION

ET AL

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

93033

02CV1041C

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **JUL 31 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

(404) 656-3470

Sherie M. Welch, Clerk

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Docketing Date: August 7, 2002

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S02C1804**

JORGE FERNANDEZ v. PERRY M. ALEXANDER CONSTRUCTION et al.

Clerk, Supreme Court of Georgia

Case No. A02D0389

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

Clerk, Court of Appeals of Georgia

**AUG 09 2002**

**Court of Appeals  
of the State of Georgia**

ATLANTA,

JULY

25, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0390

JOE F. MOORE V. TREUTLEN BOARD OF EDUCATION

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

70033

02CI0001F

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 25 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*Will. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 06, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0391  
SNAPPER, INC., V. JOE E. TYSON

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

98033

02CV1025C

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 06 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 19, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0392  
ANTONIO D. JOHNSON V. THE STATE

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

99033

SU02CR0192

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **JUL 19 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*Will Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 01, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0393  
KERRIEM A. SHAW V. THE STATE

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

94033

95CR39539

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta* **AUG 01 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, July 24, 2002

*The Court of Appeals hereby passes the following order:*

**A02D0394. TYSON FOODS, INC. v. BERNICE LUNDY.**

Upon consideration of the motion for withdrawal of the above styled application, it is hereby ordered that said motion be GRANTED.

92-033

02DV0032

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta July 24, 2002*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Wil. Z. Martin, Jr.*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, JULY 29, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0395  
MICHAELENE MCCOY ET AL V. MICHAEL A. RUSSELL

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

71033

00CV9483

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 29 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Will Z. Martin, III*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** August 19, 2002

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S02C1883**

**MICHAELENE MCCOY v. MICHAEL A. RUSSELL et al.**

Clerk, Supreme Court of Georgia

Case No. A02D0395

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

**AUG 22 2002**

Clerk, Court of Appeals of Georgia

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 09, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0396  
ERIC JOHNSON V. THE STATE OF GEORGIA DEPARTMENT  
OF ADMINISTRATIVE SERVICES

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

91033

E65807

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **AUG 09 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*W. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            JULY            26, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.        A02D0397  
JAMES FARINELLA V. RALPH CAPASSO

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

97034

99A1306

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**JUL 26 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*Will. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            AUGUST            08, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A02D0398  
CNA INSURANCE COMPANY C/O CONSTITUTION STATE SERVICE  
COMPANY, ALLEGED INSURER V. MATHIS ELLISON, JR., ET AL

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

95034

02CV118

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**AUG 08 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 29, 2002

*The Court of Appeals passed the following order*

Case No. A02D0398

CNA INSURANCE COMPANY C/O CONSTITUTION STATE SERVICE  
COMPANY, ALLEGED INSURER V. MATHIS ELLISON, JR., ET AL

Upon consideration of the motion for reconsideration filed  
in this case, it is ordered that it be hereby denied.

95-034  
02CV118

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta AUG 29, 2002*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will Z. Mathis, III*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** September 18, 2002

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S03C0078**

CNA INSURANCE COMPANY c/o CONSTITUTION STATE SERVICE COMPANY, ALLEGED INSURER v. MATHIS ELLISON, JR. et al.

Clerk, Supreme Court of Georgia

Case No. A02D0398

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

**SEP 19 2002**

Clerk, Court of Appeals of Georgia

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:*

**AUG 15 2002**

**A02D0399. ROBERSON v. THE STATE.**

Sean M. Roberson filed an application for discretionary appeal from an order denying his motion for modification of sentence. Roberson's contention is that the superior court erred in failing to consider sentencing him as a first offender. Because the court's order is a final judgment not subject to the discretionary appeal procedure, Roberson's application is hereby *granted* as required under OCGA § 5-6-35 (j).

Roberson 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 record transmitted to the Court of Appeals.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 15 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*W. Z. Martin, Jr.* ..... Clerk.

**Court of Appeals  
of the State of Georgia**

**ATLANTA,**

**JULY**

**25, 2002**

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0400  
MARCUS COOK V. DR. FOGAM, ET AL

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

90034

CV020044BA

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**JUL 25 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 09, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0401

GERALD JONES 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.

93034

94CR14570 99CR5052 99CR2222

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 09 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*W. Z. Martin, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **AUG 07 2002**

**A02D0402. DEMETRIUS COLLIER v. JUDGE RALPH MERCK, ET AL.**

Demetrius Collier has filed an application for discretionary appeal of the order of the superior court dismissing his petition for writ of certiorari of his conviction in recorder's court for violating DeKalb County Code §16-45.2. The above-captioned application is GRANTED.

The parties should address in their appellate briefs whether the superior court applied the proper appellate review standard in this case. Compare *Jackson v. Virginia*, 443 U. S. 307, 319 (99 SC 2781, 61 LE2d 560); *Scott v. Mayor &c of Athens*, 111 Ga. App. 173 (140 SE2d 922) (1965); and *Green v. City of Atlanta*, 87 Ga. App. 178 (73 SE2d 96) (1952) with OCGA § 5-4-12 (b); *Stevedoring Svcs &c. v. Collins*, 247 Ga. App. 149, 149-150 (542 SE2d 134) (2000); *Angell v. Hart*, 232 Ga. App. 222, 223 (1) (501 SE2d 594) (1998); *Hanrahan v. City of Atlanta*, 230 Ga. App. 67 (495 SE2d 324) (1997); *City of Atlanta Govt. v. Smith*, 228 Ga. App. 864, 865 (1) (493 SE2d 51) (1997); and *Graham v. Wilkes*, 188 Ga. App. 402 (373 SE2d 90) (1988).

Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta **AUG 07 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*W. Z. Martin, Jr.*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 14, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0403  
MARCEL SANCHEZ DUGGER 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.

98034

01CR093

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 14 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 16, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0404  
AMOCO FABRICS & FIBERS CO. / BP AMOCO CORPORATION  
ET AL V. SANDY GLOVER

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

99034

02CV268

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**AUG 16 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*Will. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,

SEPTEMBER 06, 2002

*The Court of Appeals passed the following order*

Case No. A02D0404

AMOCO FABRICS & FIBERS CO. / BP AMOCO CORPORATION  
ET AL V. SANDY GLOVER

Upon consideration of the motion for reconsideration filed  
in this case, it is ordered that it be hereby denied.

99-034  
02CV268

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta SEP 06, 2002*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*Will Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 20, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0405  
SONOCO PRODUCTS ET AL V. ROBERT BENTON ET AL

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

94034

02CV55975

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 20 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*W. Z. Martin, III*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** September 9, 2002

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S03C0029**

SONOCO PRODUCTS et al. v. ROBERT BENTON et al.

Clerk, Supreme Court of Georgia

Case No. A02D0405

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

**OCT 03 2002**

Clerk, Court of Appeals of Georgia

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 15, 2002

*The Court of Appeals hereby passes the following order:*

**A02D0406. MAURI M. GOENS v. JALEN A. ROSE**

Upon consideration of the motion for withdrawal of the above styled application, it is hereby ordered that said motion be GRANTED.

92-034

2002CV52317

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta AUGUST 15, 2002*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. Z. Martin, Jr.*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 05, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0407  
CECIL MUSGROVE V. DOUGHERTY COUNTY BOARD OF  
COMMISSIONERS ET AL

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

71034

98CV10213

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*

**AUG 05 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:*

**AUG 15 2002**

**A02D0408. CINDY HULETT v. DONALD SUTHERLAND.**

Cindy Hulett seeks an appeal from an order denying her petition to modify the child support provisions of the parties final divorce decree due to changed circumstances. The underlying subject matter of this case falls within the divorce and alimony jurisdiction of the Supreme Court. Ga. Const. 1983, Art. VI, Sec. VI, Para. III (6); *Pearson v. Pearson*, 265 Ga. 100 (454 SE2d 124) (1995); *Smith v. Smith*, 254 Ga. 450, 452 (2) (330 SE2d 706) (1985); *Hines v. Hines*, 237 Ga. 755, 756 (1) (229 SE2d 744) (1976). Therefore, Hulett's application is TRANSFERRED to the Supreme Court for disposition.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

*I certify that the above is a true extract of  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will Z. Martin, Jr.*, Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **AUG 07 2002**

**A02D0409. ABBAS SAADATDAR ET AL. v. STATE FARM MUTUAL  
INSURANCE COMPANY ET AL.**

Defendants Law Offices of Allan Khoshbin, P. C., along with V. Allan Khoshbin and Abbas Saadatdar, individually, filed this discretionary application seeking appellate review of the superior court's June 24, 2002 order denying their motion to dismiss. An application for discretionary appeal must be filed with this Court within 30 days of entry of the order complained of. OCGA § 5-6-35 (d). Here the application was filed 31 days after the order complained of was entered. This Court lacks jurisdiction to consider the untimely application. Therefore, this application is ordered DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **AUG 07 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. Z. Martin, Jr.*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 27, 2002

*The Court of Appeals passed the following order*

Case No. A02D0409

ABBAS SAADATDAR ET AL V. STATE FARM MUTUAL  
INSURANCE COMPANY ET AL

Upon consideration of the motion for reconsideration filed  
in this case, it is ordered that it be hereby denied.

97-035  
01A131608

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta AUG 27, 2002*

*I certify that the above is a true extract from  
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hereto affixed the day and year last above written.*

*Clerk.*

*W. Z. Martin, Jr.*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** September 16, 2002

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S03C0061**

ABBAS SAADATDAR et al. v. STATE FARM MUTUAL AUTOMOBILE INSURANCE et al.

Clerk, Supreme Court of Georgia

Case No. A02D0409

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

**SEP 18 2002**

Clerk, Court of Appeals of Georgia

**Court of Appeals  
of the State of Georgia**

ATLANTA,            AUGUST            22, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A02D0410  
RHONDA GRIDER SCOTT V. JOHN T. SCOTT

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

95035

DR990326AB

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 22 2002**

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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 above written.*

Clerk.

*Will. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA,            AUGUST            12, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION    NO.            A02D0411

CYNTHIA ANN HARDIGREE V. JOHNNY LEON BAKER, JR

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

96035

2000CV0211J

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 12 2002**

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the minutes of the Court of Appeals of Georgia*

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*Clerk.*

*Will. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 22, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0412  
CITIBANK ( SOUTH DAKOTA ) N.A. D/B/A CITICARDS  
V. BENJAMIN F. CALDWELL

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

90035

2002V31911

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 22 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,

*The Court of Appeals hereby passes the following order:* **AUG 28 2002**

**A02D0412. CITIBANK (SOUTH DAKOTA) N.A., d/b/a CITICARDS v.  
BENJAMIN F. CALDWELL**

On August 22, 2002, this Court denied the application for discretionary appeal of Citibank (South Dakota) N.A., d/b/a Citicards. Accordingly, Respondent Benjamin F. Caldwell's Motion to Strike Applicant's Reply is hereby DENIED as moot.

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**AUG 28 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*W. Z. Martin, Jr.*, Clerk.

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** September 11, 2002

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S03C0046**

CITIBANK (SOUTH DAKOTA), N.A., d/b/a CITICARDS v. BENJAMIN F. CALDWELL

Clerk, Supreme Court of Georgia

Case No. A02D0412

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

**SEP 11 2002**

Clerk, Court of Appeals of Georgia

**Court of Appeals  
of the State of Georgia**

**ATLANTA,            AUGUST            07, 2002**

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A02D0413  
SOUTHEASTERN INDUSTRIAL CONTRACTING CO., INC., ET AL  
V. TROY CHAPPELL, ET AL

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

93035

CV021218

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*            **AUG 07 2002**

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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 above written.*

*Clerk.*

*Will Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,

SEPTEMBER 06, 2002

*The Court of Appeals passed the following order*

Case No. A02D0414

WILLIAM JONATHAN MAYO V. THE STATE

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

70-035  
919413842

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta SEP 06, 2002*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 14, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0415  
JUSTIN DANIELY 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.

98035  
00CR042

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 14 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **AUG 29 2002**

**A02D0416. DOUGLAS SMITH v. THE STATE**

Douglas Smith, a pro se prisoner, filed this application for discretionary appeal in this Court on July 31, 2002, from the trial court's June 12, 2002 order denying his extraordinary motion for new trial. An application for discretionary appeal must be filed within 30 days of the judgment appealed from. OCGA § 5-6-35 (d). Smith's application was filed 49 days after entry of the order denying his motion. An applicant's failure to timely file a discretionary application deprives this Court of jurisdiction to consider the appeal. *Styles v. State*, 245 Ga. App. 90 (537 SE2d 377) (2000). This application is thus DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 29 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Will. L. Martin, Jr.*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,            OCTOBER    11, 2002

*The Court of Appeals passed the following order*

Case No. A02D0416

DOUGLAS SMITH V. THE STATE

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

99-035  
SU91CR3069

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    OCT 11, 2002*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*W. Z. Martin, Jr.*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** October 21, 2002

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S03C0248**

DOUGLAS SMITH v. THE STATE

Clerk, Supreme Court of Georgia

Case No. A02D0416

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

OCT 24 2002

Clerk, Court of Appeals of Georgia

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 22, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0417  
WAYCROSS MOLDED PRODUCTS V. SARAH MORRIS

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

94035

02V0192

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 22 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will Z. Martin, III*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** September 9, 2002

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S03C0033**

WAYCROSS MOLDED PRODUCTS v. SARAH MORRIS

Clerk, Supreme Court of Georgia

Case No. A02D0417

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

**SEP 11 2002**

Clerk, Court of Appeals of Georgia

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 15, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0418  
WAYCROSS MOLDED PRODUCTS V. ANNETTE BROWN

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

92035

02V0182

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **AUG 15 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 20, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0419  
ROBERT BENTON V. SONOCO PRODUCTS 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.

94036

02CV55975

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 20 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** September 9, 2002

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S03C0029**

*SONOCO PRODUCTS et al. v. ROBERT BENTON et al.*

Clerk, Supreme Court of Georgia

Case No. A02D0419

Court of Appeals of Georgia

Notice of Petition for Certiorari

**SEP 10 2002**

filed in office

Clerk, Court of Appeals of Georgia

**Court of Appeals  
of the State of Georgia**

**ATLANTA,            AUGUST            28, 2002**

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A02D0420  
FRANK W. BARR V. MARGARET BARR

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

71035

01CV13891            91CV83455

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 28 2002**

*I certify that the above is a true extract fromd  
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*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

CLERK'S OFFICE  
SUPREME COURT of GEORGIA

244 Washington Street, Room 572

Atlanta, Georgia 30334

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

Sherie M. Welch, Clerk

(404) 656-3470

**Docketing Date:** September 17, 2002

To the Clerk of the Court of Appeals of Georgia:

You are hereby notified that there has been filed in this office on this day a petition to the Supreme Court for a writ of certiorari to the Court of Appeals in the case of **S03C0076**

FRANK W. BARR v. MARGARET BARR

Clerk, Supreme Court of Georgia

Case No. A02D0420

Court of Appeals of Georgia

Notice of Petition for Certiorari

filed in office

**SEP 19 2002**

Clerk, Court of Appeals of Georgia

**Court of Appeals  
of the State of Georgia**

ATLANTA,

SEPTEMBER 03, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0421  
GOODYEAR TIRE & RUBBER COMPANY ET AL  
V. MARION SANDS

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

91035

200206603

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **SEP 03 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Will Z. Martin, III*

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **AUG 14 2002**

**A02D0422. ALFRED FREDERICK v. CASSANDRA M. FREDERICK**

Alfred Frederick seeks to appeal the temporary order entered in this divorce and custody action initiated by Cassandra M. Frederick. The Supreme Court, however, has exclusive appellate jurisdiction over appeals in divorce cases. Ga. Const. of 1983, Art VI, Sec. VI, par III (6). Therefore, this application is ordered TRANSFERRED to the Supreme Court.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **AUG 14 2002**

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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.*

*William Z. Martin, III* Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **SEP 06 2002**

**A02D0423. BETSY RAPPS ET AL. v. ROGER A. HENDRIX**

Betsy and Richard Rapps filed an application for discretionary appeal from the superior court's order denying their request for a preliminary hearing and Roger A. Hendrix's motion for judgment on the pleadings. As acknowledged by the Rapps in their application, however, the order is interlocutory. The applicants were thus required to follow the interlocutory application procedures in OCGA § 5-6-34 (b) by obtaining a certificate of immediate review from the trial court within the requisite time period. *Scruggs v. Dept. of Human Resources*, 261 Ga. 587 (408 SE2d 103) (1991). Because they failed to follow the interlocutory appeal procedures, this Court lacks jurisdiction to entertain this appeal. See *Pinyan v. Hamby*, 176 Ga. App. 411 (336 SE2d 331) (1985); *Gray v. Springs*, 224 Ga. App. 427 (481 SE2d 3) (1997). Accordingly, the application is ordered DISMISSED.

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **SEP 06 2002**

*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, III*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,

SEPTEMBER 04, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0424

DONALD C. POPE, JR., V. GEORGIA POWER COMPANY

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

96036

CV02490

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 04 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

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hereto affixed the day and year last above above written.*

*Clerk.*

*Will Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,

SEPTEMBER 05, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0425

MARY ANN MCELROY V. CHATTAHOOCHEE TECHNICAL COLLEGE

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

90036

02A657

*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*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

\_\_\_\_\_  
Clerk.

*W. Z. Mat...*

**Court of Appeals  
of the State of Georgia**

**ATLANTA,**

**SEPTEMBER 11, 2002**

*The Court of Appeals passed the following order*

Case No. A02D0426

RICHARD C. WAYNE V. RICHARD TODD SANDERS

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

93-036  
011843805

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta SEP 11, 2002*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*W. Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

**ATLANTA,                      SEPTEMBER 11, 2002**

*The Court of Appeals passed the following order*

Case No. A02D0426

RICHARD C. WAYNE V. RICHARD TODD SANDERS

Upon consideration of the motion for reconsideration filed in this case, it is ordered that it be hereby denied.

93-036  
011843805

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    SEP 11, 2002*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

Clerk.

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 29, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0427  
JIMMY RAY BROWN V. TIM BURGESS

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

70036

1E01CV043T

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**AUG 29 2002**

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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 above written.*

*Clerk.*

*Will. Z. Martin, III*

# Court of Appeals of the State of Georgia

ATLANTA, AUG 23 2002

*The Court of Appeals hereby passes the following order:*

**A02D0428. MICHAEL STUART EVERS v. BARBARA C. EVERS ET AL.**

Michael Stuart Evers seeks a discretionary appeal of the order of the superior court denying his motion for attorney fees, under OCGA § 9-15-14, against Plaintiff Barbara C. Evers and Miles W. Rich, P. C., an attorney for Barbara C. Evers in a divorce action. The divorce action was concluded by the execution of a settlement agreement between the parties after Barbara Evers discharged Miles W. Rich and obtained a new attorney. The settlement agreement was incorporated in and made a part of the final judgment and decree of divorce. The settlement agreement expressly provides that “[t]he Husband reserves and does not waive any legal right he may have to proceed to recover damages, attorney fees or both against Miles W. Rich under any provision allowable by law, and the wife agrees that this provision is not a waiver to any right the Husband may have as to Title 51 or OCGA § 9-15-14 or any other cause of action.”

Although Michael Evers has filed his application with this Court, we conclude that appellate jurisdiction lies in the Supreme Court which has exclusive jurisdiction over appeals in divorce cases. Ga. Const. of 1983, Art. VI, Sec. VI, par. III (6). Because the order sought to be appealed is an order directly resulting from the terms of a settlement agreement incorporated in a final judgment and decree of divorce, this Court lacks jurisdiction to consider this application. *Keeler v. Keeler*, 263 Ga. 151 (439 SE2d 5) (1883); *Shapiro v. Lipman*, 259 Ga. 85 (377 SE2d 673) (1989); *Odem v. Odem*, 241 Ga. 451 (246 SE2d 308) (1978).

Additionally, a motion for attorney’s fees and expenses, under OCGA § 9-15-14, is ancillary to the underlying divorce case. See *Hallman v. University*, 225 Ga. App.

247 (483 SE2d 362) (1997) (physical precedent only); see also *Griffin v. Griffin*, 243 Ga. App. 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”). Therefore, this application is TRANSFERRED to the Supreme Court.

*Court of Appeals of the State of Georgia*  
*Clerk's Office, Atlanta*

**AUG 23 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

 , Clerk.

# Court of Appeals of the State of Georgia

ATLANTA,

*The Court of Appeals hereby passes the following order:* **AUG 29 2002**

**A02D0429. DAVID RONALD HARRISON v. THE STATE.**

On August 8, 2002, David Ronald Harrison filed this application to appeal the July 3, 2002 order denying his motion to correct a void or illegal sentence. An application for discretionary appeal must be filed within 30 days of the entry of the order complained of. OCGA § 5-6-35 (d). Since Harrison filed his application 36 days after the entry of the order complained of, the application is untimely, this Court lacks jurisdiction to consider it and the application is hereby ordered DISMISSED.

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**AUG 29 2002**

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*W. Z. Martin, Jr.*, Clerk.

**Court of Appeals  
of the State of Georgia**

ATLANTA,                      SEPTEMBER 06, 2002

*The Court of Appeals passed the following order*

Case No. A02D0429

DAVID RONALD HARRISON V. THE STATE

Upon consideration of the motion for reconsideration filed  
in this case, it is ordered that it be hereby denied.

99-036  
88CR282

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta    SEP 06, 2002*

*I certify that the above is a true extract from  
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*Will Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,

SEPTEMBER 06, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0430

DONALD W. CLARK, JR., V. JANET L. ACKERMAN

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

92036

99V419

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 06 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above written.*

*Clerk.*

*W. L. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA,

SEPTEMBER 03, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0431

KEN HODGES V. HENRY LEE HILL

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

71036

01CV33163

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 03 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

**ATLANTA,                      SEPTEMBER 06, 2002**

*The Court of Appeals hereby passes the following order:*

APPLICATION NO.            A02D0432

BARRY SAPP, SR. V. L.P.S. CONSTRUCTION CORP., ET AL

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

91036

1B02CV153T

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**SEP 06 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

Clerk.

*Will Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA, AUGUST 29, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0433  
CHARLES S. HAYES, JR. V. DEPARTMENT OF PUBLIC  
SAFETY, ET AL

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

97037

2002CV52683

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta* **AUG 29 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*W. Z. Martin, Jr.*

**Court of Appeals  
of the State of Georgia**

ATLANTA, SEPTEMBER 13, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0434  
ERIC ZINCK V. THE CITY OF PEACHTREE CITY ET AL

Upon consideration of the Application for Discretionary  
Appeal, it is ordered that it be hereby DENIED.

95037

1999V1135

*Court of Appeals of the State of Georgia  
Clerk's Office, Atlanta*

**SEP 13 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Will Z. Martin, III*

**Court of Appeals  
of the State of Georgia**

ATLANTA,

SEPTEMBER 09, 2002

*The Court of Appeals hereby passes the following order:*

APPLICATION NO. A02D0435

JOHN J. STUART V. THE CITY OF PEACHTREE CITY ET AL

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

96037

1999V1136

*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta*

**SEP 09 2002**

*I certify that the above is a true extract fromd  
the minutes of the Court of Appeals of Georgia*

*Witness my signature and the seal of said court  
hereto affixed the day and year last above above written.*

*Clerk.*

*Will L. Martin, III*