

2/1/1990	Clarence Cooper is appointed to office
12/31/1990	Braswell Deen leaves office
1/1/1991	Gary Andrews is elected to office
9/5/1991	Banke leaves office
1992	Oral arguments are no longer granted to everyone.
2/28/1992	Edward Johnson is appointed to office
12/31/1992	Sognier leaves office
1/1/1993	G. Alan Blackburn is elected to office
3/16/1993	Carley leaves to serve on the Supreme Court of Georgia
5/10/1993	J.D. Smith is appointed to office
5/27/1994	Cooper leaves office to serve on the Federal Court of Appeals
8/24/1994	John Ruffin is appointed to office.
4/2/1996	<p>Governor Zell Miller's legislative package for that year included a bill to increase the number of judges on the Court of Appeals by four, bringing the number to thirteen. The Governor's plan was for the Court to serve in four divisions of three judges each and the Chief Judge to function as an administrative head of the Court and to assist each division. While the Governor was not successful in creating four additional judgeships for the Court, the Legislature did pass Senate Bill 750, which added a tenth judge.</p> <p>Legislation also changed the process by which cases would be decided in the event of a dissent. Before the 1996 amendment (1996 Ga. Laws, p. 405), cases in which there was a dissent in one division were decided by the whole court. Now, cases involving a dissent are determined by seven judges, including the assigned division, the next division in succession and a seventh judge.</p>
7/16/1996	Eldridge is appointed as 10th Judge
1997/1998	Further, legislative efforts to increase the number of judges on the Court of Appeals of Georgia fell short in both 1997 and 1998.

6/6/1998	Birdsong passes away (Judge Banke fills in)
1/1/1999	Anne Elizabeth Barnes is elected to office
3/27/1999	In 1999, the legislature passed Senate Bill 59 which was signed into law by Governor Roy Barnes. This bill increased the number of judges on the Court of Appeals from 10 to 12 and permitted the Court to sit in four divisions.
4/1/1999	Beasley leaves office
7/12/1999	Miller is appointed to office to replace Beasley
	John Ellington and Herbert Phipps are appointed as 11th and 12th Judges

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## Georgia Legislative Documents



### Content of Act/Resolution

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#### ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1996

[missing title]

1996 Vol. 1 -- Page: 405

Sequential Number: 093

**Short Title:** COURTS -- COURT OF APPEALS; NUMBER OF JUDGES; MANNER OF HEARING AND DECIDING CASES; MANNER OF OVERRULING DECISIONS; QUORUM; ELECTION AND TERM OF OFFICE; SUPERIOR COURTS; LOCAL SALARY SUPPLEMENTS FOR JUDGES IN NEWLY CREATED SUPERIOR COURT JUDGESHIPS; NO PUBLICATION OF INTENT TO INTRODUCE LOCAL LEGISLATION REQUIRED FOR BILL CREATING NEW SUPERIOR COURT JUDGESHIP.

**Intent:** Code Sections 15-3-1, 15-3-4, and 15-6-29 Amended.

**Law Number:** No. 738

**Origin:** (Senate Bill No. 750).

**Type:** AN ACT

**Full Title:** To amend Chapter 3 of Title 15 of the Official Code of Georgia Annotated, relating to the Court of Appeals, so as to increase the membership of the Court of Appeals; to provide for the manner in which cases are heard; to provide for the manner in which decisions can be overruled; to specify what constitutes a quorum; to provide for election and term of office; to amend Code Section 15-6-29 of the Official Code of Georgia Annotated, relating to compensation of superior court judges, so as to provide that when a new judgeship is created, the new judge shall receive the same local salary supplement paid to the incumbent judge or judges of the circuit; to provide that no publication of a notice of intention to introduce local legislation shall be required for any bill creating one or more new judgeships; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Chapter 3 of Title 15 of the Official Code of Georgia Annotated, relating to the Court of Appeals, is amended by striking in its entirety Code Section 15-3-1, relating to the composition and division of the Court of Appeals, and inserting in lieu thereof a new Code Section 15-3-1 to read as follows:

"15-3-1.

(a) *Composition.* The Court of Appeals shall consist of ten Judges who shall elect one of their number as Chief Judge, in such manner and for such time as may be prescribed by rule or order of the court.

(b) *Divisions.* The court shall sit in three divisions composed of three Judges in each division. Two Judges shall constitute a quorum of a division. The assignment of Judges to each division shall be made by the Chief Judge, and the personnel of the divisions shall from time to time be changed in accordance with rules prescribed by the court. The Chief Judge shall designate the Presiding Judges of the three divisions and

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**Page: 406**

shall, under rules prescribed by the court, distribute the cases among the divisions in such manner as to equalize their work as far as practicable.

(c) *How cases heard.*

- (1) Each division shall hear and determine, independently of the others, the cases assigned to it, except that the division next in line in rotation and a seventh Judge shall participate in the determination of each case in which there is a dissent in the division to which the case was originally assigned.
- (2) In all cases which involve one or more questions which, in the opinion of the majority of the Judges of the division or of the two divisions plus a seventh Judge to which a case is assigned, should be passed upon by all the members of the court, the questions may be presented to all the members of the court; and if a majority of all the members of the court decide that the question or questions involved should, in their judgment and discretion, be decided by all the members of the court, the case shall be passed upon by all the members of the court, provided that a majority of the Judges passing upon the case concur in the judgment.
- (3) In neither class of cases referred to in this subsection shall there be oral argument except before the division to which the cases are originally assigned.

(d) *How decision overruled.* It being among the purposes of this Code section to avoid

and reconcile conflicts among the decisions made by less than all of the Judges on the court and to secure more authoritative decisions, it is provided that when two divisions plus a seventh Judge sit as one court the court may, by the concurrence of a majority, overrule any previous decision in the same manner as prescribed for the Supreme Court. As precedent, a decision by such court with a majority concurring shall take precedence over a decision by any division or two divisions plus a seventh Judge. A decision concurred in by all the Judges shall not be overruled or materially modified except with the concurrence of all the Judges.

(e) *Quorum.* When all the members of the court are sitting together as one court, six Judges shall be necessary to constitute a quorum. In all cases decided by such court as a whole by less than ten Judges, the concurrence of at least five shall be essential to the rendition of a judgment.

(f) *Oral arguments.* The Court of Appeals may hear oral arguments at places other than the seat of government. Reasonable notice shall be given of such hearings.

(g) *Assistance of other judges; procedure.* Whenever the court unanimously determines that the business of the court requires the temporary

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**Page: 407**

assistance of an additional judge or additional judges or one additional panel, the court may request the assistance of senior appellate judges as provided in Chapter 3A of this title or senior superior court judges as provided in Article 8 of Chapter 10 of Title 47. The Judge whose case assignment is transferred to the additional judge shall not vote on the case."

## **SECTION 2.**

Said chapter is further amended by striking in its entirety Code Section 15-3-4, relating to the election and term of office of Judges of the Court of Appeals, and inserting in lieu thereof a new Code Section 15-3-4 to read as follows:

"15-3-4.

Two Judges of the Court of Appeals shall be elected at each general state election to be held on Tuesday after the first Monday in November of the even-numbered years in the manner in which Justices of the Supreme Court are elected; except that three Judges shall be elected at the general state election to be held in 1960 and thereafter at each six-year interval, that four Judges shall be elected at the general state election to be held in 1962 and thereafter at each six-year interval, and that one Judge appointed by the Governor on or after July 1, 1996, shall serve until January 1, 1999, and an initial successor to the Judge appointed by the Governor on or after July 1, 1996, shall be duly elected and qualified at the general state election to be held in 1998. Such successor shall serve until January 1, 2001, and a successor to that Judge shall be duly elected and

qualified at the general state election to be held in 2000. Thereafter, successors to such Judge shall be elected and qualified at each six-year interval. The terms of the Judges shall begin on January 1 following their election and, except as provided above, shall continue for six years and until their successors are qualified. They shall be commissioned accordingly by the Governor."

### **SECTION 3.**

Code Section 15-6-29 of the Official Code of Georgia Annotated, relating to compensation of superior court judges, is amended by adding at its end a new subsection (c) to read as follows:

"(c) When a new superior court judgeship is created by law for any judicial circuit, the new superior court judge shall upon taking office become entitled to and shall receive from the county or counties comprising the circuit the same county salary supplement, if any, then in effect for the other judge or judges of the judicial circuit. Such salary supplement for such new judge shall be authorized by this subsection and no other legislation or local legislation shall be required in order to authorize such salary supplement, but nothing in this Code section shall be construed to prohibit the enactment of local legislation relating to

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**Page: 408**

such salary supplements. A publication of notice of intention to introduce local legislation as provided for in Code Section 28-1-14 shall be required for any local legislation granting, changing the amount of, or removing a salary supplement; but no publication of notice of intention shall be required for a bill creating one or more new superior court judgeships."

### **SECTION 4.**

This Act shall become effective on July 1, 1996.

### **SECTION 5.**

All laws and parts of laws in conflict with this Act are repealed.

### **NOTICE OF INTENTION TO INTRODUCE LOCAL LEGISLATION**

Notice is given that there will be introduced at the regular 1996 session of the General Assembly of Georgia a bill to provide for a tenth judge of the superior court of the Stone Mountain Judicial Circuit of Georgia; to provide for the appointment of the first such additional judge by the governor; to prescribe the qualifications, compensation, salary, county supplement and expense allowance of said judge; to authorize the governing authority of any county which comprises the Stone Mountain Judicial Circuit to provide facilities, office space, supplies, equipment, and personnel for said judges; and for other purposes.

This 1st day of February, 1996.

Senator Mary Margaret Oliver  
42nd District  
GEORGIA, FULTON COUNTY

Personally appeared before me, the undersigned authority, duly authorized to administer oaths, Mary Margaret Oliver, who, on oath, deposes and says that she is Senator from the 42nd District, and that the attached copy of Notice of Intention to Introduce Local Legislation was published in the Decatur-DeKalb News/Era, which is the official organ of DeKalb County, on the following date: February 8, 1996.

/s/ Mary Margaret Oliver Senator, 42nd District Sworn to and subscribed before me,  
this 22nd day of February, 1996.

/s/ Connie F. Smith  
Notary Public, Clayton County, Georgia  
My Commission Expires Dec. 6, 1997  
(SEAL)

**Approval Date:** Approved April 2, 1996.

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## Georgia Legislative Documents



### Content of Act/Resolution

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#### ACTS AND RESOLUTIONS OF THE GENERAL ASSEMBLY OF THE STATE OF GEORGIA 1999 Volume One

[missing title]

1999 Vol. 1 -- Page: 10

Sequential Number: 007

**Short Title:** COURTS -- COURT OF APPEALS; NUMBER OF JUDGES; DIVISIONS;  
QUORUM; ELECTIONS; TERMS; APPOINTMENT.

**Intent:** Code Sections 15-3-1 and 15-3-4 Amended.

**Law Number:** No. 18

**Origin:** (Senate Bill No. 59).

**Type:** AN ACT

To amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to change the number of Judges of the **Court of Appeals**; to

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**Page:** 11

provide that the court shall sit in divisions; to specify the number of Judges which shall constitute a quorum; to provide for the election and term of office of Judges; to provide for the initial appointment of additional judges; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

**SECTION 1.**

Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by striking

Code Section 15-3-1, relating to the composition and division of the **Court of Appeals**, and inserting in lieu thereof a new Code Section 15-3-1 to read as follows:

"15-3-1.

- (a) *Composition.* The **Court of Appeals** shall consist of 12 Judges who shall elect one of their number as Chief Judge, in such manner and for such time as may be prescribed by rule or order of the court.
- (b) *Divisions.* The court shall sit in divisions composed of three Judges in each division. Two Judges shall constitute a quorum of a division. The assignment of Judges to each division shall be made by the Chief Judge, and the personnel of the divisions shall from time to time be changed in accordance with rules prescribed by the court. The Chief Judge shall designate the Presiding Judges of the divisions and shall, under rules prescribed by the court, distribute the cases among the divisions in such manner as to equalize their work as far as practicable.
- (c) *How cases heard.*
  - (1) Each division shall hear and determine, independently of the others, the cases assigned to it, except that the division next in line in rotation and a seventh Judge shall participate in the determination of each case in which there is a dissent in the division to which the case was originally assigned.
  - (2) In all cases which involve one or more questions which, in the opinion of the majority of the Judges of the division or of the two divisions plus a seventh Judge to which a case is assigned, should be passed upon by all the members of the court, the questions may be presented to all the members of the court; and if a majority of all the members of the court decide that the question or questions involved should, in their judgment and discretion, be decided by all the members of the court, the case shall be passed upon by all the members of the court, provided that a majority of the Judges passing upon the case concur in the judgment.
  - (3) In neither class of cases referred to in this subsection shall there be oral argument except before the division to which the cases are originally assigned.

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**Page: 12**

- (d) *How decision overruled.* It being among the purposes of this Code section to avoid and reconcile conflicts among the decisions made by less than all of the Judges on the court and to secure more authoritative decisions, it is provided that when two divisions plus a seventh Judge sit as one court the court may, by the

concurrence of a majority, overrule any previous decision in the same manner as prescribed for the Supreme Court. As precedent, a decision by such court with a majority concurring shall take precedence over a decision by any division or two divisions plus a seventh Judge. A decision concurred in by all the Judges shall not be overruled or materially modified except with the concurrence of all the Judges.

- (e) *Quorum*. When all the members of the court are sitting together as one court, seven Judges shall be necessary to constitute a quorum. In all cases decided by such court as a whole by less than 12 Judges, the concurrence of at least seven shall be essential to the rendition of a judgment.
- (f) *Oral arguments*. The **Court of Appeals** may hear oral arguments at places other than the seat of government. Reasonable notice shall be given of such hearings.
- (g) *Assistance of other judges; procedure*. Whenever the court unanimously determines that the business of the court requires the temporary assistance of an additional judge or additional judges or one additional panel, the court may request the assistance of senior appellate judges as provided in Chapter 3A of this title or senior superior court judges as provided in Code Section 47-23-101. The Judge whose case assignment is transferred to the additional judge shall not vote on the case."

## SECTION 2.

Said title is further amended by striking Code Section 15-3-4, relating to the election and term of office of Judges of the **Court of Appeals**, and inserting in lieu thereof a new Code Section 15-3-4 to read as follows:

"15-3-4.

The Judges of the **Court of Appeals** shall be elected at the general state election to be held on Tuesday after the first Monday in November of the even-numbered years in the manner in which Justices of the Supreme Court are elected. The election of the Judges shall be as follows:

- (1) Successors to the Judges serving in judgeships which existed prior to 1999 shall be elected as follows:
  - (A) Successors to any Judges whose terms expired at the end of 1998 shall be elected at the general election in 2004 and each sixth year thereafter;
  - (B) Successors to any Judges whose terms expire at the end of 2000 shall be elected at the general election in 2000 and each sixth year thereafter;

(C) Successors to any Judges whose terms expire at the end of 2002 shall be elected at the general election in 2002 and each sixth year thereafter; and

(D) Successors to any Judges whose terms expire at the end of 2004 shall be elected at the general election in 2004 and each sixth year thereafter; and

(2) Successors to the two judges serving in the judgeships created in 1999 shall be elected at the 2000 general election and each sixth year thereafter.

The terms of the Judges shall begin on January 1 following their election and, except as provided above, shall continue for six years and until their successors are qualified.

They shall be commissioned accordingly by the Governor."

**SECTION 3.**

The initial judges to serve in the two judgeships created by this Act shall be appointed by the Governor for terms to expire at the end of 2000.

**SECTION 4.**

This Act shall become effective July 1, 1999.

**SECTION 5.**

All laws and parts of laws in conflict with this Act are repealed.

**Approval Date:** Approved March 27, 1999.

ELECTION '92

Judgeship proposal gets mixed reviews

Candidates evaluate settlement to end suit

Author: MCINTOSH, SANDRA Sandra McIntosh STAFF WRITER STAFF Date: July 13, 1992 Publication: The Atlanta Journal and The Atlanta Constitution Page Number: C/3 Word Count: 1025

Ga. to phase out judge elections

Deal will settle federal suit alleging racial bias in process

Justice Department must OK changes before implementation

Author: HARVEY, STEVE AND COOK, RHONDA Rhonda Cook and Steve Harvey STAFF WRITERS STAFF Date: June 18, 1992 Publication: The Atlanta Journal and The Atlanta Constitution Page Number: A/1 Word Count: 755

December 21, 1991, Saturday

**SECTION:** STATE NEWS; SECTION B; PAGE 03

**LENGTH:** 607 words

**HEADLINE:** Justice Smith, 75, leaves high court; Gives up 6-year battle against retirement law

**BYLINE:** By Rhonda Cook STAFF WRITER courts; law; retirement; personalities

**BODY:**

State Supreme Court Justice George T. Smith - who survived 156 air raids during World War II, seven governors and more than 40 years in politics - retired Friday, surrendering to a law that says he's too old to be a judge.

Having fought the state's mandatory retirement law for more than six years, he stepped down rather than forfeit his pension for staying on the bench past his 75th birthday.

After serving as speaker of the House, lieutenant governor and presiding justice of the Supreme Court, Justice Smith had hoped to stay in office long enough for one more achievement - the title of chief justice.

But his political connections, legislative prowess and appeals to other courts could not keep him in office.

"Physically, right now I'm better than I was six or seven years ago," he said Friday afternoon. "I walk seven flights of stairs every day to work, and I walk right down that afternoon. Sometimes I walk 'em twice."

George Thornewell Smith, who turned 75 two months ago, is the only Georgian to win contested elections in all three branches of state government - executive, legislative and judicial. He ran for governor in 1974 but lost the Democratic primary to George Busbee.; Stubborn and bullheaded

He concedes he also will be remembered "for being so damn stubborn and bullheaded and not retiring when everybody wanted me to."

Gov. Zell Miller and former Gov. Joe Frank Harris both vetoed bills, introduced by his friends in the General Assembly, that would have let Justice Smith stay on the bench. As he neared his Oct. 16 birthday, Justice Smith and his friends filed several constitutional challenges of the law in federal and state courts, losing them all.

State law sets mandatory retirement ages for some law enforcement officers and members of the Georgia Court of Appeals and the Georgia Supreme Court. Appellate judges who serve past their 75th birthdays lose their pensions.

Justice Smith will collect \$ 69,835 per year, based on three decades of state service.

Justice Smith delivered his resignation to Mr. Miller's attorney, Cynthia Wright, shortly after 5 p.m. Friday. A spokesman said Mr. Miller was in budget briefings at the time. Mr. Miller will appoint Justice Smith's replacement.

"I'm leaving something I love very much," Justice Smith said in his final hour as a sitting Georgia Supreme Court justice. "Not to work will be an absolute death sentence to me. I don't know what I'll do, but I'll find something."

A former criminal lawyer from South Georgia's Grady County, Justice Smith said being a judge allowed him to protect the underdog, "the people getting run over."

"He's always been regarded as one who championed the cause of the individual," said former Justice G. Conley Ingram. "I hate to see him go."

As a Navy ensign in World War II, Justice Smith received the Fatherland of War Second Class medal from the Soviet Union, equal to the United States' Silver Star, for a convoy run to move supplies.

He entered public life in 1949 when he was elected city attorney in Cairo. He left Cairo in 1958 to become a member of the House of Representatives.

He was speaker of the House from 1963 to 1967, when he was elected lieutenant governor, an office he lost to Lester Maddox in 1971. He was elected to the Georgia Court of Appeals in 1976 and to the Supreme Court in 1980.

Justice Smith had a reputation for being a lone wolf on the court, writing dissents to the court's opinions more often than his colleagues. On Justice Smith's desk was a plaque, a gift from a former clerk that read, "Respectful, hell. I just dissent."

**LOAD-DATE:** March 18, 1992

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December 26, 1991, Thursday

**SECTION:** EDITORIAL; Section A; Page 13

**LENGTH:** 517 words

**HEADLINE:** Miller can make mark naming woman justice

**BYLINE:** Dick Williams; courts; appointments; women; blacks; conditions; opinion

**BODY:**

With the resignation of the feisty and persistent George T. Smith from the Georgia Supreme Court, Gov. Zell Miller has a chance to decide between making history or playing politics.

The betting here is that Mr. Miller, the former history teacher, will opt for his specialty and name the first woman to the state's highest court.

There's no guarantee, of course, that political debts won't be more important. Mr. Miller's well-financed campaign last year piled up a lot of IOUs around the state.

Lawyers more than any group drive the political engines and judicial appointments are an important part of that.

So it was that as former Gov. Joe Frank Harris was walking out the door of the governor's mansion, he named his campaign manager, Norman Fletcher, to the high court. A woman was thought to have the inside track for the appointment.

Mr. Miller may be able to have the best of both worlds, for Georgia's mandatory retirement law - finally upheld in court - has created two high-level openings. In addition to Mr. Smith's seat on the high court, the position of Judge Harold Banke on the Court of Appeals remains unfilled.

A spokesman for the governor said nothing has been done about it yet.

The Judicial Nominating Commission should begin next week to advertise the seats and solicit nominations. It will interview nominees and applicants and send a list of names to Mr. Miller, rating them either qualified or well qualified.

Time was when the appointment of a woman might have looked like a vote-getting trick, an affirmative discrimination stunt. But Georgia's trial court benches have been distinguished in recent years by women.

That staid conservative, Mr. Harris, appointed several standouts. The quality of female judges allows Mr. Miller to make history and play politics. He could, for instance, name a woman to the Supreme Court and pay a political debt by his appointment to the Court of Appeals.

He could reward important voting blocks by choosing a black woman for one of the posts and a woman for another.

Among the women being mentioned are Judge Dorothy Beasley of the Court of Appeals, Judge Elizabeth Glazebrook of Jasper and the Appalachian Circuit and judges Frank Hull and Leah Sears-Collins of the Fulton County Superior Court.

Lawyers put longer odds on Judge Thelma Wyatt Cummings of Fulton County and Judge Linda Hunter of the DeKalb County Superior Court.

Judges Beasley, Glazebrook and Hull are white. The others are black.

DeKalb Judge Carole Hunstein is said to have ruled herself out because of her service on the panel that heard one of Justice Smith's many efforts to overturn the mandatory retirement law.

Unless there's a white male lawyer out there who believes he and only he can fill the shoes of Justice Smith, the female field is one solid enough to allow Mr. Miller to make history with confidence.

And for all the carping of blacks about underrepresentation on the bench, Georgia's progress is evident. Blacks sit on the two courts and will be among the foremost candidates.

Time and ability do take care of a lot of resentments.

**LOAD-DATE:** March 31, 1992

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July 2, 1996, Tuesday, CONSTITUTION EDITION

**SECTION:** LOCAL NEWS; Pg. 07C

**LENGTH:** 506 words

**HEADLINE:** METRO IN BRIEF;  
Police seeking rapist who broke into home

**BODY:**

Atlanta police were searching for a man who broke into a woman's home as she slept and raped her at knifepoint. The 24-year-old woman was injured in the struggle with her attacker, but was treated and later released from Grady Memorial Hospital, said Sgt. M.L. Ellis. The man broke into her Lindmont Circle apartment shortly before 4 a.m. Monday, Ellis said. "She does not know if she left the window open or not," he said.

**COURTS**

-~~COURT~~APPOINTMENT: Fulton Superior Court Judge Frank Eldridge was appointed to the Georgia Court of Appeals Monday by Gov. Zell Miller. Eldridge's seat, the court's 10th, was created this year by the General Assembly to ease the court's heavy caseload. Eldridge has served as a Superior Court judge for 17 years and as a part-time professor at Emory University Law School for 14 years. He has law degrees from Vanderbilt and New York universities. He will be sworn in at 3 p.m. July 16 in the Georgia House chamber.

-PERJURY SENTENCE: A U.S. District Court judge sentenced a Florida man Monday to three years and eight months in prison for perjury. The perjury charge stems from the case of Walter Leroy Moody Jr., who sent homemade package bombs to a judge and a Savannah civil rights lawyer in 1989. Ted Banks, 69, plead guilty to perjury, admitting that he falsely recanted statements he made against Moody. Moody was found guilty in the bombings, which killed two men.

-CHALLENGE DISMISSED: A legal challenge to the residency of a DeKalb Superior Court Judge Gail Flake was dismissed Monday after a heated hearing. Carla Anderson, a supporter of Mike Raffauf's, Flake's opponent in the July 9 election, claimed Flake lives in Newton County. As evidence, Anderson cited documents indicating that former DeKalb Sheriff Pat Jarvis this year received a homestead exemption for property he and Flake owned together in Newton County until he signed the property over to her several months ago. Assistant Attorney General John Jones said that the judge did not contest those facts, but that they do not demonstrate that she does not live in the house she owns in DeKalb. In dismissing the case, Senior Judge Edward Wheeler, showing some frustration with the petitioner's lawyer, Gerald Lupa, said the challenge probably should have been filed in Newton County.

**MILITARY**

- COMMAND CHANGES: Gen. John Tilelli, confirmed by the Senate late last week to be the military's point man in the Republic of Korea, turned over control of the Army's Forces Command (FORSCOM) Monday to Gen. David Bramlett in ceremonies at Fort McPherson in Atlanta. Tilelli, who ran into some opposition in his confirmation hearings from Sen. John McCain (R-Ariz.) for his role in Olympics security planning, will command all U.S. and U.N. forces on the Korean peninsula. He leaves FORSCOM, the Army's largest command, after little more than a year on the job.