

ATTACHMENT H: DIRECT APPEAL OUTLINE

OUTLINE OF DIRECT APPEAL PROCESS

1. Appellant files a notice of appeal, usually in the trial court. See OCGA § 5-6-34 & § 44-7-56. Usually must file within 30 days (or 7 days in a dispossessory action) from the stamped filed date of the trial court order or judgment appealed.
 - a. Appellant must designate in the notice of appeal those parts of the trial court record that should be **left out** of the copy that the trial court sends to the Court of Appeals, and must designate whether any transcripts should be included. See OCGA § 5-6-42, § 5-6-43 and § 5-6-44.
 - b. Normally, appellant must pay costs to the trial court before the appeal will be transmitted.
2. After preparing the record and receiving the transcripts from the court reporter, the trial court clerk sends the record and transcripts to the Court of Appeals.
3. When the Court of Appeals receives all of the designated documents from the trial court, it **dockets** the appeal. The appeal is given a case number, and the case is assigned to a panel of three judges. The Court of Appeals Clerk's Office sends a docketing notice to the appellant(s) and appellee(s).
4. Within 20 days of the docketing date, the appellant must either file a brief or ask for and be granted an extension of time in which to file a brief. See Rule 23 (a). The required format for a brief can be found in Court of Appeals Rules 24 and 25.
5. Unless an extension is granted, the appellee's response brief must be filed within 40 days after the case is docketed or 20 days after the appellant's brief is filed, whichever is later. See Rule 23 (b). The required format for a brief can be found in Court of Appeals Rules 24 and 25.
6. Appellant may file a response to the appellee's brief within 20 days of the appellee's brief. See Rule 23 (c).
7. The Court issues its judgment in the case. The ruling is transmitted to all parties.

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8. Options for parties:

If satisfied with the decision, no further action.

If appellant or appellee unsatisfied with the decision

File motion for reconsideration – Rule 37 (Note time deadlines)

Granted: Case will be reexamined

Denied

Petition for a writ of certiorari – Rule 38

Within 10 days

Ga. S. Ct. Rule 38

within 20 days

File a notice of intention to apply for certiorari to **Supreme Court of Georgia** (Form 10)
(Filed in the Court of Appeals)

File a notice of filing petition for certiorari in **Supreme Court of Georgia** (Form 11)
(Filed in the Court of Appeals)