A CITIZEN'S GUIDE TO FILING APPEALS IN THE COURT OF APPEALS OF GEORGIA

NOTES:

(1) This guide is for self-represented parties, or parties not represented by attorneys.

(2) Parties must check the latest statutes and Court rules, as this guide may not have the latest information.

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***** AS OF APRIL 1, 2020, ALL SELF-REPRESENTED LITIGANTS MAY E-FILE DOCUMENTS IN THEIR CASES IN THE COURT OF APPEALS. PLEASE VISIT www.gaappeals.us and follow the instructions on the lower right side of home page under "eFiling" to register and upload your filings. You will need the case number and your user ID from your docket notice from the Court of Appeals to complete the registration. *****

1. INTRODUCTION

This guide is intended to help self-represented parties, or parties who represent themselves without a lawyer, by providing basic information about the appeals process in Georgia and the steps that must be taken in appealing to the Court of Appeals of Georgia. **This guide is not legal advice and may not be cited as legal authority**. Parties are strongly encouraged to obtain a lawyer to represent them in an appeal. The rules are complicated, and there are important deadlines that must be met. The failure to follow rules or meet deadlines may – and often does – result in an appeal being lost or dismissed. Such failures may also result in documents being returned to a party for correction.

For parties who decide to represent themselves, it is important to read – and understand – this Court's rules and the Georgia statutes (laws) regarding appeals. This guide should be used along with those relevant Court rules and Georgia statutes, which will be referred to throughout this guide. This guide is not all-inclusive, and it is not a substitute for reading and understanding the rules and statutes.

You are not allowed to file pleadings (documents) on behalf of anyone other than yourself unless you are a licensed attorney admitted to practice in this Court. A corporation must be represented by a licensed attorney and may not be represented by a non-lawyer employee, director, or officer of the corporation. See *Eckles v. Atlanta Technology Group, Inc*., 267 Ga. 801 (1997). Although you have the constitutional right in Georgia to represent *yourself*, the unauthorized practice of law – representing someone else – is forbidden and may subject you to criminal penalties. See OCGA § 15-19-51.

Contact by any party with a judge of this Court or any member of a judge's staff about a pending case is strictly forbidden. All communication with the Court must be by written documents filed with the Clerk of Court, along with copies served upon (that is, delivered to by U.S. mail, in person, or electronically) opposing counsel and any parties without lawyers. Also, staff of the Clerk's Office are not allowed to give you suggestions or legal advice or make any specific recommendations about how to pursue an appeal or defend against an appeal.

Please note that **all documents filed by self-represented parties may be filed in paper format or (as of April 1, 2020 (see instructions at top of this page)) be e-filed.** Self-represented parties

may submit an e-mail address to the Clerk of Court to receive unofficial copies of opinions or orders, but the Clerk is required by law to send you a written copy of these documents by U.S. mail. Attorneys practicing in this Court must submit all documents electronically.

The laws of Georgia are put together in a series of books called the Official Code of Georgia Annotated, or OCGA for short. In this guide, you will see references to specific sections of the OCGA that relate to filing both a direct appeal that comes up from the trial court (OCGA Section 5-6-34 (a)), and an application to appeal that you file directly with the Court of Appeals (OCGA Sections 5-6-34 (b) and 5-6-35). You will find a summary of OCGA Section 5-6-34 on pages 12 and 13, and a complete copy of that section of the law on pages 67 and 68. You will find a summary of OCGA Section 5-6-35 on pages 17 through 19, and a complete copy of that law on pages 69 and 70.

2. INFORMATION ABOUT THE COURT OF APPEALS

The Court of Appeals of Georgia is the intermediate appellate court for the State of Georgia. The Court of Appeals reviews appeals from the trial courts or lower courts when jurisdiction is not exclusively reserved to the Supreme Court of Georgia or other courts. (See Section 10: the Georgia Court System, in this guide). Cases come to the Court of Appeals in three ways: by direct appeals, or appeals by right; by granted applications for discretionary appeal, or appeals the Court agrees to hear at the end of a case; and granted applications for interlocutory appeal, or appeals before a trial ends that the Court agrees to hear.

The Court of Appeals has fifteen judges, who are divided into five "divisions." Each division has three judges, one of whom is a presiding judge. Generally, an appeal will be decided only by those three judges. All of the judges review the record, the briefs, and the relevant law. The judge "assigned" to the case looks at the appeal first and writes a decision or order, then the other two judges read the decision or order and agree or disagree with the first judge. In rare cases, such as when the Court considers whether to change its case law or the issue is extremely important, all fifteen judges of the Court will decide an appeal.

The Clerk's Office of the Court of Appeals is open Monday through Friday from 8:30 a.m. to 4:30 p.m. The office is closed on state holidays and during extremely bad weather. We will post a notice on the Court's website, under the Announcements tab, when the office is closed because of bad weather.

Website
www.gaappeals.us

Mailing Address
Court of Appeals of Georgia
Clerk of Court
330 Capitol Avenue, S.E.
1st Floor • Suite 1601
Atlanta, Georgia 30334

Telephone
404-656-3450

Rules of the Court of Appeals
www.gaappeals.us/rules-1-8

NOTE: When we refer to Rules in this guide, we mean the Rules of the Court of Appeals of Georgia.

3. BASIC FILING PROCEDURES

A. FILING DOCUMENTS IN THE COURT OF APPEALS

All self-represented parties may submit documents in paper format or e-file. (Attorneys admitted to practice in this Court must file all documents electronically.) Any document submitted to the Court must be filed with the Clerk's Office, be signed by the party or counsel, and contain a proper certificate of service showing that it was served on (that is, delivered to by U.S. mail, in person, or electronically) the opposing party or counsel. See the example of a certificate of service on Form 2. Only file one original of any paper document. See Rule 6.

Paper documents may be mailed to the Court of Appeals, sent by express mail or courier service, or hand delivered. Fax filings are not accepted. Incarcerated parties (prisoners) who are representing themselves on appeal may submit documents to prison officials to forward to the Clerk's Office. See Rule 4. As of April 1, 2020, self-represented parties may also e-file documents. See www.gaappeals.us and "eFiling" for instructions to register to e-file.

The Clerk's Office closes at 4:30 p.m. All paper filings must be submitted by that time.

B. COSTS

The cost of filing a direct appeal or an application to appeal is $80 for criminal cases and $300 for civil cases. Application costs must be paid when the application is filed. If you file a direct appeal, you must pay the costs by the time you file your brief. Fees may be paid by credit card with any electronic filing or by cash, check, or money order. See Rule 5.

The Clerk cannot accept an application or a brief for filing without the filing fee unless (1) it is accompanied by an adequate pauper's affidavit, (2) the self-represented party is incarcerated, or (3) in represented cases, the attorney for the party was appointed due to the party's indigence. If the Court grants an application to appeal, another fee is not required when the subsequent direct appeal is docketed in this Court and the brief is filed.

If you believe that you are unable to pay the filing fee because you do not have the money, you must submit a sufficient notarized pauper's affidavit along with the notice of appeal or application, using the form on the Court's website. This form is not necessary if you are in jail or prison. See Rule 5. A sample pauper's affidavit form is attached to this guide. See Form 1.

If a case is dismissed before you file your brief, you still must pay the fee when the Court sends a bill.

C. DOCKETING A DIRECT APPEAL

To start a direct appeal, a notice of appeal must be filed in the proper court, usually the trial court, within the proper time limit, usually 30 days from the date the order or judgment being appealed was filed (but within 7 days for dispossessory orders). When the notice of appeal is filed, the trial

court clerk will prepare a copy of the record, as requested in the notice. The trial court clerk will send the record and any transcripts to the Court of Appeals, along with a copy of the notice of appeal. The Court of Appeals will not docket a direct appeal until it receives the record from the trial court clerk in the proper format. See Rule 11. The final order of the trial court that is being appealed must be included in the record and must have been stamped "filed" by the trial court clerk. If the order does not contain the trial court clerk's stamp, the Court of Appeals will return the notice of appeal and record to the trial court.

Once the appeal is docketed, the Clerk of the Court of Appeals will send a notice to the parties or their attorneys that the appeal has been received and docketed. **This "Docketing Notice" is very important because it contains the deadlines for filing briefs, requests to argue, and calendaring information.** Because this notice is sent by U.S. mail (or by e-mail for registered e-filers), it is very important that you have provided the Court with a valid mailing address (and e-mail address, if you are e-filing). The docketing notice should be read carefully. See Rule 13 and Section 5 of this guide: Direct Appeals, for more detail about briefs.

You can check the status of your case online from the docket or see opinions of the Court on the Court's website at www.gaappeals.us/docket-search/. You can also review the record at the Clerk's Office.

D. FILING AN APPLICATION TO APPEAL

Applications for discretionary appeal and applications for interlocutory appeal are filed directly with the Court of Appeals, not the trial court. The application contains your arguments about why the Court should grant your application, and you should include as exhibits any necessary parts of the trial court record. A discretionary application must contain a copy of the signed order or judgment being appealed that was stamped "filed" by the trial court clerk. See Rule 31 (c). An interlocutory application must contain a signed copy of the order or judgment being appealed that was stamped "filed" in the trial court and a stamped "filed" copy of a Certificate of Immediate Review from the trial court. See Rule 30 (c); see also Section 6 in this guide: Discretionary Applications, and Section 7 in this guide: Interlocutory Applications, for more detail.

4. APPEALING A CASE: AN OVERVIEW

An appeal is a review of what happened in the lower court to determine whether the judge made any **mistakes of law** and if so, whether you are entitled to relief. The Court of Appeals is bound by the record from the trial court. This means that parties cannot give testimony before the Court of Appeals or introduce new evidence that was not introduced in the trial court. The Court of Appeals decides an appeal based only on the trial court record, the parties' briefs, the law, and, sometimes, the parties' oral arguments.

There are three ways an appeal can come to the Court: direct appeals, granted discretionary applications, and granted interlocutory applications. Appeals can be made to the Court of Appeals or the Supreme Court of Georgia. Whether you should appeal to the Court of Appeals or the Supreme Court, the deadlines that apply, and the rules to follow, depend on the type of case you have.

It is important to follow the Georgia statutes regarding appellate procedure and the rules of the Court of Appeals. Failure to do so may result in your appeal being dismissed or denied, or your documents being returned to you. We strongly advise you to hire a lawyer to represent you in this complex process, if possible.

When deciding how to pursue an appeal, consider the following questions:

1. WHAT TYPE OF APPEAL DO I FILE: A DIRECT APPEAL, A DISCRETIONARY APPLICATION, OR AN INTERLOCUTORY APPLICATION?

    a. Rulings that are directly appealable are set out in OCGA § 5-6-34 (a). See Attachment F. If a ruling is directly appealable, a notice of appeal must be filed with the trial court within the proper time frame.

    b. Rulings that require discretionary applications are set out in OCGA § 5-6-35 (a). See Attachment G. Discretionary applications are filed directly with this Court within the proper time frame.

    c. Interlocutory applications are required to appeal rulings before the case is over. A party who wants to appeal an order before the case is over must ask the trial judge to issue a certificate of immediate review and obtain that certificate within 10 days after the order was issued. See OCGA § 5-6-34 (b), Attachment F. Interlocutory applications are filed directly with this Court within the proper time frame.

2. WHERE DO I FILE THE APPEAL OR APPLICATION?

    a. The Court of Appeals has jurisdiction in most types of cases. The Supreme Court has jurisdiction in cases involving constitutional questions, murder, and habeas corpus. The jurisdiction of each court is set out in Ga. Const., Article VI, Section VI, Paragraphs II & III; Ga. Const., Article VI, Section V, Paragraph III; and OCGA § 15-3-3.1. See Attachment E.

b. If you direct an appeal or application to the Court of Appeals but the Supreme Court has jurisdiction, the Court of Appeals will transfer it to the Supreme Court, and vice versa. You do not need to file your appeal or application in both courts.

c. Dispossessory orders are appealed in different ways, depending on which court issued the order. See OCGA 44-7-56. Generally, a party must file either a petition for review or a notice of appeal in state or superior court **within seven (7) days after the entry of the judgment**, and file a copy of the notice with the clerk of the court that issued the order. OCGA 44-7-56 (b) (1). The required content of the petition for review is set out in OCGA 5-3-7 (e) and a "Model Petition for Review" is included in this Guide at Form 15. Further proceedings within the reviewing court are outlined in the statute. See OCGA 44-7-56.

NOTE: Appeals from the following courts are exempt from the requirement of filing a petition for review in state or superior court, and can be appealed directly to the Court of Appeals: The Municipal Court of Columbus, The Civil Court of Macon-Bibb County; The Civil Court of Richmond County; The Georgia State-wide Business Court; and any other court with an appeal directly to the Court of Appeals or the Supreme Court.

3. WHAT IS THE DEADLINE FOR FILING?

a. Usually, a notice of appeal for a direct appeal must be filed within 30 days of the entry of the order or judgment that is being appealed. The notice of appeal is filed in the trial court, not in the Court of Appeals. See OCGA § 5-6-38.

b. Usually, a discretionary application must be filed within 30 days of the entry of the order or judgment being appealed. See OCGA § 5-6-35 (d).

c. An interlocutory application must be filed within 10 days of the day the trial court issues a certificate of immediate review. See OCGA § 5-6-34 (b).

d. To appeal a dispossessory order, the notice of appeal or application must be filed within 7 days of the entry of the order. See OCGA § 44-7-56.

4. WHAT HAPPENS AFTER I FILE A DIRECT APPEAL?

a. After you file a notice of appeal in the trial court, the trial court clerk will prepare the record, certify it is accurate, and send it to the Court of Appeals for filing. The Court of Appeals will only docket the case when it receives the complete record. **Note: the trial court clerk will not prepare the record until the appellant pays all copy costs to that court or is deemed a pauper by that court.** Once the appeal is docketed, the Court will send the parties a docketing notice. See Rule 13.

b. Upon receiving the docketing notice, **the appellant must prepare and file a brief – usually within 20 days – explaining the arguments for the appeal**. See Rules 23, 24, and 25.

c. Then, the appellee (the party responding to the appeal) may file an appellee's brief that responds to the arguments in the appellant's brief. See Rule 23 (b). The State must file an appellee's brief in a criminal case. In other cases, an appellee's brief is optional.

d. If the appellee files a brief, then the appellant may file a reply brief, but one is not required. This shorter brief simply replies specifically to arguments made in the appellee's response brief. See Rule 23 (c). A reply brief is optional.

e. A panel of three judges will review the case and make a decision. The Court of Appeals may dismiss the case, transfer the case, affirm the trial court decision, or vacate or reverse the trial court decision. (Note: there are circumstances where the number of judges deciding an appeal may change).

5. WHAT HAPPENS AFTER I FILE A DISCRETIONARY APPLICATION OR INTERLOCUTORY APPLICATION?

a. Your application contains your arguments about why you think the Court should allow you to appeal. You must include a stamped "filed" copy of the Court's order and whatever parts of the record you think the Court needs to read.

b. The other side may file a response within 10 days, but is not required to do so.

c. The Court of Appeals may dismiss, transfer, grant, or deny the application. **If the application is granted, you have 10 days to file a notice of appeal in the trial court.**

6. WHAT CAN I DO IF I DISAGREE WITH THE DECISION OF THE COURT OF APPEALS?

a. You may file a motion for reconsideration asking the Court to consider its decision again. **A motion for reconsideration must be e-filed or physically received in the Clerk's Office within 10 days of the Court's decision. The Court may reduce this time limit.** See Rule 37.

b. You may also ask the Supreme Court of Georgia to review this Court's decision by filing a "notice of intention to petition for a writ of certiorari" in the Court of Appeals and a petition for a writ of certiorari in the Supreme Court. The notice of intention must be filed within 10 days after a decision is issued, or, if a motion for reconsideration is filed, within 10 days after an order ruling on the motion for reconsideration. A party may file the notice without first filing a motion for reconsideration. **After that, on the same day that you file the petition for a writ**

of certiorari with the Supreme Court, you also must file a notice of filing a petition for a writ of certiorari in the Court of Appeals. See Rule 38.

c. If you do not file a petition for a writ of certiorari, the Court of Appeals will issue a document called a remittitur to the trial court, showing the final judgment of the Court of Appeals. Once the remittitur is issued, jurisdiction of the case returns to the trial court, and this Court no longer accepts any documents in your case. See Rule 39.

5. DIRECT APPEALS: DETAILS

A. CASES THAT ARE DIRECTLY APPEALABLE

The types of cases that may be appealed directly are set out in OCGA § 5-6-34 (a) (Attachment F), which provides as follows:

> Appeals may be taken to the Supreme Court and the Court of Appeals from the following judgments and rulings of the superior courts, the Georgia State-wide Business Court, the constitutional city courts, and such other courts or tribunals from which appeals are authorized by the Constitution and laws of this state:
>
> (1) All final judgments, that is to say, where the case is no longer pending in the court below, except as provided in Code Section 5-6-35 [cases requiring an application for discretionary appeal];
>
> (2) All judgments involving applications for discharge in bail trover and contempt cases;
>
> (3) All judgments or orders directing that an accounting be had;
>
> (4) All judgments or orders granting or refusing applications for receivers or for interlocutory or final injunctions;
>
> (5) All judgments or orders granting or refusing applications for attachment against fraudulent debtors;
>
> (6) Any ruling on a motion which would be dispositive if granted with respect to a [criminal] defense that the action is barred by Code Section 16-11-173 [regarding weapons regulations and licensing];
>
> (7) All judgments or orders granting or refusing mandamus or any other extraordinary remedy, except with respect to temporary restraining orders;
>
> (8) All judgments or orders refusing applications for dissolution of corporations created by the superior courts;
>
> (9) All judgments or orders sustaining motions to dismiss a warning to the probate of a will;
>
> (10) All judgments or orders entered pursuant to subsection (c) of Code Section 17-10-6.2 [regarding punishment for sexual offenses];
>
> (11) All judgments or orders in child custody cases awarding, refusing to change, or modifying child custody or holding or declining to hold persons in contempt of such child custody judgment or orders;
>
> (12) All judgments or orders entered pursuant to Code Section 35-3-37 [regarding review of someone's criminal record information]; and

(13) All judgments or orders entered pursuant to Code Section 9-11-11.1 [regarding dismissal of a complaint allegedly brought to inhibit freedom of speech].

If a party files an application when the party should have filed a direct appeal, the application will be granted and the party may file a notice of appeal **(in the trial court)** within 10 days of the date of the order granting the application. See OCGA § 5-6-35 (j), which is the statute that provides this relief when an application for discretionary appeal is filed, and *Spivey v. Hembree*, 268 Ga. App. 485, 486, n. 1 (602 SE2d 246) (2004), which is the decision that provides this relief when an application for interlocutory appeal is filed.

B. FILING THE NOTICE OF APPEAL IN A DIRECT APPEAL

The notice of appeal is filed with the clerk of the trial court where the judgment or order being appealed from was entered. **It is not filed with the Court of Appeals.**

Generally, the notice of appeal must be filed within **30 days** of the entry of the order or judgment that is being appealed. OCGA § 5-6-38. Generally, to appeal a dispossessory order, the notice of appeal must be filed within **7 days** of the entry of the order. OCGA § 44-7-56.

The entry date of the order or judgment is the date the order or judgment was filed and clocked in by the trial court clerk (this may be different from the date in the judge's signature line).

Under OCGA § 5-6-37 and Rules 2 and 6, the notice of appeal filed with the trial court must contain:

(1) The title and lower court docket number of the case;

(2) The name, complete address, telephone number, and e-mail address (if any) of the appellant, or the name, address, e-mail address, and bar number of appellant's attorney, if any;

(3) A short description of the judgment/order/ruling the appellant wants to appeal (it also is helpful to include the date of the judgment),

(4) The name of the court appealed to (the Court of Appeals of Georgia or the Supreme Court of Georgia);

(5) A designation (identification) of what portions of the record are to be omitted from (left out of) the trial court record on appeal, if any;

(6) Whether or not transcripts of trials or hearings will be included;

(7) A short statement of why the Court of Appeals has jurisdiction rather than the Supreme Court; and

(8) A brief statement of the offense and the sentence if the appeal is from a judgment of conviction in a criminal case.

(9) **The notice of appeal must include a proper certificate of service**. The certificate of service must state that the opposing party or attorney was served with a copy either by U.S. Mail, electronically, or in person, and must contain the complete addresses of all opposing parties or attorneys. Without these complete addresses, the Court will be unable to send the docketing notices, and it will return the notice of appeal and record to the trial court. The notice must also say that the other side agrees to accept service electronically, if that is the method used. See Rule 6.

The notice of appeal must also be signed by the appellant if self-represented, or by the attorney, if any, and must include the appellant's complete address and telephone number. **If the appellant requests a transcript, he or she must communicate with the lower court clerk and court reporter to handle the preparation and filing of that transcript.** See Rule 17. Typically, the appellant must pay the cost of preparing the transcript to the lower court clerk.

C. BRIEFS

1) The Appellant's Brief

As the appellant, you make your argument in your written brief. The brief explains what judgments or orders are being appealed, why the trial court made a legal mistake in making those judgments or orders, and what the appellant wants the Court of Appeals to do if it agrees that the trial court made a mistake. See Rule 25 (a).

The appellant must file a brief – one original only (no copies) – with the Court of Appeals within 20 days of the docketing date, which is included in the docketing notice the Court sends you. If you don't file a timely brief, the Court will likely dismiss your appeal and possibly hold you in contempt of court. You must file a brief in each case that is docketed, even if multiple appeals relate to the same lower court case. See Rule 23 (a).

The brief must follow the rules of the Court of Appeals and be served via U.S. Mail, in person, or electronically with agreement upon opposing counsel or parties. See Rule 6. A proper certificate of service must be attached to the brief or the brief will be rejected by the Court and returned to the party. A returned brief does not toll (delay or extend) the time for submitting a brief.

The appellant may use only the information in the appellate record and transcripts to prepare the statement of facts. For every statement of fact there should be a citation or reference to a page in the record or transcript that supports that factual statement. See Rule 25 (a). Do not attach documents or exhibits to the brief, or the Court will reject it and send it back. See Rule 24 (g).

Self-represented parties may file either a paper copy or an e-filed copy of their briefs. Paper briefs are limited to 30 pages in civil cases and 50 pages in criminal cases. E-filed briefs are limited to 8,400 words in civil cases and 14,000 words in criminal cases and require a statement certifying that the word count is within the limit. Tables of contents, tables of citations, cover sheets, and certificates of service and of compliance with the word count limit do not count toward the page or word count limit. See Rule 24.

The appellant's brief should contain the following information (see Rules 24 and 25, Form 3,) and must contain, at a minimum, items (3), (4), (5), (7), and (8):

(1) Part One should include a table of contents and table of cited authorities, with page references;

(2) Part Two contains a concise introduction setting out the key issues and arguments on appeal;

(3) Part Three contains a concise jurisdictional statement that identifies the basis for this Court's jurisdiction (OCGA §§ 5-6-34 and 5-6-35), the basis for this Court's jurisdiction instead of the Supreme Court (Ga. Const. Art. VI, Sec. VI, Pars. II, III; OCGA § 15-3-3.1), and the filing dates establishing the appeal is timely (the date of the order appealed and the date of the notice of appeal) (OCGA §§ 5-6-38 and 5-6-39).

(4) Part Four contains the enumerations (listing) of the errors made by the trial court;

(5) Part Five contains the facts of the dispute and should include a statement of the proceedings in the trial court, the relevant facts of the case with citations to the record or transcript, and the method by which each listed error was preserved (that is, raised and ruled on) in the trial court for consideration on appeal;

(6) Part Six contains a summary of the argument that presents plainly each argument in the order presented in the body of the brief;

(7) Part Seven contains the argument for why the trial court was wrong, and citations to cases, statutes, and other legal authorities supporting the argument and the appropriate standard of review; and

(8) A dated, signed certificate of service stating that the appellant served the opposing parties with a copy of the brief either by U. S. Mail, in person, or by electronic service with permission, and which includes the other side's complete address. See Rule 6.

For an additional checklist for the appellant's brief and a sample appellant's brief, see Attachment A and Form 3 at the end of this guide.

2) The Appellee's Brief

The appellee has 40 days from the docketing date or 20 days after the appellant's brief is filed, whichever is later, to file his or her brief. Only the State in a criminal case is required to file an appellee's brief. The appellee must file one original of this brief for each appeal. See Rule 23 (b), Form 4.

The appellee's brief responds to the issues raised by the appellant, showing why the appellant's arguments are incorrect and providing support for the trial court's decision. If the appellee does not agree with the appellant's statement of facts, he or she should include the facts important to the

case, and cite to the record or transcripts. The appellee's brief has the same page and word count limitations as the appellant's brief. See Rule 24 (f).

The appellee's brief should follow the arrangement set out in Rule 25 (a), except for item (4). Items (3) and (5) may be omitted if the appellee is satisfied with the presentation by the appellant. If an appellee disagrees with the appellant's statement of the case in whole or in part, the appellee must identify any points of disagreement with supporting citations to the record.

An additional checklist for the appellee's brief and a sample appellee's brief is included at the end of this guide. See Attachment B; Form 4.

3) The Appellant's Reply Brief

The appellant has 20 days after the appellee filed his or her brief to file a reply brief, but reply briefs are not required. The reply brief responds to the arguments made by the appellee, showing how they do not overcome the arguments made in the appellant's initial brief. Appellee need only include item (7) listed above. For reply briefs of significant length or complexity, including items (1) and (2) is encouraged. **Do not raise any new issues in the reply brief.** The reply brief is limited to 15 pages for paper briefs and 4,200 words for e-filed briefs. See Rules 23 (c) and 24 (f).

6. DISCRETIONARY APPLICATIONS: DETAILS

A. CASES THAT REQUIRE A DISCRETIONARY APPLICATION

A discretionary application asks the Court of Appeals to allow an appellant to file an appeal. Some cases can be directly appealed without an application, but under OCGA § 5-6-35 (a) (see Attachment G), an appeal must be brought by discretionary application in the following types of cases:

(1) Appeals from decisions of the superior courts reviewing decisions of the State Board of Workers' Compensation, the State Board of Education, auditors, state and local administrative agencies, and lower courts by certiorari or de novo proceedings. This provision does not apply to decisions of the Public Service Commission and probate courts, or to cases involving ad valorem taxes and condemnations;

(2) Appeals from judgments or orders in divorce, alimony, and other domestic relations cases including, but not limited to, granting or refusing a divorce or temporary or permanent alimony, or holding or declining to hold parties in contempt of an alimony judgment or order;

(3) Appeals from cases involving distress or dispossessory warrants in which the only issue to be resolved is the amount of rent due and that amount is $2,500.00 or less;

(4) Appeals from cases involving garnishment or attachment, except as provided in paragraph (5) of subsection (a) of Code Section 5-6-34 [judgments or orders granting or refusing applications for attachment against fraudulent debtors];

(5) Appeals from orders revoking probation;

(5.1) Appeals from decisions of superior courts reviewing decisions of the Sexual Offender Registration Review Board;

(5.2) Appeals from decisions of superior courts granting or denying petitions for release pursuant to Code Section 42-1-19 [petitions for release from sexual offender registration requirements];

(6) Appeals in all actions for damages in which the judgment is $10,000.00 or less;

(7) Appeals, when separate from an original appeal, from the denial of an extraordinary motion for new trial;

(8) Appeals from orders under subsection (d) of Code Section 9-11-60 denying a motion to set aside a judgment or under subsection (e) of Code Section 9-11-60 denying relief upon a complaint in equity to set aside a judgment;

(9) Appeals from orders granting or denying temporary restraining orders;

(10) Appeals from awards of attorney's fees or expenses of litigation under Code Section 9-15-14;

(11) Appeals from decisions of the state courts reviewing decisions of the magistrate courts by de novo proceedings so long as the subject matter is not otherwise subject to a right of direct appeal;

(12) Appeals from orders terminating parental rights; and

(13) Appeals from civil actions filed by prisoners under Code Section 42-12-8.

If a party files a direct appeal but should have filed an application, the direct appeal will be dismissed for lack of jurisdiction.

B. FILING THE DISCRETIONARY APPLICATION

Unlike the notice of appeal filed in the trial court in a direct appeal, discretionary applications are filed directly with the Court of Appeals. A discretionary application must be filed within 30 days (or 7 days in a dispossessory action) from the stamped "filed" date of the trial court's signed order or judgment being appealed. See OCGA § 5-6-35 (d). **The application must contain a copy of the signed order or judgment being appealed that was stamped "filed" in the trial court.** See Rule 31 (c). If the application does not contain this order, it will be returned, and the time limit for filing will continue to run. **An improper filing does not toll (delay or extend) the time for filing.**

Applications and responses to applications are limited to **30 pages in civil cases and 50 pages in criminal cases if paper-filed, and 8,400 words in civil cases and 14,000 words in criminal cases if e-filed**. Exhibits, which include documents filed with the trial court and portions of the record, do not count toward these limits. See Rule 31 (g). The application must include a proper certificate of service showing that the applicant served the application materials on the opposing counsel or party either by U.S. mail, in person, or by electronic service with permission, and listing the full address of the opposing party or attorney. See Rule 6; example on Form 2.

A discretionary application should include as exhibits whatever portions of the record the applicant thinks the Court of Appeals should review to decide whether the trial court likely made a legal mistake. The application must contain an index of the exhibits, which must be tabbed if paper-filed. See Rule 31 (g) (2) (ii).

The respondent (opposing party) has 10 days from the date a discretionary application is filed to file a response, but one is not required. See Rule 31 (j).

The following items must be included in a discretionary application (see OCGA § 5-6-35 and Rules 2, 6, and 31):

(1) A cover page that shows:

(a) The style of the case (the case name, listing the parties' names as applicant(s) vs. respondent(s));

(b) The name and county of the originating trial court and the trial court case number;

(c) A blank line for entry of the Court of Appeals docket number; and

(d) The title of the application;

(2) An explanation of why the Court of Appeals rather than the Supreme Court has jurisdiction;

(3) A short statement of the facts of the case and trial court proceedings;

(4) An argument stating why the Court of Appeals should grant the discretionary application and allow an appeal to go forward. Include citations to the trial court pleadings and transcripts in the exhibits, and to the relevant law supporting your argument;

(5) Your signature and full postal address, telephone number, and e-mail address, if any;

(6) A signed certificate of service stating that a copy of the application and exhibits was sent to the opposing party or attorney by U.S. mail, in person, or by electronic service with the other side's permission, including the full name and postal address of the opposing party or attorney (see Rule 6); and

(7) Exhibits – which must be indexed and, if paper-filed, tabbed – including:

(a) A stamped "filed" copy of the trial court's order being appealed that includes the trial court judge's signature; and

(b) A copy of any petition or motion that led directly to the order being appealed, a copy of any responses to that petition or motion, and copies of other relevant pleadings filed in the trial court (as necessary to show why the Court of Appeals should grant the application).

C. RULING ON THE APPLICATION

Under Rule 31 (b), discretionary applications are only granted when:

(1) Reversible error appears to exist in the lower court;

(2) The establishment of a precedent (a rule to be used in future similar cases) is desirable;

(3) Further development of the common law, particularly in divorce cases, is desirable; or

(4) The application is for leave to appeal a judgment and decree of divorce that is final under OCGA § 5-6-34 (a) (1), is timely under OCGA § 5-6-35 (d), and has possible merit.

The Court of Appeals is required to issue an order within 30 days of the docketing of a discretionary application. The Court may grant, deny, dismiss, or transfer the application.

If the Court grants the application, the appellant has 10 days from the date of the order granting the application to file a notice of appeal in the trial court. The case will then proceed as a direct appeal.

7. INTERLOCUTORY APPLICATIONS

Interlocutory applications are appeals from orders in the trial court that do not end or dispose of the case. This means that, while a specific issue that the trial court ruled on is being appealed, the case remains pending in the trial court. Interlocutory applications are rarely used by self-represented parties. They are most often used by attorneys in more complex cases.

An interlocutory application will only be reviewed in this Court if the trial court grants a certificate of immediate review within 10 days of the order the applicant wants to appeal. See OCGA § 5-6-34 (b). The decision of whether to grant the certificate is left solely to the trial court. This decision is not appealable. If the trial court grants a certificate, the interlocutory application must then be filed with the Court of Appeals within 10 days of the date the trial court's certificate was stamped "filed" with the clerk of the trial court. Failure to meet either deadline will most likely result in the application's dismissal.

An interlocutory application must contain both a signed copy of the order or judgment being appealed that is stamped "filed" in the trial court and a stamped "filed" copy of the certificate of immediate review. Application briefs are limited to **30 pages in civil cases and 50 pages in criminal cases if paper-filed, and 8,400 words in civil cases and 14,000 words in criminal cases if e-filed**. Exhibits, which include parts of the trial court record, do not count toward these limits. If paper filing, the party must file one original with the Clerk's Office via U.S. mail or hand delivery. See Rule 30.

The respondent has 10 days from the date of the filing of the interlocutory application to file a response, but one is not required.

The Court of Appeals will grant, deny, transfer, or dismiss the interlocutory application within 45 days of the filing date of the application. The Court will only grant an interlocutory application when (see Rule 30 (b)):

(1) The issue to be decided appears to be dispositive of (will determine the result of) the case;

(2) The order appears erroneous (wrong) and will probably cause a substantial error at trial or will adversely affect the rights of the appealing party until entry of final judgment; or

(3) The establishment of precedent (a rule to be used in future cases) is desirable.

In addition to a statement of facts and proceedings and an argument about why the trial court made a mistake and why this Court should grant the application, the applicant must include the following items – which must be indexed and, if paper-filed, tabbed – when submitting an application for interlocutory appeal (see Rule 30; Form 2):

(1) An explanation of why the Court of Appeals of Georgia rather than the Supreme Court of Georgia has jurisdiction;

(2) A stamped "filed" copy of the trial court's order to be appealed that includes the trial court judge's signature;

(3) A stamped "filed" copy of the certificate of immediate review that includes the trial court judge's signature;

(4) A copy of any petition or motion and responses to it that led directly to the judgment or order being appealed;

(5) Relevant portions of the record needed to show why the Court should grant the application; and

(6) A signed certificate of service stating that a copy of the application and exhibits was sent to the opposing party or attorney by U.S. mail, in person, or electronically with the other side's permission, and including the complete name and postal address of that party or attorney. See Rule 6.

8. MOTIONS

A motion is a written request asking this Court to take some action or to issue a specific ruling or order. The written motion is the only way to make this kind of request. **Each motion must be a separate document and cannot be filed in the body of a brief**. See Rule 41. Do not put two motions in one document, or your "compound" or "joint motion" will be returned to you. There is no deadline for the Court to decide a motion. Motions should be filed as soon as possible. The most common motions are for an extension of time to file a brief and for reconsideration of a decision (See Forms 5-7).

A. MOTION FOR EXTENSION OF TIME TO FILE A BRIEF

Motions to ask the court for more time to file your brief may be filed with the Court and **must be submitted on or before the deadline for filing the brief**. The motion must explain why you want more time and that you have made a good faith (honest and diligent) effort to meet the initial deadline. The motion should state how many extra days you want (usually less than 30 days) and, if possible, whether the other party objects to an extension. See Rule 16 and Form 5.

B. MOTION TO SUPPLEMENT THE RECORD

You may file a motion to supplement (add to) the appellate record with material that was filed in the trial court but left out of the appellate record. You must describe the material you want to add, its title, and the date it was filed in the trial court. The supplemental material should not be attached to the motion. This Court will not grant a motion to add material that was not filed in the trial court. See Rule 41 (c) and Form 7.

C. REQUEST TO ARGUE

If you want to argue your case in person to the three judges assigned to it, you must file a request for oral argument within 20 days of the docketing notice. The motion must explain why oral argument would benefit the Court. The Court only grants oral argument in a small number of cases.

The Court will send each party an order granting or denying the oral argument request. If the Court grants oral argument, both sides may argue, and if you change your mind and do not want to argue in person, you must notify the Court. The other side may still argue, even if you do not. Each party generally has 15 minutes to present an argument to the Court. The Court does not hear oral arguments for applications or motions. See Rule 28, Form 8.

D. MOTION FOR RECONSIDERATION

A motion for reconsideration is a request for this Court to change its decision on an order or opinion. Motions for reconsideration must be physically received in the Clerk's Office within 10 days of the date the order or opinion was issued, unless the Court sets a shorter time period. See Rule 37 (b). Motions for reconsideration must be formatted according to Rule 24. See Form 6.

A motion for reconsideration will be granted only when the Court either (1) overlooked an important fact in the record, a statute, or an earlier case that controls the outcome and would require a different judgment, or (2) erroneously construed or misapplied a law or statute. See Rule 37 (e). The Court will not accept for filing a second motion for reconsideration unless you first file and are granted a motion asking the Court to allow you to file one. See Rule 37 (d).

9. HELPFUL RESOURCES

Court Websites

- Georgia Court of Appeals website: www.gaappeals.us
- Georgia Court of Appeals Rules: https://www.gaappeals.us/rules-1-8/
- Georgia Court of Appeals web-docket and case search. Use this link to check the status of your case online: https://www.gappeals.us/docket-search/
- Supreme Court of Georgia website: www.gasupreme.us

Georgia Statutes

Official Code of Georgia: www.legis.ga.gov (click the tab "Georgia Code" on the left side of the page to go to the Georgia laws or statutes).

Georgia Appellate Practice

- Michael B. Terry, *Georgia Appeals: Practice and Procedure with Forms, 2016* (Daily Report, 2015)

- Charles M. Cork, Kelly A. Jenkins, Christopher J. McFadden, Charles R. Sheppard, & David A. Webster, *McFadden, Brewer & Sheppard's Georgia Appellate Practice with Forms, 2017-2018 ed.* (Thompson Reuters, 2017)

- Chilton D. Varner & S. Samuel Griffin, *Appellate Handbook for Georgia Lawyers, 2017-2018 ed.* (Thomson Reuters, 2017)

- Alston & Bird, LLP, *Georgia Appellate Practice Handbook 7th ed.* (2012) www.alston.com/-/media/files/insights/publications/2012/12/igeorgia-appellate-practice-handbooki-7th-ed-2012/files/georgia-appellate-practice-handbook-7th-edition/fileattachment/appellatehandbook1.pdf

General Legal Resources

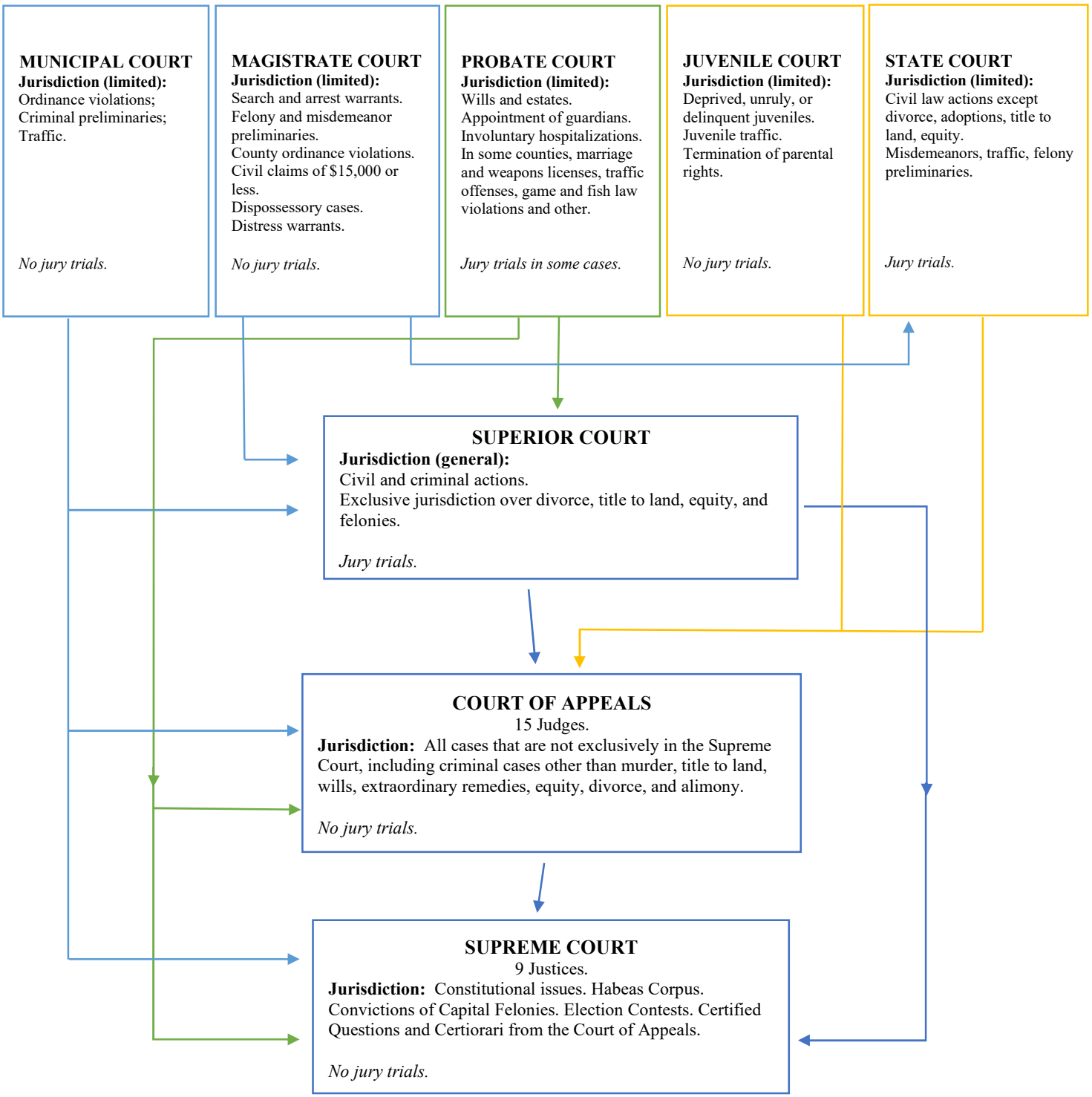
- Cornell Law School, Legal Information Institute – legal research tools and a collection of many state statutes and constitutions: www.law.cornell.edu

- Find Law – information on legal topics by subject matter and jurisdiction: www.findlaw.com

- Georgetown Law Library Research Guides – collection of legal research guides and resources organized by subject matter and jurisdiction: guides.ll.georgetown.edu/home

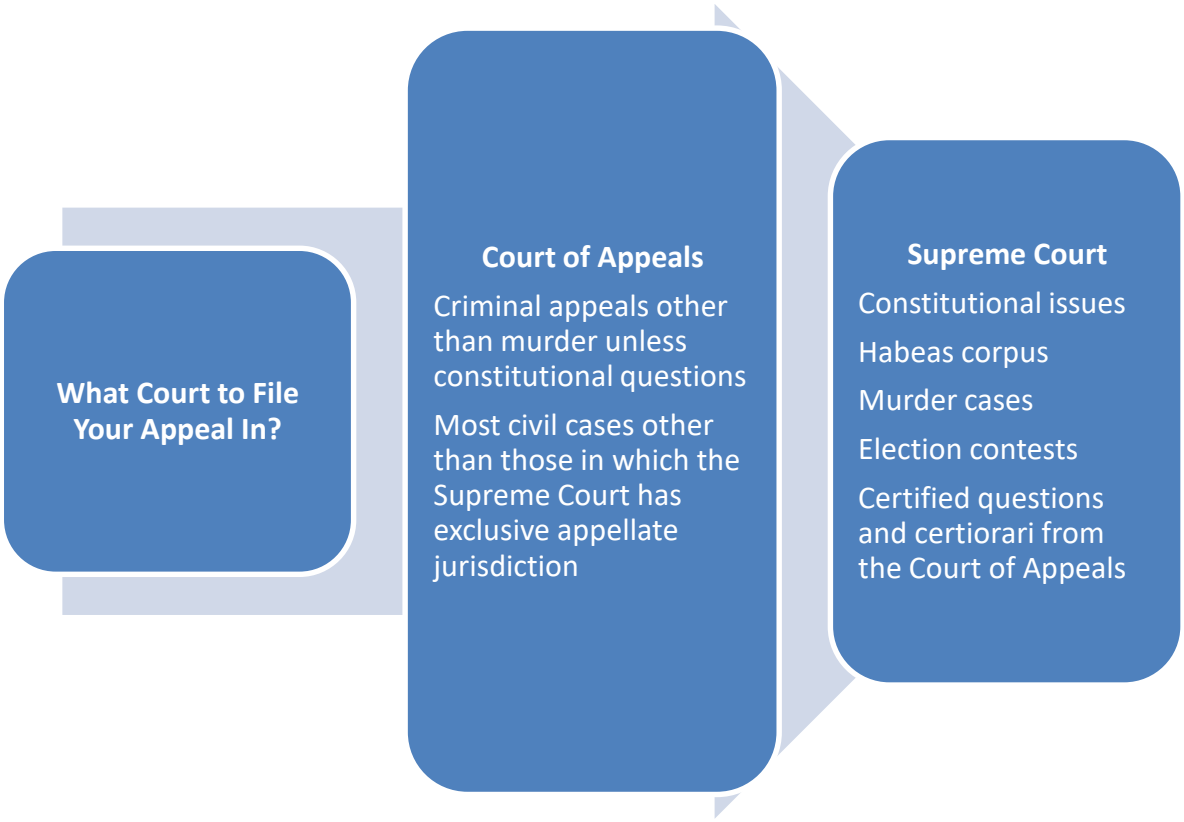
10. THE GEORGIA COURT SYSTEM

Below is a chart that outlines the basic structure of the court system in Georgia and the jurisdiction of each court. Check for legislative changes, as the information below is based upon legislation effective on January 1, 2017.



APPELLATE COURT JURISDICTION CHART

The chart below and the most recent legislation may help you determine whether to appeal to the Georgia Supreme Court or the Georgia Court of Appeals.



11. FREQUENTLY ASKED QUESTIONS REGARDING FILING APPEALS IN THE COURT OF APPEALS OF GEORGIA

FREQUENTLY ASKED QUESTIONS

WHAT IS AN APPEAL? An appeal is the process by which a party asks the appellate court to change a lower court's decision. The Court of Appeals of Georgia will review a lower court's decision to determine whether any mistakes occurred, and, if so, whether the party who filed the appeal is entitled to have the judgment of the trial court reversed, vacated, remanded (sent back to the trial court for further proceedings), or otherwise changed.

WHAT IS A LOWER COURT JUDGMENT OR ORDER?
A judgment or order is a ruling made by a lower court judge. A judgment is often issued at the end of a case and usually favors one of the parties. The judgment must be written and filed with the trial court clerk to be appealable, and may explain why the court made the decision it did.

WHAT ORDERS OR JUDGMENTS MAY BE APPEALED?
Generally, any final order of a trial court may be directly appealed, or the losing party may apply for permission to file an appeal. See OCGA §§ 5-6-34, 5-6-35. An order that does not end the case is an interlocutory order. To appeal an interlocutory order, a party must obtain a Certificate of Immediate Review from the trial court and request permission to appeal by following the interlocutory application process.

WHO CAN APPEAL?
A party who is dissatisfied with a lower-court decision or ruling may have a right to appeal. A party may appeal with or without representation by an attorney. However, we strongly encourage parties to obtain a lawyer to represent them in this complicated process. The Court gives no special treatment to parties who represent themselves.

WHAT IS THE DIFFERENCE BETWEEN A CRIMINAL AND A CIVIL CASE?
In criminal cases, the State has charged the defendant with violating a criminal law. A state prosecutor, usually a lawyer from the office of the District Attorney or Solicitor in the county where the crime was allegedly committed, initiates a criminal proceeding by filing charges against the defendant.

In civil cases, two or more parties disagree with each other over things like divorces, contracts, or injuries, and one party files a lawsuit against the other party so a judge or a jury can decide who is right and whether one party owes money to the other.

Criminal and civil cases are basically handled the same way during the appeal process.

HOW MUCH DOES IT COST TO APPEAL?
A direct appeal or an application costs $80 for criminal cases and $300 for civil cases. In a direct appeal, costs must be paid by the date the appellant files his or her brief. If a case is dismissed before the appellant's brief is filed, the appellant must still pay the filing fee. Costs are the same for an application, but must be paid when the application is filed. The Clerk of the Court is prohibited by law from filing an application without the required filing fee unless (1) the self-represented applicant or appellant is in jail or prison at the time, (2) the applicant or appellant files a sufficient pauper's affidavit, or (3) counsel for the applicant or appellant shows that he or she has

been appointed to represent that party. See Rule 5. If an application is granted, the appellant is not required to pay another fee to file his or her brief in the subsequent appeal. OCGA § 5-6-4.

CAN THE COURT OF APPEALS APPOINT AN ATTORNEY TO REPRESENT ME?
No. Only the trial court can appoint attorneys to financially challenged parties under some circumstances. This Court cannot appoint attorneys.

CAN THE COURT OR THE CLERK'S OFFICE RECOMMEND A LAWYER TO REPRESENT ME IN MY APPEAL?
No. Neither the Court nor the Clerk's Office is permitted to refer parties to specific lawyers. However, the State Bar of Georgia has a referral service that can be found online at: www.gabar.org/forthepublic/findalawyer.cfm. The State Bar of Georgia can also be reached by telephone at: (404) 527-8700 or (800) 334-6865.

WHERE ARE THE RULES FOR FILING AN APPEAL?
Rules for filing an appeal in the Georgia Court of Appeals can be found on the Court's website at: https://www.gaappeals.us/rules-1-8/

IF A PARTY WANTS TO APPEAL A TRIAL COURT'S DECISION, WHAT IS THE FIRST THING THEY SHOULD DO?
The best way to begin an appeals process is to hire an attorney for representation. If you cannot hire a lawyer, this guide will provide general information on how to file an appeal. Parties should also review all of the Court's rules and any Georgia statutes related to appeals.

IF A MOTION TO RECONSIDER OR OTHER POST-JUDGMENT MOTION IS FILED IN THE LOWER COURT, WHEN IS THE NOTICE OF APPEAL DUE?
Typically, parties are required to file their notice of appeal within thirty days of the trial court's decision being filed. The filing of a motion for reconsideration in the trial court does not toll (extend) the deadline for filing a notice of appeal.

WHAT IS THE RECORD ON APPEAL?
The record is a compilation of the pleadings, other documents, and evidence filed in the trial court in a case, including any motions, decisions, orders, judgments, and transcripts of trials, hearings, and depositions. When a notice of appeal is filed, the appealing party must identify which portions of the trial court record should be omitted (left out) of the record sent to the appellate court. The lower court clerk typically will not begin preparing the record until the appealing party pays the copying costs. The Court of Appeals accepts only lower court records that have been certified by the lower court clerk. Parties may not file evidence of any kind directly with the Court of Appeals.

WHAT IS THE DOCKETING NOTICE?
Once the Court receives the record from the trial court, the Court will docket the appeal, assign a case number, and send a notice to the parties that tells them the appeal has been docketed, when their briefs are due, and other calendaring information. The appellant will then need to prepare and file his or her brief with the Court. See Rule 13.

WHAT IS A BRIEF?
A brief is a written statement that explains the argument of a party to an appeal. Each party has a chance to submit a brief explaining the merits of his or her argument to the Court. The appellant is required to file a brief or risk losing the appeal for that reason, and files his or her brief first. The appellee may respond by filing his or her own brief, but only the State is required to file a brief in all criminal cases in which it is the appellee.

WHEN TO FILE THE BRIEF?
The appellant's brief must be filed within twenty days after the appeal is docketed. The appellee must file his or her brief within forty days after the appeal is docketed or twenty days after the appellant's brief has been filed, whichever is later. See Rule 23.

WHAT TO DO IF A BRIEF CANNOT BE FILED WITHIN THE TIME LIMIT?
A party who cannot file a brief in time may file a motion asking this Court for more time to file it. The party explains in the motion why extra time is needed to file the brief and asks for a specific date or length of time to file the brief. See Rule 16. The motion must be filed in later than the date the brief is due.

WHO DECIDES A COURT OF APPEALS CASE?
After the case in docketed in the Court, the case is assigned to a panel of three judges. This panel will decide whether the decision of the trial court should be affirmed (meaning the trial court decision stands as it is), reversed, or remanded (sent back to the trial court for more proceedings).

CAN NEW EVIDENCE BE PRESENTED TO THE COURT OF APPEALS THAT WAS NOT INTRODUCED TO THE TRIAL COURT?
No. Parties to cases on appeal are not allowed to introduce new evidence to the Court of Appeals that was not presented to the trial court. The Court will review only the documents in the record from the trial court.

DO PARTIES GET HEARINGS IN A COURT OF APPEALS CASE?
Unless expressly ordered by the Court, there are no mandatory hearings at the Court. However, parties may ask to present oral arguments before the judges' panel assigned to their case. See Rule 28.

HOW DO PARTIES KNOW WHAT DECISION WAS MADE BY THE COURT?
Once the judges' panel has come to a decision, the panel will issue a written decision in a document called an opinion and deliver the opinion to the parties in the appeal. The Court's opinion will explain how the facts of the case and the relevant law led the Court to make the decision it did.

WHEN ARE DOCUMENTS CONSIDERED FILED?
Documents are usually considered filed with the Court once they are received by the Clerk's Office. Attorneys are required to file documents electronically. Paper documents from self-represented prisoners are considered filed on the postmark date of the envelope containing the document, or the Court may consider documents filed on the date they were submitted to prison officials for forwarding to the Court of Appeals if there is no postmark date on the envelope. Motions for

Reconsideration are considered filed only when they are actually received in the Clerk's Office. See Rule 4.

WHAT IF DUE DATES FOR FILING DOCUMENTS FALL ON WEEKENDS OR HOLIDAYS?

If a due date falls on a weekend or holiday, the due date extends to the next business day. See Rule 3.

HOW DO I ASK THE COURT TO DO SOMETHING OR ASK THE COURT TO ISSUE AN ORDER?

A request to the Court to take action must be submitted in the form of a motion. Review Section 8 of this guide titled "Motions" for more direction.

HOW LONG WILL IT TAKE FOR THE COURT TO MAKE A DECISION?

All appeals are reviewed in the order in which they are filed with the Court. The Court of Appeals is required to decide cases by the end of the term following the term to which the case is docketed. Ga. Const. of 1983, Art. VI, Sec. 9, Par. 2. This time frame is generally six to eight months after a case is docketed.

WHAT SHOULD A PARTY DO IF THEY DO NOT LIKE A DECISION MADE BY THE COURT OF APPEALS?

A party who disagrees with the Court's decision has two options. First, the party can file a motion for reconsideration, asking the Court to review the appeal again. The Court must physically receive a motion for reconsideration by 4:30 p.m. on the tenth day after the Court issued its opinion. See Rule 37. The Court may shorten this deadline.

Second, a party disagreeing with the Court's decision may file a notice of intention to petition for certiorari. This document notifies the Court that the filing party intends to ask the Supreme Court of Georgia to hear the appeal. A party may still file this notice after they have filed a motion for reconsideration, but a motion for reconsiderations is not required before a party can file a notice of intention to petition the Supreme Court. The party must then file a petition in the Supreme Court and on the same day notify the Court of Appeals that it has done so. See Rule 38.

12. SAMPLE FORMS

FORM 1: AFFIDAVIT OF INDIGENCY (PAUPER'S AFFIDAVIT)

IN THE COURT OF APPEALS OF GEORGIA

_____,	)	
Appellant[s]	)	
	)	
vs.	)	Case No. _____
	)	
_____,	)	
Appellee[s]	)	

AFFIDAVIT OF INDIGENCY

Comes now _____ (your name), first being duly sworn, deposes and states that I am financially unable to pay the filing fee required for filing in the Court of Appeals of Georgia, and I request that I be permitted to file Appellant's Brief or Appellant's Application without having to pay filing fees. I further swear that the responses which I have made to the questions and instructions below are true.

1. Are you presently employed either full or part time? __ Yes __ No
If the answer is "Yes", state the amount of your salary or wages per month, and give the name, address and telephone number of your employer:

_____
_____
_____
_____

If the answer is "No", state the date of last employment and the amount of the salary and wages per month which you received:

_____
_____
_____

2. Have you received within the past twelve months any money from any of the following sources?

Business, profession or form of self-employment?	__ Yes	__ No
Pensions, annuities or life insurance payments?	__ Yes	__ No
Rent payments, interest or dividends?	__ Yes	__ No
Gifts or inheritances?	__ Yes	__ No
State or Federal benefit allowances?	__ Yes	__ No
Any other sources?	__ Yes	__ No

If the answer to any of the above questions is "Yes", describe each source of money and state the amount received from each source during the past twelve months:

_____
_____
_____
_____

3. Do you own any cash, or do you have money in a checking or savings account? __ Yes __ No
If the answer is "Yes", state the total value of the items owned:

_____
_____
_____

4. Do you own any real estate, stocks, bonds, notes, automobiles or other property (excluding ordinary household furnishings and clothing)? __ Yes __ No
If the answer is "Yes", describe the property and state its approximate value:

_____
_____
_____

5. List the persons who are dependent on you for financial support, state your relationship to those persons, and indicate how you contribute toward their support:

_____
_____
_____

6. Are you being represented by counsel? __ Yes __ No
If the answer is "Yes", was counsel appointed by the State? __ Yes __ No
If counsel was not appointed by the State, is/was counsel paid by you? __ Yes __ No
If counsel is/was paid by you, please explain your ability to pay counsel but not court fees:

_____
_____
_____
_____
_____

7. Did you apply for pauper status in the trial court? __ Yes __ No
If the answer is "Yes", did the lower court grant your request? __ Yes __ No
If you were not considered indigent in the lower court, explain why such status should be granted in this Court:

_____
_____
_____
_____

I understand that a false statement or answer to any question in this affidavit will subject me to penalties for perjury and that state law provides as follows:
(a) A person to whom a lawful oath or affirmation has been administered commits the offense of perjury when, in a judicial proceeding, he knowingly and willfully makes a false statement material to the issue on point in question.
(b) A person convicted of the offense of perjury shall be punished by a fine of not more than $1000 or by imprisonment for not less than one nor more than ten years, or both.
OCGA § 16-10-70.

I, _____ (your name), do swear and affirm under penalty of law that the statements contained in this affidavit are true. I further attest that this affidavit is not submitted to harass or to cause unnecessary delay or needlessly increase the costs of litigation.

This the ____ (Day) of _____ (Month), _____ (Year).

_____
(Your name printed or typed)

_____
(Sign your name)

_____
_____
_____
_____
(Your complete address, telephone number, and e-mail address, if any)

Sworn to and subscribed before me SEAL

This the _____ (Day) of _____ (Month), _____ (Year).

_____ Notary Public

FORM 2: CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I certify that I have this day served _____ (opposing party or attorney) with a copy of this _____ (type of document being served) by **(choose one)**:

1. _____ Personal service:

   _____
   _____
   _____
   (Full name and Complete address of party served)

2. _____ Through the U.S. mail with first class postage paid addressed to**:**

   _____
   _____
   _____
   (Full name and Complete address of party served)

3. _____ By e-mail: I certify that there is a prior agreement with _____ (opposing party or attorney) to allow documents in a PDF format sent via email to suffice for service to him/her at:

   _____
   (Valid e-mail address)

   _____
   _____
   _____
   (Provide e-mail address, Full name and complete mailing address of party served)

Served by me on this the ____ (Day) of _____ (Month), _____ (Year).

_____
(Your Signature)

_____
_____
_____
_____
(Your name, mailing address, phone number and e-mail address)

FORM 3: APPLICATION FOR DISCRETIONARY OR INTERLOCUTORY APPEAL

IN THE COURT OF APPEALS OF GEORGIA

_____,	)
Applicant[s]	)
	)
vs.	)
	)
_____,	)
Respondent[s]	)

APPLICATION FOR APPELLATE REVIEW

_____ (your name), applicant, asks this Court as follows:

(1) To issue an order granting the applicant an appeal from the [order/judgment] of the _____ Court of _____, Honorable _____, presiding, in the case styled _____, Plaintiff, v. _____, Defendant, Case No. _____, this [order/judgment] having held: _____ _____.

The order was entered on (date) _____ and stamped "filed" by the lower-court Clerk on (date) _____.

(2) Applicant shows that jurisdiction is properly in this Court because _____ _____.

[If the order or judgment is interlocutory]

(3) This application for appeal is filed within 10 days of the granting and filing of the Certificate of Immediate Review.

-Or-

[If a final order or judgment]

(3) This application for appeal is filed within 30 days of the entry of the order, decision, or judgment complained of.

-Or-

[If the order disposes of a motion for a new trial, motion in arrest of judgment, or a motion for judgment notwithstanding the verdict]

(3) This application for appeal is filed within 30 days after the entry of the order [granting, overruling, or otherwise finally disposing of] the [motion for a new trial, motion in arrest of judgment, or a motion for judgment notwithstanding the verdict].

(4) Copies of all necessary documents have been attached to this application as exhibits, including a copy of the [order/judgment] being appealed, a copy of any petition or motion which led directly to the [order/judgment] being appealed, a copy of any responses to such petition or motion, and an index to the exhibits.

[If the order or judgment is interlocutory]

(5) Interlocutory appellate review is needed because _____ _____.

(6) Applicant submits that an appeal should be granted because _____ _____.

Applicant respectfully shows that if this Honorable Court declines the appeal of this matter and the trial court's ruling will be permitted to stand, such would be a miscarriage of justice because _____.

If e-filed, this submission does not exceed the word count limit imposed by Rule 24.

_____
Applicant (sign your name)

FORM 4: APPELLANT'S BRIEF

IN THE COURT OF APPEALS OF GEORGIA

_____, Appellant[s]	)	
vs.	)	Case No. _____
_____, Appellee[s]	)	

BRIEF OF APPELLANT

COMES NOW Appellant _____ (your name), [Plaintiff/Defendant] below, and files this brief on appeal.

PART ONE

TABLE OF CONTENTS AND CITED AUTHORITIES

(If your brief is significantly long or complex, here, include a table of contents and a table of cited authorities, each with page references.)

PART TWO

INTRODUCTION

(Here, include a brief introduction setting out the key issues and your arguments on appeal.)

PART THREE

JURISDICTIONAL STATEMENT

(Here, explain why your case is properly in the Court of Appeals by identifying three things: (1) the basis for this Court's appellate jurisdiction (OCGA §§ 5-6-34 and/or 5-6-35); (2) the basis for this Court having jurisdiction instead of the Supreme Court (See, e.g., Ga. Const. Art. VI, Sec. VI, Pars. II, III; OCGA § 15-3-3.1); and (3) the filing dates establishing that the appeal is timely (See, e.g., OCGA §§ 5-6-38 and 5-6-39).

PART FOUR

ENUMERATION OF ERRORS

(Here list the mistakes you think the trial court made.)

PART FIVE

FACTS AND PRESERVATION OF ERROR

(Here insert facts and procedural background sufficient for understanding of the issues on appeal and describe how each error enumerated was preserved below, i.e., raised and ruled on in the lower court.)

PART SIX

SUMMARY OF ARGUMENT

(Here, if your brief is significantly long or complex, summarize the arguments presented in the body of the brief.)

PART SEVEN

ARGUMENT AND CITATION OF AUTHORITIES

(Here include argument and citation of authorities for each enumeration of error.)

CONCLUSION

If e-filed, this submission does not exceed the word count limit imposed by Rule 24.

_____

Appellant (sign your name)

_____

_____

(Your Address)

_____

(Your Telephone Number)

_____

(Your e-mail address)

Include a Certificate of Service
(See example on Form 2)

FORM 5: APPELLEE'S BRIEF

IN THE COURT OF APPEALS OF GEORGIA

_____, Appellant[s]	)	
vs.	)	Case No. _____
_____, Appellee[s]	)	

BRIEF OF APPELLEE

COMES NOW Appellee _____ (your name), [Plaintiff/Defendant] below, and files this brief on appeal.

PART ONE

TABLE OF CONTENTS AND CITED AUTHORITIES

(If your brief is significantly long or complex, here, include a table of contents and a table of cited authorities, each with page references.)

PART TWO

INTRODUCTION

(Here, include a brief introduction setting out the key issues and your arguments on appeal.)

PART THREE

JURISDICTIONAL STATEMENT

(You may omit this section if you are satisfied with the presentation by the appellant. If not, explain why your case is properly in the Court of Appeals by identifying three things: (1) the basis for this Court's appellate jurisdiction (OCGA §§ 5-6-34 and/or 5-6-35); (2) the basis for this Court having jurisdiction instead of the Supreme Court (See, e.g., Ga. Const. Art. VI, Sec. VI, Pars. II, III; OCGA § 15-3-3.1); and (3) the filing dates establishing that the appeal is timely (See, e.g., OCGA §§ 5-6-38 and 5-6-39).

PART FOUR

CONTROVERTED FACTS

(You may omit this section if you are satisfied with the presentation by the appellant in PART FIVE of appellant's brief. If not, here set forth any material inaccuracy or incompleteness of the statement of facts in the appellant's brief, any additional facts you think are necessary, and any additional parts of the record or transcript you think are necessary).

PART FIVE

SUMMARY OF ARGUMENT

(Here, if your brief is significantly long or complex, summarize the arguments presented in the body of the brief.)

PART SIX

ARGUMENT AND CITATION OF AUTHORITIES

(Here include argument and citation of authorities for each enumeration of error.)

CONCLUSION

If e-filed, this submission does not exceed the word count limit imposed by Rule 24.

_____
Appellee (sign your name)

_____

_____
(Your Address)

_____
(Your Telephone Number)

_____
(Your e-mail address)

Include a Certificate of Service
(See example on Form 2)

FORM 6: MOTION FOR EXTENSION OF TIME

IN THE COURT OF APPEALS OF GEORGIA

_____,	)	
Appellant[s]	)	
	)	
vs.	)	Case No. _____
	)	
_____,	)	
Appellee[s]	)	

APPELLANT'S MOTION FOR EXTENSION OF TIME IN WHICH TO FILE BRIEF

Appellant _____ (your name), hereby moves this Court for an extension of _____ (insert a number) days in which to file his/her brief and enumeration of errors. This extension is requested not because I am trying to delay filing but is for the following reasons (here, state the reasons for your request): _____

_____

_____.

The Court's consideration of this matter will be much appreciated.

Respectfully submitted this the ____ (Day) of _____ (Month), _____ (Year).

_____
(Sign your name)

_____

_____
(Your Address)

_____
(Your Telephone Number)

_____
(Your e-mail address)

Include a Certificate of Service
(See example on Form 2)

FORM 7: MOTION FOR RECONSIDERATION

IN THE COURT OF APPEALS OF GEORGIA

_____,	)	
Appellant[s]	)	
	)	
vs.	)	Case No. _____
	)	
_____,	)	
Appellee[s]	)	

MOTION FOR RECONSIDERATION

Comes now, _____ (your name), [Appellant/Appellee], and moves this Court to reconsider its [opinion/order] [affirming/reversing/vacating the trial court's decision in this matter (or) denying/dismissing this appeal/application].

Under Rule 37 (e) of the Rules of the Court of Appeals of Georgia, [Appellant / Appellee] respectfully submits that this Court, in rendering its [opinion/order] [affirming/reversing/vacating the decision of the trial court (or) denying/dismissing this appeal/application],

(1) has overlooked the following material facts in the record (here, state the facts you believe this Court has missed): _____
_____
_____;

and (or)

(2) has overlooked and failed to take into consideration the following cases (here, cite the cases you believe this Court has failed to consider): _____
_____
_____.

(3) (Here, include any additional explanation about why the Court should reconsider its opinion or order): _____
_____
_____.

For the reasons more fully set forth in the attached Brief in Support of this Motion for Reconsideration, [Appellant/Appellee] respectfully requests that this Court inquire into and reconsider its [opinion/order] [affirming/reversing/vacating the trial court's decision (or) denying/dismissing this appeal/application].

Respectfully submitted this the ____ (Day) of _____ (Month), _____ (Year).

If e-filed, this submission does not exceed the word count limit imposed by Rule 24.

_____
(Sign your name)

_____

_____
(Your Address)

_____
(Your Telephone Number)

_____
(Your e-mail address)

Include a Certificate of Service
(See example on Form 2)

FORM 8: MOTION TO SUPPLEMENT THE RECORD

IN THE COURT OF APPEALS OF GEORGIA

_____, Appellant[s]	)	
vs.	)	Case No. _____
_____, Appellee[s]	)	

[APPELLANT'S/APPELLEE'S] MOTION TO SUPPLEMENT THE RECORD

_____ (your name), [Appellant/Appellee], respectfully moves to order the trial clerk to supplement the record on appeal with the transcript[s] of the _____ (month, day, year) hearing[s] in the trial court.

The transcript[s] of [that/those] hearing[s] apparently [was/were] completed and filed by the court reporter after the record was transmitted. [It/they] contain[s] the testimony of (here, state the names of the witnesses): _____, and help[s] show that the basis of the trial court's ruling was wrong (here, state the reasons why the transcript[s] is/are needed on appeal): _____.

Conclusion

The record should be ordered supplemented with the _____ (month, day, year) hearing transcript[s].

Respectfully submitted this the ____ (Day) of _____ (Month), _____ (Year).

_____
(Sign your name)

_____

_____
(Your Address)

_____
(Your Telephone Number)

_____
(Your e-mail address)

Include a Certificate of Service
(See example on Form 2)

FORM 9: REQUEST FOR ORAL ARGUMENT

IN THE COURT OF APPEALS OF GEORGIA

_____,	)	
Appellant[s]	)	
	)	
vs.	)	Case No. _____
	)	
_____,	)	
Appellee[s]	)	

[APPELLANT'S/APPELLEE'S] REQUEST FOR ORAL ARGUMENT

COMES NOW, _____ (your name), [Appellant/Appellee], and, pursuant to Court of Appeals Rule 28 and the specific instructions provided with the Notice of Docketing, hereby requests oral argument and respectfully shows this Court that oral argument will be useful to the Court for these reasons:

1. _____
2. _____
3. _____.

Counsel for [Appellee(s)/Appellant(s)] have been told about this request and have indicated that they [do/do not] wish to argue if oral argument is granted.

Respectfully submitted this the ____ (Day) of _____ (Month), _____ (Year).

_____
(Sign your name)

_____

_____
(Your Address)

_____
(Your Telephone Number)

_____
(Your e-mail address)

Include a Certificate of Service
(See example on Form 2)

FORM 10: APPELLANT'S MOTION TO WITHDRAW APPEAL

IN THE COURT OF APPEALS OF GEORGIA

_____,	)	
Appellant[s]	)	
	)	
vs.	)	Case No. _____
	)	
_____,	)	
Appellee[s]	)	

APPELLANT'S MOTION TO WITHDRAW APPEAL

COMES NOW Appellant, _____ (your name), in the above-styled case, and notifies this Court that the parties have finalized a settlement in this matter. As a result, and pursuant to Court of Appeals Rule 41 (g) (1), Appellant moves this Court for permission to withdraw this appeal.

Respectfully submitted this the ____ (Day) of _____ (Month), _____ (Year).

_____
(Sign your name)

_____

_____
(Your Address)

_____
(Your Telephone Number)

_____
(Your e-mail address)

Include a Certificate of Service
(See example on Form 2)

FORM 11: NOTICE OF INTENT TO APPLY FOR CERTIORARI IN SUPREME COURT

IN THE COURT OF APPEALS OF GEORGIA

_____,	)	
Appellant[s]	)	
	)	
vs.	)	Case No. _____
	)	
_____,	)	
Appellee[s]	)	

NOTICE OF INTENT TO APPLY FOR CERTIORARI
IN THE SUPREME COURT OF GEORGIA

_____ (your name), [Appellant/Appellee], hereby notifies the Court of Appeals of the intent to apply to the Supreme Court of Georgia to grant a writ of certiorari and review the decision in this case.

Respectfully submitted this the ____ (Day) of _____ (Month), _____ (Year).

_____
(Sign your name)

_____

_____
(Your Address)

_____
(Your Telephone Number)

_____
(Your e-mail address)

Include a Certificate of Service
(See example on Form 2)

FORM 12: NOTICE THAT PETITION FOR CERTIORARI WAS FILED

IN THE COURT OF APPEALS OF GEORGIA

_____,	)	
Appellant[s]	)	
	)	
vs.	)	Case No. _____
	)	
_____,	)	
Appellee[s]	)	

NOTICE OF FILING PETITION FOR CERTIORARI

Comes now _____ (your name), [Appellant/Appellee] in the above appeal, to give notice that [he/she] has filed an application for a writ of certiorari with the Supreme Court of Georgia today.

Respectfully submitted this the ____ (Day) of _____ (Month), _____ (Year).

_____
(Sign your name)

_____

_____
(Your Address)

_____
(Your Telephone Number)

_____
(Your e-mail address)

Include a Certificate of Service
(See example on Form 2)

FORM 13: NOTICE OF APPEAL (CIVIL)

*****TO BE FILED IN THE COURT THAT ENTERED THE ORDER OR JUDGMENT YOU ARE SEEKING TO APPEAL. DO NOT FILE THIS DOCUMENT IN THE COURT OF APPEALS*****

IN THE _____ COURT OF _____ COUNTY
STATE OF GEORGIA

_____,	)	
Plaintiff[s]	)	
	)	Civil Action
vs.	)	File No. _____
	)	
_____,	)	
Defendant[s]	)	

NOTICE OF APPEAL

Notice is hereby give that _____ (your name), [Plaintiff/Defendant] above-named, hereby appeals to the Court of Appeals from the _____ (describe order or judgment) entered in this action on (date), _____.

Motion for new trial (or motion for judgment n.o.v., etc.) was filed and overruled (or granted, etc.) on (date), _____.

The clerk will please omit the following from the record on appeal:

1. _____

2. _____

3. _____

Transcript of evidence and proceedings [will/will not be] filed for inclusion in the record on appeal.

This court, rather than the Supreme Court, has jurisdiction of this case on appeal for the reason that _____.

Dated _____

_____
(Sign your name)

_____

_____
(Your Address)

_____
(Your Telephone Number)

_____
(Your e-mail address)

Include a Certificate of Service
(See example on Form 2)

FORM 14: NOTICE OF APPEAL (CRIMINAL)

*****TO BE FILED IN THE COURT THAT ENTERED THE ORDER OR JUDGMENT YOU ARE SEEKING TO APPEAL. DO NOT FILE THIS DOCUMENT IN THE COURT OF APPEALS*****

IN THE _____ COURT OF _____ COUNTY
STATE OF GEORGIA

_____,	)	
The State (etc.)	)	
	)	(Indictment)
vs.	)	(Accusation)
	)	No. _____
_____,	)	
Defendant	)	

NOTICE OF APPEAL

Notice is hereby given that _____ (your name), defendant above-named, hereby appeals to the Court of Appeals from the judgment of conviction and sentence entered herein on (date), _____.

The offense(s) for which defendant was convicted is (are) _____, and the sentence(s) imposed is (are) as follows _____.

Motion for new trial (or motion in arrest of judgment, etc.) was filed and overruled on (date), _____.

The clerk will please omit the following from the record on appeal:

1. _____

2. _____

3. _____

Transcript of evidence and proceedings [will/will not] be filed for inclusion in the record on appeal.

This court, rather than the Supreme Court, has jurisdiction of this case on appeal for the reason that _____.

Dated _____

_____
(Sign your name)

_____

_____
(Your Address)

_____
(Your Telephone Number)

_____
(Your e-mail address)

Include a Certificate of Service
(See example on Form 2)

FORM 15: MODEL PETITION FOR REVIEW (OCGA § 5-3-7 (e))

IN THE [SUPERIOR/STATE] COURT OF _____ COUNTY

STATE OF GEORGIA

_____,	)	
	)	
Petitioner,	)	
	)	Reviewing Court Case No.:
v.	)	
	)	
_____,	)	
	)	
Respondent.	)	

PETITION FOR REVIEW TO [SUPERIOR/STATE] COURT

_____, the Petitioner named above, petitions the [Superior/State] Court of _____ County for review of the final judgment rendered by the _____ _____[insert official name of lower judicatory] on _____[insert date] with the following case number designated by the lower judicatory: _____.

Concise Statement of the Final Judgment Appealed
OCGA § 5-3-7 (e) (3) (B)

The final judgment being appealed is as follows: _____
_____
_____
_____
_____.

Record in the Lower Judicatory
OCGA § 5-3-7 (e) (3) (C)

The following describes any existing recording, transcript, or other record of evidence in the lower judicatory (check one):

☐ NO official transcript or recording exists of the proceedings in the lower judicatory.

☐ NO official transcript exists of the proceedings in the lower judicatory, but the proceedings were recorded by: _____
[insert who recorded the proceedings and whether audio or video]

☐ An official transcript exists of the proceedings in the lower judicatory.

☐ Other: _____

_____

[describe other record of evidence in the lower judicatory]

Notice of Petitioner's Confinement or Incarceration
OCGA § 5-3-7 (e) (3) (D)

☐ This is a criminal case and the Petitioner named above [is not confined in jail or otherwise incarcerated / is currently confined or incarcerated at (location)]. The offense[s] and the sentence prescribed by the lower judicatory in this case are as follows:

_____.

Applicable Standard of Review
(Check one)

☐ A limited review on the record is the default standard of review in a petition for review and a de novo (new) trial is not specified in the OCGA as the applicable standard of review for this type of case. Therefore, this Petition for Review seeks judicial review for clearly erroneous findings of fact and credibility, abuse of discretion, sufficiency of evidence, and de novo review of questions of law. OCGA § 5-3-5 (a). Additional details regarding the issues for review are attached.

☐ A de novo proceeding is specified in OCGA § _____ as the applicable standard of review for this type of case. Therefore, this Petition for Review seeks a de novo (new) trial of all the issues raised in the lower judicatory with NO REMAND. OCGA § 5-3-5 (b).

Dated _____

_____
(Sign your name)
I am the (check one):
☐ Petitioner ☐ Attorney for Petitioner

_____
(Print your name)

_____

_____
(Your address)

_____
(Your Telephone Number)

_____
(Your E-mail Address)

Include a Certificate of Service
(See example on Form 2)

13. ATTACHMENTS

ATTACHMENT A

GEORGIA COURT OF APPEALS
CHECKLIST FOR APPELLANT'S BRIEF

SUBJECT	REQUIREMENTS	RULE
	I. GENERAL	
COSTS TO FILE	• Civil: $300 / Criminal: $80 • Exemptions: (1) pauper's affidavit (must be notarized), (2) self-represented and incarcerated.	Rule 5
COPIES	• File one original.	Rule 6
FILING DATE FOR PAPER SUBMISSIONS	• A document will be deemed filed on the date it was physically received in the Clerk's Office with sufficient costs and stamped filed. If mailed, it will be deemed filed on the date it was postmarked by the U.S. Postal Service or on the commercial carrier's transmittal form if the package is properly addressed, postage prepaid, and date is legible.	Rule 4 (a); 4 (b); 4 (c)
E-FILING	• Certain documents are permitted to be filed electronically. • Self-represented parties may file paper copies. • See e-filing instructions at www.gaappeals.us.	Rule 4 (e); 46
DEADLINE TO FILE APPELLANT'S BRIEF	• Within 20 days after the appeal is docketed. • Failure to file within that time, unless extended upon motion, may result in the dismissal of the appeal and may subject the offender to contempt.	Rule 23 (a)
EXTENSIONS TO FILE BRIEFS	• Extensions of time to file briefs must be requested by motion and are subject to the Court's discretion. • All extensions are by written order. • Failure to request an extension of time prior to the deadline may result in non-consideration of the motion or dismissal of the appeal.	Rule 16 (b)

BRIEF REQUIRED	• Briefs must be filed in all cases. Failure to file a brief in any case may result in dismissal of that case. • If you have companion, related, or combined cases, you must file a brief in each case, but the brief may state the adoption of portions of the related brief.	Rule 23 (a)
	II. PREPARATION	
PAPER	• Typed or printed on 8 ½" X 11" white paper • Top bound with staples or fasteners (round head/ACCO) (Unless e-filing.)	Rule 2 (c) (1)
SPACING	• No less than double spacing between the lines. This EXCLUDES quotations and footnotes.	Rule 2 (c) (2)
FONT	• Times New Roman Regular 14 pt. (printed / e-filed). • No smaller than ten characters per inch (typed).	Rule 2 (c) (3)
MARGINS	• All: Not less than one inch. • Writing on only one side of each sheet.	Rule 24 (c)
PAGE #	• Arabic numerals at the bottom of the pages.	Rule 24 (e)
PAGE LIMITS (PAPER FILINGS)	• Civil: 30 Pages / Criminal: 50 Pages. • Reply/Supplemental: 15 pages. • Do not attach exhibits. • Page limits do not include: 1) Table of Contents, 2) Table of Citations, 3) Cover Sheet, 4) Certificate of Service.	Rule 24 (f); 24 (g)
WORD COUNT LIMITS (ELECTRONIC FILINGS)	• Civil: 8,400 words / Criminal: 14,000 words. • Reply/Supplemental: 4,200 words. • Do not attach exhibits. • Word count limits do not include: 1) Table of Contents, 2) Table of Citations, 3) Cover Sheet, 4) Certificate of Service.	Rule 24 (f); 24 (g)
	III. STRUCTURE & CONTENT	
CASE #	• Ensure the correct Case Number is located on the brief.	
PART 1	• Table of Contents and table of authorities cited if brief is of significant length or complexity.	Rule 25 (a) (1)
PART 2	• Short introduction setting out the key issues and arguments on appeal.	Rule 25 (a) (2)
PART 3	• Short jurisdictional statement explaining the basis for this Court's jurisdiction. • Filing dates establishing timeliness of appeal.	Rule 25 (a) (3)
PART 4	• Enumeration of errors	Rule 25 (a) (4)

PART 5	• Statement of the case that sets out material facts relevant to the appeal. • A statement of the method by which each enumeration of error was preserved for consideration. • A citation of the parts of the record or transcript essential to a consideration of the alleged errors.	Rule 25 (a) (5)
PART 6	• Summary of argument that follows each argument presented in the body of the brief.	Rule 25 (a) (6)
PART 7	• Argument and Citation of Authorities	Rule 25 (a) (7)
CITATIONS	• Name of case, volume, page and year of Official Report. • Cases not yet reported: Cite by the Court of Appeals or Supreme Court case number and date of decision.	Rule 24 (d)
EXHIBITS	• Do not attach exhibits to the brief. • Refer to exhibits in the certified record.	Rule 24 (g); 25 (a) (1)
PERSONALLY SIGN	• Brief must be personally signed by self-represented appellant and include: (1) mailing address, (2) telephone number, (3) e-mail address, if any.	Rule 2 (a)
CERTIFICATE OF SERVICE	• Must serve a copy of all documents on each opposing counsel or self-represented party by U.S. mail, personal delivery, or electronically by agreement before filing with the Court. • If criminal case, serve the District Attorney. • Must include: (1) full name, (2) complete mailing address, (3) actual signature of appellant l.	Rule 2 (a); 6
SUPPLEMENTAL BRIEFS	• Supplemental briefs may only be filed by leave of Court. • If permission is granted, file an original (if submitting a paper filing). • Not to exceed 15 pages (paper filing) or 4,200 words (e-filing). • Parties are not permitted to file letter briefs.	Rule 24 (a); 24 (f); 27 (a); 27 (b)
REPLY BRIEF	• Appellant may file a reply brief within 20 days from the date of filing of appellee's brief. • Not to exceed 15 pages (paper filing) or 4,200 words (e-filing).	Rule 23 (c); 24 (f)

ATTACHMENT B

GEORGIA COURT OF APPEALS
CHECKLIST FOR APPELLEE'S BRIEF

SUBJECT	REQUIREMENTS	RULE
	I. GENERAL	
COPIES	• File one original.	Rule 6
FILING DATE FOR PAPER SUBMISSIONS	• A document will be deemed filed on the date it was physically received in the Clerk's Office with sufficient costs and stamped filed. If mailed, it will be deemed filed on the date it was postmarked by the U.S. Postal Service or on the commercial carrier's transmittal form if the package is properly addressed, postage prepaid, and date is legible.	Rule 4 (a); 4 (b); 4 (c)
E-FILING	• Certain documents are permitted to be filed electronically. • Self-represented parties may file briefs as paper copies. • See e-filing instructions at www.gaappeals.us.	Rule 4 (d); 46
DEADLINE TO FILE	• Within 40 days after the appeal is docketed or 20 days after the filing of appellant's brief, whichever is later.	Rule 23 (b)
EXTENSION TO FILE BRIEFS	• Extensions of time to file briefs must be requested by motion and are subject to the Court's discretion. • All extensions are by written order. • Failure to request an extension of time prior to the deadline may result in non-consideration of the motion or dismissal of the appeal.	Rule 16 (b)
BRIEF REQUIRED	• Briefs must be filed in all cases. • If you have companion, related, or combined cases, you must file a brief in each case, but the brief may state the adoption of portions of the related brief.	Rule 23 (a)
	II. PREPARATION	
PAPER	• Typed or printed on 8 ½" x 11" white paper. • Top bound with staples or fasteners (round head/ACCO) (Unless e-filing.)	Rule 2 (c) (1)
SPACING	• No less than double spacing between the lines. • This EXCLUDES quotations and footnotes.	Rule 2 (c) (2)
FONT	• Times New Roman Regular 14 pt. (printed / e-filed). • No smaller than ten characters per inch (typed).	Rule 2 (c) (3)

MARGINS	• All: Not less than one inch. • Writing on only one side of each sheet.	Rule 24 (c)
PAGE #	• Arabic numerals at the bottom of the pages.	Rule 24 (e)
PAGE LIMITS (PAPER FILINGS)	• Civil: 30 pages / Criminal: 50 pages. • Supplemental: 15 pages. • Do not attach exhibits. • Page limits do not include: 1) Table of Contents, 2) Table of Citations, 3) Cover Sheet, 4) Certificate of Service.	Rule 24 (f); 24 (g)
WORD COUNT LIMITS (ELECTRONIC FILINGS)	• Civil: 8,400 words / Criminal: 14,000 words. • Supplemental: 4,200 words. • Do not attach exhibits. • Word count limits do not include: 1) Table of Contents, 2) Table of Citations, 3) Cover Sheet, 4) Certificate of Service.	Rule 24 (f); 24 (g)
	III. STRUCTURE & CONTENT	
CASE #	• Ensure the correct Case Number is located on the brief.	
PART 1	• Table of Contents and table of authorities cited if brief is of significant length or complexity,	Rule 25 (b)
PART 2	• Brief introduction setting out key issues and your arguments on appeal.	Rule 25 (b)
PART 3	• Brief statement explaining why your case is properly in this Court if you disagree with appellant's presentation.	Rule 25 (b)
PART 4	• Set forth any material inaccuracy or incompleteness of the statement of facts in the appellant's brief and add facts you think are necessary.	Rule 25 (b)
PART 5	• Summarize arguments in the body of your brief if your brief is significantly long or complex	Rule 25 (b)
PART 6	• Argument and the citation of authorities to support each enumeration of error.	Rule 25 (b)
CITATIONS	• Name of case, volume, page and year of Official Report. • Cases not yet reported: Cite by the Court of Appeals or Supreme Court case number and date of decision.	Rule 24 (d)
EXHIBITS	• Do not attach exhibits to the brief. • Refer to exhibits in the certified record.	Rule 24 (g); 25 (a) (1)
PERSONALLY SIGN	• Brief must be personally signed by self-represented appellee and include: 1) mailing address, 2) telephone number, 3) e-mail address, if any.	Rule 2 (a)

CERTIFICATE OF SERVICE	• Must serve a copy of all documents on each opposing counsel or self-represented party by U.S. mail, personal delivery, or electronically by agreement before filing with the Court. • If criminal case, serve the District Attorney. • Must include: 1) full name, 2) complete mailing address, 3) actual signature of appellee.	Rule 2 (a); 6
SUPPLEMENTAL BRIEFS	• Supplemental briefs may only be filed by leave of Court. • If permission is granted, file an original (if submitting a paper filing). • Not to exceed 15 pages (paper filing) or 4,200 words (e-filing). • Parties are not permitted to file letter briefs.	Rule 24(a); 24 (f); 27 (a); 27 (b)

ATTACHMENT C

GEORGIA COURT OF APPEALS
CHECKLIST FOR APPLICATION FOR DISCRETIONARY APPEALS

SUBJECT	REQUIREMENTS	RULE
	I. GENERAL	
COPIES	• File one original.	Rule 6
FILING DATE FOR PAPER SUBMISSIONS	• A document will be deemed filed on the date it was physically received in the Clerk's Office with sufficient costs and stamped filed. If mailed, it will be deemed filed on the date it was postmarked by the U.S. Postal Service or on the commercial carrier's transmittal form if the package is properly addressed, postage prepaid, and date is legible. • Must be in compliance with all requirements below to be accepted.	Rule 4(a); 4 (b); 4 (c)
EXTENSION TO FILE AN APPLICATION	• No extensions of time shall be granted to file a discretionary application unless the motion for extension is filed on or before the due date of the discretionary application. No extension of time shall be granted to file a response to a discretionary application.	Rule 31 (i)
E-FILING	• Certain documents are permitted to be filed electronically. • Self-represented parties may file applications as paper copies. • See e-filing instructions at www.gaappeals.us.	Rule 4 (d); 46
DEADLINE TO FILE	• File within 30 days after the entry of the order, decision or judgment. (If a dispossessory action, must file within 7 days.)	OCGA § 5-6-35 (d)
OPPOSING PARTY'S RESPONSE	• Opposing party may file a response within 10 days. No response is required.	OCGA § 5-6-35 (e) Rule 31 (j)
PAGE LIMITS (PAPER FILING)	• Paper applications and responses are limited to 30 pages in civil cases and 50 pages in criminal cases, exclusive of attached exhibits and parts of the record.	Rule 24 (f) (2); 31 (g) (2) (i)
WORD COUNT LIMITS (ELECTRONIC FILINGS)	• E-filed applications and responses are limited to 8,400 words in civil cases and 14,000 words in criminal cases, excluding tables of contents and citations, cover sheet, and certificate of service.	Rule 24 (f) (1); 31 (g) (1) (i)

	II. PREPARATION	
PAPER	• Typed or printed on 8 ½" X 11" white paper. • Top bound with clamps or fasteners (round head/ACCO) (Unless e-filing.)	Rule 2 (c) (1)
SPACING	• No less than double spacing between the lines. • This EXCLUDES quotations and footnotes.	Rule 2 (c) (2)
FONT	• Times New Roman Regular 14 pt. (printed / e-filed). • No smaller than ten characters per inch (typed).	Rule 2 (c) (3)
MARGINS	• All: Not less than one inch. • Writing on only one side of each sheet.	Rule 24 (c)
PAGE #	• Arabic numerals at the bottom of the pages.	Rule 24 (e)
CONTENT	• The application is a petition enumerating errors and stating why the appellate court has jurisdiction. • It must include: * A stamped "filed" copy of the trial court order or judgment being appealed. * A copy of the petition or motion that led directly to the order or judgment being appealed. * A copy of any responses to the petition or motion. * Payment of all costs or a statement that an exception allows waiver of costs.	OCGA § 5-6-35 (b) OCGA § 5-6-35 (c) Rule 31 (c), (d), (e)
TAB AND INDEX (PAPER FILINGS)	• All submitted material from the record should be tabbed and indexed and shall be securely bound at the top with clamps or fasteners (round head or ACCO). If not tabbed, indexed and securely bound at the top, the application is subject to dismissal or return for preparation according to the Court's rules.	Rule 31 (g) (2) (ii); Rule 31 (g) (2) (iii)
PERSONALLY SIGN	• Must be personally signed by self-represented party and include: 1) mailing address, 2) telephone number, 3) e-mail address, if any.	Rule 2 (a)
CERTIFICATE OF SERVICE	• Must serve a copy of all documents on each opposing counsel or self-represented party by U.S. mail, personal delivery, or electronically with permission before filing with the Court. If criminal case, serve the District Attorney. • Certification must include: 1) name and complete mailing address of opposing counsel or self-represented party, and 2) signature of self-represented appellant.	Rule 2 (a); 6

ATTACHMENT D

GEORGIA COURT OF APPEALS
CHECKLIST FOR APPLICATION FOR INTERLOCUTORY APPEALS

SUBJECT	REQUIREMENTS	RULE
	I. GENERAL	
COPIES	• File one original.	Rule 6
FILING DATE FOR PAPER SUBMISSIONS	• A document will be deemed filed on the date it was physically received in the Clerk's Office with sufficient costs and stamped filed. If mailed, it will be deemed filed on the date it was postmarked by the U.S. Postal Service or on the commercial carrier's transmittal form if the package is properly addressed, postage prepaid, and date is legible. • Must be in compliance with all requirements below to be accepted.	Rule 4(a); 4 (b); 4 (c)
EXTENSION TO FILE AN APPLICATION	• No extension of time shall be granted to file interlocutory applications or responses to interlocutory applications.	Rule 30 (i)
E-FILING	• Certain documents are permitted to be filed electronically. • Self-represented parties may file applications as paper copies. • See e-filing instructions at www.gaappeals.us.	Rule 4 (d); 46
DEADLINE TO FILE	• File within 10 days after the entry of the certificate of immediate review.	OCGA § 5-6-34 (d)
OPPOSING PARTY'S RESPONSE	• Opposing party may file a response within 10 days. No response is required.	Rule 30 (j)
PAGE LIMITS (PAPER FILINGS)	• Applications and responses are limited to 30 pages in civil cases and 50 pages in criminal cases, exclusive of attached exhibits and parts of the record.	Rule 24 (f) (2); 30 (g) (2) (i)
WORD COUNT LIMITS (ELECTRONIC FILINGS)	• E-filed applications and responses are limited to 8,400 words in civil cases and 14,000 words in criminal cases, excluding tables of contents and citations, cover sheet, and certificate of service.	Rule 24 (f) (1); 30 (g) (1) (i)
	II. PREPARATION	
PAPER	• Typed or printed on 8 ½" X 11" white paper. • Top bound with clamps or fasteners (round head/ACCO) (Unless e-filing.)	Rule 2 (c) (1)
SPACING	• No less than double spacing between the lines. • This EXCLUDES quotations and footnotes.	Rule 2 (c) (2)

FONT	• Times New Roman Regular 14 pt. (printed / e-filed). • No smaller than ten characters per inch (typed).	Rule 2 (c) (3)
MARGIN	• All: Not less than one inch. • Writing on only one side of each sheet.	Rule 24 (c)
PAGE #	• Arabic numerals at the bottom of the pages.	Rule 24 (e)
CONTENT	• The application is a petition enumerating errors and stating why the appellate court has jurisdiction. • It must include: * A stamped "filed" copy of the trial court order or judgment being appealed. * A stamped "filed" copy of the certificate of immediate review. * A copy of the petition or motion that led directly to the order or judgment being appealed. * A copy of any responses to the petition or motion. * Payment of all costs or a statement that an exception allows waiver of costs.	Rule 30 (c), (d), (e)
TAB AND INDEX (PAPER FILINGS)	• All submitted material from the record should be tabbed and indexed and shall be securely bound at the top with clamps or fasteners (round head or ACCO). If not tabbed, indexed and securely bound at the top, the application is subject to dismissal or return for preparation according to the Court's rules.	Rule 30 (g) (2) (ii); Rule 30 (g) (2) (iii)
PERSONALLY SIGN	• Must be personally signed by self-represented party and include: 1) mailing address, 2) telephone number, 3) e-mail address, if any.	Rule 2 (a);
CERTIFICATE OF SERVICE	• Must serve a copy of all documents on each opposing counsel or self-represented party by U.S. mail, personal delivery, or electronically with permission before filing with the Court. If criminal case, serve the District Attorney. • Certification must include: 1) name and complete mailing address of opposing counsel or self-represented party, and 2) signature of the self-represented appellant.	Rule 2 (a); 6

ATTACHMENT E: JURISDICTIONAL STATUTES AND CONSTITUTIONAL PROVISIONS

OCGA § 15-3-3.1. Appellate jurisdiction of Court of Appeals (2020).

(a) Pursuant to Article VI, Section VI, Paragraph III of the Constitution of this state, the Court of Appeals rather than the Supreme Court shall have appellate jurisdiction in the following classes of cases:
   (1) Cases involving title to land;
   (2) All equity cases, except those cases concerning proceedings in which a sentence of death was imposed or could be imposed and those cases concerning the execution of a sentence of death;
   (3) All cases involving wills;
   (4) All cases involving extraordinary remedies, except those cases concerning proceedings in which a sentence of death was imposed or could be imposed and those cases concerning the execution of a sentence of death;
   (5) All divorce and alimony cases; and
   (6) All other cases not reserved to the Supreme Court or conferred on other courts.

(b) This Code section shall not otherwise affect the jurisdiction of the Supreme Court or the Court of Appeals.

Georgia Constitution Article VI, § V, Paragraph III. Jurisdiction of Court of Appeals; decisions binding.

The Court of Appeals shall be a court of review and shall exercise appellate and certiorari jurisdiction in all cases not reserved to the Supreme Court or conferred on other courts by law. The decisions of the Court of Appeals insofar as not in conflict with those of the Supreme Court shall bind all courts except the Supreme Court as precedents.

Georgia Constitution Article VI, § VI, Paragraph II. Exclusive appellate jurisdiction of Supreme Court.

The Supreme Court shall be a court of review and shall exercise exclusive appellate jurisdiction in the following cases:

   (1) All cases involving the construction of a treaty or of the Constitution of the State of Georgia or of the United States and all cases in which the constitutionality of a law, ordinance, or constitutional provision has been drawn in question; and
   (2) All cases of election contest.

Georgia Constitution Article VI, § VI, Paragraph III. General appellate jurisdiction of Supreme Court.

Unless otherwise provided by law, the Supreme Court shall have appellate jurisdiction of the following classes of cases:

(1) Cases involving title to land;

(2) All equity cases;

(3) All cases involving wills;

(4) All habeas corpus cases;

(5) All cases involving extraordinary remedies;

(6) All divorce and alimony cases;

(7) All cases certified to it by the Court of Appeals; and

(8) All cases in which a sentence of death was imposed or could be imposed.

Review of all cases shall be as provided by law.

ATTACHMENT F: OCGA § 5-6-34 (2022). JUDGMENTS/RULINGS DIRECTLY APPEALABLE

OCGA § 5-6-34 (2022). Judgments and rulings deemed directly appealable; procedure for review of judgments, orders, or decisions not subject to direct appeal; scope of review; hearings in criminal cases involving a capital offense for which death penalty is sought; appeals involving nonmonetary judgments in child custody cases.

(a) Appeals may be taken to the Supreme Court and the Court of Appeals from the following judgments and rulings of the superior courts, the Georgia State-wide Business Court, the constitutional city courts, and such other courts or tribunals from which appeals are authorized by the Constitution and laws of this state:
   (1) All final judgments, that is to say, where the case is no longer pending in the court below, except as provided in Code Section 5-6-35;
   (2) All judgments involving applications for discharge in bail trover and contempt cases;
   (3) All judgments or orders directing that an accounting be had;
   (4) All judgments or orders granting or refusing applications for receivers or for interlocutory or final injunctions;
   (5) All judgments or orders granting or refusing applications for attachment against fraudulent debtors;
   (6) Any ruling on a motion which would be dispositive if granted with respect to a defense that the action is barred by Code Section 16-11-173;
   (7) All judgments or orders granting or refusing to grant mandamus or any other extraordinary remedy, except with respect to temporary restraining orders;
   (8) All judgments or orders refusing applications for dissolution of corporations created by the superior courts;
   (9) All judgments or orders sustaining motions to dismiss a caveat to the probate of a will;
   (10) All judgments or orders entered pursuant to subsection (c) of Code Section 17-10-6.2;
   (11) All judgments or orders in child custody cases awarding, refusing to change, or modifying child custody or holding or declining to hold persons in contempt of such child custody judgment or orders;
   (12) All judgments or orders entered pursuant to Code Section 35-3-37; and
   (13) All judgments or orders entered pursuant to Code Section 9-11-11.1.

(b) Where the trial judge in rendering an order, decision, or judgment, not otherwise subject to direct appeal, including but not limited to the denial of a defendant's motion to recuse in a criminal case, certifies within ten days of entry thereof that the order, decision, or judgment is of such importance to the case that immediate review should be had, the Supreme Court or the Court of Appeals may thereupon, in their respective discretions, permit an appeal to be taken from the order, decision, or judgment if application is made thereto within ten days after such certificate is granted. The application shall be in the nature of a petition and shall set forth the need for such an appeal and the issue or issues involved therein. The applicant may, at his or her election, include copies of such parts of the record as he or she deems appropriate, but no certification of such copies by the clerk of the trial court shall be necessary. The application shall be filed with the clerk of the Supreme Court or the Court of Appeals and a copy of the application, together with a list of those parts of the record included with the application, shall be served upon the opposing party or parties in the case in the manner prescribed by Code

Section 5-6-32, except that such service shall be perfected at or before the filing of the application. The opposing party or parties shall have ten days from the date on which the application is filed in which to file a response. The response may be accompanied by copies of the record in the same manner as is allowed with the application. The Supreme Court or the Court of Appeals shall issue an order granting or denying such an appeal within 45 days of the date on which the application was filed. Within ten days after an order is issued granting the appeal, the applicant, to secure a review of the issues, may file a notice of appeal as provided in Code Section 5-6-37. The notice of appeal shall act as a supersedeas as provided in Code Section 5-6-46 and the procedure thereafter shall be the same as in an appeal from a final judgment.

(c) In criminal cases involving a capital offense for which the death penalty is sought, a hearing shall be held as provided in Code Section 17-10-35.2 to determine if there shall be a review of pretrial proceedings by the Supreme Court prior to a trial before a jury. Review of pretrial proceedings, if ordered by the trial court, shall be exclusively as provided by Code Section 17-10-35.1 and no certificate of immediate review shall be necessary.

(d) Where an appeal is taken under any provision of subsection (a), (b), or (c) of this Code section, 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, without regard to the appealability of the judgment, ruling, or order standing alone and without regard to whether the judgment, ruling, or order appealed from was final or was appealable by some other express provision of law contained in this Code section, or elsewhere. For purposes of review by the appellate court, one or more judgments, rulings, or orders by the trial court held to be erroneous on appeal shall not be deemed to have rendered all subsequent proceedings nugatory; but the appellate court shall in all cases review all judgments, rulings, or orders raised on appeal which may affect the proceedings below and which were rendered subsequent to the first judgment, ruling, or order held erroneous. Nothing in this subsection shall require the appellate court to pass upon questions which are rendered moot.

(e) Where an appeal is taken pursuant to this Code section for a judgment or order granting nonmonetary relief in a child custody case, such judgment or order shall stand until reversed or modified by the reviewing court unless the trial court states otherwise in its judgment or order.

ATTACHMENT G: OCGA § 5-6-35 (2022). CASES REQUIRING APPLICATION FOR APPEAL

OCGA § 5-6-35 (2022). Cases requiring application for appeal; requirements for application; exhibits; response; issuance of appellate court order regarding appeal; procedure; supersedeas; jurisdiction of appeal; appeals involving nonmonetary judgments in custody cases

(a) Appeals in the following cases shall be taken as provided in this Code section:
   (1) Appeals from decisions of the superior courts reviewing decisions of the State Board of Workers' Compensation, the State Board of Education, auditors, state and local administrative agencies, and lower courts by certiorari or de novo proceedings; provided, however, that this provision shall not apply to decisions of the Public Service Commission and probate courts and to cases involving ad valorem taxes and condemnations;
   (2) Appeals from judgments or orders in divorce, alimony, and other domestic relations cases including, but not limited to, granting or refusing a divorce or temporary or permanent alimony or holding or declining to hold persons in contempt of such alimony judgment or orders;
   (3) Appeals from cases involving distress or dispossessory warrants in which the only issue to be resolved is the amount of rent due and such amount is $2,500.00 or less;
   (4) Appeals from cases involving garnishment or attachment, except as provided in paragraph (5) of subsection (a) of Code Section 5-6-34;
   (5) Appeals from orders revoking probation;
   (5.1) Appeals from decisions of superior courts reviewing decisions of the Sexual Offender Registration Review Board;
   (5.2) Appeals from decisions of superior courts granting or denying petitions for release pursuant to Code Section 42-1-19;
   (6) Appeals in all actions for damages in which the judgment is $10,000.00 or less;
   (7) Appeals, when separate from an original appeal, from the denial of an extraordinary motion for new trial;
   (8) Appeals from orders under subsection (d) of Code Section 9-11-60 denying a motion to set aside a judgment or under subsection (e) of Code Section 9-11-60 denying relief upon a complaint in equity to set aside a judgment;
   (9) Appeals from orders granting or denying temporary restraining orders;
   (10) Appeals from awards of attorney's fees or expenses of litigation under Code Section 9-15-14;
   (11) Appeals from decisions of the state courts reviewing decisions of the magistrate courts by de novo proceedings so long as the subject matter is not otherwise subject to a right of direct appeal; and
   (12) Appeals from orders terminating parental rights.

(b) All appeals taken in cases specified in subsection (a) of this Code section shall be by application in the nature of a petition enumerating the errors to be urged on appeal and stating why the appellate court has jurisdiction. The application shall specify the order or judgment being appealed and, if the order or judgment is interlocutory, the application shall set forth, in addition to the enumeration of errors to be urged, the need for interlocutory appellate review.

(c) The applicant shall include as exhibits to the petition a copy of the order or judgment being appealed and should include a copy of the petition or motion which led directly to the order or judgment being appealed and a copy of any responses to the petition or motion. An applicant may include copies of such other parts of the record or transcript as he deems appropriate. No certification of such copies by the clerk of the trial court shall be necessary in conjunction with the application.

(d) The application shall 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 complained of and a copy of the application, together with a list of those parts of the record included with the application, shall be served upon the opposing party or parties as provided by law, except that the service shall be perfected at or before the filing of the application. When a motion for new trial, a motion in arrest of judgment, or a motion for judgment notwithstanding the verdict has been filed, the application shall be filed within 30 days after the entry of the order granting, overruling, or otherwise finally disposing of the motion.

(e) The opposing party or parties shall have ten days from the date on which the application is filed in which to file a response. The response may be accompanied by copies of the record in the same manner as is allowed with the application. The response may point out that the decision of the trial court was not an error, or that the enumeration of error cannot be considered on appeal for lack of a transcript of evidence or for other reasons.

(f) The Supreme Court or the Court of Appeals shall issue an order granting or denying such an appeal within 30 days of the date on which the application was filed.

(g) Within ten days after an order is issued granting the appeal, the applicant, to secure a review of the issues, shall file a notice of appeal as provided by law. The procedure thereafter shall be the same as in other appeals.

(h) The filing of an application for appeal shall act as a supersedeas to the extent that a notice of appeal acts as a supersedeas.

(i) This Code section shall not affect Code Section 9-14-52, relating to practice as to appeals in certain habeas corpus cases.

(j) When an appeal in a case enumerated in subsection (a) of Code Section 5-6-34, but not in subsection (a) of this Code section, is initiated by filing an otherwise timely application for permission to appeal pursuant to subsection (b) of this Code section without also filing a timely notice of appeal, the appellate court shall have jurisdiction to decide the case and shall grant the application. Thereafter the appeal shall proceed as provided in subsection (g) of this Code section.

(k) Where an appeal is taken pursuant to this Code section for a judgment or order granting nonmonetary relief in a child custody case, such judgment or order shall stand until reversed or modified by the reviewing court unless the trial court states otherwise in its judgment or order.

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.

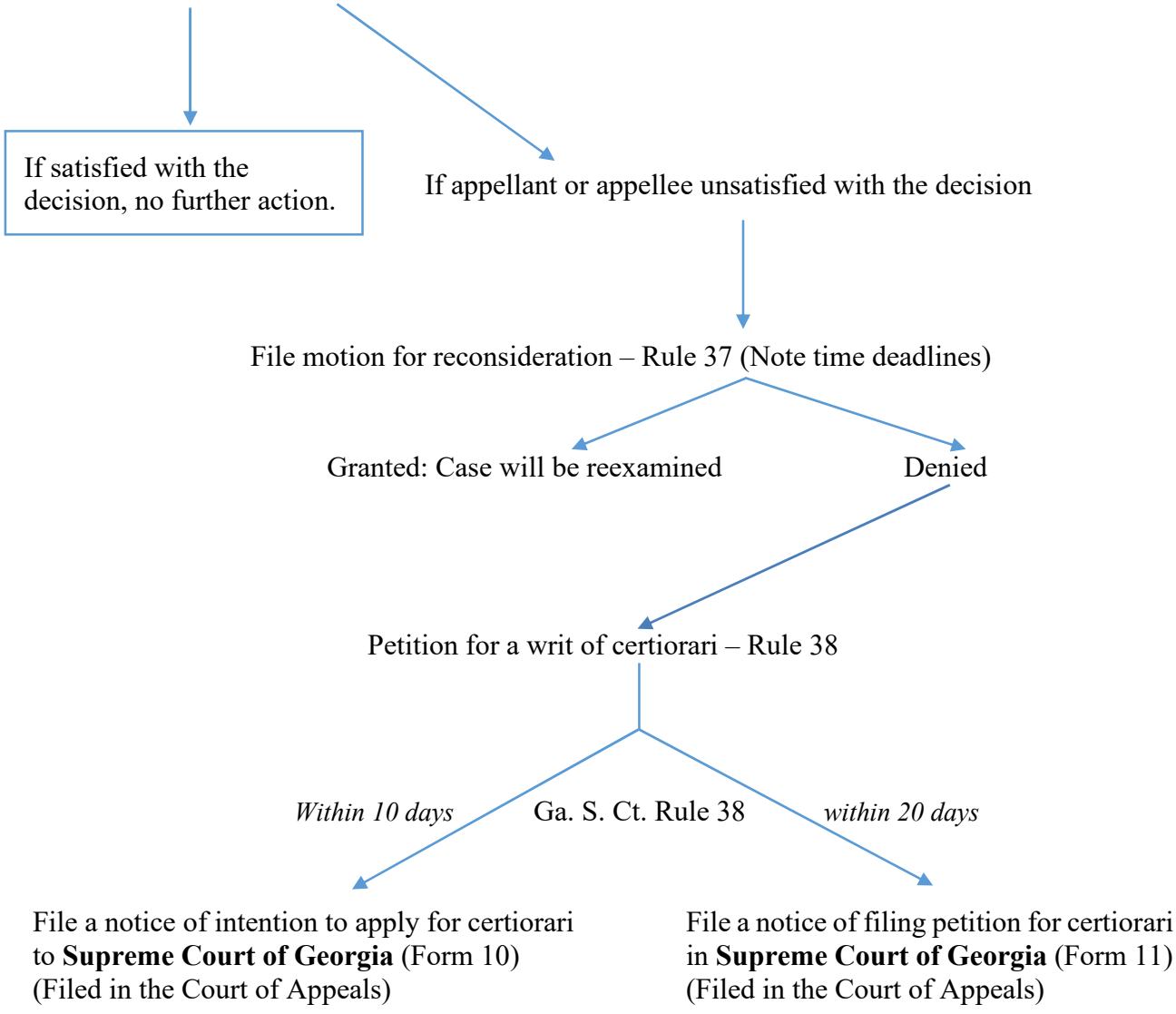
5. Unless an extension is granted, the appellee's response brief must be filed within 40 days after the case is docketed or 20 days after the appellant's brief is filed, whichever is later. See Rule 23 (b). The required format for a brief can be found in Court of Appeals Rules 24 and 25.

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.

[continued on next page]

8. Options for parties:



ATTACHMENT I: APPLICATIONS OUTLINE

OUTLINE OF DISCRETIONARY OR INTERLOCUTORY APPLICATION PROCESS

File the application in the Court of Appeals. (See Form 2) Note the strict deadlines in OCGA §§ 5-6-34 & 5-6-35 and Court of Appeals Rules 30 and 31.

A discretionary application is granted only if:

(1) Reversible error appears to exist;
(2) The Court wants to establish precedent for this kind of case;
(3) Further development of the common law, particularly in divorce cases, is desirable; or
(4) The application is for leave to appeal a judgment and decree of divorce that is final under OCGA § 5-6-34 (a) (1), is timely under OCGA § 5-6-35 (d), and has possible merit.
See OCGA § 5-6-35; Rule 31 (b).

An interlocutory application is granted only if:

(1) The issue to be decided would probably end the case;
(2) The order that would be considered on appeal appears to be wrong and will probably cause a substantial error at trial or will adversely affect the rights of the appealing party until entry of final judgment, in which case the appeal will be expedited; or
(3) The Court wants to establish precedent for this kind of case.
See OCGA § 5-6-34 (b); Rule 30 (b).

If the Court grants the application, then the Applicant must file a **notice of appeal in the trial court within 10 days of the order** granting the application.

If the Court denies the application, then the Applicant may file a **motion for reconsideration within 10 days** (Rule 37; see Form 6).

a. If the Court grants the motion, the Applicant does not have to do anything else until the Court rules on the application.
b. If the Court denies the motion, the Applicant may file a notice of its intention to petition the Georgia Supreme Court for a writ of certiorari within ten days. A petition for a writ of certiorari in the Supreme Court is governed by the rules of that Court. The Applicant must provide notice to the Court of Appeals on the same day that the petition is filed with the Supreme Court (Rule 38; see Forms 10 & 11).

ATTACHMENT J: IMPORTANT DEADLINES

WHERE TO LOOK FOR THE DEADLINES THAT APPLY TO YOUR FILINGS:

(1) Time for filing notice of appeal: OCGA § 5-6-38 (a)

(2) Time for filing notice of appeal or application to appeal in dispossessory cases: OCGA § 44-7-56

(3) Extension of time for filing notice of appeal: OCGA § 5-6-39 (d)

(4) Time for filing a notice of cross appeal: OCGA § 5-6-38 (a)

(5) Time for filing discretionary application: OCGA § 5-6-35 (d)

(6) Time for filing notice of appeal if the discretionary application is granted: See Rule 31 (k) and OCGA § 5-6-35 (g)

(7) Time for filing interlocutory application: OCGA § 5-6-34 (b)

(8) Time for filing notice of appeal if the interlocutory application is granted: See Rule 30 (k) and OCGA § 5-6-34 (b)

(9) Time for filing transcript of evidence: OCGA § 5-6-42

(10) Time for filing designation of record by appellee: OCGA § 5-6-42

(11) Time for preparing a copy of record by the clerk of the trial court: OCGA § 5-6-43

(12) Time for filing briefs: See Rule 23

(13) Time for filing motion for reconsideration: See Rule 37

(14) Time for filing notice of intention to petition for a writ of certiorari to Supreme Court of Georgia: See Rule 38 (a)

ATTACHMENT K: COMMON RETURN REASONS

Appellant's Brief was not accompanied by the proper filing fee ($300.00 civil or $80.00 criminal) or sufficient evidence of indigence (must be on a signed form from the Court's website). O.C.G.A. §5-6-4, Rule 5, Rule 30 (d), Rule 31 (d)

Request for Oral Argument must be filed as a separate document. Rule 28 (a)(3)

Document(s) was /were not signed by counsel (who is admitted to this Court or granted courtesy appearance) or the self-represented party. Rule 2 (a)

No Certificate of Service accompanied your document(s). Rules 2 (a) and 6

Certificate of Service was improper by failing to include the complete name and mailing address of each opposing counsel and/or self-represented party. Rule 6

Certificate of Service failed to certify that you already have an agreement with the opposing party or lawyer to serve them with documents by email in a .pdf format. Rule 6

Document does not contain a certification of the proper word count. Rules 24 (f) and 27 (a)

Document was submitted without permission to file (amended brief, supplemental brief, or second motion for reconsideration). Rules 27 (a) and 37 (d)

Letter briefs and letter cites are not permitted. Rule 27 (b)

Request for court action must be submitted in motion form. Rule 41 (a)

Motion was submitted in an improper form (joint, compound, or alternative motions in one document). Rule 41 (b)

Filing is being returned because it has exhibits attached (exception: Rule 40(b) motions). Rule 24(g), 37(a) and 41(b).

The remittitur has been issued.

No document(s) may be submitted for filing more than 30 days after the date of the order disposing of the application or motion for reconsideration. Rule 30(l) and Rule 31(l)

A stamped "filed" copy of the trial court's order to be appealed was not attached to your Application. Rules 30 (c) and 31 (c)

A stamped "filed" copy of the Certificate of Immediate Review was not attached to your Interlocutory Application. Rule 30 (c)

A Rule 40(b) motion shall: Contain an explanation of why an order of this Court is necessary and why the action requested is time-sensitive; contain a stamped "filed" copy of the order being appealed; contain a stamped "filed" copy of the notice of appeal; show that service was perfected upon the opposing party before filing the motion with the Court; and be accompanied by the filing fee or evidence that one or more of the fee waiver provisions of Rule 5 apply, unless the motion is filed in a pending case already docketed with the Court. Rule 40(b)

An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained. An appeal from a denial of an Application for Writ of Habeas Corpus goes to the Supreme Court and not the Court of Appeals.

ATTACHMENT L: GENERAL RETURN REASONS

There is no case currently pending in the Court of Appeals of Georgia under the information provided. Therefore, we are returning your documents to you. Please check with the trial court.

A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37. Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once docketed, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel or directly to the parties, if the parties are representing themselves. Do not provide this Court with a copy of the Notice of Appeal you filed with the superior court. The Court of Appeals can only accept the Notice of Appeal directly from the trial court clerk. The Notice of Appeal must include a proper Certificate of Service; it must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.

The Clerk's Office is unable to determine the purpose of your document(s) or your document(s) do(es) not appear to have been intended for this Court. Therefore, we are returning your document(s) to you. If the document(s) is/are intended for this Court, please provide clarification.

Your appeal was disposed by opinion/order on _____, 2024. The Court of Appeals _____. The remittitur was issued on _____, 2024, returning the case to the trial court. This Court no longer has jurisdiction to act in your case.

This Court cannot provide legal advice to you concerning your matter. Please visit our website at www.gaappeals.us, click on "File an Appeal," and select "Citizen's Guide" for steps on how to file your appeal.

REQUEST FOR COPIES

We received your request for copies. Copies are $1.50 per page in this Court. Pauper status does not excuse copy fees here. The Court of Appeals of Georgia is not subject to the Open Records Act. Costs for copies you indicated you would like are:

Please send your check or money order to the following address specifying exactly what copies you want to be sent to you. Your request will be processed and sent to you by return mail.

Court of Appeals of Georgia
330 Capitol Ave., S.E.
1st Floor • Suite 1601
Atlanta, Georgia 30334

COURT RULES/ CITIZEN'S GUIDE

The Rules of the Court of Appeals of Georgia cost $1.50 per page. There are 46 pages at a total cost of $69.00.

If you would like a copy of the **Court's Citizen's Guide**, you will need to download it from our website at www.gaappeals.us or have a friend or relative download and print it for you.

FORMS

This Court does not provide forms. However, please review the Citizen's Guide to Filing Appeals found on our website at www.gaappeals.us

APPOINTMENT OF COUNSEL

Please direct any questions about appointment of counsel to the trial court from which you are appealing. This Court cannot appoint counsel for you. If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court. As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted before you can file your own pleadings in this Court.

If you intended to file in the this is their address:

CHECK RETURN

Your check number in the amount of written on the account of your firm for the filing fee in is enclosed. Please be advised that this Court is returning your check since the filing fee was already paid by .

CASE STATUS - DISPOSED

Your appeal was disposed of by opinion or order on _____, 2024. The remittitur was issued on _____, 2024, returning the case to the trial court. This Court no longer has jurisdiction to act in your case.

CASE STATUS - PENDING

The above-referenced appeal is currently pending in this Court. Since you are listed as representing yourself in this appeal, as soon as the court decides your case, the opinion or order will be mailed directly to you. If your address changes before you get this opinion or order, you must tell us about your new address.

14. GLOSSARY

The following are definitions of common terms used during the appellate process. They are useful to understand the appellate process and how to prepare an appeal.

APPEAL – A review by an appellate court (such as the Court of Appeals of Georgia or the Georgia Supreme Court) of what happened in the trial court to determine whether any mistakes of law occurred, and, if so, whether the appealing party is entitled to have the judgment of the trial court reversed, vacated, remanded (sent back to the trial court for further proceedings), or otherwise changed.

APPELLANT – The party who appeals from the trial court's decision, usually, the "losing" party in the trial court.

APPELLEE – The party against whom an appeal is filed, who responds to the appeal and is usually the "winning" party in the trial court.

APPELLANT'S BRIEF – The document that the appellant files in this Court to explain why the lower court made the wrong decision. This is the first brief sent to the Court following the docketing notice.

APPELLEE'S BRIEF – The document that the appellee files in this Court responding to the appellant's brief, generally explaining why the lower court's decision was right and arguing that this Court should uphold that decision.

BRIEF – A written statement that explains the arguments of a party to an appeal.

CERTIFICATE OF IMMEDIATE REVIEW – A document signed by the trial judge stating that the order, decision, or judgment someone wants to appeal is so important that the appellate court should review it immediately, before the case ends. A certificate of immediate review is required to file an interlocutory application.

CERTIFICATE OF SERVICE – A written statement by a party that he or she has served the opposing party or attorney by U.S. mail, in person, or electronically with a copy of a document before filing it with the Court, in accordance with Rule 6. It must be dated and signed by the party filing it, and it must contain the name and complete mailing address of the opposing party or attorney. The Court will return any document submitted for filing if it does not include a proper certificate of service.

CITATION – A reference to legal authority, which includes cases that have already been decided by a court ("case law"), statutes, and parts of the state and federal constitutions. These references should be used to support arguments explaining a party's position. A citation can also be to documents or transcripts in the record.

CIVIL CASE – A case involving a dispute between two or more parties in which a plaintiff is asking the Court to grant some form of relief due to an injury or harm suffered because of the actions of the defendant, as opposed to a criminal case between the State and a defendant.

COURT OF APPEALS – The intermediate appeals court in Georgia. This Court hears most appeals of cases that have been decided in the lower trial courts, and its decisions may be reviewed by the Georgia Supreme Court.

DECISION – The written ruling of the Court in an appeal. Some cases are decided by an opinion and some are decided by an order.

DEFENDANT – The party being sued or charged with a crime.

DISCRETIONARY APPLICATION – In cases where a party does not have the right to a direct (or automatic) appeal, a party must first obtain the appellate court's permission to file an appeal by filing an application. The Court either grants the application and the party files a notice of appeal in the trial court, or the appellate court denies or dismisses it, and the case cannot be appealed.

DOCKET – An organized, written list of proceedings in a case, which includes the titles of all the documents filed with the clerk of court and the dates they were filed.

DOCKETING NOTICE – A document sent by the Court of Appeals to the parties when the Court dockets, or files, an appeal from a lower court after it receives a copy of the record. The notice includes the due dates of the parties' briefs and oral argument requests.

ENUMERATION OF ERRORS – The portion of the appellant's brief that specifically states exactly what the trial court did wrong and states where in the record or transcript each error occurred. The enumerations should be in Part Two of the appellant's brief and are usually one sentence long each. They do not include the argument about the error, which is contained in Part Three of the brief.

FILE STAMP – The official stamp of a clerk's office that shows the date when the document was recorded as filed with the clerk. This date may be different from the date the document was signed, and is the date that controls any due date that follows it.

INDIGENT – Someone who is unable to pay the costs and fees related to a case due to financial hardship.

INTERLOCUTORY APPLICATION – Generally, a case must have been completely finished in the lower court before a party may file an appeal. An interlocutory application is a request by a party to appeal an order before the end of a case. Generally, the trial court must grant the party a certificate of immediate review before the application is filed. See Rule 30.

JUDGMENT OR ORDER – A ruling made by the trial court judge, usually at the end of a case. It must be in writing and must be "entered" or filed with the trial court clerk before the Court of Appeals has jurisdiction to consider an appeal from it. Sometimes an order issued before the case is over can be appealed if the Court grants an interlocutory application.

JURISDICTION – The power or authority given by the Georgia Constitution and laws to hear and resolve particular types of cases or appeals. For the jurisdiction of the Supreme Court of Georgia and the Court of Appeals of Georgia, see Art. VI, Sec. V, Para. III and Art. VI, Sec. VI, Para. II through V of the 1983 State Constitution, and OCGA § 15-3-3.1.

LITIGANTS – The parties who are involved in a lawsuit.

MOTION – A written request asking the Court to take some action or issue a specific ruling or order.

MOTION FOR RECONSIDERATION – A motion asking the Court to change its mind in one of its orders or opinions. Motions for reconsideration must be physically received by the Court by 4:30 p.m. by the tenth day after the order or opinion was issued. The

Court may shorten this time period. See Rule 37.

MOVANT – The party who asks the Court to do something by filing a motion.

NON-MONETARY – Compensation given in a transaction which does not involve cash. A non-monetary reward can consist of almost any material object such as jewelry, precious metals or an automobile, for example.

NOTARIZED – An act where an individual swears he/she saw the contract or agreement get signed.

NOTICE OF APPEAL – The document that must be filed in the trial court to start a direct appeal. In most cases, it must be filed within 30 days of the entry of the order or judgment being appealed. In dispossessory cases, the notice of appeal must be filed within 7 days.

NOTICE OF INTENTION TO PETITION FOR A WRIT OF CERTIORARI – A document filed with the Court of Appeals to alert it that a party intends to apply for a writ of certiorari with the Supreme Court of Georgia, meaning the party intends to ask the Supreme Court to review the decision of the Court of Appeals. See Form 10.

OCGA – the Official Code of Georgia Annotated or OCGA is the collection of all laws in the state of Georgia. Like other U.S. state codes, its legal interpretation is subject to the United States Constitution, Regulations, and the state's constitution.

OPINION – The written ruling of the Court in an appeal, also called the decision.

ORAL ARGUMENT – The in-person presentation of a party's position on appeal to a panel of judges. A party must ask for oral argument, and few requests are granted.

PAUPER'S AFFIDAVIT (Affidavit of Indigence) – A notarized, signed document stating that the person signing it is financially unable to pay the filing fee or other costs of bringing an appeal. Usually, the Court will not make a party pay the filing fee if he or she files a pauper's affidavit. If the record on appeal already contains evidence of indigence, it is not necessary to file a pauper's affidavit. See Form 1 and Rule 5.

PLAINTIFF – A party who starts a lawsuit by filing a complaint.

PRECEDENT – A previously decided case that is binding on future cases that have similar facts and legal issues. Generally, the Court of Appeals is only bound by published cases from its own court, the Georgia Supreme Court, and the U.S. Supreme Court.

PRO SE – A party in a case who is not represented by an attorney but is acting on his or her own behalf; also self-represented.

RECORD – A collection of documents filed in the trial court, including transcripts of depositions, hearings, and trial. In a notice of appeal, a party must state which documents should be omitted (left out) of the record to be prepared for review by the Court of Appeals.

REMITTITUR – A document issued by the Court of Appeals to the trial court that returns jurisdiction to that court and shows the final judgment of the Court of Appeals, either reversing, affirming, or vacating the trial court's decision, and possibly remanding the case for further proceedings.

REPLY BRIEF – A document that the appellant may file in response to the appellee's brief. A reply brief explains why the arguments made in the appellee's brief are wrong, but cannot include new arguments

or errors. Filing a reply brief is not required, but is optional.

RESPONDENT – The party opposing an application or motion.

STANDARD OF REVIEW – The court's view on its authority to review and change a lower court's decision.

STATE ATTORNEY – A lawyer who represents the interests of the state in a legal proceeding, typically as a prosecutor in a criminal case.

SUPERSEDEAS – A writ (order) that suspends the authority of a trial court to issue an execution on a judgment that has been appealed.

SUPREME COURT OF GEORGIA – The highest court in the State of Georgia. If a party is unhappy with a decision of the Court of Appeals, the party may submit a "petition for certiorari" asking the Supreme Court to review the Court of Appeals' decision.

TABLE OF AUTHORITIES – A listing of all the cases, statutes, and other legal references included in a brief to support a party's arguments.

TRANSCRIPT – A written document that includes everything that was said during a hearing, trial, or deposition. A transcript may also contain any exhibits admitted at the hearing or trial. A transcript must be certified by the court reporter and the clerk of the trial court, who sends a copy of it to the appellate court as part of the record of a case. A transcript must be certified and sent by the trial court clerk, not by a party, attorney, or court reporter.

TRIAL COURT – Also called the lower court, where some civil and criminal cases start. Trial courts may also hear appeals or transfers from magistrate court, probate court, or administrative courts. Decisions made by trial courts may be appealed by granted application or directly to the Court of Appeals or Supreme Court of Georgia, depending on which appellate court has jurisdiction over the subject matter.

TRIBUNAL – An officer or body with authority (jurisdiction) to pronounce judgment on a matter based upon evidence.

TROVER – A legal proceeding seeking the recovery of damages from a person who had found another's goods and wrongfully took them for their own use.