

# COURT OF APPEALS OF THE STATE OF GEORGIA

## Jadarrius T. Miller v. State

Miller v. State · No. A22A0133 · Decided November 8, 2021

### SUMMARY

The Court of Appeals of the State of Georgia granted the State’s motion to dismiss the appeal in Miller v. State. The appeal was dismissed because the appellant failed to timely file a brief and enumeration of errors after receiving an extension of time.

### CASE DETAILS

|                    |                                                                                                                                                                      |
|--------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT              | Court of Appeals of the State of Georgia                                                                                                                             |
| JURISDICTION       | Georgia                                                                                                                                                              |
| DECIDED            | November 8, 2021                                                                                                                                                     |
| DOCKET             | A22A0133                                                                                                                                                             |
| DISPOSITION        | dismissed                                                                                                                                                            |
| PROCEDURAL POSTURE | The State moved to dismiss the appeal after the appellant failed to timely file an initial brief and enumeration of errors or a second motion for extension of time. |
| PRECEDENTIAL VALUE | published                                                                                                                                                            |
| PARTIES            | Jadarrius T. Miller v. State                                                                                                                                         |

### TOPICS

appellate procedure

### PRACTICE AREAS

appellate procedure

### QUESTIONS PRESENTED

1. Whether the appeal should be dismissed because the appellant failed to timely file a brief and enumeration of errors as ordered by the Court.

### HOLDINGS

1. The appeal must be dismissed because the appellant failed to file a brief and enumeration of errors within the period ordered by the Court.

## KEY QUOTATIONS

*“The motion to dismiss is hereby GRANTED, and the appeal is DISMISSED for failure to file a brief and enumeration of errors within the period ordered by this Court.”*

## FACTUAL BACKGROUND

The appeal was docketed on August 10, 2021, and the appellant's brief and enumeration of errors were due by August 30, 2021. The Court granted an extension through October 1, 2021, but the appellant did not timely file the required documents or seek a second extension. The State then moved to dismiss the appeal.

## PROCEDURAL HISTORY

The appeal was docketed on August 10, 2021. The appellant's brief was initially due August 30, 2021; the Court granted an extension until October 1, 2021. The appellant failed to file the required brief and enumeration of errors within the ordered period, and the State moved to dismiss on October 13, 2021. The Court granted the motion and dismissed the appeal.

## DISPOSITION

dismissed

## OPINION

Jadarrius T. Miller v. State

PER CURIAM.

Court of Appeals of the State of Georgia

ATLANTA, \_\_\_\_\_

October 26, 2021 The Court of Appeals hereby passes the following order: A22A0133. MILLER v. STATE. This appeal was docketed on August 10, 2021, and appellant's brief containing an enumeration of errors was due by August 30, 2021. On September 1, 2021, this Court granted appellant an extension to file an initial brief until October 1, 2021. Appellant failed to timely file a brief and enumeration of errors or a second motion for extension of time to file a brief with this Court, and the State filed a motion to dismiss the appeal on October 13, 2021. The motion to dismiss is hereby GRANTED, and the appeal is DISMISSED for failure to file a brief and enumeration of errors within the period ordered by this Court.<sup>1</sup> Court of Appeals of the State of Georgia Clerk's Office, Atlanta, \_\_\_\_\_ 10/26/2021 I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia. Witness my signature and the seal of said court hereto affixed the day and year last above written. , Clerk. <sup>1</sup> See Court of Appeals Rule 23 (a).