

SUPREME COURT OF GEORGIA

Riley v. State, 280 Ga. 267

626 S.E.2d 116 (2006) · No. S05A2063 · Decided January 30, 2006

SUMMARY

The Supreme Court of Georgia affirmed dismissal of Christopher Riley’s notice of appeal as untimely. The court held that Georgia’s prisoner mailbox rule applies only to habeas corpus appeals and does not excuse a pro se prisoner’s failure to timely file a notice of appeal in a nonhabeas criminal matter.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Melton, Justice
JURISDICTION	Georgia
DECIDED	January 30, 2006
DOCKET	S05A2063
DISPOSITION	affirmed
PROCEDURAL POSTURE	Riley appealed from the superior court's dismissal of his notice of appeal as untimely. The Supreme Court of Georgia had granted discretionary appellate review of the underlying order, but Riley filed his notice of appeal after the statutory deadline.
STANDARD OF REVIEW	The Supreme Court reviewed whether the superior court erred in dismissing the notice of appeal as untimely.
PRECEDENTIAL VALUE	Published, precedential decision of the Supreme Court of Georgia.
PARTIES	Christopher Riley v. State

TOPICS

- appellate procedure
- criminal procedure
- post-conviction relief
- habeas corpus
- preservation of error

PRACTICE AREAS

- criminal appellate procedure
- post-conviction relief
- habeas corpus

QUESTIONS PRESENTED

1. Whether a pro se prisoner may invoke Georgia's prisoner mailbox rule to deem a notice of appeal filed when delivered to prison authorities in a non-habeas criminal or civil appeal.
2. Whether the superior court properly dismissed Riley's notice of appeal for failure to file it within the statutory deadline.

HOLDINGS

1. Georgia's prisoner mailbox rule established in *Massaline v. Williams* applies only to pro se prisoners' habeas corpus appeals and does not excuse untimely filing of a notice of appeal in a non-habeas criminal or civil matter.
2. The superior court properly dismissed Riley's appeal because the notice of appeal was not filed by the statutory deadline.

KEY QUOTATIONS

“Massaline, however, by its explicit terms applies only in the narrow context of habeas corpus appeals to permit a pro se prisoner's notice of appeal to be deemed filed on the date delivered to prison authorities.” (626 S.E.2d at 117)

“Accordingly, contrary to Riley's assertion, the mailbox rule established in Massaline does not exempt a pro se prisoner from complying with the statutory requirements to file a timely notice of appeal in any nonhabeas criminal or civil filing.” (626 S.E.2d at 117)

FACTUAL BACKGROUND

Riley, a prison inmate proceeding pro se, challenged his criminal convictions based on alleged irregularities in the trial jury pool. After the superior court dismissed his motion, the Supreme Court granted discretionary review and required Riley to file a notice of appeal by May 30, 2005. Riley mailed the notice on May 31, and it was not filed in the superior court until June 3.

PROCEDURAL HISTORY

Riley's malice-murder and armed-robbery convictions were affirmed in 1981. He later filed a motion challenging the convictions based on alleged irregularities in the trial jury pool; the superior court dismissed the motion, concluding that the issue had to be raised in habeas corpus proceedings. After the Supreme Court granted discretionary review, Riley's notice of appeal was mailed one day late and filed three days after the deadline. The superior court dismissed the appeal, and the Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Riley v. State, 248 Ga. 107, 281 S.E.2d 533 (1981)
- Massaline v. Williams, 274 Ga. 552, 554 S.E.2d 720 (2001)

- Sieg v. Sieg, 265 Ga. 384(1), 455 S.E.2d 830 (1995)
- Romano v. State, S06A0637

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