

COURT OF APPEALS OF THE STATE OF GEORGIA

Karen Medows v. Rhonda Medows

Medows · No. A21A0926 · Decided February 16, 2021

SUMMARY

The Georgia Court of Appeals dismissed Karen Medows's direct appeal from a superior court order arising from a dispossessory proceeding. The court held that because the superior court had decided a de novo appeal from magistrate court, Medows was required to use the discretionary appeal procedure under OCGA § 5-6-35(a)(1), and her failure to do so deprived the court of jurisdiction.

CASE DETAILS

COURT	Court of Appeals of the State of Georgia
JURISDICTION	Georgia
DECIDED	February 16, 2021
DOCKET	A21A0926
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant Karen Medows appealed to the superior court after an adverse ruling in a dispossessory proceeding in magistrate court, then filed a direct appeal from the superior court's order issuing a writ of possession.
STANDARD OF REVIEW	Jurisdictional review; the Court of Appeals determined whether it had jurisdiction over a direct appeal from a superior court order disposing of a de novo appeal from magistrate court.
PRECEDENTIAL VALUE	Published Court of Appeals opinion; precedential value not otherwise specified in the provided text.
PARTIES	Karen Medows v. Rhonda Medows

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the Court of Appeals had jurisdiction over a direct appeal from a superior court order disposing of a de novo appeal from a magistrate court dispossession proceeding.
2. Whether Medows was required to use the discretionary appeal procedure rather than filing a direct appeal.

HOLDINGS

1. A party seeking review of a superior court order disposing of a de novo appeal from a magistrate court decision must follow the discretionary appeal procedure; failure to do so deprives the Court of Appeals of jurisdiction over a direct appeal.

KEY QUOTATIONS

“Her failure to follow this procedure deprives us of jurisdiction to consider this direct appeal, which is hereby DISMISSED.”

FACTUAL BACKGROUND

The proceeding was a dispossession action in which Karen Medows was the defendant and Rhonda Medows was the plaintiff. After Karen Medows appealed an adverse magistrate-court ruling to superior court, she failed to pay rent into the superior court registry. The superior court consequently entered a writ of possession in favor of Rhonda Medows.

PROCEDURAL HISTORY

The case began as a dispossession proceeding in magistrate court. After Karen Medows appealed to the superior court, she failed to pay rent into the superior court registry, and the superior court entered a writ of possession for Rhonda Medows. Karen Medows then filed a direct appeal in the Court of Appeals, which dismissed the appeal for lack of jurisdiction because discretionary-appeal procedures were required.

DISPOSITION

dismissed

CASES CITED

- English v. Delbridge, 216 Ga. App. 366, 367, 454 S.E.2d 175 (1995)

OPINION

Karen Medows v. Rhonda Medows

PER CURIAM.

Court of Appeals of the State of Georgia

ATLANTA, _____

February 12, 2021 The Court of Appeals hereby passes the following order: A21A0926. KAREN

MEDOWS v. RHONDA MEDOWS. This case originated as a dispossessory proceeding in magistrate court. After an adverse ruling, defendant Karen Medows appealed to the superior court. Medows failed to pay rent into the registry of the superior court, which entered a writ of possession in favor of the plaintiff. See OCGA § 44-7-54 (b). Medows then filed this appeal. We, however, lack jurisdiction. Because the superior court's order disposed of a de novo appeal from a magistrate court decision, Medows was required to follow the discretionary appeal procedure to obtain review of the superior court's order. See OCGA § 5-6-35 (a) (1); English v. Delbridge, 216 Ga. App. 366, 367 (454 SE2d 175) (1995). Her failure to follow this procedure deprives us of jurisdiction to consider this direct appeal, which is hereby DISMISSED. Court of Appeals of the State of Georgia Clerk's Office, Atlanta,_____ 02/12/2021 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.