

COURT OF APPEALS OF THE STATE OF GEORGIA

Tracy Evans v. Bryon Evans

A26D0642 · No. A26D0642 · Decided August 4, 2026

SUMMARY

The Georgia Court of Appeals dismissed Tracy Evans’s discretionary application seeking review of a contempt order in a domestic relations action. The court held that Evans failed to include the required filed copy of the contempt order and, to the extent she sought review of a nonfinal rule nisi order, failed to follow the interlocutory appeal procedures.

CASE DETAILS

COURT	Court of Appeals of the State of Georgia
JURISDICTION	Georgia
DECIDED	August 4, 2026
DOCKET	A26D0642
DISPOSITION	dismissed
PROCEDURAL POSTURE	Tracy Evans filed a discretionary application seeking review of a trial court contempt order and, alternatively, the rule nisi order included with her application.
PRECEDENTIAL VALUE	published
PARTIES	Tracy Evans v. Bryon Evans

TOPICS

- family law procedure
- contempt
- interlocutory appeal
- appellate procedure
- final judgment rule

PRACTICE AREAS

- family law
- appellate procedure
- civil procedure

QUESTIONS PRESENTED

- Whether the Court of Appeals could review the June 8 contempt order through Evans's discretionary application when the application did not include a filed copy of that order.
- Whether Evans could obtain discretionary appellate review of the rule nisi order included with her application when the order was nonfinal and she had not followed the interlocutory appeal procedures.

3. Whether the discretionary application should be dismissed.

HOLDINGS

1. A discretionary application must include a stamped filed copy of the trial court's order or judgment from which review is sought; without that copy, the Court of Appeals cannot determine whether the application was timely or whether discretionary review is warranted.
2. A nonfinal rule nisi order in a case remaining pending below must be pursued through the interlocutory appeal procedures, including obtaining a certificate of immediate review from the trial court; discretionary appeal procedures alone are insufficient.

KEY QUOTATIONS

“Where, as here, both discretionary and interlocutory appeal procedures apply, an applicant must follow the interlocutory appeal procedures.” (opinion text)

FACTUAL BACKGROUND

In a domestic-relations action, the trial court found Tracy Evans in willful contempt for failing to pay \$8,449.89. It ordered her incarcerated until she paid \$2,500, which she paid, and then required her to pay the remaining balance by June 22. When she failed to do so, the court issued a rule nisi requiring her to appear for a compliance hearing.

PROCEDURAL HISTORY

The trial court found Evans in willful contempt for failing to pay \$8,449.89, ordered her incarcerated until she paid a \$2,500 purge amount, and later ordered payment of the remaining balance by June 22, 2026. After Evans failed to pay the balance, the trial court issued a rule nisi for a compliance hearing. The Court of Appeals dismissed Evans's application because she did not include the contempt order and did not comply with the interlocutory appeal procedures applicable to the nonfinal rule nisi order.

DISPOSITION

dismissed

CASES CITED

- *Boyd v. State*, 191 Ga. App. 435, 435 (383 S.E.2d 906) (1989)
- *Scruggs v. Ga. Dep't of Human Resources*, 261 Ga. 587, 588-89(1) (408 S.E.2d 103) (1991)

OPINION

Tracy Evans v. Bryon Evans

PER CURIAM.

Court of Appeals of the State of Georgia

ATLANTA, _____

August 04, 2026 The Court of Appeals hereby passes the following order: A26D0642. TRACY EVANS v. BRYON EVANS. In this domestic relations action, on June 8, 2026, the trial court found Tracy Evans in willful contempt for failure to pay \$8,449.89. The court ordered Evans incarcerated until she paid \$2,500. Evans paid the purge amount, and the court ordered her to pay the remaining balance by June 22. Evans failed to make that payment, so the court issued a rule nisi ordering her appear for a compliance hearing. Evans has filed a discretionary application seeking to appeal the trial court's June 8 contempt order. We lack jurisdiction. Evans did not include a copy of the June 8 order with her application. See Court of Appeals Rule 31(c) ("Discretionary applications must contain a stamped 'filed' copy of the trial court's order or judgment from which the appeal is sought."). Without it, we are unable to determine whether the application was timely filed or whether discretionary review is warranted. To the extent Evans seeks discretionary review of the trial court's rule nisi order — which is the order she included with the application — the court's rule nisi order is not final. Because this case remains pending below, Evans was required to comply with the interlocutory appeal procedures — including obtaining a certificate of immediate review from the trial court — to obtain appellate review at this juncture. See OCGA § 5-6-34(b); *Boyd v. State*, 191 Ga. App. 435, 435 (383 SE2d 906) (1989). Where, as here, both discretionary and interlocutory appeal procedures apply, an applicant must follow the interlocutory appeal procedures. *Scruggs v. Ga. Dep't of Human Resources*, 261 Ga. 587, 588–89(1) (408 SE2d 103) (1991). For these reasons, this application is hereby DISMISSED. Court of Appeals of the State of Georgia Clerk's Office, Atlanta, _____
08/04/2026 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.