

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.*

Christina Bailey Smith

, Clerk.