

Court of Appeals of the State of Georgia

ATLANTA, June 12, 2026

The Court of Appeals hereby passes the following order:

A26D0560. JABAAR FOWLER v. CRISTINA SMITH.

Cristina Smith filed a dispossessory action against Jabaar Fowler (“Fowler”) in magistrate court. The magistrate court entered judgment in favor of Smith and awarded her overdue rent, late fees, and court costs. On May 26, 2026, the magistrate court granted Smith a writ of possession, and Fowler then filed this application for discretionary appeal. We lack jurisdiction.

Ordinarily, “the only avenue of appeal available from a magistrate court judgment is provided by OCGA § 15-10-41(b)(1), which allows for a de novo appeal to the state or superior court.” *Tate v. Habif*, 367 Ga. App. 435, 438-39(2) (886 SE2d 389) (2023) (punctuation omitted). “Thus, this Court has jurisdiction to address a magistrate court order only if the order has been reviewed by a state or superior court.” *Harris v. Reserve at Hollywood LLC*, 376 Ga. App. 553, 553 (920 SE2d 163) (2025). The Georgia Constitution, however, provides that “[a]ny court shall transfer to the appropriate court in the state any civil case in which it determines that jurisdiction or venue lies elsewhere.” Ga. Const. of 1983, Art. VI, Sec. I, Par. VIII; accord Court of Appeals Rule 11(b). To the extent this filing may be construed as a

petition for review, it is hereby TRANSFERRED to the Magistrate Court of Spalding County with direction to transmit it to the state or superior court for disposition as appropriate.¹



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 06/12/2026

*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.

¹ We recognize that we are in possession of limited material and that our determination that jurisdiction may lie in another court is limited by the dearth of information. Thus, our ruling should not constrain either the magistrate court or the state or superior court to the extent those courts determine either that Fowler has not perfected his right to appeal or that jurisdiction lies elsewhere.