

**FIRST DIVISION
BARNES, P. J.,
MARKLE and HODGES, JJ.**

NOTICE: Motions for reconsideration must be
physically received in our clerk's office within ten
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September 9, 2026

In the Court of Appeals of Georgia

A26A1399. KELLY v. LITTLETON-HETZER.

HODGES, Judge.

Joseph Kelly appeals from two orders of the trial court: (1) an order of dismissal, following the parties' filing of a joint stipulation of dismissal with prejudice, and (2) an order refusing to allow Kelly to file a motion to suspend child support pursuant to a previously entered bill of peace. Kelly asserts that the dismissal order contained language that did not reflect the parties' stipulation, and also asserts that the trial court erred by not allowing him to file his motion. For the following reasons, we affirm.

1. Kelly first asserts that the trial court's dismissal order contained erroneous language "leav[ing] the situation the same as if the suit had never been brought in the

first place,” where the parties’ stipulation provided that a previous final order regarding custody would be preserved. As noted by Kelly, however, the trial court’s order tracks Georgia law describing the effect of a voluntary dismissal generally. See *Gallagher v. Fiderion Group, LLC*, 300 Ga. App. 434, 436(1) (685 SE2d 387) (2009), citing *Lakes v. Marriott Corp.*, 264 Ga. 475, 478 (448 SE2d 203) (1994) (“[T]he dismissal deprived the trial court of jurisdiction over the case and *left the parties in the same position as if the suit had never been filed*[.]”) (punctuation omitted; emphasis added). Kelly provides no authority to support his argument that it was error for the trial court to include the language from *Gallagher* and *Lakes* in the dismissal order.

As this Court has said repeatedly, “[r]hetoric is not a substitute for cogent legal analysis, which is, at a minimum, a discussion of the appropriate law as applied to the relevant facts.” See, e.g., *Dixon v. MARTA*, 242 Ga. App. 262, 266(4) (529 SE2d 398) (2000). Without the aid of authority or meaningful argument, this Court cannot ascertain what legal arguments would support Kelly’s claim of error. See *Muniz v. State*, 375 Ga. App. 140, 141–42(1)(b) (914 SE2d 358) (2025) (“As an appellate court, we should not speculate or make arguments on an appellant’s behalf; to do so would improperly change this Court’s role from disinterested decision-maker to appellate

advocate.”) (punctuation omitted). The rules of this Court generally preclude review of any enumeration which is not supported by argument. See Ga. Ct. App. R. 25(d)(1) (“Any enumeration of error that is not supported in the brief by citation of authority or argument may be deemed abandoned.”); *In the Interest of K. R.*, 367 Ga. App. 668, 677(2)(b) (888 SE2d 204) (2023) (“[W]e have held that an argument is abandoned if it provides general citations to the ‘most basic legal authority’ without providing any legal authority or argument related to the specific facts of [the] case.”). Because Kelly has failed to advance any argument supported by citation of authority, this enumeration is abandoned.

2. In his second enumeration of error, Kelly contends that the trial court abused its discretion in not allowing him to file his motion to suspend child support pursuant to a bill of peace. Kelly, however, has not cited any authority to suggest the trial court could not do so. As such, his second enumeration is abandoned for the same reason as in Division 1.

3. This Court notes that before this case was docketed, we considered Kelly’s appeals from virtually identical orders in a related case. See *Kelly v. Littleton-Hetzer*

et al., A26A0339 (Ga. App. Feb. 13, 2026) (unpublished). After affirming the trial court's orders in that case, we were compelled to note that, including that case,

Kelly ha[d] filed twelve appeals with this Court since May 2024, including nine appeals in connection with this case and three appeals in a related criminal action. Ten of the twelve appeals were dismissed for lack of jurisdiction and two, including [that] appeal, [had] resulted in the trial court's judgment being affirmed.

Kelly, A26A0339, slip op. at 4(2). We then cautioned Kelly regarding this Court's power to punish him if he continued to file frivolous appeals, including a penalty of up to \$10,000. *Id.*; see Ga. Ct. App. R. 7(e)(2).

In addition to citing no authority to support his second enumeration of error, Kelly failed to cause the bill of peace (or the motion he attempted to file) to be included in the record on appeal. In his previous appeal, this Court specifically noted that because he had failed to include the bill of peace in the record, "we are unable to review Kelly's claim of error and presume that [the] trial court's bill of peace ... [was] procedurally sound and supported by sufficient evidence." *Kelly*, A26A0339, slip op. at 3(1). As such, even if Kelly's claim of error was not abandoned, we would be

compelled to affirm the trial court's order for the exact same reason provided in his prior case.

Because we are required to affirm the trial court's order for the same reason as his prior appeal, Kelly either knew or should have known that this appeal was ill-founded, has no substantial basis in law, and is frivolous. See *Potts v. Richardson*, 376 Ga. App. 90, 97–98(2) (918 SE2d 146) (2025); Ga. Ct. App. R. 7(e)(2) (permitting this Court to levy penalties in civil cases for frivolous appeals). Given Kelly's history in this Court, including filing ten appeals which have been dismissed and his failure to curb his conduct after being cautioned earlier this year, we hereby assess frivolous appeal penalties against Kelly in the amount of \$2,500. The trial court is DIRECTED to enter a money judgment in this amount in favor of Cindy Littleton-Hetzer in this action upon remittitur. See Ga. Ct. App. R. 7(e)(3). We further caution Kelly regarding his duty to comply with this Court's rules, as future violations will likely result in much higher sanctions being imposed.

Judgment affirmed. Barnes, P. J., and Markle, J., concur