

Court of Appeals of the State of Georgia

ATLANTA, August 12, 2026

The Court of Appeals hereby passes the following order:

A27A0089. O’NEAL A. WILLIAMS, JR. et al v. DUANE BUTLER.

In this dispossessory action, after the magistrate court entered judgment against O’Neal A. Williams, Jr., and several related parties, they filed a petition for review in superior court. On June 26, 2026, the superior court issued an order denying Williams’s petition for review pursuant to OCGA § 44-7-56(b)(1) because the petition was not filed within seven days of the magistrate court’s dispossessory judgment. On July 24, 2026, Williams filed, inter alia, a notice of a direct appeal to this Court.¹ We lack jurisdiction for at least two reasons.

First, a direct appeal is improper. Appeals from superior court decisions reviewing lower court decisions by petition for review must be initiated by filing an application for discretionary review. OCGA § 5-6-35(a)(1), (b); *Bullock v. Sand*, 260 Ga. App. 874, 875 (581 SE2d 333) (2003). “Compliance with the discretionary appeals procedure is jurisdictional.” *Smoak v. Dept. of Human Resources*, 221 Ga. App. 257, 257 (471 SE2d 60) (1996). Because this case involves a petition for superior court review of a magistrate court decision, Williams was required to file an application for discretionary review. See *Bullock*, 260 Ga. App. at 875.

Second, even if this case were subject to direct appeal, the appeal is untimely. The underlying subject matter of an appeal controls in determining the proper

¹ Williams also filed a motion to set aside the judgment of the superior court. This motion has not been ruled upon.

appellate procedure. *Radio Sandy Springs v. Allen Road Joint Venture*, 311 Ga. App. 334, 335 (715 SE2d 752) (2011). A notice of appeal in a dispossessory action must be filed within seven days of entry of the order to be appealed. OCGA § 44-7-56(b)(1); *Stubbs v. Local Homes, LLC*, 375 Ga. App. 513, 516–17 (915 SE2d 91) (2025). The proper and timely filing of a notice of appeal is an absolute requirement to confer jurisdiction upon this Court. *Perry v. Paul Hastings, LLP*, 362 Ga. App. 140, 141 (866 SE2d 855) (2021). Here, Williams filed his appeal 28 days after entry of the order denying his petition for review. Thus, this appeal is untimely.

For the foregoing reasons, this appeal is hereby DISMISSED.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 08/12/2026

*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.