

**FIFTH DIVISION
BROWN, C. J.,
MERCIER, P. J., and EPPS, J.**

**NOTICE: Motions for reconsideration must be
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October 8, 2026

In the Court of Appeals of Georgia

A26A1254. CORONELL et al. v. STATE OF GEORGIA.

EPPS, Judge.

Sierrah Coronell and Diane Holsey (“Appellants”), while they were in pretrial detention on secured bond orders, filed a class action complaint for declaratory and injunctive relief against the State. They challenged the constitutionality of Georgia Senate Bill 63¹ (“SB 63”), effective July 1, 2024, which, among other things, added 30 offenses to Georgia’s list of “bail-restricted” offenses and made those charged with such offenses ineligible for unsecured judicial release. The State filed a motion to dismiss, arguing in part that the trial court lacked jurisdiction because Appellants’ claims became moot when Appellants were released from pretrial detention after they

¹ Ga. L. 2024, p. 505, § 3; OCGA §§ 17-6-1, 17-6-12(a)(1), (d).

filed their complaint. The trial court granted the motion to dismiss, concluding that (1) Appellants' claims were moot because they had been released from pretrial detention, depriving the court of jurisdiction, (2) their motion for class certification was moot, and, alternatively, (3) their constitutional challenges to SB 63 failed on the merits. On appeal, Appellants argue that the trial court erred in determining that their claims and their class-certification motion were moot. Because the trial court erred in determining Appellants' claims were moot, we vacate the court's order and remand the case for further proceedings.

SB 63 provides that "[n]o person charged with a bail restricted offense shall be eligible for release by any judge on an unsecured judicial release." OCGA § 17-6-12(d). SB 63 also changed the applicable definition of "bail" so that individuals charged with a bail-restricted offense are eligible for release only through the use of secured means, professional bondsmen, or property as approved by the sheriff in the county where the offense was committed. See OCGA §§ 17-6-1(i); 17-6-12(d).

Appellants Coronell and Holsey were charged with bail-restricted offenses on February 19, 2025, and April 21, 2025, respectively, and were detained under secured

bond orders.² On May 1, 2025, Appellants filed a class-action complaint under OCGA § 9-4-2, seeking declaratory and injunctive relief on behalf of themselves and others similarly situated.³ Appellants alleged they were indigent and remained incarcerated because they could not afford their cash bond, did not own property to use as collateral, and could not use bondsmen services because the bond amount was either too low to be eligible for such services, or so high that they could not afford even the 10% deposit required for the services. The complaint alleged that SB 63's categorical requirement of secured bonds violated procedural and substantive due process under the Georgia Constitution. See Ga. Const. of 1983, Art. I, Sec. I, Par. I.

Appellants moved for class certification, which the State opposed. The State moved to dismiss the complaint under OCGA § 9-11-12(b)(1) and (6), arguing

² Coronell was charged with possession of tools for commission of a crime, misdemeanor willful obstruction of law enforcement officers, and possession of a Schedule II controlled substance, along with the non-bail-restricted offense of loiter prowl; her bond was initially set at \$1,000 for each bail-restricted offense, for a total of \$3,000, later reduced to \$600 total by agreement with the prosecution. Holsey was charged with battery and with abuse, neglect, or exploitation of a disabled or elderly person; her bond was set at \$2,000 for each bail-restricted offense, for a total of \$4,000.

³ The organization Women on the Rise was also originally a plaintiff, but it voluntarily dismissed its claims and is not a party to this appeal.

Appellants lacked standing and their claims were moot; they failed to state a procedural due process claim because their facial challenge to SB 63 was improper; and they failed to state a substantive due process claim as a matter of law. Following a hearing, the trial court granted the State's motion to dismiss, concluding that Appellants' claims were moot because they had been released from pretrial detention, which deprived the court of jurisdiction, and, alternatively, that their constitutional challenges to SB 63 failed. The court also denied the motion for class certification as moot. This appeal followed.

Appellants directed their notice of appeal to the Supreme Court of Georgia on the basis that the constitutionality of a law had been drawn into question. See Ga. Const. of 1983, Art. VI, Sec. VI, Par. II(1). That Court, however, determined the appeal did not fall within its constitutional-question jurisdiction because the trial court ruled on the constitutional challenge in the alternative, while also rejecting the challenge on other, jurisdictional grounds of mootness, and those other grounds were insufficient to invoke its jurisdiction. Thus, the Supreme Court transferred the appeal to this Court for us to address only the trial court's jurisdictional ruling.⁴

⁴ See Case No. S26A0410 (Dec. 30, 2025).

This Court reviews a trial court’s ruling on a motion to dismiss de novo. *American Professional Risk Svcs. v. Gotham Ins. Co.*, 323 Ga. App. 776, 777 (748 SE2d 134) (2013). A case is moot when “the remedy sought in litigation no longer benefits the party seeking it,” or when resolution of the case “would be tantamount to the determination of an abstract question not arising upon existing facts or rights.” *McAlister v. Clifton*, 313 Ga. 737, 738(1) (873 SE2d 178) (2022) (punctuation omitted).

Appellants argue that their claims are not moot. Even though they have been released from pretrial detention, they contend the constitutional violations they allege are “capable of repetition and yet evad[ing] review” because the duration of pretrial detention is often shorter than the time it takes to litigate a case. Appellants emphasize the unpredictable length of the pretrial phase of a criminal case and note that such cases are often resolved pretrial by plea bargain or otherwise.

Here, the challenged conduct is capable of repetition and yet evading review with respect to “an existing class of sufferers,” those in pretrial detention charged with bail-restricted offenses, who continue to be subject to the challenged laws. See *Collins v. Lombard Corp.*, 270 Ga. 120, 122(1) (508 SE2d 653) (1998) (providing that “a case which contains an issue that is capable of repetition yet evades review is not

moot because a decision in such a case would be based on existing facts or rights which affect, if not the immediate parties, ‘an existing class of sufferers.’”) (citation omitted). See *In the Interest of D.B.*, 376 Ga. App. 403, 410(1) (917 SE2d 884) (2025), cert. granted in Case No. S26C0021 (June 2, 2026) (finding that a parent’s challenge to the lack of due process before her children were removed by the Department of Family and Children Services was not moot even though she had already won the relief she sought—the return of her children—because the challenged action affected an existing class of sufferers).

The State argues that Appellants cannot assert the claims of third parties, citing *Wasserman v. Franklin County*, 320 Ga. 624, 644(II)(A)(2) (911 SE2d 583) (2025). According to the State, the treatment of so-called “inherently transitory” class claims sometimes recognized under federal law is irreconcilable with *Wasserman* and the Supreme Court of Georgia’s mootness precedent.

We note the Supreme Court’s recent grant of certiorari in *In the Interest of D.B.*, in which the Court instructed the parties to brief whether the holding of *Collins* is “in conflict with our decisions holding that Georgia courts ‘have the power to resolve only genuine controversies,’ *Republican Nat’l Comm. v. Eternal Vigilance Action, Inc.*,

321 Ga. 771, 775 (917 SE2d 125) (2025), and that to invoke the judicial power, ‘a plaintiff must assert the violation of his own rights and cannot merely vindicate the rights of another,’ *id.* (citing *Wasserman v. Franklin County*, 320 Ga. 624, 649 (911 SE2d 583) (2025)).” See Case No. S26C0021 (June 2, 2026).

We are, of course, bound by decisions of the Supreme Court of Georgia. See *Dillard v. Bishop Eddie Long Ministries*, 258 Ga. App. 507, 511(3) (574 SE2d 544) (2002) (“It is axiomatic that this Court is bound by the precedent of the Supreme Court.”). Pursuant to *Collins*, which remains good law, the mootness doctrine allows a plaintiff to continue in a lawsuit, even if there is no longer a live controversy between the named parties, on claims that are common to “an existing class of sufferers.” *Collins*, 270 Ga. at 122(1). For these reasons, the trial court erred in determining Appellants’ claims were moot.⁵ In accordance with the Supreme Court’s directive in

⁵ In light of this determination, we do not address Appellants’ additional arguments that (1) they maintain an ongoing stake in the action because, though no longer detained, they continue to be subject to their secured bond orders, and (2) the trial court erred in dismissing the case without considering the class-certification motion because, even if their individual claims were moot, the class claims could proceed because they are “inherently transitory.”

its order transferring the case to this Court, we remand the case to the trial court for the entry of a proper order on the other issues raised in the motion to dismiss.

Judgment vacated and case remanded with direction. Brown, C. J., and Mercier, P. J., concur.