

Court of Appeals of the State of Georgia

ATLANTA, August 12, 2026

The Court of Appeals hereby passes the following order:

A27O0003. JOSEPH DANIEL FINCHER v. TERRY E. BARNARD et al.

Joseph Daniel Fincher filed this original mandamus petition in the Supreme Court of Georgia seeking an order compelling the Board of Pardons and Paroles to grant him immediate release, and the Supreme Court transferred the matter to this Court. See Case No. S26O1645 (July 16, 2026). For reasons that follow, Fincher’s petition is dismissed.

Both the superior and appellate courts of this state “have the power to issue process in the nature of mandamus, prohibition, specific performance, quo warranto, and injunction.” Ga. Const. of 1983, Art. VI, Sec. I, Par. IV. As explained by the Supreme Court of Georgia, however, an appellate court’s authority to issue such writs “is connected only to such powers as necessary in aid of its jurisdiction or to protect or effectuate its judgments. It does not grant jurisdiction to [the appellate court] to issue process as an original matter wholly unconnected to its appellate jurisdiction.” *Arnold v. Alexander*, 321 Ga. 330, 334(1) (914 SE2d 311) (2025) (quotation marks omitted). Thus, “it will be an ‘extremely rare’ circumstance that would require a party to seek a writ of mandamus in [an appellate court] in the first instance.” *Id.* at 335(1) n.6.

Here, Fincher has not shown that his mandamus petition is related to an appeal or impending appeal, or is necessary in aid of our appellate jurisdiction or to effectuate

any appellate court judgments. Fincher claims that he filed his petition in superior court and that it was returned without explanation. However, there is no order rejecting his filing in the documents he filed with this Court. Absent some ruling by superior court, and an appeal or impending appeal therefrom, this Court's original mandamus jurisdiction is not invoked under *Arnold*. See *Arnold*, 321 Ga. at 334(1). For this reason, his petition 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.