



SUPREME COURT OF GEORGIA
Case No. S23A0994

July 25, 2023

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

DEBORAH GONZALEZ v. JARROD MILLER

On March 13, 2023, appellee filed an application for writ of mandamus alleging that, “[s]ince her first day in office, District Attorney Deborah Gonzalez [] has been unable and unwilling to perform her statutory duties” and requesting that the trial court issue a writ of mandamus to compel Gonzalez to perform the duties of her office prescribed by OCGA § 15-18-6. Appellant answered, and on May 12, 2023—after the trial court denied her motion to dismiss and denied her request for a certificate of immediate review—appellant filed a confession to judgment pursuant to OCGA § 9-12-18 (a). On the same day, appellant filed a notice of appeal in the trial court appealing from her confession to judgment. On July 11, 2023, appellant filed in this Court her Brief of Appellant/Respondent Deborah Gonzalez (“Brief”). Having reviewed the record and appellant’s Brief, we conclude that this case does not invoke this Court’s jurisdiction.

To the extent appellant seeks to invoke this Court’s jurisdiction over constitutional questions, said jurisdiction is invoked only where the argument at issue seeks either a first-impression construction of some provision of the Georgia or federal constitutions or to have some law or ordinance declared unconstitutional and was distinctly raised before and ruled upon by the trial court. See *Zepp v. Mayor & Council of City of Athens*, 255 Ga. 449, 450 (339 SE2d 576) (1986)

(stating that a constitutional question within the jurisdiction of this Court “involves either a construction of some federal or state constitutional provision, or an attack upon the constitutionality of some law of this state or the United States (or an ordinance)”); *Atlanta Indep. Sch. Sys. v. Lane*, 266 Ga. 657, 658 (469 SE2d 22) (1996). Appellant neither challenges a law as unconstitutional, nor seeks a first-impression construction of any provision of the Georgia or federal constitutions.

Accordingly, as this appeal presents no constitutional question within the subject matter jurisdiction of this Court, and as the record presents no other basis for this Court’s subject matter jurisdiction, see Ga. Const. of 1983, Art. VI, Sec. VI, Par. II-III; OCGA § 15-3-3.1, it is transferred to the Court of Appeals.

All the Justices concur.

SUPREME COURT OF THE STATE OF GEORGIA
Clerk’s Office, Atlanta

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

 , Clerk