

PETITION FOR REVIEW PROCEDURES:

As of July 1, 2023, all appeals from the Magistrate Court to the State or Superior Court of Fulton County must follow the new procedure: Petition for Review

Filing Deadlines:

- 1) Unless otherwise specified and an exception applies: a Petitioner (party who wants a review/appeal of final judgment in Magistrate Court) must file a petition for review with the Clerk of the reviewing court within 30 days of the filing of the final judgement.
- 2) Landlord/Tenant Dispossession Cases: a Petitioner must file a petition for review within 7 days of the final judgment in Magistrate Court.

Service Deadlines:

- 1) Within 5 Days: Petition for review must be served on all parties and the Magistrate Court Clerk or Court within five days after filing the petition in the State or Superior Court.
- 2) The Reviewing Court's case number must be included in the petition for review served on the Magistrate Court Clerk.
- 3) The Respondent must file a response within 30 days of the service of petition for review. All counterclaims, cross appeals, defenses and third-party claims must be included.
- 4) Petitioner has 30 days to reply (if any) within 30 days of service of response.

Manner of Service: In accordance with

OCGA section 5-3-10 (a) (2) Service of petition for review documents shall be made in person, by mail, or electronically (if consent is given).

OCGA section 5-3-3 (7): If service by mail, deemed perfected on the day petition for review was deposited. Three days shall be added to the deadline for mail service.

IN THE [SUPERIOR/STATE] COURT OF _____ COUNTY

STATE OF GEORGIA

_____,)
)
Petitioner,)
)
v.) Reviewing Court Case No.:
) _____
)
_____,)
)
Respondent.)

PETITION FOR REVIEW TO [SUPERIOR/STATE] COURT

_____, the Petitioner named above, petitions the [Superior/State] Court of _____ County for review of the final judgment rendered by the [insert official name of lower judicatory] on [insert date] with the following case number designated by the lower judicatory: _____.

Concise Statement of the Final Judgment Appealed
OCGA § 5-3-7 (e) (3) (B)

The final judgment being appealed is as follows: _____

_____.

Record in the Lower Judicatory
OCGA § 5-3-7 (e) (3) (C)

The following describes any existing recording, transcript, or other record of evidence in the lower judicatory (check one):

NO official transcript or recording exists of the proceedings in the lower judicatory.

NO official transcript exists of the proceedings in the lower judicatory, but the proceedings were recorded by: _____ [insert who recorded the proceedings and whether audio or video] _____.

An official transcript exists of the proceedings in the lower judicatory.

Other: _____ [describe other record of evidence in the lower judicatory] _____.

Notice of Petitioner's Confinement or Incarceration
OCGA § 5-3-7 (e) (3) (D)

This is a criminal case and the Petitioner named above [is not confined in jail or otherwise incarcerated / is currently confined or incarcerated at (location)]. The offense[s] and the sentence prescribed by the lower judiciary in this case are as follows:

Applicable Standard of Review
(Check one)

A limited review on the record is the default standard of review in a petition for review and a de novo (new) trial is not specified in the OCGA as the applicable standard of review for this type of case. Therefore, this Petition for Review seeks judicial review for clearly erroneous findings of fact and credibility, abuse of discretion, sufficiency of evidence, and de novo review of questions of law. OCGA § 5-3-5 (a). Additional details regarding the issues for review are attached.

A de novo proceeding is specified in OCGA § _____ as the applicable standard of review for this type of case. Therefore, this Petition for Review seeks a de novo (new) trial of all the issues raised in the lower judiciary with NO REMAND. OCGA § 5-3-5 (b).

This ____ day of _____, 20__.

Signature: _____

I am the (check one):

Petitioner Attorney for Petitioner

Printed Name: _____

Mailing Address:

Telephone Number: _____

E-mail Address: _____