

Court of Appeals of the State of Georgia

ATLANTA, November 08, 2022

The Court of Appeals hereby passes the following order:

A23D0100. ROBERT THRASHER v. THE STATE.

Robert Thrasher has filed an application for discretionary appeal, seeking review of a trial court order that dismissed his petition for a writ of mandamus and his motion for summary judgment.¹ The trial court entered its order on August 23, 2022, and Thrasher filed this application on October 18, 2022. We lack jurisdiction.

An application for discretionary review must be filed within 30 days of entry of the order or judgment to be appealed. See OCGA § 5-6-35 (d). Compliance with the time requirements of OCGA § 5-6-35 is jurisdictional, and this Court cannot accept an application for appeal not made in compliance therewith. See *Gable v. State*, 290 Ga. 81, 82 (2) (a) (720 SE2d 170) (2011); *Boyle v. State*, 190 Ga. App. 734, 734 (380 SE2d 57) (1989). Thrasher's application, filed 56 days after entry of the order he seeks to appeal, is untimely. Accordingly, this application is hereby DISMISSED.

¹ In a prior direct appeal, this Court affirmed Thrasher's convictions. *Thrasher v. State*, 261 Ga. App. 650 (583 SE2d 504) (2003).



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, _____

*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.*

Stephen E. Castle

, Clerk.



SUPREME COURT OF GEORGIA
Case No. S23C0483

July 13, 2023

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

ROBERT THRASHER v. THE STATE.

The Supreme Court today denied the petition for certiorari in this case.

All the Justices concur.

Court of Appeals Case No. A23D0100

SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta

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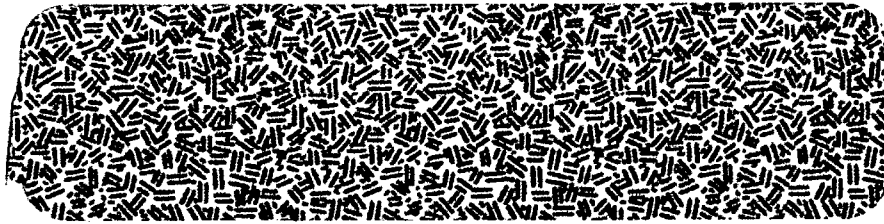
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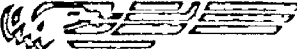
Theresa A. Barnes, Clerk

APPENDIX C

CLERK
SUPREME COURT OF GEORGIA
NATHAN DEAL JUDICIAL CENTER
1ST FLOOR, SUITE 1100
330 CAPITOL AVENUE, S. E.
ATLANTA, GEORGIA 30334

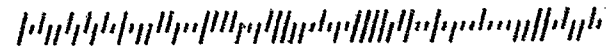
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FILED
SUPERIOR COURT
BARROW COUNTY, GA.

IN THE SUPERIOR COURT OF BARROW COUNTY
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STATE OF GEORGIA

JANIE J. JONES, CLERK

FILE
SUPERIOR
BARROW CC

2022 AUG 23

JANIE J. JONES

ROBERT THRASHER,
Petitioner

v.

Case No. 01-CR-984

THE SUPERIOR COURT
OF BARROW COUNTY,
Respondent.

**ORDER DISMISSING PETITIONER'S REQUEST FOR A WRIT OF
MANDAMUS**

This matter comes before the Court on Petitioner's petition for a writ of mandamus. The Court has reviewed the petition and all the evidence before it, and rules as follows:

The court is dismissing the Petitioner's motion for summary judgement. The court is also dismissing the Petitioner's request for a writ of mandamus, as the Petitioner has failed to state a claim for which relief can be granted under the law.

Accordingly, and for the reasons stated above, the Defendant's Petition is hereby DIMISSED.

It is so ORDERED, this 23rd day of August, 2022.

Nicholas Primm

Nicholas Primm, Judge
Superior Court of Barrow County
Piedmont Judicial Circuit

A copy of this order is being mailed to:

Petitioner (*pro se*)
Robert Thrasher 344922
Smith State Prison L-2
P.O. Box 726
Glenville, Georgia 30427

APPENDIX B



BARROW COUNTY SUPERIOR COURT

652 Barrow Park Drive, Suite H, Winder GA 30680

Handwritten signature

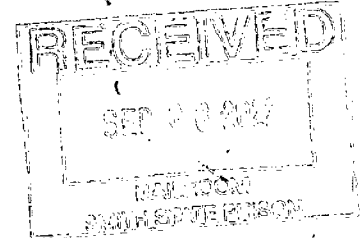
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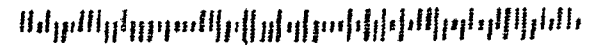
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Barrow County Superior Court
County Seat: Winder, Georgia
Court Hours: 9:00 AM - 5:00 PM
Phone: (770) 932-1234

Robert L. Brashears, 344922
State of Georgia L-2
P.O. Box 726
Glenville, Georgia 30427



30427-072626



**Court of Appeals
of the State of Georgia**

SMITH STATE PRISON

DEC 28 2022

RECEIVED

ATLANTA, December 21, 2022

The Court of Appeals hereby passes the following order:

A23D0100. ROBERT THRASHER v. THE STATE.

Robert Thrasher filed an application for discretionary appeal from the trial court's order dismissing his petition for writ of mandamus and motion for summary judgment. On November 8, 2022, this Court dismissed his application as untimely. On December 5, 2022, Thrasher filed a motion for reconsideration.

Motions for reconsideration must be filed in the Clerk's Office within ten days from the rendition of the judgment or dismissal. Court of Appeals Rule 37 (b).¹ Because Thrasher filed his motion for reconsideration more than ten days from the rendition of our dismissal order, the motion is untimely. Therefore, the motion for reconsideration is hereby DISMISSED.



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 12/21/2022*

*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
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Stephen E. Carlton, Clerk.

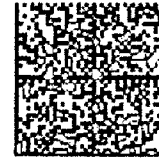
¹ Court of Appeals Rule 4 (d) provides that documents filed by pro se prisoners "shall be deemed filed on the date the prisoner delivers the document to prison officials for forwarding to the Clerk of the Court of Appeals." However, "[t]his rule does not apply to motions for reconsideration."

APPENDIX A

PRESORT 1ST CLASS

Court of Appeals of Georgia
Nathan Deal Judicial Center
330 Capitol Avenue, S.E.
1st Floor Suite #1601
Atlanta, Georgia 30334

PRESORT



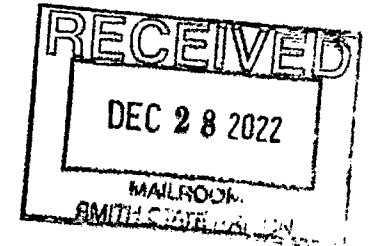
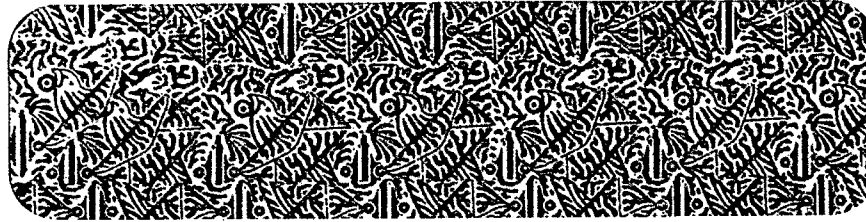
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