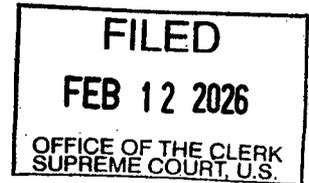


ORIGINAL

25 - 6849
No.



In the Supreme Court of the United States

October Term 2025

VINCENT TERRY,

Petitioner,

v.

MCCALLA RAYMER LEIBERT PIERCE, LLC, et al.,

Respondents.

**On Petition for a Writ of Certiorari
to the Supreme Court of Georgia**

PETITION FOR WRIT OF CERTIORARI

Filed February 2026

**Vincent Terry
Petitioner, pro se
1040 Beckwith Street
Atlanta, GA 30314
(404) 772-6168
vterry2010@gmail.com**

QUESTIONS PRESENTED

This case arises from a state-court adjudicative process in which the neutrality of decision-making was called into question by sworn testimony describing staff-level interference: Petitioner's motions were withheld from consideration while Respondents' motions were docketed or ruled upon; the staff attorney exercised discretionary control over motion scheduling and information flow; and serious allegations of procedural manipulation were raised in open court and left un rebutted. Rather than address these structural concerns, the Georgia Court of Appeals issued an unexplained summary affirmance under its Rule 36, and the Georgia Supreme Court denied review. Taken together, the breakdown at the trial level and the silence at the appellate level left preserved federal constitutional claims unresolved and effectively insulated from meaningful review. This case presents fundamental questions about whether due process permits such a system to operate without judicial explanation.

THE QUESTIONS PRESENTED ARE:

1. Structural Due Process / Neutral Adjudication

Whether the Due Process Clause of the Fourteenth Amendment is violated when a state trial court's adjudicative process is alleged to be structurally compromised by undisclosed staff-level interference affecting motion scheduling, information filtering, and record development, where sworn post-judgment testimony raises those concerns, yet no state court ever conducts a hearing, makes findings, or adjudicates the resulting federal constitutional claim.

2. Rule 36 Summary Affirmances / Federal Review / National Guidance

Whether federal review under 28 U.S.C. § 1257(a) is effectively frustrated, contrary to this Court's precedents, when a state intermediate appellate court affirms a final judgment through an unexplained summary disposition, and the state supreme court subsequently denies discretionary review without explanation, leaving it impossible to determine whether the judgment rests on adequate and independent state grounds, thereby insulating preserved federal due-process claims from meaningful appellate scrutiny and necessitating this Court's guidance.

PARTIES TO THE PROCEEDING

The parties to the proceedings in the courts below are as follows.

Petitioner and Plaintiff–Appellant Below:

- Petitioner is **Vincent Terry**. Petitioner was the plaintiff in the Superior Court of Fulton County, the appellant in the Georgia Court of Appeals, and the petitioner in the Supreme Court of Georgia.

Respondents and Defendants–Appellees Below:

- Respondents are **McCalla Raymer Leibert Pierce, LLC; Lisa A. Frank; Stuart S. Gordan; Gregory S. Krivo; Carl B. McGehee**; and the **Estate of Susan E. Reid**. All Respondents were defendants in the Superior Court of Fulton County, appellees in the Georgia Court of Appeals, and respondents in the Supreme Court of Georgia.
- Each individual Respondent is an attorney. Respondents Frank and Krivo appeared as counsel in proceedings related to the matters at issue in this case. Respondent McCalla Raymer Leibert Pierce, LLC is a multi-state law firm engaged in residential and commercial real estate practice. Respondents McGehee and Gordan are senior leaders of the firm. The Estate of Susan E. Reid represents the interests of the firm’s former General Counsel, Susan E. Reid.

No party is a corporation required to file a corporate disclosure statement under Supreme Court Rule 29.6.

LIST OF PROCEEDINGS

The following proceedings are directly related to this case and are reproduced in the appendices to this Petition pursuant to Supreme Court Rule 14.1(i):

1. **Supreme Court of Georgia** *Vincent Terry v. McCalla Raymer Leibert Pierce, LLC, et al.*, Case No. S25C0979. The order denying the petition for writ of certiorari, entered September 16, 2025, is reproduced in **Appendix A**.
2. **Georgia Court of Appeals** *Vincent Terry v. McCalla Raymer Leibert Pierce, LLC, et al.*, Case No. A24A1348. The judgment entered March 13, 2025, affirming without opinion pursuant to its Rule 36, is reproduced in **Appendix B**.
3. **Superior Court of Fulton County, Georgia** *Vincent Terry v. McCalla Raymer Leibert Pierce, LLC, et al.*, Civil Action No. 2022CV372214. The final order entered August 22, 2023, is reproduced in **Appendix C**.

An order of this Court granting Petitioner an extension of time to file the present petition was entered prior to submission and is reproduced in **Appendix H**.

TABLE OF CONTENTS

	Page
QUESTIONS PRESENTED	i
PARTIES TO THE PROCEEDING	iii
LIST OF PROCEEDINGS	iv
TABLE OF CONTENTS	v
TABLE OF AUTHORITIES	ix
PETITION FOR WRIT OF CERTIORARI	1
OPINIONS BELOW	1
JURISDICTION	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
RULE 14.1(g) STATEMENT	4
STATEMENT OF THE CASE	4
I. LEGAL BACKGROUND	4
A. Structural Due Process and the Requirement of a Neutral Adjudicative Process	4
B. Meaningful Appellate Review as a Component of Due Process	6
C. Summary Affirmances and Federal Review Under <i>Michigan v. Long</i>	7
D. National Context and the Use of Summary Affirmances.....	9

TABLE OF CONTENTS – Continued

	Page
II. FACTUAL BACKGROUND	11
A. The Underlying Civil Action and Parties	11
B. Trial-Court Proceedings Leading to the August 22, 2023, Final Order	11
C. Staff-Level Interference by Jessica Cummings, Staff Attorney	12
1. Discretionary Control Over Motion Docketing and Calendar Access	12
2. Staff Attorney Involvement in Order Preparation	14
3. Structural Impact on the Neutrality of the Proceedings	15
D. The February 6, 2024, Hearing and Unrebutted Allegations	16
E. Appellate Proceedings and the Absence of Meaningful Review	17
 III. PROCEDURAL HISTORY	 18
A. Proceedings in the Superior Court of Fulton County	18
B. February 6, 2024, Hearing Following Entry of Final Judgment	19
C. Appeal to the Georgia Court of Appeals	20
D. Petition for Certiorari to the Supreme Court of Georgia	20
E. Conclusion of State-Court Proceedings	21
 SUMMARY OF ARGUMENT	 22

TABLE OF CONTENTS – Continued

	Page
REASONS FOR GRANTING THE WRIT	24
I. This Case Presents a Fundamental Due Process Question Concerning the Neutrality of State-Court Adjudication	24
II. Unexplained Summary Affirmances Prevent Meaningful Review of Preserved Federal Claims	26
III. The Absence of Any Reasoned State-Court Decision Defeats Meaningful Federal Review	28
IV. State Courts Apply Divergent Practices Regarding Summary Affirmances and the Treatment of Federal Claims	29
V. The Questions Presented Have Broad National Significance	31
VI. This Case Is an Ideal Vehicle for Resolving the Questions Presented	33
CONCLUSION AND PRAYER FOR RELIEF	35
 INDEX TO APPENDICES	
Appendix A - Supreme Court of Georgia – Order Denying Certiorari	A-1
Appendix B - Georgia Court of Appeals – Rule 36 Summary Affirmance	B-1

TABLE OF CONTENTS – Continued

	Page
APPENDIX TABLE OF CONTENTS - Continued	
Appendix C - Order of the Superior Court of Fulton County	
Dismissing the Action with Prejudice	C-1
Appendix D - Federal Constitutional and Statutory	
Provisions Involved	D-1
• United States Constitution, Amendment XIV, Section 1	
• Title 28 of the United States Code, Section 1257(a)	
Appendix E - Georgia Statutes and Georgia Court of Appeals	
Rule 36	E-1
• Official Code of Georgia Annotated O.C.G.A. § 51-5-5(7)	
• Official Code of Georgia Annotated O.C.G.A. § 51-5-8	
• Georgia Court of Appeals Rule 36	
Appendix F - Excerpted Transcript of February 6, 2024, Hearing	
(Structural Interference Testimony)	F-1
Appendix G - Excerpted Notice of Filing - Documents Presented in	
February 6, 2024, Hearing (Filed August 8, 2023)	G-1
Appendix H - U.S. Supreme Court – Order	
Granting Extension of Time	H-1

TABLE OF AUTHORITIES

	Page(s)
FEDERAL CASES	
Aetna Life Ins. Co. v. Lavoie, 475 U.S. 813 (1986)	5
Anders v. California, 386 U.S. 738 (1967)	7
Arizona v. Fulminante, 499 U.S. 279 (1991)	4
Bush v. Gore, 531 U.S. 98 (2000)	10
Caperton v. A.T. Massey Coal Co., 556 U.S. 868 (2009)	5, 25, 32
Coleman v. Thompson, 501 U.S. 722 (1991)	8, 28
Cooper v. Aaron, 358 U.S. 1 (1958)	10
Douglas v. California, 372 U.S. 353 (1963)	6
Evitts v. Lucey, 469 U.S. 387 (1985)	6, 7, 9
Gideon v. Wainwright, 372 U.S. 335 (1963)	5

TABLE OF AUTHORITIES - Continued

	Page(s)
FEDERAL CASES (Continued)	
Griffin v. Illinois, 351 U.S. 12 (1956)	6
Harrington v. Richter, 562 U.S. 86 (2011)	27
Harris v. Reed, 489 U.S. 255 (1989)	8
In re Murchison, 349 U.S. 133 (1955)	5, 24
Martin v. Hunter's Lessee, 14 U.S. (1 Wheat.) 304 (1816)	9
Mayer v. City of Chicago, 404 U.S. 189 (1971)	6
Michigan v. Long, 463 U.S. 1032 (1983)	7, 8, 10, 26, 28, 29, 31, 34
NAACP v. Alabama ex rel. Patterson, 357 U.S. 449 (1958)	8
Patterson v. Alabama, 294 U.S. 600 (1935)	10
Penson v. Ohio, 488 U.S. 75 (1988)	6

TABLE OF AUTHORITIES - Continued

	Page(s)
FEDERAL CASES (Continued)	
Smith v. Robbins, 528 U.S. 259 (2000)	7
Tumey v. Ohio, 273 U.S. 510 (1927)	4, 24
United States v. Taylor, 487 U.S. 326 (1988)	9
Ward v. Village of Monroeville, 409 U.S. 57 (1972)	5, 24
Williams v. Pennsylvania, 579 U.S. 1 (2016)	6
Williams v. Taylor, 529 U.S. 362 (2000)	27, 33
Ylst v. Nunnemaker, 501 U.S. 797 (1991)	8, 28, 29

TABLE OF AUTHORITIES - Continued

	Page(s)
STATE CASES	
Commonwealth v. Gomes, 459 Mass. 194 (2011)	30
Jenkins v. State, 385 So. 2d 1356 (Fla. 1980)	30
People v. Albro, 52 N.Y.2d 619 (1981)	30
People v. Kelly, 40 Cal. 4th 106 (2006)	30
State v. Fuentes, 217 N.J. 57 (2014)	30
Terry v. McCalla Raymer Leibert Pierce, LLC, No. A24A1348 (Ga. Ct. App. Mar. 13, 2025)	iv, 1, 30, B-1

CONSTITUTIONAL PROVISIONS

U.S. Const. amend. XIV, § 1	i, 3, 4, 9, D-1
--	------------------------

STATUTES

28 U.S.C. § 1257(a)	ii, 2, 3, 7, D-1
Official Code of Georgia Annotated §§ 51-5-7, 51-5-8	3, E-1

TABLE OF AUTHORITIES - Continued

Page(s)

COURT RULES

Georgia Court of Appeals Rule 36 i, ii, iv, 1, 2, 3, 17, 20, 21, 23, 27, 30, B-1, E-1

Supreme Court Rule 14.1 iv, 4, F-1, G-1

Supreme Court Rule 29.6 iii

OTHER AUTHORITIES

National Center for State Courts,
Reports on Appellate Caseloads and Summary Disposition Practices (2022) 32

Brennan Center for Justice,
Reports on Judicial Transparency and Unexplained Decisions (2021) 9, 32

PETITION FOR WRIT OF CERTIORARI

Petitioner Vincent Terry respectfully petitions this Court for a writ of certiorari to review the judgment of the Supreme Court of Georgia denying certiorari in this case.

OPINIONS BELOW

The order of the Supreme Court of Georgia denying discretionary review in *Vincent Terry v. McCalla Raymer Leibert Pierce, LLC, et al.*, Case No. S25C0979 (Sept. 16, 2025) is published and is reproduced in **Appendix A**.

The judgment of the Georgia Court of Appeals in *Vincent Terry v. McCalla Raymer Leibert Pierce, LLC, et al.*, Case No. A24A1348 (Mar. 13, 2025), affirming without opinion pursuant to its Rule 36, is unpublished and is reproduced in **Appendix B**. The order was designated “Not to Be Officially Reported.”

The final order of the Superior Court of Fulton County, Georgia, in *Vincent Terry v. McCalla Raymer Leibert Pierce, LLC, et al.*, Civil Action No. 2022CV372214 (Aug. 22, 2023), is published and is reproduced in **Appendix C**.

JURISDICTION

The Superior Court of Fulton County, Georgia, entered a final order dismissing the action with prejudice on August 22, 2023 (**Appendix C**).

The Georgia Court of Appeals entered its judgment, affirming without opinion, pursuant to its Rule 36, on March 13, 2025 (**Appendix B**).

The Supreme Court of Georgia denied discretionary review on September 16, 2025 (**Appendix A**).

This Court has jurisdiction under 28 U.S.C. § 1257(a). The decision of the Supreme Court of Georgia is a final judgment of the highest court of a State in which a decision could be had, and the case presents substantial federal questions arising under the Constitution of the United States.

An order of this Court granted Petitioner an extension of time to file this petition. This petition is timely pursuant to that order (**Appendix H**).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The constitutional and statutory provisions involved in this case are reproduced in **Appendix D and Appendix E.**

- **Fourteenth Amendment to the United States Constitution, Section 1** - The Fourteenth Amendment provides, in relevant part, that no State shall “deprive any person of life, liberty, or property, without due process of law.”
- **28 U.S.C. § 1257(a)** - Section 1257(a) confers jurisdiction on this Court to review final judgments or decrees rendered by the highest court of a State in which a decision could be had, where the validity or application of the Constitution, treaties, or laws of the United States is drawn in question.
- **Official Code of Georgia Annotated §§ 51-5-7 and 51-5-8** - These provisions set forth Georgia’s statutory rules governing privileged communications and defenses in civil actions, including privileges asserted in connection with statements or conduct undertaken in judicial proceedings.
- **Georgia Court of Appeals Rule 36** - Rule 36 authorizes the Georgia Court of Appeals to affirm a lower court’s judgment without opinion under specified circumstances.

RULE 14.1(G) STATEMENT

Pursuant to Rule 14.1(g)(i), only relevant portions of the record are reproduced in the appendix.

STATEMENT OF THE CASE

I. LEGAL BACKGROUND

A. Structural Due Process and the Requirement of a Neutral Adjudicative Process

The Due Process Clause of the Fourteenth Amendment guarantees not just the appearance of fairness but the reality of a neutral and unbiased adjudicative process. This Court has long held that certain defects in judicial proceedings are structural in nature and therefore incompatible with due process, even if actual prejudice cannot be shown in a particular case.¹ Structural due process violations strike at the core of the judicial function, undermining public trust in the integrity of adjudication and requiring reversal without proof of harm.²

¹ *Tumey v. Ohio*, 273 U.S. 510 (1927).

² *Arizona v. Fulminante*, 499 U.S. 279 (1991).

A core principle of structural due process is that decision-making authority must be exercised by a neutral adjudicator who is free from improper influence, undisclosed interests, or biased participation by actors operating outside the adversarial process.³ The Constitution is offended not only when a judge is personally biased, but also when the adjudicative process is shaped or controlled by nonjudicial actors whose influence is concealed from the parties and untested through adversarial procedures.⁴ Where such influence exists, the resulting judgment is constitutionally suspect because the process itself is compromised.

This Court has emphasized that structural defects arise when adjudicative power is exercised in a manner that departs from basic norms of neutrality, transparency, and accountability.⁵ The absence of formal findings, the lack of disclosure regarding who exercised material influence over judicial decisions, and the failure to provide a mechanism for addressing allegations of bias all contribute to a breakdown in the adjudicative process. When these conditions are present, due process does not tolerate post hoc rationalizations or assumptions of regularity.⁶

Importantly, structural due process violations do not depend on a showing that the outcome of a particular case would have been different absent the defect.⁷ Instead, the constitutional injury lies in the distortion of the decision-making framework itself. Once the integrity of adjudication is compromised, the resulting judgment cannot be treated as the product of a neutral judicial process,

³ *In re Murchison*, 349 U.S. 133 (1955).

⁴ *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009).

⁵ *Ward v. Village of Monroe*, 409 U.S. 57 (1972).

⁶ *Aetna Life Ins. Co. v. Lavoie*, 475 U.S. 813 (1986).

⁷ *Gideon v. Wainwright*, 372 U.S. 335 (1963).

and appellate courts are obligated to address the defect directly rather than presume its harmlessness.⁸

B. Meaningful Appellate Review as a Component of Due Process

When a State chooses to provide appellate review, the Due Process Clause requires that such review be meaningful rather than illusory.⁹ This Court has made clear that appellate procedures must afford litigants a fair opportunity to obtain consideration of preserved claims, including federal constitutional claims, and must operate in a manner that promotes reliability, transparency, and accountability in judicial decision-making.¹⁰ An appellate system that conceals whether such claims were examined does not meet these constitutional requirements.

Meaningful appellate review is not satisfied by the mere existence of an appellate forum.¹¹ Instead, due process demands a process that allows litigants and reviewing courts to determine whether the issues presented were actually considered and resolved. Where appellate dispositions provide no explanation and no indication of the grounds on which a judgment rests, they undermine confidence that constitutional claims received the consideration required by law.¹²

This Court has recognized that appellate review serves as a critical safeguard against structural defects in trial-level proceedings.¹³ When trial-court adjudication is alleged to have been

⁸ *Williams v. Pennsylvania*, 579 U.S. 1 (2016).

⁹ *Evitts v. Lucey*, 469 U.S. 387 (1985).

¹⁰ *Griffin v. Illinois*, 351 U.S. 12 (1956).

¹¹ *Douglas v. California*, 372 U.S. 353 (1963).

¹² *Mayer v. City of Chicago*, 404 U.S. 189 (1971).

¹³ *Penson v. Ohio*, 488 U.S. 75 (1988).

compromised by biased, undisclosed influence, or procedural manipulation, the appellate process assumes heightened constitutional importance. An appellate court's failure to address such allegations, or to explain its disposition in a manner that permits meaningful review, compounds the original defect and entrenches the denial of due process.¹⁴

The constitutional guarantee of meaningful appellate review is therefore violated when appellate procedures operate in a way that insulates trial-court irregularities from scrutiny.¹⁵ In such circumstances, the appellate process does not function as a corrective mechanism, but instead becomes a barrier to the justification of federal rights. Due process does not permit appellate systems to serve as formalities that foreclose review while providing no assurance that justice has been done.¹⁶

C. Summary Affirmances and Federal Review Under *Michigan v. Long*

Federal review under 28 U.S.C. § 1257(a) depends on the ability of this Court to determine whether a state court judgment rests on adequate and independent state grounds or instead turns on federal law.¹⁷ Where a state court clearly and expressly relies on state law, federal review may be foreclosed. However, where the basis of decision is ambiguous, this Court has held that federal jurisdiction presumptively exists to ensure that federal constitutional claims are not insulated from review.¹⁸

¹⁴ *Anders v. California*, 386 U.S. 738 (1967).

¹⁵ *Smith v. Robbins*, 528 U.S. 259 (2000).

¹⁶ *Evitts v. Lucey*, 469 U.S. 387 (1985).

¹⁷ 28 U.S.C. § 1257(a).

¹⁸ *Michigan v. Long*, 463 U.S. 1032 (1983).

Unexplained summary affirmances present a serious obstacle to this jurisdictional inquiry. When a state appellate court affirms without opinion, and without identifying the grounds for its decision, neither the parties nor this Court can determine whether preserved federal claims were considered, rejected on the merits, or disregarded entirely.¹⁹ Such opacity is particularly problematic where the appeal raises allegations of structural due process violations that, by their nature, require careful judicial scrutiny.

This Court has made clear that ambiguous state-court dispositions cannot be permitted to shield federal issues from review.²⁰ The presumption articulated in *Michigan v. Long* exists precisely to prevent state courts from avoiding federal oversight through unexplained or unclear rulings. Where a state appellate court employs a summary affirmance that provides no indication of the grounds for decision, and where the record reflects the presentation of federal constitutional claims, the resulting judgment lacks the clarity necessary to defeat federal jurisdiction.²¹

The problem is compounded when a summary affirmance expressly relies on the appellee's brief or otherwise suggests that the appellate court did not independently analyze the claims presented.²² In such circumstances, the affirmance provides no assurance that the appellate court engaged with the federal issues at all, much less that it resolved them on adequate and independent state-law grounds. Due process does not permit appellate procedures to operate in a manner that renders federal review speculative or impossible.²³

¹⁹ *Harris v. Reed*, 489 U.S. 255 (1989).

²⁰ *Michigan v. Long*, 463 U.S. 1032 (1983).

²¹ *Coleman v. Thompson*, 501 U.S. 722 (1991).

²² *Ylst v. Nunnemaker*, 501 U.S. 797 (1991).

²³ *NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449 (1958).

Accordingly, when state appellate courts employ unexplained summary affirmances in cases presenting preserved federal constitutional claims, this Court's intervention is necessary to ensure that the Supremacy Clause and the Fourteenth Amendment are not undermined by procedural opacity.²⁴

D. National Context and the Use of Summary Affirmances

Across the country, state appellate courts have increasingly relied on summary affirmances and other unexplained dispositions as tools for managing heavy caseloads.²⁵ While docket efficiency is a legitimate institutional concern, the expanding use of summary dispositions raises serious constitutional questions when applied to cases presenting preserved federal constitutional claims, particularly claims alleging structural defects in adjudication.²⁶

The growing prevalence of summary affirmances has drawn attention from courts, scholars, and judicial institutions because of their impact on transparency and accountability in the appellate process.²⁷ Unexplained dispositions provide no assurance that the appellate court independently evaluated the issues presented, no indication of the legal grounds for decision, and no meaningful record by which litigants or reviewing courts can assess whether constitutional claims were considered.²⁸ When such practices are employed in cases involving allegations of

²⁴ *Martin v. Hunter's Lessee*, 14 U.S. (1 Wheat.) 304 (1816).

²⁵ Brennan Center for Justice, studies on appellate transparency and summary dispositions (2021).

²⁶ *Evitts v. Lucey*, 469 U.S. 387 (1985).

²⁷ Brennan Center for Justice, studies on appellate transparency and summary dispositions (2021).

²⁸ *United States v. Taylor*, 487 U.S. 326 (1988).

biased influence or procedural manipulation, the risk that constitutional violations will be insulated from scrutiny is acute.

These concerns are magnified by the interaction between summary affirmances and federal review. As explained above, unexplained state-court dispositions complicate, and often defeat, the ability of this Court to determine whether a judgment rests on adequate and independent state grounds.²⁹ Without clear guidance, divergent state practices regarding summary affirmances create uneven access to federal review and inconsistent protection of federal constitutional rights.³⁰

Absent intervention by this Court, the increasing use of unexplained summary affirmances threatens to normalize appellate procedures that obscure decision-making, frustrate meaningful review, and weaken the enforcement of due process guarantees.³¹ National guidance is therefore necessary to clarify the constitutional limits on summary affirmances and to ensure that efficiency-driven practices do not eclipse fundamental requirements of fairness and transparency in state appellate adjudication.³²

²⁹ *Michigan v. Long*, 463 U.S. 1032 (1983).

³⁰ *Bush v. Gore*, 531 U.S. 98 (2000).

³¹ *Patterson v. Alabama*, 294 U.S. 600 (1935).

³² *Cooper v. Aaron*, 358 U.S. 1 (1958).

II. FACTUAL BACKGROUND

A. The Underlying Civil Action and Parties

The adjudicative process in this case was compromised by non-neutral staff-level interference exercised by the trial judge's staff attorney, Jessica Cummings. As reflected in sworn testimony and un rebutted representations made on the record, the staff attorney exercised discretionary control over motion docketing and calendar access and participated in the preparation of the trial court's final order.³³ These actions occurred outside the adversarial process, were not disclosed to the Petitioner, and were never examined or corrected by any state court.

B. Trial-Court Proceedings Leading to the August 22, 2023, Final Order

The underlying action proceeded in the Superior Court of Fulton County through motion practices overseen by the staff attorney and trial judge. During the pendency of the case, both Petitioner and Respondents filed motions seeking dispositive and procedural relief. The manner in which those motions were processed and presented for consideration is addressed below.

On August 22, 2023, the trial court entered a final order disposing of the action. The order resolved the case without addressing any of the motions raised by the Petitioner during the proceedings. The order constitutes the final judgment from which Petitioner sought appellate review.³⁴

³³ February 6, 2024 Hearing Transcript Excerpts (App. F).

³⁴ Superior Court of Fulton County Final Order, August 22, 2023 (App. C).

No findings were made in the final order concerning allegations later raised regarding motion docketing, staff involvement, or the handling of communications related to the adjudicative process. Those issues were neither addressed in the August 22, 2023, judgment nor examined, modified, or corrected in any subsequent proceeding.

C. Staff-Level Interference by Jessica Cummings, Staff Attorney

The adjudicative process in this case was structurally compromised by staff-level interference exercised by the trial judge's staff attorney, Jessica Cummings. As reflected in sworn testimony and unrebutted representations made on the record, the staff attorney exercised discretionary control over which matters reached the judge for consideration, how information was filtered, and how the adjudicative process functioned in practice.³⁵ These actions occurred outside the adversarial process, were without notice to Petitioner, and were never examined, corrected, or addressed by any state court.

1. Discretionary Control Over Motion Docketing and Calendar Access

At the February 6, 2024, hearing, Petitioner testified under oath that all motions filed on his behalf were repeatedly withheld from the court's docket and not presented for hearing or ruling, despite repeated requests for judicial consideration.³⁶ During the same period, Respondents' motions were docketed, scheduled, and/or ruled upon without

³⁵ February 6, 2024 Hearing Transcript Excerpts (App. F, at F-3-F-10).

³⁶ *Id.*

comparable obstruction.³⁷ This disparity was not attributed to any neutral procedural rule, standing order, or judicial directive disclosed on the record.

The discretionary control over motion docketing and calendar access rested with the judge's staff attorney, Jessica Cummings. Through that role, the staff attorney determined which filings advanced to judicial review and which did not, effectively limiting Petitioner's access to the judge on contested matters while affording Respondents consistent access to the court's decision-making process.³⁸

Petitioner also testified that, in a prior but related case, the judge's staff attorney, Jessica Cummings, consulted with a Respondent regarding whether a Petitioner's motion should be heard. And later, notwithstanding a court order permitting a Petitioner's motion to be placed on the calendar, the staff attorney told the Petitioner he would need to seek permission again for scheduling. Petitioner further testified that these forms of staff-level involvement occurred before, during, and after the current litigation.³⁹ As described in the testimony, this reflects gatekeeping over access to judicial consideration that is inconsistent with neutral adjudication.

These allegations were presented openly during the February 6, 2024, hearing and were not rebutted by the Respondents, by the staff attorney, or corrected by the court.⁴⁰ No

³⁷ February 6, 2024 Hearing Transcript Excerpts (App. F, at F-3-F-10).

³⁸ *Id.*

³⁹ Notice of Filing with Excerpted Communications, February 8, 2024 (App. G, at G-8-G3 – Emails are in Reversed Chronological Order); February 6, 2024 Hearing Transcript Excerpts (App. F, at F-6-F-7).

⁴⁰ February 6, 2024 Hearing Transcript Excerpts (App. F, at F-3-F-10).

evidentiary hearing was conducted, no findings were made, and no remedial action was taken. The selective withholding of Petitioner's motions, therefore, remained an unresolved feature of the adjudicative process that produced the August 22, 2023, final order.⁴¹

2. Staff Attorney Involvement in Order Preparation

The integrity of the adjudicative process was further compromised by the involvement of the judge's staff attorney, Jessica Cummings, in the preparation of the trial court's final order. As reflected in the documentary materials referenced during the February 6, 2024, hearing, staff attorney communications indicated that notes, summaries, or recommendations prepared by chambers staff were used in connection with the drafting of the August 22, 2023, order.⁴²

The use of staff-prepared materials in order preparation is not inherently improper. However, where, as here, the same staff attorney exercised discretionary control over motion docketing and calendar access, the reliance on staff-generated summaries raises serious structural concerns. When a staff attorney both filters which matters reach the judge and participates in shaping the content of the resulting order, the adjudicative process risks being influenced by undisclosed and untested inputs outside the adversarial process.⁴³

⁴¹ Superior Court of Fulton County Final Order, August 22, 2023 (App. C); Notice of Filing with Excerpted Communications, February 8, 2024 (App. G, at G-9).

⁴² Notice of Filing with Excerpted Communications, February 8, 2024 (App. G, at G-9); February 6, 2024 Hearing Transcript Excerpts (App. F, at F-8-F-9).

⁴³ Id.

These circumstances were brought to the court's attention during the February 6, 2024, hearing and in subsequent documents filed on February 8, 2024, that were presented in the hearing.⁴⁴ The record reflects no denial that staff-prepared materials were used, no clarification of the extent of the staff attorney's involvement, and no findings addressing whether such involvement affected the substance of the order.⁴⁵ No evidentiary hearing was conducted, and no remedial actions were taken.

As a result, the August 22, 2023, final order stands as the product of an adjudicative process in which a staff attorney exercised overlapping control over access to the judge and participated in order preparation, without disclosure, adversarial testing, or subsequent judicial examination. In these circumstances, the neutrality and reliability of the adjudication cannot be presumed in the August 22, 2023, order, nor in a previous May 15, 2023, case-related order.⁴⁶

3. Structural Impact on the Neutrality of the Proceedings

The combined effect of discretionary control over motion docketing and staff attorney involvement in order preparation produced a structural defect that undermined the neutrality of the adjudicative process. When a staff attorney both controls access to the

⁴⁴ Notice of Filing with Excerpted Communications, February 8, 2024 (App. G, at G-9); February 6, 2024 Hearing Transcript Excerpts (App. F, at F-8-F-9).

⁴⁵ Id.

⁴⁶ Superior Court of Fulton County Final Order, August 22, 2023 (App. C); February 6, 2024 Hearing Transcript Excerpts (App. F, at F-3-F-10).

judge and participates in shaping the court's final order, the resulting adjudication cannot be presumed to reflect a neutral evaluation of adversarial presentations.⁴⁷

This defect does not depend on a showing that the outcome would have differed absent the conduct described. The constitutional injury arises from the distortion of the decision-making framework itself. Because the structural defect remained unexamined and uncorrected at the trial level, and was never addressed on appeal, the proceedings cannot be treated as the product of a constitutionally sound adjudicative process.⁴⁸

D. The February 6, 2024, Hearing and Unrebutted Allegations

On February 6, 2024, the Superior Court conducted a hearing at which Petitioner raised, on the record and under oath, allegations concerning staff-level interference affecting the adjudicative process. During that hearing, Petitioner described the discretionary withholding of all his motions from the docket, the unequal access afforded to Respondents, and the involvement of chambers staff in shaping the adjudicative outcome.⁴⁹

⁴⁷ Notice of Filing with Excerpted Communications, February 8, 2024 (App. G); February 6, 2024 Hearing Transcript Excerpts (App. F, at F-3-F-10).

⁴⁸ Superior Court of Fulton County Final Order, August 22, 2023 (App. C); Georgia Court of Appeals Rule 36 Judgment (App. B).

⁴⁹ February 6, 2024 Hearing Transcript Excerpts (App. F, at F-3-F-10).

The hearing record reflects that these allegations were presented openly and directly to the court. At no point during the hearing were Petitioner's representations denied, contradicted, or rebutted by Respondents, or the staff attorney.⁵⁰

Despite the seriousness of the allegations and their potential structural implications, the court did not conduct an evidentiary hearing, did not receive testimony from chambers staff, and did not make factual findings addressing the scope or impact of the conduct described.⁵¹ Nor did the court enter any order modifying, correcting, or vacating the August 22, 2023, or the May 15, 2023, judgments in light of the issues raised.

As a result, the February 6, 2024, hearing and its documentation stand as the sole occasion on which the alleged staff-level interference was presented to a court. The absence of findings, remedial action, or subsequent judicial examination left the allegations unrebutted and unresolved, and allowed the challenged adjudicative process to remain intact through final judgment and appeal.⁵²

E. Appellate Proceedings and the Absence of Meaningful Review

The Georgia Court of Appeals affirmed the August 22, 2023, judgment through an unexplained summary disposition issued pursuant to its Rule 36.⁵³ The affirmance provided no

⁵⁰ February 6, 2024 Hearing Transcript Excerpts (App. F, at F-3-F-10).

⁵¹ *Id.*

⁵² *Id.*; Superior Court of Fulton County Final Order, August 22, 2023 (App. C).

⁵³ Georgia Court of Appeals Rule 36 Judgment (App. B).

reasoning and no indication that the preserved allegations of staff-level interference were considered or resolved.

The Supreme Court of Georgia denied discretionary review without explanation.⁵⁴ As a result, no state appellate court addressed the unresolved structural due-process concerns raised on the record, and the basis of the final judgment remains unknowable.⁵⁵

III. Procedural History

A. Proceedings in the Superior Court of Fulton County

Petitioner commenced the underlying civil action in the Superior Court of Fulton County, Georgia. The case proceeded through motion practice before the trial court, during which both parties filed dispositive and procedural motions.

On August 22, 2023, the Superior Court entered a final order disposing of the action. The order resolved the case in full and constituted a final judgment for purposes of appeal.⁵⁶ The final order did not address allegations later raised concerning staff-level involvement, motion docketing practices, or the handling of matters related to the adjudicative process. Nor did the court issue any subsequent order modifying, correcting, or supplementing the judgment following its entry.

⁵⁴ Supreme Court of Georgia Order Denying Certiorari (App. A).

⁵⁵ February 6, 2024 Hearing Transcript Excerpts (App. F).

⁵⁶ Superior Court of Fulton County Final Order, August 22, 2023 (App. C).

B. February 6, 2024, Hearing Following Entry of Final Judgment

After the entry of the August 22, 2023, final order, the Superior Court conducted a hearing regarding a Respondents' motion on February 6, 2024. At that hearing, Petitioner raised on the record allegations concerning staff-level interference affecting motion docketing, access to the court, and the preparation of the final order.⁵⁷

The allegations were presented openly and under oath. The hearing transcript reflects that the court acknowledged aspects of the conduct described and did not dispute that the issues raised had not previously been addressed. Neither the Respondents nor the chambers staff rebutted the allegations during the hearing.⁵⁸

The court did not conduct an evidentiary inquiry, did not receive testimony from chambers staff, and did not issue findings of fact or conclusions of law resolving the allegations raised. Nor did the court enter any order modifying, vacating, or supplementing the August 22, 2023, or the prior May 15, 2023, judgments following the hearing.⁵⁹

⁵⁷ February 6, 2024 Hearing Transcript Excerpts (App. F, at F-3-F-10).

⁵⁸ February 6, 2024 Hearing Transcript Excerpts (App. F).

⁵⁹ February 6, 2024 Hearing Transcript Excerpts (App. F); Superior Court of Fulton County Final Order, August 22, 2023 (App. C).

C. Appeal to the Georgia Court of Appeals

Petitioner timely appealed the August 22, 2023, final order to the Georgia Court of Appeals. In that appeal, Petitioner presented preserved issues arising from the trial-court's proceedings, including challenges related to the integrity of the adjudicative process.

The Georgia Court of Appeals affirmed the judgment through a summary disposition issued pursuant to its Rule 36.⁶⁰ The court provided no opinion, no statement of reasons, and no indication of the grounds on which the judgment was affirmed. The order was designated "Not to Be Officially Reported" for public viewing.

The summary affirmance did not address the allegations raised at the February 6, 2024, hearing and offered no explanation as to whether any federal constitutional claims were considered or resolved.

D. Petition for Certiorari to the Supreme Court of Georgia

Following the Georgia Court of Appeals' Rule 36 affirmance, Petitioner filed a petition for certiorari in the Supreme Court of Georgia seeking discretionary review. The petition raised issues concerning the integrity of the adjudicative process and the absence of meaningful appellate review.

⁶⁰ Georgia Court of Appeals Rule 36 Judgment (App. B).

The Supreme Court of Georgia denied certiorari without explanation.⁶¹ The denial left the Rule 36 affirmance intact and rendered the state-court judgment final.

E. Conclusion of State-Court Proceedings

The denial of certiorari by the Supreme Court of Georgia concluded Petitioner's state-court proceedings. At no stage of review did any state court address any of the Petitioner's motions pending at the time of the Superior Court's dismissal, the staff-level conduct Petitioner later described, or the procedural concerns he contended had affected the development of the record. The appellate record remained limited to the materials before the Superior Court as of August 22, 2023, and no court issued findings or rulings concerning the structural due process issues raised at the February 6, 2024, hearing.⁶²

With the Rule 36 affirmance left undisturbed and no further state-court remedies available, the August 22, 2023, dismissal order stands as the final judgment of the State of Georgia. Petitioner's claims of procedural irregularities, staff-level interference, and the absence of judicial consideration of those matters were not addressed in any state-court decision, leaving those issues unresolved for purposes of further review.

⁶¹ Supreme Court of Georgia Order Denying Certiorari (App. A).

⁶² February 6, 2024 Hearing Transcript Excerpts (App. F).

SUMMARY OF ARGUMENT

This case presents fundamental questions about the constitutional limits of state-court adjudication and appellate review. The record reflects a breakdown in the neutrality of the trial-level adjudicative process, followed by the absence of meaningful appellate review. *Taken together*, those failures left preserved federal constitutional claims unresolved and shielded from scrutiny, while producing a final judgment whose basis cannot be assessed.

At the trial level, the adjudicative process was compromised by staff-level interference exercised by the judge's staff attorney. As reflected in sworn testimony and unrebutted representations made on the record, the staff attorney exercised discretionary control over motion docketing and calendar access and participated in the preparation of the court's final order. Petitioner's motions were withheld from consideration, while Respondents' motions were docketed or ruled upon. These actions occurred outside the adversarial process, were not disclosed, and were never examined or corrected by any court.

The constitutional injury does not turn on whether any particular ruling would have been different absent the challenged conduct. The injury arises from the structure of the process itself. When access to the judge is selectively constrained, and staff-generated inputs shape judicial orders without adversarial testing, the adjudication cannot be presumed neutral. The Due Process Clause requires an adjudicative process that is neutral in structure and transparent in operation.

These structural concerns were presented openly during a February 6, 2024, hearing following the entry of final judgment. The court did not dispute that the issues had not previously been addressed, did not conduct an evidentiary inquiry, and did not issue findings or remedial orders. The alleged defects, therefore, remained unresolved at the trial level.

The appellate process failed to cure these defects. The Georgia Court of Appeals affirmed the judgment through an unexplained summary disposition under its Rule 36, offering no indication that the preserved constitutional claims were considered or resolved. The Supreme Court of Georgia denied certiorari without explanation. As a result, no state appellate court provided a reasoned decision addressing whether the adjudicative process satisfied constitutional requirements.

This case squarely presents whether due process permits state appellate courts to employ unexplained summary affirmances to foreclose review of serious structural irregularities in the trial process and to insulate preserved federal claims from scrutiny. It also presents an ideal vehicle for resolving that question. The record is clear, the relevant facts are undisputed or un rebutted, and the absence of any articulated state-court reasoning leaves nothing to defer to or presume.

Absent review by this Court, the judgment below will stand not because the constitutional claims lack merit, but because the state courts declined to explain themselves. The Constitution does not tolerate a system in which structural defects in adjudication are rendered unreviewable through silence. Certiorari should be granted.

REASONS FOR GRANTING THE WRIT

I. This Case Presents a Fundamental Due Process Question Concerning the Neutrality of State-Court Adjudication

The Due Process Clause guarantees more than the opportunity to obtain a correct result. It guarantees a neutral adjudicative process in which access to the decisionmaker is not distorted, and outcomes are not shaped by undisclosed or untested influences. This Court has repeatedly held that structural defects affecting the neutrality of adjudication violate due process regardless of whether a different result can be shown in a particular case.⁶³

Certain constitutional violations strike at the very framework of adjudication. Where the structure of decision-making itself is compromised, the injury arises from the process by which the judgment is produced, not merely from the judgment's substantive correctness.⁶⁴ Due process is therefore offended when the system permits selective access to judicial consideration or allows non-transparent influences to shape judicial decisions outside the adversarial process.⁶⁵

The record in this case presents precisely that problem. Unrebutted allegations, raised under oath and never resolved by any court, establish that the adjudicative process was distorted by staff-level conduct affecting both access to the court and the preparation of the final judgment.

⁶³ See, e.g., *Tumey v. Ohio*, 273 U.S. 510 (1927); *Ward v. Village of Monroeville*, 409 U.S. 57 (1972).

⁶⁴ *Tumey v. Ohio*, 273 U.S. 510 (1927).

⁶⁵ *In re Murchison*, 349 U.S. 133 (1955).

Those allegations were not addressed at the time judgment was entered, were not remedied after they were raised on the record, and were never examined through findings or reasoned analysis at any level of the state judiciary.

Critically, the constitutional concern here does not depend on proving actual bias or demonstrating that the outcome would have been different absent the challenged conduct. This Court has made clear that due process is violated when the structure of adjudication creates an unacceptable risk that decisions are shaped by influences inconsistent with neutral decision-making.⁶⁶ As this Court explained in *Caperton*, the constitutional inquiry focuses on the structure of decision-making and the risk it creates, not on proof of actual bias. In such circumstances, courts may not presume the legitimacy of the process simply because a judgment was entered.

This case, therefore, presents a fundamental due process question concerning the minimum constitutional requirements for neutral state-court adjudication. It asks whether a judgment produced through a process marked by unresolved structural irregularities may stand without explanation, and whether due process tolerates a system in which such defects are never subjected to meaningful judicial scrutiny.

⁶⁶ *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009).

II. Unexplained Summary Affirmances Prevent Meaningful Review of Preserved Federal Claims

Meaningful appellate review is a critical component of due process, particularly where federal constitutional claims are properly preserved and presented. When a state appellate court affirms a judgment without explanation, it becomes impossible to determine whether those federal claims were considered, rejected on the merits, or ignored altogether. That opacity undermines both the litigant's right to review and this Court's ability to perform its supervisory function.

This Court has recognized that unexplained state-court decisions present serious difficulties for federal review. Where a state court provides no reasoning, there is no articulated state-law ground to which deference may attach and no way to ascertain whether a federal issue was resolved. In such circumstances, silence itself can operate to shield constitutional questions from scrutiny.⁶⁷

The problem is particularly acute, where, as here, the underlying federal claims concern structural defects in the adjudicative process. Structural due process claims do not turn on case-specific factual disputes alone, but on whether the process employed satisfies constitutional minimums. When a state appellate court affirms without explanation, it forecloses any inquiry into whether those minimums were met and prevents meaningful review of issues that go to the legitimacy of the adjudication itself.

⁶⁷ *Michigan v. Long*, 463 U.S. 1032, 1040–41 (1983).

Unexplained summary affirmances also create a practical asymmetry. A state court may avoid engaging federal constitutional questions simply by declining to explain its decision, while the resulting judgment is nonetheless treated as final and presumptively valid. That dynamic allows serious federal claims to be insulated from review through silence rather than resolution.⁶⁸

This case illustrates that danger. Petitioner raised preserved federal constitutional claims challenging the neutrality of the adjudicative process. The Georgia Court of Appeals affirmed under its Rule 36 without opinion, and the Supreme Court of Georgia denied review without explanation. No state court identified a state-law ground for decision or addressed whether the federal claims were considered. The result is a final judgment whose basis is unknowable and whose compliance with constitutional requirements cannot be assessed.

Due process does not tolerate a system in which preserved federal claims may be rendered effectively unreviewable through unexplained affirmances. Where state appellate courts employ summary dispositions in cases presenting serious constitutional questions, this Court's intervention is necessary to ensure that silence does not become a mechanism for evading federal review.

⁶⁸ See *Williams v. Taylor*, 529 U.S. 362, 412 (2000); *Harrington v. Richter*, 562 U.S. 86, 98–99 (2011).

III. The Absence of Any Reasoned State-Court Decision Defeats Meaningful Federal Review

Meaningful federal review depends on knowing whether and how state courts have resolved preserved federal constitutional claims. Where no state court provides a reasoned decision, there is no basis on which this Court can determine whether those claims were adjudicated on the merits, rejected on adequate and independent state grounds, or bypassed entirely. The absence of explanation, therefore, defeats the ordinary mechanisms by which federal review operates.

This Court has emphasized that its jurisdiction and review function presuppose some articulation of the grounds for decision. When a state court judgment rests on unclear or unexplained grounds, federal review is impaired because there is nothing to examine, defer to, or distinguish.⁶⁹ In such circumstances, the Court cannot assess whether constitutional requirements were satisfied or whether the judgment rests on permissible state-law grounds.

The problem is magnified where, as here, the trial court made no findings resolving the federal constitutional issues, and the appellate court affirmed without opinion. That combination leaves no decision at any level explaining whether the adjudicative process complied with due process. Federal review cannot function when the entire state-court record is silent as to the disposition of preserved constitutional claims.⁷⁰

⁶⁹ *Michigan v. Long*, 463 U.S. 1032, 1040–41 (1983).

⁷⁰ See *Ylst v. Nunnemaker*, 501 U.S. 797, 803–04 (1991); *Coleman v. Thompson*, 501 U.S. 722, 739–40 (1991).

This silence is not a neutral act. It has the practical effect of insulating unresolved constitutional questions from review by depriving this Court of the information necessary to exercise its supervisory role. Where neither the trial court nor the appellate courts explain their reasoning, the resulting judgment is effectively rendered unreviewable from federal scrutiny, not because the claims lack merit, but because no court has chosen to address them. See *Michigan v. Long*, 463 U.S. 1032, 1040–41 (1983); *Ylst v. Nunnemaker*, 501 U.S. 797, 803–04 (1991).

The Due Process Clause cannot be reconciled with a framework in which preserved federal constitutional claims are rendered unreviewable through the absence of explanation. When the absence of any reasoned state-court decision prevents meaningful federal review, this Court's intervention is necessary to ensure that constitutional guarantees are not rendered unenforceable by unexplained adjudication.

IV. State Courts Apply Divergent Practices Regarding Summary Affirmances and the Treatment of Federal Claims

State courts employ materially different practices when disposing of appeals that present preserved federal constitutional claims. In some jurisdictions, appellate courts are required by rule, statute, or precedent to provide reasoned decisions addressing such claims. In others, appellate courts are permitted to affirm without explanation even where serious constitutional challenges to the adjudicative process are raised. This divergence results in unequal access to meaningful review of federal rights across state lines.

Several states require or strongly favor reasoned appellate decisions when constitutional issues are presented. For example, the Supreme Judicial Court of Massachusetts has emphasized that appellate review must include sufficient explanation to permit understanding of how constitutional claims were resolved.⁷¹ California courts similarly recognize that where federal constitutional issues are raised, appellate decisions must provide a reasoned basis adequate to permit further review.⁷² New Jersey has likewise required appellate courts to articulate reasons when disposing of cases involving constitutional questions, particularly where the integrity of the adjudicative process is at issue.⁷³

By contrast, a number of states permit unexplained summary affirmances even in cases involving preserved federal constitutional claims. Georgia is among them. The Georgia Court of Appeals routinely issues summary affirmances pursuant to its Rule 36 without opinion, including in cases where litigants raise constitutional challenges to trial-level procedures.⁷⁴ Florida likewise authorizes per curiam affirmances without opinion, which provide no indication whether federal constitutional claims were considered or resolved.⁷⁵ New York appellate courts also frequently dispose of appeals through summary affirmance or memorandum decisions that offer no substantive reasoning addressing preserved federal issues.⁷⁶

⁷¹ See, e.g., *Commonwealth v. Gomes*, 459 Mass. 194, 205–06 (2011).

⁷² See, e.g., *People v. Kelly*, 40 Cal. 4th 106, 121–22 (2006).

⁷³ See, e.g., *State v. Fuentes*, 217 N.J. 57, 70–71 (2014).

⁷⁴ *Court of Appeals Rule 36*, Ga. Ct. App.; see also *Terry v. McCalla Raymer Leibert Pierce, LLC*, No. A24A1348 (Ga. Ct. App. Mar. 13, 2025).

⁷⁵ See *Jenkins v. State*, 385 So. 2d 1356, 1359 (Fla. 1980) (per curiam affirmance without opinion).

⁷⁶ See *People v. Albro*, 52 N.Y.2d 619 (1981) (summary affirmance).

These divergent practices have concrete constitutional consequences. In states requiring reasoned decisions, litigants receive an articulated resolution of their federal claims, and reviewing courts can assess whether constitutional requirements were satisfied. In states permitting unexplained affirmances, litigants are left with final judgments whose bases are unknowable, and meaningful federal review is frustrated or foreclosed. The enforceability of federal constitutional rights thus varies depending on the jurisdiction in which a case arises rather than on uniform constitutional standards.

The lack of uniformity is especially troubling where structural due process claims are involved. Such claims challenge the integrity of the adjudicative process itself and depend on transparent judicial reasoning for their resolution. When state appellate courts dispose of those claims without explanation, the claims are effectively insulated from review. Without guidance from this Court, divergent state practices will continue to determine whether preserved federal constitutional claims receive meaningful consideration or are extinguished through unexplained silence.

V. The Questions Presented Have Broad National Significance

The questions presented extend well beyond the particulars of this case. They implicate the minimum constitutional requirements for state-court adjudication and appellate review in jurisdictions across the country. Where state appellate courts rely on unexplained summary dispositions as a case-management tool, the absence of articulated reasoning can make it

impossible to determine whether a judgment rests on adequate and independent state grounds, thereby frustrating meaningful federal review.⁷⁷

Empirical and institutional sources confirm that the use of summary dispositions is not isolated to a single court system. Studies and reports by the **National Center for State Courts** document the widespread and documented reliance by state appellate courts on streamlined procedures, including summary affirmances, in response to docket pressures and resource constraints.⁷⁸ Those trends underscore that the issues presented here arise nationally and are likely to recur across state court systems.

At the same time, this Court has recognized that structural features of adjudication can give rise to constitutional violations when they create an unacceptable risk that decisions are shaped by biased influences.⁷⁹ When unexplained affirmances are used to dispose of preserved structural due process claims, that risk is magnified because the absence of reasoning prevents any assessment of whether constitutional requirements were satisfied.

Concerns about transparency and accountability associated with unexplained adjudication have also been widely recognized. **The Brennan Center for Justice** has observed that decisions issued without explanation undermine public confidence, obscure the treatment of constitutional claims, and frustrate meaningful review by higher courts.⁸⁰ When preserved federal claims are resolved through silence, the resulting judgments are final yet constitutionally opaque.

⁷⁷ *Michigan v. Long*, 463 U.S. 1032, 1040–41 (1983).

⁷⁸ **National Center for State Courts**, reports on appellate caseloads and summary disposition practices (2022).

⁷⁹ *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 883–84 (2009).

⁸⁰ **Brennan Center for Justice**, reports addressing judicial transparency and unexplained decisions (2021).

The national significance of the questions presented is especially pronounced where structural due process claims are involved. Structural claims do not depend on case-specific outcome prejudice, but on whether the adjudicative framework itself satisfies constitutional minimums.⁸¹ Absent guidance from this Court, divergent state practices will continue to determine whether such claims receive meaningful consideration or are extinguished through unexplained silence.

VI. This Case Is an Ideal Vehicle for Resolving the Questions Presented

This case presents a straightforward and well-developed vehicle for resolving the questions presented. The relevant facts are established in the record and, critically, are unrebutted. Petitioner raised the structural due process concerns on the record and under oath, and no state court disputed the factual basis of those allegations or conducted an evidentiary inquiry to resolve them. The absence of findings is not a vehicle defect but the precise manifestation of the constitutional injury presented. This Court need not resolve disputed facts to decide whether such non-adjudication satisfies due process.

The federal constitutional issues were preserved and presented through each stage of the state proceedings. The trial court entered final judgment without addressing the issues. The Georgia Court of Appeals affirmed through an unexplained summary disposition, and the Supreme Court of Georgia denied review without explanation. As a result, no state court identified an

⁸¹ *Williams v. Taylor*, 529 U.S. 362, 412 (2000).

adequate and independent state-law ground for decision or provided reasoning that could limit or preclude this Court's review.⁸²

There are no jurisdictional impediments, factual disputes, or procedural complications that would prevent this Court from reaching the questions presented. The absence of any reasoned state-court decision removes the need for speculation about alternative grounds for judgment and leaves the federal issues squarely presented.

Moreover, this case cleanly presents questions of law rather than fact-bound disputes. The issues concern the constitutional adequacy of state-court adjudication and appellate review procedures, not the correctness of any particular evidentiary ruling or application of state law. Resolution of the questions presented will therefore provide guidance of general applicability without entangling the Court in case-specific merits.

Finally, because the challenged practices resulted in a final judgment that has been left unexplained at every level of the state judiciary, this case presents the precise circumstance in which this Court's review is most needed. Absent intervention, the constitutional questions raised here will remain unanswered, not because they lack importance, but because the state courts declined to explain themselves. That posture makes this case an appropriate and effective vehicle for resolving the questions presented.

⁸² See *Michigan v. Long*, 463 U.S. 1032, 1040-41 (1983).

CONCLUSION AND PRAYER FOR RELIEF

This case presents important and recurring questions concerning the constitutional limits of state appellate procedures that obscure the basis of decision and prevent meaningful review of preserved federal claims. The proceedings in the courts below provide a clean vehicle for resolving those questions: the judgments are final, the record squarely presents the structural and jurisdictional concerns identified in the petition, and the Georgia Court of Appeals' unexplained affirmance leaves unclear whether the federal issues were considered at all.

For these reasons, Petitioner respectfully prays that this Court grant the petition for a writ of certiorari. In the alternative, Petitioner requests that the Court grant, vacate, and remand for further proceedings consistent with this Court's guidance, and for such other relief as may be just and proper.

Respectfully submitted,



Vincent Terry
Petitioner, pro se
1040 Beckwith Street
Atlanta, GA 30314
(404) 772-6168
vterry2010@gmail.com

Date: February 12, 2026