

Court of Appeals of the State of Georgia

ATLANTA, October 15, 2024

The Court of Appeals hereby passes the following order:

A25A0436. DAVID TOOTLE v. MAYOR AND ALDERMEN OF THE CITY OF SAVANNAH.

David Tootle filed this action seeking, among other things, a declaration that a resolution passed by the Mayor and Alderman of the City of Savannah regarding the naming of a public square violated the Constitution of the State of Georgia. The trial court entered an order ruling, as pertinent here, that Tootle had not shown that the resolution was unconstitutional. Tootle appeals to this Court.

The Supreme Court of Georgia “has exclusive jurisdiction over all cases involving construction of the Constitution of the State of Georgia and of the United States and all cases in which the constitutionality of a law, ordinance, or constitutional provision has been called into question.” *Atlanta Independent School System v. Lane*, 266 Ga. 657, 657 (1) (469 SE2d 22) (1996) (citing Ga. Const. of 1983, Art. VI, Sec. VI, Par. II (1)). This exclusive jurisdiction extends “only to constitutional issues that were distinctly ruled on by the trial court and that do not involve the application of unquestioned and unambiguous constitutional provisions or challenges to laws previously held to be constitutional against the same attack.” *State v. Davis*, 303 Ga. 684, 687 (1) (814 SE2d 701) (2018) (citation and punctuation omitted).

In this case, the trial court expressly rejected Tootle’s constitutional challenge to the resolution. Therefore, it appears that jurisdiction of this appeal may lie in the Supreme Court of Georgia. As that Court has the ultimate responsibility for determining appellate jurisdiction, see *Saxton v. Coastal Dialysis & Med. Clinic*, 267

Ga. 177, 178 (476 SE2d 587) (1996), we hereby TRANSFER this appeal to the Supreme Court of Georgia for disposition.



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Clerk's Office, Atlanta, 10/15/2024

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.