

IN THE SUPERIOR COURT OF COLUMBIA COUNTY
STATE OF GEORGIA

WAYLAND BRAXTON WILLIS,
Petitioner,

Civil Action File No.:
2026ECV0357

vs.

HON. SHERYL B. JOLLY,
Respondent.

**PETITIONER'S NOTICE OF NON-COMPLIANCE WITH O.C.G.A. § 9-15-2(d)
AND REQUEST FOR JUDICIAL DETERMINATION OF AFFIDAVIT OF INDIGENCY**

COMES NOW Petitioner Wayland Braxton Willis, pro se, and respectfully files this Notice pursuant to O.C.G.A. § 9-15-2(d) to place on the record of Case No. 2026ECV0357 the Columbia County Clerk of Court's continued failure to present Petitioner's Affidavit of Indigency to a judge for determination, and to respectfully request that this Court direct compliance with the statute.

I. BACKGROUND AND PURPOSE OF THIS ACTION

This action is a Petition for Writ of Mandamus filed by Petitioner, a pro se litigant and father, seeking an order directing Respondent Judge Sheryl B. Jolly to rule upon the pending motions filed in Case No. 2025EDR0053, Crowe v. Willis, Columbia County Superior Court. As of the date of this Notice, twenty-two motions filed by Petitioner in Case No. 2025EDR0053 have received no ruling, no response from opposing counsel, and no scheduled hearing — the earliest of which was filed on November 18, 2025, now 119 days ago, well beyond the 90-day statutory window established by O.C.G.A. § 15-6-21(b). During this period of judicial non-action, Petitioner has been denied all contact with his minor child for 60 consecutive days without any court order authorizing the suspension of communication.

Prior to filing this petition in Superior Court, Petitioner filed a petition for writ of mandamus in the Georgia Court of Appeals, Case No. A26E0154. That petition was denied on March 6, 2026 on jurisdictional grounds pursuant to Arnold v. Alexander, directing Petitioner to

seek mandamus relief in Superior Court — the precise remedy now pending in Case No. 2026ECV0357.

II. ADMINISTRATIVE OBSTRUCTION IN FILING THIS ACTION

The filing of this mandamus petition has been subjected to a documented series of administrative obstacles by the Columbia County Clerk's Office, all of which are preserved in the written email chain summarized below:

March 10, 2026 — 12:35 PM:

Clerk issued Rejection No. 1 directing: "PLEASE SUBMIT THIS CASE AS A DOMESTIC RELATIONS CASE, NOT CIVIL."

March 10, 2026 — 4:15 PM:

Clerk issued Rejection No. 2 for the identical filing directing: "THIS MUST BE SUBMITTED AS A CIVIL ACTION AND NOT A DOMESTIC RELATIONS ACTION." The two rejections issued the same day were directly contradictory.

March 11, 2026 — 8:21 AM:

Clerk acknowledged in writing that the contradictory instructions were "the error on my end" and confirmed the correct classification was civil, promising to file the petition "promptly" upon resubmission.

March 12, 2026:

Case was accepted and docketed as Case No. 2026ECV0357 after resubmission.

March 13, 2026 — 9:25 AM:

Clerk demanded \$264.00 in cash, requesting Petitioner come to the office in person.

March 13, 2026 — 11:41 AM:

Clerk stated Petitioner had not filed an Affidavit of Indigence and that service had not been perfected, despite the case having been docketed the prior day.

March 13, 2026 — 1:07 PM:

Petitioner confirmed re-filing of Affidavit of Indigency as separate docket entry in Case No. 2026ECV0357 via PeachCourt.

March 13, 2026 — 2:43 PM:

Clerk acknowledged receipt of the affidavit but continued to demand \$214 filing fee or a signed order granting indigency, and separately demanded \$50 sheriff's service fee — treating the two fees as independent requirements not covered by the affidavit.

March 13, 2026 — 3:33 PM:

Petitioner responded citing O.C.G.A. § 9-15-2 and requesting the Clerk's written legal basis for its position. No response was received.

March 16, 2026 — Morning:

Petitioner sent formal Notice of Non-Compliance via email citing O.C.G.A. § 9-15-2(d) and O.C.G.A. § 15-6-21(b), requesting written confirmation of compliance by end of business. No response received as of the filing of this Notice.

III. APPLICABLE STATUTORY DUTY

O.C.G.A. § 9-15-2(d) provides that upon the filing of an affidavit of indigence, the clerk 'shall not file the action but shall promptly present [the affidavit] to the judge for determination.' This provision is mandatory and ministerial. The Clerk has no statutory authority to condition presentment upon prior payment of fees or upon the entry of a prior order granting indigency. The filing of the affidavit itself triggers the obligation to present it to the judge.

The statute's purpose is to ensure that the judge — not the clerk's office — makes the determination of indigency. By conditioning any action on fees the affidavit is designed to waive, the Clerk's Office has substituted its own administrative judgment for the judicial determination the statute requires.

IV. RELIEF REQUESTED

Petitioner respectfully requests that this Court:

1. Direct the Columbia County Clerk of Court to immediately present Petitioner's March 13, 2026 Affidavit of Indigency to a judge for determination pursuant to O.C.G.A. § 9-15-2(d);
2. Direct the Clerk to transmit the service package to the Columbia County Sheriff's department upon a ruling granting indigency, without requiring prior payment of fees; and
3. Grant such other and further relief as the Court deems just and proper to ensure Petitioner's access to the judicial process and to the mandamus remedy sought in this action.

Respectfully submitted, this **16th** day of **March, 2026**.

Wayland B. Willis

Wayland Braxton Willis

Petitioner, Pro Se

806 Whispering Willow Ct., Grovetown, Georgia 30813

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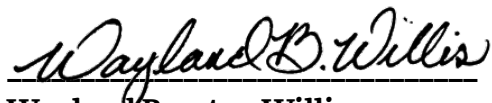
CERTIFICATE OF SERVICE

I hereby certify that I have this day filed the foregoing "Petitioner's Notice of Non-Compliance with O.C.G.A. § 9-15-2(d) and Request for Judicial Determination of Affidavit of Indigency" via PeachCourt e-filing in Case No. 2026ECV0357, and served a copy upon the following:

Columbia County Clerk of Court
640 Ronald Reagan Drive, Evans, Georgia 30809
clerkinfo@columbia.gscca.org

Columbia County Attorney's Office
630 Ronald Reagan Drive, Building C, Evans, Georgia 30809

Respectfully submitted, this **16th** day of **March, 2026**.



Wayland Braxton Willis

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