

IN THE COURT OF APPEALS OF GEORGIA

WAYLAND B. WILLIS
Petitioner,

vs.

HON. SHERYL B. JOLLY,
Respondent.

Trial Court Case
No. 2025EDR0053

PETITION FOR WRIT OF MANDAMUS

Petitioner respectfully petitions this Court for issuance of a Writ of Mandamus directing the Trial Court to exercise its jurisdiction by entering written rulings on pending matters affecting Petitioner's parenting time under the Permanent Decree.

The Final Judgment and Decree of Divorce entered on August 10, 2023 awarded the parties joint legal custody and a 50/50 shared physical custodial arrangement, including allocation of educational and medical decision-making authority to Petitioner.

Following assertions made on January 9, 2025, the Trial Court entered temporary orders in March 2025 modifying parenting time to supervised visitation. Petitioner exercised supervised parenting time pursuant to those temporary orders from April 2025 until October 29, 2025.

Petitioner seeks only the performance of the Trial Court's duty to rule so that the record becomes reviewable through ordinary appellate processes.

STATEMENT OF FACTS

On October 29, 2025, Petitioner's parenting time under the Permanent Decree was suspended following communication from the Guardian ad Litem regarding reported testing results. No written court order had been entered at the time the suspension took effect.

Subsequent administrative correspondence reflects that the Court's office discussed entry of an order after the suspension had already begun operating, including communication stating:

“We can do the order unless there is an objection.” Petitioner was not included in that correspondence. On December 9, 2025, the Trial Court conducted a status conference. The Guardian ad Litem made a brief statement to the Court; however, no evidentiary hearing was conducted, no documentary evidence was admitted, and no findings of fact were entered. Following that proceeding, the conditions controlling Petitioner’s parenting time remained in place.

Between December 10, 2025 and February 21, 2026, Petitioner filed the following motions seeking relief, clarification, enforcement, and adjudication:

- December 10, 2025 – Motion for Relief and/or Modification of Testing Order;
- December 18, 2025 – Motion to Correct & Supplement the Record With Affidavits & Certified Testing Documentation;
- December 21, 2025 – Motion for Temporary Relief Pending Compliance and Clarification Regarding Testing;
- January 1, 2026 – Motion to Clarify the Record, Address Unadjudicated Allegations, & Request Temporary Relief;
- January 11, 2026 – Motion for Written Findings of Fact and Conclusions of Law and Clarification Regarding Guardian ad Litem Authority;
- January 16, 2026 – Motion for Protective Order Regarding Confidential Medical Information;
- January 19, 2026 – Motion to Prohibit Continued Reliance on Unadjudicated & Unsubstantiated Allegations;
- January 20, 2026 – Motion to Define and Limit Guardian ad Litem Authority and Request Written Findings;

- January 22, 2026 – Motion for Enforcement, Sanctions, and Written Findings Based on Continued Conduct After Notice;
- January 23, 2026 – Motion to Enforce Effect of Non-Action and for Declaratory Relief Regarding Continued Restrictions;
- February 3, 2026 – Motion to Modify Custody and for Relief Based on Prolonged Deprivation;
- February 9, 2026 – Motion for Judicial Intervention and Procedural Accountability & Termination or Limitation of Guardian ad Litem Authority;
- February 21, 2026 – Motion for Protective Findings Regarding Repeated False Allegations and Abusive Litigation Conduct.

No written rulings have been entered disposing of these motions.

On December 19, 2025, Petitioner notified the Guardian that the designated laboratory was unable to perform the 17-panel hair and PEth testing required by the December 9 order and requested clarification regarding how compliance could be achieved.

On January 30, 2026, administrative email correspondence between the Guardian and the Court's Judicial Assistant confirmed that the designated facility could not perform the required testing. No amended order has been entered.

As of March 4, 2026, seventy-five (75) days have elapsed since Petitioner first notified the Guardian of the testing impossibility on December 19, 2025.

As of March 4, 2026, one hundred twenty-six (126) days have elapsed since Petitioner's parenting time first operated without a contemporaneous written order.

ARGUMENT

I. The Trial Court Has a Clear Legal Duty to Rule.

Mandamus lies to compel a court to exercise its jurisdiction where it has failed to do so. Petitioner does not request this Court to dictate the substance of any ruling, but only to require that the Trial Court perform its duty to adjudicate properly filed matters.

The December 9 proceeding resulted in no evidentiary hearing and no written findings of fact. The January 11 Motion for Written Findings squarely presented the need for adjudication. That motion remains unresolved. The Trial Court retains jurisdiction. The duty at issue is not discretionary judgment; it is the obligation to rule.

II. Petitioner Has a Clear Legal Right to a Ruling.

A litigant has a clear legal right to have properly filed motions adjudicated within a reasonable time. The January 11, 2026 Motion for Written Findings of Fact and Conclusions of Law has remained pending without ruling. The laboratory testing requirement imposed by the December 9, 2025 order remains unaddressed despite documented notice that the testing could not be performed as written. Without written rulings, no appealable order exists.

Appendix Exhibit E reflects that action affecting Petitioner's parenting time was discussed through administrative email correspondence stating: "We can do the order unless there is an objection." Petitioner was not included in that correspondence.

When entry of an order is contemplated to proceed absent objection, the affected party must have an opportunity to object on the record. The absence of a formal ruling deprives Petitioner of a reviewable record. The right asserted here is not a right to prevail. It is the right to adjudication capable of appellate review.

III. Petitioner Has No Adequate Remedy at Law.

A. Suspension Operated Prior to Entry of a Written Order.

On October 29, 2025, Petitioner's parenting time was suspended before a written, appealable order had been entered. Administrative correspondence reflects discussion of entering an order after the suspension had already operated.

During that period:

- Parenting time lapsed;
- No written ruling was available for emergency appellate review;
- Appellate intervention was procedurally unavailable.

B. Passage of Time Demonstrates Inadequacy of Later Appeal.

On November 15, 2025, the allegations that later formed the basis for the Court's subsequent orders were first asserted. Despite negative 17-panel hair and PEth test results, the minor child was not present at a significant pre-wedding family gathering for Petitioner's younger sister. No written suspension order had been entered at that time.

On November 22, 2025, the minor child was not permitted to attend Petitioner's grandfather's funeral. The written suspension order was not signed until November 24, 2025.

On December 9, 2025, following a status conference at which no evidentiary hearing was conducted and no findings were entered, the Court issued an order requiring specific laboratory testing within approximately forty-five minutes of entry. No written ruling restored parenting time. During the period in which the November 15, 2025 allegations remained adjudicated and Petitioner's parenting time had not been restored by written ruling, the minor child was not permitted to attend the November 15 pre-wedding family gathering,

the November 22 funeral nor the pre-planned December 10 wedding in Mexico for Petitioner's younger and only sister. Due to the December 9 Status Conference, Petitioner also was unable to attend this significant family milestone.

During these periods, no written order existed upon which Petitioner could seek supersedeas or emergency appellate review. An appeal at the conclusion of the case cannot restore parenting time that passed in the absence of a written, reviewable ruling.

C. The December 9 Testing Requirement Remains Unadjudicated.

The December 9 order imposed specific laboratory testing as a condition affecting restoration of parenting time.

On December 19, 2025, Petitioner notified the Guardian that the designated laboratory could not perform the required testing and requested clarification.

On January 30, 2026, administrative email correspondence confirmed the designated facility could not perform the testing. No amended order has been entered. No clarification has been issued. No ruling has defined a compliance pathway. Where a condition affecting restoration of parenting time cannot be satisfied as written and the Court declines to enter a clarifying ruling, restoration becomes indefinite by silence rather than adjudication.

D. Clarification of the December 17 "Consent Order"

The instrument entered on December 17 is styled as a consent order. At the time of entry, Petitioner was proceeding pro se and did not agree to the entry of any consent order. The instrument contains no indication that Petitioner assented to its terms. A consent order derives its authority from the agreement of the parties; absent such agreement, the order functions as an adjudicative ruling rather than a consensual one.

When an order is entered without the parties' assent yet styled as a consent order, the procedural posture of the case becomes unclear. Clarification is therefore necessary to determine whether the December 17 instrument was entered by agreement of the parties or imposed by the Court.

Petitioner does not seek reversal of the substance of that order in this proceeding. He seeks clarification sufficient to preserve an accurate record for review.

E. Exercise of Judicial Authority Through Formal Process

The November 24, 2025 Order Immediately Suspending Visitation states that it was entered after the Court received an email from the Guardian requesting suspension. The order does not reference sworn testimony or an evidentiary hearing preceding suspension.

Under Georgia law, modification or suspension of visitation established by decree requires judicial determination. While a guardian ad litem may advise the Court, judicial authority must be exercised through adjudicative process. The record reflects that suspension followed unsworn email communication rather than evidentiary procedure.

Petitioner does not challenge the Court's discretion to suspend visitation where legally justified. He challenges the absence of formal adjudicative process preceding suspension.

Mandamus is appropriate not to dictate outcome, but to require exercise of judicial authority through proper procedure.

F. Failure to Perform Ministerial Duty to Rule

Since December 9, 2025, Petitioner has filed multiple substantive motions seeking clarification, written findings, modification, and enforcement. As of the filing of this Petition, no written rulings have been entered disposing of these motions.

The Uniform Superior Court Rules contemplate that rulings on motions be reduced to writing. The Georgia Constitution requires judgments be entered in writing.

A delay of 126 days without written adjudication of properly filed motions is not an exercise of discretion; it is a failure to exercise discretion.

Mandamus compels action, not outcome. Petitioner seeks entry of written rulings so that the record may become reviewable through ordinary appellate processes.

PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court:

1. Issue a Writ of Mandamus directing the Trial Court to enter written rulings on the properly filed and pending motions identified herein, including specifically:
 - (a) the January 11, 2026 Motion for Written Findings of Fact and Conclusions of Law; and
 - (b) clarification of the laboratory testing requirement imposed by the December 9, 2025 order;
2. Direct that such written rulings be entered within ten (10) days of this Court's order;
3. Clarify that Petitioner does not request this Court to dictate the substance of any ruling, but only to require that the Trial Court perform its duty to rule; and
4. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted, this **4th** day of **March, 2026**.



Wayland Braxton Willis

Petitioner, Pro Se

806 Whispering Willow Ct.

Grovetown, Georgia 30813

C: (706) 631-0526

E: bhbwillis@gmail.com

IN THE COURT OF APPEALS OF GEORGIA

WAYLAND B. WILLIS
Petitioner,

vs.

HON. SHERYL B. JOLLY,
Respondent

Trial Court Case
No. 2025EDR0053

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Petition for Writ of Mandamus upon the following by U.S. Mail:

Adam B. Land, Esq.
Tisdale Middleton & Land Law Firm
207 N. Belair Road
Evans, Georgia 30809
adam@tisdalelawfirm.com

Hon. Sheryl B. Jolly
Superior Court of Columbia County
640 Ronald Reagan Drive
Evans, Georgia 30809

This **4th** day of **March, 2026**.



Wayland Braxton Willis
Petitioner, Pro Se
806 Whispering Willow Ct.
Grovetown, Georgia 30813
C: (706) 631-0526
E: bhbwillis@gmail.com