

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

January 13, 2015

To: Mr. Denver Fenton Allen, GDC1149097, Augusta State Medical Prison, 3001 Gordon Highway, Grovetown, Georgia 30813

Case Number: _____ Lower Court: _____ County Superior Court

Court of Appeals Case Number and Style: _____

Your document(s) is (are) being returned for the following reason(s).

- There still is no case pending in the Court of Appeals of Georgia under your name.**
- A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37.** Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.
- The Notice of Appeal must include a proper Certificate of Service.** A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.
- An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____ . The remittitur issued on _____ divesting this Court of jurisdiction. The case decision is therefore final.
- Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the _____ is: _____
- If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.
- A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

APPLICATION FOR APPELLATE REVIEW

RECEIVED IN OFFICE
2015 JAN 13 AM 11:51
FBI/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

To The Georgia Court of Appeals:

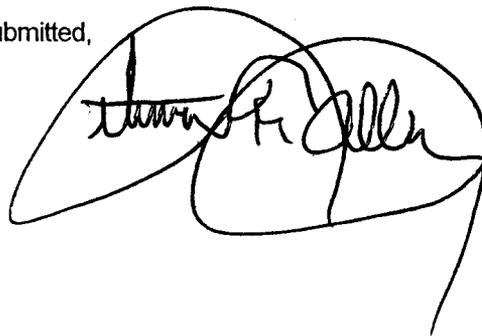
Denver Fenton Allen, applicant, applies to this Court as follows:

- (1) To issue an order granting the applicant an appeal from the writ of mandamus order of the Superior Court of Richmond County, Honorable Michael Anns, presiding, in the case styled Habeas Corpus, Petitioner v. Dennis Brown, Defendant, Civil Action No. BCM-24/06-162, this order having held: that the writ of mandamus is denied.
- (2) Applicant shows that the jurisdiction is properly in this Court because O.C.G.A. 42-12-8 requires individuals to apply for an appeal to the Court of Appeals from orders denying writ of mandamus.
- (3) This application of appeal is filed within 30 days of the entry of the writ of mandamus order complained of, the date of which was December 19th, 2014.
- (4) Applicant submits that an appeal should be granted because:

I'm actually innocent, there has been a mis-carriage of Justice. There is counter-vailing evidence to prove I'm not guilty. Tony Ray Goss' phone records prove he was makin' & receiving calls on his cell phone at time he alleges robbery, provin' I was a guest at his shop. All my defense evidence including Affidavit For Application of a search warrant was manipulated, to make it appear to be prosecution evidence. Goss was a paid informant. 2 aircraft were followin' me & as soon as I hit a car for a gun, Goss pulled up at appx. 3:56 AM 03/31/05. I want an Appeal on the Criminal Case #06-000162-SLH-SUCR. The Habeas corpus is now in The Supreme Court #S14A1629. I want the appeal granted before I max out on 03/30/15.

Applicant has attached, as exhibits, a copy of the writ of mandamus order.

Respectfully Submitted,



IN THE SUPERIOR COURT OF Bartow COUNTY

STATE OF GEORGIA

Denver Allen *
PLAINTIFF *

VS. * CIVIL ACTION NO. _____
*

Stan Shepherd *
DEFENDANT *
*

MANDAMUS NISI

It is hereby ordered that the Defendant show cause before the Honorable _____, Judge of said court, in courtroom _____ on the _____ day of _____, 20 at _____ (A.M./P.M.) to show cause why the writ of mandamus should not be granted.

This the _____ day of _____, 20

Judge of Superior Court

IN THE COURT OF APPEALS
STATE OF GEORGIA

Denver Fenton Allen,
Appellant

vs.

STATE OF GEORGIA,
Appellee

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NO 06-162

APPELLANT'S REQUEST FOR ORAL ARGUMENT

The Appellant, by his undersigned counsel, hereby requests oral argument in his case. Appellant has given counsel for Appellee notice of his intention to seek oral argument and counsel for the State also wishes to present oral argument.

This case involves what undersigned counsel believes to be an issue of Actual Innocence. As such, counsel believes that oral argument would significantly aid the decisional process. This case also presents other serious constitutional issues which would benefit from oral argument.

Wherefore, Appellant respectfully requests that this Court place this case on its calendar for oral argument.

Chris Paul
Counsel for the Appellant
[address]

[Certificate of service]

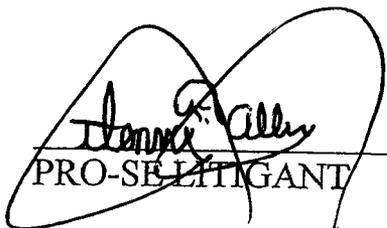
CERTIFICATE OF SERVICE

I, Denver Allen, DO HEREBY CERTIFY THAT I HAVE SERVED THE OPPOSING PARTIES WITH A COPY OF Appellants req. for oral argument, BY PLACING SAME IN THE UNITED STATES MAIL WITH SUFFICIENT POSTAGE.

PARTIES SERVED

Clerk, of Court
Court of Appeals
47 Trinity Ave. SW
Suite 501
Atlanta, Ga. 30334

THIS 19th DAY OF December, 2014.


PRO-SE LITIGANT