

COURT OF APPEALS OF GEORGIA

SCANNED

RETURN NOTICE

April 14, 2015

To: Mr. Reuben Allen, GDC1035517, Macon State Correctional Institution, Post Office Box 426, Oglethorpe, Georgia 31068

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 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.
- If you have any complaints regarding your attorney representation, you should address that issue(s) to the trial court.**

3-30-15

Good DAY,

To whom this may concern MAY PEACE AND blessing be upon you. I'm writing you in regards to my counsel Mr STEVEN MILLER whose bar number is 141937 how to address this EXCEPT by writing you. I feel Mr MILLER doesn't give sound advise and the strategy he's using is frivolous. I've raised these issues with him on NUMEROUS occasions AND I FEEL he's not representing me nor my best interest. I've brought this before the trial court by filing a "Motion to substitute Counsel for CAUSE or Pro SE." At that hearing for the motion the judge notified me that the trial court no longer has jurisdiction and said on the record to write the Georgia Public Defenders Standards Council. The Judge also said in that hearing if I was still unsatisfied with counsel to write the court again in 60 days AND she would bring me back before the court. However, the judge notified me that this court no longer has jurisdiction so I don't understand how writing the court again would be beneficial. Thus I've BEEN FORCED into this position because I FEEL that the greatest issue that should've BEEN RAISED on the motion for new trial and appeal was a ruling by the court that fraudulent DNA evidence was Admissible after already making several previous rulings that the evidence was inadmissible. The evidence should've BEEN ruled inadmissible AGAIN because the lab tech testified that the only sample taken from my person was contaminated AND disposed of.

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The state claims to have obtained a second sample from me on Nov the 23<sup>rd</sup> of 2009. However, I've already informed the court prior to the Evidentiary hearing held on Dec 14<sup>th</sup> 2011 during a case management hearing, that I had never been retested. Because I knew the state had never retested me I started thinking about what I was doing on that day the state claimed to have obtained a second sample I realized that I could prove that I was unavailable on that day because I was in court I informed my attorney of this on the day after the evidentiary hearing but instead of bringing this to the attention of the court, the fact that the court had made a ruling without all of the fact, instead all he did was have the captain of the records department testify as to my whereabouts on Nov 23<sup>rd</sup> 2009 with no explanation as to why this fact was important. I explained to my appellate counsel that I felt this was the greatest issue and he refused. I can't see how attorney who refuses to raise issues I deem most important is acting as a representative of me. Therefore, I'm writing you to request that my Appellate Attorney be dismissed and substitute counsel be appointed or that I be informed that I must proceed Pro Se if that is required.

Respectfully Submitted

Reuben Allen

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Case # 10SC94052