

# COURT OF APPEALS OF GEORGIA

## RETURN NOTICE

April 29, 2015

To: Mr. Gregory K. Ankerich, GDC1000462781, Coastal State Prison, Post Office Box 7150, Garden City, Georgia 31418

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.
- 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.

To Whom This May Concern:

4/23/15

My name is Gregory Kinley Ankerich, Date of Birth 02/14/1982 GDC# 1000462781. I am currently in Coastal State Prison. I was revoked in November 2014, due to DUI, Less safe and several other charges that have changed. My Attorney Rennie Jones put in for an appeal for the revocation, but I have yet to here the outcome of the appeal and it has been several months. I live and was revoked in Hartwell, GA 30643. I haven't been able to speak with the Attorney or anyone else concerning this. I don't know the case number. The Judge was Judge Thomas Hodges.

I appealed it because of the following:

Ga Code Ann., 40-6-392 Chemical Tests states

(a) (2) ... only a physician, registered nurse, laboratory tech, emergency medical tech, or other qualified person may draw blood...

(3)

(e) (1) A certification by the office of the Secretary of State or by the Department of Public Health that a person who drew blood was a licensed or certified physician, physician assistant, registered nurse, practical nurse, medical technologist, medical laboratory technician, or phlebotomist at the time the blood was drawn

(3) Testimony, under oath, of the blood drawer's supervisor or medical records custodian that the blood drawer was properly trained and authorized to draw blood as an employee of the medical facility or employer

## Tests for intoxication and drug use

### 31A C.J.S. Evidence § 314

- States as well as 40-6-392, A proper chain of custody of the blood sample must be established

#### Right to additional Test

- A statute making blood test inadmissible in evidence if the subject is not advised of the right to another test is applicable to civil cases, so that results of tests administered without such advice are properly excluded from evidence

Because these were not followed properly as written, the testimony of State Patrol, and Toxicologist when questioned by my Attorney Ronnie Jones are some of the reasons for my appeal. Also while questioning the blood drawer, Judge Hodges motioned for a young lady in the courtroom to approach his bench. Then discussed a TPO case with her while the witness is still being questioned not paying attention to our case in hand. And the Judge's comments prior to the hearing stating, "Is this the Ankerich case yet? I want to hurry and get his over with." And other comments as well made us think he already had formed a bias opinion, maybe due to the prior case that I was put on probation I was being revoked for.

I would like to know the outcome of my appeal. Could you please notify me at the return address please? Thank you for your time and have a blessed day!

sincerely,

Sharon K. Alit