

COURT OF APPEALS OF GEORGIA

SCANNED

RETURN NOTICE

May 14, 2015

To: Mr. Michael D. Bell, GDC1220566, Valdosta State Prison, Post Office Bo 310, 3259 Valtech Road, Valdosta, Georgia 31603

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.

Georgia Court of Appeals
47 Trinity Avenue, S.W.
Atlanta, Georgia 30334

RECEIVED
2015 MAY 15 PM 3:47
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

May 11, 2015

RE: Ben Hill County, Case No. 12-CR-020 (State v Bell)
denial of right to appeal; request for help

Dear Court of Appeals:

The clerk of Ben Hill County is denying me the right to appeal by insisting upon payment, above and beyond this Court's appeal costs, prior to preparing the record index. This Court's help is needed.

I pled guilty to numerous drug charges on April 12, 2012. After numerous attempts to obtain my case file, my ex-attorney forwarded a partial file without the guilty plea transcript on March 23, 2015. I requested the CPT and final disposition ^(FD) from the clerk of Ben County, and was forced to purchase the FD for \$2.00 on March 31, 2015. Believing entitlement to a free copy of the CPT (which had not been provided to counsel nor me), I filed a motion to obtain all records and transcripts at State expense in Ben Hill County Court, which the trial court denied on April 3, 2015. In the meantime, my habeas corpus petition was filed in Lowndes County (Case No. 15-CV-765), without benefit of the CPT, on April 14, 2015. The notice of appeal on the motion was filed in Ben Hill County on April 17, 2015. After I wrote to the clerk to check on the status of the appeal, the clerk responded on May 4, 2015, and communicated to me that my appeal would not be processed until I paid Ben Hill County a fee of \$161.00.

My appeal is a criminal appeal; I do not believe that I must pay Ben Hill County to prepare the record for appeal. The clerk has a duty to prepare the appeal. O.C.G.A. 5-6-43; Robinson v Glass, 302 Ga. App. 742 (2010). However, appeal fees to this Court must be paid upon the docketing notice. Court of Appeals Rule 5.

The clerk of Ben Hill County is denying me the right to appeal by holding hostage the record index until payment of an unauthorized fee. Please contact the clerk and instruct to prepare the record index per statute and court rule.

Thanks in advance.

cc: Clerk, Ben Hill County
cc: File
Enclosure

Sincerely yours,
Michael D. Bell
MICHAEL D. BELL
GDC# 1220566
VALDOSTA STATE PRISON
P.O. BOX 510
3259 VALTECH ROAD
VALDOSTA, GA 31603

May 11, 2015

Clerk
Ben Hill County Superior Court
P.O. BOX 1104
Fitzgerald, GA 31750

RE: request for appeal to be processed without fees; notification

Dear Clerk:

Please process my appeal and forward the record index to me per statute.

Since I do not believe that this Office should charge me an appeal fee of any type, I have contacted the Georgia Court of Appeals with hope that it will intervene in my behalf.

Thanks in advance.

Sincerely yours,
Michael D Bell

MICHAEL D. BELL
GDC# 1220566
VALDOSTA STATE PRISON
P.O. BOX 310
3259 VALTECH ROAD
VALDOSTA, GA 31603

cc: Georgia Court of Appeals
cc: File
Enclosure