



Court of Appeals of Georgia

August 6, 2015

TO: Mr. Zachary Bivens, GDC1000834247, Wilcox State Prison, Post Office Box 397,
Abbeville, Georgia 31001

RE: **A13A1359. Zachary David Bivens v. The State**

CHECK RETURN

- Your check number _____ in the amount of _____ written on the account of your firm for the filing fee in _____ is enclosed. Please be advised that this Court is returning your check since the filing fee was already paid by _____.

~~CASE STATUS - DISPOSED~~

- The referenced appeal was affirmed on September 19, 2013. The remittitur issued on October 4, 2013, divesting this Court of any further jurisdiction of your case. The case is therefore, final.**

Enclosed as a courtesy, please find a copy of the opinion in the above referenced appeal for your review.

CASE STATUS - PENDING

- The above referenced appeal is pending in your name before this Court. The appeal was docketed in the _____ Term and a decision must be rendered by the Court by the end of the _____ Term which ends on _____.

APPLICATION FOR PERMISSION TO APPEAL A PROBATION REVOCATION

- To appeal a probation revocation, you will need to file a Discretionary Application with this Court. Rule 31 of the Rules of the Court of Appeals of Georgia describes a Discretionary Application and the items you would need to include with your application.

A Discretionary Application must be filed within 30 days of the stamped filed date on the order that you are appealing and the application must be accompanied by a proper Certificate of Service and a pauper's affidavit or the \$80.00 filing fee. You must also comply with all the other applicable rules of Court regarding filing with the Court of Appeals of Georgia.

Enclosed, please find a copy of the Rules of the Court of Appeals for your review.

**FOURTH DIVISION
DOYLE, P. J.,
MCFADDEN and BOGGS, JJ.**

NOTICE: Motions for reconsideration must be *physically received* in our clerk's office within ten days of the date of decision to be deemed timely filed.
<http://www.gaappeals.us/rules/>

September 19, 2013

**NOT TO BE OFFICIALLY
REPORTED**

In the Court of Appeals of Georgia

A13A1359. BIVENS v. THE STATE.

BOGGS, Judge.

Zachary David Bivens, Omar Falay, and Francelis Dorce were indicted on a variety of charges arising out of a robbery during the course of a drug transaction, including two counts of felony murder, criminal attempt to commit armed robbery, armed robbery, and two counts of aggravated assault.¹ Bivens was convicted of criminal attempt to commit armed robbery and acquitted on the remaining counts. His amended motion for new trial was denied, and he appeals, alleging insufficiency of the evidence to corroborate the testimony of an accomplice. We find the evidence sufficient, and we affirm.

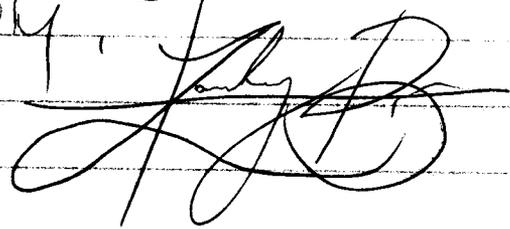
¹The charge of possession of marijuana with intent to distribute was not pressed.

Dear Clerk,

In reference to the remittor sent by this court to the Gwinnett Superior Court on 9/19/13, In the Case of Bivens vs State Case No. A13A1359, I hereby inquire whether an opinion was ever published in support of the Affirmation by the Court.

I will appreciate you telling me whether or not there was a published opinion & if so I will further appreciate you sending me such an opinion.

Sincerely,

A handwritten signature in black ink, appearing to be 'L. B.', written in a cursive style.

RECEIVED

2015 AUG -14 PM 3:27

COURT OF APPEALS OF GA