

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

April 29, 2015

To: Mr. David Britt, GDC91060191, Gwinnett County Detention Center, 2900 University Parkway, Lawrenceville, Georgia 30043

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 _____ 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.

Count of Appeals of Georgia

RECEIVED
2015 APR 28 PM 3:07
No TICE OF F. Appeal
DAVID EARL BRITT
Defendant
vs
The STATE
Criminal Action
Barrow County
14-CR-995
O.C.G.A. 42-1-12

Come: Now Defendant Pro-se Appellant from The Barrow County Superior Court in the Action and Case number indicted in the August Term 19th day of August 2014. Trial Court was served on the 29th day of April 2014 with a Demand for Speedy Trial on the Warrant from the Indictment Above, Under the 6th Amend. to The U.S. Const. And GA. Const. ART. 1, SECT. 1, etc.

The Trial Judge T. David Motes Allowed the Statutory Demand O.C.G.A. 17-7-170 to be included on September 11th, 2014 in his Court Upon Indictment being pronounced orally on Appellant.

On April 2nd, 2015 a hearing on the Demand for Speedy Trial was held in which Judge Motes Denied Appellant's Discharge and Acquittal. Trial Court Erred

1. Speedy Demand being filed in Judge T. David Motes file April 29th 2014 and

Court of Appeals of Georgia
Direct Appeal

O.C.G.A. 17-7-170 (Unnecessarily) Allowed
On September 11th 2014

The Demand Under the U.S. Const. 6th Amend.
from April 29th 2014, Was Very Specific to terms
of Court, date of Arrest; (February 18, 2014) and
"Demand for Speedy Trial", Within 2-Terms
therefrom.

Court term^s in The Superior Court of Dorrow
County Occured in May, August, November,
2014, and February 2015 before Appellant
was returned for Trial April 2nd 2015; Approx
4-Term^s.

Herein David Britt Pro-se Appellant in This
Honorable Court Prays for expediting Decreeing
Under O.C.G.A. 5-6-30 Etand Seq. and AUTOMATIC
DisCharge And ACQUITTAL to be Granted AS by
17-7-170 Code and Cited Case from This
Court require.

22 April, 2015

ing Adam

Respectfully Submitted,
David Britt Pro-se
91060191

2900 University Hwy.
Lawrenceville, GA

30043

CERTIFICATE OF SERVICE

I hereby certify service of the foregoing matter with a copy of

Notice of Appeal - Motion to Withdraw
Guilty Plea

Indigent - Pauper's Affidavit to Proceed
in forma pauperis

By:

☐ Hand Delivery

☒ U.S. Mail in a properly addressed envelope with adequate postage affixed thereon

☐ Gwinnett County Interdepartmental Transfer System

To the following individual / entity:

Court of Appeals (Notice of Appeal 17-7-170) of GA.

Located at: Patricia J. Brooks A.D.A. Barrow Co.
Clerks Office Barrow County

47 Trinity Avenue Atlanta Ga. 30334

652 Barrow Park Dr. Winder Ga. 30680

This 22 day of April, 2015.

David Britt
Pro-Se

David Britt
Print Name

91060191
ID Number

22 April, 2015

Long arm

Notary Public, Gwinnett County, Georgia
My Commission Expires June 18, 2018

Gwinnett County Detention Center
2900 University Parkway
Lawrenceville, GA 30043