

COURT OF APPEALS OF GEORGIA

SCANNED

RETURN NOTICE

July 21, 2015

To: Mr. James Louis Brock, III, Muscogee County Jail, 700 Tenth Street, Columbus, Georgia 31901

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. The 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.

RECEIVED IN OFFICE
2016 JUL 16
AM 11:13
CLERK OF SUPERIOR COURT
MUSCOGEE COUNTY
STATE OF GA

Supreme Court of Georgia Fulton County
Court of appeals

James L. Brock III
vs.

Case # SU-10-CR-2751

State of Georgia

FILED IN OFFICE
2015 JUL 16 AM 8:44
H. LINDA PIERCE
MUSCOGEE COUNTY
SUPERIOR COURT

Notice of appeal

Now Comes The Defendant Pro'se filing this Notice of appeal on a Motion for New Trial for the following Reasons:

1. 5th amendment Double Jeopardy Claim... The Superior Court of Muscogee County passed the convictions for the same offense. See: SU-09-CR-3127 and also the final disposition on instant case.
2. 6th amendment-Right to trial Claim... The Superior Court of Muscogee County Denied Defendants Right to be tried on Indictment or Presentment found by Grand Jury prior to the instant indictment. See: Prior indictment # SU-09-CR-3127.
3. 14th amendment-Due Process... The Superior Court of Muscogee County violated defendants Due Process by prosecuting the defendant on subsequent indictment for the same offense without quashing or Nolle Prosequi the first. See: Final disposition for SU-09-CR-3127.

Continued...

Notice of Appeal

4. 14th amendment - Equal Protection Claim... The Superior Court of Muscogee County denied the defendant's Equal Protection of the Laws by not Barring the instant Prosecution according to O.C.G. 16-1-8. The Effect of Former Prosecution. see: O.C.G.A. 16-1-8 part (a)(2) and (b)(2) if Prosecution for a Crime is Terminate improperly a subsequent prosecution for the same offense is Barred

5. 6th amendment - Ineffective Assistance of Counsel... Defense Counsel was Ineffective by not objecting to Defendant being tried on illegal indictment. see: illegal instant indictment SU-10-CR-2751.

Certificate of Service

Defendant Heresby states that an exact and correct copy of this filed Notice of Appeal upon the following has been served:

Muscogee County Clerk, Linda Pierce
Clerk's Office
P.O. Box 2145
Columbus, Ga. 31902

Honorable Bobby Petter
Judge
P.O. Box 1340
Columbus, Ga. 31902

Honorable Brad Bickerstaff,
District Attorney's Office
P.O. Box 1340
Columbus, Ga. 31902

Respectfully Submitted July 10th, 2015
Defendant x James L. Brock III

Supreme Court Clerk,

I James L. Brock III am Respectfully
requesting that this Notice of Appeal be filed in the office
of the Clerk and that a Court date be scheduled for a
Decision.

Thankyou!!!

James L. Brock III