

## RETURN NOTICE

May 18, 2015

To: Mr. Calvin Brown, GDC1001076869, Macon State Prison, Post Office Box 426,  
Oglethorpe, Georgia 31068

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. The Certificate of Probable Cause should be filed in the lower court. I am returning your documents to you.
- 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.

**Caption**

CAVIN BROWN

vs

12-9-02241-49

RECEIVED  
APR 14 2015  
CLERK OF SUPERIOR COURT  
Cobb County

**Application for Certificate of Probable Cause to Appeal**

The petitioner, John Doe, respectfully prays that a Certificate of Probable Cause to Appeal issues to review the order denying his petition for a Writ of Habeas Corpus from the Superior Court of Cobb County entered on April 6, 2015. Received April 14<sup>th</sup> 2015

**Opinion Below**

The Superior Court of \_\_\_\_\_ County, Honorable \_\_\_\_\_, Judge, denied petitioner's petition for Writ of Habeas Corpus on \_\_\_\_\_. A copy of said order is attached hereto as Appendix A.

**Jurisdiction**

The Supreme Court of Georgia has jurisdiction over all appeals from the denial of petitions for Writ of Habeas Corpus.

**Questions Presented for Review**

**Example 1:** Does the 14<sup>th</sup> Amendment's due process clause preclude convictions based upon statements made by defendant in response to explicitly coercive police investigation.

**Example 2:** Was test to determine effective assistance of Counsel properly applied to tactical decisions made by defense counsel at habeas petitioner's criminal trial?

etc.

**History of the Case**

Here list what you were charged with, whether you pled guilty or were found guilty by a jury and the amount of time you received. List all previous appeals including Motion for New Trial, etc.

**Statement of the Case**

Here list your questions again one at a time with your argument and citations of authorities.

**Conclusions**

Here briefly sum up your case and tell why the Application should be granted. Limit this to one paragraph if possible.

### Certificate of Service

This is to certify that I have this day served a true and correct copy of the within and foregoing document(s) upon the party(s) listed below by depositing a copy of same in the United States Mail in a properly addressed envelope with adequate postage thereon to below addresse(s).

SUSAN TREADWAY, Esq.  
Cobb County District Attorney's Office  
70 HAYNES STREET  
MARIETTA, Georgia 30090

This the 12<sup>th</sup> day of MAY, 20 15.

X Signature Calvin Brown  
1001076869

Adrian D. Nelson  
Notary Public

