

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS

February 6, 2015

To: Mr. Maurice Brown, GDC100131238, Macon State Prison, Post Office Box 426, Oglethorpe, Georgia 31068

Docket Number: **Style:** Maurice Brown v. The State

Your document(s) is (are) being returned for the following reason(s).

1. Your Appellant's Brief, was not accompanied by the statutory filing fee (\$300.00 civil; \$80.00 criminal *Effective July 1, 2009) or a sufficient pauper's affidavit. OCGA§5-6-4 and Rule 5 **Please be advised that your pauper's affidavit should be notarized by a notary public.**
2. A Request for Oral Argument must be filed as a separate document. Rule 28 (a) (3)
3. Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)
4. No Certificate of Service or an improper Certificate of Service accompanied your document(s). Rule 6
5. Your Certificate of Service did not include the complete name and mailing address of each opposing party. Rules 1(a) and 6. You should provide a copy of your filing to the District Attorney and include his/her name and address on your Certificate of Service.
6. There were an insufficient number of copies of your document. Rule 6.
7. Your document exceeds page limits. Rules 24 (f) and 27 (a)
8. Your document was submitted without permission to file (supplemental brief or second motion for reconsideration). Rules 27 (a) and 37 (d)
9. Letter briefs and letter cites are not permitted. Rule 27 (b)
10. Your request for court action must be submitted in motion form. Rule 41 (a)
11. Your motions were submitted in an improper form (joint, compound or alternative motions in one document). Rule 41 (b)
12. Type was on both sides of the paper; type font was smaller than 10 characters per inch; and/or the type was not double-spaced. Rules 1(c), 37(a) and 41(b).
13. The pages were not sequentially numbered with arabic numerals. Rule 24 (e)
14. Case and/or record citations were not made in the proper form. Rules 24 (d) and 25 (c) (2)
15. Margins were too small or paper size incorrect. Rules 1(c), 24(c), 37 (a) and 41(b)
16. Your document(s) was (were) not securely bound at the top with staples or round head fasteners. Rule 1 (c)
17. The Motion to Supplement has not been granted.
18. Other: **We must have a copy of the order (dated November 19, 2014) to process your Motion for Extension of Time for Notice of Appeal.**

IN THE COURT OF APPEALS FOR THE
STATE OF GEORGIA

Maurice Brown
(Appellant / Defendant)

Re: Fulton Superior Court
Case# 09SC81562

v.

State of Georgia
Fulton Co. Superior Court
(Appellee)

MOTION FOR EXTENSION OF
TIME FOR NOTICE OF APPEAL

RECEIVED IN OFFICE
2015 FEB -6 PM 3:00
COURT OF APPEALS

Now comes, the Defendant / Appellant, Maurice Brown due to his appellant counsel abandoning him and request this HONORABLE COURT OF APPEALS for an extension of time for filing a Notice of Appeal pursuant to OCGA §5-6-39, Georgia Court of Appeals Rules 16(a) and 40(b).

To support this motion the Appellant shows:

I.

On October 13, 2009 the Appellant was illegally induced and coerced into entering a plea of guilt before Fulton County Superior Court Judge Christopher S. Brasher for the offenses of Armed Robbery, Aggravated Assault, and Kidnapping and was subsequently sentenced to serve 25 years in prison followed by 40 years of probation.

Subsequent to his plea he immediately informed his counsel, Kenneth Sheppard, that he wished to withdraw his plea (due to not knowing agreeing to the terms and it wasn't factual) within the 30 day limit.

II.

The Appellant's counsel abandoned him after the plea hearing and the appellant has not heard from him since even though he attempted diligently to contact him within 30 days subsequent to his plea hearing date.

III.

The Appellant filed a Pro-Se "OUT OF TIME" Motion for Appeal before the trial court on July 18, 2014 which was denied on 11/19/2014.

See: Exhibit "A"

IV.

The Appellant was not notified of the denial of his out of time appeal by the trial court until January 6, 2015 when the Fulton County Clerk sent him a case summary report dated December 30, 2014 after file for a status case summary report. See Exhibit "B".

At that point the time limit had expired to file a notice of appeal the denial of his out of time motion before this HONORABLE COURT due to his ignorance of the laws and abandonment by his counsel.

V.

In Copeland v State 264 Ga. App. 905; 592 SE2d 540; 2003 this same honorable court of appeals ruled the trial court abused its discretion in denying defendants motion for an out of time appeal where a defendants lawyer abandoned him and failed to appeal an order even though the defendant desired him to do so.

In Harrell v State, 257 Ga. App. 525; 571 SE2d 502; 2002 this court ruled a criminal defendant who has lost his right to appellate review of his conviction due to error of counsel is entitled to and out of time appeal.

Wherefore Appellant prays this motion be granted and be allowed to file a notice of appeal and this court to consider his appeal to the denial of his OUT OF TIME APPEAL before the Fulton Superior Court.

Respectfully submitted this 27th day of January 2015.

Maurice A. Brown
Maurice Brown (Appellant Pro-Se)

Marcus Wright



Maurice Brown
GDC #1000131238
Macon State Prison
PO Box 426
Oglethorpe, Ga. 31068

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).

Att. Clerk of Court of Appeals of Georgia
47 Trinity Ave. SW
Atlanta, Ga. 30334

Att. Paul Howard DA,
Fulton Co. District Attorney Office
136 Pryor St., SW
Atlanta, Ga. 30303

This the 27th day of January, 2015

Marcus Wright

Signature Maurice A. Brown



Maurice Brown
6DC#: 1000131238
Macon State Prison
P.O. Box 426
Oglethorpe, Ga. 31068

CASE SUMMARY

CASE NO. 09SC81562

11/05/2013	 COURT OF APPEALS REMITTITUR <i>DOCKET NO. A14A0253 MH-DISMISSED</i>
11/06/2013	 OTHER <i>WAB: Remittitur-Appeal dismissed</i>
03/26/2014	 PETITION Party: DEFENDANT Brown, Maurice A <i>PETITIONER'S BRIEF W/CLERK'S REPOSE</i>
03/27/2014	 MOTION Party: DEFENDANT Brown, Maurice A <i>FOR DISCOVERY W/CLERK'S RESPONSE</i>
07/18/2014	 MOTION Party: DEFENDANT Brown, Maurice A <i>FOR OUT-OF-TIME APPEAL W/CLERK'S RESPONSE</i>
11/19/2014	 ORDER Party: DEFENDANT Brown, Maurice A <i>ORDER DENYING MOTION FOR OUT OF TIME APPEAL.</i>