

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

April 7, 2015

To: Jennifer Burns, Asst County Attorney, 124 Bull Street • Room 240, Savannah, Georgia 31401

Case Number: _____ Lower Court: _____ County Superior Court

Court of Appeals Case Number and Style: A15A1429. Robert Drewry v. Gloria Tucker, et al.

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 the _____ is: _____
- Electronic filing is mandatory in this Court. The following Rule 46 became effective January 1, 2015. Do not forward paper copies of electronic filings.

XXII. ELECTRONIC FILING OF DOCUMENTS

Rule 46. Electronic Filing of Documents.

Counsel is required to use the Court's electronic filing system and to follow the policies and procedures governing electronic filing as set forth in the Court's electronic filing instructions. The Clerk of Court may grant a request for exemption from mandatory electronic filing for good cause shown. An adverse decision by the Clerk of Court may be appealed by motion to the Court via a paper filing.

Rule passed October 21, 2014 - effective January 1, 2015

CHATHAM COUNTY ATTORNEY

R. JONATHAN HART
COUNTY ATTORNEY

JENNIFER R. BURNS
ASSISTANT COUNTY ATTORNEY

124 BULL STREET
ROOM 240
SAVANNAH, GEORGIA 31401

PLEASE REPLY TO:
P.O. BOX 8161
SAVANNAH, GEORGIA 31412
912/652-7881
FAX 912/652-7887

March 26, 2015

Clerk, Georgia Court of Appeals
47 Trinity Avenue
Suite 501
Atlanta, Georgia 30334

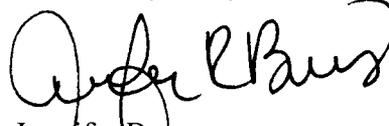
Re: Robert Drewry v. Gloria Tucker, et al.
Case No.: A15A1429
Chatham Superior Court Civil Action No: STCV15-00835

Dear Sir/Madam:

Enclosed please an original and two copies of Appellant's motion for permission to withdraw appeal, which has been filed electronically.

Thank you for your assistance.

Yours Very Truly,


Jennifer Burns
Assistant County Attorney

JB/dkm

Enclosure

cc: Michael D. Deming, Esq.
Paul M. Hoffman, Esq.

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COUNTY CLERK'S OFFICE

IN THE COURT OF APPEALS
STATE OF GEORGIA

RECEIVED IN OFFICE
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COUNTY CLERK
CHATHAM COUNTY

Robert W. Drewry, Individually,)
)
Appellant/Defendant,)
)
v.)
)
Gloria Tucker, as Executrix of the Estate)
Of Benjamin M. Tucker, and as Statutory)
Representative of the Heirs of Benjamin)
M. Tucker,)
)
Appellee/Plaintiff.)

Case No.: A15A1429

State Court Case No.: STCV14-00835

MOTION FOR PERMISSION TO WITHDRAW APPEAL

CHATHAM COUNTY ATTORNEY
R. JONATHAN HART
State Bar No. 333692
JENNIFER R. BURNS
State Bar No. 330328
Attorneys for Appellant

P.O. Box 8161
Savannah, GA 31412
(912) 652-7881

IN THE COURT OF APPEALS
STATE OF GEORGIA

Robert W. Drewry, Individually,)	
)	
Appellant/Defendant,)	Case No.: A15A1429
)	State Court Case No.: STCV14-00835
v.)	
)	
Gloria Tucker, as Executrix of the Estate)	
Of Benjamin M. Tucker, and as Statutory)	
Representative of the Heirs of Benjamin)	
M. Tucker,)	
)	
Appellee/Plaintiff.)	

MOTION FOR PERMISSION TO WITHDRAW APPEAL

COMES NOW Appellant/Defendant, Robert W. Drewry, Individually, in the above styled matter, and, pursuant to Court of Appeals Rule 41(g)(1), hereby moves for permission to withdraw his pending appeal filed on November 25, 2014. The parties to the underlying matter have reached an agreement, and a dismissal with prejudice will be filed with the trial court upon dismissal of this appeal.

WHEREFORE, Appellant respectfully requests that this Honorable Court GRANT its Motion for Permission to Withdraw Appeal.

Respectfully submitted this 25th day of March, 2015.



R. JONATHAN HART
State Bar No. 333692
JENNIFER R. BURNS
State Bar No. 330328
Attorneys for Appellant

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(912) 652-7881

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the foregoing Motion for Permission to Withdraw Appeal, along with a copy of this Certificate of Service, upon counsel for Appellee by statutory electronic service before filing to:

Michael D. Deming, Esq.
Paul M. Hoffman, Esq.
4851 Jimmy Carter Blvd.
Norcross, GA 30093
Attorneys for Plaintiff

This 25th day of March, 2015.



Jennifer R. Burns
Attorney for Appellant

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Savannah, Georgia 31401
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