

# COURT OF APPEALS OF GEORGIA

## RETURN NOTICE

January 21, 2015

To: Mr. Dale Burts, GDC14891, Fayette County Jail, 145 Johnson Avenue, Fayetteville, Georgia 30214

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 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.

TO: Georgia Court of Appeals  
Chief Justice

RECEIVED IN OFFICE

Mon Jun 12<sup>th</sup>, 2015

2015 JAN 16 PM 3:45

CLERK/COURT ADMINISTRATOR  
COURT OF APPEALS OF GA

Please forgive my forward approach or frankness however I am dealing with the ~~pervasive and~~ institution of malicious prosecution combined with the foundation of racial discrimination + hatred, so much so that officers are willing to submit false reports and offer perjured testimony in collusion with the District Attorney.

I was brutally beaten by two police officers, and unprovoked beating, while handcuffed behind my back, as two Peachtree City Police Officers + Fayette County Sheriff's Deputies, used their fists to repeatedly punch me in the head, an unnecessary and wanton infliction of pain solely to cause harm. This caused several strokes + a severe concussion, which eventually lead to a loss of consciousness. I was taken to nearby Piedmont Hospital, complaining of dizziness, fainting spells, shortness of breath, severe pain in my head, while police colluded with emergency medical staff to refuse + deny me treatment, they ridiculed + mocked me, while I sat in a wheelchair hands cuffed behind my back, unable to stand, after being literally carried into the emergency room, staggering. Since then, I have suffered chronic head pains, -exceedingly high blood pressure, one reading of 239 over 204, and recently a cerebral vascular hemorrhage/rupture, so severe that I could smell + taste blood for days, resulting in retinal neuropathy + tearing, diminished vision, double vision, blurred vision, also untreated + the direct result of the brutal beating at the hands of Peachtree City Police.

What we have come to call Fayette's Law, where the law enforcement uses racial profiling to make illegal stops + unwarranted arrests, inevitable leading to prolonged unindicted incarceration, for a majority

non-Fayette county resident, black male population, where justice, or lack thereof, is clearly doled out arbitrarily & discriminatory. I have been present in the Supercourt where a Fayette County Sheriff's Deputy could clearly be overheard yelling his displeasure at the District Attorney after a Black male was released from custody after this deputy had clearly made an illegal arrest, stating that "But he deserves to go to jail." [July 8+4]

And it's the same courtroom, where Chief Justice Edwards had to dismiss the entire jury pool [over Sept 8+4] after Sheriff Barry Babbs was "admittedly 'politicizing'" when speaking with them, describing himself as a self-styled "Andy Grogg Fifth" and that they should, no matter where the evidence leads, remember that there are no bad cops or bad arrests, just guilty defendants.

While those running the Fayette County Jail are being suspected of tampering with, interfering, ~~delaying~~ confiscating our legal mail, a clear violation of 1st Amendment rights - Freedom of Speech, the District Attorney, unscrupulous at best, recklessly adjudicates, call to protect his conviction rate, making it no wonder why there are so many outblaterring grips about the legal profession. However, clear civil, human & constitutional violations, from denying motions to be brought in front of the court through delaying tactics, transferring of cases from lower courts to his domain without consent, prolonging indictments, causing substantial prejudice and hindering the public defenders office in countless other ways, making it virtually impossible to mount an effective defense. It is our wish that we get this message out, not certain if you have ~~the~~ the authority to take any direct action, but in hopes that you and others may persuade positive changes through means & pressures at your disposal.

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