

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

August 24, 2015

To: Mr. Demetrus Carter, GDC1202606, Valdosta State Prison, Post Office Box 310, Valdosta, Georgia 31603

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.
- There was no Certificate of Service. 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.

IN THE SUPERIOR COURT OF CLAYTON COUNTY
STATE OF GEORGIA

DEMETRUIS CARTER

- VS -

CASE NO: 2009-CR-01690-9

STATE OF GEORGIA

NOTICE OF APPEAL

Notice is hereby given that Demetruiis Carter, defendant above named, hereby Appeals to the Court of Appeals from the ORDER ON MOTIONS that DENIED the vacation of Defendant's convictions and Sentences on August 5 2015 in part, on Motion to Correct Void Sentence.

The offense(s) for which defendant was convicted are Armed Robbery, Aggravated Assault, Altered I.D. Mark Criminal use of, Violation of Georgia Controll Substance Act, and Possession of Firearm by Felon, and the Sentence(s) imposed are as follows: Ten (10) Years to be Served. Concurrent with all counts, Ten (10) Years to be Served. Concurrent with all counts, Twelve (12) months to be Served. Concurrent with all counts, Twelve (12) months to be Served. Concurrent with all counts, Twelve (12) months to be Served. Concurrent with all counts.

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CLAYTON COUNTY COURTHOUSE

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Defendant pro-se Motion to Correct Void Sentence, filed March 9, 2015; the State's Response to Defendant's Motion to Correct Void Sentence, filed July 10, 2015; the Defendant's Motion to Compel Ruling, filed July 23, 2015; and the Defendant's Response to State's Response to Defendant's Motion to Correct Void Sentence, filed July 31, 2015; on July 13, 2015 the Court issued an amended sentence which merged the Aggravated Assault and Armed Robbery convictions. On August 5, 2015 the Court GRANTED in part the Defendant's Motion to Correct Void Sentence and DENIED the Defendant's request to vacate his convictions and Sentences, entered herein on ~~August~~ August 5, 2015

The clerk will please omit the following from the record on Appeal:

1. Guilty Plea and Sentence Transcript
2. Final Disposition
3. All motions mentioned above
4. The Ex Parte Production Order
5. The Order On ~~the~~ Motions, August 5, 2015
6. The Order on the Amended Sentence July 13, 2015

Transcript of evidence and proceeding will be filed for inclusion in the record on Appeal.

The Court of Appeals of Georgia, rather than the Supreme Court of Georgia has Jurisdiction of this case on Appeal pursuant to Article 6, Section 5, Paragraph 3.

Respectfully Submitted

Demetrius Carter Pro-Se

Signature of Defendant

Date. August 12, 2015

Address: Demetrius Carter
C.D.C.# 1202606
Valdosta State Prison
P.O. Box 310
Valdosta, Ga. 31603

Sworn to and Subscribed before me this 17th day of

August, 2015

Janja Williams

Notary Public or other persons authorized to administer oaths