

# COURT OF APPEALS OF GEORGIA

## RETURN NOTICE

June 16, 2015

To: Mr. Jason Carter, GDC1198727, Georgia Diagnostic and Classification Center, State Prison, Post Office Box 3877, Jackson, Georgia 30233

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 Eleventh Circuit Court of Appeals is: 56 Forsyth Street, N.W., Atlanta, Georgia 30303. I am returning your documents to you.**
- 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.

UNITED STATES COURT OF APPEALS  
FOR THE \_\_\_\_\_ CIRCUIT

RECEIVED  
JAN 16 1996  
U.S. COURT OF APPEALS  
FOR THE \_\_\_\_\_ CIRCUIT

Case No. \_\_\_\_\_

Plaintiff - Appellee,

Jason Carter  
v.

Application for Certificate of  
Appealability

Defendant - Appellant.

Tami Kea  
Sampson

**NOTICE AND INSTRUCTIONS**

Your application for a certificate of appealability will be evaluated by the court using these standards:

**Certificate of Appealability.** There must be a substantial showing of the denial of a constitutional right by demonstrating that the issues raised are debatable among jurists, that a court could resolve the issues differently, or that the questions deserve further proceedings. 28 U.S.C. § 2253(c); *Lennox v. Evans*, 87 F.3d 431 (10th Cir. 1996).

**FAILURE TO SET FORTH FACTS AND ARGUMENTS SHOWING THAT YOU MEET THE APPROPRIATE STANDARD WILL SUBJECT YOUR APPEAL TO DISMISSAL WITHOUT FURTHER NOTICE.**

You may use this form to furnish a statement of the case, the issues you intend to raise on appeal, and the reasons your appeal meets the applicable standards. The form is intended to guide you in meeting the above standards. If you need more space to answer, additional pages may be attached. The information you furnish, together with the full record of the proceedings in the district court, will be the basis for this court's decision. You should bear in mind that an appeal is not a retrial, but rather a **review** of the district court's judgment and record of proceedings.

## APPLICATION

- 1. Statement of the Case.** (This should be a brief summary of the proceedings in the district court.) My Probation was revoked for no reason; I was never found guilty of new charges. The charges were Nolle Prosequi
- 2. Issues to be Raised on Appeal.** (New issues raised for the first time on appeal generally will not be considered.) The official Code of Georgia Annotated Title 42 Penal Institutions Chapter 8 Probation Article 2 statewide Probation System O.C.G.A. 42-8-34-1 A Defendant has to be found guilty of new charges before a Person's Probation can be revoked in full balance
- 3. Summary of Your Argument Showing that Your Appeal Meets the Standards Stated on Page 1.** The charges was nolle Prosequi. I was found guilty of nothing but violations of Probation. My Probation should not have been revoked in full balance

4. Do you think the district court applied the wrong law? If so, what law do you want applied?

Yes, all i should have got what 60-90 P.D.C.

5. Did the district court incorrectly decide the facts? If so, what facts?

Yes, there was no evidence what so ever that said i was guilty of anything

6. Did the district court fail to consider important grounds for relief? If so, what grounds?

Yes, The Charges was nolle Prosequi

7. Do you feel that there are any other reasons why the district court's judgment was wrong? If so, what?

I was arrested on Circumstantial evidence  
Judge Robert Chasteen Jr Superior Court Judge of Ben Hill County  
Told me if the Prosecution didn't have any evidence that they  
would have to vindicate me the Charge's was nolle Prosequi  
and my Probation was still revoke in Full balance.

8. What action do you want this court to take in your case?

Injunctive Relief Required by the Georgia Law

9. Were you required to seek and exhaust administrative remedies prior to filing your claim in district court? If yes, what steps did you take to exhaust those remedies?

No, Ben Hill County Jail didn't have a grievance Procedure in Place or a law library

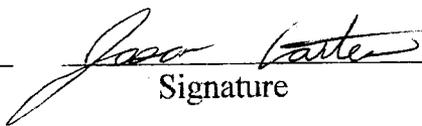
6-10-13  
Date

Jason Carter  
Signature

**CERTIFICATE OF SERVICE**

I hereby certify that on 6-10-15 I mailed a copy of  
(date)  
the Certificate of Appealability:

to Court of Appeals of Georgia, at 47 Trinity Avenue, SW  
Suite 501 Atlanta, Georgia 30334, the last known address,  
by way of United States mail or courier.

6-10-15  
Date   
Signature