

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

March 12, 2015

To: Mr. Sam Charles, GDC1000976840, Calhoun State Prison, Post Office Box 249,
Morgan, Georgia 39866

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 _____
divesting this Court of jurisdiction. The remittitur issued on _____
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 FULTON COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

v

SAM CHARLES

CASE NO 10SC88964

RECEIVED IN OFFICE
2015 MAR 11 PM 3:11
CLERK OF SUPERIOR COURT
FULTON COUNTY, GEORGIA

NOTICE OF APPEAL

Notice is hereby given that, Sam Charles, defendant above-named hereby appeals to the Court of Appeals of Georgia of the decision waiving his rights to assistance of counsel in the instant case which decision was filed on February 11th, 2015. The offenses for which the defendant was tried are: Rape (Count 1), Aggravated Child Molestation (Count 2), Aggravated Sexual Battery (Count 3). The Jury returned a verdict as follows: Rape (Count 1): guilty, Aggravated Sodomy (Count 2): not guilty, Aggravated Sexual Battery count 3: guilty. And a sentence was imposed on October 19th, 2012 as follows: Count 1 Rape: 25 years, Count 3 Aggravated Sexual Battery: 25 years to run concurrent with count 1. A motion for new trial was filed on October 24th 2012. A nolle pros was discovered to be entered on November 28th 2012 as to count 2. Both the judgment of the court and the Jury verdict were impermissibly amended on December 3rd, 2012.

The clerk will please include the entire record on appeal including a complete transcription of:

1- All pretrial hearings including but not limited to the commitment hearing that was held on February 17th 2010.

2- The Selection of Jury including challenge for cause.

3- opening statements and closing arguments.

4- the Examination of witnesses.

5- All documentary evidence whether admitted for any purpose or stricken on objection or otherwise. Including but not limited to all photographs, the videotape of Georgia Center Advocacy Group for children and the hard copy of the transcript of that videotape.

6- All oral and written motions (whether pretrial during trial or after trial) and all hearings on oral and written motions.

7- All oral and written objections and all hearings on oral and written objections.

8- All conferences and hearings of every descriptions and for every purpose conducted between court and counsel including all bench and chamber conferences. The bench conference conducted on October 17th 2010 while the videotape was playing, the bench conferences held on October 18th 2012 during the Charges conference and any conferences with respect to the role pros must be included.

9- All correspondence between court and counsel whether

pretrial, during trial or after trial including but not limited to the court clerk. E-mail to Counsel on October 17th 2012.

10- All stipulations of Counsel including any agreement on any count of the indictment and any agreement to nolle prosequi any count thereon.

11- The charge of the court to the jury.

12- The publication and polling of jury.

13- The pronouncement of sentence.

14- All oral comments, instructions, directions, admonitions, rulings and orders of the court from the first proceeding through the conclusion of trial or after trial including but not limited to the minutes of the court nolle prosequi order on October 19th 2012.

15- A complete transcription of the State nolle prosequi request proceeding on November 28th 2012.

16- Any and all proceedings which may be called in question on appeals in this case such as the motion for new trial proceedings held on October 15th 2014, January 20th 2015, January 29th 2015 and February 5th, 2015. Nothing should be omitted from the record on appeals.

Jurisdiction of this case on appeal is vested to the court of appeals of Georgia pursuant the appellate Practice Act of 1965. For my constitutional right to Assistance of Counsel was not voluntarily, knowingly and intelligently waived.

Respectfully Submitted This 1st of day March 2015


John Charles
defendant

IA # 1000976840

C/O Calhoun State Prison

P.O. Box 249

27823 main street

Morgan, GA 39866

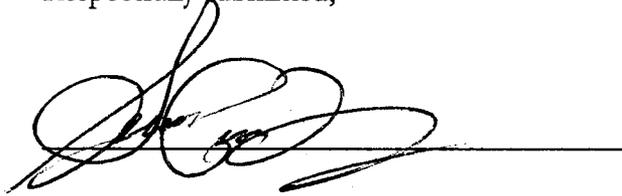
CERTIFICATE OF SERVICE

Notice of Appeal

This is to certify that I have this day served a true and correct copy of the within and forgoing document(s) upon the person(s) listed below by depositing a copy of same in the United States Mail in a properly addressed envelope with adequate postage thereon to ensure that it reaches its destination.

This 4th day of March, 2015.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "D. Howard", written over a horizontal line.

Person(s) served:

Paul Howard Jr
Fulton County District Attorney
136 Pryor Street NW 3rd Floor
Atlanta, GA 30303