

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

February 2, 2015

To: Mr. Darrell D. Cross, GDC781058, Jenkins Correctional Center, 3404 Kent Farm Drive, Millen, Georgia 30442

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.

1/25/15

RECEIVED IN OFFICE
2015 JAN 30 PM 3:22
CLERK OF APPEALS OF GA

Sear Ga Appeals court clerk Stephen E. Castlor?
 Hello how are you doing, my names Mr. Darrell
 Cross in docket no. A14 00 214 NO. 07R; 1227. I am
 filing a motion herein of I.C. Relief from a judgment
 or order per. Fed. Rule civil procedure Rule 60 etc.
 It's from pages one through eleven, are you going to
 be quite nice to me this time to filed this action
 on the minute of this court? Set my case down before
 atleast a three judge panel. I'm a family that
 I love very much, parents who done passed since I
 been incarcerated. The Ga ~~parole~~ & parole Bd. I.e.
 a member done misjudge me in Frank Moore v.
 Walter Ray chairman of the board cited at 499 S.E.
 2d. denied me parole. who've gave me a
 maximum release date of Dec. 1, 2018. Just
 for state probation violation? just for been in
 Jacksonville, Fla for 90 days, you got to gorge
 me also the things I've placed as grounds
 herein. atleast I'm trying, imagine how
 many of the Georgia prison population of
 inmates defendants arent trying? atleast
 file a 2254 writ of Habeas I'm quite sure in
 the nature of God above us all. These Appellate Court
 justices loves a challenge, this ~~to~~ keep em
 from been boring seen ~~as~~ fight on the basic
 of law, diction. you're gone to have
 to give me a chance. God ~~isnt~~ about to
 let you turn me down this time. In God's
 Holy eeps my time is up. I been away 23 mons.
 Dr. of from however your name pronounce, you
 gotta help me. please. I love a woman with
 seven lil boys. one in college thank God.
 Arent none of em biological miles liven. But
 its seven I could be a inspiration to; so
 help em from join. irrelevant gangs. I
 thank you even Christ Jesus said ~~to~~ heal one in
 Matthew chapter 15 v. 27. that woman said after
 advise him to ~~heal~~ her daughter from
 a evil spirits. He said: its not mint, good
 to take the children's bread, throw it to
 dogs. she said even the dogs eats the
 crumbs off the master table."

P.S. Focus cause
 live as a private
 in ~~right~~ hand;
 if a hearing,
 to have
 briefs arguments,
 can you post
 some to ad
 least 90 days?
 for final
 hearing etc.?
 then the date
 no adequate
 law library
 under Lewis
 v. Casey 518 U.S. 343
 1996, Bonds vs.
 Smith of
 access to courts;
 these peoples a
 even possess a
 So criminal
 trial practice
 edition at this
 prison law
 library.

P.S. please seal tight
 all legal mail
 to me head
 tight. cause they're
 opening outside our
 presence, lil
 before God they didnt
 opening / say you
 all mail at opening.
 I'm not say you
 you, God bless. I dont
 you all to. I want
 me another re-orientation,
 my jail credit.

I send my best regards.
 Sincerely, Darrell Cross
 I didnt suppose to go in front
 of that sentenced judge. I
 had advised that lawyer man
 than twice: to file motion I
 Recuse judge.
 -> I'm back!! back on

IN THE GEORGIA COURT OF APPEALS
STATE OF GEORGIA

Mr. Darrell D. Cross

vs.

THE STATE OF GEORGIA

Civil Action no. AH0024,
LC no. 07R:1227

Motion of Relief from ^(a) Judgment or
Order Fed. Rule Civil Procedure 60.

Comes now the Defendant in this above styled case, through his unassigned Counselor for the record as pro-se, make this his Motion of relief from a Judgment or order in the nature of Rule 60(b) 1, 3 mistake, inadvertence, surprise, or excusable neglect and with in the 12mons. Statute of limitation, i.e., when his Discretionary Appeal was denied by the Georgia Court of Appeals, without placing his Application atleast before a three Circuit Judge panel to hear his said Constitutional grounds, Civil rights Violations by the lower Superior Sentences Court by Hon. Judge Mr. Willie Lockette et al.

"His Grounds are set forth as the following:"

- A. The petitioner Defendant believes he was "bias" over looked by the Appeals Court to forward his Application for Discretionary Appeal, in favor of the respondents in the Superior Court of said County; where he was "illegal" sentence in a State probation Revocation Hearing.
- B. There was some documents mailed as Exhibits to this original Discretionary Appeal namely...

Prepared by: Pro-se
Litigant: Mr. D. Cross
a native of Dougherty Co.

... i.e. a copy of a probationary warrant no. 12-1352; plus additional importance of: i.e. A Dougherty Co. Jail Facility Inmate Request Form no. 211, etc., in its original setting addressed to the Dougherty Co. public Defender office, to wit: Atty. Mr.

Marcus Robert, who was appointed by the Superior Ct. to represent the petitioner appellant, whereas appellant had at least, long before this prior probation Revocation Hearing: Advised to Counselor on number occasions: To file a Motion To Recuse Judge Willie

Lockette from hearing or else hearing the case no. CR:1227, on rearrest for a non-new felonie, technical violation. Because appellant had prior, in pass filed a First Amend. Right To petition the government, for redress of grievancies on Lockette, and that he would've a personal bandanna, would retaliate against me.,

Which this appointed Counselor violated Strickland Vs. Washington 466 U.S. 668 (1984); on ineffective assistance etc. of Counsel. This Appeals Court Clerk spotted these means inside appellant exhibits he had mailed in a timely fashion., appellant was misrepresentive in his Discretionary Appeal. C. Appellant had filed a Appeal to the 11th Cir. Ct. of Appeals, was denied, because that Clerk had stated: It was mailed to the wrong Court, was docket: on March 21, 04; where appellant believes that Court Clerk of the 11th Cir. Court should've in the process mailed: The Notice of Appeal to the appropriate Appeals Court. . . .

. . . I ask Justices of this respectful Court to turn page 2 "over" for readings of his Motion. . . Under Fed. Rule Civil procedure 60, onto page No. 3

G. Appellant states further these Courts was, at fault, excusable neglect, negligent, misrepresented the appellant; where he's asking for a re hearing of his Probation Revocation Hearing before another Superior Court Judge. That he be awarded his Original Jail time Credit., He believes this Appellant in this believe the Appeals Court Clerk made a surprise, mistake, when He denied my Application for Discretionary Appeal.

H. He ask this Motion be granted in my favor, I be appointed a Lawyer, because I'm not 100% skilled in Law, Litigation principles; Attorney Mr. Marcus Robert denied my Civil Right, by forcing me to set in a probation Revocation before Chief Judge Lockette, in nature of skew... my decision making, who had advised to me in a private Attornie visitation room at the Jail: If I would Confess to, probation violation, don't bring up allegations: that I had filed grievances at the Judicial Qualification Comm. of Georgia, that Judge Lockette would grant me Time served in Jail from my arrested date, I would be gone home for the Holidays, not to ask the Courts about a "Motion to Recuse Judge Lockette," that Request Form No. 211, that I had sent him; This Appeals Court; "ie." asking him to file a Motion To Recuse Judge Willie Lockette et al., Wherefore Appellant tender exhibits "i.e." of his Notice of Appeal from Page 1 of 3 filed, stamp by The U.S. Court of Appeals Clerk on March 21, 2014; He also states: the original order denying his Discretionary Appeal in this Court was dated on Feb. 07, 2014. The I had received it later on from the Coffee CCA prison Mailroom, on March 5, 2014

"Appeals" Court Justices: please turn page
4 of My Motion under Fed. Rule Civ. procedure 60 over"
page 4 of 11

Certification of Service

I hereby serve the opposing parties through the U.S. Mail, GIDOC Indigent postage Mail, under sop II B04-0061 I.C. A Motion of Relief from Judgment or order under Fed. Rule Civil procedure 60, Original order denying Appellant Appeal no. A14 DO 214, LC no. 07R: 1227 dated on Feb. 07, 2014, plus addition: Appellant pro-se Motion of Notice of Appeal no. A14 DO 214, LC no. 07R: 1227 Stamp, filed on March 21, 2014, a Jenkins Corr. Center Educational Grade Report named as: MC - Graw Hill CTB Individual Report for Cross Darrell; Let it be known the appellant is Indigent, unable to serve Copies to the opposing parties, He ask respectfully: ~~That~~ this Clerk do so, that prison officials doesn't allow Inmates to use their copy machine, that he tender briefs, Arguments Later.

To writ: Court of Appeals
of Georgia Suite 501
47 Trinity Ave.
I.C. Clerk Stephen E.C.
47 Trinity Ave.
Atlanta, Ga 30334

To: Three or Four Respectfully
Appeal Ct. Justices of Court pane
47 Trinity Ave.
Atlanta, Ga 30334

This 25 day of January 2015
Pro-se Appellant Darrell Cross
aka Ismail Muhammed

IN THE 11th Circuit Court of Appeals
Northern District of Georgia

Mr. Darrell D. Cross

Mr. Darrell D. Cross

v.
THE STATE

Civil Action No.
A14D0214

NOTICE OF APPEAL

Comes now the Appellant in the above style Case No. A14D0214, through his unassigned Counselor, make this his Motion For Notice of Appeal in this respectfully, honorable Court, whereas he is appealing a denial of his Discretionary Appeal on a State Probation Revocation in a lower Circuit Superior Ct. of Dougherty Co, Georgia for the following Grounds set forth herein.

Grounds Setfourth:

- 1). The Court of Appeals of Georgia second Divison clerk of Court preudice dismissed petitioner Discretionary Appeal without placing it before atleast a three judge panel... too decide said case.
- 2). He believes he have a right to appeal this matter of which Involves reversible errors such as: He was denied his Jail Time Credit of 10 months. The establishment of a precedent is desirable, within his 5th, 6th, 14th Amend-ment Rights... of the Georgia, U.S. Constitution.
- 3.) The Court of Appeals of Georgia Court Clerk had disobey Rule 35, wouldn't deliver ^{copy} copies of the opinions, whereas she knew I was indigent through my informa pauperis affidavit at the first instance of said case.
- 4). That this Court retains, order the original records, orders, Inmate Request Forms, Exhibits of warrants appellant had mailed with his Application For Discretionary Appeal... order the Clerk to not disobey Title 18 U.S.C.A. 2071 in this matter... etc.

Wherefore the Appellant be allowed to amend his said appeal for further grounds, brief, arguments to this action in this respectfully Court, that this Court send in Seal U.S. Mail all the rules etc., to aid him to proceed in a Successful Appeals; such as any application to proceed In forma pauperis affidavit; He declares under penalty of perjury of the United States he's the Appellant in this action, is indigent, unable to pay for the filing fees for said action. Pro-Se Appellants Darrell Cross D.C.

Respectfully Submitted
Pro-se Mr. Darrell D. Cross
BDC # 781058
Coffee Corr. CGA
P.O. Box 650
Nicholls, Georgia

Prepared by:
Litigant/Seer
Mr. Darrell D. Cross
a Native of DOUGHERTY Co.
Albany, Georgia

" page 9 "

Certificate of Service

I hereby certify that I have serve on the opposing parties of this said: Notice of Appeal by placing the same in the United States Mail; The Dept. of Corrections Inmate Mail and Receipts of Funds SOP 11804-001, Appellant declare he's indigent, unable to pay for this Appeal, Notice to the Georgia Court of Appeals etc., by placing the same inside U.S. Mail, to wit:

11th Cir. Court of Appeals
Chief Clerk of Court
56 Forsyth St. N.W.

Atlanta, Georgia 30303-2295,

TO: Court of Appeals
of the State of Georgia
Clerk Stephen E. Castles,
Justices of said Court
47 Trinity Ave. Suite 501
Atlanta, Georgia 30334

This 18 day of March 2014

Attached "Order denying Appeal no. A14DO214"

"Flippage over"
on its face.