

# COURT OF APPEALS OF GEORGIA

## RETURN NOTICE

August 20, 2015

To: Mr. Michael Shane Culp, 42570-074, FCC - Beaumont (Med), Post Office Box 26040,  
Beaumont, Texas 77720

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.

DOOLY COUNTY COURT  
FOR THE STATE OF GEORGIA

RECEIVED  
2015 AUG 18 PM 2:51  
LENNY R. ANDERSON  
CLERK OF APPEALS OF GA

STATE OF GEORGIA §  
Plaintiff §  
v. § Case No.: 9905551W  
Michael Shane Culp §  
Defendant, §

**MOTION TO DISMISS**

COMES NOW, Michael Shane Culp, pro se, Petitioner, in the above case, hereby respectfully requests that the Court dismiss this case, with prejudice, for want of prosecution. Petitioner has been incarcerated, without interruption since September 20, 2010. The State of Georgia has been aware that Petitioner was in custody since the above mentioned date, and has failed to bring the Petitioner to trial in a timely manor as required by the State Statutes, the Interstate Agreement on Detainers Act, and the Sixth Amendment of the Constitution of the United States of America.

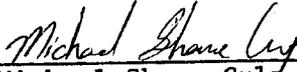
Petitioner has tried on numerous occasions to resolve this matter within appropriate avenues (Notice to Proceed Pro Se, Plea in Absentia, Writ of Habeas Corpus ad prosequendam, Motion for Request for Time Served, Motion for Speedy Trial and the Bureau of Prisons sent an 'Action Detainer letter). However, this Court has failed to bring the Defendant before this Court, and has ample time to do so.

**CONCLUSION**

This Court should dismiss these charges with prejudice, for want of prosecution and the inability of the government to provide the Petitioner with a speedy trial.

As my understanding of the law is very limited and I am filing pro se,  
please give this Petitioner substantial leeway, Haines v. Kerner, 404 U.S. 519  
30 Led 2d 652 92 S. Ct. 594.

Respectfully Submitted,

  
\_\_\_\_\_  
Michael Shane Culp  
42570-074  
P.O. Box 26040  
Beaumont, Texas 77720

CERTIFICATE OF SERVICE

I, Michael Shane Culp, pro se, Petitioner, do hereby certify pursuant to  
28 U.S.C. §1746, that on August 12, 2015, I have placed a true and correct  
copy of the foregoing in the legal mail system for prisoners located herein at  
the Beaumont medium Federal Correctional Institution, to be forwarded to the  
foregoing parties;

Therese Barnes, Clerk  
244 Washington St. SW, Room 572  
Atlanta, GA 30334

William L. Martin III, Clerk/Court Administrator  
47 Trinity Ave. SW Suite 501  
Atlanta, GA 30334

Betty Colter, Clerk of the Court  
104 2nd Street, #11  
Vienna, GA 31092

Respectfully Submitted,

  
\_\_\_\_\_  
Michael Shane Culp