

# COURT OF APPEALS OF GEORGIA

## RETURN NOTICE

September 16, 2015

To: Mr. Danny Delong, GDC1078300, Georgia Diagnostic and Classification Center, 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. The mailing address for the Supreme Court of Georgia is: 244 Washington Street, S.W., Suite 572, Atlanta, Georgia 30334.
- ☐ **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.

Clerk,

9-6-15

Greeting: My Name is Danny Deloney #1078300 I'm  
House of Jackson Highmax. I filed a motion for out  
of time appeal conviction to DeKalb County on 3-29-15  
and motion for out of time Sentence Review on 4-5-15  
and motion to amend for out of time appeal for conviction  
on 5-10-15 then I filed again for motion out of time appeal  
on 6-21-15 and I haven't heard anything Back  
from the Court? Before I Appeal to the Court  
of Appeal do I have to wait for the Court Response  
on the motion and How long do it suppose to  
take for the Court to make a Ruling on the  
motion. I have wrote to the Clerk. They just  
forward my letter to the Judge Chamber and  
Copy to DA office. I would like to know if I  
can just Appeal it to the Court of Appeal.

Sincerely

Danny Deloney  
Danny Deloney #1078300  
PO Box 3877 B-Wing 208  
Jackson ga 30233

RECEIVED BY MAIL

2015 SEP 15 PM 1:34

CLERK OF SUPERIOR COURT  
DEKALB COUNTY, GEORGIA