

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

October 29, 2015

To: Mr. Henry L. Dobbs, GDC511239, Phillips State Prison, 2989 West Rock Quarry Road,
Buford, Georgia 30519

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. We do not have a file to append your copy.
- We cannot forward your Notice of Appeal to the trial court for you. I have enclosed a copy of the Rules of the Court of Appeals of Georgia for your review.
- 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.

Georgia Court of Appeals

Notice of an Appeal

REC'D TO IN OFFICE

2015 OCT 28 PM 3:31

RECEIVED
COURT OF APPEALS
GA

In Reference of: State of Georgia vs Henry Louis Dobb
Case number 10CR01027-A

The defendant Henry Dobbbs filed a Notice of an Appeal with the Superior Court of Douglas County June 19, 2014, to Appeal his motion for Resentencing that was denied April 22, 2014.

Along with the Notice of Appeal the defendant sent a certified Affidavit of Poverty to proceed in forma pauperis. Which presented sufficient evidence of indigency. By showing the record of the defendant inmate account. Which clearly show the defendant is unable to pay the required fee to appeal this motion.

The Superior Court of Douglas County sent an order to the defendant July 7, 2014 denying his request to proceed in forma pauperis without stating a reason why the request was denied. The defendant sent a second certified Affidavit of Poverty to the Court July 12, 2014. It was also denied July 24, 2014. (see attached documents)

The defendant file a motion with the Superior Court of Douglas on August 1, 2014 to reconsider denying his request to proceed in forma pauperis. Explaining he have no income or resources to pay the \$294.00 for this appeal. The Court chose not to answer and ignored the defendant motion by not responding.

In accordance with 1996 Amendments to the in-Pocma pauperis Statute. As A prisoner a defendant has a right to Appeal without being obligated to pay if he can show and prove he is indigent and unable to pay the required fee. The defendant should not have been denied his right to Appeal because he is unable to pay the fee.

The defendant received an order from the Douglas County Superior Court October 15, 2015 dismissing his Notice of Appeal. The Court Abuse it power and Authority. And violated the defendant Amendments right by delaying this Notice of Appeal in court for more than a year. Then choosing not to file it with the Court of Appeals. By reason of the Notice of Appeal was not filed within 30 days of the order being appealed. Which if were true would not have taken more than a year to dismiss.

The defendant is asking this Court of Appeals to resubmitt this Notice of Appeal back to the Superior Court of Douglas County. With the discretion that the defendant is unable to pay the fee. And Any other discretion this Court feel that will be appropriate.

Respectfully Submitted,
Henry Louis Dobbs
GDC # 511239

On this 27 day of October 2015.

Phillips State Prison
2989 W. Rock Quarry Rd.
Buford Georgia 30519

**TAMMY M. HOWARD
CLERK OF SUPERIOR COURT
CLERK OF STATE COURT**

Tammy T. Ayers, Chief Deputy Clerk
tayers@co.douglas.ga.us

Hazel Burton, Office Manager
hburton@co.douglas.ga.us

July 8, 2014

HENRY LOUIS DOBBS
GDC #511239
RIVERBEND CORRECTIONAL FACILITY
198 LAYING FARM ROAD
MILLEDGEVILLE, GA 31061

CASE NO. 10CR01027-A

STATE OF GEORGIA
VS
HENRY LOUIS DOBBS

Appeal Cost – 15-6-77 (g)(12)

Clerk's Certificate & Seal - Record	\$	2.00
Clerk's Certificate & Seal – Transcript	\$	35.00
257 Pages @ \$1.00 Per Page	\$	257.00
Total Due	\$	294.00

PLEASE NOTE: Please find enclosed a copy of an Order Denying your request to proceed with your Appeal Record as a Pauper. If you choose to continue with your Notice of Appeal please pay the above cost to process your appeal record and send to the Georgia Court of Appeals. If you choose not to proceed with your Notice of Appeal you may Dismiss your Notice of Appeal in writing and forward it to this office.

Return this statement with payment

Thank you,

Appeal Clerk
770-920-7256

IN THE SUPERIOR COURT OF DOUGLAS COUNTY
STATE OF GEORGIA

FILED

COPY

JUL 07 2014

Tammy M. Howard, Clerk
Superior & State Court
Douglas County, GA

HENRY L. DOBBS

Petitioner

Civil Action # 10CR01027-A

VS

STATE OF GEORGIA

Defendant

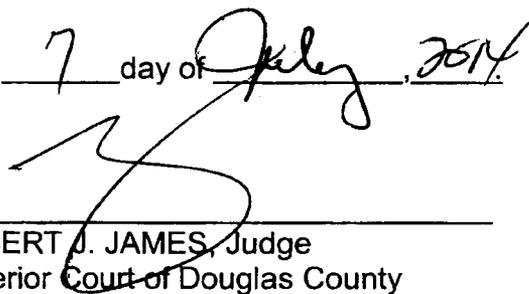
ORDER

This Court, having considered the Petitioner's request to BE ALLOWED TO WAIVE THE COST TO PREPARE HIS APPEAL RECORD AND FORWARDED TO THE COURT OF APPEALS OF GEORGIA in forma pauperis, hereby

Grants request

Denies request

This 7 day of July, 2014



ROBERT J. JAMES, Judge
Superior Court of Douglas County

ORIGINAL

SCANNED

IN THE SUPERIOR COURT OF DOUGLAS COUNTY
STATE OF GEORGIA

STATE OF GEORGIA
Plaintiff

Versus

CASE NO. 10CR01027-A

FILED

HENRY LOUIS DOBBS
Defendant

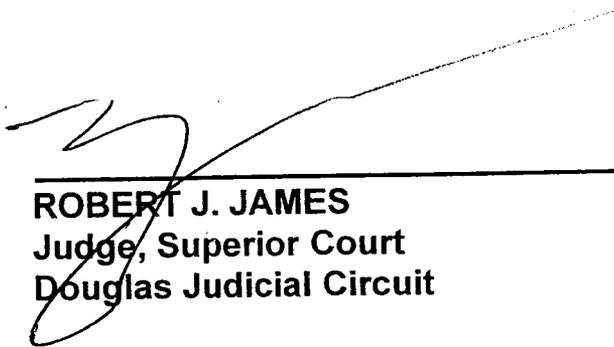
JUL 24 2014

Tammy M. Howard, Clerk
Superior & State Court
Douglas County, GA

ORDER

Having been read and considered, Defendant's Request to Proceed in Forma
Pauperis is hereby DENIED.

SO ORDERED this July 24, 2014.


ROBERT J. JAMES
Judge, Superior Court
Douglas Judicial Circuit

JUDGE'S DISTRIBUTION LIST:

HENRY, DOBBS, #51 1239, 198 LAYING FARM RD, RIVERBEND CORRECTIONAL FACILITY, MILLEDGEVILLE, GA, 31061
BONNIE K SMITH, DISTRICT ATTORNEY, 8700, HOSPITAL DRIVE, DISTRICT ATTORNEY'S OFFICE, DOUGLASVILLE, GA,
30173

*Copy
7/31/14
Bh*

FILED

JUL 24 2014

Tammy M. Howard, Clerk
Superior & State Court
Douglas County, GA



2015

Georgia Court of Appeals

RULES

Last Update: January 21, 2015