

# COURT OF APPEALS OF GEORGIA

## RETURN NOTICE

May 29, 2015

To: Mr. Jimmy R. Dubberly, GDC1137300, Johnson State Prison, Post Office Box 344,  
Wrightsville, Georgia 31096

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.

IN THE COURT OF APPEALS  
STATE OF GEORGIA

Jimmy R. DUBBERLY  
PETITIONER

CASE NO. 13-13-3469-3

-VS-

DECLARATION OF POVERTY

THE STATE OF GEORGIA  
RESPONDENT

DECLARATION OF INDIGENCY

I Jimmy R. DUBBERLY SWEAR AND DECLARE  
PURSUANT TO 28 USC § 1746, THAT I AM LEGALLY  
INDIGENT AND DO NOT HAVE THE \$80.00 FILING FEE  
TO PROCEED IN THIS ACTION, BY MY DECLARATION  
AND UNDER THE PENALTY OF PERJURY, I ASK TO BE  
ALLOWED TO SEEK REVIEW BY THIS COURT AND BE  
ALLOWED TO WAIVE THOSE FEE'S.

*Jimmy R. Dubberly*

RECEIVED IN JUSTICE

2015 MAY 28 PM 14:02

STATEMENT ADMINISTRATION  
COURT OF APPEALS

Jimmy R. DUBBERLY #1137300

JOHNSON STATE PRISON

P.O. BOX 344

WRIGHTSVILLE, GA. 31096

IN THE COURT OF APPEALS  
STATE OF GEORGIA

Jimmy R. DUBBERLY  
PETITIONER

CASE NO. 13-B-3469-3

VS.

APPEALS DOCKET NO.

THE STATE OF GEORGIA  
RESPONDENT

MOTION PURSUANT TO  
O.C.G.A. § 15-6-21(C)

MOTION TO ENFORCE COMPLIANCE O.C.G.A. § 15-6-21  
PURSUANT TO O.C.G.A. § 42-8-38

COMES NOW Jimmy R. DUBBERLY, THE PETITIONER IN THE  
ABOVE ENTITLED MATTER AND MOVES THE COURT OF  
APPEALS TO ENFORCE STATE STATUTE O.C.G.A. § 15-6-21  
(A)(C), PURSUANT TO O.C.G.A. § 42-8-38 IN ORDER THAT  
GWINNETT COUNTY SUPERIOR COURT JUDGE  
KATHRYN M. SCHRADER HOLD A FINAL REVOCATION  
HEARING IN THE ABOVE CASE. PETITIONER ASSERTS  
AS FOLLOWS:

(1)

PETITIONER, IN DECEMBER 2013, VIOLATED HIS  
PROBATION IN THE ABOVE-STYLED CASE DUE TO  
MANIFESTING NEW CRIMINAL CHARGES.

(2)

FOR TWO YEARS PETITIONER HAS ATTEMPTED TO RESOLVE THIS ISSUE, BUT THE JUDGE HAS NOT COMPLIED WITH STATE LAW OR STATE RULING AS APPLIED IN MORRISSEY VS. BREWER 408 U.S. 471 (1972)

(1) NOTE: 30 DAYS IS REASONABLE TIME FOR A HEARING BY DUE PROCESS.

(3)

THEREFORE THIS COURT OBTAINS JURISDICTION TO COMPELL A OFFICER OF THE LOWER COURTS TO COMPLY WITH STATE LAW AND STATUTE.

WHEREFORE AS RELIEF, PETITIONER ASK THIS COURT GRANT:

(1) COMPELSION OF A LIVE HEARING WITHIN 30 DAYS AS SOUGHT OUT IN O.C.G.A. § 15-6-21 (A)(C)

(2) A PRODUCTION ORDER FOR TRANSFER TO RESOLVE THIS ISSUE.

(3) APPOINTMENT OF COUNSEL.

THIS 23<sup>RD</sup> DAY OF MAY 2015

PRAYFULLY SUBMITTED

*Jimmy R. Dubberly*

Jimmy Dubberly #1137300

JOHNSON STATE PRISON

P.O. Box 344 WRIGHTSVILLE, GA. 31096

CERTIFICATE OF SERVICE

I CERTIFY, THAT I Jimmy R. DUBBERLY HAVE THIS DAY SERVED A TRUE AND CORRECT COPY OF THIS MOTION TO ENFORCE ON THE DISTRICT ATTORNEY, JUDGE AND COURT CLERK OF THE GWINNETT COUNTY SUPERIOR COURT BY U.S. FIRST CLASS MAIL WITH PROPER POSTAGE AFFIXED TO:

Judge: KATHRYN M. SCHRADER

DISTRICT ATTORNEY'S OFFICE

CLERK OF SUPERIOR COURT: RICHARD ALEXANDER

GWINNETT JUSTICE + ADMINISTRATION CENTER

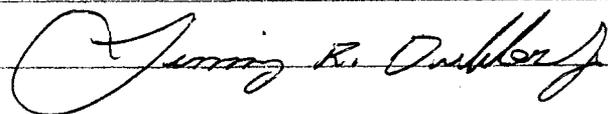
75 LANGLEY DRIVE

LAURENCEVILLE, GA.

30046-6935

THIS 23<sup>RD</sup> DAY OF MAY 2015

RESPECTFULLY SUBMITTED



JIMMY R. DUBBERLY

PRO- SE