

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

February 25, 2015

To: Earle J. Duncan, Esq., Post Office Box 644, Darien, Georgia 31305

Case Number: _____ Lower Court: _____ County Superior Court

Court of Appeals Case Number and Style: A15A1024. Davan Randolph v. The State

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: _____
- Electronic filing is mandatory in this Court. The following Rule 46 became effective January 1, 2015.**

XXII. ELECTRONIC FILING OF DOCUMENTS

Rule 46. Electronic Filing of Documents.

Counsel is required to use the Court's electronic filing system and to follow the policies and procedures governing electronic filing as set forth in the Court's electronic filing instructions. The Clerk of Court may grant a request for exemption from mandatory electronic filing for good cause shown. An adverse decision by the Clerk of Court may be appealed by motion to the Court via a paper filing.

Rule passed October 21, 2014 - effective January 1, 2015

IN THE COURT OF APPEALS

STATE OF GEORGIA

DAVAN RANDOLPH

Appellant

V.

STATE OF GEORGIA

Appellee

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Case No. A15A1024

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COURT OF APPEALS OF GA

BRIEF OF APPELLANT

COMES NOW, the Appellant, Davan Randolph (hereinafter referred to as “Appellant or “Mr. Randolph”), and files this his appellate brief.

PART ONE

STATEMENT OF THE PROCEEDINGS BELOW

Appellant Davan Randolph was charged with violation of Georgia controlled substances act three counts, more specifically count one conspiracy to distribute marijuana, count two conspiracy to distribute marijuana, count three party to a crime of distribution of marijuana and count four violation of the Georgia street gang and terrorism and prevention act. A jury trial was held on October 21, 2008. A verdict and sentence were entered on January 28, 2009. Counts one and two merged with count three and the appellant was sentenced to ten (10) years to serve on count three and fifteen (15) years to serve on count four consecutive to count three.

5]. It was also shown at the Motion for New Trial hearing that it was Richard Dial who requested that Griffin be interviewed, which also alleged that Mr. Randolph had some involvement in drug deals with Foley. Agent Dial also testified that Mr. Randolph's tattoos were indicative of the Folk Nation. [TT-82]. He went into great detail as to his training and what he knew about gangs. [TT-82-87]. There were photographs introduced, which showed the tattoos, taken by Richard Dial at Mr. Randolph's arrest in 2006. The statements made by Bordelon and Griffin and the Folk Nation affiliation were known to the prosecution a year before the first trial

This ____ day of February, 2015.

Earle J. Duncan
Attorney for Appellant

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