

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

January 21, 2015

To: Mr. Gary B. Duncan, GDC443805, Coffee Correctional Facility, Post Office Box 650,
Nicholls, Georgia 31554

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.

COURT OF APPEALS OF GEORGIA
SUITE 501
47 trinity Avenue
Atlanta GA 30334

GARY B. DUNCAN
GDC 443805
P.O. BOX 650
NICHOLLS GA 31554

12/30/2014

RE: GARY B. DUNCAN EXTRAORDINARY MOTION FOR NEW TRIAL TRIAL APPEALS OF GEORGIA EXHIBITS.

DEAR CLERK

ON December 23, 2014 I received your reply to my correspondence requesting copies of my Extraordinary Motion For New Trial attached Exhibits.

Significantly, you stated, "there was no case pending in the court of appeals of georgia under your name". I am asking this clerk of court to make certain that even after a hard look was taken. There was no court of appeals case pending in my name.

The appellant is certain that he filed a notice of appealed in the trial court regarding the denial of his extraordinary motion for new trial by trial Judge Hilton Fuller.

The appellant is certain that after approx. 48 days he filed his appeal in the Court Of Appeals citing due process violations regarding his guilty pleas. The Appellant is beyond certain that the Georgia Court Of Appeals issued an Order finding, that the Appellant's application for Appeal was filed 48 days after the denial of his extraordinary Motion for new trial was denied by the trial Judge. The law required that the application to appeal be filed no later then 30 days after the denial of his motion for new trial was filed.

The appellant filed his appeal 48 days. This Court has no jurisdiction of appeal filed after 30 days case dismissed."

The Court of Appeals dismissed the appellants appeal in a written decision in 1995 or 1996.

That the aforementioned Motion was denied by trial Judge Hilton Fuller. And a Notice Of Appeal was filed in the Trial Court.

The Appellant request that the Clerk take a hard look at the records of extraordinary Motions during the early 1990 time frame.

Thank You for your time and consideration.

RESPECTFULLY

