

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

January 13, 2015

To: Mr. William T. Ellis, GDC36051, Floyd County Jail, 2526 New Calhoun Highway, Rome, Georgia 30165

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 _____
divesting this Court of jurisdiction. The remittitur issued on _____
The case decision is therefore final.
- ☐ **Your mailing/documents indicate that you intended your papers to go to _____, rather than the Court of Appeals of Georgia. The address for**
- ☐ **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.
- ☒ **Please read Rule 2(b) of the Court of Appeals Rules. I have enclosed a copy of the Rules for your review.**



2014

Georgia Court of Appeals

R U L E S

Last Update: October 21, 2014

JANUARY 7th, 2015

MR. Stephen E. Castlen,

Sir, at the present time I'm waiting on a hearing in Floyd County Superior Court that will be an appealable issue with the Court of Appeals of Georgia. I'm currently held in the Floyd County Jail, totally dependant on my family. I do receive a small amount from my family each month for items I may need, but I or my family doesn't have the funds for the fee for my appeals.

I don't feel I should file indigent, I do not want to deceive the court in any way, but I will need to file my appeal after my hearing and know it will not be rejected because of a fee issue.

Therefore I'm asking you for your advice in this issue, I've been told the court can issue a payment plan or take a percentage of funds I do receive, this would be acceptable for my situation if the court approves. Any help you can provide would be greatly appreciated. Also can you send a list of the filing fees so I can be aware of the cost.

Thank you for any assistance you can provide.

William T. Ellis #36051
Floyd County Jail
2526 New Calhoun Hwy
Rome, GA. 30165

Respectfully,
William T. Ellis