

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

July 21, 2015

To: Mr. James Fosselman, GDC1297660 F-1, Dooley State Prison, Post Office Box 750,
Unadilla, Georgia 31091

Case Number: _____ Lower Court: _____ County Superior Court

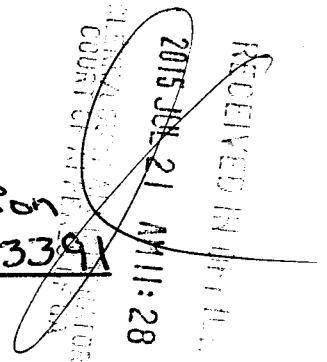
Court of Appeals Case Number and Style: _____

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.** The 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 GEORGIA COURT OF APPEALS
STATE OF GEORGIA

State of Georgia, *
v. * Criminal Action
James Fosselman, * No. : 07SC53391
Defendant. *



MOTION FOR AN EXTENTION OF TIME

Comes now James Fosselman, Defendant, Pro Se, and respectfully request a 60 Day Extension of Time pursuant to Rule 16(b) of the Georgia Court of Appeals, in the above-style Case. In support thereof, the Defendant submits as follows:

1. On June 19, 2014, Defendant filed an Extraordinary Motion for New Trial in the Superior Court of Fulton County.

2. On May 19, 2015, Defendant appeared Pro Se, before Judge Constance C. Russell, Whereby, a hearing on the motion was conducted.

3. On June 3, 2015, Judge Constance C. Russell denied Defendant's Motion filed on June 19, 2014. Additionally, the Court in its Order, stated that: "A transcript of the hearing shall be prepared and filed in this matter."

4. On June 19, 2015, Defendant's Notice of Appeal was filed in the Superior Court of Fulton County.

5. The Defendant is preparing an Application for Discretionary Appeal, to be submitted to this Court for consideration and, cannot do so without said hearing transcript, which, has not been filed in the Superior Court Clerk's Office, as of this date.

6. Defendant submits that the State of Georgia will not be harmed by the delay.

7. Defendant finally submits that since the record on appeal is incomplete for transmittal to this Court for the purpose of appeal, this Court should find that the lack of the hearing transcript is an unusual circumstance in the instant case and, grant a 60 day extension of time, in order that Defendant can obtain a transcript of the hearing and file a Discretionary Appeal in this Court. This the Defendant will forever pray.

This 13 day of July, 2015.

GDC # 1297660
Dooly State Prison
P.O. Box 750
Unaola, GA 31091

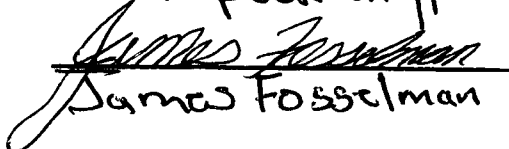
Respectfully Submitted,
James Fosselman
James Fosselman
Pro Se

CERTIFICATE OF SERVICE

This is to Certify that I have this date,
Served the within and foregoing Motion
For An Extension of Time, upon the State
of Georgia, prior to filing the same, by
depositing a copy of the same thereof, in
the United States Mail with proper postage
affixed and addressed to:

Hon. Paul L. Howard, Jr.
District Attorney
136 Pryor Street, S.W.
3rd Floor
Atlanta, GA 30303

This 13 day of July, 2015.

Respectfully,

James Fosselman

RECEIVED IN OFFICE

2015 JUL 21 AM 11:28

CLERK/COUNTY ADMINISTRATOR
COURT OF APPEALS OF GA

James Fosselman
#1297660 F-1
Dooly State Prison
P.O. Box 750
Unadilla, GA 31091

July 13, 2015

Clerk of Court
Georgia Court of Appeals

Re: State V. Fosselman
Criminal Action No.: 07SC 53391
Extension of Time

Dear Clerk of Court,

Please find enclosed for filing One (1) Original and Two (2) Copies of my motion for extension of time in the above-referenced case. I have included a third copy of the motion so you can stamp file on the copy and return back to me at the above address.

Thank You,
James Fosselman
James Fosselman
Pro Se