

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

August 7, 2015

To: Mr. Elliott Jay Franklin, GDC149083 100J, Wheeler Correctional Facility, Post Office
Box 466, Alamo, Georgia 30411

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 SUPERIOR COURT OF NEWTON COUNTY

STATE OF GEORGIA

STATE OF GEORGIA

vs.

Elliott Franklin

Defendant,

CRIMINAL ACTION

NO. 2000 CR-955-1

RECEIVED IN OFFICE
2005 JUL 21 PM 3:01
CLERK OF SUPERIOR COURT
NEWTON COUNTY, GEORGIA

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT ELLIOTT JAY FRANKLIN, DEFENDANT IN THE ABOVE STYLED CASE, HEREBY APPEALS TO THE COURT OF APPEALS OF GEORGIA FROM THE JUDGMENT OF CONVICTION HEREIN ON JULY 16, 2002 AND THE SENTENCE HEREIN ON AUGUST 30, 2002.

THE OFFENSES FOR WHICH THE DEFENDANT WAS CONVICTED WERE POSSESSION OF COCAINE WITH INTENT TO DISTRIBUTE, POSSESSION OF MARIJUANA WITH INTENT TO DISTRIBUTE, AND OBSTRUCTION OF AN OFFICER (MISDEMEANOR). THE DEFENDANT RECEIVED SENTENCES OF 20 YEARS TO SERVE, AS A RECIDIVIST; 18 YEARS PROBATION, CONSECUTIVE; AND 12 MONTHS TO SERVE CONCURRENT.

A REQUEST FOR DECLARATORY JUDGMENT AND AN INJUNCTION WAS REVISED ON JUNE 26, 2015 AND THE REQUEST WAS DENIED FOLLOWING CONSIDERATION OF THE PLEADINGS, THE FILE, AND THE APPLICABLE STATUTORY AND CASE LAW.

AS AN APPEAL FROM A CRIMINAL CONVICTION WHICH IS NOT AMONG THOSE RESERVED BY STATE LAW TO THE SUPREME COURT OF GEORGIA, APPELLATE JURISDICTION RESIDES IN THE GEORGIA COURT OF APPEALS UNDER THE GEORGIA CONSTITUTION, ARTICLE VI, SECTION V, PARAGRAPH III.

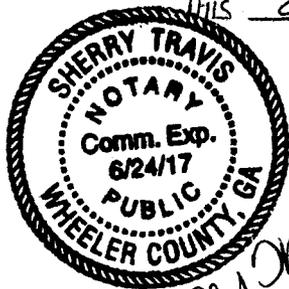
NOTHING SHOULD BE OMITTED FROM THE RECORD ON APPEAL.

DEFENDANT'S AFFIDAVIT OF POVERTY WILL BE FORWARDED TO THE CLERK UPON RECEIPT

This 20 day of July, 2015

Respectfully submitted:

Elliott Franklin



my laws 07/20/15

CERTIFICATE OF SERVICE

This is to certify that I have this day served a true and correct copy of the within and foregoing document(s) upon the party(s) listed below by depositing a copy of same in the United States mail in a properly addressed envelope with adequate postage therein to below address(es).

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

This the _____ day of _____, 2015

Signature, _____