

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

December 22, 2015

To: Mr. Dante G. Fredrick, GDC0001141121, Georgia State Prison, 300 First Avenue,
South, Reidsville, Georgia 30453

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. We do not have a file to append your copy.
- 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. The mailing address for the Supreme Court of Georgia is: 244 Washington Street, S.W., Suite 572, Atlanta, Georgia 30334.
- 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 Glynn County

State of Georgia vs. Dante G. Fredrick

Case No: CR1200353-063

RECEIVED IN OFFICE
2016 DEC 22 AM 11:25
CLERK/COUNTY ADMINISTRATOR
COURT OF APPEALS OF GA

Notice OF Appeal

Comes Now, Dante G. Fredrick, United States Citizen, Pro-Se litigant with this "Notice of Appeal" on this 15th day of December 2015 Defendant requests the transmits every thing attached to Case No: CR1200353-063 Omitt Nothing! to the Court of Appeals of Georgia a copy of Notice is being mailed to the court of appeals and it is further more requested that the court informs defendant of filing of submitted notice. Respectfully submitted by Dante G. Fredrick #1141121 Georgia State prison 300 1st Ave Reidsville GA 30453

D. 12/15/2015

* Timely or Untimely "Direct Appeal" *

Defendant is appealing the December 19, 2012 which is an Untimely direct appeal of conviction. All legal issues appear in the record, See Smith v. State, 287 Ga. 391, 402 (697 S.E. 2d 177) (2010) ("A direct appeal - 'timely or Untimely'" from a guilty plea is available 'ONLY if the issue on appeal can be resolved by facts appearing in the record.' Also ~~see~~ Cited in Nazario v. State, 746 S.E. 2d 109 (2013) Georgia Supreme Court.

* Legal Issues appearing in Record *

Conviction Indictment counts charge no crime,
Conviction counts merge as a matter of fact and
law in each other. Defective Indictment. For Indictment
Case law → See Case Smith v. Handrick, 266 Ga. 54, 56, 57
(464 S.E. 2d 198) (1995) For merger claims → See
Case Nazario v. State, 746 S.E.2d 109 (2013) the
Issues appealing are Merger claims and Indictment
that charge no crime which cannot be waived by
Guilty pleas.

* O.C.G.A. 17-9-4 *

Because the convictions of Case CR1200353-063 charge no crime,
merges by fact and law, the judgement is to be considered null,
void, and illegally entered by operation of law. O.C.G.A. 17-9-4
Provides ("The judgement of a court having no jurisdiction of
the person or subject matter, or void for any other cause,
is a mere nullity and may be so held in any court
when it becomes material to the interest of the parties to con-
sider it.") Because of the nullity of the convictions this
law gives the Court of Appeals full Jurisdiction over this
Subject matter.

* Certificate of Service *

I certify that a true and correct copy
has been mailed to the ~~following~~ following:

- ① Clerk of Gilpin County
Superior Court
701 H St
Brunswick GA 31520
 - ② District Atty
Office
P.O. Box 301
701 H St
Brunswick GA 31520
 - ③ Court of Appeals of Georgia
47 Trinity Ave.
Atlanta GA 30334
- 12/15/2015
D. Ome Fe

IN THE STATE COURT OF Glynn County
State of Georgia

Case No: All Convictions of this Court
State of Georgia v. Dante G. Fredrick

NOTICE OF APPEAL

Comes Now, Dante G. Fredrick, United States Citizen, Pro-se litigant, and defendant with this "Notice of Appeal" of All convictions of this court to the "Court of Appeals" on this 15th day of December 2015. "Omitt Nothing" Respectfully Submitted by Dante G. Fredrick #1141121 Georgia State Prison 300 15th Ave Reidsville GA 30453

Certificate of service

I certify that a true and correct copy has been mailed to the ~~following~~ following:

- ① Clerk of State Court
Glynn County
Suite 104
701 H St
Brunswick GA 31520
- ② Solicitors office
701 H St
Brunswick GA 31520
- ③ Court of Appeals
of Georgia
47 Trinity Ave
Atlanta GA 30334

Timely or Untimely "Direct Appeals"

A defendant may file a "Untimely" direct Appeal from a Guilty plea only if the issues on appeal can be resolved by facts appearing in the record." See Smith v. State, 287 Ga. 391, 402 (697 S.E.2d 177) (2010) also cited in Nazarov v. State, 746 S.E. 2d 109 (2013)

* Legal Issues Appearing On the Record *

There are no transcripts for any of this ~~cases~~
Cases! In compliance with Rule 33.7 - 33.9

The Clerk of this Court only stamped filed two of the TEN Convictions entered in this Court. None of these convictions / Guilty pleas was entered Intelligently or Voluntarily. None of the waived Rights was "Initialed" by defendant or was "Yes" or "No" signed to show defendant understood his rights he was waiving. See Case King v. State 270 Ga. 367; 509 S.E. 2d 32 (CA 1998)

* O.C.G.A. 13-8-2 * (A) (D)

- (A) Provides that a contract that goes against the policy of law ~~cannot be enforced~~ cannot be enforced.
- (D) This rule is not without its legal and practice limits. Cited in case Nazario v. State, 746 S.E. 2d 109 (2013)

* O.C.G.A. 17-9-4 *

Because all these convictions were not Intelligently and Voluntarily entered and the State went against the policy of law and the rules of the Court. It is absolutely impossible for the State to prove that these convictions was Intelligently and Voluntarily entered. And ~~therefore~~ therefore all convictions appearing in the record / prima facie / plain error showing to be Null and Void. O.C.G.A. 17-9-4 - provides that the Judgment of a Court having no jurisdiction of the person or subject matter, or void for any cause is a mere nullity and may be so held in any Court when it becomes material to the interest of the parties to consider it. These Legal issues and this law give the Court of Appeals of Georgia full Jurisdiction over All Appended Convictions