

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

February 13, 2015

To: Mr. John Frilando, Reg. No. 92239-071, U.S. Penitentiary, Post Office Box 150160,
Atlanta, Georgia 30315

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 CHATHAM COUNTY
STATE OF GEORGIA

John A. Frilando,
Appellant

vs.

CASE NUMBER: CV13-0336-J5

Rimina Z. Lewis & Kevin N. Robinson
Appellee

NOTICE OF APPEAL

Notice is given that John A. Frilando (Appellant) in the above matter hereby appeals to the Court of Appeals of Georgia from the judgment/order of the trial court filed on the 8th day of July, 2014.

The clerk shall NOT (omit nothing from the record on appeal/will omit from the record on appeal the following: _____.)
A transcript of evidence and proceedings will/will not be filed for inclusion in the record on appeal.

The Court of Appeals, rather than the Superior Court, has jurisdiction of this appeal because of the issue involved is Based on a DUE PROCESS issue and appeals of such cases are not reserved to the Superior Court of Georgia pursuant to O.C.G.A. 9-14-52 b of the Constitution of the State of Georgia.

Respectfully submitted this 30th day of Jan, 2015.

John Frilando
(Sign your name)

P.O. Box 150160
(Address)

Atlanta GA 30305

()
Telephone Number

RECEIVED IN OFFICE
2015 JAN 12 PM 3:01
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

IN THE SUPERIOR COURT OF Eastern Judicial Circuit of Georgia
STATE OF GEORGIA

John A. Frilando

Plaintiff

92239-071

Inmate Number

Civil Action No. CV13-0336-J5

Rimina Z. Lewis

vs.

Nature of Action: Return of Personal Property

Kevin N. Robinson

Defendant(s)

REQUEST TO PROCEED IN FORMA PAUPERIS

I, John N. Frilando, depose and say that I am the plaintiff in the above entitled case; that in support of my request to proceed without being required to prepay fees, costs, or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to redress.

I further swear that the responses which I have made to questions and instructions below are true.

1. List any and all aliases by which you are known: _____

2. Are you presently employed? Yes No

If the answer is "Yes," state the amount of your salary or wages per month, and give the name and address of your employer: _____

If the answer is "No," state the date of last employment and the amount of the salary and wages per month which you received: _____

3. Have you received within the past twelve months any money from any of the following sources?

Business, profession, or form of self-employment? Yes No

Pensions, annuities, or life insurance payments? Yes No

Rent payments, interest or dividends? Yes No

Gifts or inheritances?

Yes

No

Any other sources?

Yes

No

If the answer to any of the above is "Yes," describe each source of money and state the amount received from each source during the past twelve months: I receive

money from family the amount can not be stated since
they may send what they could afford at the time

4. Do you own any cash, or do you have money in a checking or savings account? (Include any funds in prison accounts): Yes No

If the answer is "Yes," state the total value of the items owned: _____

5. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? Yes No

If the answer is "Yes," describe the property and state its approximate value: _____

6. List the persons who are dependant upon you for financial support, state your relationship to those persons, and indicate how you contribute toward their support: NONE

I understand that a false statement or answer to any question in this affidavit will subject me to penalties for perjury and that state law provides as follows:

a. A person to whom a lawful oath or affirmation has been administered commits the offense of perjury when, in a judicial proceeding, he knowingly and willfully makes a false statement material to the issue on point in question

b. A person convicted of the offense of perjury shall be punished by a fine of not more than \$1,000 or by imprisonment for not less than one nor more than ten years, or both.
O.G.C.A. § 16-10-70.

John J. Inland
Signature of Plaintiff

1-30-2015
Date

VERIFICATION

I, John A. Frilando, do swear and affirm under penalty of law that the statements contained in this affidavit are true. I further attest that this application for in forma pauperis status is not presented to harass or to cause unnecessary delay or needless increase in the costs of litigation.

I am the plaintiff in this action and know the content of the above Request to Proceed in Forma Pauperis. I verify that the answers I have given are true of my own knowledge, except as to those matters that are stated in it on my information and belief, and as to those matters I believe them to be true. I have read the perjury statute set out above and am aware of the penalties for giving any false information on this form.

John Frilando
Signature of Affiant Plaintiff

1-30-2015
Date

Sworn to and subscribed before me this
_____ day of _____, 20____.

Notary Public or Other Person Authorized to Administer Oaths

Please note that under O.G.C.A. § 42-12-5 service of an affidavit in forma pauperis, including all attachments, shall be made upon the court and all named defendants. Failure by the prisoner to comply with this code section shall result in dismissal without prejudice of the prisoner's action.

FILED IN OFFICE

2015 JAN 20 AM 9:41

John Filardo
DEP. CLK. SUPERIOR CT.
CHATHAM COUNTY, GA.

1-15-2015

Dear Clerk,

I am writing to inquire on a NOTICE OF APPEAL I filed in your court on DEC 4th 2014, I am requesting that this Notice be made into a motion for appeal, Notice for appeal is for federal courts and I believe motion for appeal is the proper way to appeal case # CV-13-0336-15.

I have been waiting for the reply to my appeal and as of yet have not gotten one and I never got an order from Judge Bass's final order to see what parts I wish to appeal. I do thank you for your time and I do hope that by my request that the Notice be made into a motion will settle my appeal. I do await your reply.

John Filardo

IN THE SUPERIOR COURT OF CHATHAM COUNTY
STATE OF GEORGIA

JOHN A. FRILANDO,

Plaintiff,

vs.

Civil Action no.
CV13-0336-J5

RIMINA Z. LEWIS and
KEVIN ROBINSON,

Defendants.

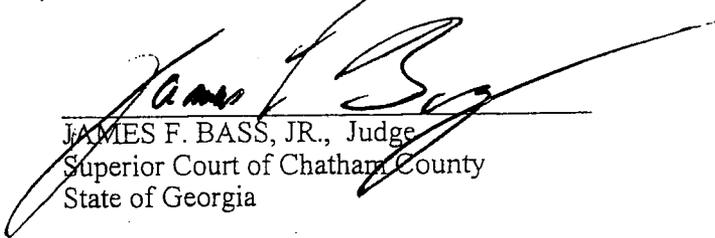
COPY

ORDER ON MOTION FOR NEW HEARING

Plaintiff has filed Motions for New Hearing on August 18, 2014 and October 10, 2014. This Court entered a Final Judgement and Decree on June 30, 2014. It entered an order on July 8, 2014 denying Plaintiff's request for a rehearing. A request for new trial where the Plaintiff would be entitled to a hearing, must be filed within thirty (30) days of the Court's judgment. O.C.G.A. §5-5-40. If the Court were to interpret these pleadings as Motions for New Trial, then said requests for hearings would not be timely since they were not filed within thirty (30) days of the Court's judgment (June 30, 2014). If the Court were to consider these pleadings as Motions for Reconsideration, although the August 18, 2014 Motion for New Hearing would be timely since it was filed within the same term of Court as the judgment, Plaintiff would not be entitled to a hearing on a Motion for Reconsideration.

WHEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiff is not entitled to a New Hearing and his motions are DENIED.

SO ORDERED this 19 day of November, 2014.


JAMES F. BASS, JR., Judge
Superior Court of Chatham County
State of Georgia

cc: John Frilando
Karen Dove Barr

CERTIFICATE OF SERVICE

I, John Filardo, do hereby certify under penalty of perjury [28 USC §1746] that I have this day mailed and served the attached: motion to file for appeal by depositing same in the prison legal mailbox with First Class postage affixed and addressed as follows:*

James F. Bass Jr.
133 Montgomery St
Savannah GA 31401

Karen Dove Barr
5859 Abercorn ~~Ext~~
Savannah GA 31405

Done this 1st day of DEC, 2014.

John Filardo

* This affirmation is intended to comply with Rule 4(c), Fed. R.A.P., with presumption of "mailbox" filing under Houston v. Lack, 487 U.S. 266 (1988).

P.O. BOX 10227
133 MONTGOMERY ST • SUITE 304
SAVANNAH, GA 31412



DANIEL W. MASSEY

CLERK

PHONE: 912/652-7201

FAX: 912/652-7380

DMASSEY@CHATHAMCOUNTY.ORG

OFFICE OF CLERK SUPERIOR COURT
EASTERN JUDICIAL CIRCUIT OF GEORGIA

January 29, 2015

John Frilando #92239-071
U. S. P. - Atlanta
P. O. Box 150160
Atlanta, Georgia 30315

RE: CV13-0336-J5
John A. Frilando vs. Rimina S. Lewis, Kevin N. Robinson

Dear Mr. Frilando:

In regards to your letter filed on January 29, 2015: listed below is the address for the Georgia Court of Appeals.

Court of Appeals of Georgia
47 Trinity Avenue, Suite 501
Atlanta, Georgia 30334

Our office does not do research so we are unable to send you copies of the code section for the Constitution of the State of Georgia. This is your responsibility to acquire that information.

Sincerely,

A handwritten signature in cursive script that reads "Patty Waller".

Patty Waller
Appeals Clerk

PW/

CERTIFICATE OF SERVICE

I certify that I have this day served below (opposing party or attorney) with a copy of this Notice of Appeal by (**hand delivery/ mailing copy first class mail postage prepaid**) to him/her at Address below (complete address of party served)). This the 9th day of Feb, 2015.

⇨92239-071⇨
Superior Court
Clerk Of Court
PO BOX 10227
Savannah, GA 31410

John Zulaika
(Sign your name)
U.S.P. Atlanta

Address
P.O. Box 150160 ATL GA 30315

()
Telephone Number

⇨92239-071⇨
Karen Dove Barr
Building TWO
5859 Abercorn Extensio
Savannah, GA 31405
United States

I wish to inform you
That i sent a copy to the parties
above on the 4th day of Feb 2015
I was given your address by Appeals
Clerk Patty Waller (letter enclosed)
I am now mailing you your copy
I do thank you for your time
and i do await your reply.