

# COURT OF APPEALS OF GEORGIA

## RETURN NOTICE

May 18, 2015

To: Mr. Courtney Kirk Fuller, 5075 Memorial Drive, #332, Stone Mountain, Georgia 30083

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.

**NOTICE OF APPEAL**

IN THE SUPERIOR COURT  
OF PEACH COUNTY  
STATE OF GEORGIA

COURTNEY FULLER  
VS  
THE CITY OF BYRON

Civil Action Number 15-V-0014

RECEIVED IN OFFICE  
2015 MAY 15 PM 3:02  
CLERK COURT ADMINISTRATOR  
COURT OF APPEALS OF GA

**NOTICE OF APPEAL**

Notice is given that COURTNEY KIRK FULLER in the above matter hereby appeals to the Court of Appeals of Georgia from the judgment of the trial court entered on the 17<sup>TH</sup> DAY OF APRIL 2015.

The clerk shall omit nothing from the record on appeal.

A transcript of evidence and proceedings WILL be filed for inclusion in the record on appeal.

The Court of Appeals, rather than the Supreme Court, has jurisdiction of this appeal because the issue involved is A MISDEMEANOR and appeals of such cases are not reserved to the Supreme Court of Georgia pursuant to Article VI, Section VI, Paragraphs II and III of the Constitution of the State of Georgia.

**CERTIFICATE OF SERVICE**

I certify that I have this day served the solicitor of the CITY OF BYRON MUNICIPAL COURT with a copy of this Notice of Appeal by mailing a copy first class mail postage prepaid to him/her at:

**The City of Byron Municipal Court  
Byron Municipal Complex  
401 Main St, Suite 266  
Byron, GA 31008  
Attn: Donna Culpepper**

This the 13 day of 5, 2015

Courtney Fuller (Sign your name.)