

# COURT OF APPEALS OF GEORGIA

## RETURN NOTICE

October 14, 2015

To: Mark A. Gilbert, Esq., 910 North Patterson Street, Valdosta, Georgia 31601

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 would be filed in the superior court of the county in which Mr. Howard claimed to be illegally detained. An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court.**

**The Court of Appeals of Georgia cannot assist you. The Supreme Court's mailing address is: 244 Washington Street, S.W., Suite 572, Atlanta, Georgia 30334.**

- 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 divesting this Court of jurisdiction. The remittitur issued on \_\_\_\_\_
- 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.

Coleman Talley

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RECEIVED IN OFFICE  
2015 OCT 14 AM 11:16  
CLERK/COURT ADMINISTRATOR  
COURT OF APPEALS OF GA

October 7, 2015

Court of Appeals  
47 Trinity Avenue, Suite 501  
Atlanta, GA 30334  
**ATTENTION: RECORDS DIVISION**

**RE: Kenneth D. Howard v. Antoine Caldwell, Warden  
Petition for Writ of Habeas Corpus  
Howard v. State Ga. App. 659**

Dear Sir/Madam:

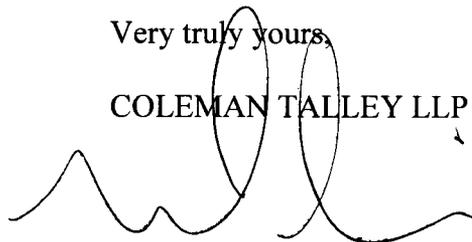
Please be advised that I represent Antoine Caldwell, Warden of Wilcox County Prison, in regard to a habeas corpus matter filed by Kenneth D. Howard. Mr. Howard is challenging his 2008 Lowndes County jury trial convictions and sentences for Kidnapping and Possession of a Firearm during the commission of a crime in Lowndes County Superior Court. Please provide my office with a **certified copy** of the appellate records, including briefs, transcripts and slip opinion, in reference to the above appeal.

Please forward the statement for copies to my attention and reference it to **Kenneth D. Howard, 33776.017MAG.**

If you have any questions with regard to this matter, please feel free to contact my habeas paralegal, Rhonda Cumbess. Your assistance and prompt attention is greatly appreciated. Thanking you in advance, I am

Very truly yours,

COLEMAN TALLEY LLP



Mark A. Gilbert

PLEASE REPLY TO  
VALDOSTA ADDRESS

MAG/rkc