



Court of Appeals of Georgia

May 5, 2015

TO: Mr. David Graham, GDC511957, Calhoun State Prison, Post Office Box 249, Morgan, Georgia 39866

RE: **A15D0171. David Graham v. The State**

CHECK RETURN

- Your check number _____ in the amount of _____ written on the account of your firm for the filing fee in _____ is enclosed. Please be advised that this Court is returning your check since the filing fee was already paid by _____.

APPLICATION - DISPOSED

- The referenced appeal was dismissed on December 22, 2014.**

CASE STATUS - PENDING

- The above referenced appeal is pending in your name before this Court. The appeal was docketed in the _____ Term and a decision must be rendered by the Court by the end of the _____ Term which ends on _____.

APPLICATION FOR PERMISSION TO APPEAL A PROBATION REVOCATION

- To appeal a probation revocation, you will need to file a Discretionary Application with this Court. Rule 31 of the Rules of the Court of Appeals of Georgia describes a Discretionary Application and the items you would need to include with your application.

A Discretionary Application must be filed within 30 days of the stamped filed date on the order that you are appealing and the application must be accompanied by a proper Certificate of Service and a pauper's affidavit or the \$80.00 filing fee. You must also comply with all the other applicable rules of Court regarding filing with the Court of Appeals of Georgia.

Enclosed, please find a copy of the Rules of the Court of Appeals for your review.

Court of Appeals of the State of Georgia

ATLANTA, December 22, 2014

The Court of Appeals hereby passes the following order:

A15D0171. DAVID GRAHAM v. THE STATE.

David Graham filed an extraordinary motion for new trial, which the trial court denied on September 26, 2014. On November 26, 2014, Graham filed this application for discretionary appeal. We lack jurisdiction.

An application for discretionary appeal must be filed within 30 days of the entry of the order or judgment to be appealed. See OCGA § 5-6-35 (d). The requirements of OCGA § 5-6-35 are jurisdictional, and this Court cannot accept an application for appeal not made in compliance therewith. See *Boyle v. State*, 190 Ga. App. 734 (380 SE2d 57) (1989). Graham filed his application 61 days after entry of the order he seeks to appeal. Therefore, his application is untimely, and it is hereby DISMISSED for lack of jurisdiction.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 12/22/2014

*I certify that the above is a true extract from
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court
hereto affixed the day and year last above written.*

Stephen E. Costello

, Clerk.

COURT OF APPEALS OF GEORGIA
47 Trinity Avenue, S.W., Suite 501

April 25, 2015

To: Clerk, Stephen E. Castlen

From: David Graham v. The State Case No. A15D0171, 94 CR 260

Ref: The above name defendant applicant is inquiring about the status of his appeal that was transferred to this honorable court from the Georgia Supreme Court on October 29, 2014 Case no. S15D0196.

Applicant would like to know if there has been a decision made on his appeal it's has been four (4) months from the date no six 6 months from the date that it was transferred to this court. Applicant ^{Do} wish to know the status.

Respectfully Submitt
David Graham # 511957
Calhoun State Prison
P.O. Box 249
Morgan, Ga. 39866
Pro. Se.

RECEIVED IN OFFICE
2015 APR 30 PM 2:45
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

COPY

CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of reference, inquiring about the status of case no. A15D0171 94 CR 260; that was transferred to this court from Georgia Supreme Court, on October 29, 2014. A true copy have been served on the Clerk of the Appeals Court of the State of Georgia who's address appears below, by depositing in the United States Mail postage pre paid.

So deposited this 25th day of April 2015

Clerk's office
Stephen E. Castlen
Court of Appeals of Georgia
Suite 501
47 Trinity Avenue
Atlanta, Ga. 30314

David Graham 511957 D-3676
Calhoun State Prison
P.O. Box 249
Morgan, Ga. 39866-0249
Pro. Sec.

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