

# COURT OF APPEALS OF GEORGIA

## RETURN NOTICE

June 18, 2015

To: Mr. Mahmoud Mohmed Hafez, GDC1199756, Coffee Correctional Facility, Post Office Box 650, Nicholls, Georgia 31554

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. Your Motion for Extension of Time for Filing Discretionary Appeal is being returned to you.**
- 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 COURT OF APPEALS  
STATE OF GEORGIA

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CLERK OF COURT ADMINISTRATOR  
COURT OF APPEALS OF GA

MAHMOUD MOHMED HAFEZ,  
Appellant,

V.

STATE OF GEORGIA.

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CASE NO. 05-CR-121-X

APPEAL No. \_\_\_\_\_

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MOTION FOR EXTENSION OF TIME  
FOR FILING DISCRETIONARY APPEAL

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COMES NOW, the above named Appellant pro se in the above styled action, makes this, his Motion for Extension of Time to file his Application for Appellate review pursuant to O.C.G.A. §5-6-35 from the May 18th, 2015 denial of the Extraordinary Motion for New Trial filed in the Superior Court of Barrow County. In so doing shows the following:

1.

Appellant filed his Extraordinary Motion for New Trial (Ex. MNT) in the Superior Court of Barrow County the 14th day of May, 2015, and without States response, the Court denied the same on 18th day of May, Appellant received Order of denial the 22nd day of May, 2015. See Copy of Inmate Mail History attached infra.

2.

Appellant, a prison pro se litigant unskilled in the legal profession and without resources is at the mercy of the prison institution of confinement to obtain access to the law reference materials to prepare the application for discretionary appeal to challenge the trial court's denial of the Ex.MNT.

3.

Mr. Hafez is presently confined at the Coffee Correctional Facility located at 1153 N. Liberty Street (P.O. Box 650) in Nicholls, Ga. 31554. This facility has had a rash of lockdowns Institution wide, as well as certain and specific units on other days as prison staff deemed appropriate. Some lockdowns lasting more than a week at a time, others a couple days, due to serious outbreaks in security from gang related Inmate on Inmate fights, some with serious injuries, to control panel failures indicating doors unlocked which are in fact locked, and electric fence malfunctions. All of which prevent or seriously restrict movement, which hinder, impede and at times all together deny access to legal resources during said terms of lockdown.

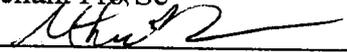
4.

Where as here at Coffee Corrections, which is in the process of changing out wardens, unable to predict when the next lockdown may be or for how long, Appellant is in need of a extension of thirty (30) days time to prepare and file his Application for discretionary review on the denial of the Ex. MNT with the Court of Appeals of Georgia.

Wherefore, Appellant prays this Honorable Court will GRANT his Motion, which is being filed prior to the expiration of the original time prescribed in Code §5-6-35 and provide Appellant and extension of Thirty (30) to File the application for discretionary appeal from the denial of the Extraordinary Motion for New Trial, thus, providing Appellant the fundamental fairness in the accessing of the court's intended through the enactment of the Sixth Amendment of the U.S. Constitution.

This 12 day of June, 2015.

Respectfully Submitted,  
Appellant Pro Se

  
\_\_\_\_\_  
Mahoud Mohmed Hafez  
GDC# 1199756  
Coffee Corrections  
P.O. Box 650  
Nicholls, Ga. 31554

## Certificate of Service

This is to certify that I have this day served a true and correct copy of the within and foregoing document(s) upon the party(s) listed below by depositing a copy of the same in the United States mail in a properly addressed enveloped with adequate postage thereon or submitted same to the institutional legal mail system, to below addressee(s):

Clerk, Court of Appeals  
State Of Georgia  
Stephen E. Castlin  
47 Trinity Ave. SW, Ste. 501  
Atlanta, Ga. 30334

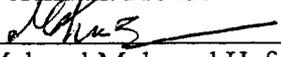
Office, District Attorney  
Barrow County  
Bradley J. Smith  
5000 Jackson Pkwy. Ste.160  
Jefferson, Ga. 30549-2990

### Document(s) Included:

- 1) Appellant's Brief In Support of Appeal from the denial May 18, 2015 Extraordinary Motion for New Trial.

This \_\_ Day of June, 2015.

Respectfully Submitted  
Defendant Pro Se

  
Mahoud Mohmed Hafez  
GDC# 1199758  
Coffee Corrections  
P.O. Box 650  
Nicholls, Ga. 31554

Raymond Haler  
1199756  
Coffee Corrections  
P.O. Box 650  
Micholts Ga 31554

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State of Georgia  
Stephen I. Castlin  
47 Trinity Ave S.W. 501  
Atlanta, Ga 30334

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