

**COURT OF APPEALS OF GEORGIA  
DOCUMENT RETURN NOTICE FOR APPLICATIONS**

**December 7, 2015**

**To:** Mr. Nathaniel Harpe, GDC960455, Wilcox State Prison, Post Office Box 397, Abbeville, Georgia 31001

**Docket Number:**   **Style: Nathaniel Harpe v. The State**

Your document(s) is (are) being returned for the following reason(s).

1.  Your Application was not accompanied by the statutory filing fee, \$300.00 civil; \$80.00 criminal, or a sufficient pauper's affidavit. OCGA§5-6-4 and Rule 5 Please be advised that your pauper's affidavit should be notarized by a notary public.
2.  Portions of the record included were not tabbed and indexed. Rules 30 (e) and 31 (c).
3.  **A stamped "filed" copy of the trial court's order to be appealed was not attached to your Application. Rules 30 (b) and 31 (e)**
4.  A stamped "filed" copy of the Certificate of Immediate Review was not attached to your Interlocutory Application. Rule 30(b)
5.  Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)
6.  There were an insufficient number of copies of your document. Rule 6
7.  No Certificate of Service accompanied your document(s). Rule 6 You should provide a copy of your filing to the District Attorney and include his/her name and address on your Certificate of Service.
8.  Your Certificate of Service did not include the complete name and /or mailing address of each opposing counsel and pro se party. Rule 1(a) and 6
9.  Your document exceeds page limits. Rules 24(f) , 30(e) and 31(c)
10.  Your request for court action must be submitted in motion form. Rule 41 (a)
11.  No extension of time for filing an interlocutory application will be granted . Rule 30 (g) . No extension of time will be granted for filing a discretionary application unless the motion for extension is filed on or before the due date of the discretionary application.
12.  The type font was smaller than 10 characters per inch; type was not double-spaced or/and type was on both sides of the paper. Rules 1(c), 24(b), 37(a) and 41(b).
13.  Your motions were submitted in an improper form (joint, compound, or alternative motions in one document). Rule 41 (b)
14.  Margins were too small or paper size was incorrect. Rules 1(c), 24(c), 30(e), 31(c) and 41(b).
15.  Your document was submitted for filing more than 30 days after the date of the order granting, denying or dismissing the application or the order granting, denying or dismissing the Motion for Reconsideration. Rules 30(j) and 31(j).
16.  **Other:**

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For Additional information, please go to the Court's website at: [www.gaappeals.us](http://www.gaappeals.us)

COURT OF APPEALS OF GEORGIA  
DOCUMENT RETURN NOTICE FOR APPLICATIONS

12/4/15

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To: *Nathaniel Harpe*

Docket Number:      Style: *Nathaniel Harpe v. The State*

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15.  Your document(s) was (were) not securely bound at the top with staples or round head fasteners. Rules 1(c), 30 (e) and 31 (c)
16.  Your document was submitted for filing more than 30 days after the date of the order granting, denying or dismissing the application or the order granting, denying or dismissing the Motion for Reconsideration. Rules 30(j) and 31(j).

IN THE GEORGIA COURT OF APPEALS

STATE OF GEORGIA

RECEIVED  
2015 DEC -4 PM 4:13  
COURT OF APPEALS  
ATLANTA, GA

The State of Georgia

v.

Nathaniel Harpe

GDC# 960455

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;  
;

Criminal Action No.'s

00-B-2313-2; 00-B-2314-2;

00-B-2316-2

APPLICATION FOR OUT-OF-TIME APPEAL

Comes now Petitioner in the above styled action to petition this Court to allow him to appeal the trial court's judgment of sentence entered herein on the 8<sup>th</sup> day of May, 2015; due to the illegal and void sentence that was handed down by that court on the 8<sup>th</sup> day of May, 2001.

Petitioner seeks to appeal this decision out-of-time due to the fact the county jail kept petitioner in an isolation cell, away from his legal materials, law library, along with his right to seek counsel for said appeal, until the statutory 30 day time limit to file his Notice of Appeal had well expired.

Petitioner was resentenced on the 8<sup>th</sup> day of May, 2015 and was returned to his state institution on the 16<sup>th</sup> day of June, 2015.

Due to Petitioner's indigence he is no longer able to secure employed counsel due to the depletion of his funds and

therefore has no choice but to proceed Pro se as a pauper.

Petitioner is only allowed 2 (two) hours at a time, per week, at the institutions law library with only 30 (thirty) minutes of that time for computer research where the new statutes and case law can be found.

However, if this Court permits petitioner to go forward with this Appeal out-of-time, he will be prepared to file his enumerations of error and his brief in support thereof in a timely manner.

Therefore, Petitioner prays that this Court will allow him to proceed with this Appeal, as a pauper, even though it is out of time.

Respectfully submitted this 1<sup>st</sup> day of December, 2015.

Nathaniel Harpe

Nathaniel Harpe 960455

Wilcox State Prison

P.O. Box 397

Abbeville, Georgia 31001

IN THE SUPERIOR COURT OF GWINNETT COUNTY  
STATE OF GEORGIA

The State of Georgia           :  
  :  
  : Criminal Action No:  
  :  
Nathaniel Harpe                :  
  : 00-B-2313-2; 00-B-2314-2;  
  :  
GDC# 960455                    :  
  : 00-B-2316-2

NOTICE OF OUT-OF-TIME APPEAL

Notice is hereby given that Nathaniel Harpe, defendant above-named, hereby appeals to the Georgia Court of Appeals from the judgment of sentence entered herein on the 8<sup>th</sup> day of May, 2015.

The offenses for which defendant was convicted are: Armed Robbery (4 cts); Kidnapping (2 cts); False Imprisonment (3 cts.) and the sentence imposed is as follows: 20 years to be served in confinement with 5 (five) - 10 (ten) year sentences of probation to be served consecutively.

The clerk will omit nothing from the record on appeal.

This Court rather the Supreme Court of Georgia has jurisdiction of this case on appeal for the reason that the sentence imposed is directly appealable. had the appeal been filed in the clerk's office, in writing, before the end of that term of court pursuant to O.C.G.A. § 5-3-3. The defendant herein would have

filed this Notice in a timely manner but due to the State impediment he could not. The County Sheriff held Petitioner in an isolation cell, without his legal materials, or access to a law library until the statutory 30 (thirty) day period for filing said Notice had expired.

The defendant is showing due diligence by seeking an Out-of-Time Appeal for the vindictive sentence he received in this case.

The defendant had been represented by counsel due to him being ignorant of the law. He is now forced to proceed Pro se due to his STATUES now being indigent. He is handicapped due to him being limited to the law library for 2 (two) hours per week, with access to the new statutes and case law for only 30 (thirty) minutes within those two hours.

Therefore, the defendant herein should be allowed to proceed with this Appeal from the vindictive sentence handed down by the trial court after the defendant petitioned the trial court to receive a sentence the law allows for his conviction herein.

Submitted this 1<sup>st</sup> day of December, 2015.

Nathaniel Harpe

Nathaniel Harpe 960455

Wilcox State Prison

P.O. Box 397

Abbeville, Georgia 31001

IN THE COURT OF APPEALS OF GEORGIA

STATE OF GEORGIA

Nathaniel Harpe  
GDC# 960455  
Petitioner,  
v.  
The State of Georgia

Criminal Action No:  
00-B-2313-2; 00-B-2314-2;  
00-B-2316-2

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Paupers Indigent Affidavit

The Petitioner herein has not been employed, due to his incarceration, since September 13, 1999 and is financially indigent. He is unable to pay the cost or give security for the transmittal, court costs or fees for the enclosed Application For Out-of-Time Appeal.

The Petitioner prays that he be allowed to proceed In Forma Pauperis. Under the penalty of perjury, I attest the foregoing to be true and correct to the best of my knowledge, this 01 day of

December, 2015.

[Signature]

Nathaniel Harpe

Notary Public;  
sworn and subscribed  
before me this 01  
day of December, 2015

10-29-2018

Nathaniel Harpe 960455  
Wilcox State Prison  
P.O. Box 397  
Abbeville, Georgia 31001

## Certificate of Service

This is to hereby certify that I have served a true and correct copy of my Application For Out-of-Time Appeal and Notice of Out-of-Time Appeal, with enclosures, by placing said documents in the Wilcox State Prison mail service with sufficient postage affixed to ensure delivery to:

Mr. Nigel R. Lush

Prosecutor

GWINNETT COUNTY DISTRICT ATTORNEY'S OFFICE

75 Langley Drive

Lawrenceville, Georgia 30045

This 1 day of December, 2015.

Nathaniel Harpe

Nathaniel Harpe 960455

Wilcox State Prison

P.O. Box 397

Abbeville, Georgia 31001

PLAINTIFF/PETITIONER IS REQUIRED TO SUBMIT WITH THIS AFFIDAVIT AND AUTHORIZATION A CERTIFIED COPY OF HIS/HER INMATE ACCOUNT STATEMENT FOR THE SIX-MONTH PERIOD IMMEDIATELY PRECEDING THE FILING OF THIS COMPLAINT.

CERTIFICATE

I hereby certify that the plaintiff/petitioner herein has a current balance of \$ 28.46 in his/her inmate account at the Wilcox State Prison Institution. Plaintiff has an average monthly balance for the preceding six months of \$ ~~63.28~~ 63.28, and the average monthly deposits to said account for the preceding six months are \$ 95.83. I further certify that the plaintiff has the following assets to his/her credit according to the records of this institution:

Wilcox State Prison

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I further certify that the attached account statement accurately reflects Plaintiff's account balance and account activity for the past six months.

11/30/15  
Date

Kay Lann  
Authorized Officer of Institution

Petitioner: Nathaniel Harpe  
Nathaniel Harpe  
GDC # 960455  
E-1-122B