

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

**July 8, 2015**

**To:** Mr. Larry Harper, GDC928762, Georgia Diagnostic and Classification Center, State Prison, Post Office Box 3877, Jackson, Georgia 30233

**Docket Number:** A15D0416 **Style:** **Larry Harper 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: The referenced discretionary application was dismissed on June 10, 2015. I have enclosed a copy of the dismissal order for your review. Also, your new mailing address was updated on our docket on June 16, 2015.**

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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 the State of Georgia

ATLANTA, June 10, 2015

*The Court of Appeals hereby passes the following order:*

## **A15D0416. LARRY HARPER v. THE STATE.**

Larry Harper is charged with murder, felony murder, aggravated assault, concealing the death of another, and tampering with evidence. He filed a number of pro se pretrial motions, including several motions challenging the sufficiency of the indictment, a motion challenging his arrest warrant, and a motion for out-of-time appeal from an order denying a motion to suppress incriminating statements.

As a general rule, a right of appeal lies from a final judgment; that is, where the case is no longer pending below. See OCGA § 5-6-34 (a) (1). The Supreme Court has created limited exceptions to this rule in criminal cases. See *Hubbard v. State*, 254 Ga. 694 (333 SE2d 827) (1985) (statutory speedy trial claim); *Patterson v. State*, 248 Ga. 875 (287 SE2d 7) (1982) (double jeopardy). But Harper does not seek to appeal the denial of a statutory speedy trial or double jeopardy claim. Accordingly, he was required to comply with the interlocutory appeal procedure, including obtaining a certificate of immediate review from the trial court, to obtain appellate review at this juncture. See *Ivey v. State*, 210 Ga. App. 782 (437 SE2d 810) (1993) (appeal of order overruling special demurrer required compliance with interlocutory appeal procedure).<sup>1</sup>

Because Harper failed to comply with the requisite procedures for obtaining

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<sup>1</sup> Although Harper filed an application for discretionary appeal, compliance with the discretionary appeal statute, OCGA § 5-6-35, does not excuse a party seeking appellate review of an interlocutory order from complying with the additional requirements of OCGA § 5-6-34 (b). See *Bailey v. Bailey*, 266 Ga. 832 (471 SE2d 213) (1996).

interlocutory review, this premature application is hereby DISMISSED.



*Court of Appeals of the State of Georgia*

*Clerk's Office, Atlanta, 06/10/2015*

*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. Caston*

*, Clerk.*

Dear, Clerk's office of the Georgia Court of Appeals. My name is Larry Harper my G.P.C.# is 928762. I have wrote you early this month about my change of address. I am not in Fulton co. jail any more I am now in Georgia Diagnostic and Classification Prison P.O. Box 3877 which is locted at Jackson, Georgia 30233. I a very much concerned about my discretionary appeal application that I put in on May 18, 2015 my application Number: A1500416. I have not receive a response from you and its been past 30 days of the date it was Docket.

I just want to know the status on the Appeal. Thank you for helping me in this matter,

Respectfull submitted,  
1st ~~Larry Harper~~ Larry Harper, Prose Mrky

RECEIVED INQUIRY  
2015 JUL -7 PM 2:06  
CLERK/COURT ADMINISTRATOR  
COURT OF APPEALS OF GA