

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

November 13, 2015

To: Mr. Tobias A. Hayden, GDC966683, Georgia Diagnostic and Classification Center, State Prison, Post Office Box 3877, Jackson, Georgia 30233

Docket Number: A16D0036 **Style:** Tobias A. Hayden 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. You should provide a copy of your filing to the District Attorney and include his/her name and address on your Certificate of Service. Rule 6
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). Please see enclosed order.**
16. **Other:**

For Additional information, please go to the Court's website at: www.gaappeals.us

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS

11/6/15

(Handwritten initials)

(Handwritten initials)

To: Tobias Hayden

Docket Number:

Style: Tobias Hayden v. The State

A1600036

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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).

GA Courts of Appeals

Tobias A. Hayden
Pro-se, Appellant

VS.

The state
OF
GA
HALL Co.
Defendant

FILED IN OFFICE
NOV - 3 2015
COURT CLERK
CLERK COURT OF APPEALS OF GA

Cases: 15-CR-471J

15-VA-52J

07-CR-1223J

07-CR-532J

03-CR-991C

Application: A-16-D-36

Responses
TO Rule 6
Requesting order

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2015 NOV 15 AM 2:41
CLERK/COURT APPELLATOR
COURT OF APPEALS OF GA

Comes Now, Pro-se, Tobias A. HAYDEN
I.D.C #966683. Here AT Jackson state
Prison P.O. BOX 3877. IN the above styled
Responses TO Rule 6 Requesting A order on
thereof Dates 10-30-15. on the Dates thereof
10-20-15, pro-se, HAYDEN received from the
Courts of Appeal ordering pro-se, ~~1~~-EPT
COPYS to D.A. District Courts of HALL Co.

1 OF 5

DUE to Pro-se, Tobias A. Hayden, being deprived of the Rights to be Allowed to have. Photo copys of documents, Adequate LAW Library time to research sought LAWS, Rules Alinements. For pro-se, HAYDEN shall receive A true means to have thus preparation and filing meaningful legal paper. IN order too Proceed in A meaningful court rules, procedures, LAWS one needs meaningful Access to thus above. See, Portis v. Evans, 249 GA. 396, 297 S.E.2d 248 (1982) Pro-se, HAS Requested A order in Towaliga Judicial circuit Before, Senior Judge, E. Byron Smith P.O. Box 1723 Jackson GA. 30233. For that Pro-se, MAY HAVE A fighting chance in Pleading ~~of~~ pro-se cases for that Justice shall rinder And stop A manifest miscarriage of Justice. Pro-se, Prays for the above Judge MAY order Pro-se, HAYDEN meaningful Access of the above preparation of Papers.

20f5

For that pro-se, HAYden shall be able to proceed in search for justice. Wherefore pro-se prays for A order in this Court of Appeals to INVOKE PORTIS V. EVANS "Not limited to". APON the warden and his staff to give Access to copyer for pro-se maybe able to have those copys sought in Rule 6. Note pro-se, HAS Requested order Before, Judge, E. Byron Smith, Now Awaits A responses. In GA. Department of corrections Prisoner HAND BOOK ON Pg. 37 - line J. It states "you ARE provided with the means to challenge the legality of your conviction and the conditions of your confinement?". How can pro-se, HAYden challenge legality. When pro-se can't get mere copys to challenge with Rule 6? These ARE violations of 1st Amendment being this paper here is how I must speak, 4th Amendment being restrain from the ~~copy~~ copyer, 14th Amendment being unequal put At A more disadvantage manifest in A 8th Amendment violation of 13y stoping me from my fight for my freedom.

Statement of Claim

Pro-se, Tobias A. Hayden, Request
A order for pro-se shall be able to
get ~~photo~~ copys of legal Documents
for pro-se may be inline with Rule 6.
Pro-se, Had 1 hour and half 2AW Library
time in a whole month I just went dates
10-27-15 on this collect I'm indorseing see
Recv 10-13-15. I had put in a week before that.
It's not the many of people, He's late, don't
come to work and realy don't know about 2AW.
~~We~~ We All need help, by leaking in the
meaning Access to 2AWS, Rules, photo copys.
There is no way to have a good sound
Process in any court, Pro-se, Also Request
that we can have 6 days a week, Now we
just get 4 days a week.

Certificate of service

On this 10-30-15 Dates, I Pro-se,
Tobias A. Hayden E.D.C. #966683 At
Jackson State Prison mailing Address
P.O. Box 3877. Place into Prison mail
Box for indigent postage to place there
of Admitted postage to be sent to:

GA Courts of Appeals 47 Trinity
Avenue SW Suite 501. Atlanta, GA. 30334

Tobias A. Hayden
Tobias A. Hayden
E.D.C. #966683
P.O. Box 3877
Jackson, GA
30233

5045

TOBIAS HAYDEN
966683
JACKSON STATE PRISON
P.O. BOX 3877
JACKSON, GA 30233

A16D0036
2015DA52

TOBIAS HAYDEN
P.O. BOX 908030
GAINESVILLE, GA 30501

A16D0036
2015DA52

TOBIAS HAYDEN
966683
P.O. BOX 3877
JACKSON, GA 30233

A16D0036
2015DA52

Court of Appeals of the State of Georgia

ATLANTA, September 23, 2015

The Court of Appeals hereby passes the following order:

A16D0036. TOBIAS HAYDEN v. THE STATE.

On September 1, 2015, Tobias Hayden filed a discretionary application from the June 15, 2015 order of the trial court directing that Hayden's ex parte letter to the court be made part of the record. We lack jurisdiction for two reasons.

First, from the limited material Hayden submitted with his application, it appears that a criminal matter remains pending in the trial court. Accordingly, the order Hayden seeks to appeal is non-final. To appeal such an order, Hayden must follow the procedures for interlocutory review as set forth in OCGA § 5-6-34 (b) by timely seeking a certificate of immediate review in the superior court. See *Bailey v. Bailey*, 266 Ga. 832, 832-833 (471 SE2d 213) (1996); *Scruggs v. Ga. Dept. of Human Resources*, 261 Ga. 587, 588-589 (1) (408 SE2d 103) (1991); *Gray v. Springs*, 224 Ga. App. 427, 427 (481 SE2d 3) (1997). His failure to do so deprives us of jurisdiction.

Second, 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). A party's failure to meet this statutory deadline deprives us of jurisdiction to consider the application. *Hill v. State*, 204 Ga. App. 582, 583 (420 SE2d 393) (1992). Because Hayden filed this application 78 days after entry of the order he wishes to appeal, it is untimely. For these reasons, this application is DISMISSED for lack of jurisdiction.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 09/23/2015

*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. Castle

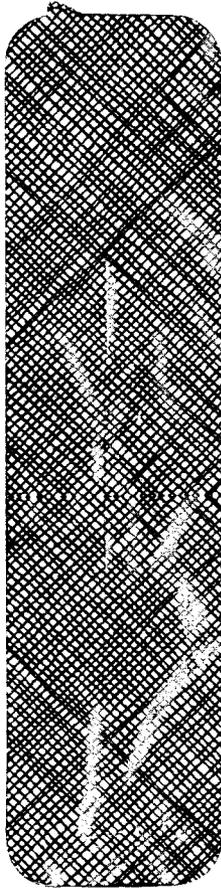
, Clerk.

Court of Appeals of Georgia
Suite 501
47 Trinity Avenue
Atlanta, Georgia 30334

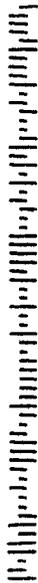
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COURT ADMIN
TOP APPEALS



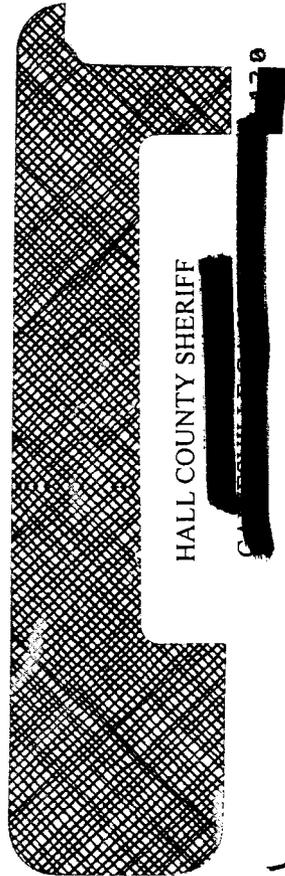
HEFISMP 30501



Court of Appeals of Georgia
Suite 501
47 Trinity Avenue
Atlanta, Georgia 30334



- Unacceptable Contents
- Subject Released
- House Out to Other County
- Insufficient Address
- Jail Accepts Post Cards ONLY



HALL COUNTY SHERIFF

2011
11/21/11

U.S. POSTAGE PITNEY BOWES
ZIP 30336 \$000.47
02 1W
0001386277 OCT 26 2015



Presort
First Class Mail
ComBasPrice



- Unacceptable Contents
- Subject Released
- House Out to Other County
- Insufficient Address
- Jail Accepts Post Cards ONLY

U.S. POSTAGE PITNEY BOWES
ZIP 30336 \$000.47
02 1W
0001386277 SEP 23 2015



Presort
First Class Mail
ComBasPrice

MEMPHIS
CA 301
21 OCT '15
PH 11

20 PM 3:03

Not in Jail

UNABLE TO FORWARD FOR REVIEW **C020**

BC: 30501442010 DU *2382-01355-12-28