

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS

May 28, 2015

To: Mr. Jerry Howard, GDC412015, Macon State Prison, Post Office Box 426, Oglethorpe, Georgia 31068

Docket Number: A15A1456 **Style:** Jerry Howard v. The State

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

1. Your Appellant's Brief, was not accompanied by the statutory filing fee (\$300.00 civil; \$80.00 criminal *Effective July 1, 2009) 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.**
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9. Letter briefs and letter cites are not permitted. Rule 27 (b)
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13. The pages were not sequentially numbered with arabic numerals. Rule 24 (e)
14. Case and/or record citations were not made in the proper form. Rules 24 (d) and 25 (c) (2)
15. Margins were too small or paper size incorrect. Rules 1(c), 24(c), 37 (a) and 41(b)
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17. The Motion to Supplement has not been granted.
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In The Georgia Court of Appeals
State of Georgia.

Jerry L. Howard
Appellant

vs.

Case No. A15A1456

State of Georgia
Appellee

Brief of Appellant

Jerry L. Howard
Macon State Prison
P.O. Box 426
Dglethorpe, GA. 31068
Pro se

In The Georgia Court of Appeals
State of Georgia

Jerry L. Howard
Appellant

vs.

Case No. A15A1456

State of Georgia

Appellee

Part I

Statement of Facts

Jerry L. Howard was found guilty of rape and other crimes, after which he filed a timely motion for new trial. On September 16, 2014, the trial court entered an order denying the motion for new trial. On October 17, 2014, Howard ~~filed~~ a pro se notice of Appeal was filed by the Superior Superior Court Clerk office of Chatham County, Georgia, which he sent via U.S. mail.

Appellant then filed an Appellant Brief with the Court of Appeals of Georgia, case no. A15A1456. Which was timely filed by mail rule, Howard's appeal was dismissed for lack of jurisdiction, because the Superior Court of Chatham County, Georgia, stamped upon it that Howard filed his notice of appeal 31 days after entry of the trial court's order, ~~See~~ notice of Appeal post dated October 10, 2015). If clerk of Superior Court filed notice of Appeal on October 17, 2015. Fact, it was in the mail prior to that date.

Part II

Enumeration of Errors

1) The appeal court erred by denying Appellant's brief on April 21, 2015, thereby denying Appellant's right to due process and to present his innocence as guaranteed by the Fourteenth Amendment of the United States Constitution.

Part III

Argument And Citation of Authority

1) The Appellant argue that the Appeals Court denied his Brief of Appeal on the grounds his notice of appeal was ~~not filed on time~~ ~~not filed on time~~ ~~not filed on time~~ filed untimely.

The mail-box rule proves the Appellant did not file his Appeal untimely. see (Notice of Appeal notarized and dated and mailed out on October 10, 20-14). *Massaline v. Williams*, 554 S.E. 2d 720 and *Houston v. Lack*, 487 U.S. 266. Appellant swears under penalty of perjury that he placed his notice of Appeal in the prison mail-box on October 10, 2014. How else the Superior Court clerk could have filed it on October 17, 2014. Appellant is in prison and had to mail the Notice of Appeal to the Superior Court.

Conclusion

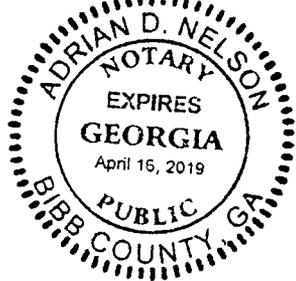
It is respectfully submitted that each issue set forth above demonstrate court made ruling that was unjust and should be righted according to the laws of this state. The mailbox rule. Massaline v. ~~State~~ Williams, 554 S.E.2d 720 and Houston v. Lack, 487 U.S. 266.

CONCLUSION

Appellant respectfully prays that this Court for the reasons set out above and in the intirety of this Brief reverse its desission.

Respectfully submitted this 18TH day of May, 2015.

ADRIAN D. NELSON
NOTARY PUBLIC
5-18-15



Jerry Howard

Jerry L. Howard

Macon State Prison

P.O. Box 426

Oglethorpe, GA. 31068

Pro se

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 same in the United States Mail in a properly addressed envelope with adequate postage thereon to below addresse(s).

Georgia Court of Appeals

Suite 501

47 Trinity Avenue

Atlanta, Ga 30334

This the 18th day of May, 2015.

Adrian D. Nelson

Signature

Adrian D. Nelson

