

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

August 27, 2015

To: Mr. Levi Adam Hulsey, GDC1000288145 Dorm 2-106, Spalding County Correctional Institution, 295 Justice Boulevard, Griffin, Georgia 30224

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.**
- 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 APPELLATE COURT OF FULTON COUNTY
STATE OF GEORGIA

LEVI ADAM HULSEY

GDC# 1000288145

Petitioner, Pro Se

vs.

MORGAN COUNTY,

STATE OF GEORGIA

Respondant

Case Number:

2014 CC 263 - Theft by Receiving

Morgan County

Superior Court

RECEIVED IN THE
APPELLATE COURT OF FULTON COUNTY
STATE OF GEORGIA
JUL 25 PM 3:31

EXTRAORDINARY MOTION TO MODIFY SENTENCE

COMES NOW, the Defendant, Mr. Levi Adam Hulsey, GDC# 1000288145, in the above-styled case number to petition this Honorable Court as follows:

1. Defendant was arrested and incarcerated on 9-25-2014.
2. Defendant was sentenced by the Honorable Judge Nulane E. George, Morgan County Superior Court, Georgia on 10-20-2014.
3. It was ordered that the Defendant sentence shall include credit for time served as determined by the Custodian of the Georgia Department of Corrections.
4. Defendant was sentenced to a term of 10 years with 5 to serve for this above-styled case of the offense of Burglary reduced to Theft by Receiving Stolen Property, run Concurrent.
5. Defendant was already under the order of Probation/Parole Revocation of Case Number: 2010CC059, to serve the remainder of balance ending 8-3-2017

The second Order of Probation/Parole Revocation was for the defendant to serve 5 years with the end date being 9-13-2021, Case Number: 2011CC278A.

6. Defendant's Final Disposition states that Case Number: 2014CC263 shall be served concurrently with the other sentences/revocations already in effect yet Defendant's Maximum Release Date is still 9-24-2019 which is contrary to the revocation order of case number: 2011CC278A, to serve 6 years setting the Max-Out date for 8-3-2017. This error is even found on the revocation orders citing the wrong case numbers, the term of probation is not the issue yet the actual time to be served along with the 5 years to serve under the Case Number: 2014CC263 - Theft by Receiving Stolen Property runs concurrent with those revocations, hence making the Department of Corrections computation incorrect seeing as a 6 year sentence supercedes the 5 year sentence of Theft therefore the Max-Out date should and is hereby petitioned to be modified to 8-3-2017.

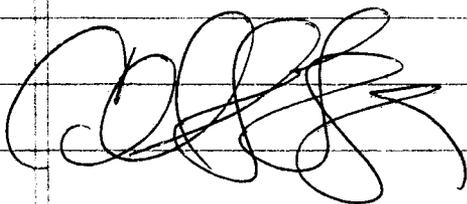
7. Defendant further petitions to this Court that the Honorable Judge William A. Prior, Jr., Chief Judge, Ocmulgee Judicial Circuit ruled on Defendant's original Motion to Modify Sentence by denying such motion without setting forth in his ruling the rationale for the denial and even a denial of a request made by Defendant for a hearing is error. By virtue of the Appellate Practice Act of 1965, O.C.G.A. 5-6-33 provides that "the defendant in any criminal proceeding in the superior, state, or city courts, may appeal from any sentence, judgment, decision, or decree of the court, or of the judge thereof..."

Such denial of Defendant's motion has deprived him of Due Process.

8. Defendant's complaint and the necessity of review by the Appellate Court is due to the determination of the accuracy of his guilty plea in accordance with Uniform Superior Court Rule 33.9. Defendant's counsel, Mr. Guy Nottle, never compelled discovery of such styled case in compliance with O.C.G.A. 9-11-37. Defendant never received his full discovery and the evidence set against him in this case was never rightfully investigated yet Defendant's counsel urged him to proceed in a plea bargain. This complaint is supported by the Georgia Constitution, Confrontation Rights; Article 1, Section 1, Paragraph 14, Note 53.1 "Failure to conduct reasonable investigation may render counsel's assistance ineffective." - U.S.C.A. Constitutional Amendment 6; Constitutional Article 1 § 1, -Turpin v. Christenson, 269 Ga. 226, 497 S.E.2d 216 (1998). Criminal Law, 1891.

WHEREFORE, this Defendant now respectfully petitions to this Honorable Court to grant this motion and to set a court-hearing date so Defendant's argument and reasoning may be heard.

Respectfully submitted this 21st day of August, 2015.



Notary Public - Spalding County, Georgia
My Commission Expires Dec. 12, 2015

Levi Adam Hulsey
LEI#1000288145
Defendant, Pro Se