

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

July 23, 2015

To: Mr. Kyle Jenkins, GDC1256759, Calhoun State Prison, Post Office Box 249, Morgan, Georgia 39866

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 the name of Kyle Jenkins.**
- ☐ **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.

7-17-15

Clerk of the Court of Appeals.

Hello my name is: Hyle JENKINS 1256759 and I'm located at: Calhoun State Prison in Morgan Ga. I was wondering if you could please help me with this matter I have. I was sentenced to 10 yrs resident out of DeKalb County in 2008. I just sent a petition for discretionary review/motion for out of time appeal to DeKalb County on 1-12-15. It got denied on 3-18-15 and my notice got to me on 3-27-15 but I didn't receive it until 3-30-15. On 4-3-15 I mailed to the Clerk of DeKalb County and filed a Notice of appeal and I haven't heard anything from DeKalb County on this matter. I just mailed a letter to the clerk to see the status of my appeal on 4-6-15 and I haven't heard nothing yet. I just don't want to run outta time because I have my 40+ pages Brief ready to send but I'm waiting for my appeal # Please help.

Case #

08-CR-4551

Respectfully
Submitted

Hyle Jenkins 1256759
Calhoun State Prison
P.O. Box 249
Morgan, Ga 39866