

# COURT OF APPEALS OF GEORGIA

## RETURN NOTICE

November 5, 2015

To: Mr. Marco Johnson, GDC1083773, Baldwin State Prison, Post Office Box 218,  
Hardwick, Georgia 31034

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. We do not have a file to append your copy.
- 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. The mailing address for the Supreme Court of Georgia is: 244 Washington Street, S.W., Suite 572, Atlanta, Georgia 30334.
- 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.

# NOTICE OF Appeal

RECEIVED IN OFFICE

2015 OCT 29 PM 3:19

CLERK OF SUPERIOR COURT

1.  
Notice is hereby given that Appellant, Marco Johnson 1083723 hereby Appeals to the Georgia Court of Appeals FROM the Judgment of conviction and the sentence entered on DATE 5-7-01. Appellant was convicted of Lenticing a child for Indecent (3); Kidnapping False Imprisonment (2); Pimping; And Etc..., the Sentence 20 years 90%.

2.  
The clerk will please omit nothing from the record on Appeal. The transcripts of evidence and proceedings of the plea; Motion for out of Time Appeal (6-1-12); Motion for out of time order on out of Time Appeal (6-28-13); and All Motions Etc..., are to be included in the record for Appeal.

3.  
The Georgia Court of Appeals is a Court of Review and exercises Appellate and certiorari Jurisdiction in all cases not reserved to the Georgia Supreme Court, (Georgia Constitution Article VI, Section V, Paragraph III and O.C.G.A. 15-3-3).

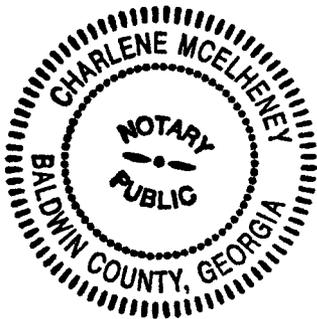
This court rather than the Georgia Supreme Court has Jurisdiction of this case on Appeal for the reason that this is an Appeal by a defendant of a sentence in a criminal case as set out in O.C.G.A. Section 5-6-3-3 and it involves a subject upon which Jurisdiction is not conferred upon the Supreme Court of Georgia by Article VI, Section VI, Paragraphs II nor III by the Constitution of Georgia, is not a death penalty case and involves corrections of errors of law.

Respectfully Submitted this 23<sup>rd</sup> Day of October

~~PROSE #~~ Marco Johnson # 1083773  
Marco Johnson

Charlene McElhenny  
Notary  
Expires 10-20-18

Address. #  
Marco Johnson # 1083773  
(B.S.P.)  
P.O. Box # 210  
Hardwick GA. 31034



# Certificate of Service

I hereby certify I have sent a true copy of Notice of Appeal, to the Georgia Court of Appeals. Judgment rendered (10.9.18), received by inmate (10.22.18) sent to address below, by U.S. Postal Service, mailed to:

FROM: MARCO JOHNSON # 1083773  
(B.S.P.) P.O. Box # 218  
Hardwick, GA. 31634

TO: Georgia Court of Appeals  
334 State Judicial Building  
Atlanta, GA. 30334

PRO-SE # MARCO JOHNSON  
MARCO JOHNSON # 1083773

Charlene McElhenny  
Notary  
Expires 10-20-18

