

# COURT OF APPEALS OF GEORGIA

## RETURN NOTICE

August 4, 2015

To: D. Marty Lasley, Esq., 631 Cherry Street, Chattanooga, Tennessee 37402

Case Number: \_\_\_\_\_ Lower Court: \_\_\_\_\_ County Superior Court

Court of Appeals Case Number and Style: A15A2104. Mark Timothy Lindsay v. The State

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 \_\_\_\_\_  
divesting this Court of jurisdiction. The case decision is therefore final.
- Your \_\_\_\_\_, is also enclosed.
- Electronic filing is mandatory in this Court. The following Rule 46 became effective January 1, 2015.**

### XXII. ELECTRONIC FILING OF DOCUMENTS

#### Rule 46. Electronic Filing of Documents.

Counsel is required to use the Court's electronic filing system and to follow the policies and procedures governing electronic filing as set forth in the Court's electronic filing instructions. The Clerk of Court may grant a request for exemption from mandatory electronic filing for good cause shown. An adverse decision by the Clerk of Court may be appealed by motion to the Court via a paper filing.

Rule passed October 21, 2014 - effective January 1, 2015

**IN THE COURT OF APPEALS  
STATE OF GEORGIA**

**MARK TIMOTHY LINDSAY,  
APPELLANT,**

**vs.**

**STATE OF GEORGIA,  
APPELLEE.**

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**COURT OF APPEALS DOCKET  
Case No: A15A2104**

**MOTION FOR EXTENSION  
TO FILE BRIEF AND ENUMERATION OF ERRORS  
Georgia Court of Appeals Rules, Rule 16(b), Rule 22(a)**

Comes counsel for Defendant, Mark Timothy Lindsay, and timely moves this Honorable Court for an extension to file Appellant's Brief and Enumeration of Errors pursuant to Georgia Court of Appeals, Rule 16(b) and Rule 22(a) on the following grounds:

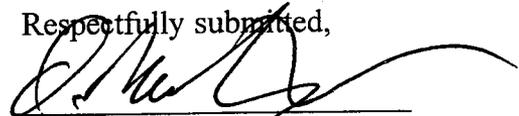
1. Counsel for Defendant was properly admitted pursuant to a Pro Hac Vice Motion and Order to practice before the Superior Court of Catoosa County, Georgia in this specific criminal case on all post-trial matters on February 25, 2015. Pursuant to Rule 9(c), counsel, licensed only in Tennessee, has now filed an Application for Pro Hac Vice Admission and respectfully requested to be admitted to this Court for purposes of handling all appellate matters.

2. The Date of Docketing this direct criminal appeal was July 8, 2015, and the Notice of Docketing arrived by mail at counsel's office while he was out of town.

3. Further, counsel has learned, pursuant to Georgia Court of Appeals Rule 24, that counsel may only file a Brief after he is granted a courtesy appearance in accordance with Rule 9(c), and counsel is awaiting Pro Hac Vice admission to this Court.

Wherefore, counsel prays that the Court grant his Motion for Extension.

Respectfully submitted,



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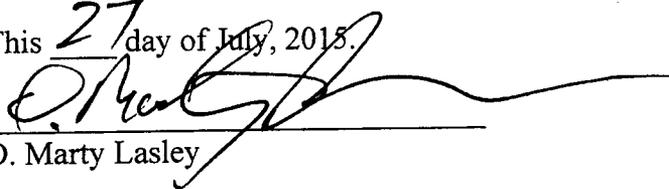
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**CERTIFICATE OF SERVICE**

I, D. Marty Lasley, hereby certify that I have this day served a copy of the foregoing pleading, Motion for Extension, upon Lookout Mountain Judicial Circuit District Attorney by hand-delivery or mailing a copy of the same to his attorney of record, in an envelope properly addressed and with sufficient first-class postage thereon to carry same to its destination.

Alan C. Norton, ESQ.  
Catoosa County, Senior Assistant District Attorney  
Lookout Mountain Judicial Circuit  
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706.965.9055; fax.706.965.2298/[anorton@pacga.org](mailto:anorton@pacga.org)

This 27 day of July, 2015.

  
\_\_\_\_\_  
D. Marty Lasley