

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

October 6, 2015

To: Mr. Kenneth Gregory Lewis, GDC275494, Long State Prison, Post Office Box 70,
Ludowici, Georgia 31316

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).

- The documents you previously sent to this Court were returned to you on October 2, 2015. As of October 6, 2015, the enclosed copies of the pauper's affidavit, direct appeal and Notice of Appeal, are being returned to you.**
- 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.

For Additional information, please go to the Court's website at: www.gaappeals.us

Sept 31, 2015

To: Clerk of the Court

From: Dr. Kenneth Lewis #275494
Long State Prison POBOX 70
Ludowici, Ga. 31316

RECEIVED IN OFFICE
2015 OCT -6 AM 11:07
CLERK/COURT REPORTER/MAIL ROOM
COURT OF APPEALS/5th DISTRICT
GA

RE: Direct Appeal

I recently sent a Direct Appeal along with (2) informa pauperis and a copy of the motion denied in case OS-CR-444, challenging a void sentence.

I have not yet received receipt of this appeal sent to your office. Enclosed are a second copy of my basic notice of Appeal.

If you have already received my earlier notice, please disregard the contents of this envelope (second copy of my appeal).

If you have no record of my earlier appeal mailed Delivery confirmation and certified mail, please file this notice as my appeal.

Sincerely

Kenneth Lewis

IN THE SUPERIOR COURT OF PAULDING COUNTY

RECEIVED IN OFFICE
2015 OCT -6 AM 11:08
CLERK OF SUPERIOR COURT
PAULDING COUNTY
GA

AFFIDAVIT AND MOTION TO PROCEED IN FORMA PAUPERIS

I, Kenneth G. Lewis, the undersigned and pro se petitioner,

having been duly sworn, hereby state as follows:

That I am the plaintiff in the above and foregoing case and thereby responsible for payment of fees and court costs of this habeas corpus proceeding.

I am presently 55 years of age and have been unable to engage in substantial gainful employment since 2005.

My total earned monthly income is as follows: 0.

I do not own any assets, bank accounts, stocks, bonds or other valuable property.

If I am required to pay the costs of this case I will not be able to prosecute my case due to lack of funds from poverty and incarceration.

I believe and state that I have a meritorious claim and desire to proceed in forma pauperis, and I swear under penalty of perjury that the foregoing facts are true and correct.

Kenneth G. Lewis
Pro se Movant

SWORN TO AND SUBSCRIBED BEFORE ME,

this 18th day of September, 2015.

Victoria O. Carter
NOTARY PUBLIC

My Commission Expires July 4, 2019

My Commission Expires: _____

IN THE GEORGIA COURT OF APPEALS

KENNETH GREGORY LEWIS
pro se, Appellant

RECEIVED IN OFFICE
2015 OCT -6 AM 11:08
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Case No. _____

VS.

05-CR-444 ON APPEAL

STATE OF GEORGIA
Appellee

DIRECT APPEAL

Comes Now the Defendant and appeals the decision and final order of the Paulding County Superior Court, entered on the 8th day of Sept, 2015, denying the Appellants Motion to Vacate an unlawful, Void Sentence and Withdraw Guilty Plea to Count One.

At the very least, the Court should have corrected the written order and the unlawful sentence.

Appellate jurisdiction resides in the Court of Appeals under State Constitution Art. VI, Sec. V, Para. III, and denial of a motion contesting a void sentence is appealable as a matter of right. An Affidavit of informa pauperis is attached hereto, along with a copy of the motion that was filed and denied by the Court.

Respectfully Submitted

this 18th day of Sept, 2015
Kenneth G. Lewis
Kenneth G. Lewis
pro se Defendant

CERTIFICATE OF SERVICE

The Appellant hereby certifies that he has served a copy of the notice of appeal upon the Paulding County District Attorney by deposit in the U.S. Mail using sufficient postage and properly addressed to :

Paulding County District Attorney
Paulding County Justice Center
280 Constitutional Blvd.
Dallas, Georgia 30132

So Stated this 18th day of September, 2015


Kenneth Gregory Lewis #275494

pro se Appellant

05CR-444 ON APPEAL

Long State Prison
P.O. Box 70
Ludowici, Ga. 31316

IN THE PAULDING COUNTY SUPERIOR COURT
STATE OF GEORGIA

STATE OF GEORGIA

CRIMINAL CASE

VS.

05-CR-444

KENNETH GREGORY LEWIS
pro se, DEFENDANT

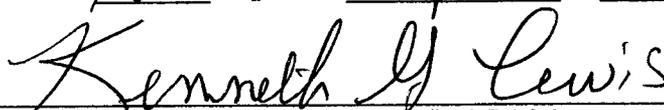
NOTICE OF APPEAL

Notice is hereby given that Kenneth G. Lewis now appeals the decision and Final Order of the Paulding County Superior Court dated 8th, Sept, 2015, denying the Defendants Motion to Vacate Void Sentence and Withdraw Guilty Plea to Count One.

The Clerk will please forward a copy of the Sentencing Transcript; Sentencing Clarification Hearing; 2006 Final Disposition; the Defendants Motion to Vacate Unlawful, Void Sentence and Withdraw Guilty Plea; and the Courts decision and Final Order on the above motion.

Affidavit of Informa Pauperis is attached hereto.

Respectfully Submitted this 18th day of Sept, 2015



Kenneth G. Lewis #275494
pro se Defendant

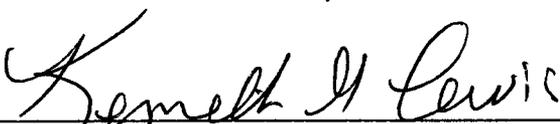
Long State Prison
P.O. Box 70
Ludowici, Ga. 31316

CERTIFICATE OF SERVICE

The Defendant hereby certifies that he has served a copy of this notice of appeal upon the Paulding County District Attorney by deposit in the U.S. Mail using sufficient postage and properly addressed to:

Paulding County District Attorney
Paulding County Justice Center
280 Constitution Blvd.
Dallas, Georgia 30132-4616

So Stated this 18th day of September, 2015.



Kenneth Gregory Lewis, #275494

pro se Defendant

Case 05-CR-444

Long State Prison
P.O. Box 70
Ludowici, Ga. 31316