

**COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS**

August 17, 2015

To: Mr. Randolph Martinez, GDC1000602079, Wheeler Correctional Facility, Post Office Box 466, Alamo, Georgia 30411

Docket Number: Style: Randolph Martinez v. The State

Your document(s) is (are) being returned for the following reason(s).

1. Your Application was not accompanied by the statutory filing fee, \$300.00 civil; \$80.00 criminal, or a sufficient pauper's affidavit. OCGA§5-6-4 and Rule 5 Please be advised that your pauper's affidavit should be notarized by a notary public.
2. Portions of the record included were not tabbed and indexed. Rules 30 (e) and 31 (c).
3. **A stamped "filed" copy of the trial court's order to be appealed was not attached to your Application. Rules 30 (b) and 31 (e)**
4. A stamped "filed" copy of the Certificate of Immediate Review was not attached to your Interlocutory Application. Rule 30(b)
5. Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)
6. There were an insufficient number of copies of your document. Rule 6
7. **You should provide a copy of your filing to the District Attorney and include his/her name and address on your Certificate of Service. Rule 6.**
8. **Your Certificate of Service did not include the complete name and /or mailing address of each opposing counsel and pro se party. Rule 1(a) and 6**
9. Your document exceeds page limits. Rules 24(f) , 30(e) and 31(c)
10. Your request for court action must be submitted in motion form. Rule 41 (a)
11. No extension of time for filing an interlocutory application will be granted . Rule 30 (g) . No extension of time will be granted for filing a discretionary application unless the motion for extension is filed on or before the due date of the discretionary application.
12. The type font was smaller than 10 characters per inch; type was not double-spaced or/and type was on both sides of the paper. Rules 1(c), 24(b), 37(a) and 41(b).
13. Your motions were submitted in an improper form (joint, compound, or alternative motions in one document). Rule 41 (b)
14. Margins were too small or paper size was incorrect. Rules 1(c), 24(c), 30(e), 31(c) and 41(b).
15. Your document was submitted for filing more than 30 days after the date of the order granting, denying or dismissing the application or the order granting, denying or dismissing the Motion for Reconsideration. Rules 30(j) and 31(j).
16. **Other:**

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

IN THE COURT OF APPEALS OF THE STATE OF GEORGIA

MARTINEZ, RODOLFO
(A.K.A. ZENITH VIVAS)
GDC-1000602079,
APPELLANT,
-V.-
STATE OF GEORGIA
APPELLEE.

CASE No.: _____
JUDGE: _____

[APPLICATION FOR A
DISCRETIONARY APPEAL]

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APPLICATION FOR A DISCRETIONARY APPEAL

JURISDICTION

O.C.G.A. §§ 5-6-34(a) and 5-6-34(b)

IN THE COURT BELOW

[HISTORICAL BACKGROUND]

ON JUNE 9, 2015, APPELLANT PROPOSED A CIVIL ACTION BY MEANS OF FILING A "PETITION FOR A WRIT OF MANDAMUS" BEFORE THE HONORABLE SUPERIOR COURT OF WHEELER COUNTY, GEORGIA, SEEKING TO GET SOME ASSISTANCE TO GAIN "ACCESS TO THE COURTS." HOWEVER, ON JUNE 26, 2015, HON. SARAH F. WALL, JUDGE, SIGNED ORDER DISAPPROVING FOR FILING SAID PETITION DUE TO "LACK OF VENUE."

IT IS IMPORTANT TO REMARK, THAT:

- 1.- IN HER ORDER, JUDGE WALL DID NOT STATE WHICH IS THE PROPER VENUE FOR THIS PROPOSED CIVIL ACTION;
- 2.- THE PETITION WAS NOT TRANSFERRED TO ITS PROPER VENUE;
- 3.- THE ORIGINAL PETITION WAS NOT EVEN RETURNED TO THE PETITIONER WITH INSTRUCTIONS, SO AS TO LET HIM KNOW OF HIS RIGHTS.

RECEIVED IN OFFICE
JULY 15 2015 11 AM
JULY 17 2015 11 AM
CLERK OF SUPERIOR COURT
WHEELER COUNTY, GEORGIA

RELIEF REQUESTED

APPELLANT PRAYS FOR THIS HONORABLE COURT WILL GRANT THIS HIS "APPLICATION FOR A DISCRETIONARY APPEAL"; AND THAT THIS COURT DEEM APPROPRIATE TO ISSUE A PRELIMINARY INJUNCTION, SO AS TO HIS RIGHTS OF ACCESS TO THE COURTS BE PROTECTED.

VERY RESPECTFULLY SUBMITTED, THIS 3RD DAY OF AUGUST, 2015.

VIVAS

RODOLFO L. MARTINEZ
(A.K.A. ZENITH VIVAS)
GDC ID #: 1000602079
WHEELER CORRECTIONAL
FACILITY - 9NS/27-T
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