

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

November 24, 2015

To: Mr. Kenneth W. Mikell, GDC1154850, Wheeler Correctional Facility, Post Office Box 466, Alamo, Georgia 30411

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. I am returning the "Request to Proceed InForma Pauperis" to you.**
- 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.
- Please note that 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.

IN THE COURT OF APPEALS
STATE OF GEORGIA

RECEIVED IN OFFICE
2015 NOV 18 PM 3:16
CLERK OF COURT
COURT OF APPEALS

KENNETH W. MIKELL,
1154850
VS.
THE STATE OF GEORGIA.

CASE NO: CRO3-1937-J2
NOTICE OF Appeal denying Motion
To Vacate Sentence

REQUEST TO PROCEED IN FORMA PAUPERIS
AT THE APPELLATE LEVEL

I, Kenneth W. Mikell, depose and say that I am the Plaintiff in the above entitled Case; that in Support of my Request to Proceed In Forma Pauperis at the Appellate Level without being Required to Prepay fees, Costs, or Give Security therefor, I State that because of my Poverty I am Unable to Pay the Costs of Said Proceeding or to Give Security therefor; that I believe I am entitled to Redress.

I further Swear that the responses which I have made to Questions and instructions below are true.

1- The Plaintiff has been incarcerated Since 2004 in the Georgia Department of Corrections.

2- List any and All Aliases by which you are known: N/A

3- Are You Employed? NO, Last Employment was in 2003 at Mikell Plumbing at \$1,520. PER MONTH.

4- Have You received within the Past Twelve Months ANY Money From any of The following Sources?

Business, Profession, or form of Self-employment?	NO
Pensions, annuities, or Life insurance payments?	NO
Rent, Payments, interest or dividends?	NO
Gifts or inheritances?	NO
Any other Sources?	NO

5- Do You Own ANY Cash or do You have money in A checking or Savings Account? NO

6- Do You Own ANY Real Estate, Stocks, bonds, notes, Automobiles, or other Valuable Property? NO

7- List the Persons who are dependent upon You for financial Support: NONE

I understand that a false statement or answer to any question in this affidavit will subject me to Penalties for Perjury and that State Law Provides as follows:

A. A person to whom a Lawful Oath or affirmation has been administered commits the offense of Perjury when, in a Judicial Proceeding, he knowingly and willfully makes a false statement material to the issue on point in question.

B. A Person Convicted of the offense of Perjury shall be Punished by a Fine of not more than \$1,000 or by imprisonment for not less than one nor more than ten Years, or both.

O.C.G.A. § 16-10-70.

Anthony W. Michael

11-13-15

VERIFICATION

I, Kenneth Wayne Mikell, do Swear and affirm Under Penalty of law that the statements Contained in this affidavit are true. I further attest that this Application for in forma Pauperis Status is not Presented to harass or to Cause Unnecessary delay or needless increase in the Cost of Litigation.

I am the Plaintiff in this Action and know the Content of the above Request to Proceed in forma Pauperis. I verify that the Answers I have Given are true of my own Knowledge, except as to those matters that are stated in it on my information and belief, and as to those matters I believe them to be true. I have read the Perjury Statute set out above and am aware of the Penalties for Giving out false information on this form.

Kenneth W Mikell

11-13-15

SWORN TO AND SUBSCRIBED BEFORE ME
THIS 13th DAY OF NOVEMBER, 2015

Sherry Travis
Notary Public



CERTIFICATE OF SERVICE

THIS IS TO CERTIFY THAT A TRUE AND CORRECT COPY OF THE WITHIN AND FOREGOING DOCUMENT(S) HAVE BEEN SERVED UPON THE PARTY(S) BELOW, HAVING BEEN DEPOSITED IN THE UNITED STATES MAIL IN A PROPERLY ADDRESSED ENVELOPE WITH ADEQUATE POSTAGE THEREON, TO:

Court of Appeals, Clerk
47 Trinity Ave, SW
ATLANTA, GA 30334

OFFICE OF DISTRICT ATT
133 MONTGOMERY ST
Suite 600
Savannah GA
31401

THIS THE 13 DAY OF November, 2015.

Signature: Kenneth W. Mickell

Print Name: Kenneth W. Mickell

GDC ID: 7154880

Address: W.C.F. Unit 9N1

P.O. Box 466

Alamo, GA

30411