



Court of Appeals of Georgia

September 19, 2015

TO: Mr. Said Mobin, ECRH, B-Side, 3405 Mike Padgett Highway, Augusta, Georgia 30906

RE: **A16A0008. Said Mobin v. The State**

CHECK RETURN

- Your check number _____ in the amount of _____ written on the account of your firm for the filing fee in _____ is enclosed. Please be advised that this Court is returning your check since the filing fee was already paid by _____.

CASE STATUS - DISPOSED

- The referenced appeal was dismissed on September 9, 2015. I have enclosed a copy of the Court's order for your review. I am returning your documents to you.**

CASE STATUS - PENDING

- The above referenced appeal is pending in your name before this Court. The appeal was docketed in the _____ Term and a decision must be rendered by the Court by the end of the _____ Term which ends on _____.

APPLICATION FOR PERMISSION TO APPEAL A PROBATION REVOCATION

- To appeal a probation revocation, you will need to file a Discretionary Application with this Court. Rule 31 of the Rules of the Court of Appeals of Georgia describes a Discretionary Application and the items you would need to include with your application.

A Discretionary Application must be filed within 30 days of the stamped filed date on the order that you are appealing and the application must be accompanied by a proper Certificate of Service and a pauper's affidavit or the \$80.00 filing fee. You must also comply with all the other applicable rules of Court regarding filing with the Court of Appeals of Georgia.

Enclosed, please find a copy of the Rules of the Court of Appeals for your review.

Court of Appeals of the State of Georgia

ATLANTA, September 09, 2015

The Court of Appeals hereby passes the following order:

A16A0008. SAID MOBIN v. THE STATE.

Said Mobin is under indictment in Columbia County for perjury and child abandonment. In July 2015, the trial court found that Mobin was not competent to stand trial and ordered him remanded to the custody of the Georgia Department of Behavioral Health and Developmental Disabilities. The next month, the trial court issued an order directing the staff at the hospital in which Mobin is housed to take any reasonable and necessary means to ensure that he receives medication necessary to restore him to competency. Mobin has filed a pro se direct appeal from this order. We lack jurisdiction for two reasons.

First, Mobin's pro se notice of appeal is a nullity because he currently is represented by counsel in this action and thus may not attempt to represent himself. See *Tolbert v. Toole*, 296 Ga. 357, 361-363 (3) (767 SE2d 24) (2014); *Jacobsen v. Haldi*, 210 Ga. App. 817, 818-819 (1) (437 SE2d 819) (1993).

Second, because the charges against Mobin remain pending below, he was required to use the interlocutory appeal procedures—including obtaining a certificate of immediate review from the trial court—to appeal the court order designated in his notice of appeal. See OCGA § 5-6-34 (b); *Boyd v. State*, 191 Ga. App. 435 (383 SE2d 906) (1989). His failure to do so deprives us of jurisdiction over his appeal. See *Bailey v. Bailey*, 266 Ga. 832, 833 (471 SE2d 213) (1996).

For both of the above reasons, Mobin's appeal is hereby DISMISSED for lack of jurisdiction.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 09/09/2015

*I certify that the above is a true extract from
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court
hereto affixed the day and year last above written.*

Stephen E. Carlton

, Clerk.

... OF GA, 47 Trinity Ave., S.W., Suite 501
Atlanta, GA 30334

9/8/2015

SAID MOBIN }
v. Appellant. }
GA STATE }
Appellee. }

APPEAL NUMBER: A16A0008

MOTION TO APPOINT A LAWYER
AND STOP THE DANGEROUS DRUG.

"I" SAID MOBIN, hereby MOVE this Hon. Court to consider the NOTICE of Appeal, my Affidavit of 10/28/14, Affidavit of 11/24/14 and Indigence Affidavit of JUNE 3, 2013; with the RECORDS as BRIEFS, as the Appellant is NOT a Lawyer to know how to prepare a Brief or APPOINT an Attorney for me to prepare the Brief. NOTICE dated 7/30/15 with Records.

The Appellant request to stop the harmful mental medications by force (Zyprexa; Zoloft) immediately as I injured my toes, rash and itching in my legs which can cause even death to the older (69 yrs) people. They have incarcerated me since 10/15/2013, ~ about (2) years; for filing a child custody case in 2010.

Respectfully,
SAID MOBIN
ECRH, B-SIDE
3405 Mike Padgett Hwy
Augusta, GA 30906

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2015 SEP 10 PM 3:43
COURT CLERK OFFICE
OF GA

Copy 103
The D/A, Mr. J.B. Smith
735 James Brown BLD., Suite 2400
Augusta, GA 30901
(AS proof of service)

IN THE APPEALS COURT OF GA, 47 Trinity Ave., S.W., Suite 501
Atlanta, GA 30334

SAID MOBIN }
v. APPELLANT. }
GA STATE }
APPELLEE. }

APPEAL NUMBER: A 16A 0008

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