

# COURT OF APPEALS OF GEORGIA

## RETURN NOTICE

October 28, 2015

To: Mr. Hernán Elias Morán, GDC1001533330, Calhoun State Prison, 27823 Main Street,  
Morgan, Georgia 39866

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).

**Again, there is no case pending in the Court of Appeals of Georgia under the name of Hernán Elias Morán.**

**This Court has the authority only to address appeals. You must file a Notice of Appeal or application from a judgment or order of an appropriate trial court for this Court to have jurisdiction to address any errors made by a trial court. Your documents are being returned to you.**

**Any requests or complaints about appointed counsel should be directed to the trial court. The Court of Appeals does not have the power or authority to appoint counsel for 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.

**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 \_\_\_\_\_  
divesting this Court of jurisdiction. The case decision is therefore final.

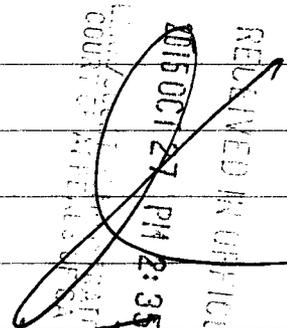
**Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the \_\_\_\_\_ is:

**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.

to: Honorable Court of  
APPEALS OF GEORGIA STATE

10/26/2015

From: HENNAN ELIAS MORAN  
ID# 1001533330  
CASE# 14B-04840-2



- NOTICE OF DEFAULT JUDGMENT -

- Honorable Court of Appeals of Georgia State ON SEPTEMBER 28, 2015 I had the HEARING FOR MOTION FOR NEW TRIAL WHERE THE JUDGE DENIED IT FOR CONSIDER THE JOB OF MY EX ATTORNEY DID IN GOOD STANDING.
- SINCE THAT DATE I HAVE TRIED TO GET THE STAMPED FILED COPY OF THE TRIAL ORDER TO START MY APPEAL PROCESS AND HAVE BEEN IMPOSSIBLE, THE ATTORNEY APPOINT FOR THE COURT TO HELP ME IN THIS MATTER DON'T ANSWER MY CALLS AND MY LETTERS.
- I ONLY HAVE 30 DAYS AFTER THE LAST HEARING TO SUBMIT ALL MY DOCUMENTS TO YOUR COURT AND MY RIGHTS HAVE BEEN VIOLATED BY GWINNETT COUNTY COURT, THEY ARE USING DELETE MANIOVER TO STOP MY PROCESS. (BAD FAITH PROCESS)
- THE COURT CHARGED ME WITH TRAFFICKING UNDER O.C.G.A 16-13-31. THIS LAW ON ANY OF THE PARAGRAPH READ THAT A PERSON CAN BE CHARGE TO

TRAFFICKING WITHOUT POSSESSION.

THE DRUGS FOUND WERE IN HANDS AND A CAR OF ANOTHER PERSON NAMED: JOSE TERÁN AGUIRRE.

- THE DISTRICT ATTORNEY HAD LEFT FREE TWO OF MY CO-DEFENDANTS, BUT WHEN I STARTED TO CLAIM ABOUT MY RIGHTS UNDER THE DUE-PROCESS, THEY BROUGHT BACK TO: JOSE JUAN AVILA, EXTRADITADO FROM CHARLOTTE NORTH CAROLINA. THIS IS ONLY SOME OF THE BAD INTENTIONS THAT THEY HAVE HAD AGAINST ME, BUT I STILL STUDYING MY CASE AND DISCOVER ALL THE MISTAKE THAT THEY HAVE DONE. THE LAW SHOULD BE FOLLOW AND RESPECT.

① MITCHEL V. STATE 268 GA 592 (492 SE 2D 204, 1997)  
CONSTRUCTIVE POSSESSION MUST BE BASED UPON SOME CONNECTION BETWEEN THE DEFENDANT AND THE CONTRABAND OTHER THAN MERELY SPATIAL PROXIMITY. (IN MY PERSONAL CASE DO NOT EXIST POSSESSION).

very important. ② ON OCTOBER 16, 2015, I WERE BROUGHT TO GWINNETT COUNTY, BECAUSE I SUPPOSE TO HAVE COURT ON OCTOBER 19, BUT THEY BROUGHT ME TO COURT AND I DON'T GET INN, I DON'T SEE THE JUDGE, ON OCTOBER 20, SAME THING HAPPEN, THEY DON'T GIVED ME THE HEARING. (I DON'T KNOW WHAT HAPPENED).

③ I HAVE ASKED FOR MY TRIAL TRANSCRIPTS AND HAVE BE IMPOSSIBLE TO GET THOSE, THAT SCARED ME, CAUSE IN CASE BEFORE THEY HAVE ALTERATED THOSE

④ PLAINTIFF, EQUAL PROTECTION AND CIVIL RIGHTS HAS BEEN

Violated.

(5) The sentence served by the Court generally determines the length of imprisonment, although prison terms may be shortened by credits awarded for satisfactory behavior after the first year. In addition, a sentence may be modified or corrected on review 18 U.S.C. § 3624 (B) (2000).

(6) Due process requires that information used for sentencing be reliable, remand to give defendant individualized opportunity to challenge amount of drugs attributed to him U.S. v. Maliszewski, 161 F.3d 992, 1027-28.

- I have 13 months between jail and prison and any of the benefits for freedom has been offered to me, because I am hispanic.

- Gwinnett County is knowing to deliver a lot of trafficking convictions to the hispanic community likewise without evidence, in my case they gave me wrong charge and abusive sentence, I am victim of discrimination and geographic disparities.

I looking for mercy and investigation in my case.

Attv: Hernan Elias Moran.