

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

January 29, 2015

To: Mr. Demetrius Mosley, GDC1000675521, Jenkins Release Centr, 3404 Kent Farm Drive, Millen, Georgia 30442

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.**
- ☐ **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.
- ☐ **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.

Court of Appeals,

I'm Mailing you concerning the Case No. 11SC101024.

However.

April 28 2014. The Court held a hearing on the above case Motion for New Trial. There was Three Grounds raised and the Court only heard Two.

The Appellate Counsel Subpoenaed Trial Counsel who was Present to be Impeached on Ineffective Assistance of Counsel (Reflected on T. 554 N. 21-23) and the Court denied us the right to be heard. Now we've filed another Motion to have the Court re-consider Our Motion for New Trial and he did not sign-off on any documents. Notify the Court on this matter to give them the chance to fix it Citing: Sullivan v. LA. 508 U.S. 275 278 (1993) hopefully he grant us the New Trial and re-consider Our Case.

Thank you!

January 26, 2015

Mr. Demetrius Mosley esq.

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U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA