

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

January 21, 2015

To: Mr. Larry Thomas O'Brien, 3 O'Brien Lane, Lakeland, Georgia 31635

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 _____
divesting this Court of jurisdiction. The remittitur issued on _____
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 Eleventh Circuit Court of Appeals is: 56 Forsyth Street, N.W., Atlanta, Georgia 30303.**
- 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.

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

John Ley
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

December 8, 2014

Larry Thomas O'Brien
3 O'Brien Lane
Lakeland, GA 31635

IN RE: State / County Filings

This letter is to acknowledge receipt of your correspondence received November 21, 2014, and has been referred to this office for response.

Please be advised after a thorough search of this Court's database using your name, prisoner number, and lower court case number (if available), has yielded no **PENDING** appellate case name or number. This office is unable to comply with your request since you have no pending appeal in this court. In the absence of pending appeal, as required by Rule 4 of the Federal Rules of Appellate Procedure, this court has no jurisdiction to grant the relief requested.

- This court has limited jurisdiction. *In general, only cases which have been first filed, and finally decided, in a **Federal United States District Court** within this circuit (Alabama, Georgia and Florida) may be appealed to this court.* If the district court has issued final judgment in your case, you may file a notice of appeal in that court. See Fed. R.App.P. 4, 24; 28 U.S.C. Sect. 1291, 1292

This document references a **STATE / COUNTY CASE NUMBER**, and therefore has been sent to the wrong court. If you have confused this **FEDERAL Appeals Court** with the **GEORGIA Court of Appeals Court**, their address is:

Court of Appeals of Georgia
47 Trinity Avenue S.W., Suite 501 Atlanta, GA 30334

We cannot assist you with this matter at this time and are, therefore, returning your correspondence so that you may attempt to resolve your case by other appropriate means.

Sincerely,

JOHN LEY, CLERK

By: Deb Hall
Operations Section

IN THE SUPERIOR COURT OF BERRIEN COUNTY
STATE OF GEORGIA

STATE OF GEORGIA
VS.
LARRY THOMAS O'BRIEN
Defendant

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)
INDICTMENT NO: 2009CR00305

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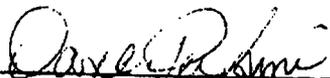
ORDER OF DISQUALIFICATION

The undersigned Judge having decided that he is disqualified to hear the above case for just and legal cause;

THEREFORE, the undersigned Judge does hereby voluntarily disqualify himself in the said case.

It is ordered that this order be filed in the office of the Clerk of the Superior Court of Berrien County, Georgia, and spread on the Minutes thereof.

SO ORDERED, this 14th day of February 2013.



Dane Perkins, Chief Judge
Berrien Superior Court
Alapaha Judicial Circuit