

# COURT OF APPEALS OF GEORGIA

## RETURN NOTICE

February 9, 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 \_\_\_\_\_  
\_\_\_\_\_ 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.

NOV 21 2014

Court of Appeals of Georgia<sup>(1)</sup>

Dear United States Court of Appeals

representatives, how are ya'll doing today. From the examination of court documents that I have acquired since 1979 regarding my name, it appears that I am the victim of a stalker. It is usually for the Alapaha Judicial Circuit governmental employees would accidentally document misprisions with every possible court case that I may have been involved with since 1979 until present day. During 1979 district attorney's office used confidential informant's testimony against me at jury trial in Lanier County Superior Court located in Katoelaud Georgia in which they claimed that I was in my white 1977 AMC Pacer when alleged act occurred. Being my first court activity, I was unfamiliar with the corrupt tactics that the local law enforcement and district attorneys would use to guarantee conviction. Also my paid attorneys Berren Sutton and Brooks Blitch were associated with the court system through their stock in probation services, suggesting it was more profitable to help district attorney's office with their prosecution, etc. Unsure if law enforcement automobiles were equipped with video surveillance during 1979 but since I owned the only white 1977 AMC Pacer in south Georgia meant that anyone

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

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](http://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

)  
)  
)  
)

INDICTMENT NO: 2009CR00305

2013 FEB 14 11:50

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 14<sup>th</sup> day of February 2013.



\_\_\_\_\_  
Dane Perkins, Chief Judge  
Berrien Superior Court  
Alapaha Judicial Circuit



## BRUNSWICK JUDICIAL CIRCUIT PUBLIC DEFENDER

Kevin Gough  
Circuit Public Defender

Jesup Office  
241 East Walnut Street  
Jesup, Georgia 31546  
Phone: (912) 427-9066 Fax: (912) 427-5913

Sophia C. Butler  
Jonathan P. Lockwood  
Jason A. Nix  
Assistant Public Defenders

July 29, 2013

Mr. Larry O'Brien  
713 River Road  
Lakeland, Georgia 31635

Re: Your recent letter regarding the Motion for New Trial/appeal in your case (09-CR-00305)

Dear Mr. O'Brien:

I have already sent you a copy of Judge Ellerbe's Order granting the motion for new trial and subsequent order **DISMISSING** your case (on May 22<sup>nd</sup> 2013). But I will include another copy for your reference. There is only one official copy of your transcript in my office that was purchased from the court reporter. I assume it was available to any other attorney from my office that has dealt with your case but I would not know personally. None of the people you named work in this office any longer, including Mr. Grayson P. Lane (as previously explained). I have only one copy of your transcript to work from and I maintain my position that it would be a violation of copyright law for me to make you another copy from the copy I have.

You ask about the attorney general's office getting copies of motions. Regarding motions for new trials and direct appeals to the court of appeals, the attorney general's office is NOT involved. These cases involve us, the district attorney's office, and the Court (either Superior Court or the Court of Appeals depending). Now you may be confusing the attorney general with the Court of Appeals, it is the clerk's job to send a copy of your entire official case file to the Court of Appeals. As explained previously we are currently waiting on them to do that so that the District Attorney have pursue their appeal of your dismissal (if they still want to). Remember you have already WON your case, they just want to argue that you shouldn't have won.

Your original "motion for new trial" which was filed by trial counsel was NOT heard by a judge, they rarely ever are. In general Judges wait until **appellate** counsel files an amended motion with the important details and then they will set a hearing. In your case I filed an amended motion (you have been sent a copy) and then we set a hearing, it was eventually heard by Judge Ellerbe and you were present for that hearing. No other hearings have been held on your case/appeal.

Previously Stated:

*As I informed you in my last letter the Judge has issued an order granting your motion for new trial and an order dismissing your case. The State/District Attorney has filed a Notice of Appeal*

# COURT OF APPEALS OF GEORGIA

## RETURN NOTICE

January 21, 2015

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

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Court of Appeals Case Number and Style: \_\_\_\_\_

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divesting this Court of jurisdiction. The case decision is therefore final.
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- 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.
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