

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

May 5, 2015

To: Mr. Kuinta K. Parker, GDC1080543, Wheeler Correctional Facility, Post Office Box 466, Alamo, Georgia 30411

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.
- Again, the 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.

KUNITA K. PARKER

V.

STATE OF GEORGIA

CRIMINAL CASE No.

2007-1077-2

RECEIVED IN OFFICE
2015 MAR -5 PM 1:11
CLERK OF SUPERIOR COURT
OF THE STATE OF GEORGIA

Notice of Appeal..

NOW COMES THE DEFENDANT IN THE ABOVE STYLE CASE APPELLING THE STATE DENIAL OF THE PRO SE MOTION TO MODIFY THE SENTENCE. CHIEF JUDGE DENIED MOTION ON APRIL 10TH 2015

THE STATE NEVER CONSIDERED THE FACTS OF THE PRO SE MOTION TO MODIFY SENTENCE.

1.

THE FELONY ACCUSATION OF POSSESSION OF SCHEDULE IV CONTROL SUBSTANCE 16.13.30, AND DRUGS NOT IN ORIGINAL CONTAINER (16.13.75) WERE DISMISSED ON APRIL 10TH 2015. THE DISMISSAL OF THE PREVIOUSLY MENTION CHARGES WERE BASED ON THE STATE INABILITY TO PROVE BEYOND A REASONABLE DOUBT AT A TRIAL THAT DEFENDANT WAS IN POSSESSION OF NARCOTICS, THEREFORE ASST. DISTRICT ATTORNEY CHRISTOPHER SPEARS MOTION TO DISMISS OTN NO. (88396497921) WAS GRANTED ON MARCH 11TH 2015 (PLEASE SEE ATTACHED DOCUMENT). UPON DEFENDANT ADMITTING TO VIOLATING THE TERMS OF HIS PROBATION ON 12.4.14 DISTRICT ATTORNEY C. SPEARS WAS AWARE THAT DEFENDANT ADMISSION WAS RESTRICTED TO THE CRIMINAL OFFENSES HE DID COMMIT IN WHICH WAS OBST. OF OFFICER 16.10.24, FOLLOWING TO CLOSELY 40-6.49, FLEEING TO ELUDE 40-6.395, AND SUSP. LICENSE ALL MISDEMEANOR OFFENSE. DEFENDANT ATTORNEY "STEPHANIE JOHNSON" ENSURED THAT THE ~~MANAVALANT~~ DISTRICT ATTORNEY

WAS AWARE THAT defendant admission of Guilty was with limited purposes not to include the charges that was dismissed. Record Reflect.

2.

O.C.G.A. 17-10-1 (A) (3)(A) ENSURES that a Probation Revocation will not exceed 1 year for new non-violent misdemeanor charges. The conviction of defendant on (4) misdemeanor or Traffic violation does not warrant a (3) year prison sentence. There is a mechanism for either the courts of this state or the district attorney to review, oversee, and modify a sentence that's excessive, illegal or just unfair and illogical... The fact that defendant was forced to have probation revocation hearing prior to conclusion of pending criminal accusations puts defendant in a position to be sentenced on mere accusations that could be dismissed etc. Constitutional rights says a defendant is innocent until proven guilty beyond a reasonable doubt. Instead probation revocations are prosecuted eagerly and zealously prior to criminal proceeding without apparent concern for whether the accusations against defendant will be thrown out dismissed.

3.

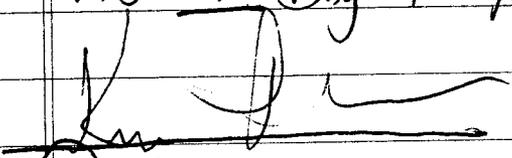
Defendant Request that sentence be modified to 6 months county jail with credit for time served or any relief courts deem necessary.

THIS IS TO CERTIFY THAT I HAVE SERVED A TRUE AND CORRECT COPY OF THE FOREGOING ORDER BY DEPOSITING A COPY OF THE SAME IN THE UNITED STATES POSTAL SYSTEM WITH ADEQUATE POSTAGE AFFIXED THERETO TO INSURE DELIVERY, ADDRESSED AS FOLLOWS..

COURT OF APPEALS OF GA.
Suite 501
47 Trinity Ave
Atlanta Ga. 30334

Linda D. Hays
Clerk of Court
1132 USHER ST.
Room # 38
Covington Ga. 30014

THIS 27th Day of April 2015



Pro Se
Sherry Travis
Notary 04/28/15



06/24/17
My Commission Expires