

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

January 5, 2015

To: Mr. Sim Pope, GDC369764, Coffee Correctional Facility, Post Office Box 650, Nicholls,
Georgia 31554

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 your papers to go to Ms. Jimmonique Rodgers, rather than the Court of Appeals of Georgia. The address for Ms. Jimmonique Rodgers, Esq. is The Appellate Division, GPDSC, 104 Marietta Street, Suite 600, 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.

P. O. Box 650
Nicholls, Ga.
DEC 23, 2014

Dear Mrs. Rodgers,

I pray that you are well, by God's Grace. I filed my appeal to the Court of Appeals, & was DENIED May 5, 2014, with TEN (10) Days to file a Motion For RECONSIDERATION, filed in Clerk's Office. Mine was Mailed from this Prison on May 19, 2014, but it was not filed in Clerk's Office until May 23, 2014. The Court stated they "Lost Jurisdiction" on May 21, 2014. I filed a Motion For Consideration Subject Matter Jurisdiction, stating "Appellate Practice Act Rule 4 (d) which states: In the absence of an official U.S. Postal Postmark showing a date on or before the dead-line, a document submitted by a prisoner, who is not represented by an attorney, shall be deemed filed on the date the prisoner delivers the document to the prison official for forwarding to the Clerk of Court of Appeals."

I appreciate any help to get my motion heard, or get an attorney to assist me in this.

RECEIVED IN OFFICE
JUN 2 11 23
CLERK OF COURT OF APPEALS

Respectfully Submitted,
Sim J. POPE, Jr.

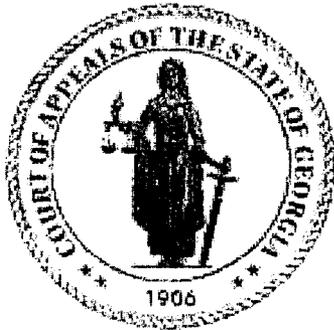
Court of Appeals of the State of Georgia

ATLANTA, December 19, 2014

The Court of Appeals hereby passes the following order

A14A0348. SIM J. POPE v. THE STATE.

Upon consideration of the APPELLANT'S Motion for Reconsideration in the above styled case, it is ordered that the motion is hereby DISMISSED.



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, December 19, 2014.*

*I certify that the above is a true extract from the minutes of
the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto
affixed the day and year last above written.*

Stephen E. Castle, Clerk.

**COFFEE COUNTY CORRECTIONAL FACILITY
MAIL LOG REPORT : INCOMING LOGGED MAIL
REPORT DATE(S): 5/8/14 to 5/8/14**

UNIT: 7

AGENCY NUMBER	NAME	MAIL TYPE	DATE MAIL RECEIVED/SENT BY FACILITY	FROM/TO	DATE MAIL RECEIVED BY INMATE	INMATE'S SIGNATURE	STAFF INITIALS
369764	POPE, SIM JAMES	INCOMING-LEGAL	05/08/2014 DD/001T	COURT OF APPEALS, 47 TRINITY AVE., ATLANTA GA 30334,	5-13-2014	<i>Sim J. Pope</i>	<i>SP</i>

The Court of Appeals
47 Trinity Avenue SW, Suite 501
Atlanta, Georgia 30334

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

June 23, 2014

Mr. Sim James Pope, Jr.
GDC369764
CCA/Coffee Correctional Facility
Post Office Box 650
Nicholls, Georgia 31554

RE: A14A0348. Sim James Pope v. The State

Dear Mr. Pope:

The Court of Appeals of Georgia affirmed the judgment of the trial court by this Court's opinion dated May 5, 2014. The remittitur issued from this Court on May 21, 2014, divesting this Court of further jurisdiction.

I am returning your Motion for Reconsideration .

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld
Enclosures

JUN 19 2014

Sim James Pope, Jr.	1	Action Number
v	1	#A14A0348
The State	1	

COURT CLERK
CLERK COURT OF APPEALS OF GA

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

2014 JUN 19 PM 2:47

RECEIVED IN OFFICE

MOTION FOR OUT OF TIME RECONSIDERATION
DUE TO EXTENUATING CIRCUMSTANCES

Comes now, Sim James Pope, Jr., in the above-styled Action requesting this Court, to review his Motion for Reconsideration, showing the following reason's":

1. The Court of Appeals Denied Defendant's Appeal on May 5, 2014. The Order stated that Defendant could File a Motion for Reconsideration, that Must Be physically Recieved in their Clerk'S Office within Ten Day's of the Decision to be Timely Filed.
2. Defendant has Enclosed, a Mail Log Report showing that the Order that was Ordered on the 5th of May, was recieved on the 8th of May at the Prison, and showing when Defendant Physically Recieved this Ruling, which was on the 13th of May, which is when the 10 Day's to File should have started.
3. O.C.G.A. 9-11-5(b) states," as used in this Code Section, "delivery of a Copy" means handing it to the Person to be Served" Proof of Service used in this prison is, Incoming Logged Mail System.
4. O.C.G.A. 9-11-6(e) entiles an Additional Three Day's because the Motion was Served by Mail, in McRae v Hogan, 317 Ga App. 813, 732 S.E.2d 855,(FN7). McRae v Hogan, srpra.[9](10) states the Effect of Failure to Timely Respond "waives the Opponet's right to Present Evidence in Opposition to the Motion. Cits. Landsberg v Powell, 278 Ga. App.13,15,627S.E.2d922(2006)(FN8).

5. O.C.G.A.1-3-1(a)(3) state's how Time is to be Computed, which would allow Defendant time Day's pass the 23 of May, which Defendant's Motion, was Timely Filed in the Clerk's Office.

To Deny Defendant to have his Motion for Reconsideration from being heard, would be Violating his United States Constutional 5th Amendment Right, as well as Georgia's, Art.1, Section 1, Par. 3.

Respectively Submitted,
Sim James Pope, Jr. 369764
Sim James Pope, Jr. 369764

THE GEORGIA COURT OF APPEALS
State of Georgia

Sim JAMES POPE

v

State

1
Action No. A14A0348
1

Motion For RECONSIDERATION
SUBJECT MATTER JURISDICTION

COMES NOW DEFENDANT, SIM JAMES POPE, JR. in the above-styled action and MOVES this Court to RECONSIDER its Order Dated May 5, 2014 and Remittur Issued May 14, 2014, divesting this Court of further Jurisdiction, based upon Time Bar. This Instant Motion For Consideration is based upon the following Reasons

1. This Court Motion is subject to the Appellate Practice Act Rule 4 (d) which states, "IN THE ABSENCE OF AN OFFICIAL U.S. POSTAL SEVERCE POSTMARK SHOWING A DATE ON OR BEFORE THE DEAD-LINE, A DOCUMENT

submitted by a Prisoner, who is not REPRESENTED by an Attorney, 'Shall BE' DEEMED FILED ON THE DATE THE PRISONER DELIVER'S THE DOCUMENT TO THE PRISON OFFICIAL FOR FORWARDING TO THE ~~COURT~~ CLERK OF THE COURT OF APPEALS."

2. Rule 37 PERMITS "PROVIDENTIAL CAUSE" ON WRITTEN MOTION BEFORE THE EXPIRATION OF 10 DAY'S. IN THIS REGARD, APPELLANT DID FORESEE THE POSSIBLE DELAY OR VIOLATION OF THE 10 DAY REQUIREMENT, DUE TO THE LATE RECEIPT OF ORDER FROM THIS INSTITUTION, MAY 13, 2014. APPELLANT HAS INCLUDED WITH THIS MOTION, THE MAIL LOG REPORT, PROVIDED BY THIS INSTITUTION WHICH CLEARLY SHOWS THE DATE HE RECEIVED THE ORDER (MAY 13, 2014), AND THE DATE HE MAILED OUT TO THE COURT OF APPEALS HIS MOTION FOR RECONSIDERATION (MAY 19, 2014). APPELLANT HAS ALSO INCLUDED AN AFFIDAVIT AND NAME OF THE INSTITUTIONAL'S OFFICIAL RESPONSIBLE FOR RECEIPT OF INSTITUTIONAL MAIL FROM INMATE'S.

3. Appellant emphasize "Providential Cause" and note that ANY and ALL Cause for this Delay was Totally out of his Control. That the Remittur issued from this Court on May 11, 2014, divesting this Court of Further Jurisdiction, was made without the BENEFIT OF REVIEW OF THE ENCLOSED Document's. Appellant Prayer-Fully Request Consideration For REVIEW, based UPON ENCLOSED Document's which if Verified pursuant to the circumstances will allow For the Retention of Jurisdiction.

Submission of this Request is authorized by Georgia Court Rule's and Procedural ACT 4 (d) and Rule 37.
No Brief attached.

Respectfully Submitted,

Sim JAMES POPE, Jr.

SIM POPE 369964
P.O. Box 650
Nicholls, Ga. - 31554



JACKSONVILLE, FL

29 DEC 2014

RECEIVED IN OFFICE

2015 JAN -2 PM 4:27

CLERK/COURT ADMINIS (RATOR)
COURT OF APPEALS OF GA

Att. Attorney Jimmonique Rodgers
Court of Appeals

477 Trinity Ave.

Atlanta, Georgia 30308

303084500647

"Please Return Enclosed"

PLEASE RETURN ENCLOSED

CCA/Cohee Corrections Facility
P.O. Box 650 North, GA 31534

The enclosed letter was processed through special mailing procedures for forwarding to you. Once inspected, if the writer has a question or problem, which this facility/center has jurisdiction you may wish material for further information or clarification. If writer wishes correspondence for forwarding to another address, please return the enclosure to the above address.