

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

April 17, 2015

To: Mr. Stacy Pope, GDC12871, Walton County Jail, 1425 South Madison Avenue,
Monroe, Georgia 30655

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.

IN THE GEORGIA COURT OF APPEALS

STATE OF GEORGIA
VS
STACY POPP

CASE #

APPLICATION FOR LEAVE TO APPEAL THE TRIAL COURT JUDGMENT OF CONVICTION & SENTENCE PURSUANT TO O.C.G.A. § 5-6-35

NOW COMES THE DEFENDANT IN THE ABOVE STATED ACTION & REQUESTS THAT THIS COURT ACCEPT THE DEFENDANT'S PRE-APPLICATION FOR A DISCRETIONARY REVIEW OF TRIAL COURT CONVICTION & SENTENCE PURSUANT TO O.C.G.A. § 5-6-35 & IN SUPPORT OF DEFENDANT'S APPLICATION SHOWS THIS COURT THE FOLLOWING:

1) THAT THE ATTORNEY OF RECORD, DAVID FOUNTAIN, LIES TO THIS DEFENDANT STATING HE WOULD FILE THIS APPEAL REVIEW REQUEST AFTER THE MARCH 11TH 2015 JUDGE OTT SENTENCING HEARING

2) THAT THIS DEFENDANT IS PRESENTLY INCARCERATED IN THE WALTON COUNTY GEORGIA JAIL & PURSUANT TO O.C.G.A. § 5-6-4 & RULE 5 THE FILING FOR THIS APPLICATION IS WAIVED.

3) THAT THIS IS NOT THE DEFENDANT'S ACTUAL APPLICATION, BUT ONLY A FILING TO PRESERVE MY RIGHT TO APPEAL THE MAY 23RD 2014 TRIAL, AFTER THE 30 DAYS 20 SENTENCE ON MARCH 11TH 2015. I WAS & AM AN INDIGENT DEFENDANT & HAVE NOT BEEN APPOINTED AN APPEAL ATTORNEY TO DATE.

4) THAT THIS PRE-APPLICATION IS NOT REQUIRED TO MEET THE STANDARDS OF O.C.G.A. § 5-6-35 & RULE 31(C) AS I HAVE NOT BEEN ASSIGNED AN APPEAL ATTORNEY

5) THAT THIS DEFENDANT CANNOT SATISFY THE PROVISIONS OF O.C.G.A. § 5-6-39 & RULE 16(a) CONCERNING SHOWING A GOOD FAITH EFFORT MADE TO OBTAIN AN EXTENSION FROM THE TRIAL COURT. AS THE ATTORNEY OF RECORD HAS NOT FILED ANY MOTIONS.

6) THAT THIS WAS CONVICTED OF TRAFFICKING COCAINE, CASE # 10-CR-0552-2 IN THE WALTON COUNTY SUPERIOR COURT, BEFORE JUDGE OTT

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2015 APR 14 PM 1:42
CLERK OF SUPERIOR COURT
WALTON COUNTY, GEORGIA

CERTIFICATE OF SERVICE

I CERTIFY THAT ON APRIL 2ND 2015, I MAILED A COPY OF THIS PRE-APPLICATION & ALL ATTACHMENTS TO THE WALTON COUNTY DISTRICT ATTORNEY'S OFFICE AT THE FOLLOWING ADDRESS:

WALTON COUNTY SUPERIOR COURT
303 SOUTH HAMMOND DRIVE
MONTROSE, GEORGIA 30655

Stacy Pope

STACY POPE
#12871
1425 SOUTH MADISON AVE
MONTROSE GEORGIA 30655