

# COURT OF APPEALS OF GEORGIA

## RETURN NOTICE

September 1, 2015

To: Mr. James Anthony Price, AIS#188095 0-75, William E. Donaldson Correctional Facility, 100 Warrior Lane, Bessemer, Alabama 35023

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. The mailing address for the Supreme Court of Georgia is: 244 Washington Street, S.W., Suite 572, Atlanta, Georgia 30334.**
- 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 CRIMINAL APPEALS

TONY PRICE (

PETITIONER (

VS (

CASE NO: \_\_\_\_\_

EARLENE M. BRAMLETT (

CLERK OF SUPREME COURT (

SEMINOLE COUNTY (

RECEIVED  
2015 AUG 21 PM 4:13  
COURT OF CRIMINAL APPEALS  
STATE OF GEORGIA

PETITION FOR WRIT OF MANDAMUS.

COMES NOW THE ABOVE STYLED PETITIONER TONY PRICE AND PETITIONS  
THIS HONORABLE COURT PURSUANT TO THE GEORGIA RULES OF APPELLATE  
PROCEDURE FOR AWRIT OF MANDAMUS TO ISSUE TO THE HONORABLE EARLEN  
M. BRAMLETT CLERK OF THE SUPREME COURT SEMINOLE COUNTY GEORGIA  
IN THE ABOVE STYLED CAUSE AND IN SUPPORT OF SAME THIS PETITIONER  
WILL SHOW UNTO THIS HONORABLE COURT THE FOLLOWING TO WIT

1. JURISDICTION

THIS HONORABLE COURT HAS JURISDICTION OVER THE ABOVE REFERENCE  
PARTIES AND OVER THE ABOVE STYLED CAUSE SUBJECT MATTER PURSUANT  
TO THE GEORGIA RULES OF APPELLATE PROCURE

2. VENUE

VENUE IS PROPER BECAUSE THE RESPONDENT EARLENE M. BRAMLETT IS  
THE CLERK OF SUPREME COURT SEMINOLE COUNTY GEORGIA WHICH IS  
LOCATED IN THE STATE OF GEORGIA COUNTY OF SEMINOLE.

2: ISSUE PRESENTED FOR REVIEW

WHETHER MANDAMUS IS THE APPROPRIATE METHOD TO COMPEL THE  
RESPONDENT TO PROCEED FORWARD TO PROVIDE THE PETITIONER  
WITH ACCESS TO THE COURT

4. STATEMENT OF THE FACTS

ON MAY 2, 2014 THE PETITIONER WROTE A LETTER TO THE  
RESPONDENT EARLENE M. BRAMLETT CLERK OF THE SUPREME COURT OF  
SEMINOLE COUNTY DONALDSON GEORGIA ASKING HER TO FORWARD TO HIM  
COPIES OF THE FORM THAT WAS USED BY DEFENDANTS TO FILE POST-  
CONVICTION-PETITIONS TO ATTACK THEIR CONVICTIONS SEE EXHIBIT A

THEN ON MAY 12, 2014 THE RESPONDENT EARLENE M. BRAMLETT CLERK  
OF THE SUPREME COURT SEMINOLE COUNTY GEORGIA WROTE A LETTER TO  
THE PETITIONER STATING THAT HER OFFICE DOES NOT OFFER ANY  
FORMS EITHER CIVIL OR CRIMINAL IN CRIMINAL OR CIVIL MATTERS SEE  
EXHIBIT B

AND ON SEPTEMBER 12, 2014 THE PETITIONER WROTE YET ANOTHER  
LETTER TO THE RESPONDENT EARLENE M. BRAMLETT CLERK OF THE  
SUPREME COURT SEMINOLE COUNTY ASKING HER TO SUPPLY HIM WITH THE  
NAME AND ADDRESS OF THE AGENCY OR INDIVIDUAL THAT THE PETITIONER  
MAY OBTAIN FORMS THAT ARE REQUIRED TO FILE POST-CONVICTION-  
PETITIONS IN THE SUPREME COURT OF SEMINOLE COUNTY GEORGIA  
DONALDSONVILLE GEORGIA SEE EXHIBIT C

ON SEPTEMBER 26, 2014 THE RESPONDENT EARLENE M. BRAMLETT  
CLERK OF THE SUPREME COURT OF SEMINOLE COUNTY GEORGIA DONALDSON-  
VILLE GEORGIA WROTE THE PETITIONER AND INFORMED THE PETITIONER  
THAT HER OFFICE DOES NOT OFFER ANY FORM AND THAT SHE DID NOT  
KNOW OF ANY AGENCY OR INDIVIDUAL THAT THAT COULD GIVE THE  
PETITIONER ANY INFORMATION SEE EXHIBIT D

5. REASON WHY THE WRIT SHOULD ISSUE

THE PETITIONER ARGUES THAT MANDAMUS IS A DRASTIC AND EXTRA-ORDINARY WRIT, THAT WILL BE ISSUED ONLY WHEN THERE IS A

- 1) CLEAR LEGAL RIGHT IN THR PETITION TO THE ORDER SOUGHT
- 2) AN IMPERATIVE DUTY UPON THE RESPONDENT TO PERFORM
- 3) THE LACK OF ANOTHER ADEQUATE REMEDY
- 4) PROPERLY INVOKED JURISDICTION OF THE COURT

EX PARTE HORTON 711 so 2d 979 (ALA. 1988)

THE PETITIONER HAS COMPLEDE AND COMPLETELY COMPLIED WITH RULE 21 (a) A.R.A.P. AND THE RESPONDENT HAS REFUSED TO PRODUCE THE MATERIAL HE SOUGHT, THEREFORE, THE ONLY ISSUE TO BE RESOLVED BY THIS HONORABLE COURT IS 1) WHETHER THE RESPONDENT HAS A IMPERATIVE DUTY TO GIVE THE PETITIONER ACCESS TO THE MATERIALS REQUESTED AND 2) WHETHER THE PETITIONERS ACCESS TO THE MATERIA GIVES HIM ACCESS TO THE COURT AND 3) WHETHER THE PETITIONER HAS SHOWN A CLEAR LEGAL RIGHT TO THE REQUESTED MATERIAL HE SEEKS

THE PETITIONER ARGUES THAT, THE RESPONDENT EARLENE M. BRAMLETT CLERK OF THE SUPREME COURT OF SEMINOLE COUNTY DONALDSONVILLE GEORGIA HAS A IMPARATIVE DUTY TO GIVE THE PETITIONER ACCESS TO THE COURT BY SUPPLYING HIM WITH THE REQUESTED MATERIALS HE ASKS SO HE CAN AR ATTACK HIS CONVICTION IN THE SEMINOLE COUNTY GEORGIA DONALDSONVILLE GEORGIA FOTR THE CHARGE OF "POSSESSION OF COCAINE" AND THAT THIS CHARGHE WAS USED TO ENHANCE HIS SENTENCE IN THE STATE OF ALABAMA FOR THE OFFENSE OF ROBEBRY IN THE FIRST DEGREE IN VIOLATION OF TITLE 13A-8-41 (a) (1) CODE OF ALABAMA (1975) AND HIS RESULTING SENTENCE OF "LIFE WITHOUT PAROLE" PURSUANT TO THE ALABAMA HABITUAL FELONY OFFENDER ACT "TITLE 13A-5-9 (c) (4) CODE OF ALABAMA (1975)"

THE PETITIONER ARGUES THAT IN BOUNDS V SMITH 430 US 817  
52 LED 2d 72, 97, s ct 1491 (1977) THE UNITED STATES SUPREME  
COURT HELD THAT

" IT IS NOW ESTABLISHED BEYOND DOUBT THAT  
PRISONERS HAS A CONSTITUTIONAL RIGHT TO  
ACCESS TO THE COURTS"

THE PETITIONER ARGUES FURTHER THAT, R THE FAILURE OF THE  
RESPONDENT TO PROVIDE THE PETITIONER WITH THEREQUESTED DOCUMENTS  
CLEARLY DENIES THE PETITIONER HIS CONSTITUTIONAL RIGHT TO ACCESS  
TO THE COURTS

6. CONCLUSION

FOR THE ABOVE AND FOREGOING REASONS THE PETITIONER MOVES THIS  
HONORABLE COURT TO ISSUE A WRIT OF MANDAMUS TO THE HONORABLE  
EARLENE M. BRAMLETT CLERK OF THE SUPREME COURT SEMINOLE COUNTY  
DONALDSONVILLE, GEORGIA DIRECTING HER TO PROVIDE THE PETITIONER  
WITH THE REQUESTED MATERIAL SO THAT THE PETITIONER MAY EFFECTIVEL  
CHALLENGE HIS CONVICTION IN SEMINOLE COUNTY DONALDSONVILLE  
GEORGIA FOR THE CHARGE OF "POSSESSION OF COCAINE"

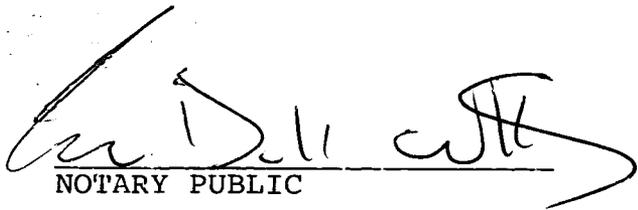
DONE THIS THE 25 DAY OF August ~~June~~ 2015

RESPECTFULLY SUBMITTED

  
\_\_\_\_\_  
TONY PRICE  
AIS# 188095  
WILLIAM E. DONALDSON CORRECTIONAL FACILITY  
100 WARRIOR LANE  
BESSEMER, ALABAMA 35023

SWORN TO AND SUBSCRIBED BEFORE ME ON THIS THE 25<sup>th</sup> DAY OF August ~~2015~~

2015

  
NOTARY PUBLIC

MY COMMISSION EXPIRES OCTOBER 24, 2016  
\_\_\_\_\_  
MY COMMISSION EXPIRES

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE SERVED A COPY OF THE ABOVE AND FOREGOING UPON THE FOLLOWING BY PLACING A COPY IN THE UNITED STATES MAIL POSTAGE PREPAID AND PROPERLY ADDRESSED THIS THE 25 DAY OF ~~SEPTEMBER~~ <sup>August</sup> 2015 AS FOLLOWS

CC: HONORABLE EARLENE M. BRAMLETT  
CLERK OF THE SUPERIOR COURT  
SEMINOLE COUNTY  
P.O BOX 672  
DONALDSONVILLE, GEORGIA 39845

CC: HONORABLE T. CRAIG EARNEST  
DISTRICT ATTORNEY  
P.O DRAWER 30  
CUTHBERT, GEORGIA 39840

CC: OFFICE OF THE CLERK OF THE SUPERIOR COURT  
SEMINOLE COUNTY  
P.O BOX 672  
DONALDSONVILLE, GEORGIA 39845

CC: *Office of The Attorney Genl  
40 Capital Square SW  
Atlanta Georgia 30334*

RESPECTFULLY SUBMITTED

  
\_\_\_\_\_  
TONY PRICE  
AIS# 188095  
WILLIAM E. DONALDSON CORRECTIONAL FACILI  
100 WARRIOR LANE  
BESSEMER, ALABAMA 35023

5/2/2014

MAY 2, 2014

*RALPH A*

*Jan Capt*

HONORABLE EARLENE M. BRAMLETT  
CLERK OF SUPREME COURT  
SEMINOLE COUNTY  
P.O BOX 672  
DONALDSONVILLE, GEORGIA

RE: COPY OF POST CONVICTION RULES

DEAR HONORABLE BRAMLETT;

THIS BRIEF LETTER IS TO ASK YOU TO PLEASE FORWARD TO ME COPIES OF YOUR FORMS THAT YOU USE TO FILE A "POST CONVICTION REMEDIE" TO ATTACK MY CONVICTION FOR "POSSESSION OF COCAINE" IN SEMINOLE COUNTY DONALDSONVILLE GEORGIA.

THE STATE OF ALABAMA HAS A FORM WHICH IS CALLED CONVICTION REMEDIES ALSOKNOWN AS "PETITIONFOR RELIEFFROM CONVICTION OR SENTENCE" RULE 32 A.R.CRIM.P.

PLEASE GIVE THIS MATTER YOUR MOST :PROMPT ATTENTION AS TIME IS OF THE ESSENCE HERE.

ALSO COULD YOU PLEASE FORWARD TO ME FOUR (4)COPIES OF THESE FORMS AND RULES

RESPECTFULLY SUBMITTED

*James Anthony P. P. P.*

CC: FILE

5/12/2014

*Earlene M. Bramlett*

Earlene M. Bramlett  
CLERK OF SUPERIOR COURT, MAGISTRATE AND JUVENILE COURT  
SEMINOLE COUNTY  
DONALSONVILLE, GEORGIA 39845

Telephone: (229)524-2525  
FAX: (229)524-8883

200 South Knox Avenue  
P.O. Box 672

May 12, 2014

James Anthony Price  
AI#188095  
William E. Donaldson Correctional Facility  
100 Warrior Lane  
Bessemer, AL 35023

Mr. Price:

I am in receipt of your letter dated May 2, 2014. This office does not offer any forms for either civil or criminal matters.

Sincerely,

*Earlene M. Bramlett*

Earlene M. Bramlett  
Clerk of Superior Court  
Seminole County

*Ct. Legal Document, Com*

9/12/2014

*Edw. B. C.*

*Your Copy*

SEPTEMBER 12, 2014

HONORABLE EARLENE M. BRAMLETT  
CLERK OF SUPREME COURT  
SEMINOLE COUNTY  
P.O BOX 672  
DONALDSONVILLE, GEORGIA

RE: INFORMATION

DEAR HONORABLE BRAMLETT;

THIS BRIEF LETTER IS TO ASK YOU FOR SOME INFORMATION. AT PRESENT I'M TRYING TO FILE A POSTCONVICTION PETITION IN THE COURT OF SEMINOLE COUNTY, WHERE I HAVE A POSSESSION OF COCAINE CONVICTION, I NEED THE FORMS THAT ARE USED TO FILE THIS ACTION I WROTE YOU A LTTER IN MAY OF 2014 ASKING FOR THESE FORMS YOU ADVISED ME THAT YOU DO NOT HAVE THESE FORMS.

I'M REQUESTING THAT YOU PLEASE FORWARD TO ME THE NAME AND ADDRESS OF THE AGENCY OR INDIVIDUAL THAT I CAN WRITE IN ORDER TO OBTAIN COOPIES OF THESE FORMS, AS I NEEDTHESE FORMS IN ORDER TO FILE A POST CONVICTION PETITION IN THE COURT OF SEMINOLE COUNTY.

PLEASE GIVE THIS MATTER YOUR MOST PROMPT ATTANTION

SINCERELY

*James Anthony Price*

JAMES ANTHONY PRICE  
AIS# 188095  
WILLIAM E. DONALDSON CORRECTIONAL FACILITY  
100 WARRIOR LANE  
BESSEMER, ALABAMA 35023

CC: FILE

9/26/2014

*Earlene M. Bramlett*

Earlene M. Bramlett  
CLERK OF SUPERIOR COURT, MAGISTRATE AND JUVENILE COURT  
SEMINOLE COUNTY  
DONALSONVILLE, GEORGIA 39845

Telephone: (229)524-2525  
FAX: (229)524-8883

200 South Knox Avenue  
P.O. Box 672

September 26, 2014

James Anthony Price  
AIS# 188095  
William E. Donaldson Correctional Facility  
100 Warrior Lane  
Bessemer, AL 35023

Mr. Price:

I am in receipt of your letter dated September 12, 2014. This office does not offer any forms. I do not know of any agency or individual that can give you information.

Sincerely,

*Earlene M. Bramlett*

Earlene M. Bramlett  
Clerk of Superior Court  
Seminole County