

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

August 7, 2015

To: Phillip D. Price, Esq., Abernathy Price & Associates, 301 East Main Street, Canton, Georgia 30114

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.
- Per the application clerk's call to you on today's date, our records reflect that you are not admitted to the Bar of the Court of Appeals of Georgia. We also understand you are planning admission via Expedited Remote Admission Application. Please follow the instructions on our website at: www.gaappeals.us.
- Electronic filing is mandatory in this Court. The following Rule 46 became effective January 1, 2015.

XXII. ELECTRONIC FILING OF DOCUMENTS

Rule 46. Electronic Filing of Documents.

Counsel is required to use the Court's electronic filing system and to follow the policies and procedures governing electronic filing as set forth in the Court's electronic filing instructions. The Clerk of Court may grant a request for exemption from mandatory electronic filing for good cause shown. An adverse decision by the Clerk of Court may be appealed by motion to the Court via a paper filing.

Rule passed October 21, 2014 - effective January 1, 2015



ORIGINAL

IN THE COURT OF APPEALS
STATE OF GEORGIA

MOTION TO WITHDRAW AS COUNSEL

IN THE INTEREST OF:

J.D. (DOB: 04/28/2008)
A Child.

FILED IN OFFICE

JUL 30 2015

COURT CLERK
CLERK COURT OF APPEALS OF GA

FROM THE J
CHEROKEE CO
TRIAL COURT

COURT OF
GEORGIA
AJ-0979

C/

*Attorney not
admitted with
the court.
Called Attorney
8-16-15*

Telephone:
Facsimile: (

RECEIVED IN OFFICE
2015 AUG -5 PM 3:15
COURT OF APPEALS OF GA

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MOTION TO WITHDRAW AS COUNSEL

COMES NOW, PHILIP D. PRICE, trial counsel for Summer Holt, Sister to Appellant April Daniels in the above-captioned case, and states as follows:

1.

I respectfully request permission to withdraw as counsel in the above-captioned case for Summer Holt, Sister to Appellant April Daniels in the above-captioned case. Once this trial court matter was adjudicated in Cherokee County Juvenile Court, case number 028-14J-0979, my representation of Ms. Holt terminated and I closed my file.

2.

The Court of Appeals for the State of Georgia retains jurisdiction of this action.

3.

Ms. Holt has been advised that she has the burden of keeping the Court informed with respect to where notices, pleadings, or other papers may be served.

4.

Ms. Holt has been advised that that she needs to stay in contact with the Court.

5.

Ms. Holt has been advised of this and has been advised to retain a new attorney.

6.

Ms. Holt has been advised that if he fails or refuses to meet these burdens, she may suffer adverse consequence.

7.

At this time, Ms. Holt has been advised that there has not been a court appearance set in this matter.

8.

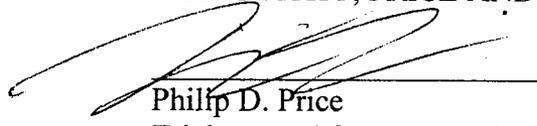
That service of future notices in this pending action may be made upon Ms. Holt at the last known address as follows:

*Ms. Summer Holt
212 Harvest Moon Park
Linden, PA. 17744*

WHEREFORE, counsel prays that the above Motion To Withdrawal as trial counsel
be granted.

This 20 day of July, 2015.

Respectfully Submitted,
ABERNATHY, PRICE AND ASSOCIATES



Philip D. Price
Trial counsel for Summer Holt
Georgia Bar No. 554360

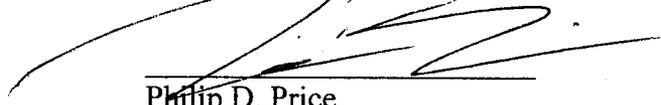
Abernathy, Price & Associates
301 East Main Street
Canton, Georgia 30114
(770) 479-1471
(770) 479-0373 (f)

CERTIFICATE OF NOTICE OF INTENT TO WITHDRAW

COMES NOW, PHILIP D. PRICE, trial counsel for Summer Holt, Sister to Appellant April Daniels in the above-captioned case, and files this Certificate of Notice of Intent to Withdraw pursuant to Georgia Court of Appeals Section II, Rule 9(d) and shows this Honorable Court that not less than ten (10) days before submitting to this Court my Motion to Withdraw as Counsel regarding the above-referenced matter, I did serve upon the Summer Holt by certified mail, notice of my intent to withdraw, a copy of which is attached hereto as "Exhibit A."

This 20 day of July, 2015.

Respectfully Submitted,
ABERNATHY, PRICE AND ASSOCIATES



Philip D. Price
Trial counsel for Summer Holt
Georgia Bar No. 554360

Abernathy, Price & Associates
301 East Main Street
Canton, Georgia 30114
(770) 479-1471
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L. REBECCA ABERNATHY*
PHILIP D. PRICE
ABBEY D. MOORE
(*Admitted in Georgia, Florida and Connecticut)

H. STEVE ABERNATHY
(OF COUNSEL)

July 29, 2015

VIA CRRR 7010 3090 0001 2379 7948

Ms. Summer Holt
212 Harvest Moon Park
Linden, PA. 17744

Re: State Court of Appeals Case Number: A15D0500

In the Interest of J.D., a minor
Juvenile Court of Cherokee County
Case No.: 028-14J-0979

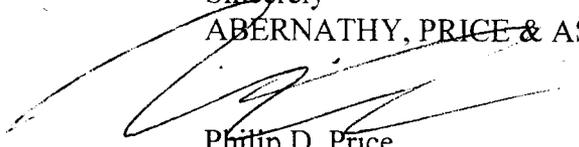
Dear Ms. Holt:

Please be advised that pursuant to Georgia Court of Appeals Section II, Rule 9(d), I am hereby notifying you that I am withdrawing as attorney of record on your behalf in the above-captioned matter.

It will be your responsibility to keep the Court informed of your whereabouts in order that notices, pleadings, or other papers may be served. Please be advised that, as of the date of this letter, no court appearance has been scheduled. Further, you have the obligation to prepare for trial or hire other counsel when the trial date has been set. If you fail to meet these burdens, you may suffer adverse consequences. It is my understanding that the dates of any scheduled proceedings including trial will not be affected by my withdrawal.

Sincerely

ABERNATHY, PRICE & ASSOCIATES



Philip D. Price
Attorney at Law

PDP/ekh
Enclosures: as stated above

cc: Ms. Summer Holt, via regular mail



CERTIFICATE OF SERVICE

This is to certify that on or before the date indicated below, I have served upon the Father, Robert Eldred, and all parties, a true and correct copy of the foregoing Motion to Withdraw as Counsel and Certificate of Notice of Intent to Withdraw by U.S. Mail with adequate postage affixed and addressed to:

**Ms. Marjorie M. Musgrave, Esq.
10 North Street
Canton, GA. 30114**

**Ms. Lauren Keller, Esq.
341 East Main Street
Canton, GA. 30114**

**Ms. Courtney Goodwin, Esq.
250 East Main Street, Suite 102N
Canton, GA. 30114**

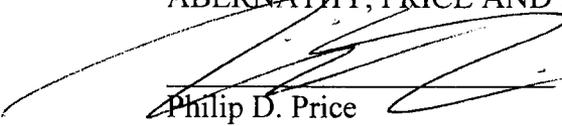
**Mr. Jonathan Kesler, Esq.
250 East Main Street, Suite 204A
Canton, GA. 30114**

**Ms. Gina Smalley, Esq.
401 Atlanta Street
Marietta, GA. 30060**

**Mr. Richard Jones, Esq.
221 E. Main Street
Canton, GA. 30114**

This 29 day of July, 2015.

Respectfully Submitted,
ABERNATHY, PRICE AND ASSOCIATES


Philip D. Price
Trial counsel for Summer Holt
Georgia Bar No. 554360

Abernathy, Price & Associates
301 East Main Street
Canton, Georgia 30114
(770) 479-1471
(770) 479-0373 (f)

ORDER GRANTING WITHDRAWAL

The Motion to Withdraw as Counsel filed by prior trial counsel for Summer Holt, PHILIP D. PRICE, having come before the Court, and said Motion having been read and considered, and it appearing that counsel has given adequate notice to his client respecting such intention to withdraw and that no objection to said Motion has been filed by Ms. Holt, The State, or any party referenced therein,

It is therefore **ORDERED, ADJUDGED** and **DECREED** that said Motion is hereby granted.

This _____ day of _____, 2015.

JUDGE
GEORGIA COURT OF APPEALS



Prepared and presented by:

Philip D. Price, Esq.
Abernathy, Price & Associates
301 East Main Street
Canton, Georgia 30114