

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

August 10, 2015

To: Mr. Kevin Rose, GDC563571, Autry State Prison, Post Office Box 648, Pelham,
Georgia 31779

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 appeal 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.
- If your documents dated July 20, 2015 are intended to be a Motion for Reconsideration, please note that the Motion for Reconsideration 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 including the Certificate of Service.**

GA. COURT OF APPEALS,

20 JULY 2015

ON JULY 15 2015 I RECEIVED A LETTER DENYING MY APPLICATION IN CASE # A A 15D 0472 - 11CR-80 BECAUSE IT WAS OUT OF TIME. I FILED MY APPLICATION IN A TIMELY MANNER. IT WAS RETURNED TO ME BECAUSE THE COURTS ORDER WASN'T STAMPED "FILE COPY." SO BY THE TIME I WROTE THEM AND THEY RESPONDED, I WAS OUT OF TIME. I HAVE FILED 6 MOTIONS IN THIS (WHITFIELD COUNTY) COURT, AND THEY ARE ROBBERING ME OF MY DUE PROCESS. FROM THE DATE THE ORDER IS SIGNED TIL IT GETS MAILED IS 10-14 DAYS, THEN ITS 7-10 MORE DAYS IN THE MAIL, (WE ONLY GET MAIL 4 DAYS A WEEK), THEN THE ORDER ISN'T STAMPED "FILE COPY" SO THERE'S 20 TO 25 MORE DAYS AND THE COURT KNOWS EXACTLY WHAT ITS DOING. MY LAST 2 MOTIONS HAVE BEEN FILED FOR 2 MONTHS AND I STILL HAVEN'T RECEIVED A STAMPED FILE COPY.

SO PLEASE EXPLAIN HOW I CAN BE TIMELY IN YOUR COURT?! ALL I WANT TO DO IS FIX MY ILLEGAL / VOID SENTENCE.

FILED IN OFFICE
JUL 21 2015
COURT CLERK
CLERK COURT OF APPEALS OF GA

WILL YOU PLEASE RECONSIDER
MY APPLICATION ON ITS MERITS. I
WANT TO AVOID A HABEAS BUT
I CAN FILE ONE. I HAD HOPED
THEY WOULD FIX THEIR MISTAKE
WITHOUT ALL THIS DRAMA.

SO CAN YOU PLEASE EXPLAIN WHERE
IS MY DUE PROCESS? HOW CAN I
FOLLOW THE RULES, WHEN THE COURTS
DON'T FOLLOW THEIR OWN? SO HOW
DO I GET AN APPEAL HEARD?

Sincerely
Kevin S.
Rose

KEVIN S. ROSE 563571
AULTY STATE PRISON

P.O. BOX 648

PELHAM, GA.

31779

P.S. ENCLOSED ARE A LETTER FROM YOU
TELLING ME TO GET MY COPY STAMPED "FILE
COPY" AND ON FROM THE CLERK ADMITTING
THEY AREN'T FOLLOWING RULES.

June 8, 2015

Kevin Rose #563571

Autry State Prison

P. O. Box 648

Pelham, GA 31779-0648

Dear Sir:

The copy of the dismissal was not a stamped copy because it came from the judge's office. If you wish to obtain a stamped filed copy you must request it from the clerk's office.

Sincerely,

Melica Kendrick

Melica Kendrick, Clerk of Court

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS

May 27, 2015

To: Mr. Kevin Rose, GDC563571, Autry State Prison, Post Office Box 648, Pelham, Georgia 31779

Docket Number: Style: Kevin Rose v. The State

Your document(s) is (are) being returned for the following reason(s).

1. Your Application was not accompanied by the statutory filing fee, \$300.00 civil; \$80.00 criminal, or a sufficient pauper's affidavit. OCGA§5-6-4 and Rule 5 Please be advised that your pauper's affidavit should be notarized by a notary public.
2. Portions of the record included were not tabbed and indexed. Rules 30 (e) and 31 (c).
3. **A stamped "filed" copy of the trial court's order to be appealed was not attached to your Application. Rules 30 (b) and 31 (e)**
4. A stamped "filed" copy of the Certificate of Immediate Review was not attached to your Interlocutory Application. Rule 30(b)
5. Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)
6. There were an insufficient number of copies of your document. Rule 6
7. **You should provide a copy of your filing to the District Attorney and include his/her name and address on your Certificate of Service. Rule 6**
8. **Your Certificate of Service must include the complete name and /or mailing address of each opposing counsel and/or pro se party. Rule 1(a) and 6**
9. ~~Your document exceeds page limits. Rules 24(f) , 30(e) and 31(c)~~
10. Your request for court action must be submitted in motion form. Rule 41 (a)
11. No extension of time for filing an interlocutory application will be granted . Rule 30 (g) . No extension of time will be granted for filing a discretionary application unless the motion for extension is filed on or before the due date of the discretionary application.
12. The type font was smaller than 10 characters per inch; type was not double-spaced or/and type was on both sides of the paper. Rules 1(c), 24(b), 37(a) and 41(b).
13. Your motions were submitted in an improper form (joint, compound, or alternative motions in one document). Rule 41 (b)
14. Margins were too small or paper size was incorrect. Rules 1(c), 24(c), 30(e), 31(c) and 41(b).
15. Your document was submitted for filing more than 30 days after the date of the order granting, denying or dismissing the application or the order granting, denying or dismissing the Motion for Reconsideration. Rules 30(j) and 31(j).
16. Other:

For Additional information, please go to the Court's website at: www.gaappeals.us