

# COURT OF APPEALS OF GEORGIA

## RETURN NOTICE

December 28, 2015

To: Mr. Tony Ross, GDC1295994, Hays State Prison, 777 Underwood Drive, Trion,  
Georgia 30753

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 the name of Tony Ross. Your letter copy to Mr. Schoolcraft is enclosed.**
- 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. We do not have a file to append your copy.
- 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.

To: Office of the Clerk, GA. Court of Appeals.

My name

is Tony Lamar Ross, and my case number is  
08SC73566. I'm writing you with a attached  
letter that I wrote my lawyer. It's referring  
to the motion I asked him to file so I can bring  
this up in my Appeal Court. I'm just writing you  
and also to inform you of what I have asked. This is  
a very important matter for me.

Thank You

Tony Ross

RECEIVED IN OFFICE

2016 DEC 18 PM 3:50

CLERK/COURT ADMINISTRATOR  
COURT OF APPEALS OF GA

Dear Mr. Schoolcraft,

I wrote you 4 times before my court date November 28, 2015 telling you that I would like for you to put this motion or ground in my Amended for New Trial, which is 17-8-3 Entry of Nolle Prosequi (when? how it's allowed). In my last letter, I told you how my Judge Wendy Shoob, allowed the ADA Andrew Schwartz enter a order of Nolle Prosequi and Re-Indictment on November 12, 2008. As it states in 17-8-3, After an examination of the case in open court and before it has been submitted to a jury, the prosecuting attorney may enter a nolle prosequi with the consent of the court. After the case has been submitted to a jury, a nolle prosequi shall not be entered except by the consent of the defendant. Now, I went to trial on November 10, 11, 12 and got convicted on November 13, 2008. On November 12, the jury was already submitted and swore in. I didn't consent to it, I wasn't even aware of it. I got paper work showing and proving when the judge signed off on it (that was on November 12<sup>3</sup> was filed in office on November 13). This is a serious matter, I ask you to add this in my Amended motion for new trial, so if ~~that~~ the court do denial my motion for new trial I can still raise this matter on my Appeals. I'll will like to know did you file 17-8-3 in my motion?

Thank You, Tony Ross