



Court of Appeals of Georgia

August 14, 2015

TO: Mr. Frank J. Schwindler, Jr., GDC323208 B-1-3-L, Phillips State Prison, 2989 West Rock Quarry Road, Buford, Georgia 30519

RE: **A04A0059 (CR99086KA), A01A2365 (CR99086KA) and A03A0671 (CR99086KA)**

REQUEST FOR COPIES

- We received your request for copies. Copies are \$1.50 per page in this Court. Your pauper status does not excuse you from the copy fees in this Court. The Court of Appeals of Georgia is not subject to the Open Records Act. Costs for copies you indicated you would like are:

Please send your check or money order to the following address specifying exactly what copies you want to be sent to you. Your request will be processed and sent to you by return mail.

Court of Appeals of Georgia
47 Trinity Avenue, S.W. • Suite 550
Atlanta, Georgia 30334

RECYCLED RECORDS

- Our copies of the referenced record(s) have been recycled under our Record Retention Schedule. While the original record is maintained by the trial court, the clerk's office recycles its copy of the record one year after the remittitur date. You may want to contact the clerk of the Superior Court of Chatham County, who should have the original copies of your record(s). That court may be able to provide answers to all your questions.**

COURT RULES

- At your request, a copy of the Rules of the Court of Appeals of Georgia has been enclosed for your review.

APPOINTMENT OF COUNSEL

- You should direct an inquiry concerning appointment of counsel to the trial court from which you are appealing. This Court cannot appoint counsel for you.

FRANK J. SCHWINDLER, JR.
323208 / B-1-3-L
PHILLIPS STATE PRISON
2989 WEST ROCK QUARRY RD.
DUNFORD, GA 30519-4118

9 August 2015
s/s: 15-0810-4026

Clerk of Court
Georgia Court of Appeals
47 Trinity Avenue
Atlanta, GA 30334

RE: SCHWINDLER v. STATE; A01A2365

Dear Clerk of Court;

Peace!!! The State recently introduced a CD-Rom into evidence in my State habeas corpus that claims to contain all the records from both the trial and appellate courts. A review of the CD-Rom shows that it does not contain all the records, but since the State "lost" all my original copies, I now need help identifying what's missing - and what's available.

My case (99-CR-0869) (Chatham County) had what amounted to four separate and distinct appeals. Schwindler I was the main case. It was A01A2365. That is all on the CD-Rom except for my pro-se objections to withdrawal of counsel in your court. Schwindler II was an interlocutory appeal filed by the Chatham County Sheriff. At least part of this is on the CD-Rom, but it's quite irrelevant to the habeas. Schwindler III & IV both occurred after the others. None of either of them appears on the CD-Rom, yet both are critical to the habeas.

What I need to know is what were their docket numbers, and what specific records (index, briefs, decisions) are available? The sooner I can get this information, the sooner the Federal court (which has already concluded the GDC improperly "lost" my records) can order the State to obtain them and provide them to the habeas court.

I also need to know the Court's policy as to the inclusion of so-called discovery items as part of the appellate record - especially

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as to items which have been ruled to be inadmissible. (The federal rule appears to be that only materials admitted into evidence are made part of the record, except for those ordered to be included to perfect the record.)

Thank you very much for your time, patience, and assistance.
Thank you also for your timely response to my questions. Peace!!!

Very Respectfully,

Frank J. Schwindler, Jr.

FRANK J. SCHWINDLER, JR.