

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

January 26, 2015

To: Mr. Mark D. Scott, Jr., GDC851559 J-1#122, Johnson State Prison, Post Office Box
344, Wrightsville, Georgia 31096

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.
- 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.

MARK D. SCOTT JR. #851559 J-1#122
JOHNSON STATE PRISON
P.O. BOX 344
WRIGHTSVILLE, GA. 31096-0344

CLERK OF THE COURTS
47 TRINITY AVE. SW. STE 501
ATLANTA, GA. 30334

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COURT OF APPEALS OF GA.

To whom this may concern;
My name is Mark D. Scott Jr. As you can tell, I am an inmate here at Johnson State Prison; the reason why I am writing you all this letter is to appeal a decision that I feel was not properly as well as fairly investigated. So if you would, could you please look over it, and make a decision for yourselves; I would also like for you to let me know as well.

This 16th day of January 2015

P.S. I was never informed by the judge upon my guilty plea in 1996 that I had to register as a sex offender. It has been over 10 years since then & I am asking to be taken off the registry that's all.

Respectfully Submitted
Mark D. Scott
Mark D. Scott #851559
Johnson State Prison
P.O. Box 344
Wrightsville, GA. 31096

**IN THE SUPERIOR COURT
OF FLOYD COUNTY, GEORGIA**

STATE OF GEORGIA,

vs.

MARK DANIEL SCOTT, JR.,

Defendant.

)
)
) **CRIMINAL ACTION FILE**
) **NO. 96-CR-2507-1(F)**
)
)
)

**ORDER ON "MOTION TO CLARIFY TERMS OF
PETITIONER PURSUANT TO O.C.G.A. §42-1-12"**

On August 19, 1996, the Defendant pled guilty to one count of Aggravated Sodomy (O.C.G.A. §16-6-2), and he was sentenced to ten years, to serve four years in confinement, with the balance on probation. On July 14, 1999, the Defendant signed a Sex Offender Registration Notice which advised him of the requirements under O.C.G.A. §42-1-12 to register as a sex offender. The Defendant has now filed a "Motion to Clarify Terms of Petitioner Pursuant to O.C.G.A. §42-1-12." In his Motion, the Defendant seeks to be removed from the registration requirements.

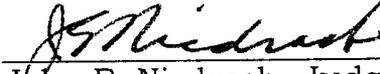
O.C.G.A. §42-1-19 governs petitions for release from registration requirements. Section (a) sets forth four grounds for release. The Defendant's Motion, however, does not specify which of the ground(s) apply to his case, and only subsection (4) appears to apply. That subsection provides that the Court may consider release if an individual "[h]as completed all prison, parole, supervised release, and probation for the offense which required registration pursuant to Code Section 42-1-12 and meets the criteria set forth in subparagraphs (c)(1)(A) through (c)(1)(F) of Code Section 17-10-6.2." The Defendant's Motion does not address those criteria.

O.C.G.A. §42-1-19(c)(2) provides that consideration for release also requires

that ten years have elapsed since the end of probation or that the individual is classified as a level I risk assessment. In this case, ten years has not elapsed since the end of the Defendant's probationary period and the Defendant's Motion does not set forth his risk assessment classification.

For the foregoing reasons, the Defendant's Motion is hereby DENIED.

This 6th day of January, 2015.



John E. Niedrach, Judge
Floyd County Superior Court
Rome Judicial Circuit

c: Mark Daniel Scott, Jr.
Hal Goldin, ADA