

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

January 5, 2015

To: Mr. Darrell Simpson, GDC303240, Baldwin State Prison, Post Office Box 218,
Hardwick, Georgia 31034

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 current case pending in the Court of Appeals of Georgia under your name and Case No. 01-9-3179-53 from Cobb County Superior Court.

Also, the Court of Appeals of Georgia is an appellate court and not an investigatory agency.

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 divesting this Court of jurisdiction. The remittitur issued on _____

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.

RE:

Darrell Simpson, #303240

Baldwin State Prison

P.O.Box 218

Hardwick, Ga.31034

IN RE:

Cobb County Superior Court

Docket No. Lower ct.

#01-9-3179-53

(MOTION PURSUANT TO O.C.G.A. 17-9-4)

December 27, 2014

Attn: Clerk OF COURT;

“COURT OF APPEALS OF GEORGIA”

This letter is in regards to a “MOTION TO CORRECT NULL AND VOID ILLEGAL SENTENCE PURSUANT TO O.C.G.A. 17-9-4 that was filed in the Cobb County Superior Court Clerks office on September, 14th 2014, p.m. 8:59. There was filed along with this motion in question a ‘Rule Nisi service’, ‘ Motion for Appointment of Counsel’, which the Trial Court Judge Robert D. Leonard made a ruling on the motion (without) a hearing. On November 12th 2014, the Order was filed and the Motion (DENIED).

The (Order) was received on the 18th day of November 2014, and my “NOTICE OF APPEAL” was served with the Clerks office of Cobb Superior Court and served to the District Attorney’s office Tricia Hull Esq., which was filed on the 19th day of November 2014.

The Clerk’s office nor the District Attorney’s office (has not) responded to the “NOTICE OF APPEAL” that was timely filed for this Honorable Courts review which this court has subject matter jurisdiction.

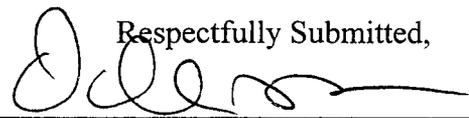
I am respectfully requesting that this appeal from the lower court be investigated by your office in order that the appeal be properly processed to this court and receive the due process of the law that I am guaranteed.

*attachment: “letter Dec.6th, 2014 to clerk of superior court cobb county.”

RECEIVED IN OFFICE
2015 JAN 2 PM 4:28
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

1 of 2

Respectfully Submitted,


DARRELL SIMPSON

CERTIFICATE OF SERVICE

This is to certify that I have this day served the "Clerk of Court of the Court of Appeals of Georgia", and the "Clerk of Court of the Cobb County Superior Court" a certified copy of the enclosed letter addressing his appeal, with a true and correct copy of the same in the United States Mail, with adequate postage thereon to ensure prompt delivery, and addressing it to:

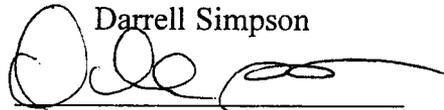
SERVED:

CLERK OF COURT
COURT OF APPEALS OF GEORGIA
SUITE 501
47 TRINITY AVENUE
ATLANTA, GEORGIA 30334

SERVED:

CLERK OF COURT
Rebecca A. Keaton
Cobb Superior Court
Court Division
P.O.Box 3370
Marietta, Ga. 30061

This 27th day of December 2014


Darrell Simpson

RE:

Darrell Simpson, #303240
Baldwin State Prison
P.O.Box 218
Hardwick, Ga. 31034

(cc personal files)

* Attachment ; FOR (COURT OF APPEALS OF GA.)

December 6, 2014

RE: Darrell Simpson #303249

case no. 01-9-3179-53

Baldwin S.P. M-3-35

P.O.Box 218

Hardwick, Ga. 31034

Att: Rebecca A. Keaton, Clerk;

This letter to you is in reference to my {NOTICE OF APPEAL} from the DENIED Motion To Correct Null And Void Illegal Sentence Pursuant to O.C.G.A. 17-9-4, that was mailed to you on The 19th day of November, 2014. Be advised that this Motion is intended for you to prepare the "records" transcript from the Defendants jury trial, transcript from the proceedings, and filings to you prior to the motion for inclusion to be filed to the "COURT OF APPEALS OF GEORGIA."

Please notice me when this appeal has been forwarded. Thank you for your prompt attention and action regarding this matter before you.

[p.s.]

(Certificate of service- attachment)

Respectfully Submitted;

Darrell Simpson



CERTIFICATE OF SERVICE

This is to certify that I have this day served the "Clerk of Court," and the "District Attorney's Office" the enclosed letter addressing his appeal to the COURT OF APPEALS OF GEORGIA, with a true and correct copy, by placing a copy of same in the United States Mail, with adequate postage thereon to ensure prompt delivery, and addressing it to:

SERVED:

REBECCA A. KEATON, CLERK

Cobb Superior Court

Court Division

P.O. Box 3370

Marietta, Ga. 30061

SERVED:

TRICIA HULL, Esq.

Assistant District Attorney

70 Haynes street

Marietta, Ga. 30090

This 6th day of December 2014.

RE:

Darrell Simpson, #303240

Baldwin State Prison

P.O.Box 218

Hardwick, Ga. 31034