

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

June 9, 2015

To: Mr. Bryan K. Sims, GDC1000762491, 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).

- I am in receipt of your letter of June 3, 2015. This office has not received the record on your appeal from Douglas County, Georgia. You may want to check with the clerk of the trial court and ascertain if the record is being prepared and approximately when the clerk will send the record to this office. Please understand the Court of Appeals of Georgia is not an investigatory agency. This Court cannot research the delay of your appeal for you.**
- 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.

Good day to you

6/3/15

My name is Bryan K. Sims # 10007102491. I recently filed an appeal against the denial of a "Motion for out of time appeal" with the Douglas County Superior Court in Case Proceeding 11CR01123-B. The Notice of Appeal was filed with the Douglas County Superior Ct. November 2014. I was mailed a bill for \$431 for the transfer of the record and transcript to the Court of Appeals, where I replied with the filing of "Affidavit of Indigency". In Dec. of 2014 Douglas County Superior Court granted indigency stating I may proceed forward in forma pauperis. However Douglas County Superior Court is refusing to forward the transcript and record of the case proceeding to the clerk of the Court of Appeals unless I pay the fee of \$431. If the county of Douglas has granted for me to proceed forward indigent, i.e. the exclusion of fees, I am confused as to why Douglas County is withholding the transfer of my transcript + record to the Court of Appeals for matter of a transfer fee. I have written the Douglas County Clerks office numerous times to address this matter and I either receive illegitimate reasons for their failure to transfer or at times no answer at all. May you please contact the Douglas County Superior Court and instruct them to forward the case record and transcript of Criminal case proceeding 11CR01123-B to you all immediately since they have granted for the appeal to proceed in forma pauperis over 6 months ago.

Respect fully submitted this 3 day
of June 2015



Bryan K. Sims

10007102491

Baldwin State Prison

P.O. Box 218

Hardwick, Ga

31034