

# COURT OF APPEALS OF GEORGIA

## RETURN NOTICE

April 17, 2015

To: Mr. Earl Sims, GDC1207830, Macon State Prison, Post Office Box 426, Oglethorpe, Georgia 31068

Case Number: \_\_\_\_\_ Lower Court: \_\_\_\_\_ County Superior Court \_\_\_\_\_

Court of Appeals Case Number and Style: A14A0241. Earl Sims v. The State

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.
- 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.
- 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.

Our records indicate your attorney of record as: Ms. Mary Erickson, Attorney at Law, Post Office Box 89188, Atlanta, Georgia 30312.

Your Motion for Reconsideration is being returned to you.

- 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.

COURT OF APPEALS  
OF GEORGIA

FILED IN OFFICE  
APR 16 2015  
COURT CLERK  
CLERK COURT OF APPEALS OF GA

STATE OF GEORGIA

v

EARL SIMS

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)  
) DOCKET NO. A14A0241  
)  
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MOTION FOR RECONSIDERATION

RECEIVED  
2015 APR 16 PM 3:13  
COURT OF APPEALS OF GA

COMES NOW, Earl Sims, pro se, petitioner, and brings this motion for reconsideration regarding this court's opinion in this above-captioned case, affirming the trial court's decision in this matter.

BASIS FOR GRANTING MOTION FOR RECONSIDERATION

1. The state didn't prove that petitioner intended to possess the particular drug.  
Mohamed vs. State, 314, GA APPEALS, 181
2. Trial Court didn't offer curative instruction.
3. Trial Court didn't give mistake of fact.
4. Sixth Amendment right violated, Trial Counsel failed to obtain witness
5. Due Process, Equal Protection right violated.

WHEREFORE, petitioner respectfully request that this court inquire into and reconsider it's opinion affirming the trial court decision.

Respectfully Submitted this 12<sup>th</sup> day of April, 2015

Earl Sims  
P.O. Box 426  
Oglethorpe, GA 31068

COURT OF APPEALS  
OF GEORGIA

FILED IN OFFICE

APR 16 2015

COURT CLERK  
CLERK COURT OF APPEALS OF GA

STATE OF GEORGIA

v

EARL SIMS

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)  
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RECEIVED IN OFFICE  
2015 APR 16 PM 3:14  
COURT OF APPEALS OF GA

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Respectfully Submitted this 12<sup>th</sup> day of April, 2015

Earl Sims  
P.O. Box 426  
Dalton, GA 31006

**Certificate of Service**

This is to certify that I have this day served a true and correct copy of the within and foregoing document(s) upon the party(s) listed below by depositing a copy of same in the United States Mail in a properly addressed envelope with adequate postage thereon to below addresse(s).

Cobb County District Attorney  
Victor Reneolds  
70 Haynes Street  
Marietta, GA 30090

\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

This the 12<sup>th</sup> day of April, 20 15.

Signature Earl