

**COURT OF APPEALS OF GEORGIA  
DOCUMENT RETURN NOTICE FOR APPLICATIONS**

**June 16, 2015**

**To:** Mr. Farris G. Smith, GDC1201574 2F, Coffee Correctional Facility, Post Office Box 650, Nicholls, Georgia 31554

**Docket Number:** A15D0423 **Style:** **Farris G. Smith v. The State**

Your document(s) is (are) being returned for the following reason(s).

1.  Your Application was not accompanied by the statutory filing fee, \$300.00 civil; \$80.00 criminal, or a sufficient pauper's affidavit. OCGA§5-6-4 and Rule 5 Please be advised that your pauper's affidavit should be notarized by a notary public.
2.  Portions of the record included were not tabbed and indexed. Rules 30 (e) and 31 (c).
3.  A stamped "filed" copy of the trial court's order to be appealed was not attached to your Application. Rules 30 (b) and 31 (e)
4.  A stamped "filed" copy of the Certificate of Immediate Review was not attached to your Interlocutory Application. Rule 30(b)
5.  Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)
6.  There were an insufficient number of copies of your document. Rule 6
7.  **No Certificate of Service accompanied your document(s).**
8.  **The Certificate of Service must include the complete name and /or mailing address of each opposing counsel and/or pro se party. Rule 1(a) and 6**
9.  Your document exceeds page limits. Rules 24(f) , 30(e) and 31(c)
10.  Your request for court action must be submitted in motion form. Rule 41 (a)
11.  No extension of time for filing an interlocutory application will be granted . Rule 30 (g) . No extension of time will be granted for filing a discretionary application unless the motion for extension is filed on or before the due date of the discretionary application.
12.  The type font was smaller than 10 characters per inch; type was not double-spaced or/and type was on both sides of the paper. Rules 1(c), 24(b), 37(a) and 41(b).
13.  Your motions were submitted in an improper form (joint, compound, or alternative motions in one document). Rule 41 (b)
14.  Margins were too small or paper size was incorrect. Rules 1(c), 24(c), 30(e), 31(c) and 41(b).
15.  Your document was submitted for filing more than 30 days after the date of the order granting, denying or dismissing the application or the order granting, denying or dismissing the Motion for Reconsideration. Rules 30(j) and 31(j).
16.  **Other:**

---

For Additional information, please go to the Court's website at: [www.gaappeals.us](http://www.gaappeals.us)

IN THE COURT OF APPEALS  
FOR THE STATE OF GEORGIA

RECEIVED IN OFFICE  
2015 JUN 15 PM 2:36  
CLERK/COURT ADMINISTRATOR  
COURT OF APPEALS OF GA

FARRIS G. SMITH,  
GDC # 1201574,  
Appellant,

v.

STATE OF GEORGIA,  
Respondent.

CASE NO :

A15D0423

APP' FOR DISCRETIONARY  
APPEAL

FILED IN OFFICE

JUN 10 2015

COURT CLERK  
CLERK-COURT OF APPEALS OF GA

By :

FARRIS G. SMITH  
GDC # 1201574  
CCA/CCA - (2-F)  
p.o. Box 650  
Nicholls, Ga 31554

NOTICE TO CLERK AND  
REQUEST FOR EXTENSION OF TIME TO FILE

RE: APPLICATION NO: A15D0423

STYLE: FARRIS G. SMITH V. THE STATE

Appellant (Smith) as named herein above did receive "Notice of Docketing" to wit: above case number on Tuesday - June 2, 2015 via the coffee correctional facility mail-room, into which a second document was attached and dated - Atlanta - May 27, 2015., and said document states that: "Appellant's discretionary application" does not contain a stamped 'filed' copy of the ORDER which is being appealed as required by Rule 31(e). please see herein attached "Appellant's EXHIBIT - 'A-1' (MEMO) TO: MRS. MARSHA THOMAS (clerk of superior

court of Appling county, Brunswick Judicial circuit) . . . From: E.M. WELKES, III., chief Judge of superior courts Brunswick Judicial circuit, as relates to the 'filing' of said 'ORDER'. Due to the time for filing requirements imposed by this court - (30 days), Appellant was forced to file his Application for discretionary appeal with the "only" available trial court 'ORDER' as documented in the applications 'INDEX', see Line # (7) with yellow tab (p.1-3). Applicant now seeks either a continuance from the (10) day deadline to file the stamped "File" copy of the 'ORDER' . . . e.g., time extension to file or - he request that said copy of 'ORDER' along with Appellant's Exhibit -

"A-1" be deemed sufficient to proceed in the above case as Appellant files his application pro se and while incarcerated, meaning: that he does not have access to a Fax machine, E-mail or other electronic device in order to meet the (10) day deadline, and as this court can clearly see... the trial court clerk's Failure to stamp "File" said 'ORDER' is no fault of Appellant and this deliberate attempt by the trial court to cause a procedural default in order to deny Appellant his right to appeal should be weighed heavily against the trial court.

✗ Tomis G. Smith

This 2<sup>nd</sup> day of **JUNE**, 2015  
(6-2-2015)

FARRIS G. SMITH  
GDC# 1201574 (2-F)  
P.O. BOX 650  
NICHOLS, GA 31554

APPELLANT'S  
EXHIBIT "A-1"



RECEIVED

MAY 05 2015

Coffee Correctional Facility

**Judge E. M. Wilkes III**  
**Superior Courts of Georgia, Brunswick Judicial Circuit**  
Jeff Davis County Courthouse  
Post Office Drawer 1540  
Hazlehurst, Georgia 31539-1540

Telephone  
(912) 375-6632  
Fax (912) 375-6634

Circuit Counties:  
Appling County  
Camden County  
Glynn County  
Jeff Davis County  
Wayne County

**MEMO**

**TO:** MRS. MARSHA THOMAS  
Clerk of Superior Court

**FROM:** E. M. WILKES, III  
Chief Judge of Superior Courts  
Brunswick Judicial Circuit

**DATE:** May 1, 2015

**RE:** State of Georgia vs. Farris Gerald Smith  
Criminal Action No. C03-12-121

---

Enclosed please find an Order in the above-referenced case which I would appreciate your filing. By copy of this Memo, I am forwarding a copy to all pro se parties or their Counsel of Record.

cc: Farris G. Smith  
GDC #1201574  
P. O. Box 650  
Nicholls, GA 31554