

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

June 25, 2015

To: Mr. Michael Gary Smith, GDC1092479, Telfair State Prison, Post Office Box 549,
Helena, Georgia 31037

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).

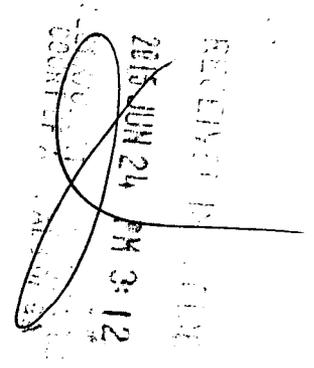
- There is no current case pending in the Court of Appeals of Georgia under your name.**
- A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37.** Once the trial court clerk has received and filed the Notice of Appeal, the trial 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.

In The Appellate Court of Northern Georgia
State Of Georgia

State of Georgia

v.

Michael Gary Smith



" Motion To Appeal Void Sentence. "

I, Michael Gary Smith, come before the appellate court, in accordance with code section 5-7-1 (d) (5), in which I ask the court for an opportunity to be granted an application, so that I can appeal the order that the Rockdale Co. Georgia, Superior Court Judge, made on May-21-2015, dismissing void sentence. I ask to be granted a chance to appeal under the following ground(s).

1) Violation of State Statute 17-10-11(d), which reads " Each person convicted of a crime in this state shall be given full credit for each day spent in confinement awaiting trial and for each spent in confinement, in connection with and resulting from court order entered in the criminal proceedings for which sentence was imposed, in any institution or facility, for treatment or examination of a physical or mental disability. The credit or credits shall be applied toward the convicted person's sentence and shall also be considered by parole authority in determining the eligibility of the person for parole. "

Code Section 17-10-11(b), " This code section applies to sentences for all crimes, whether classified as violations, misdemeanors, or felonies, and to all courts having ~~jurisdiction~~ criminal jurisdiction located within the boundaries of this state. "

My Rockdale County, not granting me full credit for the time I served in the county jail, from June-18-2010, to Aug-4-2011, in case # 2007-CR-1294N, is a violation to my 14 Amendment, equal protection to due process of law, due to I was unconstitutionally deprived out of the thirteen months... (four hundred) days total.

ence that the state law does not all that govern's Revocation proceedings.
O.C.G.A 42-8-38(c) " After the hearing, the court may revoke, modify, or continue
the probation. If the probation is revoked, the court may order the execution of the
sentence originally imposed or of any portion thereof. In such event, the time that
the defendant served shall be deducted from and considered a part of the time he was
originally sentenced to served. "

1. 8 Amendment, cruel and unusual punishment. It's cruel and unusual for the
superior court of Rockdale Co, Georgia. Did not comply with O.C.G.A 42-8-38(c)
code section 17-10-11 (a) And 17-10-11 (b),

Grounds to seek appeal on

1. Violation of 14 Amendment, right to equal protection of law.
2. 8 Amendment. Free of cruel and unusual punishment.

[received legal mail (motion) June-1-2015

Michael Gary Smith. GDC #1092479

Telfair State Prison

P.O. Box 549

Helena, Georgia 31037

June-17-15

IN FORMA PAUPERIS

Case #: 2007-CR-1294

Affidavit Of Indigency

I, Michael Smitty, give oath that I am an indigent inmate housed at Telfair State Prison (Helena, Georgia 31037). At this approximate time I'm unable to provide, finance, or able to fund the required cost to obtain requested documents and records.

I ask that the appropriate personnel of the Telfair State Prison, Business Office answer below questions. THX!

- 1. Have Inmate received any funds within 6 months? No
- 2. At the precise time, do inmate account verify that he's indigent? YES
- 3. Attach a copy (3) of Inmate account sheet to this form.

Business Office Personnel Signature: Rich Jeff

Date: 6-15-15

Account Statement

SMITH, MICHAEL *F-1*

GDC ID: 1092479

Spendable Amount	Reserved Amount	Receipts On Hold	Funds Balance	Obligations/Court Charges
\$0.00	\$0.04	\$0.00	\$0.04	\$544.51

RECEIPTS

Receipt Date	Transaction ID	Receipt Type	Receipt Details	Receipt Amount
10/27/2011	9484450	MAIL ROOM RECEIPT	ROCKDALE COUNTY - 13528	\$0.04
03/05/2010	7295527	RELEASE GRATUITIES RECEIPT	EFT -	\$25.00
04/15/2009	6133311	MAIL ROOM RECEIPT	CORNELL COMPANIES, INC. - 023365	\$10.00

WITHDRAWALS

Date	Request Date	Location Paid	Withdrawal Type	Payable To	Detail	Amount	Check No
03/05/2010		CENTRAL ACCT-OFFENDER TRUST	WITHDRAWAL FOR OBLIGATION	GEORGIA DEPARTMENT OF CORRECTIONS	MONTHLY PROCESSING FEE FOR 03/2010	\$1.00	35246
03/05/2010		CENTRAL ACCT-OFFENDER TRUST	JPAY	MICHAEL GARY SMITH	JPAY1124295	\$25.00	JPAY-1124295
03/05/2010		CENTRAL ACCT-OFFENDER TRUST	WITHDRAWAL FOR OBLIGATION	GEORGIA DEPARTMENT OF CORRECTIONS	RECORD ID = 7466255. 6/20/09DE	\$4.00	35245
03/05/2010		CENTRAL ACCT-OFFENDER TRUST	WITHDRAWAL FOR OBLIGATION	GEORGIA DEPARTMENT OF CORRECTIONS	RECORD ID = 7952254. 09/24/09	\$5.00	35245

OBLIGATIONS

Paid Status: P = Partially paid; Y = Paid in full; R = Reversed; W = Written off

Date	Location Incurred	Obligation Type	Payable To	Obligation Detail	Amount	Paid
06/15/2015	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	TELFAIR STATE PRISON	RECORD ID = 19407439. 6-13-15 2NL	\$0.98	
06/11/2015	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	TELFAIR STATE PRISON	RECORD ID = 19402798. 6-9-15 1L/1SM	\$9.19	
06/10/2015	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	TELFAIR STATE PRISON	RECORD ID = 19402211. 6-10-15 SUP	\$1.23	
06/09/2015	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	TELFAIR STATE PRISON	RECORD ID = 19397058. 6-9-15 1NL/2L	\$4.57	
06/08/2015	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	TELFAIR STATE PRISON	RECORD ID = 19394653. 6-5-15 1NL/1L	\$1.68	
06/08/2015	CENTRAL ACCT-OFFENDER TRUST	MEDICAL CO-PAY	GEORGIA DEPARTMENT OF CORRECTIONS	RECORD ID = 19393405. 6-4-15 MED	\$5.00	
06/04/2015	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	TELFAIR STATE PRISON	RECORD ID = 19390969. 6-3-15 SUP	\$1.15	
06/03/2015	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	TELFAIR STATE PRISON	RECORD ID = 19385370. 6-3-15 1NL	\$0.49	
06/02/2015	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	TELFAIR STATE PRISON	RECORD ID = 19382794. 6-1-15 1L	\$0.49	
06/01/2015	CENTRAL ACCT-OFFENDER TRUST	MONTHLY PROCESSING FEE	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee for 06/2015	\$1.00	
05/29/2015	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	TELFAIR STATE PRISON	RECORD ID = 19276898. SUP 5/21, 5/28/15	\$2.30	