

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

October 14, 2015

To: Mr. Roylee Smith, GDC1000661938, Valdosta State Prison, 3259 Val Tech Road,
Valdosta, Georgia 31603

Case Number: _____ Lower Court: _____ County Superior Court

Court of Appeals Case Number and Style: A16A0026. Roy L. Smith v. Marty Allen, Warden,
Chatham County Jail

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.**
- 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. The mailing address for the Supreme Court of Georgia is: 244 Washington Street, S.W., Suite 572, Atlanta, Georgia 30334.
- 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.
- Your appeal was transferred to the Supreme Court of Georgia on September 25, 2015. You may write that Court at: 244 Washington Street, S.W., Suite 572, Atlanta, Georgia 30334. Enclosed, please find a copy of the order transferring the case to the Supreme Court of Georgia.**

Court of Appeals of the State of Georgia

ATLANTA, September 25, 2015

The Court of Appeals hereby passes the following order:

**A16A0026. ROY L. SMITH v. MARTY ALLEN, WARDEN, CHATHAM
COUNTY JAIL.**

Roy L. Smith filed a notice of appeal from the trial court's ruling in his habeas corpus action. Under our Constitution, however, the Supreme Court has appellate jurisdiction over all cases involving habeas corpus. See Ga. Const. of 1983, Art. VI, Sec. VI, Par. III (4). Accordingly, Smith's appeal is hereby TRANSFERRED to the Supreme Court for disposition.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 09/25/2015

*I certify that the above is a true extract from
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court
hereto affixed the day and year last above written.*

Stephen E. Caston

, Clerk.

The Hon Stephen E. Castler
Court of Appeals of Georgia
47 Trinity Avenue, S.W. Suite 501
Atlanta, Georgia 30334.

Notice of Docketing - Direct Appeal

Appeal Number: A16A0026.

Trial Court No. CV-150447. Ga tort Claim
Act - False imprisonment.

Dear Clerk, Castler.

Please acknowledge the above civil action
was originally docketed in Chatham County
under Civil Number CV-15-0447 as an
Ga. tort Claim act for False imprisonment,
which was examined on May 08, 2015 by
Hon John E. Morse Jr, Superior Court Judge
whom Granted Informa Pauperis as to
The False imprisonment claim. Please
recognize the attorney's for defendant
Sheriff Al St. Lawrence. Filed a perjury
motion to transfer Case to Lowndes
County substituting Warden Merty C.
Allen as sole respondent.

RECEIVED IN OFFICE
APR 01 - 8 PM 3:39
CLERK OF SUPERIOR COURT
COUNTY OF CHATHAM, GEORGIA

As Claiming Plaintiff was Challenging his October 07, 2011 Guilty Plea on his Indictment No. CR11-21-77-AB. as an writ of Habeas Corpus action. This Ga. tort inmate civil action Filed by Plaintiff mentions nothing about his October 07, 2011 conviction. This case was appealed here to correct the writ of error Filed by Chatham Co. Superior Court. And this Court shall maintain Jurisdiction as this is not habeas Corpus, but rather an Ga. tort claim act lawsuit. Appellents Final request is that this Court Fully examine his inmate civil action tort and its entire records transmitted From Chatham Superior Court appeal Clerk. Please allow this case to redress here.

The Chatham Superior Courthouse
Filed an writ of error with this
showing its errors copy of the
writ of error was transmitted here
Prior to the 8-25 2015 docketing
of this Appeal No. A16A0026. So
Please (Stay) This Ga tort herein
and award Damages due.

Shall you seek any question please
Do not hesitate to contact me
by mail.

with kind regards

Sincerely

Raylee Smith

Certificate of Service

I hereby certify that a copy of this Letter and note was placed into a U.S. Postal mail box services, sent to defendant's attorneys This 10-02-15

Jennifer R. Burns Esq.
Chatham County law office
P.O. BOX 8161
Savannah, Ga 31405

cc: Supreme Court
of Georgia



Roy L. Smith # 1000661938
Valdosta State Prison
3259 Val Tech Road
Valdosta Ga 31603

10-01-2015