

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

August 25, 2015

To: Mr. Shawn Spiers, GDC1001313526 D-184, Muscogee County Prison, Post Office Box 84041, Columbus, Georgia 31908

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 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.

8-19-15

RECEIVED

2015 AUG 24 PM 3:33

My Name Is Shawn Spiers # 1001313526 I Am Currently Located At Muscogee County Prison, P.O. Box 84041 Columbus GA 31908, I Am Writing This letter In hopes To Recieve Guidance on Finding A Attorney To help me With A out of Time Appeal.

On May 1st 2014 I WAS Found Guilty of Kidnapping In DeKalb Co. Georgia And was Sentenced to 15yrs Seene 10. After Trial my Family & Friends Raised \$6500.00 to Obtain A Attorney by the name of David West. who At That Time Got me A Hearing on Feb 10. 2015 for motion For A new Trial, But unfortunately I was denied on March 2. 2015 And I was told by my Attorney If I wanted him to pursue Anything Further In my Case he would need A Additional \$6000.00 which my family Could not Afford, So In Late May 2015, I wrote A motion For Sentence Reduction, On Aug 03. 2015 I Recieved A letter From Div. 3 Superior Court Telling me To File A out of Time Appeal With A Copy of Lonnie Richard Roberts 230.GA.223 Supreme Court of Georgia Case, Because I WAS never Informed of my Right to Appeal, An my Attorney did not Advise me That I Could have Counsel Appointed If I Could not Afford Counsel Fee, Also with me Being Ignurant to the law As Reason of This Being my First offense, On Aug 10 2015 my motion for Sentence Reduction was Denied.

So please I pray you Hear my Cry, And please Help me Find State Appointed legal Counsel to Assist

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me In Filing A out of Time Appeal On my Case
In DeKalb County with A Case # 13CR-4288-4; And Any
other Help This Honorable Court Can Give

Respectfully Submitted

Shaun Spivey

1001318526

Muscogee County Prison

PO Box 84041

Columbus GA 31908