

# COURT OF APPEALS OF GEORGIA

## RETURN NOTICE

January 5, 2015

To: Mr. Reginald Stone, GDC1001026055, Hays State Prison, Post Office Box 668, Trion, Georgia 30753

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

Court of Appeals Case Number and Style: A14A1935. Reginald Stone v. The State

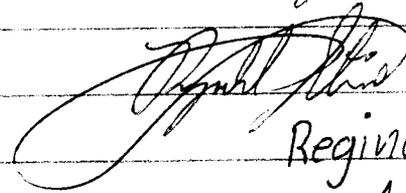
Your document(s) is (are) being returned for the following reason(s).

- There is no case pending in the Court of Appeals of Georgia under your name.**
- 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.

Reginald Stone 1001026055  
Hays State Prison  
P.O. Box 668 Trion, Ga 30753  
Appeal No. A14A1935

Dear Clerks Office,  
the enclosed letter is to be included  
with the brief of the appellant for the courts  
consideration in the above styled appeal.

Thank You



Reginald Stone  
Appellant

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CLERK COURT OF APPEALS OF GA

Reginald Stone 1001026055

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Case NO. A14A1935

Dear Courts,

My name is Reginald Stone and I am aware of my Brief Of Appellant - Case NO. A14A1935 being submitted to you in august and I'm writing you to request that this letter be submitted with it and taken into consideration.

There is a very serious and blatant error that the court continues to overlook and they along with my trial and appellant counsel refuses to set the record straight.

In my case, identity is the big question. The courts have continued to make two contradicting statements to support which ever argument they want it to fit as basis for denying new trial and leading the jury to believe falsehood as fact.

In the ~~(Motion for new trial transcripts) Pg 12 line 4-24~~, both the state and their witness (Maurice Kenner - Trial Counsel) agreed that identity was his trial strategy because only the co-defendent could identify me. The state later in closing tells the judge that the victim pick me out of the 2nd line up. ~~(Pg 24 line 2-4)~~

In the ~~(Order denying Motion for new trial) Pg 3 line 4-15~~, it states, "Identity was the defence because the only person that could identify the defendent was the co-defendent." It later under ~~(Conclusions Of Law - Pg 4 line 6-8)~~ states, "see transcripts (Pgs 28, 33, 34). This court finds that the defendents identity was established. The victim in the case identified the defendent via photo line up. See transcripts Pg 33."

You will also see that these same two contradicting statements were made throughout the entire trial, see ~~Trial Transcript Pg 37-38~~). Here, the state goes on record with the victim on the stand saying that she positively picked me out of the 2nd line up.

~~Pg 41~~ My counsel goes on record during cross examination showing that the 2nd as well as the 1st identification was not me.

~~Pg 51~~ The victim's father testifies to being with victim on 3-23-12 when she positively identifies defendant as #3 in line up A. Keep in mind, the defendant IS #3 line up A, but the victim first picked #2 line up B then #3 line up B.)

~~Pg 52~~ Trial counsel Kenner in opening tells the jury that the victim positively picks me out of the 2nd line up.

Please check the record. I was never picked out of any line up by the victim yet it is used as the reason for denying new trial. Then they say that my ineffective claim holds no merit because counsel's trial strategy was to attack the fact that only the co-defendant could identify me.

It can't be both ways. It is my hope that your court will be the one that gets to the bottom of this huge discrepancy and set the record straight once and for all.

Respectfully Written

