

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

March 2, 2015

To: Jason W. Swindle, Sr., Esq., Swindle Law Group, P.C., 310 Tanner Street, Carrollton, Georgia 30117

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 _____
divesting this Court of jurisdiction. The remittitur issued on _____
- Your correspondence was addressed to Holly K.O. Sparrow, Clerk, who retired in 2013. The new clerk is Stephen E. Castlen, Clerk/Court Administrator.**
- Electronic filing is mandatory in this Court. The following Rule 46 became effective January 1, 2015.**

XXII. ELECTRONIC FILING OF DOCUMENTS

Rule 46. Electronic Filing of Documents.

Counsel is required to use the Court's electronic filing system and to follow the policies and procedures governing electronic filing as set forth in the Court's electronic filing instructions. The Clerk of Court may grant a request for exemption from mandatory electronic filing for good cause shown. An adverse decision by the Clerk of Court may be appealed by motion to the Court via a paper filing.

Rule passed October 21, 2014 - effective January 1, 2015



SWINDLE LAW GROUP, P.C.

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Dane M. Garland

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FAX: 770.836.8388

February 23, 2015

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7012 0470 0001 9314 8830

Holly K. O. Sparrow, Clerk
Court of Appeals of Georgia
47 Trinity Avenue, Ste. 501
Atlanta, Georgia 30334

Re: David Randy Sabby vs. The State
Court of Appeals of Georgia
Case No. A15A1105

Dear Ms. Sparrow:

Please find enclosed herein the original and two Copies of Appellant's Motion for Extension of Time To File Brief of Appellant and Order in the above matter. I would appreciate it if you would submit this Motion and Order to the appropriate Judge for his approval. Also enclosed is an additional copy which I would appreciate your stamping this copy filed and return to the undersigned in the enclosed, self-addressed, stamped envelope.

Thank you for your assistance and should you have any questions, please do not hesitate to contact me.

Sincerely,

Jason W. Swindle, Sr.

JWS/li
Enclosures

RECEIVED
2015 FEB 27 PM 2:09
COURT OF APPEALS OF GEORGIA

IN THE COURT OF APPEALS

STATE OF GEORGIA

DAVID RANDY SABBY,
Appellant,

vs.

STATE OF GEORGIA,

Appellee

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: Case No. A15A1105
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:

**MOTION FOR EXTENSION OF TIME
TO FILE BRIEF OF APPELLANT**

By: Jason W. Swindle, Sr.
310 Tanner Street
Carrollton, GA 30117
(770) 836-8332
Attorney for Appellant
State Bar No. 695459

IN THE COURT OF APPEALS

STATE OF GEORGIA

DAVID RANDY SABBY,	:
Appellant,	:
	:
vs.	: Case No. A15A1105
	:
STATE OF GEORGIA,	:
	:
Appellee	:

**MOTION FOR EXTENSION OF TIME
TO FILE BRIEF OF APPELLANT**

Comes now Appellant in the above-styled case, pursuant to Rule 41(a) and Rule 6 of this Court and moves the Court for an extension in which to file the Appellant's Brief in the above matter, and shows the court as follows:

1.

Appellant's counsel is a conflict Circuit Public Defender for the Coweta and Douglas Circuits.

2.

In that capacity, counsel for Appellant was calendared for criminal jury trials the weeks of March 2, 2015 in Carroll and March 23, 2015 in Douglas. Counsel for Appellant expects to be "1st Out" on a murder case the week of March 2, 2015. Additionally, counsel for Appellant has numerous Motions Calendars in various other courts the in the month of March. Due to the length of time it will take to prepare these cases, I respectfully ask for

and extension of time to properly complete and file Appellant's Brief.

WHEREFORE, Appellant requests that his time for filing Appellant's Brief be extended until May 8, 2015.

Respectfully submitted,

By: 
Jason W. Swindle, Sr. 695459
Attorney for Appellant

Swindle Law Group, PC
310 Tanner Street
Carrollton, GA 30117
(770) 836-8332

IN THE COURT OF APPEALS

STATE OF GEORGIA

DAVID RANDY SABBY,
Appellant,

vs.

STATE OF GEORGIA,
Appellee

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:
:
: Case No. A15A1105
:
:
:
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ORDER

Appellant having filed a Motion for Extension of Time To File Brief of Appellant requesting an extension to file same, and sufficient cause for said extension having been provided, it is

CONSIDERED, ORDERED, AND ADJUDGED that Appellant shall have an until May 8, 2015 in which to file Appellant's Brief in the above matter.

SO ORDERED, this the ___ day of _____, 2015.



By: Jason W. Swindle, Sr.
310 Tanner Street
Carrollton, GA 30117
(770) 836-8332
Attorney for Appellant
State Bar No. 695459

Judge, Court of Appeals, State of Georgia