

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS

August 7, 2015

To: Mr. David Tolbert, GDC643455 I-1, Ware State Prison, 3620 Harris Road, Waycross, Georgia 31503

Docket Number: A15A2273 and A15A2274 **Style:** David L. Tolbert v. The State

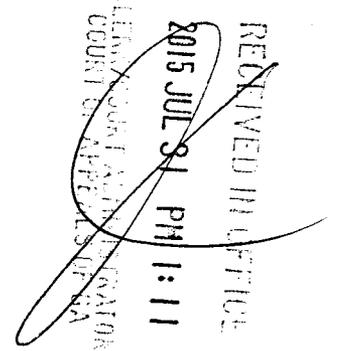
Your document(s) is (are) being returned for the following reason(s).

1. Your Appellant's Brief, was not accompanied by the statutory filing fee (\$300.00 civil; \$80.00 criminal *Effective July 1, 2009) or a sufficient pauper's affidavit. OCGA§5-6-4 and Rule 5 **Please be advised that your pauper's affidavit should be notarized by a notary public.**
2. A Request for Oral Argument must be filed as a separate document. Rule 28 (a) (3)
3. Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)
4. No Certificate of Service or an improper Certificate of Service accompanied your document(s). Rule 6
5. Your Certificate of Service did not include the complete name and mailing address of each opposing party. Rules 1(a) and 6. You should provide a copy of your filing to the District Attorney and include his/her name and address on your Certificate of Service.
6. There were an insufficient number of copies of your document. Rule 6.
7. Your document exceeds page limits. Rules 24 (f) and 27 (a)
8. Your document was submitted without permission to file (supplemental brief or second motion for reconsideration). Rules 27 (a) and 37 (d)
9. Letter briefs and letter cites are not permitted. Rule 27 (b)
10. Your request for court action must be submitted in motion form. Rule 41 (a)
11. Your motions were submitted in an improper form (joint, compound or alternative motions in one document). Rule 41 (b)
12. Type was on both sides of the paper; type font was smaller than 10 characters per inch; and/or the type was not double-spaced. Rules 1(c), 37(a) and 41(b).
13. The pages were not sequentially numbered with arabic numerals. Rule 24 (e)
14. Case and/or record citations were not made in the proper form. Rules 24 (d) and 25 (c) (2)
15. Margins were too small or paper size incorrect. Rules 1(c), 24(c), 37 (a) and 41(b)
16. Your document(s) was (were) not securely bound at the top with staples or round head fasteners. Rule 1 (c)
17. The Motion to Supplement has not been granted.
18. **Other: Please specify to which case you wish your enclosed documents be filed. You have two cases in this Court, A15A2273 and A15A2274.**

Stephen E. Castler, Clerk
Court of Appeals of Georgia
447 Trinity Avenue
Atlanta, GA. 30334

July 27, 2015

RE: Docketing



Dear Stephen,

I have yet to receive a docketing notice as it pertains to the appeal of an order denying a motion for out-of-time appeal. This motion was denied by Houston County Superior Court on June 8, 2015. The appellant then filed his timely notice of appeal on June 19, 2015, but has yet to receive a case index nor docketing notice from either court. The appellant contacted the trial court clerk on July 17, 2015 and was told that the appeal had already been forwarded that day. The appellant then mailed a copy of his appellant's brief to the district attorney and now to this court. However, he is unsure if there is a problem existing with docketing. Can you

IN THE COURT OF APPEALS
STATE OF GEORGIA

David L. Tolbert
Appellant

VS.

STATE OF GEORGIA
Appellee

Case No. _____

Motion For Out-of-Time Appeal

Brief Of Appellant

David L. Tolbert
Prose Appellant

GDC # 643455

Ware State Prison

3620 Harris Road

Waycross, GA. 31503

IN THE COURT OF APPEALS
STATE OF GEORGIA

David L. Tolbert

vs.

STATE OF GEORGIA

Case No. _____

Motion To Supplement The Record

Comes Now, David L. Tolbert, prose appellant in the above styled-caption, files this his motion to supplement the record pursuant O.C.G.A. 5-6-41(f) by stating and shows as follows:

(1)

On direct appeal from the conviction, this Court has found that the trial court had struck (dismissed) Tolbert's statutory demand for speedy trial. It also noted the fact

IN THE [REDACTED] COURT OF APPEALS
STATE OF GEORGIA

David L. Tolbert,
Petitioner
643455,
Inmate Number

Civil Action No. _____

STATE OF GEORGIA vs.
Warden

Respondent
(Name of Institution where you are now located)

[REDACTED]
Motion for Out-of-Time Appeal

REQUEST TO PROCEED IN FORMA PAUPERIS

I, David L. Tolbert, depose and say that I am the plaintiff in the above entitled case; that in support of my request to proceed without being required to pay fees, costs, or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to redress.

I further swear that the responses which I have made to questions and instructions below are true.

1. List any and all aliases by which you are known: N/A

2. Are you presently employed? Yes No
If the answer is "Yes," state the amount of your salary or wages per month, and give the name and address of your employer: _____

If the answer is "No," state the date of last employment and the amount of the salary and wages per month which you received: 2007, approx. \$3,500. month

2. Have you received within the past twelve months any money from any of the following sources?
Business, profession, or form of self-employment? Yes No
Pensions, annuities, or life insurance payments? Yes No
Rent payments, interest or dividends? Yes No

Stephen E. Castler, Clerk
Court of Appeals
447 Trinity Avenue
Atlanta, GA. 30334

Docket No. _____

July 18, 2015

Re: Extension Of Time

Dear Stephen,

I have somewhat of an extraordinary request for an extension of time. I am requesting a 10 day extension to file for reconsideration and/or certiorari in the case of an adverse decision do to the fact that I'm being held at an institution located near the Florida line and our mail is routed through Jacksonville, Fl. before reaching here (see envelope) and it takes at least 8 days (at times even longer) for me to receive legal mail from the Atlanta area when you also consider the one or two days it takes the prison staff to get it to us.