

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

May 22, 2015

To: Mr. Marvin Turner, GDC764043, Hancock State Prison, Post Office Box 339, Sparta, Georgia 31087

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. This Court does not have the forms you requested, you may want to check with the superior court. An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.**

Your letter was forwarded from the Administrative Office of the Courts to this Court for a response.

- Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____
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.

May 18, 2015

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ADMINISTRATIVE OFFICE OF COURTS
501 STATE JUDICIAL BUILDING
ATLANTA GEORGIA 30334

RECEIVED IN OFFICE
2015 MAY 21 PM 3:52
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS GA

IN RE: PROMULGATED FORMS FOR WRIT OF MANDAMUS

To: Whom this may concern,
Greetings! My name is Marvin Turner and I am currently incarcerated, and a pro se prisoner litigant who is indigent; and as I am writing to you to request and receive from you and your office "the promulgated forms utilized, for pro se litigants, in seeking a writ of mandamus.

Because the forms of "Inmate Civil Action" that are provided by the prison/Ga. Dept. of Corrections are functionally insufficient, for I have denied filings by the Superior Courts of DeKalb & Hancock Cos., because, the use of this said form in the seeking of a Writ of Mandamus. And have been denied by the Supreme Court of Georgia, in an attempt to seek redress of the denial of the use of this said form and mandamus. (See enclosed order from the Ga. Supreme Court.)

Wherefore, I request of you and your office to provide me with the correct form utilized in which to seek a writ of mandamus ... or ... to this prison, for they do not have the correct required forms. (If possible, please provide me 3 copies thereof.)

Thank you for your assistance.

Sincerely,
~~Mr. M.~~
Mr. Marvin Tucker
#764043
HANCOCK STATE PRISON
P.O. Box 339
Spargia, Georgia 31087



SUPREME COURT OF GEORGIA
Case No. S1500053

Atlanta October 6, 2014

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed.

MARVIN TURNER v. COURTNEY JOHNSON, JUDGE

Because petitioner's original petition in the nature of mandamus was not filed on a form promulgated by the Administrative Office of the Courts, it may not be accepted for filing. See OCGA § 9-10-14 (b) and Gay v. Owens, 292 Ga. 480 (738 SE2d 614) (2013). Accordingly, the Court hereby directs that the petition be stricken from the docket.

All the Justices concur.

SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta

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

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

Lee C. Pulston, Chief Deputy Clerk