

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

August 20, 2015

To: Mr. Alexis Velez-Caliz, GDC1000800024, Central State Prison, 4600 Fulton Mill Road, Macon, Georgia 31208

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 current case pending in the Court of Appeals of Georgia under the name of Alexis Velez-Caliz.**
- 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.
- This Court cannot accept Motions for Extension of Time to file a direct appeal.**

To: Georgia Court of Appeals
OFFICE OF THE CLERK
47 TRINITY AVE., S.W.
Suite 501
Atlanta, GA. 30334

RECEIVED
2015 AUG 19 PM 3:05

8/12/15

From: Alexis Velez - Caliz

G.D.C. # 1000800024

RE: Motion for extension
of Filing Time

CENTRAL STATE PRISON
4600 FULTON MILL RD.
Macon, GA. 31208

DEAR CLERK,

THIS IS IN REFERENCE TO THE RETURN NOTICE I RECEIVED FROM YOUR OFFICE IN WHICH YOU RETURNED TO ME MY MOTION FOR EXTENSION OF FILING TIME UNDER O.C.G.A. § 5-6-39, WHICH STATES THAT, "ANY JUDGE OF THE TRIAL COURT OR ANY JUSTICE OR JUDGE OF THE APPELLATE COURT TO WHICH THE APPEAL IS TO BE TAKEN MAY, IN HIS DISCRETION, AND WITHOUT MOTION OR NOTICE TO THE OTHER PARTY, GRANT EXTENSIONS OF TIME FOR THE FILING OF: (1) NOTICE OF APPEAL;

IT IS MY UNDERSTANDING THAT THIS STATUTORY STATE LAW APPLIES TO THE GEORGIA COURT OF APPEALS AS WELL TO THE COUNTY SUPERIOR COURT.

I FILED A TIMELY NOTICE OF APPEAL WITH THE CLERK OF CHEROKEE COUNTY
I.

Superior Court and received a response that I had to pay a filing fee, even though I had already sent them a motion to proceed in forma pauperis, that I have already been given indigent status by this court when this court appointed me legal counsel. The statement also said that when the fee is paid, then they will forward a copy of the entire record to the court of appeals.

This is why I sent this motion for extension of filing time to this said court to hear and rule on, hopefully granting me an extension. At the same time, I am re-submitting another notice of appeal along with another motion for leave to proceed in forma pauperis to the clerk of superior court in Cherokee County. Therein filing an application to appeal an order from the Cherokee County Superior Court.

I know that there is no case pending under my name in your court, yet. But hopefully there soon will be, if this court will hear and order on this motion. Hopefully, I will not have to resort to filing a

WRIT OF MANDAMUS IN ORDER TO GET
THIS MOTION AND/OR MY NOTICE OF APPEAL
FILED IN THE PROPER MANNER.

PLEASE FILE THIS MOTION FOR ME
AND SEND ME NOTICE TO FILE A BRIEF
FOR MY DISCRETIONARY APPEAL.

THANK YOU VERY MUCH FOR
YOUR TIME AND CONSIDERATION IN THIS
MATTER.

Respectfully,
Alexis VELEZ-CALIZ
Alex VélCal

IN THE COURT OF APPEALS OF GEORGIA

ALEXIS VELEZ-CALIZ, *
*
APPELLANT *

V. *
STATE OF GEORGIA, *
*
APPELLEE *

* Case NO. 12CR01620

CLERK OF SUPERIOR COURT

MOTION FOR EXTENSION
OF FILING TIME

Comes now before this Honorable Court, ALEXIS VELEZ-CALIZ, Pro-se Appellant in the above action, and moves this Honorable Court, per O.C.G.A. § 5-6-39; to grant an extension to Appellant to re-submit a notice of appeal and a motion for leave to proceed in forma pauperis for the following reasons:

(1)

Appellant submitted a motion to have indictments void on May 12, 2013 to the Superior Court of Cherokee County, a Rule nisi; Certificate of Service and a motion to proceed in forma pauperis (see Attachment #1)