

**COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS**

September 14, 2015

To: Mr. TaLawrence T. Vickers, GDC1151323 F1-232b, Hays State Prison, Post Office Box 668, Trion, Georgia 30753

Docket Number: Style: TaLawrence T. Vickers v. Judge Henry M. Newkirk, et al.

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

1. Your Application was not accompanied by the statutory filing fee, \$300.00 civil; \$80.00 criminal, 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. Portions of the record included were not tabbed and indexed. Rules 30 (e) and 31 (c).
3. **A stamped "filed" copy of the trial court's order to be appealed was not attached to your Application. Rules 30 (b) and 31 (e)**
4. A stamped "filed" copy of the Certificate of Immediate Review was not attached to your Interlocutory Application. Rule 30(b)
5. Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)
6. There were an insufficient number of copies of your document. Rule 6
7. No Certificate of Service accompanied your document(s). Rule 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.
8. **Your Certificate of Service did not include the complete name and /or mailing address of each opposing counsel and pro se party. Rule 1(a) and 6**
9. Your document exceeds page limits. Rules 24(f) , 30(e) and 31(c)
10. Your request for court action must be submitted in motion form. Rule 41 (a)
11. No extension of time for filing an interlocutory application will be granted . Rule 30 (g) . No extension of time will be granted for filing a discretionary application unless the motion for extension is filed on or before the due date of the discretionary application.
12. The type font was smaller than 10 characters per inch; type was not double-spaced or/and type was on both sides of the paper. Rules 1(c), 24(b), 37(a) and 41(b).
13. Your motions were submitted in an improper form (joint, compound, or alternative motions in one document). Rule 41 (b)
14. Margins were too small or paper size was incorrect. Rules 1(c), 24(c), 30(e), 31(c) and 41(b).
15. Your document was submitted for filing more than 30 days after the date of the order granting, denying or dismissing the application or the order granting, denying or dismissing the Motion for Reconsideration. Rules 30(j) and 31(j).
16. **Other:**

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RECEIVED IN DEPT. OF JUSTICE

2015 SEP 10 PM 3:53

Georgia Court of Appeals.

Lawrence T. Vickers.
(Plaintiff),

Case No. 2015CV263195.

vs.

(1) Judge Henry M. Newkirk
(2) James Gabriel Banks.
(Defendants.)

Writ of Mandamus
(28 U.S.C. § 1361.)

Application For Discretionary Appeal.

Comes Now, Mr. Lawrence T. Vickers, Plaintiff of the above styled action, petitioning this Honorable Court to remand the current action back to the Superior Court of Fulton County in good faith and cause of the administration and interest of justice, showing as follows;

In support of the Plaintiff's application For Discretionary Appeal, Mr. Vickers hereby argues that the Superior Court's Denial to endorse and ultimately Docket and File his ^(T.T.V.S.) ~~*****~~ Petition For a Writ of Mandamus was violative of his ~~***~~ constitutional rights, insofar as such a Denial infringed upon the Plaintiff's constitutionally protected conduct → (via a request For a Writ of Mandamus Pursuant to 28 U.S.C. § 1361 and O.C.G.A. § 9-6-20).

(CONT.)

Case History.

CONCERNING indictment NO. "10SC97018" and the Plaintiff's guilty plea hearing which was conducted ON Feb. 20, 2012, the issuance OF a Court order was rendered by Defendant NEWKIRK upon Defendant BANKS. (See page(s) "17", lines 10-21 OF the Plaintiff's guilty plea transcript.) → During the proceeding in question, Judge Henry M. NewKirk court ordered asst. District attorney James Gabriel Banks → (as transcribed upon the Face OF Record) to Notify the Ga. Dept. OF Corr. OF the Plaintiff's cooperation with the State → (where as he had begun cooperating with the Prosecutor back in August OF 2011). (See Statement OF claim in Plaintiff's application via Petition For Mandamus.) -

In Further support OF the Plaintiff's request For a Discretionary Appeal, Mr. Vickers argues → that his Petition For Mandamus was NOT asserted as a challenge towards constitutional Deprivation, but rather at the rendition OF the court order which was issued in Open Court ON Feb. 20, 2012 during the Plaintiff's guilty plea hearing. (See page (17), lines 10-21 OF the Plaintiff's guilty plea transcripts.) The Plaintiff hereby seeks relief through Mandamus, being there's no other specific legal remedy available to him at present. → (See attachments)

Duly sworn before me this

Mr. James J. V.B.

2nd day OF Sept., 2015.

James M. Wendt

Memorandum OF Law.

• In order to entitle one to mandamus, it must appear that he has a clear legal right to have the particular act performed, the doing of which he seeks to have enforced. (State ex rel Waring v. Georgia Medical Soc'y, 38 Ga. 668, 95 Am. D. 408 (1869); Jackson v. Cochran, 134 Ga. 396, 67 S.E. 825, 20 Ann. Cas. 219 (1910); Adkins v. Bennett, 138 Ga. 118, 74 S.E. 838 (1912); Curston v. Wheeler, 172 Ga. 879, 159 S.E. 283 (1931).)

• In suit for mandamus, duty complainant seeks to have enforced must be a duty arising by law either expressly or by necessary implication, and the law must not only authorize the act to be done, but must REQUIRE its performance. (Williamson v. Wilson, 189 Ga. 652, 7 S.E. 2d 241 (1940); Tucker v. Wilson, 198 Ga. 474, 31 S.E. 2d 657 (1944); → Armistead v. MacNeil, 203 Ga. 204, 45 S.E. 2d 652 (1947).)

Mr. J. J. J. V.S.
Sept. 7, 2015.

Respectfully Submitted.

CERTIFICATE OF SERVICE

This is to certify that I have this day served a true and correct copy of the within and forgoing document(s) upon the person(s) listed below by depositing a copy of same in the United States Mail in a properly addressed envelope with adequate postage thereon to ensure that it reaches its destination.

This 17th. day of September., 20(15)

Respectfully submitted,

* Mr. J. J. V.S.

Person(s) served:

"Holly K.O. Sparrow."
Clark and Court administrator.
(Georgia Court of Appeals.)