

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

December 1, 2015

To: Mr. Timothy R. Wilson, GDC918451, Ware State Prison, 3620 North Harris Road, Waycross, Georgia 31503

Docket Number: A16A0356 **Style:** Timothy R. Wilson 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 accompanied your document(s). Rule 6**
5. **Your Certificate of Service must 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: _____

For Additional information, please go to the Court's website at: www.gaappeals.us

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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 counsel and pro se 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.
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November 18th 2015; All6A0356

Honorable, Stephen E. Castlen
Clerk of Court
47 Trinity Ave.
Suite 501
Atlanta, Ga. 30334

FILED IN OFFICE

NOV 20 2015

COURT CLERK
CLERK COURT OF APPEALS OF GA

RE: State vs. Timothy R. Wilson # 12-CR-875

Request Service of Docketing Notice;
and Extension to File the Brief.

The Appellant, here in in forms
this Clerk to his receipt of the
Copy of Index & Transcript along with
a letter from the Clerk Superior Court
of Cherokee County; dated Sept. 30th, 2015
confirming to said 'Index' being sent
to this Appellate Court on that

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date. However; as of this

DATE : November 18th 2015;

the defendant, identified within this

Court, as the Appellant, has

NOT received any response from

this Court or Action in relation

to said Appeal. The Appellant,

knowing that 'accidental error' occurs

often, (as to timely receipt of Court

Action), that is of NO FAULT to anyone...

PAGE informs this Clerk to the deficiency

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in order to correct, and so in form

Appellant of a proper Docketing, to

be able to ensure, as a basic fundamental Right to the 'Appeal Process Itself.'

Second; in relation to the

Appeal as a whole . . . This Clerk may want, or decide, on its own,

to recognize as evidenced by the

'Record of Index' sent; that the

plain act to the filing of the

** "Motion to Withdraw Guilty Plea" in

and of itself enacted the 'Courts

Judicial Mandate' to "Appoint Counsel

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for the Appeal"; as to 'State & Fed. Const.

Rights; consistent to our Courts' "Core

Holding in See: Clarke v. Zant, 247 Ga.

194 (1981) - Ref: Castello v. State, 240 Ga. App.

87 (522 S.E. 2d 572) (1999) - and --

Dismiss this Appeal Sub-judice,
in adherence to this Fact, Law, & Record,
before you. Clearly - both a Motion

to Withdraw, and a Trial Courts Denial

to said Motion Had Occurred, and

did so, both without having had

Appeal Counsel Appointed; nor any Record

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as to the Waiver of the Right to have
been provided one... Timely or Otherwise.

This being one of the Threshold Contentions
of the Appeal itself.

The Trial Courts Order of Denial
to the Motion to Withdraw Guilty Plea-
filed on Feb. 11th 2013 is VOID, by
the Courts failure to Appoint Counsel
for the Appeal; which serves as a
Jurisdictional Bar, to both the Courts
Order of Denial; and this Courts
Jurisdiction to Review; See: Rowland v. State
264 Ga. 872 (1995), Ref.: Wayne v. State,
269 Ga. 36 (1998).

Sincerely:

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Timothy R. Wilson

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3620 N. Harris Rd.

Waycross, Ga. 31503

Ware State Prison