

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

August 24, 2015

To: Mr. Zaviaire D. Baitey, GDC1001273052, Valdosta State Prison, Post Office Box 310,
Valdosta, Georgia 31603

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. Please do not send copies of your correspondence with the Fayette County Superior Court to this Court. There is no appeal to file your copies.**
- ☐ **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 _____
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.

August 11, 2015

Clerk
Fayette County Superior Court
One Center Drive
Fayetteville, GA 30214

RECEIVED IN FAY
2015 AUG 21 PM 3:27
CLERK OF SUPERIOR COURT
FAYETTE COUNTY, GA

Re: Case#
Appeal inquiry: request for record index

Dear Clerk:

I write to inquire about my appeal from a motion to reduce sentence.

This office has not forwarded to me the record index. The record index is required to complete my appellate brief.

On a more basic level, the motion to reduce sentence was filed and denied in an order dated April 17, 2015. The notice of appeal was timely filed soon after. However, this office has not sent me the record index... more than two months have past since my notice of appeal was filed.

Please contact me with an update on my appeal and also forward the record index.

Thanks in advance.

Zariaire D. Bailey

cc: Georgia Court of Appeals
cc: FILE