

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

February 9, 2015

To: Mr. Damion Sanchez Franklin, GDC661322130 Sam Walker Drive, LaGrange, Georgia
30241

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.** 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.
- Enclosed is a copy of the Court's Rules for your review.**

TO Whom It MAY CONCERN:

RE: APPEAL PROCEDURE For Indigent APPELLANT

2/2/15

FROM:

DAMION FRANKLIN
130 SAM WALKER dr
LaGrange, GA 30241

Stepfather - Gary WALKER / 678-467-5637

APPEAL

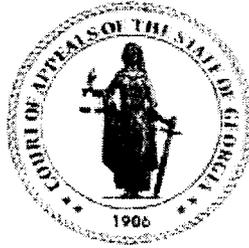
I Am writing in regards to the Appeal Procedure. I have no Attorney or help with this Process. I'm writing ~~to~~ to find out how to do so.

I am trying to Appeal an order from the Troup Co. Superior revoking the remaining balance of my Probation for committing new offenses (escape - by leaving the Police station w/o permission)

My Challenge is that the trial court lacked the Authority to revoke my Probation, when my Probation had not yet begun - As in Lombardo v State 244 Ga. App. 885. Also the court was in error by not having me in a revocation hearing within 30 days.

The Facts of my case are as follows; IN the MAY term of 2008, I Pled guilty to ^{ct1} Robbery and ^{ct2} Poss of Firearm during comm of crime. for ct1 I received 7 years in confinement and upon completion of ct1, 5 years Probation. for ct2 served consecutive. [Not a split sentence]. I received credit for time served since July 2007, making it 1 year at the time of sentencing. All this means is my Probation wasn't to start until July 2014. After serving time in confinement, I was released on Parole Feb or Mar 2013, making me have 16mnts left on Parole. Well, on Jan 15, 2014 is when I committed the said offense of escape, violating a condition of my "Parole." Since I ~~had~~ only had a few months remaining, Parole decided to violate and make me sit in the county until Parole was over. Unfortunately I was not able to leave because Probation held me, stating that I violated. I was petitioned in August but never went to an revocation hearing until Jan 27th 2015, where the Judge revoked the remaining balance of my Probation (About 4 yrs). We told the Judge that the court, ⁽²⁰⁰⁵⁾ was w/o Authority just like in Lombardo v. State and Jones v. State 260 Ga App 401 I was in the custody of the Parole board, and served my violation for my offense, but they held me in here until my Probation started and revoked it all. At my hearing I didn't have the chance to have my witnesses or question all the officers involved, the state Attorney only had the Detective, who was not physically involved. No officers, I feel like what was done is not right, and I want to Appeal. What do I do. Please write me back or call my family and let us know something - Thank you for your time and concern

Gary Walker - 678-467-5637



2014

Georgia Court of Appeals

R U L E S

Last Update: May 15, 2014

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MEMORANDUM

TO: Troup County Jail

FROM: Andy Zimmerman
Chief Parole Officer
District #31, LaGrange

DATE: 7/9/14

RE: Damion Sanchez Franklin EF-661322

The Parole Board has lifted the hold on the above named subject. The warrant has been withdrawn and the subject may be released this date as long as there are no other detainers or pending charges.

PS: I WAS NOT BOOKED ON PROBATION VIOLATION UNTIL 9/10/14
2 months later.