

IN THE SUPERIOR COURT OF BALDWIN COUNTY
STATE OF GEORGIA

JOHN GARRETT MCNEIL,

Petitioner,

vs.

SHEILA OUBRE, Warden,

Respondent.

* CIVIL ACTION NO.
* 12-CV-45654
*
*
*
*
* HABEAS CORPUS
*
*

NOTICE OF APPEAL

Notice is hereby given that Respondent Oubre, by and through counsel, Samuel S. Olens, Attorney General for the State of Georgia, hereby appeals to the Supreme Court of Georgia from the grant of habeas corpus relief to Petitioner on his Cobb County felony murder conviction and life sentence, in an order filed on September 26, 2012.

The Clerk will please omit nothing from the record on appeal.

The Supreme Court of Georgia has jurisdiction of this case on appeal as this is an appeal by the Warden from an order granting a petition for a writ of habeas corpus. The Supreme Court of Georgia has exclusive jurisdiction of appeals from habeas corpus cases. 1983 Ga. Const. Art. VI, Sec. VI, Para. III(4); O.C.G.A. § 9-14-52.

This 17th day of October, 2011.

Respectfully submitted,

SAMUEL S. OLENS 551540
Attorney General

BETH A. BURTON 027500
Deputy Attorney General

Paula K. Smith
PAULA K. SMITH 662160
Senior Assistant Attorney General

Please serve:

PAULA K. SMITH
Senior Assistant Attorney General
Georgia Department of Law
40 Capitol Square, S. W.
Atlanta, Georgia 30334-1300
(404) 656-3351

FILED IN OFFICE THIS
17 DAY OF Oct 20 12
Barbara J. J...
DEPUTY CLERK SUPERIOR COURT
BALDWIN COUNTY GEORGIA

CERTIFICATE OF SERVICE

I do hereby certify that I have this day served the within and foregoing NOTICE OF APPEAL, prior to filing the same, by placing a copy thereof in the United States Mail, properly addressed and with sufficient postage thereon, upon:

Mark Yurachek, Esq.
Yurachek & Associates, LLC
79B Poplar Street
Atlanta, Georgia 30303

This 17th day of October, 2012.

Paula K. Smith
PAULA K. SMITH
Senior Assistant
Attorney General