

Court of Appeals of the State of Georgia

ATLANTA,

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A95A0053. OUT OF TIME APPEAL.

This case came before this Court upon an appeal from the (NAME OF COURT), and upon a record formerly certified and transmitted by the clerk of that court. This appeal followed the denial of defendant's motion for out-of-time appeal.

Defendant was indicted for committing two separate acts of aggravated assault (Counts 1 and 2) and for uttering a terroristic threat (Count 3). A jury found defendant guilty of the lesser included offense of simply battery (Count 1), guilty of aggravated assault (Count 2) and guilty of uttering a terroristic threat (Count 3). Defendant's sentences and judgments of conviction were recorded on separate form judgment sheets. However, a trial court clerk's filing stamp dated (DATE) only appears on the face of the form judgment sheet recording defendant's conviction and sentence under Count 2 of the indictment. Although it appears that all three judgments of convictions and sentences were entered via the filing on (DATE) (all three form judgment sheets bear the same case number and appear to have been executed on the same date, (DATE), this fact is not verified in the record. Further, the face of

defendant's motion for out-of-time appeal does not indicate a filing stamp in (NAME of COURT).

Since the date (or dates) of entry of judgments of convictions and sentences are a necessary basis for resolving the issues on appeal and since the denial of defendant's motion for out-of-time appeal is the foundation of this appeal, the clerk of (NAME OF COURT) is hereby ordered and directed to certify, via filing in the records of the trial court and via supplemental record to this Court, the entry date (or dates) of the judgments of defendant's convictions and sentences under all three counts of the indictment. The clerk of (NAME OF COURT) is further ordered and directed to certify, via filing in the records of the trial court and via supplemental record of this Court, the filing date of defendant's motion for out-of-time appeal.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta

I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

Clerk.

Court of Appeals of the State of Georgia

ATLANTA, February 2, 2005

The Court of Appeals hereby passes the following order:

A05A0490. PATTERSON v. THE STATE

We dismissed this appeal as untimely on June 16, 2003, *Patterson v. State*, A03A2048. After obtaining an order permitting an out-of-time appeal, Benjamin Patterson re-filed his notice of appeal and brought the instant action. In his re-filed notice of appeal, he asked the Clerk of the State Court of Houston County to omit nothing from the appellate record, including the trial transcript. To date, neither the record nor the transcript has been sent to this Court. Further, the record from the previous action has been recycled pursuant to Court of Appeals Rule 42.

Benjamin Patterson is hereby ORDERED to make any arrangements necessary, including the payment of any costs, to have the record and transcript re-filed in this Court by March 7, 2005. If Patterson cannot meet that deadline, he must, prior to that date, show good cause for his inability to comply. Failure to comply with this order may result in the dismissal of this appeal.

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta FEB -2 2005

*I certify that the above is a true extract from
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court
hereto affixed the day and year last above written.*

William Z. Mart..., Clerk.

Court of Appeals of the State of Georgia

ATLANTA, August 16, 2004

The Court of Appeals hereby passes the following order:

A04A1423. STRADLEY v. THE STATE.

The captioned appeal was docketed in this Court on March 22, 2004 pursuant to an order granting the right to an out of time appeal. Two previous appeals in this case (Case Nos. A03A1448 and A03A2153) were dismissed for failure of appellate counsel to timely file a brief and enumerations of error. The present appeal was filed based on the original record and transcripts transmitted to this Court in Case No. A03A1448. However, pursuant to the normal procedures of this Court, the record and transcripts in Case No. A03A1448 were destroyed before the present appeal was docketed. Accordingly, it is necessary that a duplicate record and transcripts be prepared in the trial court and transmitted to this Court before this case can be considered on appeal.

It appearing that the necessary record and transcripts have not yet been prepared in the trial court, we find that this case was prematurely docketed in this Court and order that this case be remanded to the Paulding County Superior Court for preparation of the record and transcripts of the trial court proceedings. Upon preparation of the record and transcripts necessary for appeal, the Clerk of the Paulding County Superior Court shall transmit such to this Court for redocketing of the appeal.

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta AUG 16 2004

*I certify that the above is a true extract from
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court
hereto affixed the day and year last above written.*

Will. L. Mait, Clerk.

file

**Court of Appeals
of the State of Georgia**

ATLANTA, May 20, 1994

The Honorable Court of Appeals met pursuant to adjournment.

The following order was passed:

A94A0431. WILLIAM FLOYD HASTY v. THE STATE.

This case came before this Court upon an appeal from the Superior Court of Dougherty County, Georgia and upon a record formerly certified and transmitted by the clerk of that court. This appeal followed the denial of defendant's motion for out-of-time appeal.

Defendant was indicted for committing two separate acts of aggravated assault (Counts 1 and 2) and for uttering a terroristic threat (Count 3). A jury found defendant guilty of the lesser included offense of simple battery (Count 1), guilty of aggravated assault (Count 2) and guilty of uttering a terroristic threat (Count 3). Defendant's sentences and judgments of conviction were recorded on separate form judgment sheets. However, a trial court clerk's filing stamp dated, March 5, 1991, only appears on the face of the form judgment sheet recording defendant's conviction and sentence under Count 2 of the indictment. Although it appears that all three judgments of convictions and sentences were entered via the filing on March 5, 1991, (all three form judgment sheets bear the same case number

and appear to have been executed on the same date, February 26, 1991), this fact is not verified in the record. Further, the face of defendant's motion for out-of-time appeal does not indicate a filing stamp in the Superior Court of Houston County.

Since the date (or dates) of entry of judgments of convictions and sentences are a necessary basis for resolving the issues on appeal and since the denial of defendant's motion for out-of-time appeal is the foundation of this appeal, the Clerk of the Superior Court of Houston County is hereby ORDERED and DIRECTED to certify, via filing in the records of the trial court and via supplemental record to this Court, the entry date (or dates) of the judgments of defendant's convictions and sentences under all three counts of the indictment. The Clerk of the Superior Court of Houston County is further ORDERED and DIRECTED to certify, via filing in the records of the trial court and via supplemental record to this Court, the filing date of defendant's motion for out-of-time appeal.

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta MAY 20 1991

I certify that the above is a true extract from the minutes of the Court of Appeals of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

Clerk.

William S. Martin