COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS

July 1, 2014

To: Mr. Darren Petty, 459 Kenridge Circle, Stone Mountain, Georgia 30083

Docket Number: **Style:** **Darren Petty v. Superior Court of DeKalb County**

Your document(s) is (are) being returned for the following reason(s).

1. ☐ Your Application was not accompanied by the statutory filing fee, $300.00 civil; $80.00 criminal, 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. ☐ Portions of the record included were not tabbed and indexed. Rules 30 (e) and 31 (c).

3. ☑ **A stamped "filed" copy of the trial court's order to be appealed was not attached to your Application. Rules 30 (b) and 31 (e)**

4. ☐ A stamped "filed" copy of the Certificate of Immediate Review was not attached to your Interlocutory Application. Rule 30(b)

5. ☐ Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)

6. ☐ There were an insufficient number of copies of your document. Rule 6

7. ☐ No Certificate of Service accompanied your document(s). Rule 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.

8. ☐ Your Certificate of Service did not include the complete name and /or mailing address of each opposing counsel and pro se party. Rule 1(a) and 6

9. ☐ Your document exceeds page limits. Rules 24(f) , 30(e) and 31(c)

10. ☐ Your request for court action must be submitted in motion form. Rule 41 (a)

11. ☐ No extension of time for filing an interlocutory application will be granted . Rule 30 (g) . No extension of time will be granted for filing a discretionary application unless the motion for extension is filed on or before the due date of the discretionary application.

12. ☐ The type font was smaller than 10 characters per inch; type was not double-spaced or/and type was on both sides of the paper. Rules 1(c), 24(b), 37(a) and 41(b).

13. ☐ Your motions were submitted in an improper form (joint, compound, or alternative motions in one document). Rule 41 (b)

14. ☐ Margins were too small or paper size was incorrect. Rules 1(c), 24(c), 30(e), 31(c) and 41(b).

15. ☐ Your document was submitted for filing more than 30 days after the date of the order granting, denying or dismissing the application or the order granting, denying or dismissing the Motion for Reconsideration. Rules 30(j) and 31(j).

16. ☐ Other:

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

DARREN PETTY)
Applicant,)
(Pro Se)) Case No.
)
vs.)
)
Superior Court Of
Dekalb COUNTY

APPLICATION FOR DICRETIONARY APPEAL

DARREN PETTY
459 Kenridge Cir
Stone Mountain, Ga 30083
(404)468-1177
(229)886-3705
(Pro Se)

FORM 2 - PAUPER'S AFFIDAVIT

COURT OF APPEALS OF GEORGIA

Darren Petty *

APPELLANT *

vs * CASE NUMBER

DeKalb County Superior *

APPELLEE

PAUPER'S AFFIDAVIT

Comes now Darren Petty (Appellant's name) first being duly sworn, deposes and states I am financially unable to pay the filing fee required for filing costs in the Court of Appeals of Georgia, and I request I be permitted to file Appellant Application (Appellant's Brief or Appellant's Application) without having to pay filing fees. I further swear that the responses which I have made to the questions and instructions below are true.

1. Are you presently employed? ☐ Yes ☒ No

If the answer is "Yes", state the amount of your salary or wages per month, and give the name and address of your employer: _____

If the answer is "No", state the date of last employment and the amount of the salary and wages per month which you received: DEC 28, 2009

2. Have you received within the past twelve months any money from any of the following sources?

Business, profession or form of self-employment?	☐ Yes	☐ No
Pensions, annuities or life insurance payments?	☐ Yes	☐ No
Rent payments, interest or dividends?	☐ Yes	☐ No
Gifts or inheritances?	☒ Yes	☐ No
Any other sources?	☐ Yes	☐ No

If the answer to any of the above is "Yes", describe each source of money and state the amount received from each source during the past twelve months: 100.00 month for cutting relative grass, Food Stamps 180.00 month

FORM 2 - PAUPER'S AFFIDAVIT page 2

3. Do you own any cash, or do you have money in a checking or savings account? (Include any funds in prison accounts) ☐ Yes ☒ No
If the answer is "Yes", state the total value of the items owned: _____

4. Do you own any real estate, stocks, bonds, notes, automobiles or other valuable property (excluding ordinary household furnishings and clothing)? ☐ Yes ☒ No
If the answer is "Yes", describe the property and state its approximate value:

_____

_____

5. List the persons who are dependent upon you for financial support, state your relationship to those persons, and indicate how you contribute toward their support: N/A

_____

_____

I understand that a false statement or answer to any question in this affidavit will subject me to penalties for perjury and that state law provides as follows:
(a) A person to whom a lawful oath or affirmation has been administered commits the offense of perjury when, in a judicial proceeding, he knowingly and willfully makes a false statement material to the issue on point in question.
(b) A person convicted of the offense of perjury shall be punished by a fine of not more than $1,000 or by imprisonment for not less than one nor more than ten years, or both. OCGA §16-10-70.

I, Darren Petty, do swear and affirm under penalty of law that the statements contained in this affidavit are true. I further attest that this application for in forma pauperis status is not presented to harass or to cause unnecessary delay or needless increase in the costs of litigation.

This the 30 day of June, 2014.

Darren Petty
(Your name printed or typed)

D Petty
(Sign your name.)

459 Kenridge Cir
Stone Mnt 30083
(Your complete address and telephone number)

Sworn to and subscribed before me SEAL

this the 30th day of June, 2014.

Jamia Hunter Notary Public

Notary Public, Fulton County, Georgia
My Commission Expires March 20, 2018

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

July 1, 2014

To: Mr. Michael Redford, Unit C03, Douglas County Jail, 8472 Earl D. Lee Boulevard, Douglasville, Georgia 30134

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 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.

☐ **Your Notice of Appeal does not include a proper Certificate of Service.** It 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. In an appeal of a criminal conviction in a superior court, the State is represented by the District Attorney or an Assistant District Attorney.

☐ **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.

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

IN THE GEORGIA COURT OF APPEAL
STATE OF GEORGIA

MIKE READFORD
PETITIONER
V.
JUDGE ROBERT W. JAMES
RESPONDENT

CASE NO:
STATE CASE NO: 14-2-243

PETITION FOR WRIT OF MANDAMUS

COMES NOW MIKE READFORD, AND FILES THIS PETITION FOR A WRIT OF MANDAMUS AGAINST DOUGLAS COUNTY JUDGE ROBERT JAMES.

1.

THE PETITIONER SEEKS TO REQUIRE THE PERFORMANCE OF A LEGAL DUTY BY THE HONORABLE ROBERT W. JAMES, CHIEF JUDGE OF DOUGLAS COUNTY SUPERIOR COURT IN DOUGLASVILLE, GEORGIA. THE RULE NISI TO HEAR PRETRIAL MOTIONS AND JURY TRIAL DATED APRIL 8TH, 2014. THE DECISION WAS FIRST PROLONGED TO JUNE 3RD AND 18TH AND THE 20TH AND 23RD OF JUNE, 2014. THIS PETITION IS FILED WITHIN 30 DAYS AFTER THE DATE OF THE LAST REQUEST FOR HEARING DATE.

2.

THE PETITIONAR IS THE DEFENDANT IN A CRIMINAL CASE. THE OPPOSING PARTY IS STATE OF GEORGIA.

3.

THE HONORABLE JUDGE ROBERT JAMES HAS AN OFFICIAL DUTY TO ABID WITH THE REQUISITES OF UNITED STATES CONSTITUTIONAL RIGHT TO SPEEDY TRIAL CLAUSE OF U.S.C.A. 6TH CONST. AMEND. AND GEORGIA CONSTITUTIONAL AND STATUTORY REQUIREMENT OF O.C.G.A. 17-7-170 AND BAKER V. WINGO, 407 U.S. 514 (1972), GA. ART I, SEC. I, PAR. XI OF UNDUE AND OPPRESSIVE PRETRIAL INCARCERATION.

4.

THE PETITIONER HAS A LEGAL INTEREST IN THE PERFORMANCE OF THE ABOVE LEGAL DUTY, BECAUSE IT IS DEFENDANT'S CONSTITUTIONAL RIGHT. THE PETITIONER HAS RESPECTFULLY DEMANDED OF THE HONORABLE JUDGE JAMES THAT HE PERFORM THE ABOVE DUTY, WHICH PERFORMANCE THE HONORABLE JUDGE JAMES REFUSED TO HEAR MOTIONS DEMANDING ISSUANCE OF RULE NISI, DEMAND FOR SPEEDY TRIAL, DEMAND FOR JURY TRIAL, MOTION TO APPOINT STANDBY COUNSEL, MOTION FOR EX-PARTE INVESTIGATOR FUND, MOTION TO DISMISS/QUASH INDICTMENT AND A TOTAL OF 24 PRETRIAL MOTIONS.

5.

THE PETITIONER HAS NO SPECIFIC LEGAL REMEDY FOR THE PERFORMANCE OF THE ABOVE DUTY OTHER THAN A WRIT OF PROHIBITION AS SOUGHT BY THIS PETITION.

6.

THE PETITIONER HAS A PRESENT RIGHT TO THE PERFORMANCE OF THE ABOVE DUTY, WHICH RIGHT EXISTS AS OF THE DATE OF THE FILING OF THIS PETITION AND WILL EXIST AS OF THE DATE OF THE COURTS ORDER.

7.

PETITIONER IS THE PRESIDENT OF THE UNITED STATES CYBERWAR RESEARCH INSTITUTE, WASHINGTON, D.C. WWW.USCYBERWAR.COM WITH JURIS SCIENCE DOCTOR IN CYBER SECURITY AND LEGISLATION. PETITIONER HOLDS AN IMPORTANT NATIONAL SECURITY JOB IN DEFENDING UNITED STATES AGAINST CYBERWAR, CYBER ATTACK AND CYBER SECURITY. THAT HE HAS BEEN INCARCERATED FOR OVER FOUR MONTHS WHICH HE WAS DENIED BONDS TWICE, WHICH HAS ENABLED CHINESE CYBER SPY TEAM TO ATTACK AND RETRIEVE CLASSIFIED NATIONAL DEFENSE FILES/INFORMATION FROM MILITARY NATIONAL DATABASE CONSEQUENTLY, THE NATIONAL SECURITY HAS BEEN COMPROMISED BY THE VIRTUE OF HIS INCARCERATION. INCARCERATION ORCHESTRATED ON SURREPTITIOUS MANIPULATION OF A BITTER EX-WIFE BY A CRIMINAL R. TIMOTHY HAMIL WHO IS HIDING UNDER THE COLOR OF THE LAW AND STATE POLICE POWER. PETITIONER DEMANDS IMMEDIATE CONSTITUTIONAL SPEEDY TRIAL TO EXONERATE HIMSELF OF THIS BOGUS CHARGES THAT TO PAY CHILD SUPPORT ORDERED BY THE COURT OF COMPETENT JURISDICTION IS AN AGGRAVATED STALKING.

WHEREFORE, THE PETITIONER RESPECTFULLY REQUESTS THAT THE COURT HEAR THIS PETITION AND ENTER ITS ORDER GRANTING A WRIT OF PROHIBITION TO THE HONORABLE JUDGE ROBERT JAMES OF THE SUPERIOR COURT OF DOUGLAS COUNTY, DOUGLASVILLE, GEORGIA, REQUIRING HIM TO CONDUCT IMMEDIATE PRETRIAL MOTION HEARING AND JURY TRIAL ON THE CRIMINAL CASE NO. 14CR243.

RESPECTFULLY SUBMITTED

DATED THIS JUNE, DAY OF 24TH, 2014 MIKE REDFORD, JD, LL.M, JSD

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT A COPY OF THIS PETITION WAS SERVED UPON JUDGE ROBERT W. JAMES, 8700 HOSPITAL DRIVE, DOUGLAS COUNTY JUDICIAL CIRCUIT, DOUGLASVILLE, GA. 30134 VIA UNITED STATES FIRST CLASS MAIL.

IN THE GEORGIA COURT OF APPEAL
STATE OF GEORGIA

MIKE REDFORD
PETITIONER
V.
JUDGE ROBERT W. JAMES
RESPONDENT

CASE NO:
STATE CASE NO 14CR243

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RESPECTFULLY SUBMITTED

DATED THIS JUNE, DAY OF 24TH, 2014 MIKE REDFORD, JD, LLM, JSD

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THIS JUNE DAY OF 24TH, 2014 MIKE REDFORD, JD, LLM, JSD

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

July 2, 2014

To: Mr. Cedric B. Pickard, GDC255365, Hancock State Prison, Post Office Box 339, Sparta, Georgia 31087

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 under your name.** Until a case is docketed in the Court of Appeals in your name, you should direct your inquiries to your attorney or the trial court clerk.

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☐ **Your Notice of Appeal did not include a Certificate of Service or does not include a proper Certificate of Service.** A Certificate of Service must accompany your Notice of Appeal. It 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. In an appeal of a criminal conviction in a superior court, the State is represented by the District Attorney or an Assistant District Attorney.

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☐ **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 Supreme Court of Georgia is:**

Supreme Court of Georgia
244 Washington Street, S.W. • Suite 572
Atlanta, Georgia 30334

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

IN THE SUPREME COURT OF THE STATE OF GEORGIA

CEDRIC B. PICKARD,
Petitioner,

v.

STATE OF GEORGIA,
Respondent.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE COURT OF APPEALS OF GEORGIA

BRIEF OF THE PETITIONER

Cedric B. Pickard
GDC #255365
Hancock State Prison
P.O. Box 339
Sparta, Georgia 31087

Cedric B. Pickard
Petitioner Pro Se

QUESTION PRESENTED

A. WHETHER PETITIONER WAS DENIED DUE PROCESS OF LAW IN VIOLATION OF THE FIFTH AND FOURTEENTH AMENDMENTS RIGHTS TO THE FEDERAL CONSTITION BECAUSE THE STATE'S PROSECUTING ATTORNEY WAS BIASED AND PREJUDICED WHEN HE INTENTIONALLY AND KNOWINGLY PRESENTED INADMISSIBLE, FALSE EVIDENCE IN HIS OPENING STATEMENT AND CLOSING ARGUMENT, AND SOLICITED FALSE TESTIMONY FROM AN IMPORTANT WITNESS FOR THE STATE THE ALLEGED VICTIM, THAT THE PETITIONER HAD POSSESSION AND USE A GUN, TO COMMIT THE ALLEGED INDICTED CRIMES THAT THE PETITIONER WAS ON TRIAL FOR, WHEN IN FACT THE STATE'S PROSECUTING ATTORNEY KNEW IN ADVANCE OF PETITIONER'S TRIAL THAT THE EVIDENCE OF A GUN WAS NOT ONLY INADMISSIBLE BUT THAT IT WAS FALSE EVIDENCE?

OPINION BELOW

Cedric B. Pickard v. State of Georgia; Georgia Court of Appeals Docket No.: A14D0371 denied on June the 11, of 2014.

JURISDICTION

Jurisdiction conferred upon this Court by statute and by law. See O.C.G.A. § 5-7-1; O.C.G.A. § 5-7-3, Ga.L. 1973 p. 297, § 3; and the Georgia Constitution, Article VI, Section II, Paragraph IV (Ga. Const. 1976); as well as Supreme Court Rule 33 and Rule 39.

I. STATEMENT OF CASE

On June 30, 1999, the Petitioner was arrested by the Upson County Sheriff Department in Thomaston, Georgia, and subsequently, on July 2, 1999, the Petitioner was charged with the offense of Rape, and on July 7, 1999, the Petitioner was further charged by the Upson County Sheriff Department with the offenses of Possession Of A Firearm By A Convicted Felon; Commission Of A Crime By A Convicted Felon Through The Use Of A Firearm; Aggravated Assault; Aggravated Child Molestation; Enticing A Child For Indecent Purposes; and two (2) counts of Kidnapping.

On September 22, 1999, at a Preliminary Hearing Proceeding that was held in the Magistrate Court of Upson County regarding all named offenses, the Court dismissed the charges of Possession Of A Firearm By A Convicted Felon; Commission Of A Crime By A Convicted Felon Through The Use Of A Firearm; and Aggravated Assault. The Court found that there was insufficient evidence of a Gun by the State authorities support for trial.

On March 21, 2000, an Upson County Grand Jury indicted the Petitioner for the following offenses: Count 1, Rape; Count 2, Enticing A Child For Indecent

Purposes; Counts 3 + 4, Aggravated Child Molestation; and Counts 5 + 6, Kidnapping.

On September 5-7, 2000, the Petitioner was convicted by an Upson County Petit Jury on Counts 2, 3, 4, and 6; the Petitioner was acquitted by the Upson County Petit Jury on Counts 1 + 5; and the Trial Court entered a judgment notwithstanding the verdict on Count 2.

Upson County Superior Court Judge the Honorable Christopher C. Edwards sentenced the Petitioner to three (3) consecutive life without parole sentences on counts 3, 4, and 6. A Motion For New Trial was filed, heard, and denied in the Superior Court of Upson County. The judgment of conviction and sentence was affirmed by the Georgia Court of Appeals; Pickard v. State, 257 Ga. App. 642, 572 S.E. 2d 660 (2002).

Petitioner petitions for habeas corpus relief were denied by both State and Federal Courts; Pickard v. Thompson, 170 Fed Appx. 86 (11th Cir. 2006), affirming Pickard v. Thomason, 2005 WL 1522585 (M.D. Ga. June 24, 2005) (denying Pickard's federal habeas petition, and noting that the Superior Court of Telfair County denied Pickard's petition for State habeas relief on February 12, 2003, and the Georgia Supreme Court denied Petitioner's Application For Certificate Of Probable Cause) cert. denied, ___ U.S. ___ (127 S.C 179, 166 LE 2d 126) (2006) reh. denied ___ U.S. ___ (127 SC 1044, 166 LE 2d 787) (2007).

On February 3, 2014, the Petitioner filed an Extraordinary Motion For New Trial with his Affidavit attached in the Superior Court of Upson County based newly discovered evidence. Claiming the issue of Prosecutorial Misconduct arguing that the State's prosecuting attorney was biased and prejudiced when he intentionally and knowingly presented inadmissible, false evidence, and solicited false testimony, that the Petitioner had possession and use a Gun, to commit the alleged indicted crimes that the Petitioner was on trial for, in his opening statement, closing argument, and as well as on direct examination of the State's important witness the alleged victim. The Petitioner presented the necessary facts to warrant a hearing on the Motion, because, the Trial Court on February 27, 2014, ordered that a hearing to be held on Petitioner's extraordinary motion for new trial in the Superior Court of Upson County on March 31, 2014, which was denied.

II. STATEMENT OF FACTS

Fifteen years old Tamika Osber testified that on June 30, 1999, the Petitioner, Cedric Bernard Pickard, her mother's boyfriend woke her up. He told her they were going to get her mama something to eat and

pick up her brother (Trial Transcript at 86) (Hereinafter "T.T." shall be substituted for the words trial transcript) Tamika's mother was already at work at a local nursing home when Tamika and the Petitioner went to the Burger King in Thomaston and the Petitioner ordered two sausage biscuits and a small coke. Instead of going to the nursing home where her mother was working the Petitioner showed Tamika a gun and told her she was going to watch him kill himself. (T.T. at 87) Tamika began to cry and said she was going to jump out of his Blazer but he locked the doors and told her to stop crying. The Petitioner drove down Highway 19 South, turned on Lostown Road, went in some pathway about a mile into some bushes. (T.T. at 88) When Petitioner stopped the Blazer he told Tamika to take off her clothes. She was wearing blue jeans shorts, a white shirt, and sandals. Tamika testified further that though she did not want to take her clothes off, she did as he said. (T.T. at 89) Petitioner still had the gun he showed her earlier, now in his hand, and instructed her to get into the back seat of the vehicle. A cooler with ice, Budweiser beer, and Vienna Sausage, some cups and a Blanket were in the back of the Blazer with the seat let down. (T.T. at 90) The Petitioner took off his clothing and had forced sex

with Tamika, including forcing her to perform oral sex on him. (T.T. at 91) All the while, Petitioner was holding the gun in his hand. Both put their cloths back on, Tamika, crying, returned to the front seat while the Petitioner talked about killing himself. (T.T. at 92) He then pulled out the blanket, and telling Tamika if she did not go with him, she would never see her family again, forced her to go deeper into the woods with him. During this time Petitioner was drinking beer, telling Tamika it was her fault her mother was going to leave him and that he wanted her to kill him. (T.T. at 93) After he finished this tirade he got on top of Tamika, took her clothes off once again, and again forced her to have oral and vaginal sex with him, Tamika stated that she tried to push him off of her but he grabbed her arms. (T.T. at 94) While walking back to the Blazer Tamika got scratches on her arms from the briars. Upon returning to the vehicle, Tamika sat crying, listening to the radio while the Petitioner was back there playing with himself. (T.T. at 95) He once again forced her to perform oral sex on him. He also tried to force her to have anal sex during the of the afternoon. (T.T. at 96) Tamika talked him into making up a story so they could return safely home. The Petitioner came up with the idea that they would

tell people that someone had hijacked them. At that time, the Petitioner decided to go home but the Blazer was stuck. He tried to get it out placing wood under the back tires. Failing to drive the Blazer out, he jerked the C.D. Player out and tossed it into the woods. (T.T. at 98) The two began to walk back toward town on the way they was given a ride by a person in a green pick up truck who dropped them off in Thomaston at the Advance Auto Parts Store from there, they walked home, arriving about seven in the evening. (T.T. at 100) Tamika mother arrived afterwards and asked where the hell we had been. (T.T. at 101) The Petitioner responded that they had been hijacked, the mother asked Tamika to go with her and tell her what had happened. Tamika began reciting the lie the Petitioner had instructed her to repeat, then she recanted and told her mother they had not been hijacked and that he had a gun. At this time she did feel like she could tell her mother everything that he had forced her to do because the Petitioner was walking toward them. (T.T. at 101) With the intention of going to the police station, Angela Osbey told the Petitioner they were going to the grocery store. She did not ask him to ride along but he said that he wanted them to take him to Pissly Wissly. (T.T. at 102)

He pulled out the gun, pointed it at Tamika (T.T. at 103) and told her mother to stop the car, which she did, (T.T. at 104) then he drove the car to the top of the hill at the entrance to where they had driven into the woods. (T.T. at 110) The Petitioner once again began talk of killing himself. (T.T. at 111) Tamika testified that the threesome drove to the grocery store at this time that the Petitioner put the gun in the trunk of her mother's car, then he and her mother went into the grocery store and left her in the car alone. After groceries were bought, they went home. (T.T. at 112) Following this, the Petitioner went alone to report that his Blazer had been stolen and Tamika told her mother what had really happened. Tamika and her mother went to a neighbor's house, called the police and were told to go to the police station. (T.T. at 113) The two got a ride to the police station and reported what had occurred. Tamika was taken to the hospital where an exam was completed (T.T. at 114, 115) Afterwards she was taken to the location she had told the officers they could find Petitioner's Blazer (T.T. at 116)

Witness Dr. Romulo Parungao testified that he examined Tamika Oshey at the Upson Regional Medical Center on June 30th, 1999. (T.T. at 168) The doctor further testified that there was both blood and a semen-like mucus in the vagina. (T.T. at 170) The

doctor testified that he performed the Rape Kit on Tamika Osbey that it includes testing for like public hair, testing for the hair of the victim, or any kind of material that's dried in there or present. The doctor further testified that the Rape Kit includes a slide to gather a specimen, whatever is in the vulva, vasina, and the cervix. And includes a container also. There's a liquid that's frozen. We use that as a container for examination of any fluid that's inside the vasina. (T.T. at 190, 191) The doctor testified that he recover public hairs by combing and just picking out some hairs and he do a vasinal swab to make a film on a slide. The doctor testified that seal the evidence in some manner in a envelope and it is given to the officer to check and sent to Crime Lab. (T.T. at 191) The doctor testified that alone with the Rape Kit all of Tamika Osbey clothing were gathered and sealed up as part of the Rape Kit. (T.T. at 195, 196, 197) The doctor further testified that in Petitioner's case he feel like in this particular case and particular patient, that he gathered all of the relevant evidence regarding any sexual activity or lack thereof. (T.T. at 197) The doctor testified that a history includes what the complaint is, and that's part of the history, chief complaint, and what happened

recently, history of present illness. (T.T. at 198) The doctor further testified that the history in Petitioner's case was provided by Tamika Osber alone and that there was no independent corroboration of that. (T.T. at 198, 199)

Witness Lisa Hobsood testified that she was employed at the Georgia Bureau of Investigation, Division of Forensic Science. (T.T. at 200) Lisa Hobsood testified in Petitioner's case she recieved the Sexual Assault Collection Kit for Tamika Osber. (T.T. at 201) Lisa Hobsood testified that she found intact spermatozoa and that's the best condition that they can be in. (T.T. at 203) Lisa Hobsood further testified that these sperm samples was submitted for DNA testing and that the sperm sample was not sufficient to get a match to anything. (T.T. at 204) Lisa Hobsood testified that she sent the rest of the items from the Sexual Assault Evidence Collection Kit on to the other departments within the Crime Lab. (T.T. at 211) Lisa Hobsood further testified that none of the other departments within the Crime Lab was not able to make a match to anything from the Sexual Assault Evidence Kit. (T.T. 212, 213)

III. REASON FOR GRANTING THE WRIT

ARGUMENTS AND CITATIONS OF AUTHORITIES

A. WHETHER PETITIONER WAS DENIED DUE PROCESS OF LAW IN VIOLATION OF THE FIFTH AND FOURTEENTH AMENDMENTS RIGHTS TO THE FEDERAL CONSTITUTION BECAUSE THE STATE'S PROSECUTING ATTORNEY WAS BIASED AND PREJUDICED WHEN HE INTENTIONALLY AND KNOWINGLY PRESENTED INADMISSIBLE, FALSE EVIDENCE IN HIS OPENING STATEMENT AND CLOSING ARGUMENT, AND SOLICITED FALSE TESTIMONY FROM AN IMPORTANT WITNESS FOR THE STATE THE ALLEGED VICTIM; THAT THE PETITIONER HAD POSSESSION AND USE A GUN, TO COMMIT THE ALLEGED INDICTED CRIMES THAT PETITIONER WAS ON TRIAL FOR, WHEN IN FACT THE STATE'S PROSECUTING ATTORNEY KNEW IN ADVANCE OF PETITIONER'S TRIAL THAT THE EVIDENCE OF A GUN WAS NOT ONLY INADMISSIBLE BUT THAT IT WAS FALSE EVIDENCE?

In the question presented, the Petitioner asks this Court to grant Certiorari to consider his claim of Prosecutorial Misconduct claiming that the State's prosecutins attorney was biased and prejudiced when he intentionally and

knowingly presented inadmissible, false evidence, and solicited false testimony of evidence, that the Petitioner had possession and use a Gun, to commit the alleged indicted crimes that the Petitioner was on trial for, in his opening statement, closing argument, and as well as on direct examination of the State important witness the alleged victim, which is clearly prohibited under a person due process rights of the Fifth and Fourteenth Amendments Rights to the United States Constitution. Clearly, the United States Constitution prohibits the jury in all criminal prosecution from considering inadmissible false evidence or false testimony. The purpose of the United States Constitution is to assist the truth process by preventing the jury from becoming inflamed or impassioned or mislead, thereby, deciding the case on inadmissible, irrelevant, and prejudical evidence.

The Court of Appeals of Georgia denied the Petitioner's Application for Discretionary Appeal of the Trial Court's order denial of relief on Petitioner's issue of Prosecutorial Misconduct, finding that the Petitioner represent himself Pro Se at the Extraordinary Motion for New Trial Hearing Procedure and that the evidence introduce the Trial Court denied Petitioner relief.

As noted in Part I, on February 3, 2014, the Petitioner's filed an extraordinary motion for new trial based on newly discovered evidence.

The Georgia Supreme Court in Dicks v. State, 248 Ga. 898, 899 (2) (287 S.E. 2d 11) (1982). This Court held that, On September 17, 1981, the defendant filed an extraordinary motion for new trial based on newly discovered evidence. The motion recited in conclusory fashion that the evidence was material, not merely cumulative or impeaching in nature and had only been recently acquired, that there was no want of diligence in acquiring it sooner, and that it would probably produce a different result in the case. The motion itself did not state what the new evidence was.

If pleadings in extraordinary motion for new trial do not contain statement of facts sufficient to authorize that motion be granted if facts developed at hearing warrant such relief it is not error for trial court to refuse to conduct hearing on extraordinary motion.

Requirement for granting extraordinary motion for new trial are that movant satisfy the court that newly discovered evidence had come to his knowledge since the trial that want of due diligence was not reason that evidence was not acquired sooner, and evidence was so material that it would probably produce a different verdict, that it is not cumulative only,

and affidavit of witness attached to motion or its absence accounted for and that new evidence does not operate solely to impeach credibility of witness and implicit in these requirement is that newly discovered evidence must be admissible as evidence.

In prosecution for murder and armed robbery, in view of fact that there was no affidavit from defendant saying when he first learned of new evidence that he was "involuntarily drugged," defendant did not show diligence necessary for grant of extraordinary motion for new trial.

Defendant's due process and equal protection rights were not violated by trial court's summary denial of his extraordinary motion for new trial after he was convicted for murder and armed robbery where he failed to comply with procedural requirements of State law which requires that if pleadings and extraordinary motion for new trial do not contain statement of facts sufficient to authorize motion to be granted, it is not error for trial court to refuse to conduct hearing on motion.

Thus, the instant decision followed. Trial Court did not abuse its discretion in denying defendant's extraordinary motion for new trial without a hearing, as the alleged newly-discovered evidence was not so material that it would likely result in a different verdict, the Court favored the original testimony,

and as such could not disregard the jury's verdict.

The Georgia Supreme Court in Davis v. State, 283 Ga. 438, 660 S.E.2d 354 (2008). This Court held that, the Trial Court did not abuse the Court's discretion in denying the defendant's extraordinary motion for new trial without a hearing as: (1) the alleged newly-discovered evidence was not so material that it would likely result in a different verdict; (2) the affidavits presented lack the type of materiality required to support a new trial as they did not show the witnesse's trial testimony to have been the purest fabrication; (3) the defendant failed to act diligently in presenting the affidavits alleged to have supported the motion; (4) the trial court favored the original testimony and as such could not disregard the jury's verdict; and (5) the defendant failed to present the facts necessary to warrant a hearing on the Motion.

On February 3, 2014, the Petitioner filed an extraordinary motion for new trial based on newly discovered evidence. And unlike in Dicks v. State, supra, and Davis v. State, supra, where the defendants failed to comply with procedural requirements of State law which requires that if pleadings and extraordinary motion for new trial do not contain statement of facts sufficient to authorize motion

to be granted, it is not error for trial court to refuse to conduct hearing on motion. In the present case, the Petitioner complied with procedural requirements of State law when pleadinss his extraordinary motion for new trial, because the Trial Court granted to conduct a hearing on Petitioner's Motion.

Petitioner demonstrates to this Court that when the Trial Court granted the Petitioner a hearing the Trial Court served the Upson County Public Defender's Office with his order, however, for this reason, the Petitioner had the impression that the Trial Court had appointed him an attorney to represent him at the hearing, the Petitioner was not prepared or knew that he would have to represent himself pro se at the evidentiary hearing procedure on his extraordinary motion for new trial in the Trial Court. The Trial Court factfinding procedure was not adequate to afford a full and fair evidentiary hearing or that the Trial Court did not afford the opportunity for a full, fair, and adequate hearing, because the Trial Court did not appoint the Petitioner an attorney to represent him at his extraordinary motion for new trial evidentiary hearing procedure, in the Trial Court.

As noted in Part I, the State's prosecuting attorney knew that on September 22, 1999, there

was a preliminary hearing conducted, by a Magistrate Judge in the Magistrate Court of Upson County, in Petitioner's case. Preliminary hearing is a criminal hearing conducted by a Magistrate Judge to determine whether there is sufficient evidence to prosecute an accused person. If sufficient evidence exists, the case will be set for trial or bound over for grand-jury review, or an information will be filed in the trial court. In the present case, the State's prosecuting attorney knew that the transcript of Petitioner's preliminary hearing proceeding is material in that it shows that the Court suppress the evidence of a gun, due to the State's insufficient evidence of a gun, to support for trial, in Petitioner's case. The transcript of Petitioner's preliminary hearing proceeding was never transcribe and filed in the Magistrate Court or the Trial Court to be made apart of the records in Petitioner's case, nor was a copy of the transcript ever furnish to the Petitioner, and the want of due diligence is not the reason that the transcript of Petitioner's preliminary hearing proceeding was not acquired sooner. Since the year of 2000, the Petitioner has been trying due diligence to get a copy of the transcript of his preliminary hearing

proceeding. The State has suppressed the transcript of Petitioner's preliminary hearing proceeding which shows that evidence was suppress by the Court in favorable of the Petitioner the same evidence that was used by the State at trial to obtain the Petitioner's conviction.

Furthermore, in the present case, the State's prosecuting attorney knew that he did not present any evidence to the Upson County Grand Jury that the Petitioner had possession and use a Gun, to commit the crimes that he was charged with committing by the State, because the Petitioner's Indictment that was handed down by the Upson County Grand Jury clearly does not charge or accuse the Petitioner for any possession or use of a Gun, for committing any one of the alleged indicted crimes that the Petitioner was on trial for.

As noted in Part II, there was an Rape exam done, and, even though, DNA evidence was collected and tested the State's prosecuting attorney did not introduce any DNA evidence linking the Petitioner to the alleged victim.

There was no evidence connecting the Petitioner to the alleged indicted crimes other than the alleged victim's testimony. The State's entire case against the Petitioner based alone upon the accusation of the alleged victim's.

There was no other physical evidence, whatsoever, except, the alleged victim's testimony connecting the Petitioner to the alleged indicted crimes. Especially, with DNA technology being so advance, then and today, it seems more logical that had all this supposedly body contact and tremendous amount of sexual activities going on all that same particular day for hours between the Petitioner and the alleged victim, surely somebody would have found some kind of DNA trace of our close involvement. However, there was no DNA matches whatsoever. There was no hair matches. There was no sample of any blood matches. There was no matching body fluids. There was no semen matches, nor anything else whatsoever incriminating found on the bodies or clothing of either the Petitioner or the alleged victim. There was no overwhelming evidence presented, in the Petitioner's case. There was only the alleged victim's testimony. The only evidence that the State's prosecuting attorney presented to convict the Petitioner was the testimony of the alleged victim. However, the alleged victim's testimony was significantly tainted by her inadmissible, false testimony of evidence that the Petitioner had possession and use a Gun, to commit the alleged indicted crimes against her, that the Petitioner was on trial for, especially, the

fact, that the Petitioner's Indictment that was handed down by the Upson County Grand Jury, does not charge or accuse the Petitioner with having any possession or use of a Gun, to commit any one of the alleged indicted crimes against the alleged victim that the Petitioner was on trial for. However, the petit jury, clearly, convicted the Petitioner on inadmissible, false, irrelevant, and prejudicial evidence.

The Supreme Court of Georgia in John Eldon Smith v. Walter D. Zant, 250 Ga. 645, 301 S.E. 2d 32, March 1, 1982. Grand and petit jury panels, prosecutorial misconduct, this Court held that, the State's argument overlooks the thrust of Napue v. Illinois, 360 U.S. 264, 79 S. Ct. 1173, 3 L Ed. 2d 1217 (1959); and Giglio v. U.S., 405 U.S. 150, 92 S. Ct. 763, 31 L. Ed. 2d 104 (1972). It's not so much that Maree testified falsely, but that the State by allowing this knowingly false statement to stand uncorrected deprived the defendant of a fair trial. Since the prosecution has the constitutional duty to reveal at trial false testimony has been given by its witness, it cannot, by failing in this duty shift the burden to discover the misrepresentation after trial to the defense. The defendant has a right to rely on the accuracy of the trial testimony of the State's witness where the truth of falsity of his testimony is peculiarly within the knowledge of the State and

the State is under a duty to reveal false testimony. Thus, we find unpersuasive the State's argument that the defendant should have discovered the State's breach of duty. As was said in William v. State, 250 Ga. 463 at 466, 298 S.E. 2d 492 (1983): "The State urges that the defendant should have done more than he did to protect himself. We find that the State should have done more than it did to protect the defendant's rights." See also Price v. Johnston, 334 U.S. 266, 286, 68 S.Ct. 1049, 1060, 92 L.Ed. 1356 (1948).

The United States Supreme Court in Napue v. Illinois, supra, the Court held that:

(1) First it is established that conviction through use of false evidence, known to be such by representatives of the State must fall under the Fourteenth Amendment Mooney v. Holohan, 294 U.S. 105, 112, 55 S.Ct. 340, 342, 79 L.Ed. 791, 98 ALR 406; Pyle v. Kansas, 317 U.S. 213, 87 L.Ed. 214, 63 S.Ct. 177. The same result obtaining when the State although not soliciting false evidence allows it to go uncorrected when it appears. Alcorta v. Texas, 355 U.S. 28, 2 L.Ed. 2d 9, 78 S.Ct. 103; United States ex rel. Thompson v. Dye, (CA3 Pa) 221 F.2d 763; See generally annotaction, 2 L.ed 2d 1575.

(2) The priciple that a State may not knowingly use false evidence including false testimony, to obtain a tainted conviction, implicit in any concept of ordered liberty,

does not cease to apply merely because the false testimony goes only to the credibility of the witness. The jury's estimate of the truthfulness and reliability of a given witness may well be determinative of guilt or innocence and it is upon such subtle factors as the possible interest of the witness in testifying false that a defendant's life or liberty may depend. As stated by the New York Court of Appeals in People v. Savvides, 1 NY ed 554, 557, 154 NY S 2d 885, 887, 136 NE 2d 853, 854, 855.

(3) "It is of no consequence that the falsehood bore upon the witness credibility rather than directly upon defendant's guilt. A lie is a lie, no matter what its subject, and, if it is in any way relevant to the case, the district attorney has the responsibility and duty to correct what he knows to be false and elicit the truth.... That the district attorney's silence was not the result of guile or a desire to prejudice matters little, for its impact was the same preventing as it did a trial that could in any real sense be termed fair."

In the present case, the State's prosecuting attorney important witness for the State the allesed victim, Tamika Osbey, testified falsely, that the Petitioner had possession and use a gun, to commit the allesed indicted crimes against her, that the Petitioner was on trial for, howevery the State's

prosecuting attorney allowed this knowingly false statement to stand uncorrected deprived the Petitioner of a fundamentally fair trial. The State's prosecuting attorney has the constitutional duty to reveal at trial that false testimony has been given by his witness, and he cannot shift the burden to discover the misrepresentation after trial to the Petitioner. The Petitioner has a right to rely on the accuracy of the trial testimony of the State's witness where the truth of falsity of the witness testimony is within the knowledge of the State and the State's prosecuting attorney is under a constitutional duty to reveal false testimony.

The law provides that, the proper role of the criminal prosecutor is not simple to obtain a conviction, but to obtain a fair conviction. Where a prosecutor's case include false testimony or the prosecutor fails to correct false testimony and he knew or should have known of the false testimony, a conviction obtained as a result is fundamentally unfair and must be set aside as violating of a defendant's right to due process if there is any reasonable likelihood that the false testimony could have affected the judgment of the jury.

The Supreme Court of Georgia in Byrd v. Owen, 272 Ga 807, 809-812 (536 S.E. 2d 36) (2000). This Court held that, it is irrefutable, deliberate deception of a court and jurors by prosecution with known false evidence is incompatible with rudimentary demands of justice. The same conclusion is reached when the State, even though it does not actually solicit false evidence allows it to go uncorrected when it appears. Any conviction resulting from false testimony knowingly used by the State is incompatible with this Country's standards of justice and justifies reversal.

Whenever the reliability of a witness may have been a factor in the determination of an accused's guilt the State's non-disclosure of evidence affecting such credibility falls within the Brady principle. Stated differently, impeachment evidence, as well as exculpatory evidence, falls within the Brady rule.

The Brady rules does not, of course, mandate reversal for the suppression of minor evidence, a finding of materiality is required first, when the prosecution fails to correct what he knows to be false testimony given by a State's witness, the falsehood is deemed to be material if there is any reasonable likelihood that the false testimony could have affected the judgment of the fact finder.

This Court further held that, it cannot and will not approve corruption in the truth-seeking function of the trial process even when there is no evidence of malevolent intent on the prosecution's part. See: Brady v. Maryland, 373 U.S. 83 (83 S.Ct. 1194, 10 L.Ed. 2d 215).

In the present case, this is a prima facie case that shows by the records that the State's prosecuting attorney denied the Petitioner's due process of law in violation of his Fifth and Fourteenth Amendments Rights to the Federal Constitution because the State's prosecuting attorney was biased and prejudiced when he intentionally and knowingly presented inadmissible, false evidence in his opening statement and closing argument, and solicited false testimony from an important witness for the State the alleged victim, Tamika Osbey, that the Petitioner had possession and use a Gun, to commit the alleged indicted crimes that the Petitioner was on trial for, when in fact the State's prosecuting attorney knew in advance of Petitioner's trial that the evidence of a Gun, was not only inadmissible but that it was false evidence.

Under the U.S. Constitution, the defendant is entitled to a jury that is not laboring under a government-sanctioned false impression of material evidence when it decides the question of guilt or

innocence with all its ramifications.

By law, prosecutorial failure to correct false evidence affecting credibility taints a conviction. A new trial is required if the false testimony could in any reasonable likelihood have affected the judgment of the jury.

In the present case, it is a prima facie case that shows that the Petitioner has met the "fundamental miscarriage of justice" standard by showing by "clear and convincing evidence that but for a constitutional error no reasonable juror would have found the Petitioner (guilt) under the applicable State law." Unquestionably, the Petitioner was denied an effective defense and deprived of a fundamentally fair trial by the prosecution's use of false evidence and false testimony that the Petitioner had possession and use a gun, to commit the alleged indicted crimes that the Petitioner was on trial for, when clearly the State's prosecuting attorney knew in advance of Petitioner's trial that the evidence of a gun was not only inadmissible but that it was false evidence, because the State's prosecutors knew that the evidence of a gun was suppress by the Court, due to the State's insufficient evidence of a gun, in Petitioner's case, prior to trial,

the State's prosecuting attorney also knew that the Petitioner's Indictment that was handed down by the Upson County Grand Jury, does not charge or accuse the Petitioner with having any possession or use of a gun, to commit any one of the alleged indicted crimes against the alleged victim that the Petitioner was on trial for.

Undoubtfully, due process is violated when prosecutor obtains conviction with the aid of false evidence which he knows to be false and allows to go uncorrected; it is immaterial whether or not prosecutor consciously solicited the false evidence, and it is also immaterial whether the false testimony directly concern an essential element of Government's proof or whether it bears only upon credibility of witness.

In the present case, this is a prima facie case that the State's prosecuting attorney was biased and prejudiced when he intentionally and knowingly use false evidence and solicited false testimony of evidence from its important witness the alleged victim, Tamika Osbey, that the Petitioner had possession and use a gun, to commit the alleged indicted crimes that the Petitioner was on trial for, this major false evidence was material in that it violated and deprived the Petitioner's due process rights to a fundamentally

fair trial, because, at Petitioner's trial, the petit jury undoubtfully had the material false impression that the Petitioner had possession and use a gun, to commit the alleged indicted crimes that he was on trial for, during their deliberation in determining the Petitioner's guilt or innocence, which is undoubtfully, exactly the type of material false evidence that this Court have held that it cannot and will not approve of by this country's standards of justice and justifies reversal. Byrd v. Owen, supra.

CONCLUSION

In the present case, this is a prima facie case that shows by the records clear and convincing evidence that the Petitioner's conviction resulted from false evidence and false testimony, intentionally and knowingly used by the State's prosecuting attorney, however, this Court clearly held that, it cannot and will not approve corruption in the truth-seeking function of the trial process even when there is no evidence of malevolent intent on the prosecution's part and that if any conviction resulting from false testimony knowingly used by the State's prosecuting attorney is in incompatible with this country's standards of justice and justifies reversal.

Prosecutorial failure to correct false evidence affecting credibility taints a conviction. A new trial is required if the false testimony could in any reasonable likelihood have affected the judgment of the jury. A strict standard is appropriate because false testimony cases involve not only prosecutorial misconduct but also "a corruption of the truth seeking function of the trial process."

Undoubtfully, A lie is a lie, no matter what its subject, and, if it is in any way relevant to the case, the district attorney has the responsibility and duty to correct what he knows to be false and elicit the truth. That the district attorney's silence was not the result of guile or a desire to prejudice matters little, for its impact was same, preventing, as it did, a trial that could in any real sense be termed fair.

Wherefore, for all the above reasons, Petitioner prays that this Honorable Court grant certiorari.

Respectfully Submitted

Cedric B. Pickard

Cedric B. Pickard
Pro Se Petitioner

Cedric B. Pickard
GDC#255365
Hancock State Prison
P.O. Box 339
Sparta, Georgia 31087

CERTIFICATE OF SERVICE

This is to certify that I have this date served a true and exact copy of the foregoing, Petition For A Writ Of Certiorari, upon the parties listed by placing the same into the U.S. Mail with sufficient postage and properly addressed, to:

Court of Appeals of Georgia
Suite 501
47 Trinity Avenue
Atlanta, Georgia 30334

Scott Ballard
District Attorney
Fayette County Justice Center
One Center Drive
Fayetteville, Ga. 30214

This 23 day of June, 2014.

Cedric B. Pichard

Cedric B. Pichard
Pro Se Petitioner

IN THE SUPREME COURT OF THE STATE OF GEORGIA

CEDRIC B. PICKARD,
Petitioner,

V.

STATE OF GEORGIA,
Respondent.

PAUPER'S AFFIDAVIT

I, Cedric B. Pickard, the Petitioner in the Petition now before this Court states as follows:

1. I am presently confined under the authority of the Georgia Department of Corrections, at Hancock State Prison, in Sparta, Georgia 31087.

2. I am indisent and unable to pay the cost of filing the instant Petition, for which, I believe I am entitled to redress.

This 23 day of June, 2014.

Sworn To And Subscribed To
Before Me This 23rd day of June, 2014.

Notary Public

JASHKA LEWIS
NOTARY PUBLIC
MY COMM. EXPIRES FEB. 27, 2016
BALDWIN COUNTY, GEORGIA

Cedric Pickard
Petitioner

Court of Appeals of Georgia

July 2, 2014

TO: Mr. Virgil L. Maddox, GDC1000577031, Smith State Prison, Post Office Box 726, Glennville, Georgia 30427

RE: **A12A1741. Virgil L. Maddox v. The State**

CHECK RETURN

☐ Your check number in the amount of written on the account of your firm for the filing fee in is enclosed. Please be advised that this Court is returning your check since the filing fee was already paid by .

CASE STATUS - DISPOSED

☑ **Your appeal was dismissed by order on July 3, 2012. The remittitur issued on July 19, 2012, divesting this Court of any further jurisdiction of your case. The case is final. Please refer to my letter to you dated February 6, 2014.**

CASE STATUS - PENDING

☐ Your case is still pending before the Court. Your case was docketed in the _____ term and a decision must be rendered by the Court by the end of the _____ term which ends on _____.

APPLICATION FOR PERMISSION TO APPEAL A PROBATION REVOCATION

☐ To appeal a probation revocation, you will need to file a Discretionary Application with this Court. Rule 31 of the Rules of the Court of Appeals of Georgia describes a Discretionary Application and the items you would need to include with your application.

A Discretionary Application must be filed within 30 days of the stamped filed date on the order that you are appealing and the application must be accompanied by a proper Certificate of Service and a pauper's affidavit or the $80.00 filing fee. You must also comply with all the other applicable rules of Court regarding filing with the Court of Appeals of Georgia.

Enclosed, please find a copy of the Rules of the Court of Appeals for your review.

IN THE COURT OF APPEALS
STATE OF GEORGIA

THE STATE OF GEORGIA,
PLAINTIFF

VS

CASE NO. A12A1741

VIRGIL L. MADDOX,
DEFENDANT/PROSE

NOTICE OF INTENTION TO
APPLY FOR CERTIORARI

TO: CLERK
COURT OF APPEALS OF THE STATE OF GEORGIA
47 TRINITY AVENUE S.W., SUITE 501
ATLANTA, GEORGIA 30334

NOTICE IS HEREBY GIVEN THAT DEFENDANT, VIRGIL L. MADDOX, INTENDS TO APPLY TO THE SUPREME COURT FOR A WRIT OF CERTIORARI TO REVIEW THE JUDGEMENT OF THE COURT OF APPEALS RENDERED IN THE ABOVE-STYLED CASE ON JULY 03 2012 IN WHICH CASE A MOTION TO WITHDRAW GUILTY PLEA WAS DENIED ON JANUARY 04, 2012.

RESPECTFULLY SUBMITTED, THIS 19TH DAY OF JUNE, 2014.

Virgil Lamar Maddox
THE DEFENDANT PROSE

CERTIFICATE OF SERVICE

This is to certify that I have this day served a true and correct copy of the foregoing document(s) upon the below listed person(s), by depositing a copy of same in the United States Mail, in a properly addressed envelope with adequate postage thereon to ensure it reaches its destination.

This 19TH day of JUNE, 20 14.

/s/ CLERK, OF COURT OF APPEALS OF THE STATE OF GA.

PERSON(S) SERVED: /s/ _____

CLERK,
COURT OF APPEALS OF THE
STATE OF GEORGIA
47 TRINITY AVENUE S.W, SUITE 501
ATLANTA GEORGIA 30334

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS
Date: July 7, 2014

To: Mr. James Edward Tucker, Rockdale County Jail, 911 Chambers Drive, Conyers, Georgia 30012

Docket Number: **Style:**

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 **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. ☑ **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.**

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: I have enclosed a copy of the Court's Rules for your review.**

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

ENUMERATION OF ERRORS

1

The appellant has a clear right for an order of an writ of injunction to recieve his jail credit time

2

The appellant has a right to credit for each day spent in pre-confinement to count toward each of court imposed sentence in sentencing proceeding at hand.

3

Trial court errored as to credit towards the appellant misdemeanor is additional time

4

Trial court error stating the appellant can not recieve credit on consecutive sentences

5

Pre-confinement jail time must count toward sentences the appellant must serve. misdemeanors sentence

Respectfully Submitted
James Edward Tucker
Pro-se
Appeal Case Number A14A1926

APPELLANT'S BRIEF

ON ~~April~~ March 15, 2014 I Filed AN WRIT of INJUNCTION, REQUESTING THE TRIAL COURT TO ORDER THE SHERIFF of ROCKDALE, ERIC J. LEVETT, TO CARRY-OUT HIS OFFICIAL PUBLIC DUTY, WHEREAS THE APPELLANT IS SEEKING TO OBTAIN HIS PRE-CONFINEMENT JAIL TIME CREDITED, TOWARDS HIS COURT IMPOSED MISDEMEANOR SENTENCE'S,

THE TRIAL COURT DENIED THE REQUEST, of WRIT of INJUNCTION, WHEREAS THE APPELLANT IS APPEALLING THAT that DENY ORDER TO GEORGIA COURT of APPEAL, SEEKING RELIEF,

THE APPELLANT IS SERVING (2) TWO MISDEMEANOR'S SENTENCE'S AT the ROCKDALE COUNTY JAIL WHICH WAS IMPOSED BY THE TRIAL COURT'S ON OCTOBER 13th 2005. THE COURT IMPOSED (2) TWO — 1, YEAR SENTENCE, TO BE SERVED CONSECUTIVELY TO EACH other, After the FELONEY SENTENCE WHICH was also imposed.

AFTER RETURNING FROM GEORGIA DEPARTMENT of CORRECTIONS TO the ROCKDALE COUNTY JAIL — TO START SERVING, THE (2) TWO MISDEMEANOR'S, THE SHERIFF Refused TO CREDIT THE DAY'S SPENT IN PRE-CONFINEMENT ON ~~the~~ THE

ON the 2 TWO MISDEMEANOR'S inwhich I WAS ARRESTED ON. whereas I Remained in ROCKDALE County Jail, FROM Feburary 24th 2005 untill OCTOBER 13th 2005, untill the Trial Court PASSED SENTENCE, ~~the~~ at the time I was in CONFINEMENT THE APPellant was NOT SERVING NO other SENTENCE, THERE FOR the DAY'S SPENT in Pre-Confinement FROM FEBRUARY 24th 2005 THRU. OCTOBER 13th 2005, MUST COUNT Towards all COURT imposed SENTENCE in that Criminal Proceeding inwhich SENTENCE WAS imposed. SHERIFF of ROCKDALE County is Refussing TO Give ME the Pre-Confinement DAY'S Towards the (2) MISDEMEANORS, AND the COURT'S (TRIAL COURT) is Addressing the Writ of INJUNCTION REQUEST AS Additional Time, Pre-Confinement Jail Credit is NOT in NO WAY additional Time, It's Time SPENT IN JAIL AWAITING TRIAL OR BEFORE COURT SENTENCING, TRIAL COURT STATED that the Jail Credit CAN ONLY, BE Credited Towards the FELONEY SENTENCE, A Clear Violation of O.C.G.A. 17-10-11, THE TRIAL COURT ORDER STATED That The APPELLANT CAN NOT GET CREDIT ON THE CONSECUTIVE SENTENCE'S THIS ALSO A Clear Violation

of O.C.G.A 17-10-11 thru 17-10-12.

O.C.G.A 17-10-11 OPINION of the ATTORNEY GENERAL of the STATE of GEORGIA, OPINION No. 87-19, JULY 22ND 1987, STATES AS FOLLOWING,

Defendants SERVING CONSECUTIVE SENTENCES WHO HAVE EARNED CREDIT FOR time SERVED AGAINST the CONSECUTIVE MUST BE GIVEN CREDIT FOR that time AGAINST the CONSECUTIVE SENTENCE, THE APPELLANT REQUEST that the DAYS SPENT in PRE-CONFINEMENT BE CREDITED TOWARDS HIS (2) TWO MISDEMEANOR SENTENCE. And ORDER the TRIAL COURT TO ORDER the SHERIFF of ROCKDALE COUNTY JAIL that the APPELLANT is FULLY ENTITLE TO EACH DAY SPENT IN CONFINEMENT RESULTING FROM the COURT ORDER, MUST COUNT TOWARDS that COURT IMPOSED SENTENCE, IN the CRIMINAL PROCEEDING in which SENTENCE WAS ORDER, OR TO SHOW WHY BASED UPON the LAWS of GEORGIA AS TO WHY this APPELLANT should NOT RECIEVE his PRE-CONFINEMENT JAIL CREDIT toward his (2) TWO MISDEMEANOR SENTENCE. AS OUTLINED BY the LAW'S of this STATE.

Respectfully Submitted
James Edward Lee

CERTIFICATE of SERVICE

THIS is to Certify that I JAMES E. Tucker

HAVE on this DAY SERVED the Georgia Court

of APPEALS with COPYS of the Attached

Document, BY mail

THIS 30th DAY June 2014

COURT OF APPEALS OF GEORGIA

47 Trinity Avenue, S.W., Suite 501
Atlanta, Georgia 30334
(404)656-3450
Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

NOTICE OF DOCKETING - DIRECT APPEAL

APPEAL CASE NUMBER: A14A1926 **DATE OF DOCKETING: June 18, 2014**

STYLE: JAMES EDWARD TUCKER v. THE STATE

IMPORTANT RULE REQUIREMENTS AND INFORMATION

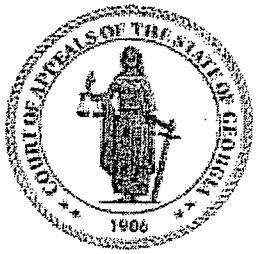
Briefs: Appellant's brief (including an Enumeration of Errors as Part II) shall be filed within 20 days of the date on this docketing notice. **No appellant's brief shall be received for filing without the $80.00 filing fee or sufficient pauper's affidavit.** Appellee's brief shall be filed within 40 days after the docketing date or 20 days after the filing of the appellant's brief whichever is later.

Requests for extensions of time to file briefs should be made by motion. Failure to timely file briefs or to follow any Court rules or orders may cause the appeal to be dismissed or may cause non-consideration of a brief and may subject the offender to contempt.

Filing by US Postal Mail or Delivery Service: The contents of a properly addressed mailing other than a motion for reconsideration shall be deemed filed on the date of the U.S. Postal Service postmark date if it is stamped on the envelope or container. A filing received from an overnight delivery service is deemed filed on the date shown on the envelope or container. If no date appears on the container or envelope of a mailing or delivery, the contents shall be deemed filed on the date of receipt by the court. **Motions for reconsideration are deemed filed on the date the motion is physically received in the Clerk's office.**

Oral Argument: A Request for Oral Argument shall be filed within 20 days of the date on this docketing notice. If oral argument is requested and granted by this Court, the argument is tentatively scheduled for Oct 29 2014 before the Third Division: P. J., Barnes, J., Boggs, J., Branch. A calendar will be sent to counsel of record confirming the exact date of oral argument. If the calendar has not been received at least ten days prior to the tentative oral argument date, please contact the Clerk's office.

Communications: For information, contact the Clerk's office or visit www.gaappeals.us.There shall be no communications relating to pending appeals to any judge or member of the judge's staff.



2014

Georgia Court of Appeals

RULES

Last Update: May 15, 2014

Please Return Stamped

THE COURT OF APPEALS OF GEORGIA

MICHEL THOMAS,	)	
	)	
	)	**APPEAL CASE NUMBER : A14A1368**
Appellant,	)	
	)	
v.	)	
	)	
ROLLINS, INC., D/B/A/ ORKIN, INC.,	)	
	)	
Employer/Self-Insurer/Appellee,	)	
	)	
and	)	
	)	
SEDGWICK CMS, INC.,	)	
	)	
Servicing Agent/Appellee		

FILED IN OFFICE

APR 28 2014

COURT CLERK
CLERK COURT OF APPEALS OF GA

RECEIVED IN OFFICE
2014 MAY -1 PM 1:24
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

APPELLANT'S REPLY BRIEF TO APPELLEE'S BRIEF IN RESPONSE TO APPELLANT'S DIRECT APPEAL

COME NOW, Appellant, Michel Thomas, files this reply brief in response to Appelle's brief in response to Appellant's Direct Appeal with the Honorable Court of Appeals of Georgia. This Court do in fact have jurisdiction over this direct appeal as already determined by the Honorable Supreme Court of Georgia and as provided by OCGA 34-9-105(e) and the Georgia Constitution Article VI, Section I, V, and VI. Any statute which prevents this Court from reviewing this case on direct appeal is unconstitutional. The hearings conducted by the ALJ, Appellate Division, and Superior Court of Newton County was for an initial hearing to determine if Appellant sustained a compensable injury. The Appellee never filed a notice to controvert as mandated by OCGA 34-9-221(d) therefore the award is illegal and unconstitutional under the Georgia and United States Constitutions, violating Appellant due process rights and the process at each hearing (ALJ, Appellate Division and Superior Court of Newton County was not

Attachment C

IN THE GEORGIA SUPREME COURT

FROM

NEWTON COUNTY SUPERIOR COURT

MICHEL THOMAS
PLAINTIFFS

VS.

ROLLINS INC
ORKIN INC
DEFENDANTS

INDEX TO CASE NO. 2013-SU-CV-444

Court of Appeals of Georgia

July 8, 2014

TO: Mr. Marcus A. Terrell, GDC831124 1B-112-A, Gwinnett County Jail, 2900 University Parkway, Lawrenceville, Georgia 30043

RE: **Filing an Appeal**

REQUEST FOR INFORMATION

☑ **If you have a friend or family member with computer access; ask them to go to the Court's website at: www.gaappeals.us and click on "Citizen's Guide" for more helpful information.**

Handwritten documents are accepted on the standard notebook or writing tablet paper and spaced the same as in the letter you forwarded.

The Court of Appeals of Georgia cannot assist you in obtaining extra law library time. You may want to file a motion with the trial court.

REQUEST FOR FORMS

☐ This Court does not have the forms you requested.

COURT RULES

☐ At your request, a copy of the Rules of the Court of Appeals of Georgia has been enclosed for your review.

APPOINTMENT OF COUNSEL

☐ You should direct an inquiry concerning appointment of counsel to the trial court from which you are appealing.

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

Honorable: Court of Appeals Georgia.

To: Clerk of Courts:

Good day, This is A Letter in Concerns With my Appeal As To preperation. I AM Pro-SE In The Courts Civil and Criminal. My Concern is To The formatt of documents, Mainly The Briefs, Motions To, I See Under Rule 1, Im Confused About IT SAYS All documentation must Have double spacing Between The Lines. Could The Courts please Send Some Kind of Example: So That I Make No Error.
My other Concern is I will have To hand Write This, Because I get 1½ hrs Every 2 weeks in The Law Library, And have Been Denied Motion For Extra Time CAN I NOT use Standard Note Book/pad paper Same As Im writing ON.
My LAST Concern CAN This Court Assist IN Concerns With A order for EXTRA LAW Library Time. And Also My Forma-Pauperis, Form Seems To Be of No Effect IN The Gwinnett Courts Where That it was Filed proper But has Caused The JAil To Freeze" My Inmate Acct My motion To honor The Forma-Pauperis Was Denied. Leaving with out A WAY To Purchase STAMPS, paper, Envalopes, Pens, Thing Pro-SE Inmates have To have And Alot of. So please Any Assistance, And format Examples, And Information That Could Assist me please Provide This To ME. Thank You Sincerely:

(Please Note: Just Filed Pro-SE, Criminal This week.

Respectfully Submitted:
Marcus A Terrell
Defendant Pro-SE

STATE Id # 831124
Smith State prison

Marcus A. Terrell #GC94000306
2900 University Pky 1B-112-A
Lawrenceville, GA 30043

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS

July 8, 2014

To: Mr. Darren Petty, 459 Kenridge Circle, Stone Mountain, Georgia 30083

Docket Number: **Style:** **Darren Petty v. Superior Court of DeKalb County**

Your document(s) is (are) being returned for the following reason(s).

1. ☐ Your Application was not accompanied by the statutory filing fee, $300.00 civil; $80.00 criminal, 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. ☐ Portions of the record included were not tabbed and indexed. Rules 30 (e) and 31 (c).

3. ☑ **As of today's date, there is still no stamped "filed" copy of the trial court's order to be appealed attached to your Application. Rules 30 (b) and 31 (e)**

4. ☐ A stamped "filed" copy of the Certificate of Immediate Review was not attached to your Interlocutory Application. Rule 30(b)

5. ☐ Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)

6. ☐ There were an insufficient number of copies of your document. Rule 6

7. ☑ **No Certificate of Service accompanied your document(s). Rule 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.**

8. ☐ Your Certificate of Service did not include the complete name and /or mailing address of each opposing counsel and pro se party. Rule 1(a) and 6

9. ☐ Your document exceeds page limits. Rules 24(f) , 30(e) and 31(c)

10. ☐ Your request for court action must be submitted in motion form. Rule 41 (a)

11. ☐ No extension of time for filing an interlocutory application will be granted . Rule 30 (g) . No extension of time will be granted for filing a discretionary application unless the motion for extension is filed on or before the due date of the discretionary application.

12. ☐ The type font was smaller than 10 characters per inch; type was not double-spaced or/and type was on both sides of the paper. Rules 1(c), 24(b), 37(a) and 41(b).

13. ☐ Your motions were submitted in an improper form (joint, compound, or alternative motions in one document). Rule 41 (b)

14. ☐ Margins were too small or paper size was incorrect. Rules 1(c), 24(c), 30(e), 31(c) and 41(b).

15. ☐ Your document was submitted for filing more than 30 days after the date of the order granting, denying or dismissing the application or the order granting, denying or dismissing the Motion for Reconsideration. Rules 30(j) and 31(j).

16. ☐ Other:

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

DARREN PETTY)

Applicant,)

(Pro Se)) Case No.

)

vs.)

)

Superior Court Of

Dekalb COUNTY

APPLICATION FOR DICRETIONARY APPEAL

DARREN PETTY

459 Kenridge Cir

Stone Mountain, Ga 30083

(404)468-1177

(229)886-3705

(Pro Se)

FORM 2 - PAUPER'S AFFIDAVIT

COURT OF APPEALS OF GEORGIA

Darren Petty *

APPELLANT *

vs * CASE NUMBER

DeKalb County Superior *

APPELLEE

PAUPER'S AFFIDAVIT

Comes now Darren Petty (Appellant's name) first being duly sworn, deposes and states I am financially unable to pay the filing fee required for filing costs in the Court of Appeals of Georgia, and I request I be permitted to file Appellant Application (Appellant's Brief or Appellant's Application) without having to pay filing fees. I further swear that the responses which I have made to the questions and instructions below are true.

1. Are you presently employed? ☐ Yes ☒ No

If the answer is "Yes", state the amount of your salary or wages per month, and give the name and address of your employer: _____

If the answer is "No", state the date of last employment and the amount of the salary and wages per month which you received: DEC 28, 2009

2. Have you received within the past twelve months any money from any of the following sources?

Business, profession or form of self-employment?	☐ Yes	☐ No
Pensions, annuities or life insurance payments?	☐ Yes	☐ No
Rent payments, interest or dividends?	☐ Yes	☐ No
Gifts or inheritances?	☒ Yes	☐ No
Any other sources?	☐ Yes	☐ No

If the answer to any of the above is "Yes", describe each source of money and state the amount received from each source during the past twelve months: 100.00 month for cutting relative grass, Food stamps 180.00 month

FORM 2 - PAUPER'S AFFIDAVIT page 2

3. Do you own any cash, or do you have money in a checking or savings account? (Include any funds in prison accounts) ☐ Yes ☒ No
If the answer is "Yes", state the total value of the items owned: _____

4. Do you own any real estate, stocks, bonds, notes, automobiles or other valuable property (excluding ordinary household furnishings and clothing)? ☐ Yes ☒ No
If the answer is "Yes", describe the property and state its approximate value: _____

5. List the persons who are dependent upon you for financial support, state your relationship to those persons, and indicate how you contribute toward their support: N/A

I understand that a false statement or answer to any question in this affidavit will subject me to penalties for perjury and that state law provides as follows:
(a) A person to whom a lawful oath or affirmation has been administered commits the offense of perjury when, in a judicial proceeding, he knowingly and willfully makes a false statement material to the issue on point in question.
(b) A person convicted of the offense of perjury shall be punished by a fine of not more than $1,000 or by imprisonment for not less than one nor more than ten years, or both. OCGA §16-10-70.

I, Darren Petty, do swear and affirm under penalty of law that the statements contained in this affidavit are true. I further attest that this application for in forma pauperis status is not presented to harass or to cause unnecessary delay or needless increase in the costs of litigation.

This the 30 day of June, 2014.

Darren Petty
(Your name printed or typed)

(Sign your name.)

459 Kenridge Cir
Stone Mnt 30083
(Your complete address and telephone number)

Sworn to and subscribed before me SEAL

this the 30th day of June, 2014.

Notary Public

Notary Public, Fulton County, Georgia
My Commission Expires March 20, 2018

Court of Appeals of Georgia

July 8, 2014

TO: Mr. Fred Raskin, GDC610106, Augusta State Medical Prison, 3001 Gordon Highway, Grovetown, Georgia 30813

RE: **Request for Court of Appeals Rules**

REQUEST FOR COPIES

☐ We received your request for copies. Copies are $1.50 per page in this Court. Your pauper status does not excuse you from the copy fees in this Court. **The Court of Appeals of Georgia is not subject to the Open Records Act.**

The appellant's Brief contains _____ pages.
The appellee's Brief contains _____ pages.
The opinion contains _____ pages.
Other:
The copies you requested are a total of _____ pages totaling $_____.

Please send your check or money order to the following address specifying what copies you wish be sent to you. Your request will be processed and sent to you by return mail.

Court of Appeals of Georgia
47 Trinity Avenue, S.W. • Suite 550
Atlanta, Georgia 30334

REQUEST FOR FORMS

☐ This Court does not have the forms you requested.

COURT RULES

☑ **At your request, a copy of the Rules of the Court of Appeals of Georgia has been enclosed for your review.**

APPOINTMENT OF COUNSEL

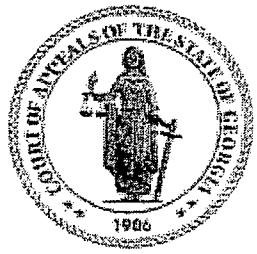
☐ You should direct an inquiry concerning appointment of counsel to the trial court from which you are appealing.

Clerk, Ga Court of Appeals

Would you please send me a copy of the Rules for the Ga Court of Appeals.

Thank you,

Fred Raskin
GDC 610106
3001 Gordon Hwy
Grovetown Ga 30813



2014

Georgia Court of Appeals

RULES

Last Update: May 15, 2014

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

July 8, 2014

To: Mr. Andrew Mitschell, GDC779787 F1-F6, Georgia State Prison, 2164 Georgia Highway 147, Reidsville, Georgia 30499

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 current case pending in the Court of Appeals under your name. Until a current case is docketed in the Court of Appeals, you should direct your correspondence to your attorney or the trial court clerk.**

☐ **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.

☐ **Your Notice of Appeal did not 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. In an appeal of a criminal conviction in a superior court, the State is represented by the District Attorney or an Assistant District Attorney.

☐ **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.

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

In The Georgia court of Appeals
state of Georgia

From: Andrew Mitchell 779787
Georgia state Prison F1-56
2164 Ga Hwy 147
Reidsville Ga 30499

To: chief clerk of court and
[All] presiding Justices of the court.

[Statement of True Facts]

On Feb 23 1994, I was convicted and sentenced to straight probation per sentencing sheet and Affidavit of custody by the sheriff that part is totaly true.

On Feb 23 1994, the judge said (2) times on the record next to the last page and the last page "I feel that any appeal would be frivolus." (See Ex 1)

Note: was a motion for a new trial filed NO
was a direct appeal filed NO

Note: Date of conviction Feb 23 1994
Note: Date registered with the clerks office Feb 23 1994.

on Feb 23 1994 Judge Glazebrook says "you have a right to appeal" I said on the record "I DO WISH TO APPEAL!" my Notice was givin verbaly but none the less given. to the Judge, to the District Attorney, and to wayne Arloe, my former defence counsel.

I went to the county jail to prison on April 8 1994 and I HAD ABSOLUTLY no idea what to do. as I no longer had legal counsel.

Sometime in June 1994 I filed pro-se ~~mot~~ out of time motion for a New trial. with a cover letter to the chief clerk willard ~~e~~ Roslsen to bring this to the attention of the presiding judge.

3 months later I wrote to the clerk and asked why I'm not recived any reply from the court. his responce was "our office has never recived any pro-se filings from you!"

(2) two days later I sent a second out of time motion for a New trial. and (2) months later I recived the same reply as the first one "our office has never recived any pro-se filing from you!"

It was becomming very clear very fast that I was not going to be allowed my legal and constitutional rights

over (2) TWO years Later I receive a court order Denying my motion for a new trial (OUT OF HAND) without a hearing required by law on benifits of Legal counsel. done by Judge Bobby milum

within (4) Four days I filed a Notice of Appeal and once again per the clerks office "we did not receive any Notice of Appeal from you" signed willand Nalsten chief clerk. that was Nine months Later. Done By Judge Bobby milum.

when I finaly had enough Legal Ammunition to course an appeal I filed once again [motion for out of time Appeal] Directed at your courts.

Judge milum ruled on this illegaly and Denied this. In his order he stated that IF I filed an appeal to this denial he would deem it a Habeus corpus and Deal it.

I by law had no other choice but to file a Notice of appeal Directed Directly to your courts.

This same judge 2 weeks Later changes my Notice of Appeal to a Habeus corpus and Denies it OUT OF HAND with No I repeat No hearing as prescribed by law.

Again it was now perfectly clear that I was not going to be allowed my constitutional rights to Any Form of Appeal in that court

There have been other filings pro se such as Actual Innocence and Attacking the Jurisdiction of the court.

I was that time denied by Judge B. weaver. Two years and a complaint to the Judicial Qualifications commission. under the ("Etna ordinary motion for a new Trial under NEWLY discovered Evidence of Actual Innocence") the Judge would Denied it out of hand without a hearing as the law requires.

I File a Notice of Appeal and the clerks office says I never got your Notice

I File a out of time Notice of Appeal but your court dismissed the Appeal as untimely filed.

Some time later (see your court order) on an another pro se filing at the end of the order it states I can make an out of time appeal on file a Habeas corpus. the Habeas I would be time barred

I Filed 24 months ago a "motion for permission to proceed with an out of time appeal," and a Brief in support.

on 5-13-14 I received a order Denying said motion, o

on 5-14-14 I personally placed stamps on my Notice of Appeal and sent it to the correct parties at the correct Address

As this clerks office and all Judges can clearly see once again my Notice has ~~vanished~~ vanished.

1) I've been denied a motion for a new trial
2) counsel for motion New trial
3) Notice of Appeal
4) counsel for Appeal

From Feb-23-1994 to today.

Will somebody please Help correct this problem of unconstitutional denials of my Rights by the court of conviction. That's 21 years 3 Judges and I've personally lost track of how many times I've tried to obtain my just rights.

Declaration under penalty of perjury

I Andrew Mitchell do hereby declare under penalty of perjury that All facts stated herein are true and as correct as I remember 21 yrs of filings.

Further if found to be false or misleading I fully expect the court to file Perjury charges against me.

This 2 day of July 2014

Andrew Mitchell 77778

... Georgia Department of Corrections, Atlanta, Ga., by Clerks of the Superior Court of the State of Georgia at the same time notice of sentence is furnished. (As provided in Ga. Code Title 77, Section 309 (c).)

SENTENCE DATA:

From Superior Court of GILMER County OCT. ADJ. Term 19 93

Name of Prisoner ANDREW MICHAEL MITSCHELL, JR.

Crime for which convicted AGGRAVATED CHILD MOLESTATION; CRUELTY TO CHILDREN; INTERFERENCE WITH CUSTODY; SIMPLE BATTERY. Date of Conviction FEB. 23, 1994

Sentence 30 YRS. TO SERVE

Was motion for new trial filed? NO If so, what date was motion finally disposed of?

Was appeal made to higher Court? NO If so, what date was remititur of Appellate Court made judgment of this Court?

I, the undersigned Clerk (Deputy Clerk) of the above noted Court, do hereby certify that the above information is true and accurate as appears of record and from the minutes of said Court.

Given under my official signature and the Seal of said Court this 23 day of FEB. 19 94.

(DEPUTY) Clerk of the Superior Court

IDENTITY OF PRISONER:

Race: WHITE **Sex:** MALE **DOB:** 1/19/49 **SSN:** 262-96-0472 **OTN:** 45925132

FBI No. S.I.D. No. Finger Print #

Eye Color HAZEL Hair Color GREYING Height 6'2" Weight 247 LB.

Place of Birth FLORIDA Distinguishing marks and scars TATTO ON LEFT & RIGHT FOREARM.

Is prisoner in good physical and mental condition? NO State any defects or medication required ALPRAZOLAM .25MG.--TAKES ONE TABLET 3 TIMES A DAY.

Last home address? LAKE SIDE TRAILER PK. P.O. BOX 104 -ELLIJAY, GA. 30540

Marital Status DIVORCED Spouse's Name

Name, Address, and relation of nearest relative or friend UNKNOWN

Occupation DISABLED:

EX 1

NOTE: Highlighted Areas Must Be Completed

Was subject picked up from Department of Corrections to answer these charges? NO

If yes, which institution?

If subject was previously convicted, attach copy of FBI record or give dates of convictions, crimes, lengths of sentences, where he was convicted, when and how he was released.

From what jail can Department of Corrections assume custody of this subject? GILMER COUNTY JAIL

CLERK

Court of Appeals of the State of Georgia

ATLANTA, January 26, 2011

The Court of Appeals hereby passes the following order:

A11A0685. MITSCHELL v. THE STATE.

Andrew Mitschell filed this appeal from the trial court's order denying his motions to correct a void sentence. Currently before the Court is the State's motion to dismiss this appeal, arguing that Mitschell's motions do not allege that the trial court imposed a sentence the law does not allow and, therefore, the judgment denying his motions is not subject to direct appeal. See *Coleman v. State*, 305 Ga. App. 680, 681 (700 SE2d 668) (2010) ("A sentence is only void when the trial court imposes a punishment that the law does not allow.") (citations and punctuation omitted).

Mitschell contends that his sentence was void because the trial court sentenced him to 30 years imprisonment, probated, and then increased his sentence by removing the provision that he could serve his sentence on probation. See *Curry v. State*, 248 Ga. 183, 185 (4) (281 SE2d 604) (1981) ("A sentence which has been reduced to writing and signed by the judge may not be increased after the defendant has begun to serve that sentence.") (citation omitted). In support of his position that he received a probated sentence, Mitschell alleges that (1) the trial judge orally pronounced such a sentence in open court and in the presence of the jury; (2) a person who filled in the "Final Disposition" form checked a box indicating "that the above sentence may be served on probation" and filled in general and special conditions of probation; and (3) a person entered details of Mitschell's sentence into his prison computer files, showing that the sentence was probated. Mitschell has not shown, however, any basis for concluding that the trial judge ever signed a probated sentence and only later scratched out the probation provisions. Rather, it appears that the trial judge did not

sign the Final Disposition form as it was initially prepared, with the sentence probated, but only signed a judgment that required service of 30 years' imprisonment.

Pretermitting whether Mitschell may be entitled to raise issues about the procedure employed in imposing his sentence in a direct appeal, if he has not already had one, see *Rowland v. State*, 264 Ga. 872, 875-876 (2) (452 SE2d 756) (1995) (regarding out-of-time appeals), or in a petition for writ of habeas corpus, see *Coleman v. State*, 305 Ga. App. at 681, his claims of error do not present a colorable claim that his sentence is void. Consequently, Mitschell is not entitled to a direct appeal from the trial court's denial of his motions, and the State's motion to dismiss this appeal is hereby GRANTED.

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, JAN 26 2011
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.

Holly K. O. Sparrow, *Clerk.*

Filed in office of Clerk of Superior Court
Gilmer County Georgia (By:)
Time_____M Date 1-28-11

Glenda Sue Johnson
Glenda Sue Johnson, Clerk

BRANTLEY v. THE STATE
Court of Appeals of Georgia
190 Ga App 642190 Ga. App. 642; 379 SE2d 627379 S.E.2d 627; 1989 Ga App LEXIS 3701989 Ga. App. LEXIS 370
No. 77745
March 8, 1989, Decided
Editorial Information: Prior History
Armed robbery. Fulton Superior Court. Before Judge Jenrette.
Disposition
Judgment affirmed.
Counsel M. Muffy Blue, Penny A. Penn, for appellant.
Lewis R. Slaton, District Attorney, Joseph J. Drolet, Lyn K. Armstrong, Linda S. Finley, Assistant District Attorneys, for appellee.
Judges: Birdsong, Judge. Banke, P. J., concurs. Beasley, J., concurs specially. OpinionOpinion by: BIRDSONG
{190 Ga. App. 642} {379 S.E.2d 627} The appellant Charles W. Brantley brings this appeal from his conviction of the offense of armed robbery. Held:
{379 S.E.2d 628} 1. The State has moved to dismiss the appeal on the basis that it is untimely. The verdict of guilty was returned on September 9, 1987; sentence was filed the same day; motion for new trial was filed September 25, 1987 and overruled on March 18, 1988. On April 10, 1988, appellant forwarded a letter to the "Superior Court's Sentence Review Panel" in which he stated: "I was appointed the Public Defender's office to handle the appeal of my conviction and I'm thinking that I understood the Judge to say that they would also handle the appeal of my sentence, through your office -- I haven't been able to get any correspondence from my attorney, so I'm in the dark as to where I stand -- my question is this -- Does my appeal have to be totally exhausted before you all will review me for sentence reduction, or what?"
Appellant's counsel, on May 10, 1988, filed a motion for an out-of-time appeal with the trial court, reciting therein "counsel was appointed to represent Appellant on appeal by [the] court after the thirty days required to file a timely appeal."
A notice of appeal was filed with the trial court on May 24 and the record was docketed in this court on August 22, 1988 without a ruling on the motion for the out-of-time appeal. A supplemental record was filed with our Court on September 13, 1988, containing the order of the trial court denying the out-of-time appeal, which was filed in the trial court on September 12, 1988.
Appellant argues that his appeal should be considered under the mandate of Evitts v. Lucey, 469 U.S. 387 (105 S. Ct. 830, 83 L. Ed. 2d 821). We agree.
Evitts held "the Fourteenth Amendment guarantees a criminal appellant pursuing a first appeal as of right certain minimum safeguards necessary to make that appeal 'adequate and effective' . . . among those safeguards is the right to counsel. . . ." Id. at 392. Here, {190 Ga. App. 643} appellant was advised of his appellate rights and obviously thought the trial court had appointed "the Public Defender's office to handle the appeal of [his] conviction . . . [but he had not] been able to get any correspondence from [his] attorney. . . ."
Evitts further stated that "a criminal trial is thus not conducted in accord with due process of law unless the defendant has counsel to represent him. . . . [Id. at 394.] A first appeal as of right therefore is not adjudicated in accord with due process of law if the appellant does not have the effective assistance of an attorney." Id. at 396. In the instant appeal, appellant was not appointed appellate counsel until after 30 days following denial of the motion for new trial, and the trial court denied appellant's request for an out-of-time appeal.
The State of Georgia recognizes the right to effective assistance of counsel at trial and on first appeal as of right "and has provided for ameliorative relief in the form of an out-of-time appeal." Cannon v. State, 175 Ga. App. 741 (334 S.E.2d 342). And, an appellant who is "'denied effective assistance of counsel in attempting to appeal his conviction . . . (shall) be allowed, if he so desires, to file an out of time appeal to the proper appellate court. . . .' McAuliffe v. Rutledge, 231 Ga. 745, 746 (204 S.E.2d 141). " Cannon, supra at 741-742.
This court has, on numerous occasions, out of an "abundance of caution" in interpretation of Evitts, supra (Boothe v. State, 178 Ga. App. 22, 23 (342 S.E.2d 9)), in the interest of judicial economy (Johnson v. State, 183 Ga. App. 168 (1) (358 S.E.2d 313)), and "our state policy of deciding cases on the merits whenever possible" (Johnson v. State, 182 Ga. App. 477 (1) (356 S.E.2d 101)) "disapproved of the dismissal of a criminal defendant's first appeal as of right." Conway v. State, 183 Ga. App. 573 (1) (359 S.E.2d 438) (en banc); accord Hubbard v. State, 183 Ga. App. 395 (360 S.E.2d 78); Clark v. State, 182 Ga. App. 752 (2) (357 S.E.2d 109). Accordingly, the State's motion to dismiss the appeal is denied.
2. Appellant enumerates as error the trial court's charge on credibility of witnesses "by making a distinction between appellant's testimony and that of other witnesses' . . . ." The court charged {379 S.E.2d 629} that when a defendant testifies "his testimony is to be weighed, and is to be received the same as that of any other witness, and his credibility [is to be] subjected to the same test as applied to any other witness. "In other words, when the defendant testifies you don't have to make any special case of that. You just treat it the same as any other witness . . . you look at his credibility the same as you would anyone else. What are the probabilities, the likelihood of him lying under all the circumstances. . . ."
While not expressly approving this latter portion of the charge, we find no reversible error when considering the charge as a whole. The credibility of all witnesses, including the defendant who testifies {190 Ga. App. 644} in his own behalf, is for the jury under proper instructions from that court. O.C.G.A. §§ 24-9-80 ; 24-9-20 (a). In determining weight and credibility, the jury may consider the interest or want of interest of the witness. See O.C.G.A. § 24-4-4 ; Green's Ga. Law of Evid. 134, § 82; Agnor's Ga. Evid. 70, § 5-6.
Where the defendant's statement is inconsistent with other direct and circumstantial evidence, his explanation may be rejected by the triers of fact. Green v. State, 155 Ga. App. 795, 796 (272 S.E.2d 761); accord Terry v. State, 243 Ga. 11 (1) (252 S.E.2d 429).
Jury instructions must always be viewed as a whole (Whitt v. State, 257 Ga. 8 (3) (354 S.E.2d 116)), and the charge as a whole instructed the jury to consider the appellant's testimony the same as that of any other witness. Accordingly, we find this enumeration to be without merit. Clark v. State, 153 Ga. App. 829, 831 (266 S.E.2d 577).
3. The trial court's pre-trial orientation instruction is alleged to contain an incorrect charge urging the jury to reach a verdict. This court, in Oliver v. State, 168 Ga. App. 477 (4) (309 S.E.2d 627); Clark v. State, 141 Ga. App. 257 (1) (233 S.E.2d 246); and Decker v. State, 139 Ga. App. 707 (4) (229 S.E.2d 520), approved of instructions to the jury after it was empaneled on the modus operandi of a trial. We find the instructions in the present appeal to emphasize only the duty of the jurors to "pay attention to the facts" and "listen to [the] evidence" because the State's evidence and the defendant's evidence would be in apparent conflict and the jurors would be called upon "to analyze the facts" and apply rules the court would give them "in order . . . to reach a verdict." The court cautioned the jurors they were here "to reach a verdict" and that the court would look to them "to tell us what the facts are."
A trial judge may properly admonish a jury as to the propriety and importance of agreeing upon a verdict and may urge them to make reasonable efforts to harmonize their views, emphasizing the time and expense involved in trials, provided care is taken not to suggest a particular verdict or give instructions coercing a juror into abandoning an honest conviction for reasons other than those based upon the trial or arguments of other jurors. McMillan v. State, 253 Ga. 520 (4) (322 S.E.2d 278); McLendon v. State, 205 Ga. 55, 67 (52 S.E.2d 294). We find no error in the instructions given.

IN THE SUPERIOR COURT OF GILMER COUNTY

STATE OF GEORGIA

STATE OF GEORGIA	)	CRIMINAL ACTION
	)	INDICTMENT NO.
VS.	)	93R-119
	)	
ANDREW MITSCHELL	)	APPOINTMENT OF COUNSEL
	)	FOR OUT OF TIME APPEAL
Defendant	)	
	)	

ORDER

On February 5, 1996, the Defendant filed with the Clerk of Gilmer County Superior Court a Motion for Appointment of Counsel for Out-of-Time Appeal from the finding of guilty by jury trial.

This case was tried before the Superior Court of Gilmer County at the October Adjourned Term 1993 and the verdict was rendered on February 23, 1994.

The Defendant's attorney, Mr. Wayne Coe was fired by Defendant during the trial of said case. It appearing that the trial Judge, the Honorable Elizabeth R. Glazebrook made the Defendant's attorney, Mr. Coe handle the case during the duration of said trial.

It is, therefore, ORDERED and ADJUDGED that the Defendant's Motion for Out-of-Time Appeal be and the same is hereby DENIED.

This 15th day of May, 1996.

Bobby C. Milam

Bobby C. Milam, Judge
Gilmer County Superior Court
Appalachian Judicial Circuit

Filed in office of Clerk of Superior Court
Gilmer County, Georgia this 20
day of May, 1996
Willard Ralston, Clerk

IT TOOK over 2 yrs to get this ruling.

Remember the paper I showed you when I was denied my RIGHT TO appeal

IT'S happened again

IN THE SUPERIOR COURT OF GILMER COUNTY

STATE OF GEORGIA

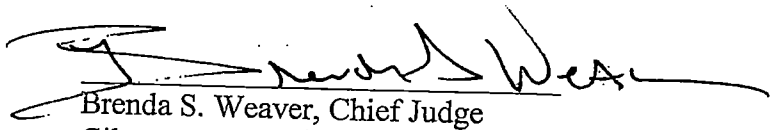
STATE OF GEORGIA, v. ANDREW MICHAEL MITSCHELL, Defendant.	CASE NO. 1993 R 119

ORDER DENYING DEFENDANT'S MOTION FOR PERMISSION TO MAKE OUT OF TIME APPEAL

The Motion for Permission to Make Out of Time Appeal having been filed, and after consideration of the merits of the Defendant's motion, it is hereby ORDERED that the motion is DENIED.

recieved 5-13-14

It is **SO ORDERED** this 21 day of April, 2014.



Brenda S. Weaver, Chief Judge
Gilmer County Superior Court
Appalachian Judicial Circuit
State of Georgia

CC: Andrew Mitschell
@ Phillips St. Prison
and
Georgia St. Prison

District Attorney
5-5-14

IN The Supreme Court of Gilmer County
State of Georgia

State
V.
Andrew Mitschell

Indictment 93R119

Notice of Appeale

Comes now the defendant who files his Notice of appeal and states the following.
The Clerk of Court is here by required to forward [all] documents, pleadings, transcrips, and all Court orders to the Georgia Court of Appeals as Required by law the clerk has 30 days to forward said documents omitt nothing

The defendant Request that a invoice of all documents, ect be sent to the defendant

this 14th day of May 2014

Andrew Mitschell
779787
Georgia State Prison
2164 GA Highway 147
Reidsville GA 30499

Certificate of Service

I here by certify I have sent a complete and correct copy to the parties listed below by placing same in the prison mail with sufficient affixed to insure prompt delivery

This 14th Day of May 2014

Andrew Mitschell
77787

Georiga State Prison
2164 GA Highway 147
Reidsville, GA 30499

District Att. Offices
and
Superior Court Clerk
Glynn County Courthouse
#1 Broad St.
Ellijay, GA 30540

In The Superior court of Gilmer county
state of Georgia

state
vs Indictment 93R119
Andrew mitschell

To: The clerk of superior court

Re: information.

Dear clerk,

Did you recive my Notice of Appeal form a order denieing my motion to proceed with an out of time appeal?

Notice was dated 5-14-14

Recived yes or NO

Please respond to the address below by 6-24-14

This 16th day of June 2014

Andrew mitschell 779787
Georgia state Prison F1-56
2164 Ga Hwy 147
Reidsville Ga 30499

C: my Legal Files

The Clerk and This Honorable court please take Note: once again the clerks office is playing games as to my Notice of Appeal Dated May 14 2014 and my Letter to The Clerk dated June 16 2014 with absolutly No response.

Statement of Facts

I personaly placed The proper amount stamps to ensure delivery and I personaly placed some in The prison mail on The date indicated.

Declaration under penality of perjury

I do hereby declare That The above is true and absolutly correct under penality of perjury in this court

This 2 day of July 2014

Andrew Mitschell 779787
Georgia State Prison CI-36
2164 Gatling 147
Reidsville Ga 30449

Court of Appeals of Georgia

July 9, 2014

TO: Mr. David A. Robertson, GDC281945 12-B-2 125-T, Augusta State Medical Prison, 3001 Gordon Highway, Grovetown, Georgia 30813

RE: **A14A1459. The State v. David Robertson**

CHECK RETURN

☐ Your check number in the amount of written on the account of your firm for the filing fee in is enclosed. Please be advised that this Court is returning your check since the filing fee was already paid by .

CASE STATUS - DISPOSED

☐ Your appeal was disposed by opinion (order) on _____. The Court of Appeals _____. The remittitur issued on _____, divesting this Court of any further jurisdiction of your case. The case is therefore, final.

CASE STATUS - PENDING

☑ **Your appeal is still pending a decision before the Court. Your appeal was docketed in the April 2014 Term and a decision must be rendered by the Court on or before the conclusion of the September 2014 Term which ends on December 16, 2014. The appeal has been fully Briefed. The Appellant's Brief was filed on May 20, 2014 and the Appellee's Brief was filed on June 9, 2014.**

APPLICATION FOR PERMISSION TO APPEAL A PROBATION REVOCATION

☐ To appeal a probation revocation, you will need to file a Discretionary Application with this Court. Rule 31 of the Rules of the Court of Appeals of Georgia describes a Discretionary Application and the items you would need to include with your application.

A Discretionary Application must be filed within 30 days of the stamped filed date on the order that you are appealing and the application must be accompanied by a proper Certificate of Service and a pauper's affidavit or the $80.00 filing fee. You must also comply with all the other applicable rules of Court regarding filing with the Court of Appeals of Georgia.

Enclosed, please find a copy of the Rules of the Court of Appeals for your review.

7-3-14

Georgia court of appeals
47 Trinity Avenue Sw,
Suite 501 Atlanta, Ga 30334

Re. Statis of appeal.
Appeal Number A14A1459
State of Georgia v David Robertson
Indictment Number 05-SC-29666, ..

Dear clerk of Georgia court of appeals.
I am seeking information regarding the current Statis of my case that is currently before the court and or" in the possession of the clerk of court. I have not been able to contact the appellate attorney on record to obtain the much needed information due his Secretary is on medical leave and may not return for some time.
I am under the impression that a Briefing Schedule has posibly been given by the clerk of the court but my brother whom called the clerk and spoke to a very helpful woman said the Brief of the Appelant - the State was filed on or about June 9 2014,
I ~~ato~~ am also under the impression the appellate attorney has 20, working days to respond to the States Brief, If this is true hasnt the appellate attorney handling my appeal almost run out of time to file a ~~response~~ a response? please respond with clarity on this matter as so i may obtain what is actually the true Statis of my appeal rather than also its pending, I would like to know If pending, pending what". Thank you
Sincerely David A Robertson

Court of Appeals of Georgia

July 9, 2014

TO: Mr. Calvin Rogers, GDC1000207048, Baldwin State Prison, Post Office Box 218, Hardwick, Georgia 31034

RE: **A12A1531. Calvin Rogers v. The State**

REQUEST FOR COPIES

☑ **We received your request for copies. Copies are $1.50 per page in this Court. Your pauper status does not excuse you from the copy fees in this Court. The Court of Appeals of Georgia is not subject to the Open Records Act.**

The copies you requested are a total of 1 page totaling $1.50.

Please send your check or money order to the following address specifying what copies you want to be sent to you. Your request will be processed and sent to you by return mail.

Court of Appeals of Georgia
47 Trinity Avenue, S.W. • Suite 550
Atlanta, Georgia 30334

REQUEST FOR FORMS

☐ This Court does not have the forms you requested.

COURT RULES

☐ At your request, a copy of the Rules of the Court of Appeals of Georgia has been enclosed for your review.

APPOINTMENT OF COUNSEL

☐ You should direct an inquiry concerning appointment of counsel to the trial court from which you are appealing.

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

July 2, 2014

Georgia Court of Appeals
47 Trinity Ave, Ste 501
Atlanta GA 30334
RE: Case # A12A1531

Dear Court of Appeals Clerk,
I write to ask for a copy of (my) the COURT DOCKET and Attorney Information regarding Case # A12A1531 Calvin ROGERS v. the State. docketed on April 2, 2012.
I assure payment for these costs to $10.00 by my signature below.
Sincerely,
Calvin Rogers
CALVIN ROGERS
Baldwin State Prison
GDC # 1000207048
PO Box 218
Hardwick GA 31034

cc: file.

COURT OF APPEALS OF GEORGIA

47 Trinity Avenue, SW, Suite 501
ATLANTA, GEORGIA 30334
(404) 656-3450

ATTORNEY SUMMARY SHEET

CASE NUMBER: A12A1531

DATE OF DOCKETING: April 02, 2012

STYLE: CALVIN ROGERS v. THE STATE

LC NUMBERS:
06SC45096

ATTORNEY REGISTER:

FOR NT:

Ms Robbin Shipp
ATTORNEY AT LAW
4153 FLAT SHOALS PARKWAY
SUITE 322
DECATUR, GA 30034

FOR EE:

Mr. Paul Howard
DISTRICT ATTORNEY
136 PRYOR STREET, S.W.
ROOM 301
ATLANTA, GA 30303

Mr. Marc Mallon
SENIOR ASSISTANT DISTRICT ATTORNEY
FULTON COUNTY COURTHOUSE 3RD FLOOR
136 PRYOR STREET, S.W.
ATLANTA, GA 30303

Send this form with the check

Court of Appeals of Georgia

July 9, 2014

TO: Mr. Calvin Rogers, GDC1000207048, Baldwin State Prison, Post Office Box 218, Hardwick, Georgia 31034

RE: **A12A1531. Calvin Rogers v. The State**

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Court of Appeals of Georgia
47 Trinity Avenue, S.W. • Suite 550
Atlanta, Georgia 30334

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COURT RULES

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APPOINTMENT OF COUNSEL

☐ You should direct an inquiry concerning appointment of counsel to the trial court from which you are appealing.

Aug 12, 2014

Court of appeal Clerk

On July 2, 2014 I send you a check for $1.50 for a copy of my court docket but you send me a copy of my attorney summary sheet can you please send me a copy of my court docket regards Case# A12A1531

NOTE: I need the Court Docket - not the attorney summary sheet (I already have the attorney information). If you want the attorney summary sheet back please advise.

Thank you: Calvin Rogers GDC#1000207048

Calvin Rogers

Baldwin State Prison
P.O. Box 218
Hardwick, Ga 31034

July 2, 2014

Georgia Court of Appeals
47 Trinity Ave, Ste 501
Atlanta GA 30334
RE: Case # A12A1531

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I write to ask for a copy of (my) the COURT DOCKET and Attorney Information regarding Case # A12A1531 Calvin ROGERS v. The State. docketed on April 2, 2012.
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Baldwin State Prison
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PO Box 218
Hardwick GA 31034

cc: file.

COURT OF APPEALS OF GEORGIA

47 Trinity Avenue, SW, Suite 501
ATLANTA, GEORGIA 30334
(404) 656-3450

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

NOTICE OF DOCKETING

Ms. Robbin Shipp
THE SHIPP FIRM, LLC
P. O. BOX 1959
CONYERS GA 30012

APPEAL CASE NUMBER: A12A1531 DATE OF DOCKETING: APRIL 02, 2012

STYLE: CALVIN ROGERS V. THE STATE

IMPORTANT RULE REQUIREMENTS AND INFORMATION

Appellant's brief, including as Part II an Enumeration of Errors, shall be filed within 20 days of docketing. No appellant's brief shall be received for filing without the $80.00 filing fee or sufficient pauper's affidavit.

Appellee's brief shall be filed within 40 days after the docketing date or 20 days after the filing of the appellant's brief, whichever is LATER.

Failure to timely file briefs or to follow any Court rules or orders may cause the appeal to be dismissed or may cause non-consideration of the brief, and may subject the offender to contempt.

The contents of a properly addressed mailing shall be deemed filed on the U.S. Postal Service hand stamped, postmark date if it is stamped on the envelope or container. A document received from an overnight delivery service is deemed filed on the date shown on the envelope or container. If no date appears on the container or envelope of a mailing or delivery, the contents shall be deemed to be filed on the date of receipt by the court or delivery to the court. Motions for reconsideration are deemed filed on the date actually received in the clerk's office.

If oral argument is requested and approved by this Court this case will be scheduled for oral argument on JUL 11, , , ,2012. before the FIRST Division: Phipps,P.J., Ellington, C.J., Dillard, J. A printed calendar showing the exact date of argument will be mailed to counsel of record. If a calendar is not received at least ten days prior to the tentative oral argument date, contact the Clerk's Office.

There shall be no communications relating to pending appeals to any judge or member of the judge's staff.

FOR MORE INFORMATION CONTACT OUR WEBSITE AT WWW.GAAPPEALS.US.
IF YOU HAVE A QUESTION OR PROBLEM, PLEASE CALL THIS OFFICE.

HOLLY K. O. SPARROW, CLERK

COURT OF APPEALS OF GEORGIA
47 Trinity Avenue, SW, Suite 501
ATLANTA, GEORGIA 30334
(404) 656-3450

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

NOTICE OF DOCKETING

Mr. Paul L. Howard
DISTRICT ATTORNEY
136 PRYOR STREET, S.W.
3RD FLOOR
ATLANTA GA 30303

APPEAL CASE NUMBER: A12A1531 DATE OF DOCKETING: APRIL 02, 2012

STYLE: CALVIN ROGERS V. THE STATE

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HOLLY K. O. SPARROW, CLERK

COURT OF APPEALS OF GEORGIA

47 Trinity Avenue, SW, Suite 501
ATLANTA, GEORGIA 30334
(404) 656-3450

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

NOTICE OF DOCKETING

Mr. Marc A. Mallon
SENIOR ASSISTANT DISTRICT ATTORNEY
FULTON COUNTY COURTHOUSE 3RD FLOOR
136 PRYOR STREET, S.W.
ATLANTA GA 30303

APPEAL CASE NUMBER: A12A1531 DATE OF DOCKETING: APRIL 02, 2012

STYLE: CALVIN ROGERS V. THE STATE

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If oral argument is requested and approved by this Court this case will be scheduled for oral argument on JUL 11, , , ,2012.
before the FIRST Division: Phipps,P.J., Ellington, C.J., Dillard, J.
A printed calendar showing the exact date of argument will be mailed to counsel of record. If a calendar is not received at least ten days prior to the tentative oral argument date, contact the Clerk's Office.

There shall be no communications relating to pending appeals to any judge or member of the judge's staff.

FOR MORE INFORMATION CONTACT OUR WEBSITE AT WWW.GAAPPEALS.US.
IF YOU HAVE A QUESTION OR PROBLEM, PLEASE CALL THIS OFFICE.

HOLLY K. O. SPARROW, CLERK

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS
Date: July 11, 2014

To: Robert A. Moss, Esq., Moss & Rothenberg, 1872 B Independence Square, Atlanta, Georgia 30338

Docket Number: A14A1934 **Style**: Frank Kleisrath, et al. v. Estate of Audrecas D. Davis, et al.

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 **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 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.

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. ☑ **Other:**

This Court cannot accept your Motion for Extension of Time to File Brief of Appellees' until the appellant has filed a Brief. Also, this Court does not recognize nor grant Leaves of Absence. Please see Court of Appeals Rule 9(f).

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

IN THE COURT OF APPEALS

STATE OF GEORGIA

FRANK KLEISRATH, et al.

Appellants,

vs.

ESTATE OF AUDRECAS D. DAVIS,
BY JIMMY DAVIS, et al.,

Appellees.

Case No: A14A 1934

APPELLEES' RULE 16 (b) MOTION
FOR EXTENSION OF TIME
TO FILE BRIEF OF APPELLEES

Robert A. Moss
State Bar No. 526590
Attorney for Appellees

MOSS & ROTHENBERG
1872 B Independence Square
Atlanta, Georgia 30338
(770) 351-0830

IN THE COURT OF APPEALS

STATE OF GEORGIA

FRANK KLEISRATH, et al. Appellants, vs. ESTATE OF AUDRECAS D. DAVIS, BY JIMMY DAVIS, et al., Appellees.	:	Case No: A14A 1934

APPELLEES' RULE 16 (b) MOTION FOR EXTENSION OF TIME TO FILE BRIEF OF APPELLEES

Come now Appellees, Estate of Audrecas D. Davis, by Jimmy Davis, et al., and pursuant to Rule 16 (b) of the Georgia Court of Appeals Rules, request an extension of time to file their Brief of Appellees. This Appeal was docketed on June 18, 2014. The Brief of Appellants was to have been filed by July 8, 2014, and the Brief of Appellees was to have been filed by July 28, 2014.

Appellants filed a Motion for Extension of Time to File Brief of Appellants, which, of course, the undersigned did not object to. This Court granted Appellants' Motion for Extension of Time. The Brief of Appellants is now due on July 28, 2014, and the Brief of Appellees is due on August 18, 2014.

The undersigned Counsel for Appellees previously filed a Leave of Absence in the lower court covering the period of time from August 4 - 15, 2014, during which time Mr. Moss has plans to be out of the country on vacation with his family. Pursuant to the original Briefing schedule, the Brief of Appellees was due prior to the start of Counsel's Leave of Absence. A copy of Counsel's Leave of Absence is attached hereto.

Pursuant to the new Briefing schedule, the period of time that the undersigned Counsel for Appellees has to prepare and file the Brief of Appellees falls squarely within the time frame of Counsel's Leave of Absence.

Therefore, it is respectfully requested that Appellees be granted a 20 day extension of time to file the Brief of Appellees, so that the Brief of Appellees is due on or before September 8, 2014.

Respectfully submitted,

This 8th day of July, 2014.

Robert A. Moss
State Bar No. 526590
Attorney for Appellees

MOSS & ROTHENBERG
1872 B Independence Square
Atlanta, Georgia 30338
(770) 351-0830

TO: All Judges, Clerks of Court, and Counsel of Record

FROM: Robert A. Moss

Date: June 18, 2014

RE: Leave of Absence

COMES NOW Robert A. Moss, and respectfully notifies all judges before whom he has cases pending, all affected clerks of court and all opposing counsel as listed on Exhibit A attached hereto, that he will be on a leave of absence pursuant to Georgia Uniform Court Rule 16.1. The period of leave during which time Applicant will be away from the practice of law is from:

1. August 4, 2014 - August 15, 2014;

   September 18, 2014 - September 22, 2014

2. The purpose for the leave is family vacation.

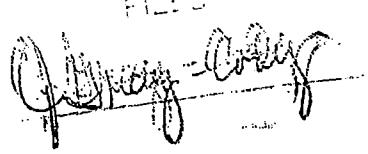
3. All affected judges and opposing counsel shall have ten days from the date of this Notice to object to it. If no objections are filed, the leave shall be granted.

This 18th day of June, 2014.

Respectfully submitted,

Robert A. Moss
State Bar No. 526590

MOSS & ROTHENBERG
1872 B Independence Square
Atlanta, Georgia 30338
(770) 351-0830



CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the foregoing Notice of Leave of Absence upon all judges and opposing counsel listed on the attached Exhibit A, by depositing the same in the U.S. mail with adequate postage affixed thereto.

This 18th day of June, 2014.

Robert A. Moss
State Bar No. 526590

MOSS & ROTHENBERG
1872 B Independence Square
Atlanta, Georgia 30338
(770) 351-0830

Exhibit A
State Court of Dekalb County

Name of Case Case Number	Name of Judge Court/County	Opposing Counsel
Estate of Davis v DeKalb County 11A35756-3	Hon. Wayne M. Purdom Clerk, Melanie Wilson	Terri Gordon

IN THE COURT OF APPEALS

STATE OF GEORGIA

FRANK KLEISRATH, et al. Appellants, vs. ESTATE OF AUDRECAS D. DAVIS, BY JIMMY DAVIS, et al., Appellees.	:	Case No: A14A 1934

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the within and foregoing:

Appellees' Rule 16 (b) Motion for Extension of Time to File Brief of Appellees

upon all interested parties by United States mail to:

Duane D. Pritchett
Terri N. Gordon
DeKalb County Law Department
1300 Commerce Drive, 5th Floor
Decatur, Georgia 30030

This 8th day of July, 2014.

Robert A. Moss
State Bar No. 526590
Attorney for Appellees

MOSS & ROTHENBERG
1872 B Independence Square
Atlanta, Georgia 30338
(770) 351-0830

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS

July 14, 2014

To: Mr. Darren Petty, 459 Kenridge Circle, Stone Mountain, Georgia 30083

Docket Number: **Style:** **Darren Petty v. Superior Court of DeKalb County**

Your document(s) is (are) being returned for the following reason(s).

1. ☐ Your Application was not accompanied by the statutory filing fee, $300.00 civil; $80.00 criminal, 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. ☐ Portions of the record included were not tabbed and indexed. Rules 30 (e) and 31 (c).

3. ☑ **As of today's date, there is still no stamped "filed" copy of the trial court's order to be appealed attached to your Application. Rules 30 (b) and 31 (e) Please see my correspondence to you dated July 1 and July 8, 2014.**

4. ☐ A stamped "filed" copy of the Certificate of Immediate Review was not attached to your Interlocutory Application. Rule 30(b)

5. ☐ Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)

6. ☐ There were an insufficient number of copies of your document. Rule 6

7. ☐ No Certificate of Service accompanied your document(s). Rule 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.

8. ☐ Your Certificate of Service did not include the complete name and /or mailing address of each opposing counsel and pro se party. Rule 1(a) and 6

9. ☐ Your document exceeds page limits. Rules 24(f) , 30(e) and 31(c)

10. ☐ Your request for court action must be submitted in motion form. Rule 41 (a)

11. ☐ No extension of time for filing an interlocutory application will be granted . Rule 30 (g) . No extension of time will be granted for filing a discretionary application unless the motion for extension is filed on or before the due date of the discretionary application.

12. ☐ The type font was smaller than 10 characters per inch; type was not double-spaced or/and type was on both sides of the paper. Rules 1(c), 24(b), 37(a) and 41(b).

13. ☐ Your motions were submitted in an improper form (joint, compound, or alternative motions in one document). Rule 41 (b)

14. ☐ Margins were too small or paper size was incorrect. Rules 1(c), 24(c), 30(e), 31(c) and 41(b).

15. ☐ Your document was submitted for filing more than 30 days after the date of the order granting, denying or dismissing the application or the order granting, denying or dismissing the Motion for Reconsideration. Rules 30(j) and 31(j).

16. ☐ Other:

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

IN THE COURT OF APPEALS

STATE OF GEORGIA

DARREN PETTY)

Applicant,)

(Pro Se)) Case No.

)

vs.)

)

Superior Court Of

Dekalb COUNTY

APPLICATION FOR DICRETIONARY APPEAL

DARREN PETTY

459 Kenridge Cir

Stone Mountain, Ga 30083

(404)468-1177

(229)886-3705

(Pro Se)

MOSS & ROTHENBERG
ATTORNEYS AT LAW

ROBERT A. MOSS
rmoss@mossandrothenberg.com

JEFFREY P. ROTHENBERG
jrothenberg@mossandrothenberg.com

1872 B INDEPENDENCE SQUARE
ATLANTA, GEORGIA 30338

TELEPHONE:
(770) 351-0830

FACSIMILE:
(770) 351-0790

July 8, 2014

Stephen Castlen, Clerk / Court Administrator
Court of Appeals of Georgia
47 Trinity Avenue
Suite 501
Atlanta, Georgia 30334

Re: Frank Kliesrath, et al., Appellants
v. Estate of Audrecas D. Davis, By Jimmy Davis, et al., Appellees
Case No. A14A 1934

Dear Mr. Castlen:

Enclosed please find the original and two copies, and one extra copy, of Appellees' Rule 16(b) Motion for Extension of Time to File Brief of Appellees. Please file the original and two copies, and return the extra copy to me stamped "filed" in the enclosed, self-addressed, stamped envelope.

Your assistance and attention to this Motion is greatly appreciated.

Very truly yours,

Robert A. Moss

RAM/slf
Enclosures
cc: Duane D. Pritchett
Terri N. Gordon
All Clients

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS

2/11/14

To: Darren Petty

Docket Number: Style: Darren Petty v. Dekalb County

Your document(s) is (are) being returned for the following reason(s).

1. ☐ Your Application was not accompanied by the statutory filing fee, $300.00 civil; $80.00 criminal, 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. ☐ Portions of the record included were not tabbed and indexed. Rules 30 (e) and 31 (c).

3. ☑ A stamped "filed" copy of the trial court's order to be appealed was not attached to your Application. Rules 30 (b) and 31 (e)

4. ☐ A stamped "filed" copy of the Certificate of Immediate Review was not attached to your Interlocutory Application. Rule 30(b)

5. ☐ Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)

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8. ☐ Your Certificate of Service did not include the complete name and /or mailing address of each opposing counsel and pro se party. Rule 1(a) and 6

9. ☐ Your document exceeds page limits. Rules 24(f) , 30(e) and 31(c)

10. ☐ Your request for court action must be submitted in motion form. Rule 41 (a)

11. ☐ No extension of time for filing an interlocutory application will be granted . Rule 30 (g) . No extension of time will be granted for filing a discretionary application unless the motion for extension is filed on or before the due date of the discretionary application.

12. ☐ The type font was smaller than 10 characters per inch; type was not double-spaced or/and type was on both sides of the paper. Rules 1(c), 24(b), 37(a) and 41(b).

13. ☐ Your motions were submitted in an improper form (joint, compound, or alternative motions in one document). Rule 41 (b)

14. ☐ Margins were too small or paper size was incorrect. Rules 1(c), 24(c), 30(e), 31(c) and 41(b).

15. ☐ Your document(s) was (were) not securely bound at the top with staples or round head fasteners. Rules 1(c), 30 (e) and 31 (c)

16. ☐ Your document was submitted for filing more than 30 days after the date of the order granting, denying or dismissing the application or the order granting, denying or dismissing the Motion for Reconsideration. Rules 30(j) and 31(j).

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

The Court of Appeals
47 Trinity Avenue SW, Suite 501
Atlanta, Georgia 30334

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

July 15, 2014

Mr. Vivek B. Pampattiwar
228 Bradford Creek Trail
Duluth, Georgia 30096

RE: A14A1731. Vivek Pampattiwar v. Rupali Chitre

Dear Mr. Pampattiwar:

Enclosed please find Court of Appeals check number 3972850 made payable to you as reimbursement for double payment of the filing fee in the above appeal. The Court received payment for the filing fee via check on May 27, 2014 and cash on June 19, 2014.

My apologies for the error.

Sincerely,

Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld
Enclosure

REMOVE EDGES 1, 2, & 3

3

3972850

AGENCY 43200
BANK 1300-5000
MAG NO. 0000005068
FORM 001 OF 001

432010000001

SEE REVERSE SIDE FOR OPENING INSTRUCTIONS

432010000001

COURT OF APPEALS
47 TRINITY AVE SW
SUITE 501
ATLANTA, GA 30334-9006

VIVEK B. PAMPATTIWAR
228 BRADFORD CREEK TRAIL
DULUTH, GA 30096

Court of Appeals

Memorandum

To: Jan Kelley

From: Steve Castlen SEC

Subject: Refund Filing Fee
A14A1731. Vivek Pampattiwar v. Rupali Chitre

Date: July 11, 2014

On May 27, 2014, Vivek Pampattiwar paid the $300 filing fee via check (Receipt No. 110991) in the above appeal. On June 19, 2014, he paid the $300 filing fee in cash (Receipt No. 111154) in the same appeal. Please provide a refund check for the $300 filing fee payment to Mr. Vivek B. Pampattiwar. I have attached a copy of the receipts for your review.

The mailing address for Mr. Pampattiwar is as follows:

Mr. Vivek B. Pampattiwar
228 Bradford Creek Trail
Duluth, Georgia 30096

Thank you.

/ld
Attachments

COURT OF APPEALS
47 Trinity Avenue, S.W.
Suite 501
Atlanta, GA 30334
(404) 656-3450

Receipt No. 111154

DATE 6.19.14

RECEIVED OF Vivek Ramachandrawar

WE ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

BRIEF OF APPELLANT ✓

ENUMERATION OF ERRORS

WITHDRAWAL FEE

PHOTOCOPIES

ADMISSION FEE

CERTIFICATION FEE

APPLICATION COST

OTHER

AMOUNT $ 300.00
cash

CASE NUMBER A14A1731

CLERK

COURT OF APPEALS
47 Trinity Avenue, S.W.
Suite 501
Atlanta, GA 30334
(404) 656-3450

Receipt No. 110991

DATE 5/29/14

RECEIVED OF Vivek B. Pamjothiwar

WE ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

BRIEF OF APPELLANT ✓

ENUMERATION OF ERRORS

WITHDRAWAL FEE

PHOTOCOPIES

ADMISSION FEE

CERTIFICATION FEE

APPLICATION COST

OTHER

AMOUNT $ 300.00
1061300117

CASE NUMBER A14H1231

T. Kulick
CLERK

Logout

Case Management

General Docket | Lower Court | Party/Attorney | Filings | Judgment | Certiorari | Remittitur | Notes | Case History

Edit **Filings and Actions** **Transfers** **Mailing Labels**

Tracking

Return to Search

Case Style	VIVEK PAMPATTIWAR v. RUPALI CHITRE
Short Style	VIVEK PAMPATTIWAR v. RUPALI CHITRE
Case Number	A14A1731

Assigned Judge: J. M. Yvette Miller Assigned Division: 4 Short Number: 71-088 Assignment Type: System

Panel: P. J. Sara L. Doyle, J. M. Yvette Miller, J. Stephen Louis A. Dillard Opinion Status: ND

Docket Date: 05/20/2014 Term: S14 Docket Calendar: 0914 Status: P Notes: No

Docket Notices

View Attorney Docket Notice View Lower Court Docket Notice Regenerate Docket Notices

Print Case Info Sheet Print Attorney Summary Sheet Print First Volume Judgment Sheet Print Record Summary Sheet Print Opinion Tracking Sheet

Criminal or Civil? Civil Criminal

Classification CONTEMPT - 054

Docket Calendar: 0914 Oral Argument Granted:

Costs Paid

Description: Case Filing Fee Paid By: Vivek Pampattiwar Refunded:

Date: 06/19/2014 Amount: 300.00 Receipt #: 111154 Payment Method: Check/Other

Send Warden Letter

Pauper's Affidavit Filed

Supreme Court Case Number

Case Associations

This case is a Main case and has no Cross or Companion cases.

Related (RE) Cases

Case Number	Case Style	Case Status
A11D0221	VIVEK PAMPATTIWAR V. RUPALI CHITRE	F

Application

No application has been selected for this case.

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS
Date: July 15, 2014

To: Mr. Earl M. Lyons, GDC1000142175, Wheeler Correctional Facility, Post Office Box 466, Alamo, Georgia 30411

Docket Number: A14A1745 **Style:** Earl M. Lyons 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 **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. ☑ **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.**

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

IN THE COURT OF APPEALS OF GEORGIA

EARL M LYONS
-V-
THE STATE

A14A1745
CASE NO: 11SUCR-0375WC

APPELANT's BRIEF

NOW COMES EARL M. LYONS, Defendant in the above-styled matter and respectfully moves this court to amend the ruling made by ARCH McGARITY Chief Judge, of the Superior Court of Henry County on the 16th day of JANUARY, 2013 for a motion to Modify Sentence, Defendant moves for a Appeal under O.C.G.A. 5-6-34

(1) ON or Around November 22, 2011 Defendant enter a plea to;
CT. 1 VGCSA - Possession of cocaine with intent to Distribute
CT. 2 VGCSA - Possession of Marijuana - Greater 1 oz
CT. 4 OBSTRUCTION OF AN OFFICER
Defendant received a sentence of 30 yrs., 15 of which is to be served in confinement

(2) In Powell v. Alabama, 287 U.S. 45, 53 S.Ct. 55, 77 L.Ed 158 (1932), the layman defendant "requires the guiding hand of counsel at [E]very step in the preceeding against him. "If charged with crime, he is incapable, generally, of determining for himself whether the indictment is good or bad. He is unfamiliar with the rules of evidence. Left without the aid of counsel he may be put on trial without proper charge, and convicted upon incompetent evidence, or evidence irrelevant to the issue or otherwise inadmissibly. He lacks both the skill and knowledge adequately to prepare his defense, eventhough he have a perfect one.

(3) Defendant contends that Ineffective Assistance of counsel that his counsel coerced him to take the plea of 30 yrs. serve 15 yrs., when Defendant feels that the time exceeds

beyond the charges.

(4) The denial order of Defendant's Motion to Modify Sentence; On October 16th 2013 Defendant's Motion to Modify Sentence was granted, he was ordered back into the custody of the Department of Corrections and was told by Judge Arch W. McGarity that Defendant to have a letter of conduct from his prison sent to him also for his family, wife and church members to also send letters to him, from that point upon receiving the letters the Judge will decide. See Transcript

(5) Defendant also requested that he be given credit for time served from the date of his arrest, and on November 4th 2013 the Defendant received an Order from Henry County Superior Court granting his request for credit for time served but the Motion to Modify Sentence was denied.

Wherefore, Defendant respectfully prays that this Honorable Court of Appeals of Georgia Modify said Sentence to a lesser sentence.

This 10th day of July 2014

Earl M Lyons 7-10-14

Earl M. Lyons Pro Se
GDC# 10000142175
Wheeler Correctional Facility
P.O. Box 466
Alamo, Ga. 30411

CERTIFICATE OF SERVICE

I EARL M. LYONS hereby certify under penalty of perjury, that I have this date served a true and correct copy of the within and foregoing Motion To Modify Sentence Appelant's Brief to Clerk of Court Stephen E. Castlen Court of Appeals of Georgia 30253 by placing sufficient postage and placing in the U.S. mail.

This 10th day of July 2014

Earl M Lyons 7-10-14

Earl M. LYONS Pro Se
G.D.C. # 1000142175
Wheeler Correctional Facility
P. Box 466
Alamo, Ga. 30411

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS

July 15, 2014

To: Mr. Randal A. Mangham, Attorney at Law, Post Office Box 1558, Atlanta, Georgia 30301

Docket Number: A14D0333 **Style**: **Millennium Supply Chain Services, LLC, et al. v. T&C Leasing, Inc.**

Your document(s) is (are) being returned for the following reason(s).

1. ☐ Your Application was not accompanied by the statutory filing fee, $300.00 civil; $80.00 criminal, 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. ☐ Portions of the record included were not tabbed and indexed. Rules 30 (e) and 31 (c).

3. ☐ A stamped "filed" copy of the trial court's order to be appealed was not attached to your Application. Rules 30 (b) and 31 (e)

4. ☐ A stamped "filed" copy of the Certificate of Immediate Review was not attached to your Interlocutory Application. Rule 30(b)

5. ☐ Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)

6. ☐ There were an insufficient number of copies of your document. Rule 6

7. ☐ No Certificate of Service accompanied your document(s). Rule 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.

8. ☐ Your Certificate of Service did not include the complete name and /or mailing address of each opposing counsel and pro se party. Rule 1(a) and 6

9. ☐ Your document exceeds page limits. Rules 24(f) , 30(e) and 31(c)

10. ☑ **Your request for court action must be submitted in motion form. Rule 41 (a)**

11. ☐ No extension of time for filing an interlocutory application will be granted . Rule 30 (g) . No extension of time will be granted for filing a discretionary application unless the motion for extension is filed on or before the due date of the discretionary application.

12. ☐ The type font was smaller than 10 characters per inch; type was not double-spaced or/and type was on both sides of the paper. Rules 1(c), 24(b), 37(a) and 41(b).

13. ☐ Your motions were submitted in an improper form (joint, compound, or alternative motions in one document). Rule 41 (b)

14. ☐ Margins were too small or paper size was incorrect. Rules 1(c), 24(c), 30(e), 31(c) and 41(b).

15. ☑ **Your document was submitted for filing more than 30 days after the date of the order granting, denying or dismissing the application or the order granting, denying or dismissing the Motion for Reconsideration. Rules 30(j) and 31(j).**

16. ☐ Other:

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

IN THE COURT OF APPEALS
STATE OF GEORGIA

MILLENNIUM SUPPLY CHAIN SERVICES, LLC, ERVIN HARVILLE, and VERONICA HARVILLE Applicants.	) Application # A14D0333) Fayette Superior Court
v.	) CIVIL ACTION NO.:) 2013v-0067 RMC
T & C LEASING, INC. Respondent.	)

VOLUNTARY DISMISSAL WITH PREJUDICE

COMES NOW, the APPLICANTS in the above styled action, and dismiss the above styled action with prejudice.

This __11th____ day of JULY 2014.

Respectfully submitted,

RANDAL ALONZO MANGHAM, LLC

By:_____
RANDAL A. MANGHAM
STATE BAR NO. 468767

Post Office Box 1558
Atlanta, GA 30301-1558
(404) 525-0100

IN THE COURT OF APPEALS
STATE OF GEORGIA

MILLENNIUM SUPPLY CHAIN SERVICES, LLC, ERVIN HARVILLE, and VERONICA HARVILLE Applicants. v. T & C LEASING, INC. Respondent.	) Application # A14D0333) Fayette Superior Court) CIVIL ACTION NO.:) 2013v-0067 RMC

Certificate of Service

This will certify that I have this day served a copy of the foregoing VOLUNTARY DISMISSAL WITH PREJUDICE upon opposing counsel by U.S. Mail with adequate postage to:

Balch & Bingham, LLP
Attorneys at Law
30 Ivan Allen, Jr. Boulevard
Suite 700
Atlanta, Ga 30308-3036

This __11th___ day of _July_____, 2014.

_____
Randal Mangham

LAW OFFICES
RANDAL ALONZO MANGHAM, LLC
ATTORNEYS AT LAW

191 PEACHTREE STREET
SUITE 3275
ATLANTA, GEORGIA 30301-1558
PHONE: (404) 525-0100
Randal.Mangham@gmail..com

MAILING ADDRESS:
POST OFFICE BOX 1558
ATLANTA, GA. 30301-1558
FACSIMILE: (404) 745-0857

July 11, 2014

Clerk of Court
Georgia Court of Appeals
5th Floor
244 Washington Street,
Atlanta, GA 30334

RE: T& C Leasing, Inc. vs. Millennium Supply Chain Services, LLC, Harville, Veronica and Erwin
Application # A14D0333
Superior Court of Fayette County
Civil Action File No.: 2013v-0067 RMC

Dear Clerk of Court:

Enclosed are an original and one copy of the Voluntary Dismissal of the above Appeal pursuant to a grant of Discretionary Appeal before the Georgia Court of Appeals.

Thank you for your assistance in this matter.

Very truly yours,

RANDAL ALONZO MANGHAM, LLC

BY: _____
RANDAL A. MANGHAM

cc: Clerk of Court
Fayette County Superior Court
1 Center Dr,
Fayetteville, GA 30214

Mr. Matthew B. Ames
Balch & Bingham, LLP
30 Ivan Allen Jr. Boulevard
Suite 700
Atlanta, GA 30308-303

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS
Date: July 17, 2014

To: Ms. Lois L. Luster, 17 Harbour Lane, Ringgold, Georgia 30736

Docket Number: A14A1775 **Style:** Lois Luster v. Bank of America, et al.

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 **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 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 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)

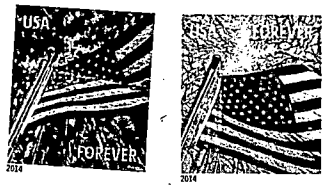
16. ☐ Your document(s) was (were) not securely bound at the top with staples or round head fasteners. Rule 1 (c)

17. ☐ The Motion to Supplement has not been granted.

18. ☑ Other: **You must motion the Court for permission to amend your Brief.**

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

Clerk, Court of Appeals
Suite 501, 47 Trinity Ave. S.W
Atlanta, GA 30334



Lois L Luster
17 Harbour Lane
Ringgold GA 30736

IN THE COURT OF APPEALS OF GEORGIA

APPEAL NO. A14A1775

LOIS L. LUSTER — Appellant/Plaintiff

Versus

BANK OF AMERICA, N.A. (Successor By
Merger with Countrywide Home Loans Servicing);
INVESTORS ONE CORPORATION;
KONDAUR CAPITAL CORPORATION.;
MERSCORP, INC. (Successor by merger to
Mortgage Electronic Registration Systems, Inc);
CAMPBELL & BRANNON, LLC., — Appellee/Defendants

AMENDED APPELLANTS' BRIEF

Lois L. Luster
17 Harbour Ln,
Ringgold, GA 30736-3303
423-785-6385

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1 Bank of America, N.A. reached an agreement, and Bank of America, N.A. was dismissed from this action with prejudice; they are no longer a part of this case.

TABLE OF CONTENTS

Table of Cases

Other Authorities

I. STATEMENT OF PROCEEDINGS AND RELEVANT FACTS

COMES NOW, Appellant/Plaintiff, Lois L. Luster ("Ms. Luster"), and files her Appellant's Brief. The Final Order was filed on February 05, 2014 [R-181]. A timely filed Motion for New Trial was filed [R-182;R-187]. The Dismissal [R-181] was issued after none of the parties appeared for a peremptory hearing, for which Ms. Luster received no Notice [R-177,178], as shown in her letter to the Judge [R-175, 2nd 3rd ¶¶] and to this day has been denied a copy of the Notice.

Ms. Luster purchased her property, in Catoosa County, Georgia in 2005 [R-86; R-115]. Lender was Countrywide Home Loans, Inc. ("Countrywide") [R-86; R-115]. The copy of the Security Deed provided to Ms. Luster, was altered from the one recorded into the Catoosa County Georgia Records [R-32; R-86,87¶16; R-116; R-133].

Ms. Luster entered into Chapter 13, December 2007, Bankruptcy, where she remained until January 2011 [R-____].

When the claim was made that Ms. Luster was in default, she requested an accounting [R-105]. provided her a document printed from the internet that shows what a person's mortgage payments are supposed to be for the life of their loan. Following the attempt for an accounting, Ms. Luster requested a copy of her

payment history.. While in bankruptcy, Ms. Luster had made payments in the amount of Two Thousand Dollars a month for around 48 months. While modification applications were pending, Ms. Luster had the money that she intended to use toward refinancing her home. Kondaur had told her rather than pay the money toward refinancing, that there were several repairs that needed to be made to the home and that she should wait for determination of the modification instead[R-42]. Having been led to believe that she would be more eligible for refinancing, if the property were fixed up and repaired, she did as advised and had repairs and upgrades done to the house [R-42; R-158]. Later, she would be denied refinancing because she was in default [R-42]. Ms Luster had not defaulted, and demanded a showing that the Two Thousand Dollars she had paid, was credited toward her account. Countrywide/Bank of America sold the Note to Dovenmuehle Mortgage Corporation instead of accounting for the money [R-38]..

Campbell & Brannon, LLC., then began sending letters [R-145 thru 150; R-161 thru R-165] that they were going to foreclose. No matter who held the Note, it was the same each time, there would be the allegation of a past default, and when accounting of payment history demanded, shortly thereafter, the Note was sold again. Each time, when demand for accounting was made to show what had

happened to the ten thousand dollars ($10,000.00) quickly paid toward the account went, the Note would be sold.

Investors One ended up with Note, with Quantum acting as servicer. When they began telling Ms. Luster she was in default, and they too refused to do an accounting, Ms. Luster this time, filed a civil action in Catoosa County Superior Court. A Lis Pendens was also filed into Catoosa County Superior Court, and Catoosa County Georgia Records.

That case was immediately removed to federal court. The Notice of Removal and Motion to Dismiss did not reach Ms. Luster until she was already late to respond. She had no time to file Motion to Remand and get the Responses to Motion to Dismiss filed on time. The federal court ended up dismissing without prejudice [R-22 thru R-24].

Ms. Luster filed the second case in Catoosa County Superior Court [R-24]. Again, defendants immediately removed the case to federal court [R-8 thru R-20], and again waited to mail the notice to her until it was almost too late for her to respond. Ms. Luster managed to Respond, and filed Motion to Remand [R-2].. While the Court was deciding the Motion to Dismiss and Motion to Remand, defendants, without warning foreclosed and had at the sale under power, bought

the property themselves [R-80; R-90;R-100; R-101R-103; R-168]. Right after that, the US District Court executed a Remand Order [R-21-76].

In retaliation for Ms. Luster as a pro se litigant, having succeeded at having the action Remanded, Campbell & Brannon and Investors One immediately went to Catoosa County Magistrate Court and filed a Dispossessory action[R-168]. Ms. Luster answered that action and filed Motion to Dismiss or in the alternative, Motion to Stay pending ruling by Superior Court. Magistrate Court stayed the action pending a ruling by superior court.

After the transfer from federal court, back to superior court, Ms. Luster Amended her complaint [R-78 thru R-168], to include a claim for wrongful foreclosure. Defendants filed Motions to Dismiss, and several defendants moved to open default [R-77]. Ms. Luster filed an objection to the opening of default.

Ms. Luster received a copy of a letter from Lotstein Legal's Marcus G. Keegan, to The Honorable Ralph Van Pelt, Jr. [R-213], referencing a peremptory calendar. Mr. Keegan's letter stated "Per the instructions of the court, please find below the notice informing the court of the status of the above-described case in lieu of the parties' appearance at the Non-Jury Peremptory Status Conference Calendar." [R-213]. The letter went on to point out that no discovery had been

had because of the Motions to Dismiss. Ms. Luster sent a letter to the court agreeing with Mr. Keegan's assessment of the status [R-175].

Mr. Keegan's letter further pointed out that there had been filed Motion for Judgment on the Pleadings, Motion to Open Default, that Plaintiff had filed objections, responses and/or replies, and motion to strike [R-213]. Mr. Keegan's letter in the first paragraph stated "Per the instructions of the court, please find below the notice informing the court of the status of the above-described case in lieu of the parties' appearance at Non-Jury Peremptory Status Conference Calendar scheduled for January 30, 2014 at 9:00 am." [R-213].

Mr. Keegan's letter further stated "The other parties to this case have been copied on this correspondence as denote below. Please let me know if the Court should require any further information as to the status of this case." [R-213].

Ms. Luster, being a pro se litigant, believed she could respond to the letter by writing a letter to the judge as well [R-175]. Ms. Luster agreed with Mr. Keegan's letter, and agreed that there was no need for a "Peremptory Status Calendar Conference" at that time [R-175]. Ms. Luster's letter stated: "I expect no special treatment for my pro se status, but it is imperative that I receive all hearing notices, and would appreciate it, if in the future, I do receive such Notices

of hearings" [R-175].

Apparently the Court decided to ignore the letters. Dismissal was filed on February 7, 2014 [R-181]. Ms. Luster filed Motion for New Trial [R-182 thru 186], Brief in Support of Motion for New Trial [R-187 thru 210]. The Order Denying Motion for New Trial was filed on April 9, 2014 [R-211,212].

Ms. Luster's Brief in Support of Motion for New Trial showed the Court Docket Report [R-187 thru 189; R-204 thru 208].

Ms. Luster researched to find out exactly what a peremptory hearing is. She found that a peremptory hearing is usually held when there is no activity in a case, and the Court wants a status report, or to find out if there has been negotiations in case there is being discussed a settlement between the parties, or if all parties have just decided to let the case go and no longer prosecute the case, and all it lacks is a ruling mutually dismissing the case. Although the Court in Ms. Luster's case refers to the it as "Non-Jury Trial Calendar", it is not actually a Trial Calendar. A non-jury trial, is a trial on the merits of the case, when a jury has not been demanded.

Jury trial has been demanded in the case at bar.

II. ENUMERATION OF ERRORS AND JURISDICTIONAL STATEMENT

A. Enumeration of Errors

1. Was it error to put the case on the Peremptory Calendar, when there were motions waiting to be ruled upon, and regular activity going on in the case? Assuming that it was not error, was it error for the trial court not to have findings of fact and conclusions of law in the Order Dismissing the case? In the Order Denying Motion for New Trial?

2. After the status of the case was given to the trial court, before the scheduled hearing, and the letter so giving that status, stated in lieu of the hearing, and explained that there were numerous pending motions not yet ruled on; Was it error for the trial court not to rule on any motions the entire time the case was in the Court? Was it error for the trial court to have the hearing, even after the parties to the case had all agreed?

3. Was it error for the trial court to rule, Denying an unopposed Motion for New Trial, without having a hearing, in violation of Uniform Superior Court Rule 6.3?

B. Jurisdictional Statement

This court has jurisdiction over this matter, because "The Court of Appeals shall be a court of review and shall exercise appellate and certiorari jurisdiction in all cases not reserved to the Supreme Court or conferred on other courts by law. The decisions of the Court of Appeals insofar as not in conflict with those of the Supreme Court shall bind all courts except the Supreme Court as precedents". (Ga. Const. art. VI, § 5, ¶ III). "Court of Appeals is a court of review for correction of errors made by trial court". Const. Art. 6, § 5, Par. 3. ***Jett v. State***, 2000, 246 Ga.App. 429, 540 S.E.2d 209, reconsideration denied. Criminal Law 1004. (Ga. Const. art. VI, § 5, ¶ III). "Under the Constitution, jurisdiction not specifically conferred on Supreme Court is vested in the Court of Appeals". Const. art. 6, § 2, par. 4. ***U.S. Cas. Co. v. Georgia Southern & F. Ry. Co.***, 1956, 212 Ga. 569, 94 S.E.2d 422, transferred to 95 Ga.App. 100, 97 S.E.2d 185. Courts 217(3) (Ga. Const. art. VI, § 5, ¶ III).

C. Summary of the Argument

There were numerous Motions sitting in the case, and not ruled on. The court, set the case on the peremptory hearing calendar. Ms. Luster, believes that the hearing was for the court to know that status of the case. Mr. Keegan's letter to the Judge, 1st ¶: "Per the instructions of the court, please find below the notice informing the court of the status of the above-described case in lieu of the parties' appearance at Non-Jury Peremptory Status Conference Calendar scheduled for January 30, 2014 at 9:00 am." [R-213]. A hearing for which the defendants also did not appear.

Ms. Luster also wrote the court and agreed with Mr. Keegan. She believed that there would be no hearing, as there were motions pending that had not been ruled upon, and the case had on-going activity. When Ms. Luster received the Dismissal, she prepared and filed a Motion for New Trial

Ms. Luster contends that it was error for the trial court to Deny Motion for New Trial, both because it was unopposed, and she was entitled to a hearing on the Motion for New Trial.

III. ARGUMENT AND CITATION OF AUTHORITIES

1) Peremptory Hearing Calendar

Ms. Luster contends that it was error for the trial court to deny Motion for New Trial, when both she and Mr. Keegan had given the status of the case, and filed the status report, in lieu of the hearing. The standard of review for Denial of Motion for New Trial, when a party did not receive Notice of the hearing, is abuse of discretion.

2) Peremptory Hearing Calendar

Ms. Luster believes that putting the case on the Peremptory Calendar was error, because there were motions waiting to be ruled upon, and regular activity going on in the case.

According to Uniform Superior Court Rule 20, "Periodically the assigned judge may cause to be delivered to the clerk of the court and published a list of pending civil actions in which the discovery period has expired ...upon reasonable notice requiring the parties...or their attorneys to announce whether the actions or cases appearing thereon are ready for trial and when trial should be scheduled. Failure to appear at the calendar sounding or otherwise to advise the judge or appropriate calendar clerk may result in the following disposition: In civil actions,

the dismissal without prejudice of plaintiff's action or defendant's answer".

Mr. Keegan's letter to the Court, in lieu of hearing, to "announce whether the actions or cases appearing thereon are ready for trial and when trial should be scheduled" (USCR 20), stated the status of the case, every motion filed had not yet been ruled upon. Mr. Keegan submitted the letter "in lieu of hearing" [R-213], which Ms. Luster agreed was appropriate [R-175].

The Order Dismissing the action, like the Motion Denying New Trial, gave no findings of fact, or conclusions of law. It has been firmly "established that findings of fact and conclusions of law required by Code Ann. §81A-152(a) are mandatory; that the facts must be found specially; and that conclusions of law must be stated separately, regardless of whether the order otherwise is sufficient for purposes of review.

The distinction between ***Doyal Development Co., v. Blair***, 234 Ga. 261, 215 S.E.2d 471, and ***Reid v. Minter***, 219 S.E.2d 15, 16 (Ga. Ct. App. 1975), was, that in ***Doyal*** the order was entitled 'Findings of Fact and Judgment of Court,' whereas in ***Reid***, the order was simply entitled "Judgment." The Court remanded the appeal "with direction that the trial court vacate the judgment, cause appropriate findings of fact and conclusions of law to be made, and enter a new judgment thereon, after

which the losing parties shall be free to enter another appeal". ***Hagin v. Powers***, 134 Ga.App. 609, 215 S.E.2d 346 and authorities collected.

"As explained below, this is one of the rare cases in which we find that the trial court abused its discretion in refusing to issue findings of fact and conclusions of law." ***SN Int'l, Inc. v. Smart Properties, Inc.***, 715 S.E.2d 826, 828 (Ga. Ct. App. 2011). From what Ms. Luster has been able to learn, "we find that it was an abuse of discretion for the trial court to fail to issue findings of fact and conclusions of law. By omitting these crucial ingredients in the judgment, appellate review has been rendered impossible.') (citation omitted)". ***Id.***

3) <u>No Motions Ruled Upon Over an Thirteen (13) Month Period</u>

The trial court was informed by Mr. Keegan that the parties were awaiting rulings on the pending Motions, which had all been responded to. Among the Motions were: Motion to Open Default; two Motions to Dismiss; Motion to Strike Affidavit and Responsive Pleadings; Motion for Judgment on the Pleadings; Motion to Open Discovery. Not one Motion the entire time in the Court, was ruled upon.

The civil action was in Superior Court for a period of Thirteen (13) months

before the peremptory hearing took place. During that thirteen (13) month period, not one motion was ruled on.

§ 15-6-21. Within what time superior, state and city court judges shall decide motions; filing decisions; ground for impeachment

(a) In a county with less than 100,000 inhabitants, it shall be the duty of the judge of the superior, state, or city court, ... within 30 days after the same have been argued before him or submitted to him without argument, all motions for new trials, injunctions, demurrers, and all other motions of any nature.

(b) In all counties with more than 100,000 inhabitants, it shall be the duty of the judge of the superior, state, or city court, ...to decide promptly, within 90 days ...all motions for new trials, injunctions, demurrers, and all other motions of any nature.

(d) If any judge fails or refuses, ... to obey the provisions of subsections (a) through (c) of this Code section, or if any judge repeatedly or persistently fails or refuses to decide the various motions, demurrers, and injunctions coming before him in the manner provided by such subsections, such conduct shall be grounds for impeachment and the penalty therefor shall be his removal from office. (Ga. Code Ann. § 15-6-21 (West)).

After the status of the case was given to the trial court, before the scheduled hearing, and the letter so giving that status, stated in lieu of the hearing explained that there were numerous pending motions not yet ruled on. Ms. Luster contends that the trial court erred by failing to rule on any motions before setting the case on the peremptory calendar. Ms. Luster believes that she has been treated disparagingly by the trial court, she cannot imagine that the judge treats all litigants the same way.

4) Denial of Unopposed Motion for New Trial Without Heairng

Ms. Luster asserts that it was error for the trial court to Deny the unopposed Motion for New Trial, especially without holding the required hearing.

As to the review of a court's denial of a motion for new trial based on the general grounds in a civil case, "the proper standard on appellate review is the 'any evidence' test. The court construes the evidence most favorably toward the party opposing the motion for ... new trial." (Punctuation omitted.) Jordan, supra at 10(3), 470 S.E.2d 733. No one opposed the Motion for New Trial. The trial court did not give any reason for the Denial [R-211, 212] of Motion for New Trial [R-182 thru R-210].

USCR 6.3 provides: "Unless otherwise ordered by the court, all motions in civil actions, including those for summary judgment, shall be decided by the court without oral hearing, except motions for new trial and motions for judgment notwithstanding the verdict." (USCR 6.3). "Unless otherwise ordered by the judge, USCR 6.2 requires each party opposing a motion to serve and file a response, reply memorandum, affidavits, or other responsive material not later than 30 days after service of the motion. Uniform State Court Rule 6.2 additionally provides that if a hearing is held sooner than 30 days after service of the motion, a response and supporting material may be filed on the date of the hearing. (USCR 6.2) ***Landsberg v. Powell,*** 627 SE2d 922 Ga.Ct.App. (2006).

IV. CONCLUSION

Ms. Luster Moves this Honorable Court to vacate the trial court's ruling and remand the case with directions that the judge be replaced, that the case be allowed to proceed on the merits of the case, and that the pending motions, all be ruled upon.

Respectfully submitted, this 14th day of July, 2014

By: _____

Lois L. Luster, Appellant
17 Harbour Ln,
Ringgold, GA 30736-3303
423-785-6385

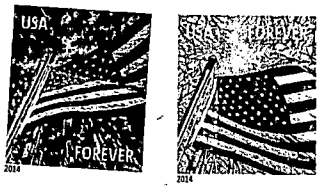
CERTIFICATE OF SERVICE

I hereby Certify, that I have this 14th day of July, 2014, served a true and correct copy of the **Amended *Appellant's Brief*** upon defendants, through their attorney on file, by causing to be deposited with USPS, First Class Mail, proper postage affixed, and addressed as follows:

Michelle Canter
LOTSTEINLEGAL PLLC
4720 Peachtree Indust. Blvd.,
Suite 106
Norcross, GA 30071

_____
Lois L. Luster

Clerk, Court of Appeals
Suite 501, 47 Trinity Ave. S.W
Atlanta, GA 30334



Lois L Luster
17 Harbour Lane
Ringgold GA 30736

Court of Appeals of Georgia

July 21, 2014

TO: Mr. Dennis Nance, GDC1274269, Augusta State Medical Prison, 3001 Gordon Highway, Grovetown, Georgia 30813

RE: **Probation Revocation**

CHECK RETURN

☐ Your check number in the amount of written on the account of your firm for the filing fee in is enclosed. Please be advised that this Court is returning your check since the filing fee was already paid by .

CASE STATUS - DISPOSED

☐ Your appeal was disposed by opinion (order) on _____. The Court of Appeals _____. The remittitur issued on _____, divesting this Court of any further jurisdiction of your case. The case is therefore, final.

CASE STATUS - PENDING

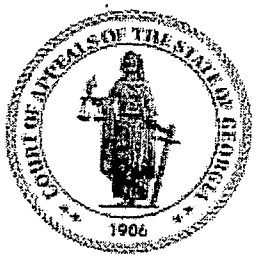
☐ The above referenced appeal is the only pending appeal in your name before this Court. The appeal was docketed in the Term and a decision must be rendered by the Court by the end of the Term which ends on

APPLICATION FOR PERMISSION TO APPEAL A PROBATION REVOCATION

☑ **To appeal a probation revocation, you will need to file a Discretionary Application with this Court. Rule 31 of the Rules of the Court of Appeals of Georgia describes a Discretionary Application and the items you would need to include with your application.**

A Discretionary Application must be filed within 30 days of the stamped filed date on the order that you are appealing and the application must be accompanied by a proper Certificate of Service and a pauper's affidavit or the $80.00 filing fee. You must also comply with all the other applicable rules of Court regarding filing with the Court of Appeals of Georgia.

Enclosed, please find a copy of the Rules of the Court of Appeals for your review.



2014

Georgia Court of Appeals

RULES

Last Update: May 15, 2014

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS
Date: July 21, 2014

To: Mr. Marvin Turner, GDC164043, Macon State Prison, Post Office Box 426, Oglethorpe, Georgia 31068

Docket Number: A14A2000 **Style**: Marvin Turner 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 **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 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 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)

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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. ☑ **Other: You must motion the Court to file an Amended Brief. The Court must grant the motion before you can file the Amended Brief.**

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

Updated Form: Sep 2013

In The Court Of Appeals
State Of Georgia

Marvin Turner,
Appellant,

v.

State of Georgia,
Appellee.

Case No.: A14A2000

Motion For An Order, Compelling The Clerk Of The Court To Furnish The Required Copies Of The Appellant's Addendum/Amended Brief To The Court, due to Appellant's indigency.

Come Now, I, the Appellant, in the above styled action, hereby submit this "Motion For An Order, Compelling the Clerk of the Court to Furnish the Required Copies of the Appellant's Addendum/Amended Brief to the Court, due to Appellant's indigency, thereby moving the Court to grant this said motion for the following reasons:

I Marvin Turner the Appellant in this action hereby declare under penalty of perjury:

1.

I am an indigent pro se prisoner litigant, who has requested to proceed in forma pauperis, in this action, where I am appealing the the final orders denying Appellant's Motion for An Out Of Time Appeal, Motion To Set Aside & Correct Void Sentence and Revocation Court Lack Of Personal Jurisdiction.

In The Court Of Appeals
State Of Georgia

Marvin Turner,
Appellant,

v.

State of Georgia,
Appellee.

Case No.: A14A2000

Appellant's Addendum/Amended Brief

Come Now, I, the Appellant in the above styled action hereby submit this "Appellant's Addendum/Amended Brief," conjoining and adding the following: "Enumeration of Error, Statement of Jurisdiction, and Argument & Citation of Authority," to the Appellant's (initial) brief, which is an additional claim and/or defense that arises out of the conduct, transaction, or occurrence set forth or attempted to be set forth in the Appellant' (initial) brief.

Part Two

Enumeration of Error(s)

Enumeration of Error #4: Revocation Court lacked "personal jurisdiction" over the Appellant's person, where the arresting officers were without warrant or authority and/or jurisdiction to arrest the Appellant, at the time of arrest, thus arrest of the Appellant was illegal, and Revocation Court's rendered [illegal] judgment and conviction is null and void.

July 14, 2014 Case No.: A14A2000

To: The Clerk of the Court,

Please find enclosed the following to be file with the Court:

1.) Motion for An Order, Compelling the Clerk of Court to furnish the required Copies of the Appellant's Addendum / Amended Brief to the Court, due to Appellant's indigency;

and 2.) Appellant's Addendum / Amended Brief.

Thank you for your assistance.

Sincerely,

Mr. Marvin Turner, pro se
#764043
Macon State Prison
P.O. Box 426
Ogletharpe, Ga. 31068

Greating toouth it my Con Sern 1/13/2014.

My Name is Dennis Joseph Abrce
I am 26 Year of Age. My DoB. 8/30/196
I am cerrentley Incarcerated
here At August State medical Prison.
I am Lock up for Vigoulashion Probashion
And for Firearmo As A Convekted
fellen.. Thay Have me A strat Seven..
And I Have Be here for 4 or 3 Year. I
was Convicted 5/26/2011..
I Ben Lock up Cence 11/13/2011.
Im tryen to See If You all will
Reconsetep my Sintens. To ~~Where~~
were the Best of my time Spen
Being Lockup.. In Stead of me
finshen my strat Seven. Band me
from the Grate State of Georgia.
At my Reqest I ask the I will only
Be Alowed Back In the State
when my max out Date Acers
Ends 1/26/2016.. my SSI is
595-56-3509 I DoNot Have
the BASE Numer How Ever.
my Jug is Tuner In Gwinnett
County GA.. The Jug Seed
that She was given me 2 for
I wonted to also know Im
Not Reseven Any time for 2

I DON't KNOW If You My
Grant MY Request to Do Suck
Thing But How Ever I am
Compeled to Ask Suck ~~Rest~~
Request ~~may~~ on ~~may~~ NOT Help
But I would Gratley
Appreshcate what Ever You
can Do In MY case. I am
gratley A Pershcative on Suck
Acomts. I Am " on mentel
Helth Cause MY Disorden is A
Vaig.. Disorder Do to my APP-
mashton And my Incarser
Rashoon. I am M.h.3 I was
Con Vicsted with A fire Arm
In Hall County ; And I Viyou Lotes
pro Bashon In Gwinnet Count
I stop Reponten And I Viyou cotes
for Haven the gun Ascult
It Is Tuff here I Prison I am
A Non Viyoulent A fender I Request
That you MY ~~Ahtien~~ MY Regest
Consoten

If you Have Any qisten or
consern I will Be Happe to
ORIze Any qistion you Have
I ASK That You Right me
A ReSPonce AS Soon I you
Have Rech you ~~Desion~~
~~Decis~~ Deson. I Request
To Here you Re SPonce
AS Soon AS you MX
A qwiten This Letter
I Have A High School
Eqyuvcasion How ever
my spelling is off.
I Hope That you my under
stand my Request And
my Letter Hope to here
from you Soon thank you
I Have Plasses I can
go, I am Non ~~vi~~ violent
Vi Lent
offenale my Have I Not
Be gronted Prol,
That my Be a qestion
you can Not ASest me
But I Lotten for word
To hering you response

Sorry Dennis about

Thank you for your time

The Court of Appeals
47 Trinity Avenue SW, Suite 501
Atlanta, Georgia 30334

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

July 23, 2014

Mr. James L. Riley
GDC544321
Jackson State Prison
Post Office Box 3877
Jackson, Georgia 30233

RE: A14D0425. James Lamar Riley v. The State

Dear Mr. Riley:

The above appeal was dismissed by order on July 16, 2014. Copies are $1.50 per page in this Court. The dismissal order is 1 page. Please send your check or money order to the above letterhead address and the copy will be forwarded return mail.

Also, your enclosures are addressed to the Supreme Court of Georgia. The address for the Supreme Court is: Supreme Court of Georgia, 244 Washington Street, S.W. • Suite 572, Atlanta, Georgia 30334

Sincerely,

Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld
Enclosures

I The defendant need Copy of every things that I had sent to this Clerk of Court and I had written Chatham County Clerk of Court for My Probation revocation hearing ~~again~~. I am writing under Stalling v. State and Mitchell v. State I will write back when I get the transcript.

Thank

James Riley

IN THE SUPREME COURT (Court of Appeal)
State of Georgia

STATE OF GEORGIA * Application Number A14D0425
*
V. *
JAMES L. Riley *

Motion for leave to file Amendment for Appeal

NOW COMES, James L Riley Defendant in the above styled action, and moves this Honorable Court to grant him Motion for leave to file Amendment for Appeal As just cause for the instant motion, defendant shows and states as follow:

1.) The charge for the probation revocation hearing of D.U.I-less safe, Operation a Vehicle without Drivers license, Driving too fast for Condition, and Improper lane Usage.
A) I was not the Driver of the Car.
B) The X officer didn't See me drive the Car

2.) My lawyer or Judge didn't tell me about My right of An Appeal a person in the Jail house told me,

3.) The defendant need 45 days to get probation revocation hearing transcript to finish Appeal and Brief

In The SUPREME COURT (Court of Appeal)
State of Georgia

STATE OF GEORGIA ✱
✱ Application Number A14D0425
v. ✱
James L. Riley ✱

Motion for leave to file Amended (Brief)

NOW COMES, James L. Riley, Defendant in the above styled action, and moves this Honorable Court to Grant him Motion for leave to file amended Brief As just cause for the instant actiondant show and states as follows:

1) The defendant had written the Clerk of Court Several time for his probation revocation hearing transcript which he have not receive it yet

2) The defendant need transcript to show this Court his Claim, in his Brief

3) The defendant need 45 days to get probation recocation hearing transcript to finish Appeal and Brief

[redacted] OF APPEALS OF GEORGIA
[redacted]ENT RETURN NOTICE FOR APPLICATIONS

7/25/14

To: Marquise Robbins

Docket Number: Style: Marquise Robbins v. Keith Carter et al.

Your document(s) is (are) being returned for the following reason(s).

1. ☐ Your Application was not accompanied by the statutory filing fee, $300.00 civil; $80.00 criminal, 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. ☐ Portions of the record included were not tabbed and indexed. Rules 30 (e) and 31 (c).

3. ☐ A stamped "filed" copy of the trial court's order to be appealed was not attached to your Application. Rules 30 (b) and 31 (e)

4. ☐ A stamped "filed" copy of the Certificate of Immediate Review was not attached to your Interlocutory Application. Rule 30(b)

5. ☐ Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)

6. ☐ There were an insufficient number of copies of your document. Rule 6

7. ☐ No Certificate of Service accompanied your document(s). Rule 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.

8. ☑ Your Certificate of Service did not include the complete name and /or mailing address of each opposing counsel and pro se party. Rule 1(a) and 6

9. ☐ Your document exceeds page limits. Rules 24(f) , 30(e) and 31(c)

10. ☐ Your request for court action must be submitted in motion form. Rule 41 (a)

11. ☐ No extension of time for filing an interlocutory application will be granted . Rule 30 (g) . No extension of time will be granted for filing a discretionary application unless the motion for extension is filed on or before the due date of the discretionary application.

12. ☐ The type font was smaller than 10 characters per inch; type was not double-spaced or/and type was on both sides of the paper. Rules 1(c), 24(b), 37(a) and 41(b).

13. ☐ Your motions were submitted in an improper form (joint, compound, or alternative motions in one document). Rule 41 (b)

14. ☐ Margins were too small or paper size was incorrect. Rules 1(c), 24(c), 30(e), 31(c) and 41(b).

15. ☐ Your document(s) was (were) not securely bound at the top with staples or round head fasteners. Rules 1(c), 30 (e) and 31 (c)

16. ☐ Your document was submitted for filing more than 30 days after the date of the order granting, denying or dismissing the application or the order granting, denying or dismissing the Motion for Reconsideration. Rules 30(j) and 31(j).

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

IN THE COURT OF APPEALS
STATE OF GEORGIA

MARQUISE ROBBINS
PLAINTIFF,
V.
KEITH CARTER AND
CAGER DAVIS
DEFENDANTS.

CIVIL ACTION
NO. 14-CV-47026

DISCRETIONARY APPEAL

1.) THE COURT ERRED BY DISMISSING PLAINTIFF'S COMPLAINT WITHOUT ALLOWING PLAINTIFF TO AMEND RELEVANT DEFICIENCIES THAT WOULD HAVE GAVE MERIT TO NEW AND SUFFICIENT CLAIMS CONTRARY TO THE GEORGIA TORT CLAIMS ACT. SEE O.C.G.A. 9-11-15 (a); SEE ALSO FORMAN V. DAVIS 371 U.S. 178, 82-83, 83 S.Ct. 227 (1962) (STATING THE COURT SHOULD FREELY GIVE LEAVE WHEN JUSTICE REQUIRES) THE ONLY DEFICIENCY WITH PLAINTIFF'S COMPLAINT WAS FAILURE TO TIMELY FILE NOTICE REQUIREMENTS OF THE G.T.C.A. NEVERTHELESS, PLAINTIFF ATTEMPTED TO AMEND HIS COMPLAINT ON 6-30-14, WHICH HE SOUGHT FEDERAL DISABILITY CLAIMS, AND FEDERAL CONSTITUTION CLAIMS. THE CONSIDERATION OF THESE CLAIMS WOULD HAVE ALLOWED PLAINTIFF'S COMPLAINT TO PREVAIL AND MOVE FORWARD. (SEE BALDWIN COUNTY CLERK DOCKET)

7/27/14

To All Respective "PARTICIPANTS",

Interesting; "Lack juristiction", Improper certificate of service, and Timeliness versus "Torture", Judicial and prosecutorial misconduct, corruption, unconstitutionality, Lies, deceipt and conspiracies (yes plural and yes I said it in relation to you're own definition. Black's dictionary; "(2) or more and a predicate act"). What's the sentence that can be imposed for "conspiracy" alone? A fairly serious crime would'nt you say?

What about #'s (1), (2), and (3) from the "code of Judicial Conduct?" Has anyone been administered a refresher course on that?

"Gillen v Bostick" (1975); section 23 of the Appellate practice Act of 1965; O.C.G.A § 5-6-30; "manifest Injustice"; "miscarriage of justice"; "Boykin v Alabama"; and "Chambers v Peacock Construction". I could go on for days with applications and cases in support of my present situation case. The state has absolutely nothing to hinge it's actions on. Zero. Excuse me the state does have an "ace in the hole": The bench! Interesting. Now I recognize why I mentioned #'s (1), (2), and (3) from the "code of Judicial conduct". That code did not contain a section where it stated a judge could send a man to a tortuous plight due to his (KDJ) bruised and insecure ego.

I have included two exhibits (or portions of two for cost concerns with the post office) which may assist in the foundation that supports the fact that absolutely no Logic exists in

this case. Remember one of your own created this total and unequivocal Legal "train wreck". One of your own ordered the unfathomable meaning if a man was so incompetent that he needed to be forcibly injected then:

A) How did Exhibit "A" materialize? A man that was so incredibly incompent that he needed to be "drugged", all of a sudden justifies a bar association investigation into the supposed fact that he (me) is a disbarred attorney from 2000. Thats correct. Particular attorneys complained that I was in fact James E. Thompson from case # SCOY1190. All of this surfaced after the 2007 coerced plea. Question. If I supposedly justified forced medication and I in turn rattled certain attorneys to the point of facilitating an investigation what does that say about your attorney pool in Georgia? and;

B) Exhibit "B" and the highlighted section from page (3) where Tracie Cason (Gwinnett County D.A.) even admits that (in a "helter skelter" rebuttal) "the case itself certainly addresses issues that are of great concern . . . ". If the "issues" consist(s) of the facts, truthfulness, and documented, veritable evidence then there should be only one conclusion which in turn should scale down your job responsibility to the minutia. "Great Concern" means a case of tragic dimensions is being relegated to "time-Liness" and "certificate of service" issues. Is this a comedy or tragedy or both? For the record "timeliness" consisted of Dawson Jackson purposely withholding over a dozen orders providing most of you the title of "Lame Duck".

One of your own made a Fool of entire judiciary.

Tracie Cason (in 2009) Laid the entire case in front

of you and you in turn, turned your back on your sworn obligation and judicial code of conduct/ethics.

In conclusion can any of you provide a semblance of logic in relation to:

A.) A competent man needing to be forcibly injected due to supposed incompetence, and

B.) That very same incompetent man owing over $325,000 in child support, and

C.) over $200,000 of the support accumulating during the malicious incarceration and despicable torture phase, and still where are the children? and;

D.) If I'm so incompetent that I cannot assist an attorney then I certainly am too incompetent to pay, correct? and;

E.) It appears Dawson Jackson did none any favors!

F.) the state has confiscated my drivers license and now threatens me, and;

G.) the state has investigated a non-(incompetent) attorney for being just that . . . . an attorney, and;

H.) the state wishes to get paid for (2) children that the father hasn't seen in (10) years after confiscating a license, torturing the father, imprisoning the father, and subjecting the father to the most unfathomable series of Legal "mumbo jumbo"/ craziness/ hilarity/ and flat out lunacy. One final Question. What did you people do, or allow to be done? Absolutely disgusting. What would you say or feel if you were me?

James E Thompson

The foregoing letter dated 7/27/14 was sent via U.S. mail with proper postage affixed to:

- The Attorney General
- The Supreme Court (Justice Hunstein)
- Fulton County court (Judges: Tusan, Wright, Goger & Shaw)
- Gwinnett County C.D.A porter and Judges Schrader and Conner)
- Court of Appeals (All justices)

James E. Thompson

In the Supreme Court of Georgia

Decided: SEP 11 2000

S00Y1190. IN THE MATTER OF JAMES E. THOMPSON

PER CURIAM.

The State Bar filed a Notice of Discipline against Respondent James E. Thompson alleging violations of Standards 65 (commingling client's funds with lawyer's own funds and failure to account for trust property held in a fiduciary capacity) and 68 (failure to respond to disciplinary authorities) of Bar Rule 4-102 (d). Although Thompson acknowledged service of the Notice of Investigation regarding his attorney trust account, he failed to file an answer. Subsequently, after efforts to personally serve Thompson with the Notice of Discipline proved unsuccessful, the State Bar served Thompson by publication pursuant to Bar Rule 4-203.1 (b) (3) (ii). Thompson failed to reject the Notice of Discipline within 30 days as provided by Bar Rule 4-208.3 (a) and thus is in default pursuant to Bar Rule 4-208.1 (b) and subject to discipline by this Court. The State Bar has recommended disbarment as the appropriate sanction for Thompson's violations of Standards 65 and 68.

Thompson, who maintains an attorney trust account with NationsBank of Atlanta, Georgia, wrote six checks drawn on this account in amounts for which he

Exhibit "A"

had insufficient funds in the account. Further, he commingled his client's funds with his own and withdrew money, not constituting earned attorney's fees, from his attorney trust account for his personal use. The State Bar noted as aggravating factors in support of its recommendation of disbarment Thompson's prior disciplinary history, including interim suspensions on August 11, 1998 and January 28, 1999 and a disciplinary suspension on October 26, 1998, and his substantial experience in the practice of law.

We conclude that disbarment is warranted as a result of Thompson's violations of Standards 65 and 68 of Bar Rule 4-102 (d). Accordingly, Thompson is hereby disbarred from the practice of law in Georgia. He is reminded of his duties under Bar Rule 4-219 (c).

Disbarred. All the Justices concur.

IN THE SUPREME COURT
STATE OF GEORGIA

JAMES EDWARD THOMPSON IV,	*	
Appellant,	*	DOCKET NO. S09C1275
versus	*	ON APPEAL FROM THE SUPERIOR
STATE OF GEORGIA,	*	COURT OF GWINNETT COUNTY INDICTMENT NO: 04-B-3288-3
Appellee.	*	

BRIEF IN OPPOSITION TO THE GRANT OF CERTIORARI
BRIEF OF APPELLEE

BY THE DISTRICT ATTORNEY, GWINNETT JUDICIAL CIRCUIT

DANIEL J. PORTER
DISTRICT ATTORNEY
GWINNETT JUDICIAL CIRCUIT

TRACIE H. CASON
ASSISTANT DISTRICT ATTORNEY
GWINNETT JUDICIAL CIRCUIT

OFFICE OF THE DISTRICT ATTORNEY
GWINNETT JUSTICE AND ADMINISTRATION CENTER
75 LANGLEY DRIVE
LAWRENCEVILLE, GEORGIA 30045
(770) 822-8400

BRIEF OF APPELLEE

STATEMENT OF THE CASE

The Appellant entered a plea of guilty to one count each of Aggravated Stalking and Terroristic Threat on February 16, 2007. At no time did he file a Motion to Withdraw his guilty plea. He filed an Extraordinary Motion for New Trial to attack his plea on December 11, 2008. The Trial Court denied that motion in an order on January 30, 2009. He appealed the trial Court's ruling to the Court of Appeals. The Court of Appeals denied his appeal in Docket # A09D0267. It is from this ruling that the Appellant files this Petition for Writ of Certiorari.

ARGUMENT AND CITATION OF AUTHORITY

THE GRANT OF CERTIORARI IS NOT WARRANTED IN THIS APPEAL, AS THE APPELLANT'S PETITION DOES NOT INVOLVE AN ISSUE OF GREAT CONCERN, GRAVITY, OR IMPORTANCE TO THE PUBLIC.

A review on certiorari is not a right. The Uniform Rules of the Supreme Court of Georgia require that in order for certiorari to be granted, the petition must set out an issue of great concern, gravity, or importance to the public. Rules of the

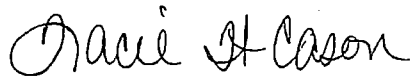
Supreme Court of Georgia Rule 40.

While the case itself certainly addresses issues that are of great concern, gravity, and importance to the public, the rules and issues of law that the Court of Appeals followed do not rise to that level. The Court of Appeals applied firmly established legal principals and followed them accordingly.

CONCLUSION

For all of the above and foregoing reasons, the judgment and verdict of the trial court and the Court of Appeals should be affirmed and the Appellant's petition should be denied. Should this Court grant the petition for writ of certiorari, the Appellee will file a brief with further argument and citation of authority.

Respectfully submitted,



TRACIE H. CASON
ASSISTANT DISTRICT ATTORNEY
GWINNETT JUDICIAL CIRCUIT
STATE BAR OF GEORGIA #358240

OFFICE OF THE DISTRICT ATTORNEY
GWINNETT JUSTICE AND ADMINISTRATION CENTER
75 LANGLEY DRIVE
LAWRENCEVILLE, GEORGIA 30045

(770) 822-8400

7/27/14

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In the Supreme Court of Georgia

Decided: SEP 11 2000

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We conclude that disbarment is warranted as a result of Thompson's violations of Standards 65 and 68 of Bar Rule 4-102 (d). Accordingly, Thompson is hereby disbarred from the practice of law in Georgia. He is reminded of his duties under Bar Rule 4-219 (c).

Disbarred. All the Justices concur.

IN THE SUPREME COURT
STATE OF GEORGIA

JAMES EDWARD THOMPSON IV,	*	
Appellant,	*	DOCKET NO. S09C1275
versus	*	ON APPEAL FROM THE SUPERIOR
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BRIEF IN OPPOSITION TO THE GRANT OF CERTIORARI
BRIEF OF APPELLEE

BY THE DISTRICT ATTORNEY, GWINNETT JUDICIAL CIRCUIT

DANIEL J. PORTER
DISTRICT ATTORNEY
GWINNETT JUDICIAL CIRCUIT

TRACIE H. CASON
ASSISTANT DISTRICT ATTORNEY
GWINNETT JUDICIAL CIRCUIT

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LAWRENCEVILLE, GEORGIA 30045
(770) 822-8400

BRIEF OF APPELLEE

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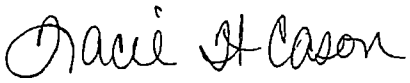
Respectfully submitted,



TRACIE H. CASON
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Please excuse the rush and the (3) page presentation eliminating my self imposed (2) page limit.

Secondly please explain the Logic behind the enclosed topic. It is impossible to find Logic in the highest Levels of the illogical.

Here's the point. All of you are "actors" (one way or another) in one of the most damaging cases in modern era. Do you have any idea what you have done or who you have damaged? Your egos prevent you from a logical deduction.

Dawson Jackson and Phil Wiley not only illuminated the "dark side" of the Ga. Legal system and its catatonic "Lame duck" approach, but they may have provided a case (once revealed) which will further investigation(s) into the corruption, recklessness and incompetence associated with the Court system in Georgia.

There is no finer example of term "Lame duck" than the Court of Appeals of Georgia. If the record is reviewed they (amongst others) did nothing but provide blanket protection for one of the most disgusting individuals imaginable. "K. Dawson Jackson".

Cases: S14H0352
A14D0368
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cc. All judges @ Court of Appeals, AG's office, Danny Porter, Justice Hunstein, Judges Schrader, Conner, Goger, Wright, Shoob and Tusan.

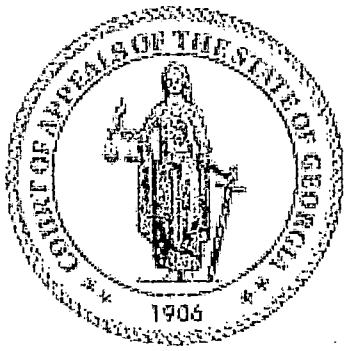
Court of Appeals
of the State of Georgia

ATLANTA, July 02, 2014

The Court of Appeals hereby passes the following order

A14D0368. JAMES E. THOMPSON v. THE STATE.

Upon consideration of the APPELLANT'S Motion for Reconsideration in the above styled case, it is ordered that the motion is hereby DENIED.



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Clerk's Office, Atlanta, July 02, 2014.

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

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Fascinating. you deny and sanction due to "certificate of service" issues eventhough the exact same "certificate of service" was utilized over (2) dozen times with no questioning, but you refuse to recognize that an extremely competent U.S. citizen was hauled away for (6) months and he was used as an experimental "Chimp" via a "Shutter Island" experiment.

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June 30, 2014

TO ALL RESPECTIVE PARTIES,

The very first issue at hand is to mention that the one and only professional, respectful segment of this entire Legal "train wreck" is the Glynn County probation office. Simply put. The one and only "arm" that conducts itself accordingly.

With that being said, it has now been illuminated that phone calls are being made in order to "stay the course" in relation to "harassment". Harassment as it pertains to my situation. Please allow me to explain. I have (probation) reported (in one form or another) nine times in little over a month and a half! Please explain the rationale especially knowing that I have not spoken to my ex since 2004, and I pose absolutely no threat to anyone on earth! Please explain the rationale behind:

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A man that earned over $500,000 a year, is then subjected to "torture" after prosecutorial and judicial misconduct at the highest Level, now must walk to his destination all the while being threatened and harassed. Is this taught in the thesis portion of grad school? Enjoy the story when its told. I will!

James (Jim) Thompson

Great job you are doing. Worrying about certificate of services rather than competent (once successful) citizens being "tortured" was that taught in Law school?

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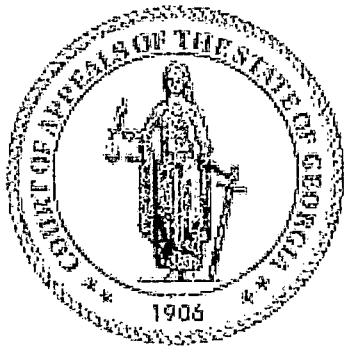

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7/27/14

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What about #'s (1), (2), and (3) from the "code of Judicial Conduct?" Has anyone been administered a refresher course on that?

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I have included two exhibits (or portions of two for cost concerns with the post office) which may assist in the foundation that supports the fact that absolutely no Logic exists in

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B) Exhibit "B" and the highlighted section from page (3) where Tracie Cason (Gwinnett County D.A.) even admits that (in a "helter skelter" rebuttal) "the case itself certainly addresses issues that are of great concern . . . . ". If the "issues" consist(s) of the facts, thruthfulness, and documented, veritiable evidence then there should be only one conclusion which in turn should scale down your job responsibility to the minutia. "Great Concern" means a case of tragic dimensions is being relegated to "time-Liness" and "certificate of service" issues. Is this a comedy or tragedy or both? For the record "timeliness" consisted of Dawson Jackson purposely withholding over a dozen orders providing most of you the title of "Lame Duck".

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The Foregoing letter dated 7/27/14 was sent via U.S. mail with proper postage affixed to:

- The Attorney General
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- Gwinnett County (D.A Porter and Judges Schrader and Conner)
- Court of Appeals (All justices)

James E. Thompson

In the Supreme Court of Georgia

Decided: SEP 11 2000

S00Y1190. IN THE MATTER OF JAMES E. THOMPSON.

PER CURIAM.

The State Bar filed a Notice of Discipline against Respondent James E. Thompson alleging violations of Standards 65 (commingling client's funds with lawyer's own funds and failure to account for trust property held in a fiduciary capacity) and 68 (failure to respond to disciplinary authorities) of Bar Rule 4-102 (d). Although Thompson acknowledged service of the Notice of Investigation regarding his attorney trust account, he failed to file an answer. Subsequently, after efforts to personally serve Thompson with the Notice of Discipline proved unsuccessful, the State Bar served Thompson by publication pursuant to Bar Rule 4-203.1 (b) (3) (ii). Thompson failed to reject the Notice of Discipline within 30 days as provided by Bar Rule 4-208.3 (a) and thus is in default pursuant to Bar Rule 4-208.1 (b) and subject to discipline by this Court. The State Bar has recommended disbarment as the appropriate sanction for Thompson's violations of Standards 65 and 68.

Thompson, who maintains an attorney trust account with NationsBank of Atlanta, Georgia, wrote six checks drawn on this account in amounts for which he

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had insufficient funds in the account. Further, he commingled his client's funds with his own and withdrew money, not constituting earned attorney's fees, from his attorney trust account for his personal use. The State Bar noted as aggravating factors in support of its recommendation of disbarment Thompson's prior disciplinary history, including interim suspensions on August 11, 1998 and January 28, 1999 and a disciplinary suspension on October 26, 1998, and his substantial experience in the practice of law.

We conclude that disbarment is warranted as a result of Thompson's violations of Standards 65 and 68 of Bar Rule 4-102 (d). Accordingly, Thompson is hereby disbarred from the practice of law in Georgia. He is reminded of his duties under Bar Rule 4-219 (c).

Disbarred. All the Justices concur.

IN THE SUPREME COURT
STATE OF GEORGIA

JAMES EDWARD THOMPSON IV,	*	
Appellant,	*	DOCKET NO. S09C1275
versus	*	ON APPEAL FROM THE SUPERIOR
STATE OF GEORGIA,	*	COURT OF GWINNETT COUNTY INDICTMENT NO: 04-B-3288-3
Appellee.	*	

BRIEF IN OPPOSITION TO THE GRANT OF CERTIORARI
BRIEF OF APPELLEE

BY THE DISTRICT ATTORNEY, GWINNETT JUDICIAL CIRCUIT

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ASSISTANT DISTRICT ATTORNEY
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OFFICE OF THE DISTRICT ATTORNEY
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75 LANGLEY DRIVE
LAWRENCEVILLE, GEORGIA 30045
(770) 822-8400

BRIEF OF APPELLEE

STATEMENT OF THE CASE

The Appellant entered a plea of guilty to one count each of Aggravated Stalking and Terroristic Threat on February 16, 2007. At no time did he file a Motion to Withdraw his guilty plea. He filed an Extraordinary Motion for New Trial to attack his plea on December 11, 2008. The Trial Court denied that motion in an order on January 30, 2009. He appealed the trial Court's ruling to the Court of Appeals. The Court of Appeals denied his appeal in Docket # A09D0267. It is from this ruling that the Appellant files this Petition for Writ of Certiorari.

ARGUMENT AND CITATION OF AUTHORITY

THE GRANT OF CERTIORARI IS NOT WARRANTED IN THIS APPEAL, AS THE APPELLANT'S PETITION DOES NOT INVOLVE AN ISSUE OF GREAT CONCERN, GRAVITY, OR IMPORTANCE TO THE PUBLIC.

A review on certiorari is not a right. The Uniform Rules of the Supreme Court of Georgia require that in order for certiorari to be granted, the petition must set out an issue of great concern, gravity, or importance to the public. Rules of the

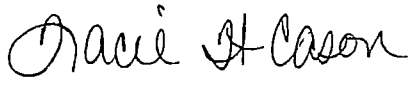
Supreme Court of Georgia Rule 40.

While the case itself certainly addresses issues that are of great concern, gravity, and importance to the public, the rules and issues of law that the Court of Appeals followed do not rise to that level. The Court of Appeals applied firmly established legal principals and followed them accordingly.

CONCLUSION

For all of the above and foregoing reasons, the judgment and verdict of the trial court and the Court of Appeals should be affirmed and the Appellant's petition should be denied. Should this Court grant the petition for writ of certiorari, the Appellee will file a brief with further argument and citation of authority.

Respectfully submitted,



TRACIE H. CASON
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STATE BAR OF GEORGIA #358240

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THE GRANT OF CERTIORARI IS NOT WARRANTED IN THIS APPEAL, AS THE APPELLANT'S PETITION DOES NOT INVOLVE AN ISSUE OF GREAT CONCERN, GRAVITY, OR IMPORTANCE TO THE PUBLIC.

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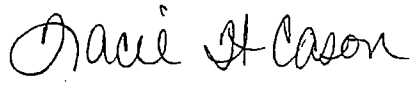
CONCLUSION

For all of the above and foregoing reasons, the judgment and verdict of the trial court and the Court of Appeals should be affirmed and the Appellant's petition should be denied. Should this Court grant the petition for writ of certiorari, the Appellee will file a brief with further argument and citation of authority.

Respectfully submitted,



TRACIE H. CASON
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(770) 822-8400

7/21/14

To All Respective "PARTICIPANTS",

Interesting; "Lack juristiction", Improper certificate of service, and Timeliness versus "Torture", Judicial and prosecutorial misconduct, corruption, unconstitutionality, Lies, deceipt and conspiracies (yes plural and yes I said it in relation to you're own definition. Black's dictionary; "(2) or more and a predicate act"). What's the sentence that can be imposed for "conspiracy" alone? A fairly serious crime wouldn't you say?

What about #'s (1), (2), and (3) from the "code of Judicial Conduct?" Has anyone been administered a refresher course on that?

"Gillen v Bostick" (1975); section 23 of the Appellate Practice Act of 1965; O.C.G.A § 5-6-30; "manifest Injustice"; "miscarriage of justice"; "Boykin v Alabama"; and "Chambers v Peacock Construction". I could go on for days with applications and cases in support of my present situation case. The state has absolutely nothing to hinge its actions on, Zero. Excuse me the state does have an "ace in the hole". The bench! Interesting. Now I recognize why I mentioned #'s (1), (2), and (3) from the "code of Judicial conduct". That code did not contain a section where it stated a judge could send a man to a fortunes plight due to his (KDJ) bruised and insecure ego.

I have included two exhibits (or portions of two for cost concerns with the post office) which may assist in the foundation that supports the fact that absolutely no Logic exists in

this case. Remember one of your own created this total and unequivocal legal "train wreck". One of your own ordered the unfathomable meaning if a man was so incompetent that he needed to be forcibly injected then:

A.) How did Exhibit "A" materialize? A man that was so incredibly incompent that he needed to be "drugged", all of a sudden justifies a bar association investigation into the supposed fact that he (me) is a disbarred attorney from 2000. Thats correct. Particular attorneys complained that I was in fact James E. Thompson from case # S00Y1190. All of this surfaced after the 2007 coerced plea. Question. If I supposedly justified forced medication and I in turn rattled certain attorneys to the point of facilitating an investigation what does that say about your attorney pool in Georgia? and;

B.) Exhibit "B" and the highlighted section from page (3) where Tracie Cason (Gwinnett County D.A.) even admits that (in a "helter skelter" rebuttal) "the case itself certainly addresses issues that are of great concern . . . ". If the "issues" consist(s) of the facts, truthfulness, and documented, veritiable evidence then there should be only one conclusion which in turn should scale down your job responsibility to the minutia. "Great Concern" means a case of tragic dimensions is being relegated to "time-liness" and "certificate of service" issues. Is this a comedy or tragedy or both? For the record "timeliness" consisted of Dawson Jackson purposely withholding over a dozen orders providing most of you the title of "Lame Duck".

One of your own made a fool of entire judiciary. Tracie Cason (in 2009) laid the entire case in front

of you and you in turn, turned your back on your sworn obligation and judicial code of conduct/ethics.

In conclusion can any of you provide a semblance of logic in relation to:

A.) A competent man needing to be forcibly injected due to supposed incompetence, and

B.) That very same incompetent man owing over $325,000 in child support, and

C.) over $200,000 of the support accumulating during the malicious incarceration and despicable torture phase, and still where are the children? and;

D.) If I'm so incompetent that I cannot assist an attorney then I certainly am too incompetent to pay, correct? and;

E.) It appears Dawson Jackson did none any favors!

F.) the state has confiscated my drivers license and now threatens me, and;

G.) the state has investigated a non-(incompetent) attorney for being just that . . . an attorney, and;

H.) the state wishes to get paid for (2) children that the father hasn't seen in (10) years after confiscating a license, torturing the father, imprisoning the father, and subjecting the father to the most unfathomable series of Legal "mumbo jumbo"/ craziness/ hilarity/ and flat out lunacy. One Final Question. What did you people do, or allow to be done? Absolutely disgusting. What would you say or feel if you were me? Jamar E Thompson

The foregoing letter dated 7/27/14 was sent via U.S. mail with proper postage affixed to:

- The Attorney General
- The Supreme Court (Justice Hunstein)
- Fulton County court (Judges: Tusan, wright, Gogor & Shoob)
- Gwinnett County (D.A. porter and Judges Schrader and Conner)
- Court of Appeals (All justices)

James E. Thompson

In the Supreme Court of Georgia

Decided: SEP 11 2000

S00Y1190. IN THE MATTER OF JAMES E. THOMPSON

PER CURIAM.

The State Bar filed a Notice of Discipline against Respondent James E. Thompson alleging violations of Standards 65 (commingling client's funds with lawyer's own funds and failure to account for trust property held in a fiduciary capacity) and 68 (failure to respond to disciplinary authorities) of Bar Rule 4-102 (d). Although Thompson acknowledged service of the Notice of Investigation regarding his attorney trust account, he failed to file an answer. Subsequently, after efforts to personally serve Thompson with the Notice of Discipline proved unsuccessful, the State Bar served Thompson by publication pursuant to Bar Rule 4-203.1 (b) (3) (ii). Thompson failed to reject the Notice of Discipline within 30 days as provided by Bar Rule 4-208.3 (a) and thus is in default pursuant to Bar Rule 4-208.1 (b) and subject to discipline by this Court. The State Bar has recommended disbarment as the appropriate sanction for Thompson's violations of Standards 65 and 68.

Thompson, who maintains an attorney trust account with NationsBank of Atlanta, Georgia, wrote six checks drawn on this account in amounts for which he

Exhibit "A"

had insufficient funds in the account. Further, he commingled his client's funds with his own and withdrew money, not constituting earned attorney's fees, from his attorney trust account for his personal use. The State Bar noted as aggravating factors in support of its recommendation of disbarment Thompson's prior disciplinary history, including interim suspensions on August 11, 1998 and January 28, 1999 and a disciplinary suspension on October 26, 1998, and his substantial experience in the practice of law.

We conclude that disbarment is warranted as a result of Thompson's violations of Standards 65 and 68 of Bar Rule 4-102 (d). Accordingly, Thompson is hereby disbarred from the practice of law in Georgia. He is reminded of his duties under Bar Rule 4-219 (c).

Disbarred. All the Justices concur.

IN THE SUPREME COURT
STATE OF GEORGIA

JAMES EDWARD THOMPSON IV,	*	
Appellant,	*	DOCKET NO. S09C1275
versus	*	ON APPEAL FROM THE SUPERIOR
STATE OF GEORGIA,	*	COURT OF GWINNETT COUNTY INDICTMENT NO: 04-B-3288-3
Appellee.	*	

BRIEF IN OPPOSITION TO THE GRANT OF CERTIORARI
BRIEF OF APPELLEE
BY THE DISTRICT ATTORNEY, GWINNETT JUDICIAL CIRCUIT

DANIEL J. PORTER
DISTRICT ATTORNEY
GWINNETT JUDICIAL CIRCUIT

TRACIE H. CASON
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OFFICE OF THE DISTRICT ATTORNEY
GWINNETT JUSTICE AND ADMINISTRATION CENTER
75 LANGLEY DRIVE
LAWRENCEVILLE, GEORGIA 30045
(770) 822-8400

BRIEF OF APPELLEE

STATEMENT OF THE CASE

The Appellant entered a plea of guilty to one count each of Aggravated Stalking and Terroristic Threat on February 16, 2007. At no time did he file a Motion to Withdraw his guilty plea. He filed an Extraordinary Motion for New Trial to attack his plea on December 11, 2008. The Trial Court denied that motion in an order on January 30, 2009. He appealed the trial Court's ruling to the Court of Appeals. The Court of Appeals denied his appeal in Docket # A09D0267. It is from this ruling that the Appellant files this Petition for Writ of Certiorari.

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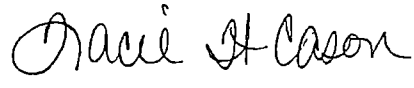

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7/29

Two days after I authored the enclosed I was in-formed the state was giving me back my li-cense. One of you had to be instrumental in what occurred. To whom-ever it was or is my family wishes to say thank you.

7/27/14

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Interesting; "Lack juristiction", Improper certificate of service, and Timeliness versus "Torture", Judicial and prosecutorial misconduct, corruption, Unconstitutionality, Lies, deceipt and conspiracies (yes plural and yes I said it in relation to you're own definition. Black's dictionary; "(2) or more and a predicate act"). What's the sentence that can be imposed for "conspiracy" alone? A fairly serious crime wouldn't you say?

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James E. Thompson

In the Supreme Court of Georgia

Decided: SEP 11 2000

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versus	*	ON APPEAL FROM THE SUPERIOR
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BRIEF OF APPELLEE
BY THE DISTRICT ATTORNEY, GWINNETT JUDICIAL CIRCUIT

DANIEL J. PORTER
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(770) 822-8400

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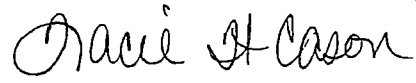

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(770) 822-8400

November 30, 2014

FRAUD PERSONIFIED, WATER CODIFIED

SYNOPSIS

This document is the Newton County victim's interpretation of the facts surrounding the desecration of our first Amendment Rights, via the lawsuit, "The Henry County Water and Sewerage Authority (HCWSA) vs. Thomas Brothers" (civil action #2008-SU-CV-2214-W, dated 6-11-2008) resulting from the stealing of private property and natural resources, unknowingly financed by taxpayer monies and initiated by a private Henry County, Georgia law firm for said law firm's solicited, pro bono client and the transfer of the same assets to a County Government agency without said agency's knowledge or Resolution, no appraisal, no survey or plat and no clear title and after 3 years of deliberation resulting from a fraudulently created lawsuit, so deemed by the Henry County Superior Court as "Sharp Business Practices" over in Henry County by all the aforementioned Henry County "players" with a codicil that in no monetary way were the victim's families or said family's 34 year old Georgia registered "C" corporation damaged. *No Case Law exists that can describe or relate to such dishonest, unethical maneuvers, only the facts or actions of the instigating Attorneys should be evaluated as applied to the entire dilemma, not an isolated or single incident.* The past historical facts surrounding this lawsuit prove that said lawsuit is nothing more than a private Smith, Welch and Brittain (SWB) attorney, who previously made millions of dollars in personal monetary gains, via enhanced property sales, from his taxpayer paid association in a recent Henry County municipal water project, and via the aforementioned lawsuit, created of his own volition, attempting to repeat the process at Snapping Shoals on the South River within the Upper Ocmulgee River Basin. "The whole is equal to the sum of its parts", if the parts are defective or illegal, so is the whole, or the entire bogus lawsuit. Such is the case at Snapping Shoals, Georgia.

INTRODUCTION

I, Hoke Thomas, representing the interest of both my late, beloved brother and business partner for 34 past years and myself; I, being of sound mind and body and posthumously writing about the past 3 years of events (2007-2011) surrounding a bogusly created lawsuit, do hereby make the following statements concerning the fraudulent, unlawful taking of Newton County, Georgia properties and natural resources from Thomas Brothers (Hoke & Mike) and the heirs of the late, previous owners, Whitehead Die Casting Company, Ltd. (WDCCL) without notice or payment and clandestinely transferring ownership of said "Snapping Shoals" assets

to a solicited, pro bono, bribed private Henry County third party, then to a Henry County, Georgia government agency, with the same private Henry County attorney and law firm instigating the incident and then acting on behalf of both parties and without prior notice to said county government agency that said attorney is paid to represent and after a 3 years duration lawsuit, imposed on Thomas Brothers by the aforesaid attorney on behalf of said Henry County government agency, judged by the Henry County Superior Court to be a just and fair transaction and so deemed as "sharp business practices". Sounds like a third world country, but it has actually happened in the USA, in the state of Georgia. *The confiscated property is located in Newton & Henry Counties, Georgia and the confiscators are located across the South River over in Henry County, Georgia.*

SOLICITED, BRIBED, PRO BONO CLIENT

How, in late December of 2007, can a successful Henry County business man, college graduate and family man, who 17 years previously on June 17, 1991 purchased 89.2 dry Henry County acres, by the acre, representing the last remaining portions of 160 acres of Henry and Newton Counties properties and the inclusive South Riverbed previously owned by the common Vendor or Grantor, Whitehead Die Casting Company, Ltd. (WDCCL), as did Thomas Brothers and 11 other Grantees over a period of 27 years from 1964 to 1991; allow a private attorney using $25,000.00 of unauthorized county funds to monetarily entice or persuade (bribe) said business man, to agree to set the value of unknown quitclaimed properties and assets and accept the monies and become the pro bono client of said attorney, who using a mail-order quitclaim foolishly signed by "tricking" the heirs of WDCCL with the goal of transferring any and all Snapping Shoals properties and natural resources, less and except, in excess of the 89.2 acres legally owned by said business man, to the aforesaid uninformed Henry County government agency under the guise of a forthcoming water treatment plant and representing said business man in the selling of his 89.2 dry Henry County acres of property to Henry County, also for a future water treatment plant, be considered unquestionable? Pursuant to the statement concerning Henry County's need for another water treatment plant, *I checked with Henry County Board of County Commissioner (BOC) Warren Holder and was told that Henry County knew of no need to purchase Hanger's Snapping Shoals quitclaimed property or said Hanger's 89.2 acres of Henry County property for a water treatment plant, for said BOC had been instructed by the HCWSA citing a very expensive taxpayer funded scientific, environmental study that Henry County could never use the South River waters due to pollution, it then became clear that the SWB attorneys were simply blowing smoke up everyone's rear ends by attempting to falsely create an aquatic need for Henry Count, that did not exist.*

THE WELCH-HANGER $25,000.00 MUTUAL AGREEMENT

Per a December of 2007 meeting of solicitation between Smith, Welch and Brittain (SWB) attorney A.J. Welch, Jr. and total stranger, but financially sound Henry County resident J.M. Hanger, said Hanger agreed to accept $25,000.00 of monies for any unknown amounts, unknown locations and unknown values of Snapping Shoals properties located in both Newton and Henry Counties that attorney Welch's law firm of SWB might "freely" obtain for him (Hanger) in excess of his legally purchased 89.2 Henry County acres, then to sell to Henry County, at an undisclosed price, Hanger's legally purchased, from WDCCL, June 17, 1991, 89.2 dry Henry County acres. Per Hanger's sworn 2008 Deposition, Hanger was unaware that the additional properties were to be obtained by SWB attorneys "tricking" the 13 innocent heirs of WDCCL to sign a quitclaim for 273.6 acres of Snapping Shoals properties and assets dating back 74 years to 1934 and 6 past owners before Hanger was born, while the previous owner WDCCL only owned 160 acres for 27 years from 1964 to 1991. At the time of the Welch-Hanger, December of 2007 monetary, mutual, $25,000.00 agreement, the HCWSA was uninformed of their impending March 10, 2008 Snapping Shoals property and natural resource purchase from attorney Welch's solicited, prop bono client, J.M. Hanger, who (Hanger) did not own and had not purchased from WDCCL and never paid any Newton or Henry County property taxes on any of the quitclaimed properties and assets. To this day, it has not been discovered what date Hanger received the $25,000.00, or who made the initial and final payment, the law firm of SWB or the un-informed HCWSA! But to hide Hanger's guilt, during his (Hanger's) aforementioned Deposition, Hanger made the statement that after being tutored by attorney Welch; when he (Hanger) made his 1991 purchase from WDCCL he (Hanger) thought it was from an Estate Sale from the Whitehead family members for more property than he (Hanger) received via his 1991purchase for 89.2 acres, by the acre, from WDCCL, which was backed up by a quitclaim and warranty deed, closing statement for exactly 89.2 acres and Hanger himself paid to have the property surveyed and the resulting plat showed exactly 89.2 acres. So why did Hanger accept the $25,000.00 for properties and assets that he knew he did no purchase, and why did the SWB law firm fraudulently obtain the signatures of the 13 Whitehead heirs on a bogus, mail-order, un-funded quitclaim for properties that had previously been sold by WDCCL to 11 other Snapping Shoals purchasers and why did the heirs unknowingly give away 20.4 acres of Snapping Shoals riverbed that said heirs had inherited from the late owners of WDCCL including portions of the properties Thomas Brothers purchased from WDCCL in 1976 and 1977 and others in 2004 and 2006 not purchased from WDCCL? Lastly, how did a Henry County government agency, the HCWSA, unknowingly purchase Hanger's quitclaimed properties on March 10, 2008 without a Resolution to do so,

no survey or plat, no appraisal and no clear title; but said agency informed, by attorney Welch, one day later on March 11, 2008 of their most fortunate purchase from Hanger and to conclude the matter, after a 3 year court battle in Henry County Superior Court, resulting from Thomas Brothers being sued by attorney Welch on behalf of the HCWSA for not allowing said Welch to have private surveyor's on Thomas Brother's Newton County properties, did the HCSC rule totally in favor of the Welch-Hanger-HCWSA property and natural resource scam, but deemed such combined actions as "Sharp Business Practices" and furthermore after Thomas Brothers sued Hanger for damages, ruled that Hanger was totally innocent of any misgivings. *Years ago when the USA purchased Alaska from Russia, we (USA) knew we only purchased Alaska, we did not think that said sale was from the Russian citizens for more property, perhaps all of Russia?*

RETROACTIVELY, THE STORY BEGINS
HANGER'S PURCHASE

Posthumously, this story began back in 1964 when R.K. Whitehead, Sr. sold 160 acres of Newton and Henry Counties properties and improvements and the inclusive, non-navigable, non-taxable South River bed to Whitehead Die Casting Company, Ltd (WDCCL) having 7 principals or owners. For 27 years from 1964 to 1970 WDCCL used the dam, hydroelectric plant, deeded water rights and man-made improvements to die cast aluminum. During this same period of time WDCCL outgrew the facility and relocated to Atlanta, Georgia and began selling off all of the 160 acres to 11different individuals. *The last parcel of the 160 acres, 89.2 dry Henry County acres was sold, by the acre, on June 17, 1991 to Henry County resident, J.M. Hanger. Said 1991 sale was represented by a quitclaim, warranty deed, closing statement and plat. Mr. Hanger personally paid to have the property surveyed and said survey issued a plat for exactly 89.2 acres. Since the date of purchase, Mr. Hanger sold ½ of the 89.2 acres to family members and to lower the property taxes, put the entire 89.2 acres in the Henry County Timber Conservation program, where said property remains today.* A local attorney handled the property closing for Mr. Hanger. WDCCL was dissolved in 1994.

THOMAS BROTHER'S PURCHASE

Thomas Brothers first met R.K. Whitehead, Sr. major principal of Whitehead Die Casting Company, Ltd. in 1974 and formed a friendship or mutual bond that lasted until Dick's death in 1990. R.K. Whitehead, Sr. was Thomas Brother's mentor and financially put Thomas Brothers in business. 15 years prior to Mr. Hanger's 1991 purchase from WDCCL, in 1976 Thomas Brothers purchased properties in both Henry and Newton Counties, man-made improvements, deeded water rights and riverbed, from WDCCL. Also included in the 1976 purchase was an easement to

use the dam and all supporting appurtenances for the production of hydroelectric power. This 1976 purchase was a 5 year installment sale. The WDCCL attorney closed the transaction and recorded the deed and plat in each respective county. In 1977 Thomas Brothers purchased the dam, canal and attached Newton County dry land. This 1977 purchase was a cash sale and again the WDCCL handled the closing and recorded the plat and deed in Newton County. From the dates of purchases in 1976 and 1977, 34 years ago with respect the Welch-Hanger, December of 2007 mutual property scam agreement; Thomas Brothers invested a lot of monies in completely rebuilding the 1821 vintage dam adding head gates, a larger hydroelectric plant, daily used the properties, man-made improvements, water rights to operate their registered "C" corporation, "Thomas Brothers Hydro, Inc." *Lastly, Thomas Brothers has paid property taxes on both the aforesaid purchases for the past 34 years and obtained many state and federal water use permits based on property ownership*. However, unknown to Thomas Brothers and WDCCL, the WDCCL attorney or the clerk of court in Newton County, recorded the 1977 plat, but not the 1977 deed. After being sued in April of 2008 by attorney Welch, on behalf of the HCWSA, for not allowing said Welch to trespass and use unauthorized taxpayer funds to survey privately owned Newton County property fraudulently quitclaimed for said Welch's pro bono client, one month later in June of 2008 a deeds researcher discovered the missing 1977 deed along with many other WDCCL papers in the old WDCCL safe located in the back of Thomas Brothers Snapping Shoals office. The deed was signed by all 7 WDCCL principals and notarized. Also included in the safe was proof of both purchases. *The un-recorded deed was immediately recorded and shown to the SWB attorneys.*

WDCCL AS COMMON VENDORS OR GRANTORS TO 11 GRANTEES

During the course of selling off the entire 160 acres of Snapping Shoals properties, to secure the water rights for Thomas Brothers, that said WDCCL put in business, WDCCL sold the contiguous riverbed attached to dry land properties to Thomas Brothers; the other 10 purchasers, including Mr. Hanger, WDCCL sold the dry land properties only to the high water mark on the bank of the South River, no riverbed or water rights. *According to the recorded deeds by the Grantor WDCCL and the 11 Grantees in both Henry and Newton Counties, WDCCL retained ownership of 20.4 acres of non-taxable riverbed. WDCCL was dissolved in 1994 transferring ownership of the aforesaid 20.4 acres of riverbed to the surviving heirs, who had no earthly idea that they owned said riverbed.* **To conclude, for the past 34 years, all 11 Snapping Shoals property owners existed in peace, with very little interaction, that is until late December of 2007 when SWB attorney A.J. Welch, Jr. solicited total stranger J.M. Hanger and the Snapping Shoals property and natural resource scam was initiated.**

TUTOR WELCH

According to SWB attorney A.J. Welch, Jr. in February of 2008, after 34 years of ownership, Thomas Brothers no longer owns their 1977 purchase, Mr. Hanger does because when Hanger purchased, by the acre his 89.2 dry Henry County acres in 1991, after being tutored by attorney Welch in December of 2007, Hanger now is convinced that referencing back to 1991, he (Hanger) did not get all the property that WDCCL meant to sell him (Hanger), so acting as the SWB pro bono client, Hanger allowed the SWB attorneys to record a mail-order, un-funded quitclaim deed on top of all 11 past deeds that WDCCL issued over their 27 years of ownership of the common 160 acres, and in spite of the fact that Thomas Brothers had spent hundreds of thousands of dollars, daily used, developed and paid Newton County property taxes, the HCSC awarded Thomas Brothers 1977 purchase to Hanger, the 20.4 acres of riverbed unknowingly owned by the WDCCL heirs and Newton County properties owned by Thomas Brothers not a part of the lawsuit and never owned by WDCCL to Mr. Hanger, who per the aforementioned $25,000.00 enticement payment, followed SWB orders and transferred all the quitclaimed properties to the HCWSA. **However, some of the aforementioned Newton County property was not quitclaimed, but clandestinely surveyed and stolen from Thomas Brothers.** *Hanger did not pay all 13 heirs the necessary "consideration" or monetary payment at the time of said Hanger's 1991 purchase from WDCCL, for signing the SWB authored February 2008 quitclaims making said quitclaim worthless and unfunded. Pro bono Hanger, SWB attorneys and the HCWSA were all aware of Thomas Brother's ownership of the 1977 Newton County property and none were innocent or bona fide purchasers.* So, why did the Henry County Superior Court (HCSC) allow Hanger's un-funded February of 2008 quitclaim to trump Thomas Brother's 1977 legal, but un-recorded deed? *For an unfunded, mail-order, bogus quitclaim deed has no validity and the SWB March 10, 2008 authored limited warranty deed used by Hanger to sell his fraudulently quitclaimed properties and natural resources to the Henry County government agency is therefore by definition, worthless but criminal.*

SUMMARY JUDGMENT

After 3 years of deliberation for a Summary Judgment in the taking of property and natural resources lawsuit initiated by the private law firm of SWB, the HCSC judge ruled in favor of the HCWSA purchasing the privately owned Snapping Shoals properties, man-made improvements and natural resources from the SWB private, solicited, pro bono client of the SWB law firm using a mail order, un-funded, bogus quitclaim obtained by the SWB law firm under fraudulent pretenses from the innocent WDCCL heirs and the unsuspecting Thomas Brothers, not only did the HCSC judge knowingly approve of the aforementioned transactions, *but in*

Thomas Brothers opinion, unknowingly approved of this same SWB law firm to illegally claim and survey (without a quitclaim), Newton County property belonging to Thomas Brothers, that was not a part of this lawsuit, neither was said property ever owned by WDCCL or SWB's pro bono client and sell said stolen property to a county government agency. **For this reason alone, the HCSC judge's decision to allow the taking of private property, man-made improvements and natural resources (water rights) from private individuals, without notice or payment, should be "thrown out".** Also, it is totally unlawful for a private law firm and a Superior Court Judge to over-rule a scientific taxpayer funded environmental study denying Henry County the use of the South River waters due to pollution. Of what value is an expensive taxpayer funded environmental study that was used solely for the purpose of previously disqualifying the taxpayer and environmentally friendly Snapping Shoals site and qualifying the now developed $60,000,000.00 Tussahaw Creek site, if only a few years after the completion of the Tussawah Creek Reservoir, both the SWB law firm and the Henry County Superior Court declare said taxpayer funded study to be invalid resulting in a waste of Henry County taxpayer monies, misinforming both the state and federal regulating agencies and the making of a multi-million dollar private SWB law firm attorney from enhanced property sales at the Tussahaw Creek Reservoir! The facts remain a mystery, after said court ascertained this entire SWB created Snapping Shoals property and natural resource transaction was conducted without the required government agency Resolution, but rather by private SWB attorneys of said attorney's own volition; why didn't said court dismiss the lawsuit on the grounds of illegality, rather than said Court to grant said SWB attorney's time to "re-group" and go back to the government agency, that said law firm represents, and obtain a Posthumous or after the fact Resolution, in an effort to make a previously unauthorized, illegal transaction, legal? **In Thomas Brother's opinion, why did the Court grant the SWB attorneys a second chance to be illegally successful?** *Said Court did not grant Thomas Brother the same privilege to "re-group" and record said brother's un-recorded 1977 deed!*

"PRIVITY" OR THE LACK THEREOF

"What we have here" is an individual, who for the past 17 years has legally owned 89.2 dry acres of Henry County property located at Snapping Shoals, Georgia; but has allowed himself in December of 2007 to be solicited and monetarily enticed by a SWB attorney, who represents many local county water authorities, to commit perjury by swearing that his June 17, 1991 Warranty deed purchase of 89.2 acres of Snapping Shoals properties from WDCCL was not correct, but that said 1991 purchase, not represented by a deed for such, was purchased from a Whitehead Family Estate Sale for property in excess of the 89.2 acres and agreed to allow the

SWB attorney, under the guise of correcting a SWB fabricated "clerical error" in said pro bono client's 1991 purchase, to fraudulently obtain said "excess" property by "tricking" the innocent grandchildren or heirs of the late principals WDCCL to sign a SWB authored bogus, mail-order quitclaim for 116 acres in "excess" of the 160 acres of property previously owned by said WDCCL for 27 years, thereby fraudulently creating, in year 2008, a retroactive, but a new 1991 un-funded deed for said pro bono client for property and natural resources (water rights) in excess of that legally purchased in 1991 from WDCCL. Once fraudulently quitclaimed in February of 2008, ownership of the "freely obtained" property was clandestinely transferred from the 11 rightful Snapping Shoals owners to the SWB pro bono client. Then on March 10, 2008, using a SWB authored Limited Warranty deed, the "freely obtained" Snapping Shoals properties were sold to the uninformed, unsuspecting HCWSA, with the SWB attorney representing both parties, for the price of an unauthorized taxpayer payment of $25,000.00 as previously and mutually agreed upon in December of 2007 by the SWB attorney and said attorney's pro bono client. In addition to the $25,000.00 payment, per the Henry County Superior Court (HCSC) transcript, the SWB pro bono client agreed to allow the SWB law firm to sell his legally owned 89.2 acres to Henry County, at an unspecified price, for a water treatment plant, although the SWB attorneys also representing the HCWSA, were totally aware of the HCWSA costly environmental study denying Henry County the use of the South River waters due to excessive pollution. Nevertheless, on March 30, 2008, the SWB attorney recorded said Limited Warranty deed on "top" of all the 11 deeds and plats previously issued by WDCCL from 1964 to 1991. The property and natural resource losses to the 11 rightful owners, without notice or payment, were astronomical. Three years following the SWB December of 2007 solicitation of said law firm's pro bono client and the lawsuit imposed on the Thomas Brothers by the SWB attorneys for the HCWSA, the HCSC made a Summary Judgment stating that the $25,000.00 purchase by the HCWSA, without a Resolution , from the SWB pro bono client was a normal and legitimate purchase and therefore inflicted no harm or monetary damage to the 11 property losers, and that via the legal definition of "PRIVY" , the pro bono client was also not guilty of harm or monetary damages to any of the 11 property losers due to vindication by association. The Court concluded that the HCWSA's and the pro bono client's interest in the Snapping Shoals quitclaimed properties were mutual and one and the same resulting in "PRIVITY" (if one party is innocent, by association, so is the other). *But according to the facts, the pro bono client's interest were purely monetary, $25,000.00, for said pro bono client did not know the location, amount or monetary value of the quitclaimed property, and the HCWSA did not know that said government agency purchased the quitclaimed properties. Only the SWB attorney had any "PRIVITY", for it was the SWB*

attorney that fraudulently "tricked" both parties; the truth lies in the fact that neither the pro bono client nor the HCWSA knew what the other was doing. To conclude, there was no PRIVITY established between the two aforementioned parties.

TRICKERY

After citing excessive pollution in the South River backed up by a recent HCWSA taxpayer funded environmental study rejecting Snapping Shoals as a water source for Henry County, attorney Welch, representing the HCWSA, rejected a 2004 offer from the Thomas Brother's for Henry County to be a participant in the development of Snapping Shoals for a multi-county water treatment facility. Following his 2005 multi-millions of dollars sale of enhanced property in and around the HCWSA environmental study approved Tussahaw Creek Reservoir, in lieu of Snapping Shoals, while also serving as the HCWSA attorney, in December of 2007 attorney Welch solicited total stranger J.M. Hanger and "tricked" Mr. Hanger into agreeing to accept a $25,000.00 bribe of unauthorized taxpayer funds, for a forthcoming unknown amount of Snapping Shoals properties and natural resources, both quitclaimed and claimed, without a survey or plat, no appraisal, no clear title and no Resolution from the HCWSA, for said HCWSA was also "tricked and totally unaware. The "trickery" continued as Mr. Hanger signed a SWB authored March 10, 2008 Limited Warranty deed selling an unknown amount of bogusly quitclaimed property and natural resources (water rights), plus properties not quitclaimed, just claimed; all for the amount of a $25,000.00 enticement or monetary bribe. The 13 Whitehead heirs were "tricked" by the SWB fraudulent January 30, 2008 letter of bogus instructions to sign a quitclaim deed to correct a non-existing, but SWB fabricated "clerical error" for property greatly in excess of that previously owned by their grandparents, the principals of WDCCL. The Henry County Superior Court judge was "tricked" by the many lies told by the SWB attorneys in court fabricating a visit with the 13 Whitehead heirs that never took place. The Henry County taxpayers were "tricked" into paying 3 plus years of totally un-necessary legal bills to the SWB attorneys as said attorneys prosecuted their very own self-generated lawsuit against the innocent Thomas Brothers. SWB attorneys Welch and White "tricked" the Georgia Appeals court by stating that "we" (assuming the HCWSA) only wanted TB water rights, and do not care what Thomas Brothers does with the quitclaimed properties, then shortly afterwards attorney Welch resurfaced at Snapping Shoals making monetary offers to purchase the Newton County properties, belonging to the Oak Hill Church of Christ, bordering Thomas Brother's Snapping Shoals properties. On the contrary, Thomas Brothers contends and has proof to the fact the SWB attorneys were totally knowledgeable of the fact that the 13 Whitehead heirs did inherit and own 20.4

acres of South Riverbed, that Thomas Brother's 1977 deed was unrecorded, that Thomas Brothers privately owned the Newton County property overlooking Snapping Shoals and being aware of these facts, said SWB participating attorneys led their pro bono client into committing perjury by stealing and selling private property and natural resources to a government agency. **Attached to this document is a copy of the January 30, 2008 SWB fraudulent letter of "trickery", instructing the innocent Whitehead heirs to sign a bogus, mail-order, un-funded quitclaim to clear up a SWB fraudulently created "clerical error" for J.M. Hanger; that said "clerical error" never existed.** If the waters of the South River were "clean" and the Snapping Shoals properties and natural resources were actually needed by Henry County, then to follow correct and legal protocol, the HCWSA should have conducted a study qualifying said site, issued a Resolution to purchase said site and then and only then involved the services of their hired SWB attorney, thereby saving the Henry County taxpayers over 3 years of totally unnecessary legal/illegal bills.

TRICKERY PERSONIFIED

After instructing, via the SWB letter of January 30, 2008 to the innocent Whitehead heirs, it is obvious that the SWB intentions were to "trick" the heirs into signing a bogus quitclaim for 273.6 Snapping Shoals acres, or 116 acres in excess of that previously owned by WDCCL. Having obtained the heirs signatures under false pretenses, using the mail-order, bogus quitclaim, the SWB attorneys fabricated a March 10, 2008 limited warranty deed and on March 10, 2008 recorded both deeds on "top of" the 11 recorded deeds and plats previously issued by the "common vendor", WDCCL over the past 27 years and thus began the fraudulent Snapping Shoals property and natural resource scam, totally unknown by the HCWSA, the 13 Whitehead heirs who legally owned 20.4 acres of riverbed and the present day 11 owners of WDCCL's past ownership of 160 Snapping Shoals acres of property and natural resources (water rights to the South River and the 60 MGD of inter basin transferred water from the Chattahoochee River via DeKalb County). This SWB illegal maneuver reduced Thomas Brother's 1976 and 1977 property ownership, as purchased from WDCCL, from 24.38 acres of Newton County property to only 3.8 acres of industrially zoned property and having no ownership of the dam, water rights, canal, head gates, roadways, dry land and riverbed associated with the aforementioned 1977 purchase. The SWB law firm also illegally surveyed and transferred ownership, to J.M. Hanger, a parcel of Thomas Brother's Newton County property that was not a part of this lawsuit, was never owned by WDCCL, was not quitclaimed, and sold this "stolen property" to the HCWSA as part of the December of 2007, $25,000.00 pre-payment to J.M. Hanger. But according to the HCSC, such a devastating loss has

not negatively affected the Thomas Family nor the operations of said Family's 34 year old registered "C" corporation, but is to be considered "Sharp Business Practices" over in Henry County by J.M. Hanger and the HCWSA as both parties were represented by the instigator of this entire dilemma, the SWB law firm, dating back to the December of 2007, $25,000.00 meeting of solicitation between SWB attorney A.J. Welch, Jr. and said Welch's pro bono client, financially sound Henry County resident, J.M. Hanger.

THE BIG LIE

The SWB January 30, 2008 letter of deception to 13 heirs of the late principals of WDCCL stating that SWB had done the research and therefore knew what properties WDCCL meant to sell J.M. Hanger 17 years ago in 1991, when the senior principal of WDCCL, Mr. R.K. Whitehead, Sr. had been dead for 18 years since 1990, is pure lies and fabrication by SWB attorneys. **It is impossible for a group of SWB attorneys to know the intentions of a person that has been deceased for over 18 years, when said deceased person left behind deeds and plats to the contrary of the SWB January 30, 2008 fraudulent letter.** *This entire lawsuit is based on the pretense; that the SWB attorneys can somehow communicate with the deceased and as a result of said communications, give updated year 2008 information to the innocent Whitehead heirs (grandchildren) in the form of a fraudulent January 30, 2008 letter, instructing said heirs to act contrary to all WDCCL past deeds and plats and give to J.M. Hanger property and natural resources that said Hanger did not purchase from WDCCL on June 17, 1991. The SWB attorneys are very talented; but to make a statement in writing (January 30, 2008 letter) of such ghostly attributes, is "off the charts", and should not have been allowed in a Court of law. For the "HCWSA vs TB" lawsuit created by the private law firm of SWB and unknowingly financed by the Henry County, Georgia taxpayers, to have actually materialized, said law firm has to either have a Witch Doctor on their staff of attorneys OR just one big liar.*

INTENTIONALLY DENYING THE FACTS

If said law firm had taken the time to "do the research" on 11 deeds and plats issued by WDCCL over the past 27 years from 1964 to 1991 accounting for all 160 previously owned SS acres, said law firm's attorneys would have discovered that WDCCL, not J.M. Hanger retained 20.4 acres of non-taxable South Riverbed and although the WDCCL closing attorney did record TB's 1977 plat, the unrecorded 1977 deed was either an omission by said closing attorney or the Newton County Clerk of Court, no one really knows, but Thomas Brothers did purchase and does own the 1977 property purchase from WDCCL. But said 1977 deed, signed by all 7 WDCCL principals and notarized was discovered in June or 2008 by a deeds

researcher in the old WDCCL safe at Snapping Shoals, immediately recorded and shown to the SWB attorneys should be proof positive of the Thomas Brother's funded 1977 transaction from WDCCL and over-ride the SWB fraudulent actions for Mr. Hanger and said Hanger's bogus, mail-order, un-funded 2008 quitclaim. *The WDCCL deeds and plats issued over 27 past years of ownership of 160 acres to all 11 Snapping Shoals Grantees is proof positive that the SWB attorneys have now "ripped off" the Henry County taxpayers in the form of 3 plus years of fraudulent legal fees in said law firm's pursuit of selling bogusly quitclaimed properties to the HCWSA and also representing their pro bono client's " SWB created interest" in selling said pro bono client's legally owned 89.2 acres to Henry County for a water treatment plant on the polluted South River and consuming the water rights stolen by said SWB attorneys, for the HCWSA, from Thomas Brothers*. In my opinion, the infamous Bernie Madoff, needs a copy of this document, for reading it should make said Madoff feel better about his monetary crime of illegally using "other peoples" monies for his own personal gain. Whether it is a Ponzi Scam or a property and natural resource scam for water rights from the South and Chattahoochee Rivers; regardless of the creator, a deranged stock broker and investor, or a law firm "full of" polished attorneys attempting to "out- wit" the legal or justice system, it remains a crime to commit the acts that both aforementioned parties have successfully done so for personal monetary gains. Madoff is in Jail, where he should be, the fate of the participating SWB attorneys remains. Has our justice system stooped so low that property and natural resource scams created by private attorneys for pro bono clients are now considered to be "Sharp Business Practices" or will our first amendment rights prevail? **Once again, I (Hoke) beg the federal government to investigate this entire matter, for the waters flowing in the South River at Snapping Shoals, belonging to 3 states, is a federal issue and cannot be allowed to be used as the "cash cow" for a private Henry County, Georgia law firm.** *Regretfully, there are dishonest stock brokers and dishonest attorneys. This same SWB law firm also represents many other Georgia County Water Authorities, thus forming a monopoly on the use of the waters of the Upper Ocmulgee River Basin and the inter basin transferred waters from the Chattahoochee River belonging to the States of Florida, Alabama and Georgia.*

EXPLOITATION OF THE ELDERLY AND DECEASED

Although Thomas Brother "Hoke" is 74 years of age, the legal term "exploitation of the elderly" obviously does not apply to this law suit, "HCWSA vs TB" imposed on Thomas Brothers by the SWB law firm, for said SWB attorneys, using a fraudulent, mail-order, un-funded, bogus quitclaim transferred, to SWB pro bono client J.M. Hanger, 34 years of Thomas Brothers ownership, investments and daily

usage of the Snapping Shoals dam, canal, head gates, roadways, water rights, improvements and dry land zoned "heavy industrial", reducing Thomas Brothers Newton County properties as purchased from WDCCL from 24.38 acres to only 3.8 acres zoned "Heavy Industrial". *In order to accomplish such an unbelievable transaction, the SWB attorney lied to the Henry County Superior Court Judge about the method used to obtain the signatures of the WDCCL heirs, said quitclaim was bogus due to the fact it contained 273.6 acres or 116 acres in excess of that previously owned by WDCCL, un-funded due to the fact 7 of the 13 heirs that were "tricked" in February of 2008 into signing said quitclaim did not receive any "consideration" or monetary payment from J.M. Hanger at the 1991 date of purchase of said Hanger's 89.2 acres and totally fraudulent due to the fact SWB illegally surveyed privately owned Newton County belonging to Thomas Brothers that was not a part of the 24.38 acres purchased from WDCCL, not a part of this law suit, was not quitclaimed and using only an illegally recorded plat with no deed or quitclaim to back up said plat, clandestinely transferred this privately owned Newton County property from Thomas Brothers to J.M. Hanger to the Henry County government agency the HCWSA as part of the $25,000.00 mutual agreement between SWB attorney A.J. Welch, Jr. and said Welch's solicited, pro bono client, J.M. Hanger.* **Last but not least, in order to transfer the aforementioned 20.4 acres of South River bed from the inherited ownership of the 13 Whitehead heirs to J.M. Hanger, the SWB attorneys virtually "dug-up" 5 of the WDCCL deceased principals, and in order to change the 11 recorded deeds and plats, of said deceased WDCCL principals, "tricked" the innocent heirs into signing the aforementioned mail-order, un-funded, bogus February of 2008 quitclaim for J.M. Hanger, then having "fleeced" said WDCCL deceased principals, returned them to their respective graves, less 20.4 acres of South Riverbed.**

NO FIRST AMEMENDENT RIGHTS

The question remains, if you were the surviving Thomas Brother, at age 74, whose family owned business is located over in Newton County and whose residence is located directly across the South River in Henry County, knowing that you have been robbed of 34 years of property and natural resource ownership that you have successfully daily used to "make a living" while paying the respective county property taxes, spending both your personal and company monetary savings on fruitless defensive attorney fees, witnessing the present and future operational demise of said company due to ownership losses and defensive legal fees, and the response you received after a 3 year long legal battle, was a Henry County Court's judgment against you stating that your losses over in Newton County are nothing more than "Sharp Business Practices" over in Henry County and that the SWB

private Henry County attorneys, SWB pro bono client J.M. Hanger and the Henry County government agency the HCWSA represented by said SWB private Henry County law firm, that caused your demise, are all totally innocent, what would you do? *With the ruling against Thomas Brothers in the lawsuit "HCWSA vs TB" by both the Henry County, Georgia Superior Court and the Georgia Court of Appeals, a new case law has now been established making it perfectly legal for any private attorney to trespass, take, steal, quitclaim, claim property, natural resources and business assets and without notice or payment to the rightful owner, transfer ownership to a third party, and now there is nothing the rightful owner can do to reclaim his belongings.* **As in the opening paragraph the whole is defective because the parts are defective, the parts used by SWB attorneys in this lawsuit are: lies, un-funded, mail-order, bogus, fraudulent, un-authorized use of taxpayer funds, perjury posthumous resolutions, stealing, un-ethical and un-just enrichment.** *With respect to this aforementioned ruling, is the First Amendment to the U.S. Constitution, worth the paper it is written on! I, Hoke Thomas, keep recalling the oath of allegiance to the United States of America that I took many years ago when enlisting the U.S. Military: "to defend the constitution of the Unites States against all enemies, both foreign and domestic." In my opinion, any attorney or law firm that purposely initiates and implements an action contrary to the first amendment is a domestic enemy. I rest my case.*

Hoke Thomas,

Writing for my late brother and business partner for
over 34 years, the members of my immediate family,
my now financially defunct 34 year old "C" corporation
and many past employees

Ernest M. Smith (1911-1992)
A. J. Welch, Jr., PC
J. Mark Brittain
Byrd Garland
Bruce McFarland
John F. Welch, PC
L. Walter Pendergrass, III
William A. Weiss, PC
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January 30, 2008

THIS IS A LIE!

William E. Green III
192 Pineview Church Road
Blythewood, SC 29016

RE: Corrective Title Work for John Hanger regarding Henry County, Georgia Property

Dear Mr. Green:

Our firm represents Mr. John Hanger. In 1991, Mr. Hanger purchased all of the remaining property that the Whitehead Die Casting Company, Ltd. had an interest in. Due to clerical error at the time of purchase, title to a portion of the property Mr. Hanger paid for was not transferred to him. The correct legal description should have been the legal description of the company's original property, less and except all of the portions the company conveyed over the years. We have done the research and created the correct legal description for the property Whitehead Die Casting Company, Ltd. meant to convey to Mr. Hanger in 1991.

In order to correct the error, quitclaim deeds with the correct legal description must be signed by all the descendents of the original partners of the Whitehead Die Casting Company, Ltd. Therefore, enclosed is a quitclaim deed to properly transfer that portion of property to Mr. Hanger. Please follow these steps in order to execute the enclosed quitclaim deed:

1) On Page 1: Please fill in the State and County where you live.
2) On Page 1: Please fill in the month and day you sign the deed.
3) On Page 2: Please sign above your name. Your signature must be done in the presence of a Notary Public and a Witness (the Notary and Witness must be two different people and can not be your family members).
4) On Page 2: Both the witness and the Notary Public must sign the deed on the lines provided. Please be sure to also have the Notary Public affix their notary seal.

Once you complete the above items, please return the original signed quitclaim deed in the prepaid envelope enclosed. Your prompt attention to this matter is greatly appreciated. Should you have any questions, please do not hesitate to contact me.

Sincerely,

SMITH, WELCH & BRITTAIN

Anna C. Dougherty, Esq.

7/27/14

To All Respective "PARTICIPANTS",

Interesting; "Lack juristiction", Improper certificate of service, and Timeliness versus "Torture", Judicial and prosecutorial misconduct, corruption, Unconstitutionality, Lies, deceipt and Conspiracies (yes plural and yes I said it in relation to you're own definition. Black's dictionary; "(2) or more and a predicate act"). What's the sentence that can be imposed for "Conspiracy" alone? A fairly serious crime wouldn't you say?

What about #'s (1), (2), and (3) from the "code of Judicial Conduct?" Has anyone been administered a refresher course on that?

"Gillen v Bostick" (1975); section 23 of the Appellate Practice Act of 1965; O.C.G.A § 5-6-30; "manifest Injustice"; "miscarriage of justice"; "Boykin v Alabama"; and "Chambers v Peacock Construction". I could go on for days with applications and cases in support of my present situation case. The state has absolutely nothing to hinge its actions on. Zero. Excuse me the state does have an "ace in the hole": The bench! Interesting. Now I recognize why I mentioned #'s (1), (2), and (3) from the "code of Judicial conduct". That code did not contain a section where it stated a judge could send a man to a fortuous plight due to his (KDJ) bruised and insecure ego.

I have included two exhibits (or potions of two for cost concerns with the post office) which may assist in the foundation that supports the fact that absolutely no Logic exists in

this case. Remember one of your own created this total and unequivocal Legal "train wreck". One of your own ordered the unfathomable meaning if a man was so incompetent that he needed to be forcibly injected then:

4.) How did Exhibit "A" materialize? A man that was so incredibly incompent that he needed to be "drugged", all of a sudden justifies a bar association investigation into the supposed fact that he (me) is a disbarred attorney from 2000. Thats correct. Particular attorneys complained that I was in fact James E. Thompson from case # S00Y1190. All of this surfaced after the 2007 coerced plea. Question If I supposedly justified forced medication and I in turn rattled certain attorneys to the point of facilitating an investigation what does that say about your attorney pool in Georgia? and;

B) Exhibit "B" and the highlighted section from page (3) where Tracie Cason (Gwinnett County D.A.) even admits that (in a "helter skelter" rebuttal) "the case itself certainly addresses issues that are of great concern . . . ". If the "issues" consist(s) of the facts, thoroughness, and documented, verifiable evidence then there should be only one conclusion which in turn should scale down your job responsibility to the minutia. "Great Concern" means a case of tragic dimensions is being relegated to "time-liness" and "certificate of service" issues. Is this a comedy or tragedy or both? For the record "timeliness" consisted of Dawson Jackson purposely withholding over a dozen orders providing most of you the title of "Lame Duck".

One of your own made a Fool of entire judiciary.

Tracie Cason (in 2009) laid the entire case in front

of you and you in turn, turned your back on your sworn obligation and judicial code of conduct/ethics.

In conclusion can any of you provide a semblance of logic in relation to:

A.) A competent man needing to be forcibly injected due to supposed incompetence, and

B.) That very same incompetent man owing over $325,000 in child support, and

C.) over $200,000 of the support accumulating during the malicious incarceration and despicable torture phase, and still where are the children? and;

D.) If I'm so incompetent that I cannot assist an attorney then I certainly am too incompetent to pay, correct? and;

E.) It appears Dawson Jackson did none any favors!

F.) the state has confiscated my drivers license and now threatens me, and;

G.) the state has investigated a non-(incompetent) attorney for being just that . . . an attorney, and;

H.) the state wishes to get paid for (2) children that the father hasn't seen in (10) years after confiscating a license, torturing the father, imprisoning the father, and subjecting the father to the most unfathomable series of Legal "mumbo jumbo"/ craziness/ hilarity/ and flat out lunacy. One final Question. What did you people do, or allow to be done? Absolutely disgusting. What would you say or feel if you were me?

James E Thompson

The Foregoing Letter dated 7/27/14 was sent via U.S. mail with proper postage affixed to:

- The Attorney General
- The Supreme Court (Justice Hunstein)
- Fulton County court (Judges: Tusan, wright, Gogger & Shoob)
- Gwinnett County C.D.A porter and Judges Schrader and Conner)
- Court of Appeals (All justices)

James E. Thompson

In the Supreme Court of Georgia

Decided: SEP 11 2000

S00Y1190. IN THE MATTER OF JAMES E. THOMPSON.

PER CURIAM.

The State Bar filed a Notice of Discipline against Respondent James E. Thompson alleging violations of Standards 65 (commingling client's funds with lawyer's own funds and failure to account for trust property held in a fiduciary capacity) and 68 (failure to respond to disciplinary authorities) of Bar Rule 4-102 (d). Although Thompson acknowledged service of the Notice of Investigation regarding his attorney trust account, he failed to file an answer. Subsequently, after efforts to personally serve Thompson with the Notice of Discipline proved unsuccessful, the State Bar served Thompson by publication pursuant to Bar Rule 4-203.1 (b) (3) (ii). Thompson failed to reject the Notice of Discipline within 30 days as provided by Bar Rule 4-208.3 (a) and thus is in default pursuant to Bar Rule 4-208.1 (b) and subject to discipline by this Court. The State Bar has recommended disbarment as the appropriate sanction for Thompson's violations of Standards 65 and 68.

Thompson, who maintains an attorney trust account with NationsBank of Atlanta, Georgia, wrote six checks drawn on this account in amounts for which he

Exhibit "A"

had insufficient funds in the account. Further, he commingled his client's funds with his own and withdrew money, not constituting earned attorney's fees, from his attorney trust account for his personal use. The State Bar noted as aggravating factors in support of its recommendation of disbarment Thompson's prior disciplinary history, including interim suspensions on August 11, 1998 and January 28, 1999 and a disciplinary suspension on October 26, 1998, and his substantial experience in the practice of law.

We conclude that disbarment is warranted as a result of Thompson's violations of Standards 65 and 68 of Bar Rule 4-102 (d). Accordingly, Thompson is hereby disbarred from the practice of law in Georgia. He is reminded of his duties under Bar Rule 4-219 (c).

Disbarred. All the Justices concur.

IN THE SUPREME COURT
STATE OF GEORGIA

JAMES EDWARD THOMPSON IV,	*	
Appellant,	*	DOCKET NO. S09C1275
versus	*	ON APPEAL FROM THE SUPERIOR
STATE OF GEORGIA,	*	COURT OF GWINNETT COUNTY INDICTMENT NO: 04-B-3288-3
Appellee.	*	

BRIEF IN OPPOSITION TO THE GRANT OF CERTIORARI
BRIEF OF APPELLEE

BY THE DISTRICT ATTORNEY, GWINNETT JUDICIAL CIRCUIT

DANIEL J. PORTER
DISTRICT ATTORNEY
GWINNETT JUDICIAL CIRCUIT

TRACIE H. CASON
ASSISTANT DISTRICT ATTORNEY
GWINNETT JUDICIAL CIRCUIT

OFFICE OF THE DISTRICT ATTORNEY
GWINNETT JUSTICE AND ADMINISTRATION CENTER
75 LANGLEY DRIVE
LAWRENCEVILLE, GEORGIA 30045
(770) 822-8400

BRIEF OF APPELLEE

STATEMENT OF THE CASE

The Appellant entered a plea of guilty to one count each of Aggravated Stalking and Terroristic Threat on February 16, 2007. At no time did he file a Motion to Withdraw his guilty plea. He filed an Extraordinary Motion for New Trial to attack his plea on December 11, 2008. The Trial Court denied that motion in an order on January 30, 2009. He appealed the trial Court's ruling to the Court of Appeals. The Court of Appeals denied his appeal in Docket # A09D0267. It is from this ruling that the Appellant files this Petition for Writ of Certiorari.

ARGUMENT AND CITATION OF AUTHORITY

THE GRANT OF CERTIORARI IS NOT WARRANTED IN THIS APPEAL, AS THE APPELLANT'S PETITION DOES NOT INVOLVE AN ISSUE OF GREAT CONCERN, GRAVITY, OR IMPORTANCE TO THE PUBLIC.

A review on certiorari is not a right. The Uniform Rules of the Supreme Court of Georgia require that in order for certiorari to be granted, the petition must set out an issue of great concern, gravity, or importance to the public. Rules of the

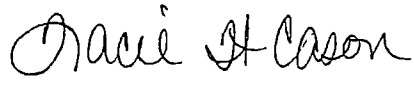
Supreme Court of Georgia Rule 40.

While the case itself certainly addresses issues that are of great concern, gravity, and importance to the public, the rules and issues of law that the Court of Appeals followed do not rise to that level. The Court of Appeals applied firmly established legal principals and followed them accordingly.

CONCLUSION

For all of the above and foregoing reasons, the judgment and verdict of the trial court and the Court of Appeals should be affirmed and the Appellant's petition should be denied. Should this Court grant the petition for writ of certiorari, the Appellee will file a brief with further argument and citation of authority.

Respectfully submitted,



TRACIE H. CASON
ASSISTANT DISTRICT ATTORNEY
GWINNETT JUDICIAL CIRCUIT
STATE BAR OF GEORGIA #358240

OFFICE OF THE DISTRICT ATTORNEY
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(770) 822-8400

The Court of Appeals
47 Trinity Avenue SW, Suite 501
Atlanta, Georgia 30334

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

July 28, 2014

Mr. Daniel W. Taylor
GDC 1000332837
Johnson State Prison
Post Office Box 344
Wrightsville, Georgia 31096

RE: A14A0497. Daniel W. Taylor v. The State

Dear Mr. Taylor:

We are returning your submission to you as your case has already been decided in this Court. The remittitur was sent on July 7, 2014, transferring all jurisdiction back to the Trial Court. This Court has no jurisdiction over this case at this point in time.

Sincerely,

Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/br
Enclosures

your big
ugly

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Secondly please explain the logic behind the enclosed topic. It is impossible to find logic in the highest levels of the illogical.

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There is no finer example of term "Lame duck" than the Court of Appeals of Georgia. If the record is reviewed they (amongst others) did nothing but provide blanket protection for one of the most disgusting individuals imaginable. "K. Dawson Jackson".

Cases: S14H0352
A14D0368
Gwinnett County * 01-B-3288-3
2002-CV-49050

cc. All judges @ Court of Appeals, AG's office, Danny Porter, Justice Hunstein, Judges Schrader, Conner, Gooper, Wright, Shoob and Tusan.

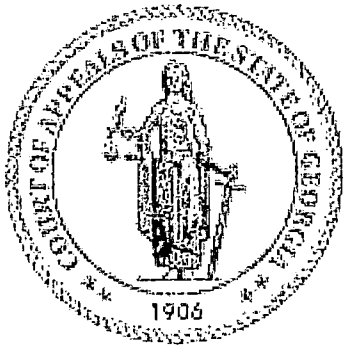
Court of Appeals
of the State of Georgia

ATLANTA, July 02, 2014

The Court of Appeals hereby passes the following order

A14D0368. JAMES E. THOMPSON v. THE STATE.

Upon consideration of the APPELLANT'S Motion for Reconsideration in the above styled case, it is ordered that the motion is hereby DENIED.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 02, 2014.

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.

Stephen E. Castlen, *Clerk.*

Fascinating. you deny and sanction due to "certificate of service" issues eventhough the exact same "certificate of service" was utilized over (2) dozen times with no questioning, but you refuse to recognize that an extremely competent U.S. citizen was hauled away for (6) months and he was used as an experimental "Chimp" via a "Shutter Island" experiment.

The ones involved in this case know exactly what I speak of. You sanction a man after he was "tortured" for (6) months. Have you lost your minds? Obviously you [illegible] your moral and ethical compass.

June 30, 2014

TO ALL RESPECTIVE PARTIES,

The very first issue at hand is to mention that the one and only professional, respectful segment of this entire Legal "train wreck" is the Glynn County probation office. Simply put. The one and only "arm" that conducts itself accordingly.

With that being said, it has now been illuminated that phone calls are being made in order to "stay the course" in relation to "harassment". Harassment as it pertains to my situation. Please allow me to explain. I have (probation) reported (in one form or another) nine times in little over a month and a half! Please explain the rationale especially knowing that I have not spoken to my ex since 2004, and I pose absolutely no threat to anyone on earth! Please explain the rationale behind:

① Gwinnett County authority informs us that disturbing phone calls are being made as it relates to me. "Disturbing" as in troubling that so much emphasis is being put into "surveillance" regarding a man that:

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⑥ Then finally try to provide one sliver of rationale behind Chief Judge Dawson-Jackson's 2006 "orders" (plural) to employ/implement one of the most despicable series of acts/maneuvers ever conceived of in modern Legal annals). To send a competent man to a "Shutter Island" experiment to attempt to cover-up for the egregiously reckless, irresponsible, corrupt and comical behavior/activity performed by one mr. Phil Wiley (ex Chief ADA).

Remember Ladies and Gentlemen everything I speak of is documented in court records, on tape, physicians files, transcripts and any other verifiable source.

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D.) The state has taken my drivers License.

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F.) There is one car between 3 adults at this home.

G.) my parents (plural) are over 80 years old.

H.) And I walk to the gym and back every day. A total of 4 miles as to not inconvenience my elderly parents.

DOES SOMEONE WISH TO EXPLAIN THE LOGIC BEHIND THIS ENTIRE CLUSTER _____? I can! ("Logic" which corellates to the truth).

A man that earned over $500,000 a year, is then subjected to "torture" after prosecutorial and judicial misconduct at the highest level, now must walk to his destination all the while being threatened and harassed. Is this taught in the thesis portion of grad school? Enjoy the story when its told. I will!

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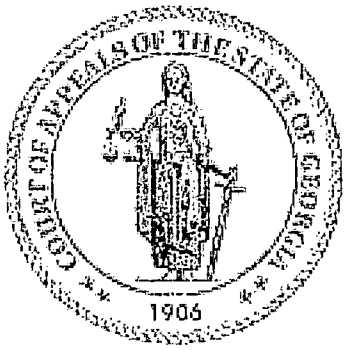

Court of Appea
Clerk's O

I certify t
the Court of Ap

Witness r
affixed the day

Stephen

This was
judge McMillian's
case, judge
McFadden also
had his case(s)

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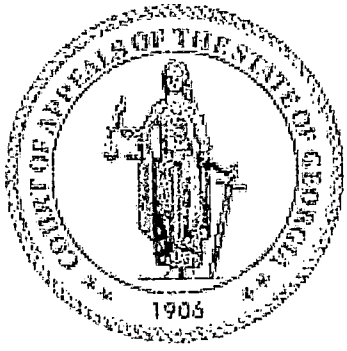

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, July 02, 2014.

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The Court of Appeals
47 Trinity Avenue SW, Suite 501
Atlanta, Georgia 30334

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

July 28, 2014

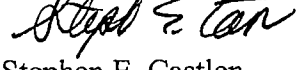
Mr. Donnie Norris
1357 Lochland Road, SE
Atlanta, Georgia 30316

RE: 13CV9788. Donnie Morris v. Columbia Used Auto Parts

Dear Mr. Norris:

We are returing your Notice of Appeal that was filed in our Court. A Notice of Appeal must be filed in the Trial Court, not the Court of Appeals.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/br
Enclosures

NOTICE OF APPEAL (CIVIL CASE)
IN THE SUPERIOR COURT
OF DEKALB COUNTY
STATE OF GEORGIA

DONNIE NORRIS,	)	
Plaintiff,	)	CIVIL ACTION
vs.	)	FILE NO. 13CV9788-2
COLUMBIA USED AUTO PARTS,	)	
Defendant	)	

NOTICE OF APPEAL

Notice is given that the Plaintiff in the above matter hereby appeals to the Court of Appeals of Georgia from the judgment of the Superior Court of Dekalb County entered on the 27th day of May, 2014. Plaintiff is appealing the judgment affirming the Magistrate Court's ruling of August 14th, 2013, ordering the defendant to repay the plaintiff one thousand dollars.

The clerk shall omit nothing from the record on appeal.

A transcript of evidence and proceedings will be filed for inclusion in the record of appeal.

The Court of Appeals, rather than the Supreme Court, has jurisdiction of this appeal because the issue involved is and appeals of such cases are not reserved to the Supreme Court of Georgia pursuant to Article VI, Section VI, Paragraphs II and III of the Constitution of the State of Georgia.

CERTIFICATE OF SERVICE

I certify that I have this day served Columbia Used Auto Parts with a copy of this Notice of Appeal by (hand delivery/mailing copy first class mail postage prepaid) to him/her at:

Columbia Used Auto Parts, Inc.
4176 Glenwood Rd.
Decatur, GA 30032

This 21 day of July, 2014.

Donnie Norris

Donnie Norris
1357 Lochland Rd., SE
Atlanta, GA 30316

Steve Castlen

From: Steve Castlen

Mr. Norris,

We are returning this Notice of Appeal that was filed in our Court. A Notice of Appeal must be filed in the Trial Court, not the Court of Appeals.

The Court of Appeals
Office of the Clerk
47 Trinity Avenue
Suite 501
Atlanta, Georgia 30334

HOLLY K. O. SPARROW
CLERK/COURT ADMINISTRATOR

(404) 656-3450
sparrowh@gaappeals.us

July 26, 2013

Mr. Michael Alonza Rufus
GDC1000788776
Jenkins Correctional Center
3404 Kent Farm Drive
Millen, Georgia 30442

RE: A13A2218. Michael Alonza Rufus v. Samuel D. Ozburn, Judge, et al.
A13D0332. Michael Alonza Rufus v. Samuel D. Ozburn, et al.
A13D0429. Michael Alonza Rufus v. Samuel D. Ozburn, et al.

Dear Mr. Rufus:

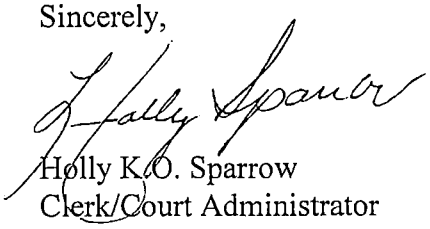
I am in receipt of your correspondence received in this office on July 24, 2013 inquiring about your appeal and you motion "seeking relief from court costs" in A13D0332 and A13D0429.

Please be advised that your Notice of Appeal and record appealing a May 7, 2013 order of the Walton Superior Court has been docketed as A13A2218. Michael Alonza Rufus v. Samuel D. Ozburn, Judge, et al. The Docketing Notice was mailed to you on July 17, 2013. Your Appellant's Brief is due in this case 20 days after the date of docketing which was July 17, 2013.

A13D0332 was disposed on May 7, 2013. Pursuant to Rule 31(j), no pleadings will be accepted on an application for discretionary appeal which are filed more than 30 days from the date of the order granting, denying, or dismissing the application. Because 30 days have past since the order granting this application, we are unable to accept your motion in that case.

Your motion has been docketed on A13D0429 because 30 days have not past since the granting of the application.

Sincerely,



Holly K.O. Sparrow
Clerk/Court Administrator
Court of Appeals of Georgia

HKOS/ld
Enclosure

Michael Rufus
GDC No.: 1000788776
Jenkins Correctional Center
3404 Kent Farm Drive
Millen, Georgia 30442

RECEIVED IN OFFICE
2013 JUL 24 PM 12:39
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

22 July, 2013

Georgia Court of Appeals
47 Trinity Avenue, S.W.
Suite 501
Atlanta, Georgia 30334

IN RE: APPLICATION FOR DISCRETIONARY APPEAL NO.: A13D0332

Madam or Sir:

Please find enclosed a motion for this Court. Affixed to the motion is a correspondence from the Clerk's Office of Walton County evidencing my having paid the necessary fees for the aforementioned appeal to be transmitted this court. I have yet to receive any indication that such transmittal has taken place and request that you provide me informations as to its status.

I am thanking you in advance for your assistance.

Respectfully,

Michael Rufus

Michael Rubs
GDC No: 1000788776
Jenkins Correctional Center
3404 Kent Farm Drive
Millen, Georgia 30442

MACON GA 310

Freedom
FOREVER

RECEIVED IN OFFICE

2013 JUL 24 PM 12: 39

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Georgia Court of Appeals
47 Trinity Avenue, S.W
Suite 501
Atlanta, Georgia 30334

3033490064 7

Jenkins Correctional Facility
PO Box 948, Millen, GA 30442

The enclosed letter was processed through special mailing procedures for forwarding to you. The letter has been neither opened or inspected. If the writer raises a question or problem over which this facility/center has jurisdiction you may wish to return the material for further information or clarification. If the writer encloses correspondence for forwarding to another addressee, please return the enclosure to the above address.

The Court of Appeals
47 Trinity Avenue SW, Suite 501
Atlanta, Georgia 30334

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

July 28, 2014

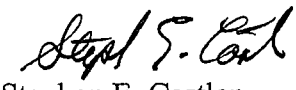
Mr. Michael Rufus
GDC 1000788776, E-B
Riverbend Correctional Facility
198 Laying Farm Road
Milledgeville, Georgia 31061

RE: A13D0332, A13A2218, A14A0051, and A13D0429

Dear Mr. Rufus:

Our records indicate that you owe for cases A13D0332, A13A2218 and A14A0051. There is no outstanding balance for case A13D0429.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

Steve Castlen - Letter to Rufus

From: Steve Castlen
To: Lola Diamond
Subject: Letter to Rufus

Mr. Rufus,

Our records indicate that you owe for case A13D0332, A13A2218 & A14A0051. There is no outstanding balance for case A13D0429.

Love,

The Clerk

Michael Alonzo Rufus
GDC No.: 1000788776 E-B
Riverbend Correction Facility
198 Laying Farm Road
Milledgeville, GA 31061

18 July, 2014

ATTN: Stephen E. Castlen
Court of Appeals
47 Trinity Avenue SW, Suite 501
Atlanta, GA 30334

IN RE: CASE NO(S): A13D0332 & A13D0429
SUBJECT: VARIFICATION OF STATUS OF FILING FEES

MR Castlen,

On 10 April, 2014 you responded to my correspondence indicating ultimately that I still owe for the filing fees in Case No.: A13D0429. Because the Department of Corrections still maintains that I owe for Case No(s) A13D0332 & A13D0429 I am requesting that you please respond to this request indicating that I do not owe in the aforementioned cases due to the favorable rulings in Cases No(s) A13A2218 and A14A0051.

The indeptness is obstructing me from prosecuting a civil suit under equity and conspiracy for abuse of process in regards my instant incarceration and claims for relief in the actions which are the subject of the appeals mentioned herein.

18 July, 2014

Michael Rufus

The Court of Appeals
47 Trinity Avenue SW, Suite 501
Atlanta, Georgia 30334

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

July 29, 2014

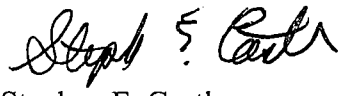
Mr. Donald Ross
GDC 528602, K-4
Central State Prison
4600 Fulton Mill Road
Macon, Georgia 31208

RE: A90A0591. Donald Eric Ross v. State of Georgia

Dear Mr. Ross:

Our Court does not have any of the records that you are requesting. Case # A90A0591 is stored at the State Archives. We can not tell you what is presently stored under that case number, but the location at the Archives is: Unit 6663 at Location 5021-06. Their address is: Georgia Archives, 5800 Jonesboro Road, Morrow, Georgia, 30260. Their phone number is 678-364-3731.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/br

Open Records Act Request

Reference No. _____

Date _____

To: THE CLERK of Court of Appeals of Georgia
47 Trinity AVE. Suite 501
ATLANTA, Georgia 30334

Dear Custodian of Documents,

Pursuant to the Georgia Open Records Act, as amended and effective April 27, 2012, this is to respectfully request access to inspect and copy the following public records:

I'M DONALD ERIC ROSS # 528602 & I'M WRITTING AND REQUESTING ANY AND ALL MATERIAL RELATED TO CASE NUMBER [redacted] ROSS V STATE 195 GA APP 624 Decided MAY 14, 1990. OPION given by Judge Birdsong. I AM also including A AFFIDAVIT of POVERTY, MY MAILING ADDRESS IS DONALD ROSS # 528602 Central STATE PRISON K-4 4600 Fulton Mill Rd. MACON, Georgia 31028.

As you know, the Act does not require an agency to impose fees for providing access to public records, but if your agency intends to do so, we ask that they comply with the terms of the Act. Under the law, "an agency shall utilize the most economical means reasonably calculated to identify and produce responsive, nonexcluded documents.... [T]he charges for the search, retrieval, or redaction of records shall not exceed the prorated hourly salary of the lowest paid full time employee who, in the reasonable discretion of the custodian of records, has the necessary skill and training to perform the request; provided, however, that no charge shall be made for the first quarter hour." O.C.G.A. § 50-18-71(c)(1). In addition, according to O.C.G.A. § 50-18-71(c)(2), copying charges are not to exceed $.10 per page or the actual cost of the CD, DVD or other media if electronic records are produced.

I am prepared to pay reasonable search and retrieval fees. However, if costs are estimated to exceed $25, your agency is required to notify me within three business days. O.C.G.A. § 50-18-71(d). As you know, advance payment is not required unless costs will exceed $500. See O.C.G.A. § 50-18-71(d).

If my request is denied in whole or in part, the law requires your agency to justify all redactions by reference to the exemptions in the Act, specifying code section, subsection and paragraph. O.C.G.A. § 50-18-71(d). The law also requires you to release all other portions of the record that contains exempt material. O.C.G.A. § 50-18-71(b).

The Georgia Open Records Act sets criminal and civil penalties of $1000 for any person or entity that fails to comply with the terms of the Act O.C.G.A. § 50-18-4. Therefore, I will expect your agency to produce the requested records within three-day limit or to give written reasons why the requested records are unavailable in this time period and a timetable for their prompt production. O.C.G.A. § 50-18-71(b)(1)(A).

Thank you for your attention to this request. Please do not hesitate to contact me.

Sincerely,

/s/ Donald Ross

4600 Fulton Mill Road
Macon, GA 31208

IN THE SUPERIOR COURT OF Muscogee COUNTY
STATE OF GEORGIA

Donald Eric Rose,	*	CASE NO. A90A0591
V.	*	Re;
State of Georgia,	*	

AFFIDAVIT OF POVERTY

I, Donald Ross, do hereby depose and state under penalty of perjury that: I am an indigent person incarcerated within the Georgia Prison System. I am unable to meet or pay the cost and fees attaching to the above referenced matter due to my indigence and make this affidavit in order to be granted leave to proceed in Forma Pauperis status and to be relieved from paying all cost which would otherwise be required of me.

Further, Affiant sayth not.

/s/ Donald R. Ross
(AFFIANT)

Donald Ross # 528602
Central State Prison K-4
4600 Fulton Mill Rd.
Macon, Georgia 31208

THIS 18 DAY OF July 2014
Michelle J. Rawls
NOTARY PUBLIC

NOTARY PUBLIC SEAL HOUSTON CO., GA
MICHELLE J. RAWLS
Notary Public
STATE OF GEORGIA
My Commission Exp. 1/19/15

The Court of Appeals
47 Trinity Avenue SW, Suite 501
Atlanta, Georgia 30334

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

July 29, 2014

Willie Morris GDC 0001259107
Macon State Prison
2728 Highway 49 South
Post Office Box 426
Oglethorpe, Georgia 31068

RE: Lower Court Case Numbers: 04SC22321.

Dear Mr. Morris:

There is presently no case docketed in this Court in your name. It may take a while for your appeal to reach our Court. I recommend that you get all your advice from your attorney on the time frame for the appeal process and any other issue related to your appeal.

Sincerely,

Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/br

Steve Castlen

From: Steve Castlen

Dear Mr. Taylor,

We are returning your submission to you as your case has already been decided in this Court. The remittitur was sent on July 7, 2014, transferring all jurisdiction back to the Trial Court. This Court has no jurisdiction over this case at this point in time.

This case was decided 7.7.14

The Court of Appeals
47 Trinity Avenue SW, Suite 501
Atlanta, Georgia 30334

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

July 29, 2014

Mr. Daniel W. Taylor
GDC 1000332837, H-2
Johnson State Prison
Post Office Box 344
Wrightsville, GA 31096

RE: A14A0497. Daniel W. Taylor v. The State of Georgia

Dear Mr. Taylor:

I am returning your submission to you as your case has already been decided. This Court affirmed in part and vacated in part the judgment of the lower court. The case was remanded for resentencing to the lower Court. The Remittitur was issued on July 7, 2014, divesting this Court of jurisdiction.

Sincerely,

Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/br
Enclosures

IN THE COURT OF APPEALS OF GEORGIA
CASE NO: A14A0497

DANIEL W. TAYLOR VS. STATE OF GEORGIA
Appellant Appellee

MOTION FOR RECONSIDERATION

Comes Now Daniel W. Taylor, before Filing A 28 USC § 2254 ASK this Court to Review the Record Again DENOVO, For this Court has made Reversible ERROR.

1.

The whole records were not furnished to this Court for Review. The Motion For New trial Hearing was excluded AND I filed A Motion to this Court to hold the Superior Court Clerk in Contempt. No Decision reasonably Could have been Determined without those Records.

2.

None of my ENUMERATION OF ERRORS were Considered Only what the State provided to SWAY this Court

The Court of Appeals
47 Trinity Avenue SW, Suite 501
Atlanta, Georgia 30334

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

July 30, 2014

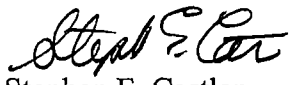
Ms. Akinya Moore
Gaslowitz Frankel LLC
303 Peachtree Street NE
Atlanta, Georgia 30308

RE: A14I0195. Adam Gaslowitz, Adam R. Gaslowitz & Associates, LLC and Gaslowitz & Associates, Inc. v. Stabilis Fund I, L.P.

Dear Ms. Moore:

Per various conversations with our office this submission is being returned. Please note that the item has been electronically filed with our Court.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/br
Enclosures

Steve Castlen - Letter to Akinya Moore

From: Steve Castlen
Subject: Letter to Akinya Moore

Akinya Moore,

Per various conversations with our office this submission is being returned. Please note that the item has been electronically filed with our Court.

ORIGINAL

IN THE COURT OF APPEALS
FOR THE STATE OF GEORGIA

APPEAL CASE NO. A14I0195

ADAM GASLOWITZ, ADAM R. GASLOWITZ & ASSOCIATES, LLC and GASLOWITZ & ASSOCIATES, INC.,

Appellants,

v.

STABILIS FUND I, L.P.,

Appellee.

Brief of Appellant

GASLOWITZ FRANKEL LLC
4500 SunTrust Plaza
303 Peachtree Street, N.E.
Atlanta, Georgia 30308
(404) 892-9797

Craig M. Frankel
Georgia Bar No. 272880
LeAnne M. Gilbert
Georgia Bar No. 059745

Attorneys for Appellant

GASLOWITZ
FRANKEL LLC

4500 SunTrust Plaza
303 Peachtree Street, NE
Atlanta, Georgia 30308-3243

404.892.9797
fax: 404.892.1311

www.gaslowitzfrankel.com

Attorneys at Law

Adam R. Gaslowitz
Craig M. Frankel
LeAnne M. Gilbert
Millie Baumbusch
Celia P. Quillian

Of Counsel

Robert C. Port

July 28, 2014

HAND DELIVERY
Clerk, Court of Appeals of Georgia
47 Trinity Avenue S.W.
Suite 501
Atlanta, GA 30334

Re: Adam Gaslowitz, Adam R. Gas & Associates, Inc. v. Stabilis Fund I,
Appeal No. A14I095

Dear Clerk of Court:

Enclosed please find an original and three the above-referenced matter. Also enclosed is my firn nt for the filing fee. Please file the original and retur d self-addressed stamped envelope. If you have an ct me. Thank you for your assistance in this matter.

Benita 1) No Cert of Serv
2) Wrong Case #
please return
to attorney.
pursuant
to Cheryl
Gaslowitz.
pb

Sincerely,

Akinya Moore
Paralegal

AM/lls
Enclosures
cc: Adam R. Gaslowitz, Esq. (via email only)
Ted W. Hight, III, Esq. (via email only)
Kevin S. Kovalchik, Esq. (via email only)

7/22/2014

Dear Clerk

I am Willie Morris my indictement was back in 2004 on the case 04SC22321. I was tryed and sentence to life in Prison 7/31/2007. My lawyer and I went back for my motion for new trial on 1/22/2013 and was "DENIED" on 10/1/2013.

My Council put in my appeal on 10/28/2013. I do understan that my case have to be docketed and briefs from both my lawyer and the state will be filed. May I ask do I have a docketed number or will you if you can inform me. Also how long will this process take.

Thanks.
Willie Morris
Willie Morris

IN THE COURT OF APPEALS
OF GEORGIA

DANIEL W. TAYLOR APPELLANT VS. THE STATE OF GEORGIA APPELLEE	CRIMINAL ACTION: 10SC89595 APPEALS DOCKET NO: A14A0497

MOTION IN COMPLIANCE FOR JUDGE FAILURE TO RULE PURSUANT to O.C.G.A 15-6-21(a)

Comes now the Appellant Daniel W. TAYLOR, And files this Motion pursuant to O.C.G.A. 15-6-21(a)&(d) for Judge TODD Markle, of the FULTON COUNTY SUPERIOR Court failure to Rule on Appellants properly filed Motion for Super-Sedes Bond pending Appeal of his Conviction. Appellant AVERS AS follows:

1.

Appellant filed A Motion for A SUPERSEDES BOND pending APPEAL in the Superior Court Of FULTON County August 2, 2010.

2.

No Response was made and Judge Mich-EAL D. JOHNSON RESIGNED AS Judge.

At the November 3, 2011 hearing Appellant hand filed A Motion for Supersedeas Bond that Judge TODD Markle said he'd Contact me with A Ruling but to this Date has Not.

4.

May 5, 2014 A properly filed Motion to Compe was made to this Court without being gra TED OR Denied. (SEE: EX-A)

5.

Appellant is Very Confident that his case will be reversed and the Conviction Set A Si DUE to Judge Micheal JOHNSONS Vouching for Kn n perJURY of State Witness Wesley Carmack in A Scheme to Mislead A JURY AND Sabatoge his Defense.

6.

The Case is Now before the Supreme Court pursuant to O.C.G.A. 45-15-18(a) for those public OFFICIALS Malfeasance in public OFFICE AND Violation of OAth of OFFICE CASE# S14D1569

7.

Because Judge Markle is in violation of O.C.G.A. 15-6-21(a)(c)(d). It is this Courts Jurisdiction to make A Ruling Pursuant to US Const. ART VI SEC. I PARA IV Graham vs. Cavender 252 GA. 123, 311 SE2d 832 (1984).

This 18th day of July 2014

RESPECTFULLY Submitted

Daniel W. Taylor

Daniel W. Taylor 00033283
Johnson State Prison
PO. BOX 344
Wrightsville, GA. 31096

KAP Kevin

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS

8/01/14

To: Michael Tucker

Docket Number: Style: Michael Allen Tucker v. The State

Your document(s) is (are) being returned for the following reason(s).

1. ☐ Your Application was not accompanied by the statutory filing fee, $300.00 civil; $80.00 criminal, 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. ☐ Portions of the record included were not tabbed and indexed. Rules 30 (e) and 31 (c).

3. ☐ A stamped "filed" copy of the trial court's order to be appealed was not attached to your Application. Rules 30 (b) and 31 (e)

4. ☐ A stamped "filed" copy of the Certificate of Immediate Review was not attached to your Interlocutory Application. Rule 30(b)

5. ☐ Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)

6. ☐ There were an insufficient number of copies of your document. Rule 6

7. ☐ No Certificate of Service accompanied your document(s). *Rule 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.

8. ☑ Your Certificate of Service did not include the complete name and /or mailing address of each opposing counsel and pro se party. Rule 1(a) and 6

9. ☐ Your document exceeds page limits. Rules 24(f) , 30(e) and 31(c)

10. ☐ Your request for court action must be submitted in motion form. Rule 41 (a)

11. ☐ No extension of time for filing an interlocutory application will be granted . Rule 30 (g) . No extension of time will be granted for filing a discretionary application unless the motion for extension is filed on or before the due date of the discretionary application.

12. ☐ The type font was smaller than 10 characters per inch; type was not double-spaced or/and type was on both sides of the paper. Rules 1(c), 24(b), 37(a) and 41(b).

13. ☐ Your motions were submitted in an improper form (joint, compound, or alternative motions in one document). Rule 41 (b)

14. ☐ Margins were too small or paper size was incorrect. Rules 1(c), 24(c), 30(e), 31(c) and 41(b).

15. ☐ Your document(s) was (were) not securely bound at the top with staples or round head fasteners. Rules 1(c), 30 (e) and 31 (c)

16. ☐ Your document was submitted for filing more than 30 days after the date of the order granting, denying or dismissing the application or the order granting, denying or dismissing the Motion for Reconsideration. Rules 30(j) and 31(j).

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

If this is a notice of appeal it should be filed with the lower court ~~clerk~~ clerk

COURT OF APPEALS FOR THE STATE OF GEORGIA

Michael Allen Tucker
GDC# 633157, Appellant,

V.

Catoosa County,
Appellee.

CASE No. 2013-SU-CR-779

APPEAL NO. _____

NOTICE OF APPEAL

Notice is hereby given that the aforementioned Appellant pro se appeals to the Court of Appeals from the judgement entered, by the Superior Court of Catoosa County on the 16 day of July, 2014, with respects to the following

Motion To Clarify Sentence, The Judge Mr. Van Pelt Sent me Back All letters and Documents I address to him. ~~to Needed to Forward~~

The Clerk of the concerned Court is to transmit, to the Appellate Court the record of the case and omit the following specified parts:

Motion To Clarify Sentence

This 28 day of July, 2014.

Appellant Pro Se
Michael Tucker
(S) [signature]
Print Michael Tucker
GDC# 633157
Address P.O. Box 650
Nicholls, Ga.
31554

Certificate of Service

This is to certify that I have this day a served a true and correct copy of the within and foregoing document(s) upon the party(s) listed below by depositing a copy of the same in the United States mail in a properly addressed enveloped with adequate postage thereon or submitted same to the institutional legal mail system, to bellow addressee(s)

Superior Court Catoosa
875 LAFayette St
Ringgold GA. 30736

Document(s) Included:
1) Notice of appeal

Court of Appeals
47 Trinity ave
Mr Stephen Castlen
47 Trinity ave SW Suit 501
Atlanta GA. 30334

Notice of appeal
All Documents of
motion to clarify

This 28 Day of July ,2014

Respectfully submitted,
Michael Tucker
Pro Se

Signature [signature]

Print: Michael Tucker

GDC#: B33157 Coffee Correctional

Address: P.O. Box 650
Nicholls GA 31554

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

8.4.14

To: Lois Luster
Docket Number: A14A1775 **Style:** Lois Luster v. Bank of America, et al

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 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.

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

Lois L. Luster
17 Harbour Ln,
Ringgold, GA 30736-3303
(423) 785-6385
llslay65@yahoo.com

July 28, 2014

Clerk
Court of Appeals of Georgia
47 Trinity Ave., S. W., Suite 501
Atlanta, GA 30334

RE: Appeal No. 14A1775
Luster v. Investors One Corporation, et., al.,
Formerly known as Luster v. Bank of America, N.A .

Dear Clerk,

I have enclosed one (1) Original, and two Copies for the Court, and one Appellant's copy of

Appellant's Motion to Amend or Supplement Appellant's Brief

Please file the original and copies, and stamp "Filed" Appellant's copy and mail back in the supplied, self-addressed, postage pre-paid envelope.

I have also just learned that the Appellees filed an Appellee's Brief. I was not provided a copy of what the Appellees have filed. I will be Objecting because of that. I am under the belief that the Appellees MUST provide me with a copy. I have been denied the Right to file an Appellant's Reply because of this. How can I get a copy of the Brief, and Certificate of Service? I can be reached for any reason, through the above shown contact information.

Sincerely

Lois L. Luster

Enc: 1 Original, 2 copies for court
1 Appellant's Copy of Motion
1 Self addressed, postage paid envelope

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

August 6, 2014

To: Mr. Kevin Mario Lee, GDC692007, Hancock State Prison, Post Office Box 339, Sparta, Georgia 31087

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).

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☐ **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.

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☐ **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.

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☐ **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.

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IN THE COURT OF APPEALS OF GEORGIA

STATE OF GEORGIA ~~[illegible]~~

KEVIN MARIO LEE *
APPELLANT GA *
VS. *
STATE OF GEORGIA *
APPELLEE *

INDICTMENT: 07SC58528

BRIEF ON BEHALF OF APPELLANT

I. STATEMENT OF THE CASE & STATEMENT OF FACTS

STATEMENT OF THE CASE: THIS IS A DIRECT APPEAL FROM A FINAL ORDER OF THE FULTON COUNTY SUPERIOR COURT DENYING APPELLANT KEVIN MARIO LEE'S MOTION FOR NEW TRIAL IN AN ALLEGED ARMED ROBBERY CASE THAT AROSE FROM A SUSPECTED BURGLAR CALL AT THE RESIDENCE OF RICHARD MC DANIEL AND CHRISTOPHER MCCLAIN AT 968 OAK STREET IN ATLANTA, GA JULY 13 2007.

APPELLANT WAS INDICTED FOR 2 CTS OF ARMED ROBBERY, AGGRAVATED ASSAULT W/I TO ROB, 2 CTS POSSESSION OF FIREARM, APPELLANT WAS INDICTED ALONG WITH CO-DEFENDANT LARRY JAMES BROWN WHO WAS ALSO IN FACT CHARGED WITH THE SAME OFFENSES, PLED TO A LESSER CHARGE AND SENTENCE IN AGREEMENT TO IMPLICATE APPELLANT. AFTER A TWO DAY TRIAL IN MAY 2010. THE JURY IN THE FULTON COUNTY SUPERIOR COURT SENTENCED APPELLANT TO LIFE W/O PAROLE. CO-DEFENDANT RECIEVED A SPLIT SENTENCE OF 10 YRS TO SERVE 7 YRS. IN EXCHANGE FOR TESTIMONY ACCUSING APPELLANT OF ALLEGED CHARGES. APPELLANT TIMELY MOVED FOR A NEW TRIAL FOLLOWING SENTENCE & CONVICTION.

STATEMENT OF FACTS: ON JULY 13, 2007 APPELLANT HAD BEEN TRAVELING BY MARTA BUS JOB SEEKING WITH GIRLFRIEND, AND DECIDED TO EXIT THE WESTEND TRAIN STATION IN SEARCH OF A PLACE TO EAT, WALKING DOWN RALPH DAVID ABERNATHY, APPELLANT AND GIRLFRIEND DECIDED TO STOP AT WENDY'S AND EAT. WHEN TWO ATLANTA POLICE APPROACHED APPELLANT AT GUNPOINT AND ROUGHLY TOCK HIM TO THE GROUND AND BRIEFLY ASSAULTED APPELLANT INJURING RIGHT HAND, AFTER APPELLANT PROTECTED HIS FACE FROM HITTING PAVEMENT. ONCE APPELLANT WAS CUFFED AND PLACED IN POLICE CAR APPELLANT WAS THEN DRIVEN TO A LOCATION WHERE TWO MORE OFFICERS WERE STANDING WITH TWO BLACK MALES OUTSIDE OF A HOME.

APPELLANT CLAIMS AT THIS TIME HIS MIRANDA RIGHTS WERE NEVER, THE TWO MALES WERE PLACED INSIDE OF ANOTHER POLICE CAR, AND WE DROVE TO A SIDE STREET WHERE AN AMBULANCE WAS PARKED, THE TWO MALES WERE TAKEN OUT OF THE POLICE AND WALKED TO THE AMBULANCE AND AFTERWARDS WERE DRIVEN OFF. I WAS THEN FRISKED AND MY PROPERTY WAS AT THAT TIME CONFISCATED, ITEMS TAKEN WERE, SOC SEC CARD, BIRTH CERTIFICATE, CELLPHONE, KEYS, WALLET, DRIVERS LISCENSE, MONEY. WAS ALL TAKEN TO CITY HALL EAST, AND I WAS TAKEN TO FULTON COUNTY JAIL.

APPELLANT WAS HELD AT FULTON COUNTY JAIL, JULY 13, 2007 TO JANUARY 2ND, 2008. BEFORE HAVING ANY COMMUNICATION WITH COUNSEL CONCERNING THE ALLEGED CHARGES. ATTORNEY ASHLEIGH B MERCHANT PRESENTED THE DISCOVERY AND INDICTMENT OF CHARGES, AND ASKED APPELLANT DID HE KNOW SOMEONE BY THE NAME LARRY JAMES BROWN, APPELLANT STATED HE WAS FAMILIAR WITH LARRY BROWN BUT HE WAS SOME YEARS OLDER THAN APPELLANT AND WAS A KNOWN CRACK USER, BUT APPELLANT WAS CLOSER TO LARRY BROWN'S YOUNGER BROTHER DARON BROWN BUT ONLY THROUGH SCHOOL AND YOUTH SPORTS AND RECREATION.

ATTORNEY ASHLEIGH B. MERCHANT THEN ASKED APPELLANT DID HE THINK LARRY BROWN WOULD TURN STATES EVIDENCE ON ME AND I STATED NO, NOT UNDERSTANDING I WAS BEING IMPLICATED ON ALLEGED CHARGES LARRY BROWN COMMITTED. FEBRUARY 2008 APPELLANT RECIEVED A NOTICE FROM ASHLEIGH B MERCHANT ALONG WITH A PACKAGE OF DISCOVERY FROM ANOTHER ATTORNEY RACHEL SAMUDA, MS. MERCHANT STATED SHE NO LONGER HAD MY CASE, THAT MS. SAMUDA HAD TAKEN IT. MS. SAMUDA'S NOTICE STATED SHE WOULD SUBPOENA THE 911 CALL AND BOLO, AND FILE MOTION FOR WITNESS IDENTIFICATION.

MARCH 10, 2008; WITNESS IDENTIFICATION HEARING WAS CONDUCTED AND DURING HEARING MS. SAMUDA STATED TO OFFICER R. E. JOHNSON THAT HE WASNT SUPPOSE HAVE BEEN PRESENT BECAUSE HE WASNT THE ARRESTING OFFICER. AND SHE STATED SOMETHING TO THE EFFECT THAT THE STATEMENT MADE BY RICHARD MCDANIEL WAS INACCURATE DUE TO IN COURT IDENTIFICATION WHICH WAS POSITIVE WHEN INITIAL STATEMENT GIVEN TO POLICE WAS SOMEONE IN ALL BLACK BUT NO POSITIVE DESCRIPTION MS. SAMUDA HAD ALSO PREVIOUSLY STATED I WOULD BE PREJUDICED IN THIS CASE BECAUSE OF MY RECORD AS OPPOSED TO CO-DEFENDANT.

— CONT —

STATEMENT OF FACTS, CONTINUED

MARCH 17, 2008 AT FULTON COUNTY SUPERIOR COURTHOUSE APPELLANT WAS APPROACHED BY ATTORNEY KEVIN SCHUMAKER WITH TWO INDICTMENTS, WHO WAS RECOGNIZED AS CO-DEFENDANT LARRY JAMES BROWN ATTORNEY. MR SCHUMAKER WAS REQUESTING APPELLANT PLEA TO BOTH PENDING INDICTMENTS. ONE INDICTEMENT CONSISTED OF THE JANUARY 19, 2007 CASE WHICH WAS DEAD DOCKET MAY 2007.

APRIL 28, 2008; APPELLANT FILED BAR COMPLAINT OF CONFLICT OF INTEREST ON THE ATTORNEY KEVIN SCHUMAKER WHERE HE WAS REPRESENTING CO-DEFENDANT WITH OPPOSING INTEREST IN CASE, LARRY JAMES BROWN ON SUBSEQUENT INDICTMENT 07SC58528 AND ATTORNEY SCHUMAKER WAS ALSO IN REPRESENTION OF MARCO THOMAS ON INDICTMENT 07SC55564, BUT ACTUALLY REPRESENT APPELLANT IN SPITE OF STATE BAR COMPLAINT WHICH WAS PENDING WHILE TRIAL ENSUED.

II. JURISDICTION AND ENUMERATION OF ERRORS.

A. JURISDICTION: THIS COURT HAS JURISDICTION OVER THIS MATTER UNDER ARTICLE VI SECTION VI AND APPEALS OF SUCH CASES, PRE-RESERVED TO THE SUPREME COURT OF GEORGIA UNDER THE CONSTITUTION OF THE STATE OF GEORGIA.

B. ENUMERATION OF ERRORS

1. THE APPELLANT WAS DENIED A FUNDAMENTALLY FAIR TRIAL WHEN HE WAS DENIED THE ASSISTANCE OF COUNSEL GAURANTEED BY THE SIXTH AMENDMENT WHERE APPELLANT WAS DENIED HIS RIGHT TO A PRELIMINARY HEARING, APPELLANT RECIEVED VIA MAIL AT THE FULTON COUNTY JAIL JULY 2007, A NOTICE STATING THE PRELIMINARY HEARING ENTITLED TO HIM WAS WAIVED, WITHOUT COUNSEL, OR EVEN KNOWING COUNSEL WAS APPOINTED TO HIM.

2. APPELLANT WAS PROVIDED INEFFECTIVE ASSISTANCE OF COUNSEL WHERE AT NO TIME AFTER MARCH 10, 2008 APPELLANT CONSULTED WITH COUNSEL DUE TO CONSTANT CHANGING OF COUNSEL AND NO CONTACT.

3. APPELLANT FILED STATE BAR COMPLAINT OF CONFLICT OF INTEREST ON CO-DEFENDANT LARRY JAMES BROWN'S ATTORNEY KEVIN SCHUMAKER WHO ACTUALLY REPRESENTED APELLANT IN PRIOR TRIAL WHERE APPELLANT WAS CONVICTED BY JURY AND SENTENCED TO 11 YRS WHILE COMPLAINT WAS ON SEPERATE INDICTMENT 07SC55564 JUNE 2008.

4. APPELLANT WAS PROVIDED INEFFECTIVE ASSISTANCE OF COUNSEL WHERE TRIAL COUNSEL REID THOMPSON FAILED TO INTERVIEW WITNESS IN BEHALF OF APPELLANTS DEFENSE, ATTORNEY FAILED TO ASK WHETHER OR NOT APPELLANT HAD ANY REBUTTLE TO ALLEDGED OFFENSE. TRIAL ATTORNEY REID THOMPSON STATED THAT CO-DEFENDANT LARRY JAMES BROWN STATED TO HIM THE ROBBERY WAS SET UP BY HIS COUSIN WHICH WAS CHRISTOPHER MCCLAIN'S EX-GIRLFRIEND AND THAT HE WOULD TELL THE TRUTH, THAT APPELLANT HAD NOTHING TO DO WITH THE ROBBERY BUT ATTORNEY FAILED TO CROSS EXAMINE BROWN FOR PERJURED TESTIMONY.

5. APPELLANT WAS PROVIDED INAFFECTIVE ASSISTANCE OF COUNSEL ON MOTION FOR NEW TRIAL ON INDICTMENT 07SC58528, WHERE ATTORNEY JENNIFER TRIESHMANN STATED PRIOR TO TRIAL THAT IF ALL ELSE FAIL I COULD FILE INEFFECTIVE COMPLAINT TO PRESERVE ARGUMENT, AFTER SHE DISMISSED CLAIM OF INEFFECTIVE COUNSEL ON REID THOMPSON DURING MOTION FOR NEW TRIAL WHERE IT WAS DENIED.

III. ARGUMENTS AND CITATIONS OF AUTHORITY.

1. APPELLANT WAS DENIED A FUNDAMENTALLY FAIR TRIAL WHEN HE WAS DENIED THE ASSISTANCE OF COUNSEL GAURANTEED BY THE SIXTH AMENDMENT WHERE HIS PRELIMINARY HEARING WAS WAIVED VIA MAIL AT THE FULTON COUNTY JAIL, JULY 2007. UNITED STATES V. ARGE, 413 U.S. 300, 310, 93, S.CT. 2568. 37. L.ed 2d 619 (1973) COUNSEL MUST BE PRESENT DURING ANY CRITICAL STAGE ABSENT AN INTELLIGENT WAIVER BY DEFENDANT. CARNEY V. COCHRAN 396. U.S. 506. 82. S.CT. 884, 8 L.ed, 2d 70 (1962) UNITED STATES V. WADE 388 U.S. 218 224, 87. S.CT (1926). 18 L.ed, 2d 1149 (1967).

2. APPELLANT WAS PROVIDED INEFFECTIVE ASSISTANCE ASSISTANCE OF COUNSEL WHERE AT NO TIME AFTER MARCH 10 2008, DID APPELLANT RECIEVE AFFECTIVE ASSISTANCE OF COUNSEL DUE TO CONSTANT CHANGING OF ATTORNEY'S ACCEPT AT COURT APPEARANCES WHERE APPELLANT WAS CONSTANTLY APPROACHED BY CO-DEFENDANTS ATTORNEY REQUESTING APPELLANTS PLEA AGREEMENT. UNITED STATES V. CRONIC 466 U.S 648, 653, 104. S.CT 2039 80 L.ed 2d 657 (1984) CRIMINAL DEFENSE LAWYERS PRESENCE IS ESSENTIAL BECAUSE THEY ARE THE MEANS THROUGH WHICH THE OTHER RIGHTS OF THE PERSON ON TRIAL ARE SECURED. Id OF ALL THE RIGHTS THAT AN ACCUSED PERSON HAS THE RIGHT TO BE REPRESENTED BY COUNSELS BY FAR THE MOST PERVASIVE FOR IT AFFECTS HIS ABILITY TO ASSERT ANY OTHER RIGHTS HE MAY HAVE. CHAPMAN V. CALIFORNIA 386 U.S. 18 23.

III. ARGUMENTS AND CITATIONS OF AUTHORITY

3. APPELLANT FILED STATE BAR COMPLAINT OF CONFLICT OF INTEREST ON ATTORNEY KEVIN SCHUMAKER, WHO WAS APPOINTED BY, ACCORDING TO RECORDS (CRIMINAL DOCKET REPORT) TO REPRESENT LARRY JAMES BROWN ON INDICTMENT ON 07SC58528 PRIOR TO TRIAL. APPELLANT CLAIMS THAT ATTORNEY APPROACHED HIM ON SEVERAL OCCASIONS AS ACTUAL ATTORNEY IN ATTEMPTS TO PERSUADE APPELLANT TO PLEA TO INDICTMENT. ATTORNEY ALSO REPRESENTED APPELLANT ON PREVIOUS TRIAL INDICTMENT 07SC58564 WHERE APPELLANT WAS FOUND GUILTY AND SENTENCED TO 11 YRS WHILE COMPLAINT WAS PENDING. A SIXTH AMENDMENT RIGHT TO COUNSEL INCLUDES THE RIGHT TO BE REPRESENTED BY AN ATTORNEY WITH UNDIVIDED LOYALTY. WOOD V. GEORGIA 450 U.S. 261, 271, 101, S.CT. 1097 67 L. Ed 2d 220 (1981) THIS GAURANTEE IS SO IMPORTANT THAT UNLIKE WITH OTHER SIXTH AMENDMENT CLAIMS WHEN A DEFENDANT ALLEDGES AN UNCONSTITUTIONAL ACTUAL CONFLICT OF INTEREST PREJUDICE MUST BE PRESUMED. DELGADO V. LEWIS 233 F 3d 976, 981 (9TH CIR 2000) CUYLER V. SULLIVAN 446 U.S. 335, 350, 100 S.CT 1708, 64. L.ed 2d 333 (1980) FLANAGAN V. UNITED STATES 465. U.S. 259, 268, 104. S. CT, 1051, 79, L. Ed 2d 288 (1984) HARMLESS ERROR DOESNT APPLY.

4. APPELLANT WAS PROVIDED INEFFECTIVE ASSISTANCE OF COUNSEL WHERE TRIAL ATTORNEY REID THOMPSON 1. FAILED TO INTERVIEW MY WITNESS ON BEHALF OF APPELLANT. 2. ATTORNEY FAILED TO ASK APPELLANTS VERSION OF ALLEGED OFFENSES AGAINST HIM. 3. ATTORNEY FAILED TO OBJECT TO CO-DEFENDANTS PERJURED TESTIMONY AT TRIAL. AFTER ATTORNEY STATED TO APPELLANT CO-DEFENDANT TOLD HIM THAT HIS COUSIN STAGED THE ROBBERY OF CHRISTOPHER MCCLAIN WHICH WAS HER EX-BOYFRIEND, AND THAT HE WOULD TELL THE TRUTH THAT APPELLANT HAD NOTHING TO DO WITH ROBBERY." STATE BAR OF GEORGIA PART IV DISCIPLINE STANDARDS OF CONDUCT RULE 4-102 (d) (STANDARD 44) A LAWYER SHALL NOT WITHOUT JUST CAUSE TO THE DETRIMENT OF HIS CLIENT IN EFFECT WILLFULLY ABANDON OR WILLFULLY DISREGARD A LEGAL MATTER ENTRUSTED TO HIM. A VIOLATION OF THIS STANDARD MAY BE PUNISHED BY DISBARMENT.

> "THE LAW QUOTA; IF AN ATTORNEY HAD KNOWLEDGE THAT UNJUST HAD BEEN DONE AND IF HE DOESNT CLARIFY THE ERRORS HE IS INEFFECTIVE COUNSEL."

5. APPELLANT WAS PROVIDED INEFFECTIVE ASSISTANCE OF COUNSEL ON MOTION FOR NEW TRIAL ON INDICTMENT 07SC58528 WHERE ATTORNEY JENNIFER TRIESHMANN DISMISSED CLAIM OF INEFFECTIVE COUNSEL ON REID THOMPSON APPELLANTS TRIAL COUNSEL ON INDICTMENT 07SC58528. APPELLANT CLAIMS "ATTORNEY REFUSED TO FILE CLAIM OF INEFFECTIVE COUNSEL ON FELLOW ATTORNEY" NEGLECTING THE RIGHTS OF APPELLANT ON MOTION FOR NEW TRIAL." A DIVIDED PANEL OF THE COURT OF APPEALS REVERSED, 665, F. 2d 427 (CA2 1981). LAYING DOWN A NEW STANDARD, THE MAJORITY HELD THAT WHEN AN "APPELLANT REQUESTS THAT (HIS ATTORNEY) RAISE ADDITIONAL COLORABLE POINTS ON (APPEAL) COUNSEL MUST ARGUE THE ADDITIONAL POINTS TO THE FULL EXTENT OF HIS PROFESSIONAL ABILITY. ANDERS. V CALIFORNIA 386, U.S. 738, 87 S. CT. 1396, 18 L. ed. 2d 493 (1967) IN ANDERS. THIS COURT HELD THAT AN APPOINTED ATTORNEY MUST ADVOCATE HIS CLIENTS CAUSE VIGOROUSLY AND MAY NOT WITHDRAW FROM A NON FRIVOLOUS APPEAL. IT ALSO BARS COUNSEL FROM ABANDONING A NON FRIVOLOUS ISSUE ON APPEAL. SEE 103. S. CT. 3308, 463 U.S. 745, JONES V. BARNES (U.S. N.Y. 1983).

IV CONCLUSION:

APPELLANT WAS DENIED HIS BASIC AND ESSENTIAL RIGHT TO A FAIR TRIAL ENTITLED TO HIM BY THE SIXTH AMENDMENT AND THE CONSTITUTION. ACCORDING TO FACTUAL STATEMENTS THAT SUBSTANTIATES THIS DOCUMENT THAT APPELLANT WAS PREJUDICED TO THE DEGREE THAT EXEEDS HARMFUL ERROR, AND DELIBERATE INDIFFERENCE AS WELL. WHERE THE ISSUES OF INEFFECTIVE ASSISTANCE AND CONFLICT OF INTEREST WAS PROFOUNDLY EVIDENT THROUGHOUT THE ENTIRE EXISTENCE OF THIS CASE, THE CONSTANT CHANGING OF COUNSEL AND THE PERSISTENCE OF CO-DEFENDANTS COUNSEL TO PERSUADE APPELLANT TO PLEA BARGAIN TO CHARGES WHERE CO-DEFENDANT WAS OBVIOUSLY MORE CULPABLE THAN APPELLANT WAS IN VIOLATION OF THE PROFESSIONALISM AND ETHICS OF THE STATE BAR OF GEORGIA AND THE COURT OF LAW AS WELL. APPELLANT EXCERCISED HIS RIGHT AS A CITIZEN AND THUS EXCERCISED THOSE TO THE BEST OF HIS ABILITY, TO NO AVAIL, BE SUBJECTED TO UNJUST AND CRUEL VINDICTIVE PROSECUTION.

WHEREFORE; MR LEE PRAYS THIS COURT VACATE HIS CONVICTIONS AND GRANT HIM A NEW TRIAL BASED ON THE ABOVE ARGUMENTS.

RESPECTFULLY SUBMITTED THIS___DAY OF NOV 2013.

KEVIN MARIO LEE
Kevin Mario Lee
GDC# 1092007
PRO SE DEFENDANT
MACON STATE PRISON
P.O. BOX 426
OGLETHORPE, GA 31068

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE SERVED A COPY OF THE WITHIN AND FORGOING APPELLANTS BRIEF AND ENUMERATION OF ERRORS BY DEPOSITING SAID COPY IN THE U.S. MAIL IN A PROPERLY ADDRESSED ENVELOPE WITH ADEQUATE POSTAGE ADDRESSED TO;

MR PAUL HOWARD DA
C/o LENNY KRICK ADA
OFFICE OF THE DISTRICT ATTORNEY
136 PRYOR ST SW RM #300
ATLANTA, GA 30303

Bennie R. Solomon 11/14/13

NOTARY

Bennie R. Solomon
Notary Public
Peach County, State of Georgia
Comm. Expires 07-14-2014

Bennie R. Solomon
Notary Public
Peach County, State of Georgia
Comm. Expires 07-14-2014

CC

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY THAT I HAVE THIS DATE SERVED A COPY OF THE WITHIN AND FORGOING BY PLACING A COPY OF THE SAME IN THE UNITED STATES MAIL PROPERLY ADDRESSED AND WITH ADEQUATE POSTAGE AFFIXED THEREON.

RESPECTFULLY SUBMITTED
Keelen Marco Lee
KEELEN MARCO LEE
GDC# 692007
HANCOCK STATE PRISON
P.O. BOX 339
SPARTA, GA 31087

Signed before me this 8th of July 2014
Ashkea Lewis
NOTARY

ASHKEA LEWIS
NOTARY
MY COMM. EXPIRES FEB. 27, 2016
PUBLIC
BALDWIN COUNTY, GEORGIA

AUTOGRAPH SEC: Keelen Marco Lee

IN THE COURT OF APPEALS OF GEORGIA
STATE OF GEORGIA

KEVIN MARIO LEE
APPELLANT
V.
STATE OF GEORGIA
APPELLEE

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INDICTMENT NO: 07SC58528

ENUMERATION OF ERRORS

I. STATEMENT OF THE CASE & STATEMENT OF FACTS;

STATEMENT OF THE CASE: THIS IS A DIRECT APPEAL FROM A FINAL ORDER OF THE FULTON COUNTY SUPERIOR COURT DENYING APPELLANT KEVIN MARIO LEE'S MOTION FOR NEW TRIAL IN AN ALLEGED ROBBERY CASE THAT AROSE FROM A SUSPECTED BURGLARY CALL AT THE RESIDENCE OF RICHARD McDANIEL AND CHRISTOPHER McCLAIN AT 196 OAK STREET IN ATLANTA, GA JULY 13 2007.

II. JURISDICTION AND ENUMERATION OF ERRORS

A. JURISDICTION: THIS COURT HAS JURISDICTION OVER THIS MATTER UNDER ARTICLE VI, SECTION VI AND APPEALS OF SUCH CASES PRE-RESERVED TO THE SUPREME COURT OF GEORGIA UNDER THE CONSTITUTION OF THE STATE OF GEORGIA.

B. ENUMERATION OF ERRORS.

1. PETITIONER ALLEGES THAT INDICTMENT WAS FATALLY DEFECTIVE IN FAILING TO ALLEGE SPECIFICALLY THE FELONY HE "WITHOUT AUTHORITY" AND WITH INTENT TO COMMIT A FELONY THEREIN, ENTERED THE DWELLING HOUSE . . . . TO COMMIT. STATE V. LOCKHART, 24 GA. 420 (1858) AND EALEY V. STATE, 136 GA APP. 292 (221 S.E.2d 50) (1975)

2. PETITIONER CONTENDS THE ESSENTIAL ELEMENTS OF ARMED ROBBERY ARE: ". . . . . WHEN, WITH INTENT TO COMMIT A THEFT, HE TAKES PROPERTY OF ANOTHER FROM THE PERSON OR THE IMMEDIATE PRESENCE OF ANOTHER BY USE OF AN OFFENSIVE WEAPON.

3. PETITIONER CONTENDS THAT SINCE NO VALUE WAS ATTRIBUTED TO THE CELL PHONES THAT WAS SUPPOSEDLY TAKEN, WHICH NONE WAS SUBMITTED AS EVIDENCE EITHER, THIS MADE THE INDICTMENT VAGUE AND AMBIGUOUS. McKUSIC V. STATE, 238 GA. 644: 234 S.E.2d 908 (1977)

4. PETITIONER CONTENDS THE INDICTMENT SHOULD CONTAIN SUFFICIENT DETAILS TO ENABLE THE DEFENDANT TO PREPARE HIS DEFENSE OR TO SUBMIT TO THE COURT THE QUESTION OF WHETHER HE SHOULD BE REQUIRED TO ANSWER THE CHARGE AND TO DESCRIBE THE OFFENSE SO PLAINLY THE NATURE OF THE OFFENSE CHARGED MAY BE EASILY UNDERSTOOD BY THE JURY.

5. PETITIONER CONTENDS THE CRIME CHARGED WAS ARMED ROBBERY AND THE FAILURE TO ATTRIBUTE ANY VALUE TO THE PHONES TAKEN LEAVES THE INDICTMENT VAGUE.

6. PETITIONER CONTENDS THAT THE COURT BASED THEIR CONVICTION ON THE TESTIMONY OF CO-DEFENDANT WHO WAS MORE CULPABLE.

7. PETITIONER ALLEGES THE COURT ERRED FOR OVERLOOKING MATTER OF INEFFECTIVE ASSISTANCE OF COUNSEL AND CONFLICT OF INTEREST COMPLAINT, WHERE PETITIONER FILED STATE BAR GRIEVANCE ON ATTORNEY KEVIN SCHUMAKER LARRY BROWN'S ATTORNEY.

8. PETITIONER CONTENDS THE DESCRIPTION GIVEN BY VICTIMS WASNT ACCURATE BY NO MEANS ACCORDING TO STATEMENTS MADE IN DISCOVERY. THE ONLY DESCRIPTION GIVEN "WAS SOMEONE IN ALL BLACK WHO THEY NEVER SAW BEFORE." OUT OF COURT SHOW UP DUE PROCESS VIOLATION WHERE COUNSEL IS ABSENT. UNITED STATES V. WADE, 388 US. 218, 87 S.CT. 1926, 18 L.Ed 2d 1149 AND GILBERT V STATE OF CALIFORNIA, 388 US. 263, 87 S.CT. 1951, 18 L.Ed 2d 1178.

IN THE COURT OF APPEALS OF GEORGIA
STATE OF GEORGIA [redacted]

KEVIN MARIO LEE APPELLANT V. STATE OF GEORGIA APPELLEE	* * * * * *	INDICTMENT: 07SC58528

AMENDED SUPPLEMENT OF APPELLANTS ENUMERATION OF ERRORS

I. STATEMENT OF THE CASE & STATEMENT OF FACTS

STATEMENT OF THE CASE: THIS IS A DIRECT APPEAL FROM A FINAL ORDER OF THE FULTON COUNTY SUPERIOR COURT DENYING APPELLANT'S KEVIN MARIO LEE'S MOTION FOR NEW TRIAL IN AN ALLEGED ARMED ROBBERY CASE THAT AROSE FROM A SUSPECTED BURGLARY CALL AT THE RESIDENCE OF RICHARD MCDANIEL AND CHRISTOPHER MCCLAIN AT 9168 OAK STREET, IN ATLANTA, JULY 13 2007.

II. JURISDICTION AND ENUMERATION OF ERRORS

A. JURISDICTION; THIS COURT HAS JURISDICTION OVER THIS MATTER UNDER ARTICLE VI, SECTION VI AND APPEALS OF SUCH CASES PRE-RESERVED TO THE SUPREME COURT OF GEORGIA UNDER THE CONSTITUTION OF THE STATE OF GEORGIA.

B. ENUMERATION OF ERRORS.

1. INEFFECTIVE ASSISTANCE OF COUNSEL, IN VIOLATION OF THE SIXTH AMENDMENT OF THE UNITED STATES CONSTITUTION AND THE CORRELATIVE PROVISIONS OF GEORGIA'S CONSTITUTION OF 1983.
FACT: COUNSEL FOR APPELLANT FAILED TO MAKE PROPER OBJECTION OF PRIOR CONVICTIONS PRESENTED AS A FACTOR IN AGGRAVATION OF SENTENCE WHEN THE STATUTORY REQUIREMENT OF "CLEAR NOTICE" TO THE ACCUSED WAS NOT GIVEN PURSUANT TO GEORGIA LAW, O.C.G.A § 17-10-2 (GCA § 27-2503) SEE 17-16-4 (a)(5).

2. APPELLANT CLAIMS A VIOLATION OF STATE STATUTORY CREATED RIGHTS AS WELL AS; VIOLATION OF DUE PROCESS UNDER THE 14TH AMENDMENT OF THE UNITED STATES CONSTITUTION AND CORRELATIVE PROVISIONS OF GEORGIA'S CONSTITUTION OF 1983.
FACT: TRIAL COURT FAILED TO CONDUCT PRE-SENTENCE HEARING AS MANDATED BY GEORGIA STATUTORY LAW. APPELLANTS CONVICTION WAS IS BASED ON AN IMPROPERLY ENHANCED SENTENCE WITHOUT PROPER NOTICE UNDER O.C.G.A 17-16-4(a)(5) ALSO THE PRIOR CONVICTIONS USED DOES NOT CONSTITUTE THE SERIOUS VIOLENT FELONY OFFENSES PURSUANT TO O.C.G.A § 17-10-6.1 GCA § 27-2511.2) (O.C.G.A 17-10-7(b)

— CONT —

II. ENUMERATION OF ERRORS

3. APPELLANT CLAIMS VIOLATION OF DUE PROCESS UNDER THE 14TH AMENDMENT OF THE UNITED STATES CONSTITUTION AND CORRELATIVE PROVISIONS OF GEORGIA'S CONSTITUTION OF 1983.
FACT: STATE FAILED TO PRESENT "SERIOUS VIOLENT FELONY CONVICTIONS" OF APPELLANT PAST RECORD TO AUTHORIZE THE IMPOSITION OF THE SENTENCE OF LIFE WITHOUT PAROLE UPON THE APPELLANT IN VIOLATION OF GEORGIA'S RECIDIVISM STATUTORY LAW. O.C.G.A § 17-10-6.1, O.C.G.A § 17-10-7(b)(1) REQUIRES IMPRISONMENT FOR LIFE WITHOUT PAROLE FOR THE CONVICTION OF TWO SERIOUS VIOLENT FELONIES, PURSUANT TO O.C.GA § 17-10-7(b)(1) G.C.A § 27-2511.

4. APPELLANT CLAIMS CRUEL AND UNUSUAL PUNISHMENT WHICH IS A VIOLATION OF THE 8TH AMENDMENT OF THE UNITED STATES CONSTITUTION AND THE CORRELATIVE PROVISIONS OF GEORGIA'S CONSTITUTION OF 1983
FACT: THE TRIAL COURT IMPOSED AN ILLEGALLY ENHANCED SENTENCE UPON THE APPELLANT UNAUTHORIZED BY GEORGIA'S LAW TO LIFE WITHOUT PAROLE WHICH WAS GREATER THAN THAT PRESCRIBED BY GEORGIA'S LAW FOR THE OFFENSES OF WHICH HE WAS CONVICTED, AND EVIDENCE WHICH WAS PRESENTED, WHICH WAS NONE.

5. APPELLANT CLAIMS TRIAL COUNSEL'S PERFORMANCE WAS DEFICIENT DUE TO HIS FAILURE TO OBJECT TO THE STATES USE OF APPELLANT'S PRIOR CONVICTION AT THE SENTENCING STAGE AS AN AGGRAVATING FACTOR WHEN PRIOR CONVICTIONS DONT CONSTITUTE "SERIOUS VIOLENT FELONY." TRIAL COUNSEL'S PERFORMANCE PREJUDICED APPELLANT ENTITLING HIM TO RELIEF. (WEST V WATERS, 272 GA, 591, 533.S.E.2d 88 (2000 GA-LEXIS 545, 2000. FULTON COUNTY D. REP 2583, S00A0059 JULY 10 2000 DECIDED.

WHEREFORE. THE APPELLANT PRAYS THAT THESE GROUNDS BE CONSIDERED OF BY THE COURT FOR NEW TRIAL, AND THAT A NEW TRIAL BE GRANTED.

RESPECTFULLY SUBMITTED THIS ___ DAY OF NOV 2013

Kevin Mario Lee
KEVIN MARIO LEE
GDC# 692007
MACON STATE PRISON
P.O. BOX 426
OGLETHORPE, GA 31068

Bennie R Solomon 11/20/13
NOTARY

Bennie R. Solomon
Notary Public
Peach County, State of Georgia
Comm. Expires 07-14-2014

AUTOGRAPH: Kevin Mario Lee
ALL RIGHTS RESERVED WITHOUT PREJUDICE. UCC-1-207

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY THAT I HAVE THIS DATE SERVED A TRUE COPY OF THE WITHIN AND FOREGOING BY PLACING A COPY OF THE SAME IN THE UNITED STATES MAIL ATTACHED AND PROPERLY ADDRESSED THEREON.

RESPECTFULLY SUBMITTED
Kenin Marcio Lee
KENIN MARCIO LEE
GDC #692007
HANCOCK STATE PRISON
P.O. BOX 339
SPARTA, GA 31087

Signed before me this 8th of July 2024
Ashkea Lewis,
NOTARY

ASHKEA LEWIS
NOTARY
MY COMM. EXPIRES FEB. 27, 2016
PUBLIC
BALDWIN COUNTY, GEORGIA

AUTOGRAPH SIG Kenin Marcio Lee

The Court of Appeals
47 Trinity Avenue SW, Suite 501
Atlanta, Georgia 30334

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

August 6, 2014

Mr. Rodney Thomas
GDC821394
Riverbend Correctional Facility
196 Laying Farm Road
Milledgeville, Georgia 31061

Dear Mr. Thomas:

In response to your letter received in this office, we do not have a current case styled in your name pending in the Court of Appeals of Georgia.

Sincerely,

Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld

ATTN: CLERK

Docket
CASE No. S140679

In pertaining to the abovd style Docket Number I would much appreciate greatly to have full acknowledgement of the Final Ruling to this case in which was transferred by the supreme Court, please adhere to my request.

Respectfully Submitted,

ON This DAY OF July, 30th 2014 X Rod Thomas

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS
Date: August 6, 2014

To: Mr. Menshack Nyepan, GDC1000878813, Hays State Prison, Post Office Box 668, Trion, Georgia 30753

Docket Number: **Style:**

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 **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. ☑ **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 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

TO PERSONS CONCERNED: Clerk of Court of Appeals of Georgia

My name is Menshack Nyepah, Case No. A14A2097, This current correspondence is in reference to direct appeal in said case no. I would like an update on all progress associated therein. Including but not limited to any and all court hearings scheduled or documents filed in applicant's name. Thanks greatly for your consideration.

Warm Regards: Menshack Nyepah

Mail TO: Menshack Nyepah
G.D.C #1000878813
Hays State Prison
P.O Box 668
Trion, GA 30753

COURT OF APPEALS OF GEORGIA

MENSHACK NYEPAH *

APPEAL CASE NU. A14A2097 *

*

*

STATE OF GEORGIA *

Request For Oral Argument

Comes Now, MENSHACK NYEPAH, (ProSe) At this time request these honorable courts to scheduled date for an oral argument for direct appeal for examination of motion:

1.) It is important that the right to appeal not be lost by mistakes of mere form. In a number of decided cases it has been held that so long as the function of notice is met by the filing of a paper indicating an intention to appeal, The substance of the rule has been complied with. See, Cobb vs. Lewis (C.A 5th 1974) 488 F.2d 41, Holley vs. Capps (C.A 5th 1972) 468 F.2d 1366.

2.) The rules makes it clear that (Rule 3 F.R.CP) dismissal of a appea should not occur when it is otherwise clear from the notice that the party intended to appeal. It a Court determines it is objectively clear that a party intended to appeal, There are neither administrative concerns nor fairness concerns that should prevent the appeal from going forward. Ask hold

in time to have Rule 3 (d) F.R.C.P (Notice mailed to district Judge in time to have been received by him in normal course held sufficient) Riffle v. United States 299 F.2d 802 (5th Cir 1962)

(Notice mailed to district, Notice of appeal by a prisoner, In the form of a letter deliver, Well within the time fixed for appeal, To prison authorities for mailing to the Clerk of the district court held timly filed notwithstanding that it was received by the Clerk after expiration of the time for appeal; The appellant "Did all he could" to effect timely filing.) Richey vs. Wilkins, 335 F.2d 1 (2d. Cir. 1964).

Therefore, Applicant prays this Court move to grant request for Oral Argument for time deemed necessary. for thee Courts.

Declaration

I declare that the foregoing is true and correct to the best of my knowledge. Signed upder penalty of perjury under the law of the United State of America and with explicit reservation of all my unalienable rights and without prejudice to the same, pursuant to UCC 1-207.

x [signature]
"ALL RIGHTS RESERVED"
UCC1207

Subscribed and submitted this 25th day of July, 2014.

Court of Appeals of Georgia

August 6, 2014

TO: Mr. Ray Roger Rivers, GDC94935, Calhoun State Prison, Post Office Box 249, Morgan, Georgia 39866

RE: **Request for Copy of Court Rules**

REQUEST FOR COPIES

☐ We received your request for copies. Copies are $1.50 per page in this Court. Your pauper status does not excuse you from the copy fees in this Court. **The Court of Appeals of Georgia is not subject to the Open Records Act.**

The appellant's Brief contains _____ pages.
The appellee's Brief contains _____ pages.
The opinion contains _____ pages.
Other:
The copies you requested are a total of _____ pages totaling $_____.

Please send your check or money order to the following address specifying what copies you wish be sent to you. Your request will be processed and sent to you by return mail.

Court of Appeals of Georgia
47 Trinity Avenue, S.W. • Suite 550
Atlanta, Georgia 30334

REQUEST FOR FORMS

☐ This Court does not have the forms you requested.

COURT RULES

☑ **At your request, a copy of the Rules of the Court of Appeals of Georgia has been enclosed for your review.**

APPOINTMENT OF COUNSEL

☐ You should direct an inquiry concerning appointment of counsel to the trial court from which you are appealing.

2014

Georgia Court of Appeals

RULES

Last Update: May 15, 2014

TO WHOM IT MAY CONCERN: July 29th 2014

MY NAME IS RAY ROGER RIVERS AND I AM CURRENTLY INCARCERATED HERE AT CALHOUN STATE PRISON!

I AM WRITING IN REGARDS ON INFORMATION CONCERNING THE RIGHT AND PROPER WAY ON APPEALING A DECISION!!

DO YOU HAVE ANY KIND OF BOOKLET, PRINTOUT OR ANYTHING THAT YOU MIGHT COULD SEND ME SO I CAN DO AN APPEAL THE RIGHT WAY?

IF SO, WOULD YOU PLEASE SEND ME THIS INFORMATION?

I WOULD VERY MUCH APPRECIATE ANY AND ALL INFORMATION ON THIS MATTER!

THANK YOU VERY MUCH :)
HAVE A GOOD DAY!

RAY ROGER RIVERS #94935
CALHOUN STATE PRISON (53-B19)
P.O. BOX 249
MORGAN, GA 39866

Ray Roger Rivers

The Court of Appeals
47 Trinity Avenue SW, Suite 501
Atlanta, Georgia 30334

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

August 6, 2014

Mr. Micky B. Turner
C-114765 B1-139 SGL
Suwanee Correctional Institution - Work Camp
5798 United States Highway 90
Live Oak, Florida 32060

Dear Mr. Turner:

You do not have a case docketed in this Court. You will need to direct any questions regarding withdrawing your plea to the Clerk of the Charlton County Superior Court. The mailing address is: Post Office Box 760, Folkston, Georgia 31537.

Sincerely,

Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld

MICKY B. TURNER C-114765 B1-139SGL
SUWANNEE C.I. WORK CAMP
5798 U.S. HWY. 90
LIVE OAK, FLORIDA 32060

JULY 30, 2014

I AM FILING A MOTION TO WITHDRAW MY PLEA IN CHARLTON COUNTY, GEORGIA.

CAN YOU PLEASE ADVISE ME AS TO THE GEORGIA RULE OF CRIMINAL PROCEDURE THAT WITHDRAWAL OF PLEAS FALL UNDER. (RULE NUMBER)

I HAVE ALREADY COMPLETED MY MOTION; I JUST HAVE TO INSERT THE RULE NUMBER. I AM INCARCERATED IN FLORIDA AND THEY DO NOT HAVE ACCESS TO GEORGIA PROCEDURES.

THANK YOU FOR YOUR EFFORTS IN MY BEHALF

VERY TRULY YOURS,

Micky B. Turner
MICKY B. TURNER

The Court of Appeals
47 Trinity Avenue SW, Suite 501
Atlanta, Georgia 30334

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

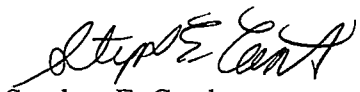
August 6, 2014

Mr. Marcus Anthony Terrell
GDC831124 E-201-A
2900 University Parkway
Lawrenceville, Georgia 30043

Dear Mr. Terrell:

We are returning your documents to you as this Court lacks jurisdiction to act on your Petition for Writ of Mandamus.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld

Honorable Court of Appeals of Atlanta 7/23/14
Georgia.

Dear Sir/madam I am writing with all due respect to please consider the following Mandamus. And every allagation therein is true. I have copys of all, Request, motions, Greviences, And my Transcripts from Trial, Discovery, Etc, To support any claim made within. Due to a total freeze of my account this is all I can send. If possible please return a filed stamped copy. If this petition can be ~~Enforced~~ Enforced upon approveal from the Honorable Courts with out a hearing by proof of the record. petitioner may attend law library 2 weeks from today to make copys, to send to the courts. petitioner is in concern, where their is a motion to dismiss hearing on Aug, 8th, 2014, If granted petitioner would pray for leave of the Honorable Courts, To proceed by forma-pauperis with out custodian signature. Upon no grant of order from the Honorable Courts. Please consider this extra oppression on petitioner is very burdensome, and the seriousness of petitioners offense's involved. Thank you very much for your time and consideration in this matter. Sincerely:

Respectfully Submitted:
Marcus A Terrell,
Pro-se

(P.S.- This is for Civil and Criminal, Appeal
CASE# 12-B-3676-6

Marcus Anthony Terrell
GC #9H0003367 E-201-A
GDC #831124
2900 University pky
Lawrenceville, GA 30043

In The Court of Appeals Fulton County
STATE of Georgia

Marcus Anthony Terrell
Plaintiff

V.

Municiple Corporation of Gwinnett
Jennifer Lauren Gower E.T.A.L
Defendants

Docket No. 14-A-03714-6

Petition for Writ of Mandamus

Comes Now, Marcus Anthony Terrell, Petitioner in The Aboved-Styled Action Pursuant To O.C.G.A §9-6-20 And §9-6-22, And Moves This Honorable Court for issuance of Writ of Mandamus directed To The Court of Gwinnett County And The Sheriff of Gwinnett County, And Employee's, officers Thereof. Odering The Performance of Their duties Petitione Shows

(1)

Respondents Are Employed by Municiple Corporation of Gwinnett County in Their official Capacity of Duties And Are Subject To The Jursidiction of This Court.

(2)

Petitioner States A Claim That On 6/2/14 A Motion To Compel for A Order of Pro-SE Statues, For The Above Civil Docket, was Filed On 6/25/14 This Motion was Denied.

(3)

ON 7/3/14 Petitioner Filed A Motion For Pro-SE Statues for Lead Counsel for his Criminal Appeal Along With A Amended Motion for New Trial And ON 7/5/14, Filed Subpoena Request, Motion for Com--plete Recordation of post Trial proceeds, Motion To Produce Evidence, Motion To Add, Correct Transcripts For Appeal In Reference To Case # 12-B-3676-6 This Motion is Pending As of 7/23/14 2014,

(4)

ON 4/28/14 Petitioner Filed Civil Action For The Above Docket No. In forma-Pauperis pursuant To 28 U.S.C§1915 And To Not freeze inmate Account ON 6/14/14 Inmate Account was froze pursuant To 42-12-4 To This Day.

(5)

ON 6/14/14 petitioner filed Motion To Compel To honor Forma-paperis pursuant To 28 U.S.C§1915 ON 6/25/14 This Motion was Denied Petitioner Filed Motion for Extra Time in Custodian Law Library on 6/14/14 ON 6/25/14 This To was Denied.

(6)

ON 6/23/14, 2014 petitioner Filed A Open Records Act To The Clerk of Superior Courts Pursuant To Act 5, Tittle 5

((6 cont'd))

U.S.C 552, (1982 supp IV 1986) wich Request 10 work DAY Respones Request was pursuant To Fed 16, Rule And (Brady) For A Copy of Said Victims Compensation form And Date of presentation Of Evidence for New Trial hearing. Their has Been No Respones As of 7/23/14

(7)

Petitioner filed Motion for Appointed Counsel with Civil Complaint filed on 4/28/14 was Denied on 5/1/14.

(8)

Petitioner filed Motion of Recusal for Honorable Judge Ronnie K. Batchelor, from Civil Action for Grounds of Bias, And Conflict of Intrest, Due Unadressed Misconduct from A.D.A Jennifer Gower And VERY" Strong Perjury" in Petitioners Trial. This was Denied on 5/1/14.

(9)

Petitioner has ~~oppos~~ ~~opposed~~ opposed Motion To Dismiss hearing order for The 8th of Aug, 2014.

(10)

Petitioner Sent 2 forma-pauperis forms Hand Written In Correct form To Custodian of present CARE.

(10 con't)

To have Ready in preperation for Notice of Appeal So petitioner CAN Meet The Time Dead lines with No Delay Due To Shipping Etc, Due To Prejudice in The Courts of Gwinnett Toward petitioner. petitioner Anticipates Denial of Motion New Trial And Dismissal of Civil Complaint. The 1st Request To Custodian To Sighn for Release of funds from inmate Account The Execuetion portion of forma-pauperis forms, WAS Refused To Be Sighned Because They Are Handwritten. on 7/3/14

(11)

petitioner filed A Pregreivence on 7/11/14 The forms WAS returned Unsighned. (#1)

(12)

petitioner filed A Grievence #2014-133 This To WAS Denied, Stating The Jail Has No Pro-SE Order from The Court. Exhausting All Remedies

(13.)

petitioner Claims To have A Legal Right As Well As Constitutional Right To Be fairly Treated in The Courts And Be Reconized AS A Pro-SE Litigant And Not prejudiced for Exercising These Rights

(13. CONT'd

Being Civil, Right To PETITION The Goverment ARE Legal/criminal. PETITIONERS CUSTODIAN is hindering or Denying his Appeal process by NOT Sighning The PAUPERIS" Affidavits. PETITIONER is Indigent in The Courts.

(14)

PETITIONER is being Denied ACCESS To The Courts from The ACT's Stated in PETITION. Where That he CAN NOT buy STAMPS, Paper, PENS, Legal MATERIAL Needed To Perform Proper Litigation, NOR proceed With OUT forma-PAUPERIS in The Courts of Appeal.

(15)

PETITIONER Receives 1½ hrs LAW-Library EVERY 2 Weeks And Needs, More Time To fully UNDERSTAND The AVENUES Available for his POST-CONVICTION And Civil ACTION filed in The Courts

(16)

PETITIONER is SENTENCED To 3 Lifes AND 50yrs And And Appeals To The Courts That he has been Wrong-fully, And Frauduatly, Convicted, Showing, fact in his Complaint, AND New Trial MOTION. To hinder His Pro-SE Rights, To File MOTIONS, ETC, Would RESAULT

(16 cont'd

In irrepairable Damage To Petitioner.

Wherefore, The petitioner Respectfully request That This Court issue A Mandamus Nisi, To Respondent requiring To Show CAUSE AT A Time And place To Be designated by The Court NOT Less Than 10 days but no More Than 30 days from This day Why A MANdamus Should NOT Be Issued Requiring That A ORDER UPON The hearing of The Mandamus be Made Absolute Requiring Respondent (1) To Honor petioners forma-pauperis pursuant To 28 U.S.C §1915 Being STATE inmate. ~~(2) To Honor petitioner~~ MT.

(2) To Honor petitioner As pro-se Litigant NOT To Retaliate or perform Prejudice Acts Toward Petitioner in Any forms, (3) To Produce A pro-se Order for Petitioner And petitioners Custodian. (4) To Consider All Motions, Request, Affidavits, Documents Filed With Out Prejudice, but fairly And Timely As Would A Attorney within The Courts. (5) Order for To Honor

(#16 of Petition) Cont'd
(5 cont'd)

cont'd- Petitioners Open Records Request, And Any other Relief The Honorable Courts ~~any~~ may Grant That will prevent, Any hindering, Unfair Retaliatory Acts. This 23 day of July, 2014

Certificate of Service

I, Marcus Anthony Terrell, hereby Certify That I have placed Copys of The With Adequate postage Thereon And Respectfully Request The Clerk To Foward Such Copys To All Necessary Parties Therein Being Indigent. This 23 day of July 2014,

(1) Sheriff/Custodian of Care or WARDEN

(2) Cheiff Judge Gwinnett Superior Courts

(3) Honorable Court of Appeals

I, Marcus Anthony Terrell, do hereby Swear All Declaration Therein is True pursuant To 28 U.S.C §1746 Perjury This 23 day of July 2014.

Marcus A. Terrell #9400367
2900 University pky E-201-A
Lawrenceville, GA 30043 #831124
G.D.C

Respectfully Submitted:
X Marcus A Terrell
Petitioner/Pro-SE

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS
Date: August 7, 2014

To: Ms. Lois L. Luster, 17 Harbour Lane, Ringgold, Georgia 30736-3303

Docket Number: A14A1775 **Style**: Lois L. Luster v. Bank of America, N.A., et al.

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 **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. ☑ **An improper 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

APPEAL NO. A14A1775

IN THE COURT OF APPEALS OF GEORGIA

LOIS L. LUSTER — Appellant/Plaintiff

Versus

BANK OF AMERICA, N.A. (Successor By Merger with Countrywide Home Loans Servicing);
INVESTORS ONE CORPORATION;
KONDAUR CAPITAL CORPORATION.;
MERSCORP, INC. (Successor by merger to Mortgage Electronic Registration Systems, Inc);
CAMPBELL & BRANNON, LLC., — Appellee/Defendants

APPELLANT'S MOTION TO AMEND OR SUPPLEMENT APPELLANT'S BRIEF

Lois L. Luster
17 Harbour Ln,
Ringgold, GA 30736-3303
(423) 785-6385
llslay65@yahoo.com

MOTION TO AMEND OR SUPPLEMENT BRIEF

COMES NOW, Appellant, Lois L. Luster, and respectfully Moves this Honorable Court for permission to Amend the first page of her Appellant's Brief. Ms. Luster found that she had caused to be filed the Brief, that on page one (1), did not have the completed information for the Bankruptcy. The next to the last paragraph, merely shows: "Ms. Luster entered into Chapter 13????? Bankruptcy, where she remained until _____ [R-____].". That was an error on Ms. Luster's part, and she would very much like to file the proper Brief, which has the proper information.

Ms. Luster would also like for the record to Supplemented, to include for the Court, the information showing that she and Bank of America, N.A. came to, and negotiated a settlement that was beneficial to both Ms. Luster, and Bank of America. As part of the Agreement, Ms. Luster was to make known that Bank of America was not part of the Appeal. There was reference to this fact contained within the Appellant's Brief, but Ms. Luster would feel better if she were assured that she had provided some kind of evidence.

Respectfully submitted, this ~~24th~~ 30th day of July, 2014,

By: _____
Lois L. Luster, Appellant
17 Harbour Ln,
Ringgold, GA 30736-3303
(423) 785-6385
llslay65@yahoo.com

CERTIFICATE OF SERVICE

I hereby Certify, that I have this ~~24th~~ 30th day of July, 2014, served a true and correct copy of the ***Appellant's Brief*** upon defendants, through their attorney on file, by causing to be deposited with USPS, First Class Mail, proper postage affixed, and addressed as follows:

Jarrod S. Mendel
Andrew G. Phillips
MCGUIRE WOODS, LLP
1230 Peachtree St., N.E.
Promenade II, Suite 2100
Atlanta, GA 30309

Michelle Canter
LOTSTEINLEGAL PLLC
4720 Peachtree Indust. Blvd.,
Suite 106
Norcross, GA 30071

_____
Lois L. Luster

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

August 7, 2014

To: Mr. Demetrius Lovett, GDC1183480, Ware State Prison, 3620 Harris Road, Waycross, Georgia 31503

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.

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

IN THE SUPERIOR COURT OF Fulton County
STATE OF GEORGIA

Demetrius Lovett, Plaintiff

1183480, Inmate Number

vs.

Georgia Department of Corrections, Defendant(s)

Civil Action No. _____

Nature of Action: Mandamus

INMATE FORM FOR CIVIL ACTION

PART I: BACKGROUND

1. Name and location of prison in which you are now confined : Ware State Prison 3620 Harris Rd - Waycross, Ga. 31503

2. Sentence you are now serving : 10 years (5 in 5 out)

   Name and location of court which imposed sentence : Richmond County Superior Court 735 James Brown Blvd. Augusta Ga. 30901

   Approximate date your sentence will be completed : 9-23-2020

3. The indictment number or numbers (if known) upon which, and the offense or offenses for which sentence was imposed :

   a. 2009-RCCR-00935

   b.

   c.

4. Give the approximate date upon which sentence was imposed and the terms of the sentence:

   a. 2-17-11 (10 years (serve 5 years and 5 years on probation.)

   b.

   c.

5. Check whether a finding of guilty was made after a plea of :

G Guilty G Guilty but mentally ill

G Nolo Contendere G Not Guilty

6. If you were found guilty after a plea of not guilty, check whether that finding was made by :

G A Jury G A Judge without a Jury

7. Did you appeal from the judgment of conviction or the imposition of sentence?

G Yes G No If your answer is "Yes", complete the following :

a. The name of each court to which you appealed :

1. _____
2. _____
3. _____

b. The result in each such court to which you appealed :

1. _____
2. _____
3. _____

c. The approximate date of each such result :

1. _____
2. _____
3. _____

d. If known, citations of any written opinion or orders entered pursuant to such results :

1. _____
2. _____
3. _____

PART II: OTHER LAWSUITS

8. **OTHER THAN LAWSUITS ALREADY LISTED** in questions 3 through 7, have you ever begun or are you now beginning other lawsuits in federal or state courts dealing with the same facts involved in this action or relating to your imprisonment?

G Yes G No

9. If your answer to number 8 is "Yes", describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline for each lawsuit.)

a. Parties to the previous lawsuit :

Plaintiffs : _____

_____

Defendants : _____

_____

b. Court (If federal court, name the district. If state court, name the court and county) :

_____

c. Docket Number : _____

d. Name of judge to whom the case was assigned :

e. Date on which you filed lawsuit :

f. Date of disposition, if any, of lawsuit :

g. What was the lawsuit about?

h. What was the outcome of the lawsuit? (For example, was the case dismissed? Was it appealed? Is it still pending?)

i. Citations, if known, to any written opinions or orders in the lawsuit :

PART III: GRIEVANCE PROCEDURES

10. Is there a prisoner grievance procedure at the institution in which you are presently confined?
☑ Yes ☐ No

11. If your answer to number 10 is "Yes", answer the following :

a. Did you present the facts relating to your complaint in the institution's prisoner grievance procedures? ☑ Yes ☐ No

b. If your answer to (a) above is "Yes",
What steps did you take? file informal grievance and an appeal...

What was the result? NO RELIEF!

c. If your answer to (a) above is "No", explain why not :

12. Tell what you have done, other than what you have described in question 11, to bring your complaints to the attention of prison officials. In so doing, give dates, places, and names of persons talked to.

I've wrote several officials to bring issue to their attention but still NO relief!!!

- State Board of Pardons and Paroles
- Warden Marty Allen Valdosta State Prison

13. Names, approximate dates of entry and exit, and locations of all prisons and jails in which you have been incarcerated : Richmond County jail: 4/6/09-8/27/09 Diagnostic (Jackson) 8/27/09-9/27/09 RSP=9/27/09-12/09 HSP=1/10-11/12 VSP=11/12-4/25/14 WSP=4/25/14-current...

14. As to your present confinement, state :

Which part of the penitentiary or jail you are held in : Administrative Segregation - Tier II

How long have you been in this part of the penitentiary or jail? 3 months

The full name of every prisoner now confined in the same general area : (N/A)

PART IV: STATEMENT OF CLAIMS

15. List the name and address of each plaintiff in this lawsuit : Demetrius Lovett #1183480 K-2-23 Ware State Prison. 3620 Harris Rd. Waycross, Ga 31503

16. List below for each defendant, the defendant's full name, official position, and place of employment. Attach additional paper if necessary.

Full Name	Official Position	Place of Employment
Georgia Department of Corrections		

STATEMENT OF CLAIM

17. Describe each and every **FACT** - not your opinions or views but what actually happened - supporting and explaining the basis for the lawsuit you have filed. **DESCRIBE HOW EACH DEFENDANT IS INVOLVED.** Include also the names of other persons involved, dates and places. If you intend to allege a number of related claims, you should number and set forth each claim separately. **DO NOT GIVE ANY LEGAL ARGUMENT OR CITE ANY CASES OR STATUTES.** (You may attach additional sheets of paper if necessary.)

On 4-6-09 I was arrested an indicted on charges case #2009-RCCR-00935. On 5-22-09 I was revocated the remainder of probation from a previous case # 2006-RCCR-611. On 8-27-09 I departed the Richmond County jail and was sent to the GDC prison system. Then 2-17-11 I was sent back to the Richmond County

jail to be sentenced on case # 09-RCCR-00935.
I was sentenced to 10 years serve 5 years (5 in 5 out) and was sent back to the GDC prison system were I am currently at. I recieved a "sentence computation" forms showing that I was ONLY give credit for time served in the county jail. But time I served in GDC prison system from 6-27-09 to 2-17-11 was NOT given at all...

18. List the name and present address of every person you believe was a witness to the facts set forth in number 17 and BRIEFLY state what each person knows, from having seen, heard, etc., what happened.

Judge Carl C. Brown Jr. - 735 James Brown Blvd. Richmond County Superior Court. Augusta, Ga. 30901.
Honorable Judge whom accepted the plea I signed for 10 years (5 in 5 out) run concurrent with Probation revoked sentence and give time credit back to 4-6-09.

GEORGIA DEPARTMENT OF CORRECTIONS "Sentence Computation" whom DID NOT give me credit for time served.

19. Please describe any legal argument you wish to make. (You may add separate sheets of paper if necessary.) It is not necessary that you present legal argument in order to obtain the relief to which you are entitled.

According to O.C.G.A § 17-10-11 an inmate is entitled to be given all credit for all time served spent in County jail and GDC prison system awaiting trial and or sentencing.
And is the GDC duty to award that credit day for day see O.C.G.A § 17-10-12

20. BRIEFLY state the specific relief requested against each party. This means to state exactly what you want the court to do for you. **DO NOT MAKE ANY LEGAL ARGUMENTS. DO NOT CITE CASES OR STATUTES.**

I would like to be given full credit for time served from 8-24-09 to 2-17-11 which was served in prison system. And have that applied toward my current sentence therefore my MRD can be properly acknowledged 4-1-14.

I declare (or certify, verify, or state) under penalty of perjury that the foregoing statements made in this Inmate Form for Civil Action are true and correct.

Executed on 7-31-14

Date

Demetrius A. Jarrett

Signature of Plaintiff

Sworn to and subscribed before me this 31st day of July, 2014.

Notary Public or Other Person Authorized to Administer Oaths

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

August 8, 2014

To: Mr. Edward Tyrone Ridley, GDC58-130 K-2-110-B, Smith State Prison, Post Office Box 726, Glennville, Georgia 30427

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.

☑ **We cannot accept the enclosed documents. Your documents must be certified by the clerk and received from the trial court.**

☐ **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.

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

Volume II DCA#96-3228

ORIGINAL

IN THE CIRCUIT COURT, FOURTEENTH JUDICIAL CIRCUIT OF THE STATE OF FLORIDA, IN AND FOR BAY COUNTY

STATE OF FLORIDA,

Plaintiff,

vs. CASE NO.: 95-2844

EDWARD TYRONE RIDLEY,

Defendant.

* * *

The following pages constitute the **PLEA AND SENTENCING** on the 29th day of July, 1996, in the above-styled cause, heard before the Honorable Allen L. Register, Acting Circuit Judge, at the Bay County Courthouse, Panama City, Florida. Taken before Rebecca Ann Akins, a Judicial Court Reporter in and for the State of Florida at Large.

* * *

REBECCA ANN AKINS
JUDICIAL COURT REPORTER

APPEARANCES:

FOR THE PLAINTIFF:

Hon. Jonathan Dingus
Assistant State Attorney
910 Harrison Avenue
Panama City, Florida 32401

FOR THE DEFENDANT:

Hon. Floyd Griffith
Assistant Public Defender
432 Magnolia Avenue
Panama City, Florida 32401

* * * * *

JULY 29, 1996

THE COURT: Mr. Ridley, how are you doing?

THE DEFENDANT: Hello.

THE COURT: Come in and have a seat right there, please, sir.

MR. GRIFFITH: I want you to meet Judge Register. He'll be the judge that will be presiding over the jury selection---

THE DEFENDANT: Oh.

MR. GRIFFITH: ---this morning. It'll be Judge Costello when we get to the trial.

THE DEFENDANT: All right.

MR. DINGUS: Yes. On this case, Your Honor, there's a plea offer of three years Department of Corrections on the lesser included offense of attempted sexual battery, a third degree felony. I just want to make sure the defendant's understood that he's been offered that, and whether or not he wants to accept that or reject that.

THE COURT: Okay.

MR. GRIFFITH: Do you understand what he just said?

THE DEFENDANT: Yeah.

MR. GRIFFITH: That's that plea offer we've been talking about all along, that the State had offered you. You do three years with the Department of Corrections, and, of course, you'd get credit for the time that you have already served. You would have no probation when you got out. You would only have to plead to a lesser crime of attempted sexual battery.

1 **THE DEFENDANT:** Yes.

2 **MR. GRIFFITH:** And we have discussed that offer
3 before on how many occasions?

4 **THE DEFENDANT:** Twice.

5 **MR. GRIFFITH:** Twice?

6 **THE DEFENDANT:** Yeah.

7 **MR. GRIFFITH:** It seems like we've discussed that
8 about every time I come see you.

9 **THE DEFENDANT:** So you'd rather me take it, then?

10 **MR. GRIFFITH:** Huh, (what)?

11 **THE DEFENDANT:** You'd rather---

12 **MR. GRIFFITH:** I, I would recommend that you take
13 that offer rather than risk going to trial on this case and receiving a
14 sentence of up to fourteen years with the Department of Corrections.
15 Of course, that would be my recommendation. I think I've written you
16 a letter to that effect about a month and a half ago.

17 **THE DEFENDANT:** Yeah.

18 **MR. GRIFFITH:** Do you recall receiving that letter?
19 However, the choice is yours. If you want to go to trial, I'll be glad
20 to try this case with you. It's just a decision you need to make. But
21 if you want to know what my recommendation is, it would be to take
22 that plea offer.

23 **THE DEFENDANT:** Well, I might as well take it, then.

24 **MR. GRIFFITH:** What?

25 **MR. DINGUS:** If that's what he wants to do, we

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS
Date: August 8, 2014

To: Mr. Shelton R. Thomas, GDC1000444546, Macon State Prison, Post Office Box 426, Oglethorpe, Georgia 31068

Docket Number: A14A2052, 2053, 2054 and 2055 **Style**: Shelton Thomas 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 **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 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 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) Please see enclosed Rules. Criminal cases have a 50-page limit.**

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

In The Court Of Appeals
State of Georgia

Shelton R. Thomas, Appellant, vs. State of Georgia, Apellee.	Case Nos. A14A2052; A14A2053; A14A2054; A14A2055

BRIEF OF APPELLANT

Shelton R. Thomas
GDC# 1000444546
Macon State Prison
P.O. Box 426
Oglethorpe, GA 31068
Appellant, pro se

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COURT OF APPEALS OF GEORGIA

RETURN NOTICE

August 8, 2014

To: Mr. Clifford Thompson, GDC1000024539 W-3, Valdosta State Prison, Post Office Box 5367, Valdosta, Georgia 31603

Case Number: CR-1641-J3 Lower Court: County Superior Court

Court of Appeals Case Number and Style: A14A1147. Clifford J. Thompson v. The State

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 on July 22, 2014. The Court of Appeals affirmed the decision of the trial court. The remittitur issued on August 7, 2014, divesting this Court of jurisdiction. The case decision is therefore final.**

☐ **This Court is unable to docket the Motion for Reconsideration because it does not contain a Certificate of Service showing service to opposing counsel.** It is not proper to serve the clerk of the Court of Appeals.

☐ **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.

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

IN THE COURT OF APPEALS FOR THE STATE OF GEORGIA

A14A1147

STATE OF GEORGIA
VS
CLIFFORD THOMPSON

CASE# CR-1641-J3

APPELLANTS MOTION FOR RECONSIDERATION FOR APPEAL (AFFIDAVIT)

NOTICE TO AGENT IS NOTICE TO PRINCIPAL
NOTICE TO PRINCIPAL IS NOTICE TO AGENT

"Indeed no more than (Affidavits) is nessary to make the prima facie case;" US vs KIS 658 F2d 526, 536 (7th Cir 1982); Cert. Denied, 50 USLW 2169 SCt., 22 March 1982: [SEE ALSO] OCGA § 9-10-113

Now comes the Appellant, Clifford Thompson, the herein Affiant in the above styled motion for reconsideration for appeal pursuant to OCGA § 5-6-35 § 5-6-33, to wit, the court on July 22, 2014 dismissed motion to withdraw guilty plea and renew IFP pursuant to Rule 33.12 and OCGA § 9-2-63.

The Clerk of court will please provide the Ga. Court of Appeals with certified copies from the record of all documents/motions/affidavits submitted to the court for Appeals.

ENUMERATION OF ERRORS

1.) The court erred in refusing to grant IFP status to pro se indigent prisoner Mr. Thompson without consideration of/for rule 33.12 of the USCR.

2.) The court erred in not granting IFP status contrary to well established state and Federal statues in violation of the 14th Amendment

3.) The court erred in not granting renewal action contrary to OCGA § 9-2-63 that the statute does not have a time limitation in turn giving courts jurisdiction.

4.) The court erred in not granting plea withdraw contrary to well established citations and is a manifest injustice not to withdraw plea.

STATEMENT OF FACTS/CITATIONS/ ARGUMENTS

On the 14th of July 2009 Affiant intered a guilty plea, to wit, now he comes to withdraw the guilty plea persuent to Rule 33.12 to correct a manifest injustice by renewal of action pursuent to OCGA § 9-2-63 by which the law statue does so allow in the State of Ga.

The Affiant does so move the Court of Appeals to "DE NOVO" review this matter.

* ST vs Barford 183 Ga App 694 (1987) (averment) the circumstance test. The question is does Court of appeals have jurisdiction.

However it is well established that at any time a "manifest injustice" is discoverd the defendant may move to with draw his guilty plea. [SEE] Rule 33.12 and it does not state term to withdraw guilty plea but does state "upon timely motion for withdrawl" and "a showing that withdrawal is necessary to correct a manifest injustice." The Affiant has met the requirements under rule 33.12

The court does have jurisdiction to grant plea withdraw under Rule 33.12. Affiant does have statutory right in the State of Georgia to renew action under OCGA § 9-2-63 as part of his Due process.

* (14th Amendment [SEE] Whalington Vs Hackerthight

Therefore, this Court of Appeals should reverse dismissal and grant relief sought in

this matter by the Affiant Mr. Thompson whom does have statutory right to review action and withdraw his plea.

This — day of July 2014,
I do swear depose, state and claim that the above facts are true correct and complete to the best of my belief and knowledge and not meant to mis lead.

Respectfully w/o Prejudice
Clifford J. Thompson
pro se, Affiant, Appellant

Sworn and Subscribed before me
This 30 Day of July 2014
William Oliver White
Notary public Expires:

WILLIAM OLIVER WHITE, JR.
NOTARY PUBLIC
LOWNDES COUNTY, GEORGIA
MY COMMISSION EXPIRES OCTOBER 17, 2014

CERTIFICATION OF MAILING

CR09-1641-J3

I do certify that a copy(s) of the herein Appellant Motion has been placed into the US Postal mailing system and sent to the below addres and sent by US Postage system this 7th day of July 2014.

Clifford Thompson
pro se

Court of Appeals
Clerk
47 Trinity Ave.
S.W Suite 501
Atlanta, Ga 30334

Dist. Atty Gen's office
Donna R. Sims
Eastern Judicial Cir.
133 Montgomery St.
suite 600
Savannah, Ga 31402

FIRST DIVISION
PHIPPS, C. J.,
ELLINGTON, P. J., and MCMILLIAN, J.

July 22, 2014

NOT TO BE OFFICIALLY REPORTED

In the Court of Appeals of Georgia

A14A1147. THOMPSON v. THE STATE.

ELLINGTON, Presiding Judge.

Clifford Thompson, pro se, appeals from an order of the Superior Court of Chatham County dismissing his motion to withdraw his guilty plea for lack of jurisdiction. In related claims of error, Thompson argues that the superior court's refusal to grant his motion to withdraw his guilty plea constitutes a manifest injustice.[1] Finding no error, we affirm.

The record shows that on July 10, 2009, with the assistance of counsel, Thompson entered a negotiated guilty plea to two counts of armed robbery. Four

---

[1] Thompson alleges that the State failed to present a sufficient factual basis for the plea, that proof of venue was lacking, that there was a fatal variance between the "accusation" and the "tangible evidence," that his plea was not knowingly and voluntarily entered, that his attorney gave him "the wrong advice" and that the trial court denied him his "IFP status."

years later, on July 26, 2013, Thompson moved to withdraw the plea. Thompson filed his motion outside the term of court in which he was sentenced. See OCGA § 15-6-3 (17) (establishing terms of court for Chatham County). "It is well settled that when the term of court has expired in which a defendant was sentenced pursuant to a guilty plea the trial court lacks jurisdiction to allow the withdrawal of the plea." (Citation and punctuation omitted.) *Davis v. State*, 274 Ga. 865 (561 SE2d 119) (2002). After the expiration of the term of court, "the only remedy available to the defendant for withdrawing a plea is through habeas corpus proceedings." (Citation and punctuation omitted.) *Downs v. State*, 270 Ga. 310 (509 SE2d 40) (1998). Thus, pretermitting whether there is any merit to any of Thompson's underlying claims, the superior court lacked jurisdiction to consider them and properly dismissed the motion.

Judgment affirmed. Phipps, C. J., and McMillian, J., concur.

The Court of Appeals
47 Trinity Avenue SW, Suite 501
Atlanta, Georgia 30334

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

August 12, 2014

The Laymen Brotherhood
Second Chance Outreach Center, Inc.
ATTN: Reverend Adren Bivins, Sr.
Post Office Box 7939
Bainbridge, Georgia 39818

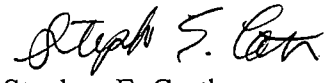
RE: Jermario Shuler, Daniel Lofton and Jermaine Lofton

Dear Reverend Bivins:

I am in receipt of your mailing dated July 1, 2014 and received in this Court on today's date. There are no cases pending in the Court of Appeals of Georgia under any of the above referenced names.

Until cases are docketed in this Court, all communications or questions should be directed to their attorney(s) or the trial court. I am sorry I am not able to assist you. I have enclosed your documents.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld
Enclosures

June 19, 2014

I PAMALA SHULER-SPENCER STATES THAT ATTORNEY ERNIE SHEFFIELD SPOKE TO ME AND MY BROTHER-IN-LAW ON A SUNDAY AFTERNOON IN REFERENCE TO MY NEPHEW JARMARIO SHULER. MR. SHEFFIELD STATED THAT HE HAD ARRANGED A PLEA OF TEN YEARS FOR JARMARIO SHULER. I QUESTION MR. SHEFFIELD BY SAYING, "ARE YOU SURE THEY WILL GET TEN YEARS?" MR SHEFFIELD REPLIED WITH THE STATEMENT OF, "I KNOW THEY WILL BECAUSE I SPOKE WITH THE JUDGE AND I PLAY GOLF WITH HIM." I TOOK THIS TO BE OFFICIAL, BUT ON MONDAY I WAS INFORMED THAT THEY WERE GIVEN A LIFE SENTENCE. I DIDN'T UNDERSTAND WHAT HAPPENED BECAUSE THAT WAS NOT WHAT WE WERE TOLD BY ATTORNEY ERNIE SHEFFIELD.

Pamala Shuler-Spencer

PAMALA SHULER-SPENCER

The Laymen Brotherhood
Second Chance Outreach Center, Inc.
(Non-Profit Ministry 501-C3)
P.O. BOX 7939 • BAINBRIDGE, GA 39818
REV. ADREN BIVINS, SR
(229) 254-7606
www.thelaymenbrotherhood.com
EIN: 26-1477199

ood Second Chance Outreach Ministry, Inc.
P O Box 7939
ainbridge, GA 39818
dren Bivins, Sr. – Founder
229-726-7606
elaymenbrotherhood.com

July 1, 2014

CASE – BPSDK #2007-01-429

SHULER, JERMARIO -SUSPECT (V.S.) STATE OF GEORGIA
LOFTON, DANIEL-SUSPECT (V.S.) STATE OF GEORGIA
LOFTON, JERMAINE –SUSPECT (V.S.) STATE OF GEORGIA
(January 7, 2007) DECATUR COUNTY, GEORGIA

TO: GOVERNOR NATHAN DEAL, GOVERNOR OF GEORGIA
GEORGIA STATE COURT OF APPEALS
GEORGIA SUPREME COURT-ATLANTA, GEORGIA

Dear Governor Deal and other listed State of Georgia Officials:

Greeting in Jesus Name!

In the letter to Mr. Jermario Shular from your prior attorneys, Mr. Arora and LaScala, LLC of 75 West Wieuca Road N. E. Atlanta, Georgia 30342 dated June 9, 2014 inquiring the denial of your motion to withdraw the guilty plea this matter was issued November 2010, the court upheld Judge Cato's ruling and rejected the claim made on appeal that are nearly identical to or at least very similar to the ones filing on your behalf.

I have an outreach ministry, the Laymen Brotherhood Second Chance Outreach Center, Inc. and the purpose of this letter is to ask for mercy and to give these young men a second chance by modifying and reducing their life sentences. All three of these young men are less that 25 years old and comes from a good church family, but their fathers were not always present in their lives. They have been incarcerated for quite a while. Since then, their mother has had a nervous breakdown and is under psychiatric care. The grandmother who helped raise them has also been under doctor's care because of this situation. Their mother has always been in their lives and is a very loving and caring mother and shows great love and concern for her children. As a matter of fact, that's the way the whole family is. Their aunt, Minister Pamela, is always helping young people in trouble and is in the process of starting a women ministry for young ladies. She is a wife and a mother and is the spiritual leader of the family.

I am writing this letter not to dispute Judge Cato's ruling of life in prison for all three of these brothers, who are less than 25 years old, nor am I challenging the District Attorney or law enforcement investigation, but on the spiritual level, as an ordained pastor, evangelist, and

WAIVER OF RIGHTS

DATE: 1/18/07 TIME: 11:03 AM PLACE: DECATUR COUNTY SHERIFF'S OFFICE BAINBRIDGE, GA.

My name is JERMAINE EUGENE LORTON. I am 17 years old.

My address is 434 HEIMS RD. COLQUITT, GA.

I completed the 11th grade in school. I know that M. WAISINGHAM MILLER COUNTY HIGH SCHOOL is a Special Agent of the Georgia Bureau of Investigation.

(He)(She) told me that:

JL 1. I have the right to remain silent

JL 2. Anything I say can be used against me in a court of law.

JL 3. I have the right to talk to a lawyer and have him present with me while I am being questioned.

JL 4. If I cannot afford to hire a lawyer, one will be appointed to represent me before any questioning, if I wish.

JL 5. I can decide at any time to exercise these rights and not answer any question or make any statement.

I understand my rights. Having these rights in mind, I am willing now to talk about Armed Robbery at 162 Hillcrest Drive Bainbridge, Ga.

I have not been threatened. I have not been promised anything. I have not been forced in any way to answer any questions or make any statements.

Jermaine L.
Name

M. E. Waisingham
Agent's Name

Witness' Name

09-0140-12-07

EXHIBIT # 48

WAIVER CERTIFICATE

DATE: 1-12-07 12:37 Am TIME: 1-12-07 PLACE: Bainbridge DPS

NAME Gwendolyn Renee Morgan

ADDRESS 254 Reed Street, Colquitt, Ga 39837

TELEPHONE NUMBER 758-8893. I KNOW THAT Frank Green

_____ IS AN INVESTIGATOR AT THE

BAINBRIDGE DEPARTMENT OF PUBLIC SAFETY. HE TOLD ME THAT:

GM 1. YOU HAVE THE RIGHT TO REMAIN SILENT.

GM 2. ANYTHING YOU SAY CAN BE USED AGAINST YOU IN A COURT OF LAW.

GM 3. YOU HAVE THE RIGHT TO TALK TO A LAWYER AND HAVE HIM PRESENT WITH YOU WHILE YOU ARE BEING QUESTIONED.

GM 4. IF YOU CANNOT AFFORD TO HIRE A LAWYER, ONE WILL BE APPOINTED TO REPRESENT YOU BEFORE ANY QUESTIONING, IF YOU WISH.

GM 5. YOU CAN DECIDE AT ANY TIME TO EXERCISE THESE RIGHTS AND NOT ANSWER ANY QUESTIONS OR MAKE ANY STATEMENTS.

I UNDERSTAND MY RIGHTS. I WAIVE THESE RIGHTS. I AM WILLING NOW TO TALK ABOUT Armed Robbery at Dollar Store located at Hwy 27 + Bethel Road Bainbridge, Ga. / Stop In Miller County

I HAVE NOT BEEN THREATENED. I HAVE NOT BEEN PROMISED ANYTHING. I HAVE NOT BEEN FORCED IN ANYWAY TO ANSWER ANY QUESTIONS OR TO MAKE ANY STATEMENTS. I AM WILLING TO TALK TO INVESTIGATOR GREEN ABOUT THIS CASE WITHOUT AN ATTORNEY PRESENT.

Gwendolyn Morgan
NAME

Frank Green
INVESTIGATOR'S NAME

HOW OLD ARE YOU 29

GRADES COMPLETED 12th

NAME OF SCHOOL Miller Co.

ARE YOU UNDER THE INFLUENCE No

DOB 1-24-77 SS# 256-29-5831

_____
WITNESS' NAME

The Court of Appeals
47 Trinity Avenue SW, Suite 501
Atlanta, Georgia 30334

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

August 12, 2014

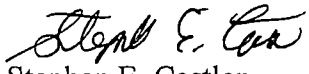
Mr. Antoine Thaxton
GDC1298644
Georgia State Prison
300 First Avenue
Reedville, Georgia 30453

Dear Mr. Thaxton:

We do not have a case styled in your name pending in this Court. Your letter indicated you do not have an address for the Supreme Court. Please use the following address for any correspondence you have for that Court:

Supreme Court of Georgia
244 Washington Street, S.W. • Suite 572
Atlanta, Georgia 30334

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld

Dear, Clerk of Court. Could you please reliewed this letter and Foward It to the Supreme Court or Approate Counsel I Do not have the Supreme Court Info

Thank you for taking the time out to read this letter.

First and foremost I would like to say thank you once again for your time taken out to reliew this letter and I am extemely grateful for this opportunity to be able to present an issue I have to you. I was convicted on Felony murder and Armed robbery. I was found not guilty of malice murder. I have been incarcerated since I was 15 and in Juvenile or My County Jail was I allowed legal materials. In Richmond County Jails reading item's are prohibit except for a bible. I say that to say I was unable at the begining of my case process and was unfamilar to anything Legal up until I entered "GDC". A year ago I when back to court for a motion for new trial and my lawyer informed me that she had review my case and transcripts a half of dozen times and she reached the conclusion that my previous Counsel that represented me in trial was not "INEffect" and in Fact my previias counsel did a terrific job. What she ment was she did a decent job cross examining witnessies and advised me she would have to Suppress the Matter. After intense study and research the facts of my case and Trial Transripts point in a different direction, which made most of my current counsel statement fiction. First and foremost neither counsel even Bother to point out the Trial Court neglected to properly instruct the Jury of the Fel

ony Murder Charge and Being that I was found not Guilty of Malice Murder I could be considered for Voluntary Manslaughter "See Tolge" "Harrell" "Hill" and "Alexander"). Second the Armed Robbery should of merge with the Felony murder Conviction, Because the Jury Charge and verdict form both failed to specify where armed robbery or Aggravated assult served as the unlying felony which Aggravated served as the unlying felony, but I was never indicted on Aggravated Assult. Third my Constitution Right was violated because Aggravated Assult served as the unlying Felony But I was never indicted of Aggravated Assult. I adviised my Lawyer of these same exact facts, still no results so who do I turn to?

The Court of Appeals
47 Trinity Avenue SW, Suite 501
Atlanta, Georgia 30334

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

August 13, 2014

Mr. Jaami Mustafa
GDC1221033 C-1-28
Valdosta State Prison
Post Office Box 310
Valdosta, Georgia 31603

Dear Mr. Mustafa:

As per my letter to you dated March 3, 2014, there still is no case pending in the Court of Appeals under your name. You should direct all inquiries to your attorney or the clerk of the trial court.

Sincerely,

Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld

8/14

To Whom it May Concern:

My name is Jaami Mustafa. The last time I wrote your office, in reference to my appeals on civil case #2010CV185845 and criminal case # 10SC90239/13SC117068 was in March of 2013. I notified you, via paperwork, about the difficulties I have been having with these cases as well as getting the appeals filed. During my last contact with you, I was notified that my appeals have been filed in the clerk's office, and they just need to prepare the necessary paperwork to send it to the higher court. However, 3 mos. later I received word from a Ms. Lagonya Weems, that my appeals were filed, although they were on hand in March. She then notified me that I needed to send things on a checklist that I had already sent 3 mos ago.

Its is now August of 2014, and I have not yet received a response/judgement on my appeals, although they were filed on time. It seems as though Ms. Weems is continuing to have hardship executing the task at hand.

I have, arduously, waited over a year, unfortunately patience is less of an option for me. The necessary paperwork to file my appeals and review them are on file with Mr. Vernon Pitts of the Public Defender's Office, the clerk of the Supreme Court, as well as your office, and the case mgr for Shawn Lagrua.

A timely response to this letter will/shall behoove me. Thank you, and I look forward to an alternate and aspiring conclusion.

Sincerely,

Keri Avera - Missent Discretionary Application

From: Steve Castlen
To: Keri Avera
Date: 7/29/2014 2:51 PM
Subject: Missent Discretionary Application
CC: Patty Bender

Keri,

There was a Discretionary application that was missent to Gwinnette County along with a check for $300 to them. The application will be forwarded to us and the party will send a check to us for the application fee. This info is from Don Brophy, 941-758-8420. The case name is Michaud v. Chambers. Please send the check to Gwinnette County back to them.

Steve

Stephen E. Castlen
Clerk/Administrator
Court of Appeals of Georgia
47 Trinity Avenue, S.W.
Suite 501
Atlanta, Georgia 30334

CAREN LEE MICHAUD
1365 S WATERVIEW DR
INVERNESS, FL 34450

713
63-8281/2631

7-17-14
DATE

PAY TO THE ORDER OF Gwinnett County Clerk $ 300.00

Three Hundred DOLLARS

Security Features Details on Back.

Suncoast Schools
Federal Credit Union
BRADENTON, FLORIDA 34207

FOR

Caren Michaud

⑆263182817⑆ 4548973501⑈ 0713

Harland Clarke

The Court of Appeals
47 Trinity Avenue SW, Suite 501
Atlanta, Georgia 30334

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

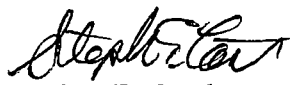
August 19, 2014

Mr. Rhabie Minnis
1002 Pat Mell Place
Smyrna, Georgia 30080

Dear Mr. Minnis:

I am in receipt of your "Request to Reopen Time to File an Appeal" which is filed with the clerk of the trial court and not directly with the Court of Appeals of Georgia. You must also attach a proper Certificate of Service showing service to the opposing counsel/party and contain the full name and complete mailing address.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld
Enclosures

Request to Reopen Time to File
AN APPEAL

Reference:
U.S. Code, Title 28a,
Rule 4,

Rule 4 - 5B (6).

FORM 1 - NOTICE OF APPEAL (CIVIL or CRIMINAL CASE)

NOTICE OF APPEAL

IN THE Juvenile (SUPERIOR, STATE, ETC.) COURT

OF Gwinnett COUNTY

STATE OF GEORGIA

PLAINTIFF	*	CASE NUMBER
Rhabie Minnis	*	13-4887-2
vs.	*	
DEFENDANT Kiesha Cordero	*	

NOTICE OF APPEAL

Notice is given that Rhabie G. Minnis (Plaintiff) (Plaintiff/Defendant) in the above matter hereby appeals to the Court of Appeals of Georgia from the judgment of the trial court entered on the 2nd day of July, 2014.

The clerk shall omit from the record (omit nothing from the record on appeal/will omit from the record on appeal the following: all evidence presented towards this case.) A transcript of evidence and proceedings will (will/ will not) be filed for inclusion in the record on appeal.

The Court of Appeals, rather than the Supreme Court, has jurisdiction of this appeal because the issue involved is civil / discretionary and appeals of such cases are not reserved to the Supreme Court of Georgia pursuant to Article VI, Section VI, Paragraphs II and III of the Constitution of the State of Georgia.

CERTIFICATE OF SERVICE

I certify that I have this day served opposing party (opposing party or attorney) with a copy of this Notice of Appeal by mail (hand delivery/mailing a copy first class mail postage prepaid) to him/her at: 200 Blakeslee St. Bristol, CT. 06010 (complete address of party served).

This the 11th day of August, 2014.

Rhabie G. Minnis (Sign your name.)

"Request to Reopen Time to File an Appeal,"
Reference: US Code, Title 28a, Rule 4-5B(6).

Court of Appeals of Georgia

August 13, 2014

TO: Mr. James L. Riley, GDC544321, Jackson State Prison, Post Office Box 3877, Jackson, Georgia 30233

RE: **Copy of Discretionary Application and order**

REQUEST FOR COPIES

☑ We received your request for copies. Copies are $1.50 per page in this Court. Your pauper status does not excuse you from the copy fees in this Court. **The Court of Appeals of Georgia is not subject to the Open Records Act.**

Please specify what copies you would like to be sent to you. Your request will be processed and sent to you by return mail.

Court of Appeals of Georgia
47 Trinity Avenue, S.W. • Suite 550
Atlanta, Georgia 30334

REQUEST FOR FORMS

☐ This Court does not have the forms you requested.

COURT RULES

☐ At your request, a copy of the Rules of the Court of Appeals of Georgia has been enclosed for your review.

APPOINTMENT OF COUNSEL

☐ You should direct an inquiry concerning appointment of counsel to the trial court from which you are appealing.

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

A14A0425

Mr. Stephen E. Castlen
Clerk/Court Administrator
Court of Appeal of Georgia

Re: James. L. Riley
Jackson State Prison
P.O. Box 3877
Jackson GA 30233

May 1, 2014 the trial Court entered an order revoking My Probation On about May 28, 2014 I Send My Application for discretionary Appeal In to your Office Seeking review of that order. That Order was file and Send Back To me to have some of the Paper Notariced. Which I did and Sent Back.

Mr. Castlen Sent me a letter Stateing it was filed 53 days after entry of the order, Which is not true an extract as Mr Castlen Stated in the letter. He also dismissed the Order On this ground. I also wrote a Motion for leave to file Amendment for Appeal Which stated I was not informed of My right of Appeal. If a probationer was not informed of this right by his Counsel and did not Know of the right he is entitled to relief regardless of whether he had retained or Appointed Counsel. Kreps v. Gray 234 Ga 745, 747, 218 S.E. 2d 1 (1975)

I will like a Copy of This letter and a Copy of My Application for discretionary after filed in your Office.

James L Riley

Mr. Stephen E. Castlen
Clerk/Court Administrator
Court of Appeal of Georgia

Re: James L Riley
Jackson State Prison
P.O. Box 3877
Jackson Ga 30233

May 1, 2014 the trial Court entered an order revoking My Probation On About May 28, 2014 I send my Application for discretionary Appeal Into your Office Seeking review of that order. That order was file and send Back to me to have some of the paper Notarized which I did and sent back.

Mr. Castlen sent me a letter Stateing it was file 53 days after entry of the order, Which is Not true an Exact as Mr. Castlen stated in the letter. He also dissmissed the Order on this ground. I Also wrote a motion for leave to file Amendment for Appeal Which stated I was Not informed of my right of an Appeal, if a probationer was Not informed of this right by his Counsel and did Not know of the right he is entitled to relief regardless of whether he had retained or Appointed Counsel Kreps V. Gray 234 Ga 745, 747 218 SE. 2d 2 (1975)

I will like a Copy of this letter and a Copy of my Application for discretionary after filed in your Office

Court of Appeals
of the State of Georgia

ATLANTA, July 16, 2014

The Court of Appeals hereby passes the following order:

A14D0425. JAMES LAMAR RILEY v. THE STATE.

May 1, 2014, the trial court entered an order revoking James Lamar Riley's probation. On June 23, 2014, Riley filed this application for discretionary appeal seeking review of that order.

An application for discretionary appeal must be filed within 30 days of entry of the order to be appealed. OCGA § 5-6-35 (d). "The requirements of OCGA § 5-6-35 are jurisdictional and this court cannot accept an appeal not made in compliance therewith." *Boyle v. State*, 190 Ga. App. 734 (380 SE2d 57) (1989); see also *Gable v. State*, 290 Ga. 81, 82-83 (2) (a) (720 SE2d 170) (2011). Because Riley's application was filed 53 days after entry of the order he seeks to appeal, it is untimely. We thus lack jurisdiction to consider this application, which is hereby DISMISSED.

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 07/16/2014
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.

Stephen E. Castlen, *Clerk.*

Court of Appeals of Georgia

August 13, 2014

TO: Mr. Marcus A. Terrell, GDC831124 1B-112-A, Gwinnett County Jail, 2900 University Parkway, Lawrenceville, Georgia 30043

RE: **Filing an Appeal**

REQUEST FOR INFORMATION

☑ **As mentioned in my correspondence to you on July 8, 2014, a friend or family member with computer access may be able togo to the Court's website at: www.gaappeals.us and click on "Citizen's Guide" for more helpful information for you.**

An Application for Writ of Mandamus is filed in the superior court of the county of the public official whose conduct you intend to mandate. An appeal from the trial court's order on the Application for Writ of Mandamus is to the Supreme Court of Georgia, not the Court of Appeals.

I have enclosed a copy of the Rules of the Court of Appeals of Georgia for your review.

Again, the Court of Appeals of Georgia cannot assist you in obtaining extra law library time. You may want to file a motion with the trial court.

REQUEST FOR FORMS

☐ This Court does not have the forms you requested.

COURT RULES

☐ At your request, a copy of the Rules of the Court of Appeals of Georgia has been enclosed for your review.

APPOINTMENT OF COUNSEL

☐ You should direct an inquiry concerning appointment of counsel to the trial court from which you are appealing.

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

Court of Appeals of Georgia, 8/9/20

To The Clerk of Court of Appeals, Dear Sir/Mad-
-Am I Am Writing With All Sincerety, I Am Pro-SE
Civil/And Criminal ON 8/8/14 I Attended A
Motion To Dismiss My Civil Complaint Docket#
14-A-03714-6, The Complaint Was Dismissed. I
Would Like To Appeal This Matter And present
Facts, And Arguements. Im Requesting Please
A Just A Basic Guide If Possible To, Really
Procedure, format, Deadlines, Etc, So That I Make
No Error in filling. I have The Procedures Book But
It Can Sometimes Be Somewhat Confusing. At This
point, I Gather I Must file My Application for Appeal
If Their is A Perfered format, As form of Motion,
Are, If Their is A Speacil form Please provide ME With
Such. My Other Concern is Im Being Denied From
Gwinnett Jail, A Signature on My forma-Pauperis
form, I filed A Letter And With Mandamus if
Needed With The Court of Appeals, Because I Will
Have To File in forma-Pauperis Being Indigent.

(Cont'd →

This is A Real Issue Being I have A Appeal Deadline And The Clock is STARTed Already. In Short iT Denys My Right To Appeal. I Exhausted Grevience Procedures # 2014-133/ Investigator Johnson Saying I have No Pro-SE Order But my Order WAS Denied By Honorable Judge: Ronnie K. Batchelo And My Criminal Pro-SE MoTion For MoTion NEW Trial has Been Pending WAS TRACKed To Been Received ON July 8th I beleive WAS The dATE. The Order ALSo Refusing EXTRA LAW Library Time I Go 1 To 2 Times A MonTh For 1 To 1½ hrs Each. I have Infor--mend The JAil This is A WASTE OF The COURTS, And My Time: AS I WAS Informend Gwinnett Does NoT Consider Civil, Pro-SE AS Pro-SE. Per LAW Library Sgt. So If The Honorable Courts Could Please ~~Please~~ ASSisT ME in This MaTTer So I Will NoT To Be hind--erd from The focus of My Appeal Issue for They Truely Are With MeriT. Please Responed To These Issues They Are Small But Very Seriouse.

Thank You Very Much, for Your Assistance or Consideration To These Matters.

Respectfully Submitted:
Marcus A. Terrell
Pro-Se
G.D.C#831124
G.C.#94000367

Marcus A. Terrell E. 201-A
2900 University Pky
Lawrenceville, GA 30043

Court of Appeals of Georgia

August 14, 2014

TO: Mr. Menshack Nyepah, GDC1000878813, Hays Correctional Institution, Post Office Box 668, Trion, Georgia 30753

RE: **A14A2097. Menshack Nyepah v. The State**

CHECK RETURN

☐ Your check number in the amount of written on the account of your firm for the filing fee in is enclosed. Please be advised that this Court is returning your check since the filing fee was already paid by .

CASE STATUS - DISPOSED

☐ Your appeal was disposed by opinion (order) on _____. The Court of Appeals _____. The remittitur issued on _____, divesting this Court of any further jurisdiction of your case. The case is therefore, final.

CASE STATUS - PENDING

☑ **The above referenced appeal is the only pending appeal in your name before this Court. The appeal was docketed in the September 2014 Term and a decision must be rendered by the Court by the end of the January 2015 Term which ends on March 30, 2015.**

Your Legal Notice and Demand is being returned to you.

APPLICATION FOR PERMISSION TO APPEAL A PROBATION REVOCATION

☐ To appeal a probation revocation, you will need to file a Discretionary Application with this Court. Rule 31 of the Rules of the Court of Appeals of Georgia describes a Discretionary Application and the items you would need to include with your application.

A Discretionary Application must be filed within 30 days of the stamped filed date on the order that you are appealing and the application must be accompanied by a proper Certificate of Service and a pauper's affidavit or the $80.00 filing fee. You must also comply with all the other applicable rules of Court regarding filing with the Court of Appeals of Georgia.

Enclosed, please find a copy of the Rules of the Court of Appeals for your review.

08/11/14

TO: Stephen E. Castlen, Clerk Case No. A14A2097

Good Afternoon,

I am Menshack Nyepah writing in reference to case number A14A2097. I would like an update on said case's progress and what part of the process stage it is in at this time. Also, I have enclosed an copy of a "Legal Noctice And Demand" I filed prose with the Rockdale County Superior Court that I would like for the Clerk to make part of the record, in case no. A14A2097, More So, please provide me with an additional copy (plus original) with stamp from your office.

Respectfully Submitted, Menshack Nyepah

[LEGAL NOTICE AND DEMAND] COPY 7/30/14

TO: Rockdale Superior Court (Judge Irwin) or Whom it May Concer

Good Morning/Afternoon,

My name is Menshack Nyepah ~~GDC #1000876813~~. This letter is in reference to my current post-conviction situatior I was convicted of Arm-robbery and serveral other charges on Janoracy 23rd 2013 by which was entered by guilty plea. I put in an "Motion To Withdraw" shortly afterwarc (Feburary 7th 2013). After an extended wait by the trio courts I was scheduled an hearing date on Feburary 4t 2014, At this hearing I was assigned counsel of whic I am entitled to by law. My counsel (Mr. Steven Purvi did not discuss any of the facts entail in the motion, Only ashing the Judge that my sentence be Reduced to a "30 do 10," This is grassly ineffective being that he did not research the case and this hearing was for withdrawal of my plea. My Motion was dismissec on feburacy 17th 2014, In which I was made aware of such by correspondece on March 2nd 2014. As of rig motion stated above ~~case~~ of GeorgiA, Further I am in Short ashing that I be appointed new counsel for which I am entitled to by law, (See; Brown vs State, 319 Ga App. 543, 737 S.E 2d 340)" A defendant has a right to appeal directly the denial of his timely motion to withdraw a guilty plea A defendant is also entitled to the assistance of counse for such a direct appeal. When a defendant's right to directi appeal the denial of his motion to withdraw a guilty

plea has been frustrated, he is entitled to an out-of time appeal from the order on his motion". PreJudic is presumed and the harmless error analysis does not apply where there has been a total denial of the assistance of counsel. Therefore, At this time I am asking new counsel be assigned to me to pursue my direct appeal. Thanks greatly, More So, If what is stated herein is untrue or incorrect or if Petitioner is not lawfully entitled counsel from this court in referance to the matter at hand, this court is to cite the law that states such, with the supportation of valid law (in accordance with the U.S Constitution), signed by the Respondent under penalty of perjury.

This 30th day of July, 2014. x Messiah Nyga

"ALL RIGHTS RESERVED" - UCC 1-207-

URGENT

PLEASE PROVIDE ME WITH A COPY OF THIS NOTICE TO THE CAPTION ABOVE WITH STAMP FROM YOUR OFFICE.

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

August 18, 2014

To: Mr. Jernerick Paul, GDC1121867, Rogers State Prison, 1978 Georgia Highway 147, Reidsville, Georgia 30453

Case Number: _____ Lower Court: County Superior Court

Court of Appeals Case Number and Style: A14A1641. Jernerick Bernard Paul v. The State

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:

☑ **As long as you are represented by an attorney(s), you cannot file pleadings on your own behalf. Your attorney(s) must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.**

Mr. James Bonner and Michael Tarleton are listed as your attorneys of record 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.

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

To the Judge's of the Court of Appeals....

I'll make this short. I have tried to make an additional brief to go along with the one my appellate attorney filed but to no avail. My case is so unpresedented that I **cannot** find anything to submit my issues reguarding GA code 17-5-54; 17-5-55. There were other issues my appellate attorney did not raise in the brief that he filed on my behalf which is why I'm submitting my request for oral argument Pro se! It seems that this assinine case is so complex that I have to be there to fill in the gaps and make senes of all this.

Thank you

IN THE COURT OF APPEALS
STATE OF GEORGIA

Jernerick Paul,
Appellant

vs.

STATE OF GEORGIA,
Appellee

NO 11SC98472; A14A1641

APPELLANT'S REQUEST FOR ORAL ARGUMENT

The Appellant, by his undersigned counsel, hereby requests oral argument in his case. Appellant has given counsel for Appellee notice of his intention to seek oral argument and counsel for the State also wishes to present oral argument.

This case involves what undersigned counsel believes to be an issue of manifest injustice. As such, counsel believes that oral argument would significantly aid the decisional process. This case also presents other serious constitutional issues which would benefit from oral argument.

Wherefore, Appellant respectfully requests that this Court place this case on its calendar for oral argument.

Pro se
Counsel for the Appellant
[address]

[Certificate of service]

Valerie Toole
August 4, 2014

VALERIE TOOLE NOTARY PUBLIC Comm. Exp. 09/17/17 FULTON COUNTY, GA

CERTIFICATE OF SERVICE

This is to certify that I have this day served a true and correct copy of the within and foregoing documents(s) upon the party(s) listed below by depositing a copy of same in the ***United States Mail*** in a properly addressed envelope with adequate postage postage thereon to insure that it reaches its destination, properly addressed upon:

Georgia Court of Appeals
Holly K.O. Sparrow
Clerk and Court Administrator
47 Trinity Avenue, Suite 501
Atlanta, GA 30334

Paul L. Howard, Jr.
District Attorney
Atlanta Judicial Circuit
Georgia State Bar #. 371088
Fulton Co. Courthouse, 4th Floor
136 Pryor St. SW Atlanta, GA 30303

Michael W. Tarleton
Attorney at Law
120 W. Trinity Place suite 310
Decatur, Georgia 30030

This the 4th Day of August 2014

Valerie Foote
August 4, 2014

VALERIE FOOTE NOTARY Comm. Exp. 03/17/17 PUBLIC COBB COUNTY, GA

Jermerick Lard

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS
Date: August 18, 2014

To: Mr. Edward Tyrone Ridley, GDC570139 K-2-123B, Smith State Prison, Post Office Box 726, Glennville, Georgia 30427

Docket Number: A14A1879 **Style:** Edward T. Ridley 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 **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 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 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:** **Before this Court can receive your Amended Brief, you must wait for the Court to rule on your Motion to File an Amended Brief. Your Amended Brief is being returned.**

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

IN THE COURT OF APPEALS. IN AND FOR
STATE OF GEORGIA

EDWARD TYRONE RIDLEY, 570139,
Appellant.

Docket No. A14A1879

V.

STATE OF GEORGIA
Appellee,

AMENDED BRIEF

Mr. Edward Tyrone Ridley, 570139,
~~Mr. Edward Tyrone Ridley, 570139, K-2-110-B~~
Smith State Prison.
P. O. Box 726
Glennville, Ga. 30427

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ENUMERATION OF ERRORS,

(1) Ineffective assistance of Counsel, (2) Due Process, (3) violation of Georgia and Alabama's Strict Extradition Laws and Proceedings; (4) Speedy trial; (5) illegally placed and convicted under O.C.G.A. 42-1-12; (6) failure to investigate Florida case and laws; (7) Failure of Counsel and State to understand Florida laws, 943.325, 775.225 (1995). 943.0435, 97-299; (8) or investigate them; Counsel failed to investigate threats to Monica by Crisp Co. Sheriff Detectives (9) failure of Counselor to investigate the conspicery by agents of FDLE, by asking Ridley to hire Florida Attorney to investigate his Fla. case he's being prosecuted about [redacted] and retrieve info in R13-149 concerning 95-2844; (10) Violation of Florida Contract Plea by Georgia, Florida, Alabama, Troy, FDLE, Fla. D.O.C; Crisp Co. Sheriff Dept; (11) False Imprisonment; (12) malicious Prosecution, (13) Kidnapping (14) illegal sentence (5); (14) Failed to Allow Ridley to withdraw his Fla. Plea; (15) move to Dismiss 13R-149; (16) Abide by Florida Stat. 943.325; (17) Favorable evidence, (18) illegal void sentence; (19) Failure to Investigate Alabama's Extradition Laws 6/30/11; (20) Denial of Counsel before placing on 42-1-12 in [redacted] GA., Ala, Fla. (21) Failed to advise me of F.S. 943.0435 or 97-299 Never heard of til July 2014; (22) Failure to Read Miranda warnings on June 30, 2011, and November 15, 2013; (23) mitigation factor 1-22; (24) failed to use intoxication and F.S. 943.325 and CONTRACT Plea Fla

Pages 1 - 24

as a defense or Ridley Z never heard of the Florida Sanction or did he until Ridley Produced after conviction in July 2014; (25) failure to object to illegal banishment where the alleged Fla. person live 200 miles away; (26) Failed of counsel to object to illegal latches for Parole + Probation fines, fees (27) Counsel failed to secure expert testimony at government expense to Ridley mental competecy when Z registered drunk for years, and on date of R13-149 offense alleged; (28) failed to dismiss R13-149 when State said Ridley did register at 607; (29) Counsel and State withheld material fact; when they knew or should had known the Clerk Fla. had the alleged victim age at 12 that Likley forced Ridley to 42-1-12; (30) Counsel failed to act when circumstances suggest an unseemly desire by Judge and DA., to rush resolution of case; (31) Counsel failed to interview Expert witness on voluntary intoxication; (32) Counsel failed to challenge that 42-1-12 must be changed to mental Health Issue Civil instead of criminal as to a fine not Punishment; (33) Counsel failed to know 42-1-12 clearly, the John Walsh 1996 megan Law Act for children which is Georgia, Fla, and Ala, Megan Law or GA; O.C.G.A. 42-1-12; (34)

(34) ON Feb 14, 2011, in Troy, Pike Co. Ala. I was sentenced under Ala, part of Habitual offender, Split, Suspended probated sentence at, (as Ga. Recidivist act) to a term of 15yrs Habitual where 1yrs attached 6 month split prison that part suspended to 3yrs. probated sentence that was amended to unsupervised probation is when RB-149 warrant was issued when Probation contacted Coso Sheriff for address illegally when warrant was issued Oct 2010 as I'm illegally convicted for (35) ON Nov. 18, 2013 I was sentenced to a term of 30 yrs Punishment, serve 3yrs prison and illegal Banishment from Cordele Judicial Circuit and illegal latches placed on me for Parole or Probation. R-Sat, Reversity, mstory Rl ect., fines, fees, that my Fla. 10 years ago did not attach.

(36) I was alleged charged around 2010 for violation 4-2-1-12, that I did at 607 3rd Ave W. Cordele, Ga. See State ID in 2010 with address. (37) I was in Salem July 3, 2010 Pike Co. Ala. had to use my Ga ID. my commonlawmate Stbrenal. Thomas used her mother address for me to post bond at 420 Hawkey St. never even stayed a night there. After got bout on bond immediately came to Cordele and registered within 72 hrs. used 607 3rd Ave 801 22nd. Had to see Gena, Det, Det. Denise Youngblood in person or phone each time went to Ala to Court, see bondsman, or lawyer there from then til Feb. 14, 2011, see audio vieds from jail and phone records 229-273-2289. (38) Counsel failed to get audio vieds from jail phone records from Jail that would prove facts that I came to jail up til Feb. 14, 2011, not hiding or Not to be found til in prison lies.

(39) counsel failed to investigate whether the warrant was pre-signed like I said which probably suit by Souther Ctr. For Human Rights. Since I had Judge Carl Sims as willing witness who's name was on warrant. State wanted to suppress or threatned her, or cover up pre-signed warrants for convenience not legal (40) Counsel on Nov. 15, 2013, after I told Bobb Lockley he was fired I didn't want them representing me while I was outside see video of that. He had me arrested by trucking me to cove in courtroom when I told him I was going home will see the Court Monday after I scheed up. (41) On or Around May 2011 I filed for speedy trial by Jury immediately after I was told in prison that a hold was placed on me PSI shows NO warrants (obtain copy of NCIC reports). Thereafter until Tim was appointed 2012 end of. (42) Around 2012 I kept filing motions again for years After 2013 to date when I was illegally placed on 42-1-12 without due process lawer. A Judge Cris Hughes said Tim Eidson was representing me Tim E. mailed him but while I was in office said was not in any motions. So my motion for speedy trial was still vailid they to no avail. (43) Filed appeals with Cris at this Court see records (43) Counsel failed to know Co. 42-1-12 Law 2005-7 when I was illegally convicted to Felony when charged with misdemeanor. In place was warnings, (2) min. probation; (3) Community Service, (4) County jail, to no avail but met to Punishment of 3yrs Probation illegally for moving

by Church why Court & State knew was illegal by Statute and law that was passed. Have filed Motions July 14 to Correct that illegal sentence to no avail. (43) Court in Cordele and Appeals fail to appoint Appeal Attorney to represent Ridley in this case illegally Due Process violation (45) Counsel failed to investigate that this Judge and DA treat others different from Ridley with numerous felons see motion dated July 31, 2014 Emergency to Submit Sensitive Evidence, apply to this brief. Emergency basis. (46) Ridley was denied right to Florida Lawyer before he was to be placed on Fla. S.O. registery when he was not sentenced to that ONLY F.S. 943.325 Heather on 7/29/96 or 1/30/98 to 42-1-12 by 2 different Judges, see original brief. (47) On June 30, 2011 I was kidnapped from Ala from Fostering C.F., without any Governor warrants Ga, Ala, or Ga before any Extradition Judge violated State Const. U.S. Const, Civil Rights, Constitute Federal Kidnapping Charges against All, malice done by all agents Ala and Ga (48) Ridley in case 95-2844, was illegally by compact means with severe extreme malice, to place my name on internet, Sheriff + Police Dept; DHR, monitors as a Child molester and Violent Sexual Predator, when the person 95-2844 was 20 twenty. (49) Counsel failed to use intoxication as a defense since on Nov. 15 2013 went to Court Drunk part of illegal

to make Parole and on 27 yrs Punishment Probation as DA said I'm a alcoholic would been perfect Defense, (50) Counsel failed to use F.S. 943.345 as defense that was what I was only required to do on 7/29/96 give blood. (51) Counsel failed and State to advise me of Fla sanction on Oct. 1, 1997 that illegally changed Sentence. Not 7/29/96 that Ridley's Convicted of see Law letter from Floyd Griffith (52) Counselor serious misunderstanding of Florida Law or failed to research, id letter told me to hire Pro lawyer to do any investigation was not his job that I was being Convicted, illegally forced to 42-1-12 and Punished now to 30 yrs. Asked him well before this R13-149 to remove name off 42-1-12. (53) failed to advise Ridley to withdraw his Fla Plea was a Contract as Brown V. State or he could have filed a writ of Mandamus to force Gov. to abide by my Fla. sentence, But he hate any sex offense case. (54) Counsel failed to dismiss R13-149 when I told him I filed Speed Trial 2001 said didn't matter about illegall Extradition said didn't matter. up til 11/15/13 and again July 15, 2014. (55) Counsel failed to subpoena Judge Register, Public Defender Floyd Griffith, D.A. Subpoena Duricus to get statement that on 7/29/96 I was never required to 42-1-12 as Convicted of Not 10/1/97 Sanctions.

(56) Counsel failed to use duress as a possible defense for delay of indictment, Speedy trial, selective prosecution by State after 3yrs of investigations, (57) Counsel failed to secure testimony to my mental competency when I always registered drunk to my brain function as a defect for years of alcohol use since state said so (58) Counsel withheld material facts from me when he knew Fla had the passage incorrect at Clerk Fla case as 12 that subjected me to 42-1-12 requirements in Fla also. Only (59) was Georgia or Florida Megan Law for Adult victims as Adam Walsh Child Protection act 1996 was put in place for Only. (60) Counselor failed in his obligation to independently verify investigators conclusions, that caused prejudice for him to investigate the law ~~may~~ lied in very novelty of the law (61) Counsel failed to subject prosecution case to a meaningful adversarial testing (62) Counselor failed to advise Ridley of lesser included offenses (63) Counselor failed to see how I got State ID 2010 with 607, where Monica ~~[illegible]~~ went to State Patrol with me to get ID; (64) Counsel failed to act when circumstances suggest an unseemly desire by the Judge + DA to rush to resolution of case. (65) Counsel willingness to accept gov's version of the facts of the case, and failed to advise Ridley as to those legal alternatives,

(66) Counsels low payments as his lack of effort to research Fla. Court case and his serious misunderstanding of any Fla. Case. S.O. Law 42-1-12 or the basic criminal procedure that caused severe prejudice for him to fully investigate the facts of Ridley's 1995 Fla. case (67) Counsel failed to suppression of Priors, and evidence (68) Failed to investigate NO-1-67 crime, (69) Counsels non-strategic decision to fully investigate NO's 1-67 caused severe prejudice, duress, mental anguish for years, when I requested Him to remove or force to abide by Fla Contract before R13-149 (70) state failed to date to remove Name off 42-1-12 to date, correct illegal sentence 2006-7 to date. see original brief. # 40.
(71) counsel failed to ~~advise~~ investigate or prepare Interstate agreement on detainers/speedy trial (72) Counsel failed to investigate or prepare the conceivable defenses only F.S. 943.325, was not required on 7/29/96 to 42-1-12 NEVER Heard of Fla NEW SANCTION (Ridley fil July 2011) (73) Failed to investigate or prepare Exculpatory evidence; (74) counsel failed to investigate or prepare because out of state investigation was to expensive (74) Counsel failed to tell Ridley of any offer of immunity (75) counsel failed to communicate a counter offer (76) Erroneous advise Rushing into plea without investigation of Fla. case say I need to hire Fla lawyer, (77) Counselor failed to fully explore plea possibilities,

(74) Induce acceptance conflict of interest affecting plea negotiations (75) counselor misrepresentation of material facts in Fla case and 42-1-12 megan Laws, 1996 John Walsh;
(76) Counsel induced Plea because he was unprepared for trial;
(77) Counsel failed to research Fla. Law before plea; (78) State failed to appoint Non-public defender to represent Ridley on appeal to date, because he and State said not appealable see transcripts (79) Ridley showed counselor colorable claim of innocence that was required to vacate Plea. Fla Plea Sentencing Judgment 7/29/96 Blood only F.S. 943.325, provided to Chief Judge Pridgeon, Clerk, Public, DA, (80) Counsel failed to request ruling on Prose pending motions since 2003 (81) Failed to move to supress illegal evidence,

CONCLUSION

Ridley have shown that his Plea is a Contract that he was told on and before 7/29/96 that he was to never then or in Future as any type sex offender. The law Clearly Show 42-1-12 or any provisions is for crimes against minors. My case a 20 year old adult. Pray this Court Grant Immediate Emergence Release from State Custody Reverse Name off 42-1-12 immediatly Any other relief Court deem necessary stop all of any community, filed in good faith This 10th day August 2014

Respectfully Submitted

Mr. Edward Tyrone Ridley 570139 Edward Tyrone Ridley 570139
Smith. S.P., P.O. Box 726, Glennville, Ga 30427

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS

August 18, 2014

To: Mr. Paul Murray, GDC481761, Riverbend Correctional Facility, 198 Laying Farm Road, Milledgeville, Georgia 31061

Docket Number: **Style:** **Paul Murray v. The State**

Your document(s) is (are) being returned for the following reason(s).

1. ☐ Your Application was not accompanied by the statutory filing fee, $300.00 civil; $80.00 criminal, 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. ☐ Portions of the record included were not tabbed and indexed. Rules 30 (e) and 31 (c).

3. ☐ **A stamped "filed" copy of the trial court's order to be appealed was not attached to your Application. Rules 30 (b) and 31 (e)**

4. ☐ A stamped "filed" copy of the Certificate of Immediate Review was not attached to your Interlocutory Application. Rule 30(b)

5. ☐ Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)

6. ☐ **There were an insufficient number of copies of your document. Rule 6**

7. ☐ No Certificate of Service accompanied your document(s). Rule 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.

8. ☐ Your Certificate of Service did not include the complete name and /or mailing address of each opposing counsel and pro se party. Rule 1(a) and 6

9. ☐ Your document exceeds page limits. Rules 24(f) , 30(e) and 31(c)

10. ☐ Your request for court action must be submitted in motion form. Rule 41 (a)

11. ☐ No extension of time for filing an interlocutory application will be granted . Rule 30 (g) . No extension of time will be granted for filing a discretionary application unless the motion for extension is filed on or before the due date of the discretionary application.

12. ☐ The type font was smaller than 10 characters per inch; type was not double-spaced or/and type was on both sides of the paper. Rules 1(c), 24(b), 37(a) and 41(b).

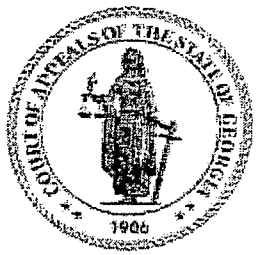
13. ☐ Your motions were submitted in an improper form (joint, compound, or alternative motions in one document). Rule 41 (b)

14. ☐ Margins were too small or paper size was incorrect. Rules 1(c), 24(c), 30(e), 31(c) and 41(b).

15. ☐ Your document was submitted for filing more than 30 days after the date of the order granting, denying or dismissing the application or the order granting, denying or dismissing the Motion for Reconsideration. Rules 30(j) and 31(j).

16. ☐ **Other: I have enclosed a copy of the Court's Rules for your review.**

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



2014

Georgia Court of Appeals

RULES

Last Update: May 15, 2014

COVER SHEET

Dear, clerk of court of Appeals

Please find a Application For A Discretionary Appeal, along with a Forma Pauperis to indigence, and a certificate of service, and if you will be so kind to certified these document and send copys back I will be truely greatfull.

respectfull submitted

Paul Murray

Paul Murray 481561

This 11 day of August 2014

IN THE COURT OF APPEALS
STATE OF GEORGIA

PAUL MURRAY
Appellant

[redacted] Case No# 05SC34126

-VS-

STATE OF GEORGIA
Appellee

Action: Denial of motion to set aside.

APPlication For A Discretionary APPeal

Come now Paul Murray the Appellant in Above styled Action, And case Number, And after filing a Proper notice of Appeal to the superior court of Fulton county that denied his motion to set asid void sentence. However, Appellant Files this Application Pursuant to the Rule and guidlines set Fourth in O.C.G.A 5-6-35.

There are Errors of LAW an constitutional violation that need corrected, and the Georgia court of Appeals Not the supreme court of Georgia has Jurisdiction of this Appeal because the Appeal is From The Judgment of the superior court and is not a case Exclusively Reserved For the supreme court And the court of Appeal of Georgia has the Power to correct the Errors of law and constitutional violation through the Power Granted it by the state of Georgia constitution 1983 Article VI Section VI Paragraph III. Here are the Following reason(s):

(1)

Appellant entered a guilty Plea to Three counts of childmolestation; a sentence of twenty years to serve on all counts was imposed by the Superior court Judge of Fulton county on May, 2 2006. Such a sentence is unlawful under Georgia law. Appellant want to state that he is not a professional lawyer. And do to his indigent situation he is unable to Afford a lawyer, And do to his limited education he has made errors in his post-conviction Relief, and this is my Answer to the Judge claim that I have Filed numerous motion.

(2)

The current motion to set aside sentence do have merit. Because 17-9-4 of the O.C.G.A state that you can challenge a criminal conviction And sentence, And it states that you can challenge a void sentence at Any time and in Any court O.C.G.A 17-9-4 States. Therefore Appellant do assert that Fulton county court do have Jurisdiction under O.C.G.A 17-9-4, And O.C.G.A 17-10-1 which Authorizes modification of a sentence upon return of a remittitur Following a Judgment After direct Appeal. Therefore this court should entertain appellant Appeal.

(3)

Further more, the Judge of the court states clearly in paragraph Four (4) of the order dismissing motion, under O.C.G.A 17-10-1(E) a trial court may modify a sentence only if it is void, And she states Mack v. State, 323 GA App 821 (2013). And she states that Appellant has a reliance upon the remittitur returned in march 2011. The Judge is wrong and the sentence is void, Because appellant motion clearly shows that he states that the 2005 indictment is void And the state is barred by the applicable seven year statute of limitation that makes the sentence void. And he also states that the 2006 indictment is void for lack of Jurisdiction.

(2)

(4)

Further, Appellant sentence is void because of the statute of limitation, where count three 1997 is barred because of the eight (8) year time frame. From 1997 to 2005 is eight years (8) And the 1998 count has seven years an four months, therefore the sentence is void.

(5)

Further more, the 2005 indictment counts should have merged. Because all count are the same, and all counts allegedly happen on langhorn of 1997 when we live their only four month, And we did not live there in 1998 as the police report states that the victim stated nothing accurred on main street, but the abuse did occur at 498 Langhorn, And by me being one of the parents their, we lived their from september 1997 to December, 31 1997, And we move to main street in January 1998, then we move to mount zion in May of 1998. Nontheless all counts are the same charge And the indictment should had one count or when Appellant was sentence it should have merged into one sentence. Not three sentence, which show Appellant being convicted of three counts.

CONCIUSION

WhereFore, Appellant Prays that this Honorable court will Grant his appeal Application that he may have his sentence Justify under the constitution of the United States, and the State of Georgia. And Appellant asserts that his sentence is void under 17-9-4 and due to this code section the court lack Jurisdiction to sentence Appellant due to the statute of limitation barring the court Jurisdiction to sentence and convict Appellant under the 14,5 Amendment Right. Also the court Failed to merger Appellant counts to his indictment where his 14,5 Amendment Right was violated.

Respectfully submitted

This 11 day of August 2014

Paul Murray

Paul Murray G.D.C 481761

CERTIFICATE OF SERVICE

I Appellant Paul Murray, the undersigned and the filer of the foregoing documents do declare that I put adequate affixed enough postage to ensure delivery to the foregoing parties. And here are the parties to be served:

Paul Howard JR District Attorney
of Atlanta District of Georgia.
136 Pryor Street 3rd Floor
S.W Atlanta GA, 30303

Clerk of Appeals of Georgia
Suite 501
47 Trinity Avenue
Atanta, GA 30334

Respectfully submitted

This 11 day of August 2018

Paul Murray
Paul Murray #68026

VERIFICATION

I, Paul Murray, do swear and affirm under penalty of law that the statements contained in this affidavit are true. I further attest that this application for in forma pauperis status is not presented to harass or to cause unnecessary delay or needless increase in the costs of litigation.

I am the plaintiff in this action and know the content of the above Request to Proceed in Forma Pauperis. I verify that the answers I have given are true of my own knowledge, except as to those matters that are stated in it on my information and belief, and as to those matters I believe them to be true. I have read the perjury statute set out above and am aware of the penalties for giving any false information on this form.

Paul Murray — Signature of Affiant Plaintiff

7-30-14 — Date

Sworn to and subscribed before me this 30 day of July 2014

QE Greene

Notary Public or Other Person Authorized to Administer Oaths

ELIZABETH GREENE NOTARY PUBLIC BALDWIN COUNTY, GEORGIA My Commission Expires 8-14-17

[redacted]

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

Date: August 18, 2014

To: Mr. Bobby Taylor, Reg. No. 95673-020, Federal Correction Institution - Edgefield, Post Office Box 725, Edgefield, South Carolina 29824

Docket Number: **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.

☑ **Mr. William L. Martin, III, retired as Clerk/Court Administrator in 2010. The new Clerk/Court Administrator is Stephen E. Castlen.**

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

August 13, 2014

Bobby Taylor
#95673-020
FCI Edgefield
P. O. Box 725
Edgefield SC 29824

To: William L. Martin, Clerk

Re: Notice of Appeal

Mr. Martin,

I am a federal inmate and I am writing concerning a pro se Motion to Vacate Guilty Plea based on Newly Discovered Evidence I filed on July 21, 2014 in the Superior Court of Early County, Case Number 2008-082, Sale of Cocaine conviction date February 20, 2009. The State of Georgia responded and moved the Court to dismiss petioner's motion on the basis of lack of jurisdiction on August 7, 2014. Wherefore, petitioner timely files this Notice of Appeal from a denial for petioner's motion, and shows the Court as follows:

Sincerly,

Bobby Taylor

Bobby Taylor

CERTIFICATE OF SERVICE

I, BOBBY TAYLOR, do hereby certify that the foregoing Notice of Appeal for Motion to Vacate Guilty Plea based on Newly Discovered Evidence, was served to the parties listed below by placing same said in the FBOP inmate mail system first class postage on this 13th Day of August 2014, to ensure delivery:

William L. Martin, Clerk
47 Trinity Ave., SW, Suite 501
Atlanta GA 30334

Emily A. Wilbourn, Clerk
P.O. Box 849
Blakely GA 39823

Craig Earnest, District Attorney
P.O. Box 30
Cuthbert GA 39840

Bobby Taylor

Bobby Taylor
#95673-020
FCI Edgefield
P.O. Box 725
Edgefield SC 29824

IN THE SUPERIOR COURT OF EARLY COUNTY
STATE OF GEORGIA

Bobby Charles Taylor Petitioner, vs. State of Georgia Respondent,	Case Number 2008-082

Motion to Vacate Guilty Plea based on Newly Discovered Evidence

Comes now Petitioner Bobby Charles Taylor, Pro-Se, files before this honorable court his petition to vacate guilty plea based upon newly discovered evidence, that is both material and affect the petitioner's right to due process. Moreover, the facts could not be discovered before the plea was entered, due to the facts became available within the last year.

In support thereof, petitioner states as follows:

Background

The petitioner was charged with sale of cocaine in Case Number 2008-082, he entered reluctant plea of guilty only after he was informed that he would be convicted because no one was going to believe that Investigator J. D. Murkerson had fabricated evidence of sale because petitioner refused to work for him selling cocaine and because petitioner believed that he was being set-up for something bigger. The petitioner tried to sway his attorney, but counsel stated that no one is going to believe a drug dealer over a decorated Officer, but I argued that I had not been convicted of a drug crime. My counsel convinced me to take the state's offer of probation, which was twenty years and this was an illegal sentence, the maximum sentence is 15 years for my first conviction for the sale of cocaine. This has now become a

detriment to me because of this conviction. I'm serving an enhanced federal sentence for a crime I did not commit and because my attorney did not explain or inform me that this state conviction he convinced me to take would allow the federal government to use it as a prior conviction for the purpose of an enhancement under federal law.

Argument

It is argued that my plea was not entered knowingly or intelligently and due to the agent in control of my case being found guilty and sentenced in federal court on July 19, 2013, in the Middle District of Georgia, Albany Division, of being involved in drugs and corruption. The conviction obtained herein, should be reversed due to misconduct on behalf of Agent working under color of state authority and based on ineffective assistance of counsel as held in Hill v. Lockhart - 474 U.S. 52 (1985).

Here the Supreme Court held that a two-prong test that defendant must meet in order to prove that his plea is invalid, of which both prongs must be met:

(1.) Counsel's performance fell below an objective standard of reasonableness

(2.) But for counsel's advice, he would have proceeded to trial

Wherefore, based on the foregoing reasons, petitioner prays that relief be granted in the instant cause.

Dated: ~~July 1~~ August 13, 2014

Respectfully submitted,

THE PETITIONER
BOBBY CHARLES TAYLOR

Bobby Taylor

Bobby Taylor
Reg.# 95673-020
Federal Correctional Institution
P. O. Box 725
Edgefield, SC 29824

SWORN AFFIDAVIT

STATE OF GEORGIA
COUNTY OF EARLY

I, Bobby Charles Taylor, do hereby swear that the following statements are true and state that the following are made without threat or duress and under the penalty of perjury § 1746:

(1.) On or about August 1, 2007, I was approached about my having drugs on my person by Officer J. D. Murkerson, I stated that "I did not".

(2.) Mr. Murkerson stated, "I hear your name in the streets and I know what I'm talking about, I have snitches everywhere".

(3.) Officer Murkerson told me he had a deal for me. He wanted me to come and work for him, and he will have my back.

(4.) I stated that "I'm not going to be a snitch", he then stated, "he has enough of them". Then I asked what are you talking about, he said selling drugs not snitching".

(5.) I then stated, "now I know you trying to set me up", he then stated, "it's your choice, but if you refuse, I'm going to bust you for the sale I made to Tracy Holmes, who was a working Confidential Informant at that time". I stated, "you know I haven't sold him anything". He stated, "we will see, and it's your choice, you could be on the winning team or you could lose".

(6.) I informed my attorney upon my arrest, but I had to take the plea because no one believed my story.

I do swear that my statements made herein are true and stated to the best of my ability. I make them without threat, duress, or promise.

DATED this the ~~twentieth~~ 1st day of ~~June~~ July, 2014.

Bobby Taylor
Signature of Affiant

SWORN to and subscribed before me, this the ~~twentieth~~ 1st day of ~~June~~ July, 2014.

My Commission Expires
December 3, 2018

Thurlendra S. Marshall
NOTARY PUBLIC
Notary Public - State South Carolina
County - Greenwood

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

August 19, 2014

To: Dr. Steve A. Morris, GDC1285557 14B1 #21, Augusta State Medical Prison, 3001 Gordon Highway, Grovetown, Georgia 30813

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.

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

Dr. Steve A. Morris

v.

THE STATE

Toombs Co

GA Appeals Ct

docket case # A13A2356

Dr Steve A. Morris

v.

The State

Case docket #

WRIT of Habeas Corpus

Happy Bday!

me 08-08-1

Dr Steve A. Morris

sig.

GDC # 1285557

ASMP, Augusta GA

Aug 07 2014

date

Dr Steve A. Morris Thurs,
respectfully subm: 08-07-2014

INMATE FORM FOR WRIT OF HABEAS CORPUS
INSTRUCTIONS - READ CAREFULLY

(NOTE: O.C.G.A.§9-10-14(a) requires the proper use of this form, and failure to use this form as required will result in the clerk of any court refusing to accept the action for filing.)

1. Any action filed by an inmate of a state or local panel or correctional institution against the state or a local government or against any agency or officer of a state or local government must be filed on the appropriate form or forms promulgated by the Administrative Office of the Courts.

2. This application must be legibly handwritten or typewritten, and signed by the petitioner. Any false statement of a material fact may serve as the basis for prosecution for perjury. All questions must be answered concisely in the proper space on the form.

3. Any inmate may submit with the complaint or other initial pleading any additional matter in any form if the pleading includes the form or forms attached hereto. Materials attached to the forms should be legibly handwritten, typewritten, or copied.

4. Upon receipt of the appropriate filing fee or if permission to proceed in forma pauperis has been granted, your petition will be filed if it is in the proper order.

5. If the inmate wishes to file an affidavit of indigency, it must be accompanied by a certification from the institution wherein the inmate is incarcerated that the financial statement correctly states the amount of funds in any and all custodial accounts held with the institution.

6. Any Inmate Form for Writ of Habeas Corpus which does not conform to these instructions will be returned with a notation as to the deficiency.

7. These forms may be obtained from the Administrative Office of the Courts through the head of the institution in which the inmate is incarcerated.

Attn: Acct Parapro
ASMP Business Office

THIS FORM IS TO BE COMPLETED ONLY BY AN AUTHORIZED INDIVIDUAL AT THE INSTITUTION WHERE THE INMATE PLAINTIFF IS PRESENTLY INCARCERATED, OR HIS/HER DESIGNEE.

CERTIFICATION

I hereby certify that the Plaintiff herein, Dr. Steve A. Morris has an average monthly balance for the last twelve (12) months of $ ~ 100 on account at the Aprox. institution where confined. (If not confined for a full twelve (12) months, specify the number of months confined. Then compute the average monthly balance on that number of months.)

I further certify that Plaintiff likewise has the following securities according to the records of said institution : _____

Authorized Officer of Institution Date ?

NOTE: Please attach a copy of the prisoner's inmate account of the last 12 months or the period of incarceration, whichever is less.

Please MAIL

To: A.S.M.P.
#3001 Gordon Hwy
Grovetown GA
30813-3809 zip code
Attn: Acct Parapro
Business Office

IN THE SUPERIOR COURT OF Richmond
STATE OF GEORGIA

Dr Steve A. Morris,
Petitioner

1285557,
Inmate Number

Civil Action No. ?

vs.

Mr Stanley Shepherd,
Warden

A.S.M.P.,
Respondent

(Name of Institution where you are now located)

Habeas Corpus

APPLICATION FOR WRIT OF HABEAS CORPUS

PART I: BACKGROUND INFORMATION ON YOUR CONVICTION

1. Name, county, and court which entered the judgment of conviction under attack :
   Toombs Co. GA Ct of Appeals
2. Date of conviction : _____
3. Length of sentence(s) : 20-20-25
4. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time? G Yes G No
5. Name of offense(s). List all counts : Aggr Child Mol. Sexual Batt etc
6. What was your plea? Please check one :
   G Guilty
   G Guilty but mentally ill
   G Nolo contendere
   G Not guilty
   Sup. of Toombs Co. Georgia Court Middle Judical Cir.
   If you entered a guilty plea to one count or indictment, and a not guilty or nolo contendere plea to another count or indictment, give details : All 3 counts
7. Kind of trial. Please check one :
   G Jury
   G Judge only
8. Did you testify at the trial? G Yes G No
9. Did you appeal from the conviction? G Yes G No
   Case/Docket # A13A2356
10. If you did appeal, answer the following :
    Name of appellate court to which you appealed : Admin Office Courst of GA #244 WASH St SW Suite #300 Atl GA 30334 (404) 656-5171
    Result of appeal : denied
    Date of result : MAR 24 2014

PART II: STATEMENT OF YOUR CLAIMS

State concisely every ground on which you now claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.

1.

GROUND ONE : I WAS denied speaking on s/ for my own defense

SUPPORTING FACTS. (Tell your story *briefly* without citing cases or law) : I WAS counseled To Keep my mouth SHUT As "they" my Attn At LAW- Col Brandi D. Payne s/ AND Hon Judge Kathy Stephens Palmer SAID I could Not Control my temper in s/ respect THE Court

2.

GROUND TWO : No - zero - nada - zilch CHARACTER witnesses were Called I HAVE 100s of Relatives s/ former Clients of

SUPPORTING FACTS. (Tell your story *briefly* without citing cases or law) : Hazlehurst Animal Clinic #13 EAST Coffee St now Dr J. Craig Padgett Veterinary Services (912) 375 3465 Padgett DVM s/ " " 3482 FAX s/ Dr Deese

3.

GROUND THREE:

SUPPORTING FACTS. (Tell your story *briefly* without citing cases or law) : McRae / Helena Animal Clinic OAK ST McRae GA Dr Donna Thompson, DVM now Country Side Animal Hospital

4.

GROUND FOUR: (229)

SUPPORTING FACTS. (Tell your story *briefly* without citing cases or law) : I WAS not Allowed to defend myself I did NOT Sleep in the Camper W/ the Child

I Slept At the Chicken Yard s/ deer Hunters Cabins

The "Alleged victim" All His drank s/ Smoking s/ Alcohol s/ was off Meds!

prison accounts):

G Yes G No

If the answer is "Yes", state the total value of the items owned : _____

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? G Yes G No

   If the answer is "Yes", describe the property and state its approximate value :

   _____

   _____

5. List the persons who are dependent upon you for financial support, state your relationship to those persons, and indicate how you contribute toward their support : _____

   None

   only myself

I understand that a false statement or answer to any question in this affidavit will subject me to penalties for perjury and that state law provides as follows:

a. A person to whom a lawful oath or affirmation has been administered commits the offense of perjury when, in a judicial proceeding, he knowingly and willfully makes a false statement material to the issue on point in question.

b. A person convicted of the offense of perjury shall be punished by a fine of not more than $1,000 or by imprisonment for not less than one nor more than ten years, or both. O.C.G.A.§16-10-70.

Dr Steve A. Morris 08-07-2014

Signature of Petitioner Date

VERIFICATION

I am the plaintiff in this action and know the content of the above Request to Proceed in Forma Pauperis. I verify that the answers I have given are true of my own knowledge, except as to those matters that are stated in it on my information and belief, and as to those matters I believe them to be true. I have read the perjury statute set out above and am aware of the penalties for giving any false information on this form.

Dr Steve A. Morris 08-07-2014

Signature of Affiant Petitioner Date

Sworn to and subscribed before me this
_____ day of _____, 20_____.

_____

Notary Public or Other Person Authorized to Administer Oaths

pg# 13

PART III: OTHER CLAIMS NOT PRESENTED TO A COURT BEFORE THIS

If any of the grounds listed in PART II were not previously presented in any other court, state or federal, state *briefly* what grounds were not so presented, and give your reasons for not presenting them:

I have numerous unattended grievances
Re: theft & Assault here At ASMP
Theft - ofc Coleman (fired for drug us)
opened my dorm door for thief(s) - "Polo"

Wherefore, petitioner prays that the Court grant relief to which the petitioner may be entitled in this proceeding.

& Assaulted
2x
by: Randall
Futch
Inmate Form # 12

Dr Steve A. Morris
ASMP 3001 Gordon Hwy
Grovetown GA 30813-3809

Signature and Address of Petitioner's Attorney (if any attorney)

August 07 2014
Date

Court Appointed
Attn
At
Law
Please!

I declare (or certify, verify, or state) under penalty of perjury that the foregoing statements made in this Application for Writ of Habeas Corpus are true and correct.

Executed on 08-07-2014
Date

Dr Steve A. Morris
Signature of Petitioner

Sworn to and subscribed before me this
_____ day of _____, 20_____.

_____
Notary Public or Other Person Authorized to Administer Oaths

Please note that under O.C.G.A.§9-14-45 service of a petition of habeas corpus shall be made upon the person having custody of the petitioner. If you are being detained under the custody of the Georgia Department of Corrections, an additional copy of the petition must be served on the Attorney General of Georgia. If you are being detained under the custody of some authority other than the Georgia Department of Corrections, an additional copy of the petition must be served upon the district attorney of the county in which the petition is filed. Service upon the Attorney General or the district attorney may be had by mailing a copy of the petition and a proper certificate of service.

pg # 15

United States District Court for the
Southern District

Division of Augusta

File # 113 CV 172

Dr. Steve A. Morris, plaintiff	?	
v.	?	
Priscilla Kitt, counselor PREA coordinator et al	?	Notice of Appeal
defendant	?	

Notice is hereby given that Dr. Steve A. Morris in the above named case hereby appeals to the United States Court of Appeals for the Southern Circuit from an order entered in this action on the 17th day of March 2014.

Dr Steve A. Morris
sig.

-16-

date: 08-07-2014
Stan DVM

The Court of Appeals
47 Trinity Avenue SW, Suite 501
Atlanta, Georgia 30334

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

April 22, 2014

Mr. Steve A. Morris
GDC1285557 11A2-120
Augusta State Medical Prison
3001 Gordon Highway
Grovetown, Georgia 30813

RE: A13A1256. Steve A. Morris v. The State

Dear Mr. Morris:

I am in receipt of the Motion for Reconsideration and Motion for Extension of Time in the above appeal Your appeal was disposed by opinion on March 24, 2014. The Court of Appeals of Georgia affirmed the judgment of the trial court. The remittitur issued on April 9, 2014, divesting this Court of any further jurisdiction of your case. The case is therefore, final. I am returning your documents to you.

Sincerely,

Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld
Enclosures

Black's Law Dict
4th Ed © 1996
West Pubs Co.

... case be retried. ...

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS
Date: August 19, 2014

To: Sim J. Pope, GDC 369764, Coffee Correctional Facility, P.O. Box 650, Nicholls, GA 31554

Docket Number: N/A **Style**: Sim Pope 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 **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 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 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: No pending case in our court.**

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

IN THE SUPERIOR COURT OF Jefferson County
STATE OF GEORGIA

Sim James Pope, Jr.
Plaintiff

369764
Inmate Number

Civil Action No. 99-CR-55

vs.

State of Georgia
Defendant(s)

Nature of Action: Notice of Appeal

REQUEST TO PROCEED IN FORMA PAUPERIS

I, Sim James Pope, Jr., depose and say that I am the plaintiff in the above entitled case; that in support of my request to proceed without being required to prepay fees, costs or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to redress. I further swear that the responses which I have made to questions and instructions below are true.

1. List any and all aliases by which you are known:

2. Are you presently employed? G Yes G No
   If the answer is "Yes", state the amount of your salary or wages per month, and give the name and address of your employer : Social Security $890 Monthy

   If the answer is "No", state the date of last employment and the amount of the salary and wages per month which you received :

3. Have you received within the past twelve months any money from any of the following sources?
   Business, profession or form of self-employment? G Yes G No
   Pensions, annuities or life insurance payments? G Yes G No
   Rent payments, interest or dividends? G Yes G No
   Gifts or inheritances? G Yes G No
   Any other sources? G Yes G No

If the answer to any of the above is "Yes", describe each source of money and state the amount received from each source during the past twelve months : From Family Member's

4. Do you own any cash, or do you have money in a checking or savings account? (Include any funds in prison accounts) G Yes G (No)
   If the answer is "Yes", state the total value of the items owned :

5. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? G (Yes) G No
   If the answer is "Yes", describe the property and state its approximate value : 1991 Gold Wing $3,500

6. List the persons who are dependent upon you for financial support, state your relationship to those persons, and indicate how you contribute toward their support : NONE

I understand that a false statement or answer to any question in this affidavit will subject me to penalties for perjury and that state law provides as follows:

a. A person to whom a lawful oath or affirmation has been administered commits the offense of perjury when, in a judicial proceeding, he knowingly and willfully makes a false statement material to the issue on point in question.

b. A person convicted of the offense of perjury shall be punished by a fine of not more than $1,000 or by imprisonment for not less than one nor more than ten years, or both. O.C.G.A.§16-10-70.

I, Sim James Pope, Jr., do swear and affirm under penalty of law that the statements contained in this affidavit are true. I further attest that this application for in forma pauperis status is not presented to harass or to cause unnecessary delay or needless increase in the costs of litigation.

Sim James Pope, Jr. 7-24-2014
Signature of Plaintiff Date

Sworn to and subscribed before me this 24th day of July, 2014

Notary Public or Other Person Authorized to Administer Oaths

Notary Public, Coffee County, Georgia
My Commission Expires Dec. 8, 2015

Please note that under O.C.G.A.§42-12-5 service of an affidavit in forma pauperis, including all attachments, shall be made upon the court and all named defendants. Failure by the prisoner to comply with this code section shall result in dismissal without prejudice of the prisoner's action.

Certificate of Service

This is to certify that I have this day a served a true and correct copy of the within and foregoing document(s) upon the party(s) listed below by depositing a copy of the same in the United States mail in a properly addressed enveloped with adequate postage thereon or submitted same to the institutional legal mail system, to bellow addressee(s)

Clerk of Supurior Court
Ms. Ann Durden
P.O. Box 151
101 E. Broad St.
Louisville, Ga.-30434

S. Hayward Altman
P.O. Box Drawer J
101 N. Main St.
Swainsboro, Ga.-30401

Ga Court of Appeals
334 State Judicial Blvd.
Atlanta, Ga.-30334

Document(s) Included:
1) Request for Informa Pauperis

This 12th Day of August, 2014

Respectfully submitted,
Sim J. Pope, Jr.
Pro Se

Signature Sim James Pope, Jr
Print: Sim James Pope, Jr.
GDC#: 369264
Address: P.O. Box 650
Nicholls, Ga.-31554

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS
Date: August 19, 2014

To: Mr. Menshack Nyepah, GDC 1000878813, Hays State Prison, Post Office Box 668, Trion, Georgia, 30753

Docket Number: A14A2097 **Style**: Menshack Nyepah 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 **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 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 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: This case was dismissed 08/14/2014.**

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

COURT OF APPEALS OF GEORGIA

MENSHACK NYEPAH

APPEAL CASE NO. A14A2097

STATE OF GEORGIA

Request For Oral Argument

Comes Now, MENSHACK NYEPAH, (ProSe) At this time request these honorable courts to scheduled date for an oral argument for direct appeal for examination of motion:

1.) It is important that the right to appeal not be lost by mistakes of mere form. In a number of decided cases it has been held that so long as the function of notice is met by the filing of a paper indicating an intention to appeal, The substance of the rule has been complied with. See, Cobb vs. Lewis (C.A 5th 1974) 488 F.2d 41, Holley vs. Capps (C.A 5th 1972) 468 F.2d 1366.

2.) The rules makes it clear that (Rule 3 F.R.CP) dismissal of a appeal should not occur when it is otherwise clear from the notice that the party intended to appeal. It a Court determines it is objectively clear that a party intended to appeal, There are neither administrative concerns nor fairness concerns that should prevent the appeal from going forward. Ask told

in time to have Rule 3 (d) F.R.C.P (Notice mailed to district Judge in time to have been received by him in normal course held sufficient) Riffle v. United States 299 F.2d 802 (5th Cir 1962)

(Notice mailed to district, Notice of appeal by a prisoner, In the form of a letter deliver, Well within the time fixed for appeal, To prison authorities for mailing to the Clerk of the district court held timly filed notwithstanding that it was received by the Clerk after expiration of the time for appeal; The appellant "Did all he could" to effect timely filing.) Richey vs. Wilkins, 335 F.2d 1 (2d. Cir. 1964).

Therefore, Applicant prays this Court move to grant request for Oral Argument for time deemed necessary. for thee Courts.

Declaration

I declare that the foregoing is true and correct to the best of my knowledge. Signed upded penalty of perjury under the law of the United State of America and with explicit reservation of all my unalienable rights and without prejudice to the same, pursuant to UCC 1-207.

x [signature]
"ALL RIGHTS RESERVED"
UCC1207

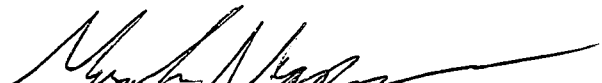
Subscribed and submitted this 25th day of July, 2014.

CERTIFICATE OF SERVICE

This is to certify that I have this day served a true and correct copy of the within and forgoing document(s) upon the person(s) listed below by depositing a copy of same in the United States Mail in a properly addressed envelope with adequate postage thereon to ensure that it reaches its destination.

This 25th day of July, 2014.

Respectfully submitted,



Hay C.I
PO Box 668
Trion, GA 30753

Person(s) served:

1.) Office of District Attorney Richard R. Read
Rockdale Judicial Circuit/~~922~~
922 Court Street, Suite 201
Conyers, GA 30012

2.) Stephen E. Castlen, Clerk
Court of Appeals of Georgia
47 Trinity Avenue SW, Suite 501
Atlanta, Georgia 30334

COURT OF APPEALS OF GEORGIA

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MENSHACK NYEPAH

APPEAL CASE NO: A14A209

V.

STATE OF GEORGIA

Request For Oral Argument

Comes Now, MENSHACK NYEPAH, (ProSe) At this time request these honorable Courts to scheduled date for an oral argument for direct appeal for examination of motion:

1.) It is important that the right to appeal not be lost by mistakes of mere form. In a number of decided cases it has been held that so long as the function of notice is met by the filing of a paper indicating an intention to appeal, The Substance of the rule has been complied with. See, Cobb vs. Lewis (C.A 5th 1974) 488 F.2d 41, Holley vs Capps (C.A 5th 1972) 468 F.2d 1366.

2.) The rules makes it clear that (Rule 3 F.R.C.P) dismissal of a appeal should not occur when it is otherwise clear from the notice that the party intended to appeal. It a Court

determines it is objectively clear that a party intended to appeal. It a Court determines it is objectively clear that a party intended to appeal, There are neither administrati-
Concerns nor fairness concerns that should prevent the app-eal from going forward. Ask told in time to have Rule:
(d) F.R.C.P (Notice mailed to district Judge in time to have been received by him in normal course held sufficient) Ripple vs. United States 299 F.2d 802 (5th Cir 1962.)

(Notice mailed to district, Notice of appeal by a prisoner, In the form of a letter deliver, Well within the time fixed for appeal, To prison authorities for mailing to the Clerk of the district court held timly filed notwithstanding that it was rece-ived by the Clerk after expiration of the time for appeal; The appellant "Did all he could" to effect timely filing.) Richey vs. Wilkins, 335 F.2d 1 (2d. Cir, 1964).

Therefore, Applicant prays this Court move to grant request for Oral Argument for time/date deemed necessary, For the Courts.

x [signature]

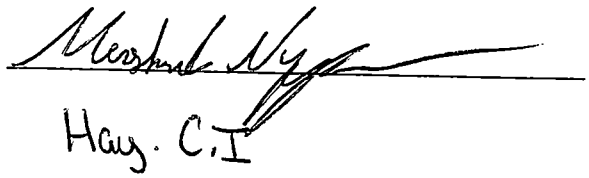
Subscribed and submitted this 25th day of July, 2014.

CERTIFICATE OF SERVICE

This is to certify that I have this day served a true and correct copy of the within and forgoing document(s) upon the person(s) listed below by depositing a copy of same in the United States Mail in a properly addressed envelope with adequate postage thereon to ensure that it reaches its destination.

This 25th day of July, 2014.

Respectfully submitted,



Hay. C.I
P.O Box 668
Trion, GA 30753

Person(s) served:

1.) Office of District Attorney Richard R. Read
Rockdale Judicial Circuit
922 Court Street, Suite 201
Conyers, GA 30012

2.) Stephen E. Castlen, Clerk
Court of Appeals of Georgia
47 Trinity Avenue SW, Suite 501
Atlanta, Georgia 30334

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS
Date: August 6, 2014

To: Mr. Menshack Nyepan, GDC1000878813, Hays State Prison, Post Office Box 668, Trion, Georgia 30753

Docket Number: **Style:**

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 **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. ☑ **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 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

The Court of Appeals
47 Trinity Avenue SW, Suite 501
Atlanta, Georgia 30334

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

August 19, 2014

Mr. Rodney Thomas
GDC821394
Riverbend Correctional Facility
196 Laying Farm Road
Milledgeville, Georgia 31061

RE: S14D0679. Rodney Terrence Thomas v. The State

Dear Mr. Thomas:

Please see copy of "Document Return Notice for Applications" dated February 19, 2014 and the attachments. The information we provided you was misinterpreted, a **copy** was to be submitted to the District Attorney's office by you as required by our rules. You were to re-do the Certificate of Service contained in your Discretionary Application, include the name and mailing address of the District Attorney and return the application to our Court for filing. The information sent to you were your originals received from the Supreme Court's transfer.

Sincerely,

Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld
Enclosures

ATTN:

Dear Mr. Castlen,

ON Case # S14D0679, in which was a discretionary Appeal transferred by the Supreme Court to the Court of Appeals due to constitutional issues that was raised, Your Administration then forwarded to me a copy of the filing to be submitted to the D.A.'s office, in which was mailed February 19th of this year so, if there isn't a current case styled in my name then, what happened to the actual case?

Respectfully Submitted,

X Rody Thomas

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS

February 19, 2014

To: Mr. Rodney Terrence Thomas, GDC821394, Georgia Diagnostic and Classification Center, State Prison, Post Office Box 3877, Jackson, Georgia 30233

Docket Number: **Style:** **Rodney Terrence Thomas v. The State**

Your document(s) is (are) being returned for the following reason(s).

1. ☐ Your Application was not accompanied by the statutory filing fee, $300.00 civil; $80.00 criminal, 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. ☐ Portions of the record included were not tabbed and indexed. Rules 30 (e) and 31 (c).

3. ☐ A stamped "filed" copy of the trial court's order to be appealed was not attached to your Application. Rules 30 (b) and 31 (e)

4. ☐ A stamped "filed" copy of the Certificate of Immediate Review was not attached to your Interlocutory Application. Rule 30(b)

5. ☐ Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)

6. ☐ There were an insufficient number of copies of your document. Rule 6

7. ☑ **A copy of your filing should be provided to the District Attorney and include his/her name and address on the Certificate of Service as having been served.**

8. ☐ Your Certificate of Service did not include the complete name and /or mailing address of each opposing counsel and pro se party. Rule 1(a) and 6

9. ☐ Your document exceeds page limits. Rules 24(f) , 30(e) and 31(c)

10. ☐ Your request for court action must be submitted in motion form. Rule 41 (a)

11. ☐ No extension of time for filing an interlocutory application will be granted . Rule 30 (g) . No extension of time will be granted for filing a discretionary application unless the motion for extension is filed on or before the due date of the discretionary application.

12. ☐ The type font was smaller than 10 characters per inch; type was not double-spaced or/and type was on both sides of the paper. Rules 1(c), 24(b), 37(a) and 41(b).

13. ☐ Your motions were submitted in an improper form (joint, compound, or alternative motions in one document). Rule 41 (b)

14. ☐ Margins were too small or paper size was incorrect. Rules 1(c), 24(c), 30(e), 31(c) and 41(b).

15. ☐ Your document was submitted for filing more than 30 days after the date of the order granting, denying or dismissing the application or the order granting, denying or dismissing the Motion for Reconsideration. Rules 30(j) and 31(j).

16. ☐ Other:

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

D4-013

APPLICATION FOR DISCRETIONARY APPEAL

Case No. S14D0679

D4-013

RODNEY TERRENCE THOMAS v. THE STATE

Trial Court Order: May 25, 2011

Filed: January 09, 2014

Response by: January 21, 2014

Final order due by: February 10, 2014

Grant: _____

Deny: _____

Dismiss: _____

Transfer: _____

Other: _____

SUPREME COURT OF GEORGIA
Case No. S14D0679

Atlanta, February 3, 2014

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed.

RODNEY TERRENCE THOMAS v. THE STATE

From the Superior Court of Fulton County.

It appears that applicant is seeking review of his conviction for violating the sex offender registration requirements. Because applicant was not convicted of murder, and because any constitutional issues he raises involve merely the application of well-settled constitutional principles, his application for discretionary appeal hereby is transferred to the Court of Appeals, see Zepp v. Mayor & Council of the City of Athens, 255 Ga. 449 (339 SE2d 576) (1986).

All the Justices concur.

SUPREME COURT OF THE STATE OF GEORGIA

Clerk 's Office, Atlanta

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.
Witness my signature and the seal of said court hereto affixed the day and year last above written.

Sui C. Fulton, Chief Deputy Clerk

SUPREME COURT OF GEORGIA

Rodney Thomas,
APPELLANT

vs.

The State of Georgia
APPELLEE

CASE NUMBER
11SC99782

PAUPER'S AFFIDAVIT

Comes now Rodney Thomas
(Appellant/Applicant/Petitioner Name)

and first being duly sworn, states that because of my indigence I am financially unable to pay the required filing costs in the Supreme Court of Georgia, and I request that I be permitted to file without having to pay filing fees.

This 13th day of December

Rodney Thomas
(Your name typed or printed)

(Signature)

420 Courtland St. N.E.
Atl, GA. 30308
(Print complete address and telephone number.)

Sworn to and subscribed before me,
this 9th day of January, 2014.

Notary Public
SEAL

DANIEL A MEDRANO
NOTARY PUBLIC
GWINNETT COUNTY, GEORGIA
MY COMMISSION EXPIRES 01-27-14

THE SUPREME COURT OF GEORGIA

RODNEY THOMAS - pro-se

Case # 11SC99782

-VS-

STATE OF GEORGIA

APPLICATION FOR CERTIFICATE OF PROBABLE CAUSE

Comes Now, Petitioner addresses the Honorable Court in lieu of an invalid sentence that transpired on May 20th, 2011, as the state willingfully and knowingly had no probable cause or cause of action to indict nor prosecute the aboved style case as the petitioner displays his grounds to the honorable court as follows.

(1)

Based on the U.S. Supreme Courts' ruling, Retroactive Registration of sex offender's is Nonpunitive and the said conviction on the month, date and year, did not constitu an Ex Post Facto Law, as well as the Registration not Required for a sentence imposed before effective date of act, O.C.G.A 42-1-12 (a) (3) implied to sentences imposed on or after July 1st 2004, STATE -Vs- PLUNKETT, 277 Ga. App 605, 627 S.E. 2d 182 (2006). Registration Act: ~~September~~ JULY, 1996.

(2)

Petitioner's Conviction of the original charge in Escambia County, Pensacola, Florida accrued in 1989 insomuch as parallel's with ground number one in which entails that, the STATE has no actual evidence nor probable cause, in order to preclude successive prosecution as the state lacks the burden of proof, in terms of bringing the statutory elements of proof from the initial court outing. Conviction was a Nolo Contendere plea in 1989.

(3)

Petitioner contends that his 5th Amendment of the U.S. Constitution has been violated pertaining to the Double Jeopardy clause as one of it's primary policy's is to eliminate Judicial discretion to impose cumulative punishments that the legislature has not authorized.

(4)

In Benton-vs-Maryland, 395, U.S. 784, 89. S. Ct. 2056, 23 L. Ed 2d 707 (1969) as the STATE Willfully Neglected and disregarded petitioner's Federal Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution in which expresses an unconstitutional dilemma towards the petitioner's 8th Amendment (Eighth) of Cruel & unusual punishment. Petitioner enjoys a presumption of innocence.

(5)

The petitioner addresses the Ex Parte Yerger, 75 U.S. 85, 95 (1868) Regarding this matter as the petitioner pleads to the Honorable Courts with all due respect to exercise an INJUNCTIVE RELIEF, until the matter is Resolved.

(6)

Petitioners Counsel acted under the color of Law based on the grounds of her unethical and professionalism of desolate, being that she was in congruence to the INVALID SENTENCE without consulting with me some angle of a defense strategy Rather than her feisty encouragement of accepting the plea OR face a 30 year sentence upon a trial fiasco. In which makes her ineffective assistance as a counsel.

This said Application For Certificate of Probable Cause is prayed upon to the Honorable Court's by the petitioner and based on this affidavit of fact in terms of the aboved grounds of Relevance, petitioner ask the Honorable Court's to Quash Conviction, with the greatest Respect intended for the Honorable Court., Based on Finnicum-v-State, 296 Ga. App. 86, 67 S.E. 2d 604 (2009) Petitioner adds Sections 9-14-41 to 9-14-53. [O.C.G.A] Respectfully Submitted

X Rodney Thomas

CERTIFICATE OF SERVICE

This is to certify that the Necessary party (s) have been rendered a copy of said documents, service was made by U.S. postal Mail with the adequate amount of Necessary postage affixed and on this day mailed to the Necessary party (s) as follows.

9th On this DAY of January, 2014

DANIEL A MEDRANO
NOTARY PUBLIC
GWINNETT COUNTY, GEORGIA
MY COMMISSION EXPIRES 01-27-14

1-9-14

RODNEY THOMAS

STATE OF GEORGIA
SUPREME COURT CLERK
244 WASHINGTON STREET
ATLANTA, GA. 30334

FINAL DISPOSITION ☐Revoked 1st (der Sentence ☐ Amended Sentence | lified Sentence ☐Re-Sentencing

FINAL DISPOSITION
CRIMINAL ACTION NO. 11SC99782

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

VS

Rodney Terrence Thomas
BK# 1108502

OFFENSE(S) (1) 42-1-12 State Sexual Offender Registry Violation

FILED IN OFFICE
MAY 25 2011
DEPUTY CLERK SUPERIOR COURT
FULTON COUNTY, GA

MAY-JUNE TERM 2011

Alford v. NC ☒ PLEA

☒ NEGOTIATED - NON
☒ GUILTY ON COUNTS(S) 1
☐ NOLO CONTENDERE ON COUNT(S)
☐ TO LESSER INCLUDED OFFENSE(S)

ON COUNT(S)

☐ VERDICT

☐ JURY ☐ NON-JURY
☐ GUILTY ON COUNT(S)
☐ NOT GUILTY ON COUNT(S)
☐ GUILTY OF INCLUDED OFFENSES

ON COUNT(S)

☐ OTHER DISPOSITION

☐ NOLLE PROSEQUI ORDER COUNT(S)
☐ DEAD DOCKET ORDER ON COUNT(S)

(SEE SEPARATE ORDER)

☐ DEFENDANT ADVISED OF HIS/HER RIGHT TO HAVE SENTENCE REVIEWED BY THE SUPERIOR COURT'S SENTENCE REVIEW PANEL

☒ FELONY SENTENCE ☐ MISDEMEANOR SENTENCE

WHEREAS, the above named defendant has been found guilty of the above stated offense. **WHEREUPON,** it is ordered and adjudged by the Court that:
The said defendant is hereby sentenced to confinement for a period of Ten (10) years

☒ credit for time served 3-12-2011. ☐ Sentenced per penalty enhancement
In the State Penal System or such other institution as the Commissioner of the State Department of Corrections or Court may direct, to be computed as provided by law.

HOWEVER, it is further ordered by the Court:
☐ 1) **THAT** the above sentence may be served on probation.
☐ 2) **THAT** the above sentence be suspended.
☒ (3) **THAT** upon service of six (6) months of the above sentence, the remainder of 9 years, 6 months may be (suspended) (served on probation), PROVIDED that the said defendant complies with the following general and other conditions herein imposed by the Court as a part of this sentence.

GENERAL CONDITIONS OF PROBATION/SUSPENSION

The defendant, having been granted the privilege of serving all or part of the above stated sentence on probation, hereby is sentenced to the following general conditions of probation:

1. Do not violate the criminal laws of any governmental unit.
2. Avoid use of alcohol and narcotics and other dangerous drugs unless lawfully prescribed -- and avoid persons or places of disreputable or harmful character.
3. Report to the Probation Officer as directed and do not change your address, move outside Fulton County, or leave the state without prior permission of the Probation Officer. (Probated Sentence Only)
4. Maintain employment and support your legal dependants. Submit to evaluations and testing and complete any program as directed by the Probation Officer.
5. Submit to a search of your person, residence, papers and/or effects, anytime of the day or night, with or without a search warrant, whenever requested to do so by a Probation Officer or any law enforcement officer upon reasonable cause to believe that you are in violation of the law. You further specifically consent to the use of anything seized as a result of a search as evidence in judicial proceedings.
6. Upon oral or written request by any Probation Officer, produce a breath, urine, and/or blood specimen for analysis for the possible presence of a substance prohibited or controlled by any law of the State of Georgia or of the United States. (Probated Sentence Only)

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

CRIMINAL ACTION NO. 11SC99782

VS.

Rodney Terrence Thomas

☐ OTHER CONDITIONS OF PROBATION/SUSPENSION

IT IS FURTHER ORDERED that the defendant pay a **FINE** of $_____. **Plus all applicable fees as set by law. Plus $50.00 IDAF** (☐ fee waived). Plus pay $_____ for Probation/Misdemeanor Probation Fee.

RESTITUTION to the victim in the amount of $_____.

RESTITUTION to the Court Administrator for **ATTORNEY FEES** in the amount of $_____;

OTHER $_____.

☒ **SPECIAL CONDITIONS OF PROBATION/SUSPENSION (O.C.G.A. 42-8-34.1)**

☐ **Stay away from victim**
☐ **Stay away _____ yards from victim**
☐ _____ **hours of community service**
☐ **Must successfully complete Intensive Probation Program**
☐ **Must successfully complete Drug Court Program**
☐ **Obtain GED**
☐ **Drug/Alcohol Assessment/must complete any treatment required by the probation department**

Register

IT IS THE FURTHER ORDER of the Court, and the defendant is hereby advised that the Court may, at any time, revoke any conditions of this probation/suspension and/or discharge the defendant from probation/suspension. The defendant shall be subject to arrest for violation of any general condition of probation, special condition of probation or suspension herein granted. If such probation/suspension is revoked, the Court may revoke a portion of the sentence which was originally imposed in the manner provided by law after deducting there from the amount of time the defendant has served on probation/suspension. If a special condition of probation is violated, the Court may revoke the entire balance of the probated sentence.

So ordered this 20th day of May, 2011.

Judge, Fulton Superior Court Glanville
Atlanta Judicial Circuit

Defendant's Attorney: Tasha Rodney Pub. Def (Employment)(Appointed) Signature N/A

Prosecuting Attorney: Daysha Young Signature

Court Reporter: Amy McKee

CERTIFICATE OF SERVICE

This is to certify that a true & correct copy of this Sentence of Probation has been delivered in person to the defendant & he/she has been instructed regarding the above conditions.

This _____ day of _____, 20____. Probation Officer Probationer

Filed in Office this 26 day of May, 20____. Deputy Clerk

BOOK 008289 PAGE 397

White – Clerk Canary – Sheriff Pink – Probation Office Goldenrod – Defendant

The Court of Appeals
47 Trinity Avenue SW, Suite 501
Atlanta, Georgia 30334

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

August 19, 2014

Mr. Michael Tucker
GDC633157
Washington State Prison
Post Office Box 206
Davisboro, Georgia 31018

Dear Mr. Tucker:

We are returning your submission as there is no case in your name presently before the Court. Once we receive your case from the lower court, we will docket it and you will receive a Docketing Notice. Also, please note that no submission to this Court will be accepted without a proper Certificate of Service. And, that we will not accept anything from an individual who is represented by an attorney.

Sincerely,

Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld
Enclosures

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS

8/01/14

RECEIVED

AUG 11 2014

RECEIVED

AUG 11 2014

To: Michael Tucker

Docket Number: Style: Michael Allen Tucker v. The State

Your document(s) is (are) being returned for the following reason(s).

1. ☐ Your Application was not accompanied by the statutory filing fee, $300.00 civil; $80.00 criminal, 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. ☐ Portions of the record included were not tabbed and indexed. Rules 30 (e) and 31 (c).

3. ☐ A stamped "filed" copy of the trial court's order to be appealed was not attached to your Application. Rules 30 (b) and 31 (e)

4. ☐ A stamped "filed" copy of the Certificate of Immediate Review was not attached to your Interlocutory Application. Rule 30(b)

5. ☐ Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)

6. ☐ There were an insufficient number of copies of your document. Rule 6

7. ☐ No Certificate of Service accompanied your document(s). *Rule 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.

8. ☑ Your Certificate of Service did not include the complete name and /or mailing address of each opposing counsel and pro se party. Rule 1(a) and 6

9. ☐ Your document exceeds page limits. Rules 24(f) , 30(e) and 31(c)

10. ☐ Your request for court action must be submitted in motion form. Rule 41 (a)

11. ☐ No extension of time for filing an interlocutory application will be granted . Rule 30 (g) . No extension of time will be granted for filing a discretionary application unless the motion for extension is filed on or before the due date of the discretionary application.

12. ☐ The type font was smaller than 10 characters per inch; type was not double-spaced or/and type was on both sides of the paper. Rules 1(c), 24(b), 37(a) and 41(b).

13. ☐ Your motions were submitted in an improper form (joint, compound, or alternative motions in one document). Rule 41 (b)

14. ☐ Margins were too small or paper size was incorrect. Rules 1(c), 24(c), 30(e), 31(c) and 41(b).

15. ☐ Your document(s) was (were) not securely bound at the top with staples or round head fasteners. Rules 1(c), 30 (e) and 31 (c)

16. ☐ Your document was submitted for filing more than 30 days after the date of the order granting, denying or dismissing the application or the order granting, denying or dismissing the Motion for Reconsideration. Rules 30(j) and 31(j).

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

If this is a Notice of appeal it should be filed with the lower court ~~the~~ clerk

Michael A. Tucker
Vs
Catoosa County
Ringgold Ga.

Case No: 2013-SU-CR 779

Cover Sheet.

I talk with The Superior Clerk of Courts, I was Told my Notice of Appeal had been Sent to you. With a Copie of my Motion to Clarify Sentence.

I Sent letter's and return response's From the Superior Court Clerk to the Judge Mr Van Pelt, I was unable to make Copie. They will Show I tried many times to Contact my attorney Mr. W. Lanphier with the Public Defenders office. The Superior Court Clerk also Forward many letter's. (No Return letters) Then I find out upon returning to Catoosa County Sheriff dept. I was Reappointed an attorney. Mr. W. Lanphier had went into his own practice. and I was never informed. Mr W. Lanphier was appointed to me on 4-15-16 -OR The 17th. of 2012. I was Sent Back to D.O.C The Night of 4-17-2012 and Return on 8-7-13 From

D.O.C. I tried Many times to get my arrest Report From 4-14-12 and was unsucessful.

Please read all my letter to The Court clerk and The Public Defenders office. and many Motion trying myself to get Back in Court.

The Second half are Copie of Warrants, and Being Sentence to 3 years D.O.C. in 09 Attorney the Same Mr W. Lanphier P.D. I Requested my Warrants on this Case and was sent the one's From 09 witch I learn I was charged twice For the Same items and the Warrants written up wrongel. After Reading you will see the Courts Sentence me on 3 ~~Misdemeanor~~ felonys witch if Mr. W. Lanphier would have Listen to me and Review the Warrants he would have seen it was clearly 3 Misdermeanors. NOT 3 felonys.

I filed a Motion to Modify my Sentence. If I was Sentence Correctly in 09 For 3 misdermeanors. I would have been Sentence to 3 years this time. NOT 6 years. Please Read and you will see clearly I was sentence twice For not taken the time to Review or wrongful Sentencing, I Pray The Appeals Court will Rule On my Behalf. Thankyou

Also I was told my sentence to Remold Sentencing was also sent with The Package of my Motion to Clearify. (Appeal)

The Motion to Remold was sent to you without Ruling on it.

Again as 09 sentence wronge.
Also as my motion to Clearify I did send other paper to The Judge Mr Van Pelt. (Unable to make copies) They were Return to me. Ive also inclose them to show a better Point on my Behalf.

Thankyou

OCGA 17-10-11

Credit For time in ConFinement awaiting trial or resulting From a Court order.

(A) Each person Convited OF a Crime in this State Shall be given Full Credit For each day Spent in ConFinement awaiting trial and each day Spent in Connection with resulting From a court order entered in the Crimmal Proceeding For witch Sentence was imposed. IN any institution or Facility.

(B) This Code Section applies to Sentences For all Crimes Weathe ClassiFied as Violations, misdemeanors. or Felonies.

17-10-12 and ReliF Should have From the Department as the Trial Court in the Courts gratuitous misdirection to the Correctional Custodians.

* 17-10-11

Credit for time awaiting extradition = A DeFendant is entitled to receive credit for time spent in ConFinement awaiting extradition 1973 - Op. Atty Gen No. 73-5

I was arrested on 8-25-10, on This case, IN TN. I had a warrant in Chatt. Tenn. went to court Sentence To a Tenn. Prison. Sign extradition papers on 3-14-12 - Pick up By Catoosa Co. GA. on ~~5-14-12~~ 4-14-12

also my attorney Mr. Lanphier Public DeFenders office left To go to another From Some Time BeTween ~~3-14-12~~ and 4-14-12

IN THE SUPERIOR COURT OF CLAYTON COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,	*	
	*	
	*	**CASE NO. 2013-SU-CR-779**
V.	*	
	*	
MICHAEL TUCKER,	*	
GDC# 633157 Defendant.	*	
	*	
	*	

NOTICE FOR RULING

NOTICE is hereby given, that the above named Defendant filed a Motion to Clarify Sentence imposed the 7th day of January, 201_ with this the Superior Court of Clayton County on the ___ day of June, 2014. Tucker states that the time frame for ruling on a Motion with the Court, as prescribed by O.C.G.A. 15-6-21 has expired. And [he] respectfully request this Honorable Court to consider and decide the aforesaid Motion in order to protect Defendant's rights, and protect the integrity and dignity of the judiciary.

This 16 day of July, 2014.

Respectfully Submitted
Defendant Pro Se

Michael Tucker
GDC# 633157
Coffee Corrections
P.O. Box 650
Nicholls, Ga. 31554

Certificate of Service

This is to certify that I have this day a served a true and correct copy of the within and foregoing document(s) upon the party(s) listed below by depositing a copy of the same in the United States mail in a properly addressed enveloped with adequate postage thereon or submitted same to the institutional legal mail system, to below addressee(s)

Document(s) Included:
1) Notice For Ruling.

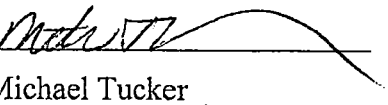
Clerk, Superior Court
Catoosa County
Tracy Brown
875 LaFayette Street
Ringgold, Ga. 30736-2373

Office, District Attorney
Catoosa County
Herbert E. (Buzz) Franklin, Jr.
P.O. Box 1025
LaFayette, Ga. 30728-1025

Hon. Ralph Van Pelt, Jr. Judge
Superior Court, Catoosa County
875 LaFayette Street, Ste. 206
Ringgold, Ga. 30736-2373

This 16 Day of July, 2014.

Respectfully submitted,
Defendant Pro Se



Michael Tucker

GDC# 633157

Coffee Corrections

P.O. Box 650

Nicholls, Ga. 31554

LAW OFFICES OF
LISTER & HOLT, LLC
102 SOUTH MAIN STREET • JONESBORO, GEORGIA 30236
PHONE 770-210-8200 • FACSIMILE 770-472-7460

October 29, 2012

Michael Tucker
633157 H-1-211T
Washington State Prison
P.O. Box 206
Davisboro, GA 31018

Re: State of Georgia v. Michael Tucker
Case # 2012CR05533 (Theft by Deception)

Dear Mr. Tucker,

My name is Ashley Masset and I am an attorney at Lister & Holt. Our firm was appointed to represent you on the above-referenced case. It is my understanding that you have discussed your case with the prosecutor, who had offered you 12 months suspended in consideration of the time you have already served in custody.

As you had been appointed counsel, the court must ensure that the plea you are entering is freely and voluntarily made. Additionally, they must ensure that you understand that by entering this plea you are waiving certain rights afforded to you. These rights include the right to a public jury trial, the right to see, hear and cross-examine witnesses, the right to use the power of the court to subpoena witnesses on your behalf, the right to not testify against yourself or produce evidence against yourself, and the right to be presumed innocent until your guilt is proved beyond a reasonable doubt.

There may be several possible defenses to your case. We have not had the opportunity to discuss your case or the possible defenses. As such, prior to the plea in absentia being filed, it is necessary for you to affirm that you are waiving those possible defenses to enter this plea.

Additionally, I must advise you that a plea to Theft by Deception is a misdemeanor, punishable by up to 12 months in the Clayton County Jail and a $1,000.00 fine. By entering a plea of guilty, it is at least possible that the conviction could be used against you for purposes of impeachment at later trials, or as the basis of any possible probation revocations you may have.

I am enclosing a brief statement of your waiver of any possible defenses with a self-addressed stamped envelope for you to return to our office. Once this is received, the court may accept your plea.

STATE OF GEORGIA

VS.

MICHAEL ALLEN TUCKER

CASE NO: **2012CR05533-MG**

OFFENSE: **Theft by Deception**

CRIMINAL DIVISION
PLEA IN ABSENTIA

I, the above-named defendant, hereby certify that I am now residing in **HAYS STATE PRISON**, and that it would be expensive and burdensome for me to travel to Jonesboro, Georgia to dispose of this case. It is my understanding that I have been charged with the above offense and that my case is scheduled for disposition on **AUGUST 14, 2012.**

It is my understanding, through my attorney, **XXXXXXXXXXXXXX,** or I waive my right to an attorney, and that the Solicitor General will recommend a FINE of **$ --0--**, RESTITUTION $ -0- and SURCHARGES **$ -0-**, = TOTAL DUE: **$ --0--**, and a sentence of 12 MONTHS suspended in consideration of TIME SERVED. I understand this recommendation is not binding upon the trial judge. I understand that upon conviction, the court can impose a sentence of up to 12 months in the Clayton County Jail, and/or a fine of $1,000.00 or both for each charge against me.

I hereby authorize my attorney to enter a plea of **GUILTY** on behalf and in my absence to case number **2012CR05533-MG**. I hereby waive my presence at such trial.

My attorney has fully explained to me the following rights which I understand and which I waive:
The right to a trial with or without a jury.
The right to confront and cross- examine any witnesses against me.
The right to present witnesses and evidence in my behalf.
The right to examine all physical and documentary evidence against me.
The right to remain silent.
The right to have free counsel appointed to represent me if I am indigent.
The right to appeal to a higher court except in certain limited circumstances.
The right to require the state to prove its case against me beyond a reasonable doubt.

CLARENCE MOMENT JR. NOTARY PUBLIC EXPIRES GEORGIA July 4, 2016 WASHINGTON COUNTY

This 11th day of October, 2012.

Clarence Moment Jr.
Notary Public

Michael Tucker 633157
Defendant

Approved: Defendant's Attorney

Approved: Assistant Solicitor General

The above is HEREBY ORDERED AND ACCEPTED THIS _____ day of _____,20____.

Judge, State Court of Clayton County

LAW OFFICES OF
LISTER & HOLT, LLC
102 SOUTH MAIN STREET • JONESBORO, GEORGIA 30236
PHONE 770-210-8200 • FACSIMILE 770-472-7460

If you have any questions, please advise immediately. We would like the opportunity to speak with you. Please call our office at **770-471-9000**. If I am not available, please ask for either Scott Holt or Steven Lister. They have both been updated on your case and would be able to answer any questions you may have.

Sincerely,

LISTER & HOLT, LLC

Ashley Masset
Attorney at Law
Ext. 202

cc: File

Asking Courts For New Lawyer

Judge Mr Van Pelt 5-17-13

I'm writing to ask of the courts over the warrants that have been taken out on me, (Mr. Michael Allen Tucker) warrant # 2010-1695WF and 2010-1694WF to consider a Hearing concerning my Court apointed Attorney Mr. William Lanphier,

I have sent Mr Lanphier many letters along with a Letter to Mr. David Dunn with no Response Back. The Clerk of Courts Ms. Tracy Brown had Forward one of the letter's To Mr. Dunn,

I had taken it up on my own to ask The courts to ackcept my motion For a Bond Hearing (Absentia)

The clerk of Courts Ms, Sandy Lowery Responded Stating I have an Attorney of Record, To address the courts. Your Honor I understand Im not Pr-se and my Attorney needs to address the courts.

your Honor Mr Lanphier NOR Mr. Dunn will not return my letters, my Mothers calls nor file with the courts on my Behalf.

Im asking the Courts to set a Date to have a Hearing to Dismiss my Attorney of Record and reapoint an attorney to address my case To put this Behind me.

At this time I do not wish to File with the Ga. Bar's.

your Honor Im also incloseing two motions For the Courts to Review. If the courts Rule on my Behalf.

Thankyou IN advance For Reviewing The issues Pretaining my Case.

Sincerely: Michael Tucker 633157
Washing Ton Stat Prison
P.O. Box 206
Davisboro Ga. 31018

We are returning your submission as there is no case in your name presently before the Court. Once we receive your case from the lower court, we will docket it and you will receive a docketing notice. Also note that no submission to this Court will be accepted without a proper Certificate of Service to the State. And, that we will not accept anything from an individual who is represented by an attorney.

The Court of Appeals
47 Trinity Avenue SW, Suite 501
Atlanta, Georgia 30334

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

August 20, 2014

Mr. Byron Tillis
431 Green
Conyers, Georgia 30013

RE: A14A1483. Byron Tillis v. The State

Dear Mr. Tillis:

I am in receipt of the Motion for Reconsideration submitted to this Court in the above appeal. We are unable to docket the Motion for Reconsideration because it does not contain a Certificate of Service showing service to opposing counsel.

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.

I am returning your document to you.

Sincerely,

Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld
Enclosure

Motion for reconsideration

Case # A14A1483

Come now Byron Tillis before Georgia court of appeals the record that was sent from the trial court I stated clearly to the judge I felt forced to make a plea also my attorney implied that I felt threatened its clear that this was unfair the trial court did not operate with clean hands neither is Georgia court of appeals by offering me a fair trial at minimum I have not been afforded that opportunity I hope we can resolve the issue without going to the united states department of justice mrs latham proved the prosecutor to be a lie in the record she responded I did not say that if she didn't who did inconsistencies with trial court is clear in the record im asking the Georgia court of appeals for a new and fair trial without threats and duress

Byron Tillis

4001-207

The Court of Appeals
47 Trinity Avenue SW, Suite 501
Atlanta, Georgia 30334

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

August 21, 2014

Mr. Gerald Pitts
3365 Thunderbird Road
Macon, Georgia 31217

Dear Mr. Pitts:

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. 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.

In an appeal of a criminal conviction in a superior court, the State is represented by the District Attorney or an Assistant District Attorney.

Sincerely,

Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld

CRIMINAL ACTION NO. 94 CR 42165

GERALD PITTS
3365 THUNDERBIRD ROAD
MACON, GEORGIA 31217-4939

ON APPEAL FROM A DENIAL OF A PETITION TO BE RELEASED FROM REGISTRATION REQUIREMENT See, O.C.G.A. § 42-1-19; O.C.G.A. § 42-1-12.

AUGUST 15, 2014

IN RE: NOTICE OF APPEAL

IN THE
COURT OF APPEALS OF GEORGIA
STATE OF GEORGIA

GERALD FITTS
APPELLANT

VS.

STATE OF GEORGIA
APPELLEE(S)

DATE: AUGUST 15, 2014

TO: CLERK OF COURT

FROM: GERALD FITTS/94CR42165

RE: IN RE NOTICE OF APPEAL

DEAR HONORABLE CLERK:
A NOTICE OF APPEAL WAS FILED IN THE SUPERIOR COURT OF BIBB COUNTY GEORGIA, HEREON THE FIFTH (5th) DAY OF JULY, 2014.

MORE THAN THIRTY (30) DAYS HAS ELASPED AND THERE ARE CONCERNS AS TO WHETHER THE RECORD HAS BEEN TRANSMITTED TO THE COURT OF APPEALS.

PLEASE REPLY: THANK YOU
SINCERELY: Gerald Fitts
GERALD FITTS

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

August 21, 2014

To: Mr. Jacob S. O'Neal, Attorney at Law, 103 Keys Ferry Street, McDonough, Georgia 30253

Re: Lower Court Case Number: 13A0479810. Northeast Atlanta Surety Company v. Gwinnett County and Butch Conway, in his official capacity as Sheriff of Gwinnett County

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 the referenced style.**

☐ **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.

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

ORIGINAL

IN THE COURT OF APPEALS OF GEORGIA

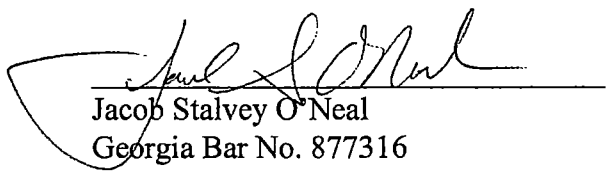
NORTHEAST ATLANTA SURETY COMPANY,	:	
Appellant,	:	CIVIL ACTION FILE NO.
vs.	:	13-A-04798-10
GWINNETT COUNTY, and BUTCH CONWAY, in his official capacity as Sheriff of Gwinnett County,	:	
Appellees.	:	

ENTRY OF APPEARANCE

COMES NOW Jacob Stalvey O'Neal and hereby files this his Entry of Appearance on behalf of the Appellees in this action. The Clerk of Court and all counsel of record are requested to serve the undersigned with copies of all future pleadings and correspondence generated in this action.

This 19th day of August, 2014.

O'QUINN & CRONIN, LLC



Jacob Stalvey O'Neal
Georgia Bar No. 877316

103 Keys Ferry Street
McDonough, Georgia 30253
(770) 898-0333
(770) 898-0330 Facsimile

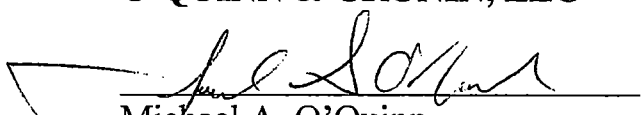
CERTIFICATE OF SERVICE

This will hereby certify that I, the undersigned, have this day served the foregoing **ENTRY OF APPEARANCE** upon all parties by placing a correctly addressed copy of same in the United States Mail, correct postage affixed thereto, to insure delivery to the following:

C. David Joyner
C. David Joyner, P.C.
1305 Mall of Georgia Blvd.
Mill Creek Forest, Suite 130
Buford, Georgia 30519

This 14th day of February, 2014.

O'QUINN & CRONIN, LLC



Michael A. O'Quinn
Georgia Bar No. 553056
Attorney for Appellees

103 Keys Ferry Street
McDonough, Georgia 30253
(770) 898-0333
(770) 898-0330 Facsimile

O'QUINN & CRONIN, LLC
ATTORNEYS AT LAW
103 KEYS FERRY STREET
McDONOUGH, GEORGIA 30253

MICHAEL A. O'QUINN, P.C.
DONALD A. CRONIN, P.C.
MARY E. COBBS
JACOB S. O'NEAL

TELEPHONE (770) 898-0333
TELEFAX (770) 898-0330

August 19, 2014

Clerk
Court of Appeals of Georgia
47 Trinity Avenue S.W.
Suite 501
Atlanta, GA 30334

Re: *Northeast Atlanta Surety Company v. Gwinnett County, et al.*, Case No. 13-A-04798-10

Dear Sir/Madam:

Enclosed for filing please find the original and three (3) copies of an Entry of Appearance. Please file the original and two copies, and return the remaining copy to me, stamped as filed, in the enclosed self-addressed stamped envelope.

Best Regards.

Sincerely,

O'QUINN & CRONIN, LLC

Jacob S. O'Neal

JSO/des
Enclosure
cc: C. David Joyner (with enclosure)

Clerk of Court of Appeal
Copy

Statement of Facts ;

To ; The Honorable, Karen P. David ;
Senior Deputy Clerk
of The Superior Court of Walton County
303 South Hammond Drive, Suite 335
Monroe, Georgia 30655

Re ; State of Georgia Ex Rel. et al ; vs. Ten-Thousand Eight-Hundred Eighty-Nine And 00/100 In U.S. Currency et al ; And Philip Lazarus Claimant ; Civil Action File No. 2013-1929-1 ;

Dear ; Senior Deputy Clerk, Mrs. Karen P. David ;

This Letter is in regards to the Alleged Index of Records, that You send or Mailed to the Clerk's Office of the Court of Appeals of Georgia. "Which You Left-out the Main Two [2] Court Documents that is the Subject Matter of this Appeal. "Which was the ;"

"(1): The Claimant's Motion For Appointment of Counsel ; And Claimant's Request For Forfeiture Hearing And To Be Present At the Hearing dated March 14th, 2014 ;

(2): The Superior Court Judge, Eugene M. Benton's Order denying Both Claimant's Motion And the Request dated March 28th, 2014 ;

"That seems to be deliberately Left-out of the Index of Records."

"Without these Two [2] Vital Court Documents, there is no purpose for an Appeal." Because the Notice of Appeal filed in Your Office dated April 7th, 2014, Requested that those Court Documents was the Reason for this Appeal. "And without them this would-

- deprive the Georgia Appeals Court of jurisdiction. And Me the Right to Appeal a violation of Due process of Law; & Judge, Benton's denial of My pleadings under Procedural Due process violation as well. The Timely Filed Notice of Appeal, indicated that those Two [2] Court Documents to be omitted from the Record And sent-up to the Clerk's Office of the Court of Appeals of Georgia on Appeal." You erroneously - send the Entire Index of Records, except those Two [2] Court Documents that was the reason for this Appeal."

I am Requesting that, You send those Two [2] Vital Court Documents up to the Clerk's Office of the Court of Appeals of Georgia, immediately." I have also sent a Copy of this Letter to, "the Clerk of the Court of Appeals of Georgia" Notifying them of this Error made by Your Office. Because those Court Documents, that you send is Useless for the - purpose of Appeal in this Civil Action case. "Which only ind- -icates, what was filed in the Clerk's Office of the Super- -ior Court of Walton County in, the Civil Action File No. 2013- -1979-1"

"I would highly appreciate it very much, if You would correct this error You made, or Explain why these Two [2] Vital Court Documents was Left-out of the - Index of Records, that You sent-up on Appeal to the Clerk's Office of the Court of Appeals of Georgia." Again, I would appreciate Your assistance in correcting this Error that was made, "Thank you very much."

"Please be advised," that a Copy of this Letter has been send to, "The Clerk of The Court of Appeals of Georgia," 47 Trinity Avenue; Suite "501; Atlanta, Georgia 30334.

This 22nd Day of August, 2014.

Yours, very, truly

Philip Wesley Lazarus, GDC 1001178475
Claimant/Appellant
Wilcox State Prison
Post Office Box 397
Abbeville, Georgia 31001-0397

A Copy to The Clerk of;
The Court of Appeals of Georgia
47 Trinity Avenue, Suite 501
Atlanta, Georgia 30334

[illegible]

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

August 25, 2014

To: Mr. James W. Rentiers, GDC255912, Walker State Prison, Post Office Box 98, Rock Springs, Georgia 30739

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.

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

Dear clerk,

My Name is James W Rentiers and Im writing to Find out if My case has been docketed in this Court and to Notify you of My current Address: James W. Rentiers # 255912
Walker State prison
Po Box 98
Rockspring Ga 30739

I Filed my Motion and Notice of Appeal In chatham County Superior Court July 2, 2014 from the denial of Motion to Vacate Void sentence,

James W. Rentiers

Current Address

Walker State prison
Po.Box 98
Rockspring Georgia 30739

The Court of Appeals
47 Trinity Avenue SW, Suite 501
Atlanta, Georgia 30334

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

August 25, 2014

Mr. Menshack Nyepah
GDC1000878813
Hays State Prison
Post Office Box 668
Trion, Georgia 30753

RE: A14A2097. Menshack Nyepah v. The State

Dear Mr. Nyepah:

Enclosed please find the Notice of Appeal and copies you forwarded to this Court for the above appeal. The above appeal is pending and the Appellant's Brief is due. Please forward your Appellant's Brief. I am enclosing a copy of the Court's Rules for your review.

Sincerely,

Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld
Enclosures

Court Of Appeals of Georgia

MENSHACK NYEPAH
(Petitioner)

vs.

STATE OF GEORGIA
(respondent)

Case No. A14A2097

Notice of Appeal

Petitioner in said case hereby notifies this court of his appeal in the instant matter, To the Supurme Court of Georgia. There was a court order for an evidentiary hearing in said case but never materialized. Because of this courts inaction in pursuance of this matter, Petitioner has no other possible remedy other than to appeal to the Suprem Court of Georgia. Said inaction clearly subjects Petitio-ner; Petitioners to a gross miscarriage of Justice, In which is prohibited pursuant to Georgia Code Section 9-14-48 (d). This court is to Forward the entire record, including but not limited to, all filings, petitions, attac-hments, motions, affidavits, or otherwise everything filed in pursuance of said case (Case No. A14A2097), to the clerk of the Supreme Court of Georgia. So that

they may fully consider, without discrimination or uncertainty, the foregoing action.

This 19th day of August, 2014.

Declaration

I declare that the foregoing is true and correct to the best of my knowledge. Signed under penalty of perjury under the law of the united State of America and with explicit reservation of all my unalienable rights and with explicit reservation or without prejudice to the same, pursuant to UCC 1-207.

Excuted on: August, 19th, 2014 "ALL RIGHTS RESERVED"

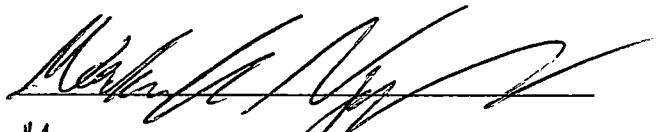
x Marshall Nguyen

CERTIFICATE OF SERVICE

This is to certify that I have this day served a true and correct copy of the within and forgoing document(s) upon the person(s) listed below by depositing a copy of same in the United States Mail in a properly addressed envelope with adequate postage thereon to ensure that it reaches its destination.

This 19th day of August, 2014.

Respectfully submitted,



Meshack J Ngepah
P.O Box 668

Person(s) served:

(1) Stephen E Castlen, Clerk
Court of Appeals of Georgia
Suite 501
47 Trinity Ave

(2) Office of District Attorney Richard R. Red
Rockdale Judicial Circuit
922 Court Street, Suite 201
Congers, GA 30012

Court Of Appeals of Georgia

MENSHACK NYEPAH
(Petitioner)

vs.

STATE OF GEORGIA
(respondent)

Case No. A14A2097

Notice Of Appeal

Petitioner in said case hereby notifies this court of his appeal in the instant matter, To the Supreme Court of Georgia. There was a court order for an evidentiary hearing in said case but never materialized. Because of this courts inaction in pursuance of this matter, Petitioner has no other possible remedy other than to appeal to the Supreme Court of Georgia. Said inaction clearly subjects Petitioner and Petitioners to a gross miscarriage of Justice, In which is prohibited pursuant to Georgia code Section 9-14-48(

This court is to Forward the entire record, including but not limited to, all filings, petitions, attachments, motions, affidavits or otherwise everything filed in pursuance of said case (Case No. A14A2097), to the clerk of the Supreme Court of Georgia, So that they may fully consider, without discriminatio

or uncertainty, the foregoing action.

This 19th day of August, 2014.

Declaration

I declare that the foregoing is true and correct to the best of my knowledge. Signed under penalty of perjury under the law of the United States of America and with explicit reservation of all my unalienable rights and with explicit reservation or without prejudice to the same, pursuant to UCC 1-207

Excuted on: August, 19th, 2014. "ALL RIGHTS RESERVED"

X

Certificate Of Service

This is to certify that I have this day served a true and Correct copy of the within and forgoing documents upon the person(s) listed below by depositing a copy of same in the United States Mail in a properly addressed evelope with adequ-ate postage thereon to ensure that it reaches its destinatio

This 19th day of August, 2014.

Respectfully submited,

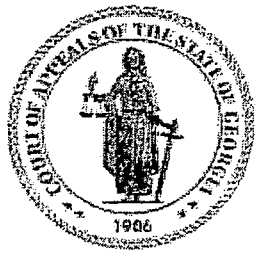
x Menshack J. Nyepan

Menshack J. Nyepan
P.O Box 668
Trion, GA 30753

Person served:

(1) Stephen E. Castlen, Clerk
Court of Appeals of Georgia
Suite 501
47 Trinity Ave
Atlanta, Ga 30334

(2) Office of District Attorney Richard R. Read
Rockdale Judicial Circuit
922 Court Street, Suite 201
Conyers, GA 30012



2014

Georgia Court of Appeals

RULES

Last Update: May 15, 2014

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS

August 25, 2014

To: Mr. Harvey Mapp, GDC401334, Richmond County Correctional Institution, 2314 Tobacco Road, Augusta, Georgia 30906

Docket Number: **Style:** **Harvey Randolph Mapp v. The State**

Your document(s) is (are) being returned for the following reason(s).

1. ☐ Your Application was not accompanied by the statutory filing fee, $300.00 civil; $80.00 criminal, 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. ☐ Portions of the record included were not tabbed and indexed. Rules 30 (e) and 31 (c).

3. ☐ A stamped "filed" copy of the trial court's order to be appealed was not attached to your Application. Rules 30 (b) and 31 (e)

4. ☐ A stamped "filed" copy of the Certificate of Immediate Review was not attached to your Interlocutory Application. Rule 30(b)

5. ☐ Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)

6. ☐ There were an insufficient number of copies of your document. Rule 6

7. ☑ **You should provide a copy of your filing to the District Attorney and include his/her name and address on your Certificate of Service.**

8. ☐ Your Certificate of Service did not include the complete name and /or mailing address of each opposing counsel and pro se party. Rule 1(a) and 6

9. ☐ Your document exceeds page limits. Rules 24(f) , 30(e) and 31(c)

10. ☐ Your request for court action must be submitted in motion form. Rule 41 (a)

11. ☐ No extension of time for filing an interlocutory application will be granted . Rule 30 (g) . No extension of time will be granted for filing a discretionary application unless the motion for extension is filed on or before the due date of the discretionary application.

12. ☐ The type font was smaller than 10 characters per inch; type was not double-spaced or/and type was on both sides of the paper. Rules 1(c), 24(b), 37(a) and 41(b).

13. ☐ Your motions were submitted in an improper form (joint, compound, or alternative motions in one document). Rule 41 (b)

14. ☐ Margins were too small or paper size was incorrect. Rules 1(c), 24(c), 30(e), 31(c) and 41(b).

15. ☐ Your document was submitted for filing more than 30 days after the date of the order granting, denying or dismissing the application or the order granting, denying or dismissing the Motion for Reconsideration. Rules 30(j) and 31(j).

16. ☐ Other:

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

SUPREME COURT OF GEORGIA
Case No. S14D1708

Atlanta, August 6, 2014

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

HARVEY RANDOLPH MAPP v. THE STATE

From the Superior Court of Henry County.

Applicant seeks review of the April 16, 2013 revocation of his probation, but he states no basis for this Court's subject matter jurisdiction. As applicant's underlying convictions do not invoke this Court's jurisdiction and as no other basis for jurisdiction appears in the record, this application hereby is transferred to the Court of Appeals.

All the Justices concur.

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I certify that the above is a true extract from the Minutes of the Supreme Court of Georgia.
Witness my signature and the seal of said court hereto affixed the day and year last above written.

Sui C. Sulton, Chief Deputy Clerk

Supreme Court of Georgia Case Transfer Form

Date: 08/22/2014

Case Number: S14D1708

Date of Transfer: 08/06/2014

Briefs/Motions Filed Before Transfer:

Filing Date	Description	Attached?
07/18/2014	Discretionary Application	☑
07/18/2014	Motion to Appoint Counsel	☑
		☐
		☐
		☐
		☐
		☐
		☐

Briefs/Motions Filed After Transfer:

Filing Date	Description	Attached?
		☐
		☐

Costs:

Cost Paid Date:

Payer:

Payment Type: ☐ Credit Card ☐ Check ☐ Cash

Transaction Number (if applicable):

Receipt Number:

Costs Not Paid: ☑ Indigent

D3-030

APPLICATION FOR DISCRETIONARY APPEAL

Case No. S14D1708

D3-030

HARVEY RANDOLPH MAPP v. THE STATE

Trial Court Order: April 16, 2013

Filed: July 18, 2014

Response by: July 28, 2014

Final order due by: August 18, 2014

Grant: _____

Deny: _____

Dismiss: _____

Transfer: _____

Other: _____

The Court of Appeals
47 Trinity Avenue SW, Suite 501
Atlanta, Georgia 30334

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

August 26, 2014

Mr. Daniel W. Taylor
GDC1000332837 H-2
Johnson State Prison
Post Office Box 344
Wrightsville, Georgia 31096

RE: A14A0497. Daniel Taylor v. The State

Dear Mr. Taylor:

I am responding to your letter dated August 21, 2014 addressed to Judges Miller and Dillard of this Court. Pursuant to the Code of Judicial Conduct and the rules and the policies of this Court, the judges of this Court are not permitted to communicate with parties who have a case before the Court or which may come before the Court. I will be responding to your letter.

Your appeal was disposed by opinion on July 7, 2014. The Court of Appeals affirmed in part, vacated in part and remanded the appeal with direction for re-sentencing to the trial court. The remittitur of the Court of Appeals issued on July 22, 2014, divesting this Court of jurisdiction. The case decision is final.

You should contact the trial court with any questions you have.

Sincerely,

Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld

DANIEL W. TAYLOR 1000332837
JOHNSON STATE PRISON H-2
POST OFFICE BOX 344
WRIGHTSVILLE, GA. 31096
AUGUST 21, 2014

TAYLOR vs STATE
REF: A14A0497

TO: JUDGES P.J. MILLER
AND J.J. DILLARD
COURT OF APPEAL OF GEORGIA
SUITE 501
47 TRINITY AVE SW.
ATLANTA, GA. 30334

DEAR JUDGES;

On JULY 7, 2014, A ORDER was filed by this Court for me to be resentenced. A Remittor was filed and the case was transfered back to FULTON County. The Reason I'm Writing is because FULTON County with prejudice is in violation of this Courts Order. SO, I'm Asking you to enforce this Courts Ruling AND Have them bring me back to be resentenced. Eventhough you failed to look into the evidance on my behalf I still thank you for Seeing the error

but this is far from over for Now I've
Sought federal Intervention in my Case
AND Discovery has been granted.
Thank you for your Support

Sincerely

Daniel W. Payne

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS
Date: August 27, 2014

To: Mr. Edward Tyrone Ridley, GDC570139 K-2-123-B, Smith State Prison, Post Office Box 726, Glennville, Georgia 30427

Docket Number: A14A1879 **Style:** Edward Ridley 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 **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 did not 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. ☑ Other: **Documents to be added to your appeal (such as, the attached exhibit) must be sent to this Court from the trial court.**

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

GEORGIA COURT OF APPEALS STATE OF GEORGIA

A14A1879. Ridley v. State

File Exhibit e-mail Rigsby but have copy all ready unsure if I mailed copy to this Court. This 21st day of August 2014

Thank You

Mr. Edward Tyrone Ridley, 510139

Mr. Edward Tyrone Ridley, 510139
Smith State Prison
P.O. Box 726
Glennville, Ga. 30427

Exhibit A. Make copies Staple to motions p. Sabrina. Send me le cop. of this plz.

Received July 25, 2014 3:30 p.m

OFFICE OF
HERMAN D. LARAMORE
PUBLIC DEFENDER
FOURTEENTH JUDICIAL CIRCUIT

H. MARK SIMS
DEPUTY PUBLIC DEFENDER

KIMBERLY D. JEWELL
CHIEF, CAPITAL DIVISION

M. DOUGLAS WHITE
H. GUY GREEN
CHIEF ASSISTANT PUBLIC DEFENDERS

PLEASE REPLY TO:
FLOYD A. GRIFFITH
Assistant Public Defender
Fourteenth Judicial Circuit
1293 Jackson Avenue
Building 300, Suite B
Chipley, Florida 32428
(850) 638-6000
Florida Bar No. 0359564

July 21, 2014

Edward Ridley#570139, K-2-209-B
Smith State Prison
P. O. Box 726
Glennville, GA 30727

Re: Closed Bay County Case

Dear Mr. Ridley:

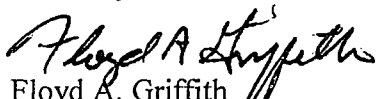
I have received your mostly blank form, Petition for Writ of Mandamus, and I am returning it to you because our office has not been appointed to represent you to obtain a Writ of Mandamus.

I also received your Freedom of Information Request in which you ask for a copy of any amended orders after July 29, 1996, requiring you to register in Florida(as a sex offender). I am not aware of any amended orders requiring you to register as a sex offender. When you entered your plea and the judge sentenced you, you were not required to register as a sex offender. I think Doug White has provided copies of your plea and sentence to you.

The next year, 1997, the Florida Legislature created *Section 943.0435, Florida Statutes, in chapter 97-299.* I enclose a copy of part of the Title of *Chapter 97.299 and Section 843.0435, Florida Statutes,* for your information. The reason that you are required to register as a sex offender is that *you* were "released on or after October 1, 1997, from the sanction (sentence) imposed for any conviction." It does not matter when you pled or when you were sentenced.

You and I could not have predicted that the Florida Legislature would pass a law after you pled and were sentenced, that would require you to register as a sex offender, but they did. There is nothing I can do to change that.

Sincerely,



Floyd A. Griffith
Assistant Public Defender

FG/lkh
encl.
copy provided to:
Doug White

8.26.17

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

To: Edward Ridley
Docket Number: A14A1879 **Style:** Edward Ridley 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 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.

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: All documents should be sent from the lower court.

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

The Court of Appeals
47 Trinity Avenue SW, Suite 501
Atlanta, Georgia 30334

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

August 29, 2014

Mr. Dwayne Ladexter Meadows
GDC664832 K-2-219
Smith State Prison
Post Office Box 726
Glennville, Georgia 30427

Dear Mr. Meadows:

As of the date of this letter, there is no Discretionary Application filed in your name in this Court. If you still have questions, you may want to inquire with the Supreme Court of Georgia for answers.

Sincerely,

Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld

Dear Clerk,

On August 22, 2014 I recieved some documents from the Supreme Court of Georgia and within these documents there was an attached copy of the judgment given in case number S14D0676, the decision in this case was made on February 24, 2014 (Six(6) months ago) and it states that my Application for Discretionary Appeal was transferred to the Court of Appeal of Georgia.

As a Pro-se litigant, I am entitled by law to be informed of all orders, notices, motions, etc.... pertaining to my case! This right is given to me through the 5th, 6th, and 14th amendments to the Constitution so, (1) Why is it that I am yet to be informed by your office of this transfer? (2) Ga. Court Rules and Procedure - Rule 11(C) states that transferred cases shall be docketed as of the date that they recieved by the Appeals Court — Has a docket date been set in my case? Could you please contact me as soon as possible to give me some insight as to what is going on with the transfer, docket date, or hearing date in my case! Any assistance from your office will be very much appreciated!

I am,

Dwayne Ladexter Meadows
#664832

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

August 29, 2014

To: Chester K. Little, GDC502419 H-2, Johnson State Prison, Post Office Box 344, Wrightsville, Georgia 31096

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. 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.

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

CHESTER KYLE LITTLE 502419
JOHNSON STATE PRISON H-2
POST OFFICE BOX 344
WRIGHTSVILLE, GA. 31096
AUGUST 23, 2014

TO: THE COURT OF APPEALS OF GEORGIA
SUITE 501
47 TRINITY AVENUE SW.
ATLANTA, GA. 30334

DEAR SIR OR MAAM;

I'm Writing in Reference TO Bibb County SUPERIOR COURT CASE. 12-CR-67879, TO SEE has my Attorney JONATHAN P. WATERS has APPLIED with this COURT FOR AN Appeal in the Above Referenced Case. I have not heard from him and fear pursuant to Maples vs. Thomas (citomitted) he may have Abandoned my Case. IF this is the Case I NEED PERMISSION from this COURT, An EXTENSION TO file A PRO-SE Brief AND NOTICE OF APPEAL. IF HE has Already APPLIED to this COURT Then disregard this letter, but if he hasn't PLEASE Notify me AND GRANT ME Oppurtunity to DIRECTLY APPEAL this ADVERSE DECISION.

SINCERELY

Chester K. Little

CHESTER KYLE LITTLE 502419
JOHNSON STATE PRISON H-2
POST OFFICE BOX 344
WRIGHTSVILLE, GA. 31096
AUGUST 23, 2014

TO: THE COURT OF APPEALS OF GEORGIA
SUITE 501
47 TRINITY AVENUE SW.
ATLANTA, GA. 30334

DEAR SIR OR MAAM;

I'm Writing in Reference TO Bibb County SUPERIOR COURT CASE. 12-CR-67879, TO SEE has my ATTORNEY JONATHAN P. WATERS has APPLIED with this Court for AN Appeal in the Above Referenced Case. I have not heard from him and fear pursuant to Maples vs. Thomas (citomitted) he may have Abandoned my Case. IF this is the Case I NEED PERMISSION from this Court, An EXTENSION TO file A PRO-SE Brief AND NOTICE OF APPEAL. IF HE has Already APPLIED to this COURT Then disregard this letter, but if he hasn't PLEASE Notify me AND GRANT ME Oppurtunity to DIRECTLY APPEAL this ADVERSE DECISION.

LAW OFFFICE
Jonathan Perry Waters
Attorney at Law
2476 Vineville Avenue
Macon, Georgia 31204
Tele: 478/750-1800 Telecopier: 478/742-3100

July 23, 2014

Chester Kyle Little
GDC # 502419
c/o Johnson State Prison
P.O. Box 344
Wrightsville, Georgia 31096

RE: Status Courts Ruling on Motion for New Trial as Amended

Dear Mr. Little:

Please find enclosed a copy of Judge Self's order on our amended motion for new trial. As we discussed, this was the likely outcome at this stage. Please review and provide me any comments on your part. I will prepare and file a Notice of Appeal which will start the appellate process going and will instruct the clerk to omit nothing from the record on your appeal.

If there are any additional specific questions you wish me to address please let me know. You may write to me at the above address or feel free to call me at (478) 750-1800.

Sincerely,

Jonathan Perry Waters

JPW/ba
Attached Order of July 21, 2014

Court of Appeals of Georgia

August 27, 2014

TO: Mr. David Lewis, GDC105557, Georgia Diagnostic and Classification Center, State Prison, Post Office Box 3877, Jackson, Georgia 30233

RE: **A14A2132. David Lewis v. The State**

REQUEST FOR COPIES

☑ **We received your request for copies. Copies are $1.50 per page in this Court. Your pauper status does not excuse you from the copy fees in this Court. The Court of Appeals of Georgia is not subject to the Open Records Act.**

The appellant's Brief contains 18 pages.
The appellee's Brief contains _____ pages.
The opinion contains _____ pages.
Other:
The copies you requested are a total of 18 pages totaling $27.00.

Please send your check or money order to the following address specifying what copies you wish be sent to you. Your request will be processed and sent to you by return mail.

Court of Appeals of Georgia
47 Trinity Avenue, S.W. • Suite 550
Atlanta, Georgia 30334

REQUEST FOR FORMS

☐ This Court does not have the forms you requested.

COURT RULES

☐ At your request, a copy of the Rules of the Court of Appeals of Georgia has been enclosed for your review.

APPOINTMENT OF COUNSEL

☑ **To answer the questions in your letter, you should direct an inquiry concerning appointment of counsel to the trial court.**

To: Court of Appeals of Ga. 8-23-2014
47 Trinity Ave S.W. Suite 501
Atlanta Ga 30334
Appeal Case #: A14A2132
Style: David T. Lewis v. The State
Date of Docketing: July 22, 2014

From: David Lewis 109557
GDCP
P.O. Box 3877
Jackson Ga. 30233

Cc: The Hames Law Firm LLC Adam Hames Attorney
511 East Paces Ferry Rd. NE.
Atlanta Ga 30309

Court of Appeals,

Ive been unable to get answers to my questions. Is there any way possible that I can get answers from the Court of Appeals to the following questions? These answers are important to me, as I have a lot at stake in this situation.

1. Can I receive a copy of my Appellants brief from the Ga. Court of Appeals?
2. If it is determined that Co-Counsel is needed, could a temporary halt be placed, in order to "be better prepared", as to ensure that all appeal points are addressed?
3. If for some reason this is not overturned by the Ga. Court of Appeals, what are the other options?
4. What happens if this is overturned by the Ga. Court

(2)

Appeals? with the Ga. Dept. of Corrections? with my County?

(5) What is the % of cases overturned with the Ga. Court of Appeals?

(6) What is the % of retrials?

(7) If a retrial, would this require (1) different Judge (2) different DA (3) change of venue

(8) Can I get copies of the Appellee's briefs when it arrives?

I would greatly appreciate your answers to the aforementioned questions.

David Lewis

The Court of Appeals
47 Trinity Avenue SW, Suite 501
Atlanta, Georgia 30334

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

August 29, 2014

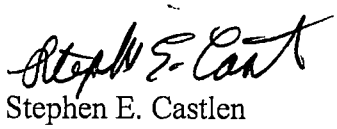
Mr. Shelton Thomas
GDC1000444546
Macon State Prison
Post Office Box 426
Oglethorpe, Georgia 31068

RE: A14A2052, A14A2053, A14A2054 and A14A2055
Thomas v. The State

Dear Mr. Thomas:

Enclosed please find copies of this Court's orders disallowing the exceeded page limit you requested in the above referenced appeals. Also, enclosed is the Brief of Appellant you submitted.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld
Enclosures

RECEIVED
AUG 12 2014
Mailroom
Macon S.P.

In The Court Of Appeals
State of Georgia

Shelton R. Thomas,
Appellant,

vs.

State of Georgia,
Apellee.

Case Nos. A14A2052; A14A2053; A14A2054; A14A2055

BRIEF OF APPELLANT

Shelton R. Thomas
GDC# 1000444546
Macon State Prison
P.O. Box 426
Oglethorpe, GA 31068
Appellant, pro se

Shelton Thomas
GDC 1000444546
MACON STATE PRISON
P.O. BOX 426
OGLETHORPE, GA 31068

A14A2055
09SC80895

Court of Appeals
of the State of Georgia

ATLANTA, August 29, 2014

The Court of Appeals hereby passes the following order:

A14A2052. THOMAS v. THE STATE.
A14A2053. THOMAS v. THE STATE.
A14A2054 THOMAS v. THE STATE.
A14A2055. THOMAS v. THE STATE.

Appellant Thomas has moved this Court to direct the clerk to file his brief which exceeds the page limitations of this Court. The rules of this Court require the appellant to file a brief on time and with "a margin of not less than two inches at the top and a margin of at least one inch on the sides and bottom of each page," "no less than double spacing between the lines including quotations and footnotes," and limited to 50 pages in criminal cases. See Court of Appeals Rules 1 (c), 24 (c) & (f), and 25.

Thomas's motion, even if construed to be a motion for leave to exceed the page limits dictated by the rules, is therefore denied, and Thomas is instructed to file a brief that complies with Court rules, including those mentioned above, within 20 days of the date of this order. Failure to comply may result in the dismissal of the appeal. Rule 23 (b). The appellee's brief shall be filed within 20 days after the filing of appellant's brief.

All appellants are required to comply with the rules of this Court, including those proceeding pro se.

> [T]he rules of this court are not intended to provide an obstacle for the unwary or the pro se appellant. Briefs that do not conform to the rules regarding enumerations of error, structure of briefs, argument, or citation

of authorities . . . are not merely an inconvenience or grounds for refusing to consider a party's contentions. Such briefs hinder this court in determining the substance and basis of an appellant's contentions both in fact and in law and may well prejudice an appellant's appeal regardless of the amount of leniency shown.

Salazar v. State, 256 Ga. App. 50 (567 SE2d 706) (2002).

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 08/29/2014
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.

Stephen E. Castlen, *Clerk.*

Shelton Thomas
GDC 1000444546
MACON STATE PRISON
P.O. BOX 426
OGLETHORPE, GA 31068

A14A2052
07SC61165

Court of Appeals
of the State of Georgia

ATLANTA, August 29, 2014

The Court of Appeals hereby passes the following order:

A14A2052. THOMAS v. THE STATE.
A14A2053. THOMAS v. THE STATE.
A14A2054. THOMAS v. THE STATE.
A14A2055. THOMAS v. THE STATE.

Appellant Thomas has moved this Court for leave to file a supplemental brief that includes two additional enumerations of error. Yet Thomas has yet to file a brief that complies with the rules of this Court. Those rules require the appellant to file an enumeration of errors within 20 days after the case is docketed, although it may be included in the appellant's brief as Part 2. Court of Appeals Rule 22 (a), 23 (a). Thomas's motion is therefore denied, and Thomas is instructed to file an enumeration of errors that complies with Court rules within 20 days of the date of this order. Failure to comply may result in the dismissal of the appeal. Rule 23 (b).

All appellants are required to comply with the rules of this Court, including those proceeding pro se.

> [T]he rules of this court are not intended to provide an obstacle for the unwary or the pro se appellant. Briefs that do not conform to the rules regarding enumerations of error, structure of briefs, argument, or citation of authorities . . . are not merely an inconvenience or grounds for refusing to consider a party's contentions. Such briefs hinder this court in determining the substance and basis of an appellant's contentions both

in fact and in law and may well prejudice an appellant's appeal regardless of the amount of leniency shown.

Salazar v. State, 256 Ga. App. 50 (567 SE2d 706) (2002).

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 08/29/2014
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.

Stephen E. Castlen, *Clerk.*

Shelton Thomas
GDC 1000444546
MACON STATE PRISON
P.O. BOX 426
OGLETHORPE, GA 31068

A14A2053
08SC73242

Court of Appeals
of the State of Georgia

ATLANTA, August 29, 2014

The Court of Appeals hereby passes the following order:

A14A2052. THOMAS v. THE STATE.
A14A2053. THOMAS v. THE STATE.
A14A2054 THOMAS v. THE STATE.
A14A2055. THOMAS v. THE STATE.

Appellant Thomas has moved this Court to direct the clerk to file his brief which exceeds the page limitations of this Court. The rules of this Court require the appellant to file a brief on time and with "a margin of not less than two inches at the top and a margin of at least one inch on the sides and bottom of each page," "no less than double spacing between the lines including quotations and footnotes," and limited to 50 pages in criminal cases. See Court of Appeals Rules 1 (c), 24 (c) & (f), and 25.

Thomas's motion, even if construed to be a motion for leave to exceed the page limits dictated by the rules, is therefore denied, and Thomas is instructed to file a brief that complies with Court rules, including those mentioned above, within 20 days of the date of this order. Failure to comply may result in the dismissal of the appeal. Rule 23 (b). The appellee's brief shall be filed within 20 days after the filing of appellant's brief.

All appellants are required to comply with the rules of this Court, including those proceeding pro se.

> [T]he rules of this court are not intended to provide an obstacle for the unwary or the pro se appellant. Briefs that do not conform to the rules regarding enumerations of error, structure of briefs, argument, or citation

> of authorities . . . are not merely an inconvenience or grounds for refusing to consider a party's contentions. Such briefs hinder this court in determining the substance and basis of an appellant's contentions both in fact and in law and may well prejudice an appellant's appeal regardless of the amount of leniency shown.

Salazar v. State, 256 Ga. App. 50 (567 SE2d 706) (2002).

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 08/29/2014
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A14A2054
08SC65866

Court of Appeals
of the State of Georgia

ATLANTA, August 29, 2014

The Court of Appeals hereby passes the following order:

A14A2052. THOMAS v. THE STATE.
A14A2053. THOMAS v. THE STATE.
A14A2054. THOMAS v. THE STATE.
A14A2055. THOMAS v. THE STATE.

Appellant Thomas has moved this Court for leave to file a supplemental brief that includes two additional enumerations of error. Yet Thomas has yet to file a brief that complies with the rules of this Court. Those rules require the appellant to file an enumeration of errors within 20 days after the case is docketed, although it may be included in the appellant's brief as Part 2. Court of Appeals Rule 22 (a), 23 (a). Thomas's motion is therefore denied, and Thomas is instructed to file an enumeration of errors that complies with Court rules within 20 days of the date of this order. Failure to comply may result in the dismissal of the appeal. Rule 23 (b).

All appellants are required to comply with the rules of this Court, including those proceeding pro se.

> [T]he rules of this court are not intended to provide an obstacle for the unwary or the pro se appellant. Briefs that do not conform to the rules regarding enumerations of error, structure of briefs, argument, or citation of authorities . . . are not merely an inconvenience or grounds for refusing to consider a party's contentions. Such briefs hinder this court in determining the substance and basis of an appellant's contentions both

in fact and in law and may well prejudice an appellant's appeal regardless of the amount of leniency shown.

Salazar v. State, 256 Ga. App. 50 (567 SE2d 706) (2002).

Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 08/29/2014

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