

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

March 3, 2014

Mr. Jaami Mustafa
GDC1221033 C-1-28
Valdosta State Prison
Post Office Box 310
Valdosta, Georgia 31603

Dear Mr. Mustafa:

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 clerk of the trial court.

Sincerely,



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

SEC/ld

RECEIVED IN OFFICE

2011 FEB 28

PM 5:08

CLERK COURT ADMINISTRATOR
COUNTY OF APPEALS GEORGIA

To Whom it May Concern :

5/14

My name is Jaami Mustafa. My case number with the Honorable Judge Lagava, at the Fulton Co. Courthouse is 10SC90239. I am waiting in reference towards my

motions to withdraw my plea, ineffective counsel, refusal of

the judge - DA, suppression of my statement, and my identity,

as well as other motions that have been filed with the judge's

case mgr, the clerk of Superior Court, and your office. I've

also filed for an appeal to a civil case with a judge Sally Cannon

(2010 CV (?) It is the only case I've had with Ms Cannon therefore,

if shouldn't be difficult to track the case number.

These appeals / motions have been filed in 2013. It is now

2014, and I have not yet received a review / appeal of my cases

The information needed for such is on file with your office, the

clerk of Superior Court, the case mgr for the above judges,

the Public Defender Standards Council, as well my former,

attorney's supervisor, Mr. Vernon Pitts.

I would greatly appreciate an immediate review

and an alternate conviction to my unfortunate situation,

Thank you and I look forward to your timely response.

Sincerely, J. Mustafa

[The page contains approximately 25 lines of extremely faint, illegible text. The characters are barely visible against the white background, making the content unreadable.]



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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

March 5, 2014

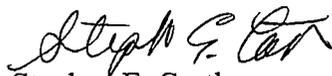
Mr. Michael A. Maestrey
GDC435919 A1-38
Valdosta State Prison
Post Office Box 310
Valdosta, Georgia 31603

Dear Mr. Maestrey:

A14A0955. Michael Alfred Maestry v. The State was docketed in our Court on January 24, 2014. The appeal was dismissed on February 26, 2014. (Order attached.) A14A0956 and A14A095. Michael Alfred Maestrey v. The State were also docketed in this Court on January 24, 2014. Those appeals were also dismissed and, in the order, it notes that you filed pro se while you were represented by an attorney. (See attached order.)

I hope that answers your questions.

Sincerely,



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

SEC/ld
Enclosures

Court of Appeals of the State of Georgia

ATLANTA, February 27, 2014

The Court of Appeals hereby passes the following order:

A14A0956. MICHAEL ALFRED MAESTREY v. THE STATE.

A14A0957. MICHAEL ALFRED MAESTREY v. THE STATE.

Michael Alfred Maestry filed these direct appeals from the trial court's November 6, 2012, order denying his plea in bar based on constitutional speedy trial grounds.¹ The Supreme Court of Georgia has recently ruled, however, that such an order is not directly appealable and that a defendant must follow the interlocutory appeal procedures of OCGA § 5-6-34 (b) to obtain immediate appellate review. See *Sosniak v. State*, 292 Ga. 35 (2) (734 SE2d 362) (2012); see also *Stevens v. State*, 292 Ga. 218 (734 SE2d 743) (2012). Because Maestry failed to follow the required appellate procedure, his appeals are hereby DISMISSED.

Case number A14A0957 is due to be dismissed for a second reason, as well. Because Maestry was represented by counsel at the time he filed that pro se notice of appeal, it had no effect. See *Pless v. State*, 255 Ga. App. 95 (564 SE2d 508) (2002).



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 02/27/2014

*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. Carlton, Clerk.

¹ The notice of appeal in A14A0956 was filed by Maestry's attorney, while the notice of appeal in case number A14A0957 was filed by Maestry pro se.

Court of Appeals of the State of Georgia

ATLANTA, February 26, 2014

The Court of Appeals hereby passes the following order:

A14A0955. MICHAEL ALFRED MAESTRY v. THE STATE.

Michael Alfred Maestry filed this direct appeal from the trial court's order denying his motion to dismiss the indictment on constitutional speedy trial grounds. The Supreme Court of Georgia has recently ruled, however, that such an order is not directly appealable and that a defendant must follow the interlocutory appeal procedures of OCGA § 5-6-34 (b) to obtain immediate appellate review. See *Sosniak v. State*, 292 Ga. 35 (2) (734 SE2d 362) (2012); see also *Stevens v. State*, 292 Ga. 218 (734 SE2d 743) (2012). Because Maestry failed to follow the required appellate procedure, his appeal is hereby DISMISSED.



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 02/26/2014*

*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. Castle

, Clerk.

Michael A. Maestrey
GDC# 435919 (A1-38)
P.O. Box 310
Valdosta, Ga 31603

Greetings,
2/16/14

RE: Docket No's A14A0955
A14A0956
A14A0957
S.C. Case # 09CR0223
09CV0223
1-24-14

I am in receipt (02-04-14) of the (3) "Notice of Docketing" (Direct Appeal's), post-marked 1-24-14 of the above docketed cases. However, I'm a bit confused as to the above filings due to the fact that above superior court case (09CR0223) was nolle prosequi/dismitted on January 15, 2014 by way of "STATE'S" motion to nolle prosequi and so ordered/ granted by Forsyth county superior court judge, Jeffrey S. Bagley and so ordered/ filed in the clerk's office 1-15-2014. Additionally, I filed a motion to dismiss court APT attorney, Thomas P. Knox and request to represent myself pro se" which said motion was heard/ granted on 2-6-13 and filed in the clerk's office 2-13-13, therefore, I am not represented by counsel in case # 09CR0223.

As the "state" is the party that filed the motion to nolle prosequi case # 09CR0223 and such was so granted on All charges, I, the defendant, do not

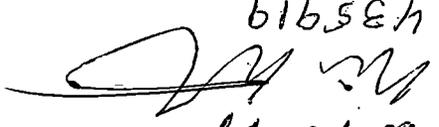
have the right to "object" under current Georgia law as to said motion, or order thereof.

So, now the question is: (what) was appealed as to the (3) above Docket #'s and, (who) did the (3) Direct Appeals ?

I submit to this court that, I have not filed any such appeals whatever in connection with above referenced case (09CR223) as relates to Docket No's, 14A0955, 14A0956, or 14A0957. I further submit to this court that it, in "NO" way directing or indirectly gave any permission / consent to do so on my behalf. Again, I am not

represented by counsel in any capacity and case # 09CR223 was dismissed in its entirety on 1-15-14. I Respectfully Demand each claim / docketed case # be dismissed completely as cited herein / above, that a full investigation be brought upon as to who is committing these violations or my rights and, fraud thereof and, that full & complete copies of said filings of any kind on sort what-ever in connection in any capacity with above Docket / case No's be sent to me @ above address posthaste in order that I may need to timely file some type of legal action for this matter.

Respectfully submitted, 2-16-14

 435919

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

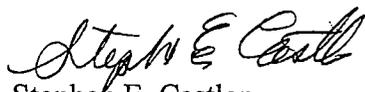
March 6, 2014

Mr. Lloyd Curtis Lee
GDC786773
Walker State Prison
Post Office Box 98
Rock Spring, Georgia 30739

Dear Mr. Lee:

Currently, 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 clerk of the trial court.

Sincerely,


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

SEC/ld

March 3, 2014

To: Georgia Court of Appeals
47 Trinity Avenue Suite 501
Atlanta, GA.
30334

RECEIVED IN OFFICE

2014 MAR -5 PM 04 27

CLERK COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Remitter and Docket No. for Appellate process

Case No. 1993 CR 152 W

I, Lloyd Curtis Lee, filed an out of time Appeal in the above styled case, The Honorable Russell W. Smith denied this Appeal on October 25, 2013, and, the denial was filed with the Clerk of Superior Court October 28, 2013. A copy of this order denying this appeal was mailed to me February 2, 2014 at Dooley State Prison, but, prior to receiving this order, I was transferred to another prison and didn't receive this order until February 18, 2014.

At the time of writing this letter I still have not received a remitter from the Courts in order to properly continue the Appellate Process. Please respond with the necessary information.

Sincerely,

CC: Court of Appeals

Superior Court, Mountain Circuit

Clerk of Superior Court

District Attorneys Office

~~Lloyd Curtis Lee~~

Lloyd Curtis Lee GDC: 78677

Walker State Prison

P.O. Box 98

Rock Springs, GA 20720

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The information was presented June 7, 2013 after Martin's statute of limitations had passed its two year limit.

1.

Plaintiff request the court use judicial notice to provide for admission to reveal facts, provide testimonial evidence, provide for authentication and identification of pleadings established through Court of Records of Georgia Clerk, Holly K.O. Stewart, Clerk Stewart's stamp and return of pleadings to provide proof under the law of enforcement in Title 24 of Federal Rule of Evidence effective January 1, 2013.

2.

Superior Court of Wilkes County has violated Plaintiff's Federal Constitution when it denied Martin's request to be heard under Art. I, Sec. I, Para. IX; Para. XII; Art. VI, Sec. V, Para. III and Art. VI, Sec. III, Para. III. See also Federal Rule of Evidence, §§ 24-4-407 and § 24-7-702.

A. PRELIMINARY REVIEW OF PLAINTIFFS COMPLAINT OF FRAP

Because Plaintiff is seeking "redress" from governmental entity, this court is required to conduct a preliminary screening of Plaintiff's complaint whereas Counselor Fitzgerald is negligent in his failure to provide Martin an emergency grievance and formal grievance for the lawsuit that involved Martin's left epidurium. In do this court must parse all factual evidence in allegation in the complaint no true. Brooks v. Johnson, 387 F.3d 1344, 1347 (11th Cir. 2004).

Plaintiff's complaint must contain factual allegations that raise a reasonable expectation that discovery will reveal evidence of Plaintiff's claim. Id @ A1150511 stamped September 9, 2011; crossed out and returned to Plaintiff. Stamped the same day Plaintiff's exhibit from Superior Court returned scratched out. Plaintiff's pleadings Request "Reasonable read" returned and stamped Court of Appeals of Georgia October 6, 2011.

On March 13, 2012 the Court of Appeals sent a ~~motion~~ to Superior Court of Wilcox County that they will only maintain the records and transcript in the above case for one (1) year. See Exhibit 1a presented into evidence. 24th day of June 2012.

Plaintiff wrote Clerk of Wilcox County Superior Court and noted how the Court was violating Plaintiff's civil right in its failure to place this case on the docket to be heard. See Art. I, Sec. I, Para. 18 and Art. I, Sec. I, Para. XII. See document letter written 15, July, 2012. See also Exhibit A presented into evidence. 24th day of June 2012.

B. PLAINTIFF ANNOUNCED HE WAS READY FOR CIVIL TRIAL WHEN:
 1. Plaintiff requested to subpoena witnesses for trial January 15, 2013;

2. Plaintiff presented Brief in Support of Subpoena Ad Dues Teburn and AD Testificandum filed January 15, 2013;
 3. Plaintiff filed Investigatories in Production of Documents filed August 20, 2012;

4. Plaintiff's filed Motion Request to Use Deposition in Court Proceedings filed August 20, 2012;

5. Plaintiff Request Production of Documents filed

August 16, 2012;

6. Plaintiff filed Motion for Discovery, August 5, 2012;

7. Plaintiff filed Motion Request All Witnesses be Sequestered

filed August 20, 2012;

8. Plaintiff filed motion Commit Wilcox State Prison Produce

the Named inmates and Officers be Subpoenaed for Oral Deposition

filed August 16, 2012.

Respectfully Submitted this 28th day of February, 2014.

James M. Mault

~~JAMES M. MAULT, 1040522~~

CERTIFICATE OF SERVICE

Two do certify this day that Plaintiff has supervised the above named documents to each party listed below. Plaintiff also certifies he has supervised sufficient postage to ensure delivery via United States Postal Service.

Court of Appeals of Georgia
417 Trinity Avenue, S.W.
Suite 501
Atlanta, Georgia 30334

Mr. Samuel Blom,
Attorney General of Ga.
410 Capitol Square, S.W.
Atlanta, Georgia 30334

James M. Martin, 1090322
Wilcox State Prison, Waynes, FL
Post Office Box 3917
Abbeville, Georgia 31001-0397

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

APPEAL NO. 13-13091-D

JAMES M. MARTIN, 1090322
PLAINTIFF

VS.

LIEUTENANT JONHAY M. DANIEL,
DEFENDANT

APPLICATION FOR "MOTION TO 'STAY' PENDING DISCOVERY"

APPEAL DISTRICT COURT DOCKET NO: 5:11-cv-00142

PREPARED BY:

JAMES M. MARTIN, 1090322
GDC# 1090322 PRD-SE
WILCOX STATE PRISON BLDG F-1
POST OFFICE BOX 297
APPEVILLE, GEORGIA 31001-0297

IN THE UNITED STATES COURT
~~SUPERIOR COURT~~ OF DISTRICT COURT ~~COUNTY~~
STATE OF GEORGIA

JAMES M. MARTIN 1090322
Plaintiff

APPEAL NO. 13-13091-D
Civil Action #.

VS.

NO. 5:11-CV-00192

LIETENANT JOHNNY MCDANIEL
Defendant

SWORN AFFIDAVIT OF TESTIMONY

I, JAMES M. MARTIN, attest swear and duly state to the best of my ability the information given will be used as evidence. Further, plaintiff swear the evidence collected will be used in Motion For Discovery;

I. Liability belongs to Defendant McDaniel for physical injury and actual injury. Court must Order McDaniel to produce discovery where:

1. Defendant McDaniel honor the merits of case of negligence in his failure to keep Plaintiff Martin safe from the physical assault;

II Plaintiff is entitled to Injunctive Relief

Plaintiff must establish that there was a violation, a serious risk of continuing "irreparable injury" if relief is not granted and the absence of an adequate remedy at law. *Wilkinson v Dotson*, 544 US, 74, 78 (2005)

III. Denial of due process that the State has intereared causing "liberty interest" and denial of deprivation procedures constitutionally insufficient. *Shakur v. Selsky*, 391 F.3d 106, 118 (2nd 2004).

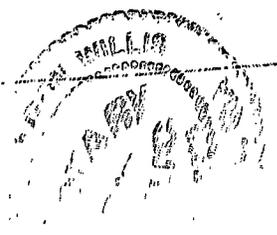
I JAMES M. MARTIN, DO SWEAR THAT THE ABOVE TESTIMONY IS TRUE AND CORRECT.

This the 17th day of February, 2014.

James M. Martin
(Signature) Author of Sworn Testimony

Sworn to and subscribed before me this 17 day of February, 2014.

Carroll Will
Notary Public, State of Georgia
my commission expires: 9/5/14



IN THE ~~COURT OF~~ ^{UNITED STATES} COURT OF DISTRICT COURT ~~COURT~~
STATE OF GEORGIA

JAMES M. MARTIN 1040385
Plaintiff

vs.

LIEUTENANT JOHNNY MCDANIEL
Defendant

APPEAL NO. 13-13691-D
Civil Action #.
NO. 511-CV-00192

SWORN AFFIDAVIT OF TESTIMONY

CONTINUATION FROM PAGE 1.

IV. Court Order the individual names below for Declaration Testimony
in the matter of EMERGENCY GRIEVANCE and the failure to
investigate under SOP II #05-0001; Fed. Rule Civil Proc. 37(a) To answer
interrogatories attached hereto:

- 1. Travis Fitzgerald, Counselor
- 2. Ms. Dempsey, Counselor
- 3. Mrs. Hogan, Counselor
- 4. Mr. Jones, Counselor

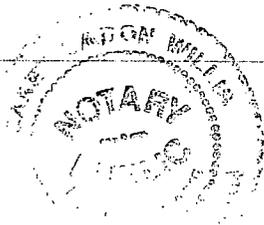
I JAMES M. MARTIN, DO SWEAR THAT THE ABOVE TESTIMONY
IS TRUE AND CORRECT.

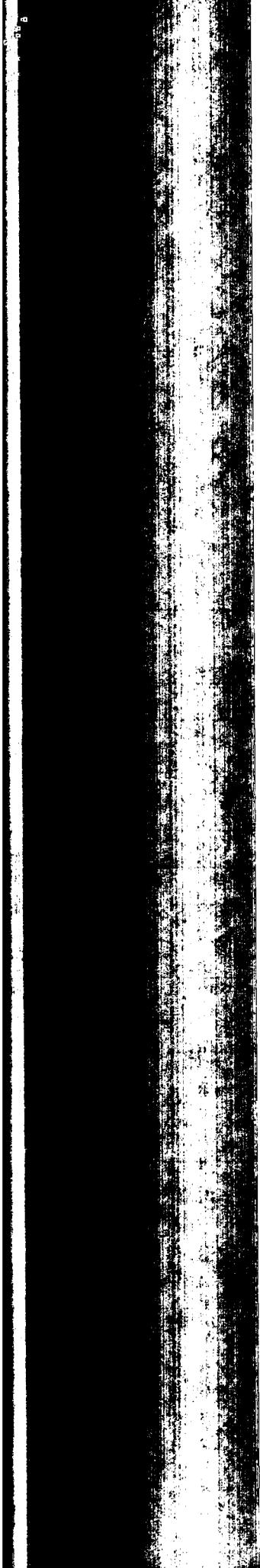
This the 17th day of February, 2014.

James M. Martin
(Signature) Author of Sworn Testimony

Sworn to and subscribed before me
this 17 day of February, 2014.

Cam [Signature] W. [Signature]
Notary Public, State of Georgia
my commission expires: 9/5/14





COURT OF APPEALS OF GEORGIA

RETURN NOTICE

March 7, 2014

To: Mr. James M. Martin, GDC1090322 F-212-B, Wilcox State Prison, Post Office Box 397, Abbeville, Georgia 31001

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.
A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia.
Your Notice of Appeal did not include a Certificate of Service or does not include a proper Certificate of Service.
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 Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.
Your appeal was disposed by opinion (order) on. The Court of Appeals divesting this Court of jurisdiction.
Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.

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



James M. Wood

9/15/11

Earl Ray Wills

Grand Jury - 1st day - 1 February 2011

24-8-834

COMES NOW Plaintiff in the above captioned title above him
Court for an order pursuant to Rule 37(c) of the Federal Rules of
Civil Procedure compelling Superior Court conduct jury trial ordered by
Court of Appeals of Georgia.
The named individuals herein to testify, attempt to
a written deposition to records of Henry Tammey O'Connell.

MOTION FOR AN ORDER COMPELLING DISCOVERY

DEFENDANT JONAHY Mc DANIEL

VS.

JAMES M. MARTIN, 1090382
PLAINTIFF

APPEAL NO. 13-13091-D

FOR THE UNITED STATES DISTRICT COURT OF GEORGIA
MADON DIVISION

Plaintiff requests to show the statutory limitation of O.C.

G.A.S. 9-3-96 controls the statutory bar SOP 11805-001 whereas,

Griffin as administrator and Sheriff Fields, Inmate Affairs and Appeals committed fraud on did Travis Fitzgerald, Counselor for the action, until time of discovery of the fraud, herein, failure to give Plaintiff Martin a formal grievance. See Eduin M. Rodriguez

Ital v. Felton, 8 Cal. 1, 1850 Ga. Lexis 1 (Dec 11 Jan 11 1850).

Plaintiff brings the action against Sheriff Fields, Manager

Inmate Affairs and Appeals to set forth the fraud committed with

Robert Toole, Warden (former Warden Wilbur State Prison); with

giving notice the informal grievance was out-of-time due to

statute of limitation of 11805-001 which is ten (10) days. Martin

Toole forwarded the grievance to Sheriff Fields and she signed

it having full knowledge that it was void and returned it to

Martin who appeared it in his action. Notice of Appeal to Superior

Court of Wilcox County and United States District Court in Atlanta

v. McDonald, Civil Action No. 5:11-cv-197.

The action filed, the Court did not protect Martin in his

action to secure a formal grievance, also it did not protect Martin

in his interest of being heard and denied under statute of factors.

Plaintiff asserts Equal Demands Must be Assorted with

Reasonable Time to file another formal grievance and present it to

Grievance Counselor; execution of an equitable sovereignty present-

ment; to be unjust under such circumstances then case should

be heard in Superior Court. Found Grievance 15799 also filed September

16, 2013; Denied September 23, 2013; Inmate Affairs denied 15799 October 8,

2013. Miss Fournier, Inmate Manager.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

APPEAL NO 13-13091-D

JAMES M. MARTIN, 1090322
PLAINTIFF,

VS.

LIEUTENANT JIMMIE MCDANIEL
DEFENDANT.

APPLICATION FOR "MOTION TO 'STAY' PENDING DISCOVERY"

COMES NOW Plaintiff in the above captioned title, request this Court grant the Application for Motion to Stay Pending Discovery. This Court states it agrees with the District Court's decision to Martin's complaint and denial of his motion for reconsideration. This Court agrees with the District Court denial that Martin did not exhaust his administrative remedies as he appeal his SOP claim ~~1105-001~~.

I.

PROBLEM

Travis Fitzgerald, Counselor refused to file an EMERGENCY for Plaintiff Martin's assault to his left ear whereas, from his list reported Martin's left ear drums, the ear, Martin, did file two internal grievances 82833 for the assault and 84735 for the loss

of personal property.

Plaintiff went to Counselor Fitzgerald upon his return from ASMP, asked Counselor Fitzgerald to file an emergency grievance. [At the time witnesses are Counselors Mrs. Donnelly and Mrs. Hagan who were in the office alone beside himself.] Mr. Fitzgerald stated, "NO," he would not file an emergency grievance and he would not file a formal grievance. See [Doc. 61], whereas, the information had been exposed before.

Plaintiff informed Chief Counselor in a complaint that he had asked Mr. Fitzgerald to file an emergency grievance and a formal grievance and Counselor Fitzgerald had refused. Further, she stated all grievances are to be filed by your assigned Counselor.

Plaintiff filed an "official" complaint telling Chief Counselor Thompson that, according to SOP 11805-0001 (E)(1) EMERGENCY Grievance, must not be denied to prisoners. A violation of SOP 11805-0001 (VI)(7) "NO INMATE SHALL BE DENIED" access to this procedure; a violation of SOP 11805-0001 (A)(10).

Plaintiff contends the state has violated his constitutional Amendment when Counselor Fitzgerald's negligence created "inmate interest." The Emergency Grievance under SOP 11805-0001 (IV)(B): "An unreported situation involving the health, safety, or well-being of an inmate requires prompt action, Counselors of Inmate State Prison have failed to file an Emergency Grievance and a formal grievance. Informed grievances become obsolete December 30, 1978.

Formal grievances were issued by the counselor assigned to each inmate's case based on information available: every inmate in the door received formal grievance. Formal grievances have changed from the early 1970s to 1981-82.

II

1. FORMAL GRIEVANCES

Since Plaintiff filed his claim on the amount of informal grievances 04732 and a formal grievance 04732 for the loss of personal property, the law firm presented reference to the emergency grievance and to Martin's amount of Plaintiff's claim.

Chief Counselor Melina Thompson was asked to make a statement of Defendant's law firm's review and she had about the facts in Plaintiff's claim. She stated in her declaration, Exhibit B that formal grievances available in 1973-74 were based on information available to her and grievances were issued by counselors. Chief Counselor Thompson fabricated summary of the state the plaintiff did not request a formal grievance on his informal grievances responses. Chief Counselor Thompson should have corrected and answered Martin's Complaint; she should have stepped in and allowed the formal grievance he filed. See Castro v. Vaade, 167 Wis. 2d 1, 481 N.W. 476, 483-84 (1992). See Sworn Declaration by Ms. Melina Thompson, Exhibit B.

Plaintiff wrote Rick Merrick and Sherridan Field about the Inmate Affairs and Appeals who never investigated these matters. Non-moving Party bears the burden of proof regarding the facts at issue in the motion. The Party, in response to the motion, must go beyond

the pleading could establish, through, circumstantial evidence, that there
truly is a genuine, material issue to be tried. Colston Corp. v.

Colett, 477 U.S. 917, 106 S.Ct. 2548, 2553 81 L.Ed. 2d 365 (1986).

Plaintiff failed to mention he had not exhausted his administrative
remedies by filing an emergency grievance because I didn't have
any formal grievances and Travis Fitzgerald, Civil Counselor Thompson,
not Deputy Martin Trippe would file an emergency grievance.

According to (PLRA) Prison Litigation Reform Act, Plaintiff
has administrative remedies under 42 U.S.C. § 1997c (a), Plaintiff
request that Court allow Plaintiff to order Discovery Process to
reveal that those individuals did not tell the truth. Martin request
Court allow Affidavit of Sworn Testimony in Declaration § 1746.

Travis Fitzgerald, Counselor; Dempsy; Mr. Jones; Mrs. Hogan;

Rick Myrick and Shavonda Fields; be subpoenaed to testify.

in sworn deposition.

On September 16, 2013 Plaintiff filed a formal grievance.

it was denied by Deputy Martin Trippe, it was presented and given.

transformation. See case filed Watts v. McArthur, "transformation".

Fields, Civil Action No. 1:09-cv-0091 (WLS) also noted No. A110511;

A18A0285.

After Court of Appeals cannot claim however, that its holding

is necessary limited to cases involving a prior grievance, identifies
a specific and continuing complaint that ultimately becomes the
basis for lawsuit. Johnson v. Killian, 680 F.3d 834 (2d Cir. 2012).

See also Paczynk v. Prison Health Services, Inc., 627 F.3d 1815, 1819

(11th Cir. 2010); Howard v. Wade, 534 F.3d 1277, 1294 (10th Cir. 2008)

PLN 2010 047; Johnson v. Johnson, 385 F.3d 509, 521 (5th Cir. 2004) PLN

App: 2005, p. 37.

Plaintiff submitted to Kirk Pivick and Shorland Fields, in Martin Shorland Fields, Division No. 129-CV-0091. The case was assigned to Court of Appeals of Oregon and Court of Appeals First a REWITTER for Superior Court of Wilson County for public trial. Plaintiff tried and tried, even through, Memorandum to Superior Court and Judge Pivick for any other judge in the circuit would not hear the case. District Attorney for County Judicial District Denise D. Pivick, Clerk County Court House, 2305 South 7th Street, Corvallis, Oregon 97331. See Stallis v. Corvallis 271 Or. 387, 519 P.2d 22 (1974); also Martin v. Fields, Civ. Action, 1109-CV-91, (11/14/2002).

Plaintiff submitted to Kirk Pivick and Shorland Fields, in Martin Shorland Fields, Division No. 129-CV-0091. The case was assigned to Court of Appeals of Oregon and Court of Appeals First a REWITTER for Superior Court of Wilson County for public trial. Plaintiff tried and tried, even through, Memorandum to Superior Court and Judge Pivick for any other judge in the circuit would not hear the case. District Attorney for County Judicial District Denise D. Pivick, Clerk County Court House, 2305 South 7th Street, Corvallis, Oregon 97331. See Stallis v. Corvallis 271 Or. 387, 519 P.2d 22 (1974); also Martin v. Fields, Civ. Action, 1109-CV-91, (11/14/2002).

Plaintiff contends relief in satisfaction would not be obtained due to misadventure and perjury of Chief Counsel William Thompson. It appears from all the evidence presented, that if review all that he could get from the named defendant, a grievance that produces all the prisoners remains available for him, should be acceptable, for relief under § 1977(c).

Plaintiff contends relief in satisfaction would not be obtained due to misadventure and perjury of Chief Counsel William Thompson. It appears from all the evidence presented, that if review all that he could get from the named defendant, a grievance that produces all the prisoners remains available for him, should be acceptable, for relief under § 1977(c).

Plaintiff contends relief in satisfaction would not be obtained due to misadventure and perjury of Chief Counsel William Thompson. It appears from all the evidence presented, that if review all that he could get from the named defendant, a grievance that produces all the prisoners remains available for him, should be acceptable, for relief under § 1977(c).

DUE PROCESS

Due Process requires state to prove beyond reasonable doubt every essential element of crime charged. Avery v. State, 138 Ga. App. 65, 225 S.E.2d 454 rev'd on other grounds, 237 Ga. 865, 230 S.E.2d 301 (1976).

In case at bar Martini McDaniel, supra, was filed in Superior Court of Wilkes County, a copy of this case was forwarded to District Attorney, Denise D. Fuchini who never investigated the case nor did she put the case on the docket to be heard as representing the people. According to Georgia Constitution, Plaintiff has a right to be heard and access to the courts cannot be denied under Georgia Constitution. See Georgia Constitution, Art. I, Sec. I, Para. IA; Art. I, Sec. I, Para. XII: ["No person shall be deprived of the right to prosecute or defend, either in person or by an attorney, that person's own cause in any of the courts of this state." Plaintiff challenges the validity of Georgia's Constitution. See Evans v. State, 180 Ga. 178 S.E. 446 (Code 36-1308)

LEGAL DEFENSE

Plaintiff request Court provide legal defense in civil attorney due to the complexity of the case, Plaintiff is indigent and cannot afford to hire counsel for defense. The Court also has the power to issue Order for Process in Superior or Appellate Court Georgia Constitution Art. VI, Sec. I, Para. IV.

The privilege of proceeding in civil action should not be withheld from indigent without reason. The poor shall have access to court. The problem lies in separating frivolous and unjudicious claims from those with merit and separate individuals who can bear the burden of the cost. Evans v. Wright, 48 F.R.D., 506, 507-08 (N.D. Miss 1968).

PROVING EXHAUSTION

In Boehm v. Tombs, 139 F.3d 1102, 1104 (6th Cir 1998): holding that inmates must "allege and show" that they have exhausted all available administrative remedies by attaching a copy of applicable administrative dispositions or in absence of written document describing with specificity administrative proceeding outcome. [Plaintiff did so when he filed his informal grievance 82833 when he checked the box that he would like to file a formal grievance.]

In Doc. 38 Melissa Thompson, Chief Counselor v. CDC (see Exhibit B), the informal grievance is attached when the formal grievance is requested. At the first stage of exhaustion the court must take Plaintiff's version of the facts regarding the availability of the administrative remedies. Turner v. Duress, 541 F.3d 1077, 1082 (11th Cir, 2008).

Even when Counselor Fitzgerald told me I wouldn't need a formal grievance, I knew I had to have a formal grievance to exhaust all administrative remedies. About 17th day of March after returning from ASMP, Plaintiff went to Counselor Fitzgerald to request the formal grievance.

After December 2012 Informal grievances became obsolete and now taken out of Central books and relate with formal grievances. September 16, 2013 Plaintiff received a formal grievance upon request and filed a formal grievance against the State of Louisiana had advised. Formal Grievance 157240 was filed against Counselors at Western State Prison to show they were in violation of Plaintiff's Eighth and Fourteenth Amendment to United States Constitution. It was denied September 23, 2013 by Warden Caldwell.

Plaintiff has exhausted all available administrative remedies. On October 30, 2013 Plaintiff submitted an appeal to 11th Cir. Court: Wilson State Prison's Response To Martin's Grievance Response For Failure To File "EMERGENCY GRIEVANCE" FOR ASSAULT IN GRIEVANCE No. 82833.

September 16, 2013 Plaintiff filed a formal grievance for failure to file Emergency Grievance; Now formal grievance 157240 is being filed to complete the process raising the issue of complaint; Plaintiff needs to be fitted with hearing device to enhance his loss of natural ability of hearing for the foreseeable future. Martin received a response on October 8, 2013 from Inia Fountain, Interim Manager.

In July 16, 2013 [Doc. 63] Plaintiff filed an appeal due to Sheronah Fields had violated Martin's due process in agreeing with Warden Toole, denied both informal grievance and responded both responses on grievance no 84735.

See Doc. 63 Page 15 n. 24. . . . Plaintiff v Lewis n. 17. The issue was not resolved. Inmate did not request a formal grievance (See Exhibit B); but Chief Counselor Thompson is incorrect: Plaintiff did request a formal grievance. A formal grievance would satisfy exhaustion when Counselor Fitzgerald issues a formal grievance. See Martin v McDonald, supra. [Notice of Appeal] Civil Action 5:11-cv-192. See also Fault v. Currier, 262 F.3d 627-692 (8th Cir. 2001). Failure to respond to informal grievance in timely response.

Plaintiff did all he could to obtain a formal grievance from my assigned Counselor and Chief Counselor. Finally, after Warden Toole was replaced, Deputy Warden Tripp awarded a formal grievance 157240 which was filed September 16, 2013.

CONCLUSION

Plaintiff request this Court reverse its decision due to Plaintiff doing all that he could contrary to 42 U.S.C. § 1997e (a) which mandates exhaustion. Court must take Plaintiff's set of facts regarding the availability of the administrative remedies. Turow v. Burnside, supra.

Respectfully submitted this 21st day of February, 2014

James M. Mauti

CERTIFICATE OF SERVICE

This do certify that Plaintiff has served all Parties a same exact copy of the foregoing document.

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
Post Office Box 128
Macon, Georgia 31202

Samuel Oleni,
Attorney General of Georgia
40 Capital Square, S.W.
Atlanta, Georgia 30334

James M. Mauti, 1090522
Middle State Prison, Bldg. F12A-2
Post Office Box 397
Auburn, Georgia 31001-0397

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

JAMES M. MARTIN,
PLAINTIFF

VS.

JOHNNY MCDANIEL, et al
DEFENDANT.

*

* CIVIL DOCKET 5:11-cv-192
APPEAL NO. 13-13091-D

*

* PLAINTIFF'S FIRST SET OF
* INTERROGATORIES TO DEFENDANTS

*

ORDER

Plaintiff in the above Order request Defendants answer the following interrogatories pursuant to Federal Rule of Civil Procedure Rule 33 under oath and be sequestered, and be served upon Plaintiff within 30 days of service of these interrogatories.

If you cannot answer these interrogatories fully, do answer to the extent possible. Specify your inability to answer to whatever information or knowledge about the concern to the best of your ability.

These interrogatories may continue to require supplemental answers as new or different as the information materializes.

First Interrogatories of TRAVIS FITZGERALD:

1. Mr. Fitzgerald, Do you know what 11B05-0001 of SOP is?
2. Mr. Fitzgerald, Do you know SOP definition of Emergency Insurance?

3. Mr. Fitzgerald, On March 8, 2011, Plaintiff Martin asked you to bring him grievances when you visited him at 11/213; Why did you not return with the grievances?
4. Mr. Fitzgerald, On March 8, 2011 while at 11, 213, you asked me (Martin) what are you doing down here? Martin, told you he wanted to file a grievance for assault. Did you consider the grievance issue to be a safety issue for an emergency grievance?
5. Mr. Fitzgerald, Plaintiff was transferred to ASMP and returned on 17th day of March back to Wilcox State Prison. Plaintiff want to your office and asked you to file and Emergency Grievance, you told Martin "NO" why?
6. Mr. Fitzgerald, Plaintiff Martin asked you for a formal grievance. I have witnesses that will state that they heard me ask you for a formal grievance. Did Chief Counselor Thompson tell you not to give Martin a formal grievance?
7. Mr. Fitzgerald, Did you tell me (Martin) that if he files an emergency grievance, he don't need a formal grievance?
8. Mr. Fitzgerald, When Martin asked you for a formal grievance, Mrs. Keesom looked at you. She knew you were talking with didn't you give James Martin a formal grievance?
9. Mr. Fitzgerald, SOP 11B05-0001 (V)(B) is the statute for an Emergency Grievance, State the protocol for 9 (V)(B) of SOP 11B05-0001?
10. Mr. Fitzgerald, Did Sheriff's Office come to investigate Martin's complaint he filed on in formal grievance about the assault?
11. Mr. Fitzgerald, SOP 11B05-0001-B (V)(A)(7) states: "NO IMMEDIATE SHALL BE DENIED ACCESS TO EMERGENCY CLEARANCE." Was Martin

Would access to the Emergency Grievance?

12. Mr. Fitzgerald, Did you ever issue Martin a formal Grievance?

FIRST INTERROGATORIES OF MRS. DEMPSEY:

1. Mrs. Dempsey, You sit at a desk right behind/front of Mr. Fitzgerald? Yes or No.

2. Mrs. Dempsey, Do you know the protocol for Emergency Grievance?

3. Counselor Dempsey, Have you ever written or filed an Emergency Grievance?

4. Counselor Dempsey, If an inmate file two issues on two separate Grievances, What is the correct procedure to respond to both of the inmates Grievances?

5. Counselor Dempsey, On 17th day of March, Plaintiff returned to Wilcox State Prison being transported from ASMP. He went into the office and asked Counselor Fitzgerald for a formal Grievance. Mrs. Hogan looked at Mr. Fitzgerald: Did you hear Martin ask for a formal Grievance?

6. Mrs. Dempsey, Please state 509 11805-0001 § (IV)(b), what is this protocol?

7. Mrs. Dempsey, If Martin filed an emergency Grievance, would it need to file a formal Grievance?

8. Mrs. Dempsey, Did Shevach Fields ever investigate the informal Grievance 82833 for inmate?

9. Mrs. Dempsey, When did informal Grievances become obsolete?

10. Counselor Dempsey, Plaintiff Martin filed two informal grievances 82833 also filed for assault and 84735 also filed for loss of personal property; the response from the grievance coordinator was sign after the 10 day limit and referred to Martin dated an informal grievance 84735. Was both informal grievances valid?

11. Counselor Dempsey, if the issues above are true and valid as stated, should Martin's formal grievance would be used and accepted under the exhaustion procedure. Would a formal grievance be exhausted by administrative remedy?

12. Mrs. Dempsey, Under Chief Counselor Thompson formal grievances are to be issued by the limits assigned counselor, Plaintiff Martin requested emergency grievance and a formal grievance three times; when Martin about issued a formal grievance had he done all he could do to receive a formal grievance?

13. Counselor Dempsey, Was Counselor Fitzgerald wrong for not issuing Martin a formal grievance?

FIRST INTERROGATORIES FOR MRS. HOBAN:

1. Mrs. Hoban, what is the procedure for filing an emergency grievance?

2. Mrs. Hoban, Plaintiff Martin filed two informal grievances 82833 for assault and 84735; the grievance coordinator responded to both informal grievances on 84735 due the 10 day time limit. Are the grievance response valid?

3. Mrs. Hoban, according to the information and issues above due to informal grievances being out-of-time in response should Martin have been issued a formal grievance?

4. Mrs. Hogan, On 17th March 2011 after returning from ASMP, Plaintiff Martin came into the office where Ms Brown sat in row back in an office alone, Counselor Dempsey and Fitzgerald sat on left as you enter the office; Mrs. Hogan sat in back on right; When Martin asked Counselor Fitzgerald for formal grievance he said, he would not give me a formal grievance; "You look at Mr. Fitzgerald, you knew he was wrong for not giving me the formal grievance?"
5. Mrs. Hogan, Is a formal grievance the same as an emergency grievance?
6. Mrs. Hogan, Is a formal grievance necessary to exhaust the administrative remedies?
7. Mrs. Hogan, When Plaintiff Martin requested to file an emergency grievance and Mr. Fitzgerald said "No." He denied Martin to an emergency grievance according to Protocol SOP 11A05-0001 (V)(B) is that correct?
8. Mrs. Hogan, According to SOP 11A05-0001 (V)(A)(T) states: "NO INMATE SHALL BE DENIED ACCESS TO EMERGENCY GRIEVANCE. Did Counselor Fitzgerald deny Martin access to Emergency Grievance?"
9. Mrs. Hogan, As Plaintiff Martin sat talking to Mr. Fitzgerald trying to get a formal grievance, Did you hear Martin's conversation when he asked for formal grievance? "You looked up at him?"
10. Mrs. Hogan, Would you please explain the protocol for obtaining a formal grievance?
11. Mrs. Hogan, Plaintiff Martin explained he asked Counselor Fitzgerald for an emergency grievance, he wouldn't issue one, Martin then asked for a formal grievance he said "no", three times Fitzgerald told Martin "No". He has nothing else for

Wanting to do, is there?

Respectfully submitted, this 21 day of February 2019.

~~James M. [unclear]~~
James M. [unclear]

CERTIFICATE of SERVICE

This do certify this day that Plaintiff has supplies a
Some exact copy of the foregoing document to all parties listed
below.

UNITED STATES DISTRICT COURT OF GEORGIA
OFFICE of the CLERK
POST OFFICE BOX 128
MARIETTA, GEORGIA 30007-0128

Samuel Adams,
Attorney General of Georgia
40 Capital Square, S.W.
Atlanta, Georgia 30334

James M. Martin, 1040332Z
WILCOX STATE, WISN, B119, F1212-B
POST OFFICE BOX 397
ADDERVILLE, GEORGIA 31001-0397

IN THE COURT of APPEALS of GEORGIA
STATE of GEORGIA

JAMES M. MARTIN,
PLAINTIFF,

VS.

SHEVONDAN FIELDS, MANAGER,
INMATE AFFAIRS and APPEALS,
DEFENDANT.

*

* CIVIL ACTION No. 1109-091

*

*

*

*

RECEIVED IN OFFICE
2014 MAR -6 PM 3:46
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

MOTION TO RECALL OF MANDATED COURT ORDER

COMES NOW Plaintiff in the above captioned title, and requests this Honorable Court for Motion To Recall Mandated Court Order to Superior Court of Wilcox County to conduct jury trial.

During Plaintiff's fight to show District Court a Court Order was issued in it's Remittitur sent back to Plaintiff and upon Superior Court of Wilcox County.

Plaintiff cannot provide dates due to using his copy as an exhibit filed in Supreme Court of Georgia.

District Court has issued an Order for Plaintiff's Pleadings to be filed in 14 days from Feb. 24, 2014.

Plaintiff writes District Attorney for Cavalele Judicial Circuit [Denise D. Fenchini] but she never responded.

BACKGROUND

MARTIN v. FIELDS, Civil Action No. 1:09-cv-091 deals with the

violation of 11025-0001 forwarding an out-of-time informal grievance to Martin, decedent's family and committing fraud. The

matter involved an stems from Lewis Fitzgerald, Counselor

refusing to file an EMERGENCY GRIEVANCE and refusing to file a

formal grievance for Plaintiff who was assaulted by inmate

Harris, informal grievance 82833 and for loss of personal property

when Martin was taken to Taylor Emergency Hospital on March 7, 2011, and

Security Officers packed Martin's property on March 7, 2011 and

dropped it over the rail to floor where it stayed until the

next day. First shift delivered Martin's property in 11/19/11, but

Martin refused to sign for the property because Officer didn't

want until Martin inventoried his personal property. Informal

grievance 84735 was filed.

Martin filed both informal grievances, went to ASMP

and returned inside 10 days and answer asked for formal

grievance to be filed.

Plaintiff filed a retried pleading on September 2, 2011

which was mailed back to Court of Appeals; four days had expired

when Martin received a call-out to come to courtroom and inside was

Plaintiff's application which state as follows:

"Your application in A110511 was granted. The

related direct appeal, A19A0285 was then docketed

and disposed of by Order on October 17, 2011. The

Court of Appeals dismissed your appeal. The remittitur

issued on March 21, 2012, diverting this Court of any

further jurisdiction of your case. . . ."

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

March 19, 2014

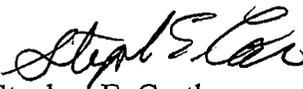
Mr. Larry T. O'Brien
Post Office Box 644
Lakeland, Georgia 31635

Dear Mr. O'Brien:

In response to your correspondence received in this office, we do not have a case styled in your name pending in this Court.

You may want to check with the Berrien County Superior Court. The record has not been forwarded to the Court of Appeals since the transcripts have not been filed.

Sincerely,


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

SEC/ld

A. D. PROTECTION SERVICES

429 E. Dennis Ave.
P O Box 829
Nashville, GA 31639
(229) 686-9520 Office
(229) 686-1989 Fax

120 S Hutchinson Ave
P O Box 930
Adel, GA 31620
(229) 896-9743 Office
(229) 896-1421 Fax

59 W Main St
P O Box 234
Lakeland, GA 31635
(229) 503-6036 Office
(229) 503-6036 Fax

March 7, 2014

Larry O'Brien
P O Box 644
Lakeland Ga 31635

Dear Mr. O'Brien,

In response to your letter written February 13, 2014, after review of your file at the Berrien County Clerk's Office, I have found that an appeal has been filed. Until the decision has been filed with the clerk's office concerning the appeal I cannot take any further action on case # 09CR305.

Any future correspondence should be directed to the District Attorney's Office.

Regards,



Lisa D Hancock

Dear Court of Appeals representatives, how are ya'll doing today. Would someone please explain why the Alapaha Judicial Circuit district attorney's office have neglected to file (their) appeal motions in your department regarding case # 09CR305. Does the same rules for every one else apply to the district attorney's office employees concerning a grace period to file any documentation with the appropriate court. After serving thirty months in confinement with in various facilities, public defender Jason Aaron Nix and I attend an amended motion for new trial on April 30, 2012 in Berrien County Court house where judge Dr. Wayne Ellebee grants the motion for new trial and dismisses all charges that I served thirty months in confinement. Judge Ellebee almost instructed assistant district attorney Patrick Warren to make sure to file an appeal against his decision immediately. Jason Aaron Nix claims that Berrien County clerk of superior court responsible for forwarding the appeal motions to your location. Contacted A.D. Probation Services to see if they would refund the \$3000.00 dollars that I was demanded to pay in six months but the alleged appeal seems to provide everyone with alibi for refusal. Thank you very much. March 11, 2014
Sincerely, Larry Thomas O'Brien

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

March 7, 2014

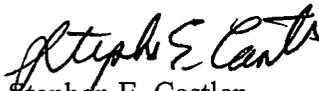
Marc P. Lubatkin, P.C.
333 Sandy Springs Circle, N.E.
Suite 111
Atlanta, Georgia 30328

RE: Conflict of Schedule Week of March 10, 2014
A14A0448. Kevin Butler v. Jane Doe, et al.

Dear Mr. Lubatkin:

Our Court is in receipt of your letter dated March 4, 2014. Pursuant to Court of Appeals Rule 14(c)(i), when there is an apparent conflict, appellate arguments prevail over trials, hearings and conferences. Pursuant to the Court's order of December 4, 2013, if you decide to waive oral argument and not appeal, you should notify the Clerk, opposing counsel and co-counsel of that fact, in advance.

Sincerely,


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

SEC/ld

cc: Laura S. Coates, Esq. (via facsimile, 770.513.8462)
Heiu M. Nguyen, Esq. (via facsimile, 770.532.0399)

Mr. Lubatkin,

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Law Offices
MARC P. LUBATKIN, P.C.
333 Sandy Springs Circle, N.E.
Suite 111
Atlanta, Georgia 30328
(404) 256-3871
Facsimile (404) 256-9538

Of Counsel:
Ronald N. Winston

Admitted in
GA & TN

March 4, 2014

VIA FACSIMILE (770) 822-8637 and HARD COPY

The Honorable George F. Hutchinson III
Judge, Superior Court of Gwinnett County
Gwinnett County Justice and Administration Center
75 Langley Drive
Lawrenceville, Georgia 30046

VIA FACSIMILE (404) 657-9764 and HARD COPY

The Honorable Sara L. Doyle
Court of Appeals of Georgia
47 Trinity Avenue, Suite 501
Atlanta, GA 30334

Re: Conflict in Schedule Week of March 10, 2014

Your Honor:

Pursuant to Rule 17 of the Uniform Superior Court Rules, I certify that I am lead counsel in the following cases (my client's name being underlined):

- (1) Robert A. Safadi vs. **Mona M. Safadi**
Gwinnett County Superior Court; Case No. 13A 06198-1
March 10, 2014 at 9:00 A.M.; Bench Trial Calendar
Judge George F. Hutchinson III
- (2) Kevin Butler vs. **Jane Doe, et al.**
Court of Appeals of Georgia; Case No. A14A0448
March 12, 2014 at 9:30 A.M.; Oral Argument
Judge Sara L. Doyle

I further certify that these cases cannot be adequately handled and the clients' interests adequately protected by other counsel as I am lead counsel.

By copy of this letter to you, I am providing notification of these conflicts in accordance with

The Honorable George F. Hutchinson III
The Honorable Sara L. Doyle
March 4, 2014
Page -2-

Uniform Superior Court Rule 17.1.

Marc P. Lubatkin will report on Monday, March 10, 2014 to Gwinnett County Superior Court, Safadi vs. Safadi unless notified otherwise by Court directive.

Very truly yours,



Marc P. Lubatkin

MPL:bp

cc: Laura S. Coates, Esquire [via facsimile (770) 513-8462]
Heiu M. Nguyen, Esquire [via facsimile (770) 532-0399]

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

March 7, 2014

Marc P. Lubatkin, P.C.
333 Sandy Springs Circle, N.E.
Suite 111
Atlanta, Georgia 30328

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Sincerely,


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

SEC/ld

cc: Laura S. Coates, Esq. (via facsimile, 770.513.8462)
Heiu M. Nguyen, Esq. (via facsimile, 770.532.0399)



THE COURT OF APPEALS
OF THE
STATE OF GEORGIA

334 State Judicial Building
Atlanta, Georgia 30334
(404) 656-3450
FAX: (404) 651-6187

FACSIMILE TRANSMISSION SHEET

DATE: 7 March 2014 TIME: 3:10 a.m./p.m.

TO: Laura J. Coates, Csg. FAX: 770.513.8462

TO: Hein M. Nguyen, Csg. FAX: 770.532.0399

TO: _____ FAX: _____

FROM: Stephen C. Castles, Clerk/Court Administrator

MESSAGE:

THIS TRANSMISSION CONSISTS OF A COVER PAGE PLUS 1 PAGE(S)

END OF PAGE

TRANSACTION REPORT

FRI/MAR/07/2014 03:47 PM

BROADCAST

#	DATE	START T.	RECEIVER	COM.TIME	PAGE	TYPE/NOTE	FILE
001	MAR/07	03:46PM	97705138462	0:00:24	2	OK	SG3 4682
002		03:47PM	97705320399	0:00:24	2	OK	SG3 4682
TOTAL				0:00:48	4		



THE COURT OF APPEALS

OF THE
STATE OF GEORGIA

334 State Judicial Building

Atlanta, Georgia 30334

(404) 656-3450

FAX: (404) 651-6187

FACSIMILE TRANSMISSION SHEET

DATE: 7 March 2014 TIME: 3:10 ~~a.m.~~/p.m.

TO: Laura J. Coates, Csg. FAX: 770.513.8462

TO: Hein M. Nguyen, Csg. FAX: 770.532.0399

TO: _____ FAX: _____

FROM: Stephen C. Castles, Clerk/Court Administrator

MESSAGE:

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

March 7, 2014

Marc P. Lubatkin, P.C.
333 Sandy Springs Circle, N.E.
Suite 111
Atlanta, Georgia 30328

RE: Conflict of Schedule Week of March 10, 2014
A14A0448. Kevin Butler v. Jane Doe, et al.

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Sincerely,



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

SEC/ld

cc: Laura S. Coates, Esq. (via facsimile, 770.513.8462)
Heiu M. Nguyen, Esq. (via facsimile, 770.532.0399)

**COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS**

Date: March 7, 2014

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

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 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: A14D0242 was granted on February 27, 2014. There is no direct appeal docketed in this Court in your name. Therefore, your documents are being returned to you.**

IN THE COURT OF APPEALS
STATE OF GEORGIA

DARREN PETTY
Applicant,
(Pro Se)

A14D0242
Case No. 12-B-02028-3

v.

Superior Court Of
GWINNETT COUNTY

~~FILED IN OFFICE
FEB 19 2014
CLERK, COURT OF APPEALS OF GEORGIA~~

ENUMERATION OF ERROR

FILED IN OFFICE

MAR - 4 2014

CLERK, COURT OF
APPEALS OF GEORGIA

DARREN PETTY

459 Kenridge Cir

Stone Mountain, Ga 30083

(404) 468-1177

(229) 886-3705

(Pro Se)

~~2014 FEB 19 PM 1:43
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA~~

RECEIVED IN OFFICE
2014 MAR - 4 PM 4:16

INDEX

Pages

- 1-3 Enumeration of Error
- 4 Certificate of Service
- 5 Statement of Jurisdiction
- 5-7 Statement of facts
- 8 Statement of Cause
- 9 Argument
- 10 Case Law and CONCLUSION

- 11 Exhibit 1 Police Report November 18, 2011 and
December 12, 2011

- 12 Exhibit 2 Court transcript lying to judge

- 13 Exhibit 3 Court transcript reading from police
Report dated November 18, 2011 false
Info from report
- 14 Exhibit 5 Court Transcript giving my counsel
False info.
- 15 Exhibit 6 Transcript Sworn in under oath

GEORGIA COURT OF APPEALS

DARREN PETTY

)

)

Appellant,

)

vs.

) **Case #12-B-02028-3**

)

THE STATE OF GEORGIA,

)

)

Appellee.

)

ENUMERATION OF ERROR

Comes now the defendant Darren Petty, and submit the

Following enumeration of error:

A) The trial court erred in denying defendant withdraw plea.

B) The trial court erred in denying defendant motion to Vacate.

The court erred in allowing perjury testimony to indict defendant.

The trial court erred in officer perjury more than three time in court proceeding.

Defendant was not made aware of the facts that would have exonerated him.

Counsel was effective to know that perjury existed and fail to file or bring it before the court.

District Attorney knew that allege victim reported they had nothing missing.

Allege victim two years later has not file police nor reported anything missing.

Counsel refuse to give defendant timely information of valuable evidence , that if it was known defendant decision would not taken any plea.

Counsel didn't present any evidence that defendant had and refuse to request nor investigate.

There was ineffective evidence to convict defendant of theft.

The crime of perjury is intentionally done and it violate defendant Six amendment right to Due Process.

There no evidence to show that on November 18, 2011 that allege victim had any item missing.

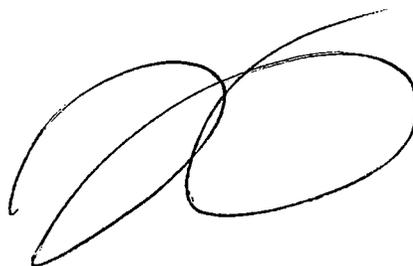
Respectfully Submitted this ~~11~~^{March} day of ~~February~~ 2014

Darren Petty

459 Kenridge Circle

Stone Mountain Ga 30083

(Pro Se)

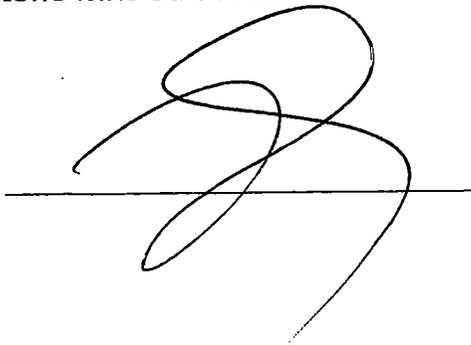
A handwritten signature consisting of two overlapping loops, likely representing the name Darren Petty.

Certifacte Of Service

I hereby certify that pursuant to OCGA § 17-1-1, I have on this day served a copy of Appellant's Enumeration of Errors upon: Clerk of Superior Court Of Gwinnett County District Attorney Office Carolyn West Gwinnett Justice Center 1800 Langley Drive Lawranceville Georgia 30012, Georgia Court of appeal 47 Trinity Ave Sw Atlanta Georgia Suite 501.

This day ~~4~~ ^{March} of ~~February~~, 2014

Darren Petty (Pro Se)
459 Kenridge Cir
Stone Mnt Ga 30083

A handwritten signature in black ink, consisting of several loops and a long tail, written over a horizontal line.

(I) STATEMENT OF CASE

Statement of jurisdiction

Georgia Court of Appeal has appellant jurisdiction on all case except those except those involving constitutional questions, habeas Corpus, Extraordinary remedies, and case where original appellate jurisdiction lie with Superior Court.

Statement of the Facts

On December 28, 2011 theft by deception and false signature of ownership, after being arrest I present to court of my evidence of ownership. During arraignment (Exhibit 1) Ofc. Hurst read from report which was dated November 18 2011, which only had and stated to judge that these items that I recycled belonged to allege Victim. Ofc. Hurst stated that report had a lot of items missing ,when intentionally gave false testimony

to further damage the Darren Petty. (Ex 2) Officer Hurst Stated three case of perjury and one directly to the judge. If Officer would have been honest I would have

Been exonerated. Instead I was told I am a risk and I cant get a bond cause I could commit other felonies.

I sat in Gwinnett County Jail 60 day on items never reported stolen. After 60 day they dropped charges, two day later I was indicted for three more charges on same case. I was never arraigned nor sent a notice of indictment. I was arrested again in Dekalb four days later, cause I was on probation prior to me being arrested. I was made aware only by probation officer.

I did 60 more days for Ofc. Hurst failure to tell the truth, making it a egregious process. My attorney never Scheduled meeting so I could discuss case, only get him by text message only, sometime he answer his phone. If truth was told in court there would be no case. How can

One get and indictment from grand jury if item was never reported stolen and two years later they cant find nothing missing.

I gave him other item that was dumped on our property in Lithonia, that had name of company on it, he never presented to court nor made mention to it to anyone.

The item scraped was iron dumped on my family property, this is not the first time they dumped illegally. Had two witnesses to what I was saying but never explained to court nor me the value of witness to exonerate me.

Statement of Cause

____ Comes now that plaintiff was denied motion to Vacate in Superior Court of Gwinnett County Accordance to O.G.C.A 17-1-4 and O.C.G.A 16-10-70. It was in their discretion of court to do so, which Verges on Brady Violation and Fruit of the poisonous Tree.

APPELLANT MOTION SHOULD HAVE BEEN GRANTED

The court relied totally on Officer Sworn

Testimony and which he in turn intentionally Gave false statement to place fraud on court.

This act of Perjury Held that "the failure of the

The prosecutor to correct the testimony of the witness which he knew to be false.

Denied appellant due process of law in violation of the Fourteenth Amendment.

Misconduct through "knowing use" of perjured testimony to convict a criminal defendant in violation of "due process" of law. Acts and omissions by a prosecutor can violate "the fundamental conceptions of justice which lie at the base of our civil and political institutions."

Court denied appellant motion, after being made aware Of perjury on the court. Court eroded from giving Reason of denial, when evidence was given to show court Just cause to vacate judgment.

II Argument

Court knew of fact that allege victim had nothing Missing. The court knew of police report of nothing Missing but fail to vacate case even after repeated Reports from allege victim they had nothing missing. It is now two years later, I was made aware only at Plea hearing that it still no report of these items missing. It is example that was not made aware to me by my counsel and neglect of valuable information. This shows ineffective counsel, in that if nothing is Missing how could there be a theft. Exculpatory evidence was know and instead of counsel using it to

exonerate me and along with prosecution ignored a know fact. Officer Hurst was asked by the judge to the fact directly and his refusal to give true testimony, questions is this his normal behavior. If this is his behavior, how long has he been allowed to do this to citizen? If that is their order of them convicting innocent people by perjured testimony. The court also eroded from bring to front that officer behavior will not be tolerated and he is not above the Laws of constitution.

DISCOVERY CASELAW

Brady v. Maryland, 373 U.S. 83 (1963), *Aicortz v. Tex U.S 1967*

(Mooney v. Holohan U.S 1935) as Napue v. Illinois (U.S. 1959)7; Duggan v. State (Tex. Crim. App. (1989)

Conclusion

Wherefore, DARREN PETTY (PRO SE) respectfully pray that the Honorable grant this order based on GEORGIA Statue 17-1-4, and GEORGIA Statue 38-2-550, GEORGIA Statue 16-10-70 , 18 U.S.C. Statue 1621 US Code, which every elements of perjury has taken place, Testimony at judicial Proceeding, Intentionally made false statement, Material to proceeding, that every element of perjury has taken place and that Order be Granted and charge vacated as to the Law.

Norcross (GA) P.D.

EAT

65 Lawrenceville Street, Norcross, GA 30071

Offense / Incident Report

Report Date: 11/18/2011 0952 Type of Incident: CRIMINAL TRESPASS Complaint No.: 2011-3069 Case Status: OPEN

Occurred on: 11/17/2011 1100 to 11/18/2011 0930

Incident Location
 Street Address: 275 WOODLAND ROAD City: NORCROSS State: GA Zip Code: 30071
 Sector: 1 Precinct: 1 Geo: Ward: Latitude: Primary Location
 Neighborhood: Jurisdiction: Longitude: Secondary Location

Dispatch Information
 Received Date / Time: 11/18/2011 0952 Call Received Via: Dispatched Date / Time: 11/18/2011 1001 Call Dispatched As: 42 / BURGLARY
 Arrived Date / Time: 11/18/2011 1010 Departed Date / Time: 11/18/2011 1024 Offense Category: DAMAGE / INTRUSION TO PROPERTY TTY Ref#: TeleType Operator:

Officers

ID	Name	Role	Primary	Arrived Scene	Departed Scene
139	Grogan, Bill	INVESTIGATION	<input checked="" type="checkbox"/>	12/12/2011 1031	
140	Cardwell, Vincent	REPORTING	<input checked="" type="checkbox"/>		

Offenses

Charge	Cause Number	Local Code	Jurisdiction	State Statute Type/Class	State Charge Code	Category
CRIMINAL TRESPASS			CITY OF NORCROSS	16-7-21 MISD	16-7-21	DAMAGE / INTRUSION TO PRO
THEFT BY TAKING / OTHER			CITY OF NORCROSS	16-8-2		THEFT

Offense / Incident Narrative

On November 18, 2011 at 10:15am I was dispatched to the Irby Construction Company, located at 275 Woodland Road, for a report of a burglary. Upon my arrival I made contact with the complainant, Mr. Josh Baxford. Mr. Baxford stated he wanted to report the break in of 2 storage units and the company office. Mr. Baxford stated that he last left the office/property on November 17, 2011 around 11:00am and secured the office and storage units at that time. Mr. Baxford stated that when he returned this morning he found the entry gate open, and the pad lock had been cut. He continued by stating he found 2 storage trailer padlocks had been cut also, and the office doors had been pried open. Mr. Baxford stated he checked the storage units and the office, and found that nothing was taken in

Reporting Officer: 140 Cardwell, Vincent Approving Officer (1): 105 Thornton, Jeff
 (Cover Pages Only)

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Offense / Incident Report

Report Date 11/18/2011 0952	Type of Incident CRIMINAL TRESPASS	Complaint No. 2011-3069	Case Status OPEN
--------------------------------	---------------------------------------	----------------------------	---------------------

Supplemental Report

Supp. No.	Date / Time	ID	Officer Name	Secondary ID / Officer Name
0001	12/12/2011 10:23 AM	139	Grogan, Bill	

INVESTIGATOR'S SUPPLEMENTAL

On 12/9/11 I was contacted by Det. Ellis with the Gwinnett County PD and advised that Progressive Recycling took in several pieces of stolen aluminum wire pulling blocks belonging to a company called Irby Construction.

On 12/12/11 I reviewed this case and saw nothing was originally reported stolen by the victim business. I called the reporting party, Mr. Baxford, on the phone and asked if something was later determined missing from his business. He said they found that a roll of copper wire was missing but he was unsure of anything else. He said he was made aware from a corporate office that the aluminum blocks were found at a recycling center but they have not confirmed how many were taken. He said an inventory was done last spring so they would know how many should be on hand. He said he would have a count done to confirm if any are missing and if so how many.

I asked Det. Ferguson to look into this case further to see if there was any evidence the person who recycled the items is the same person who stole them from the victim business.

Reporting Officer 140 Cardwell, Vincent

Approving Officer (1) 105 Thornton, Jeff

(Cover Pages Only)

Page 4 of 4

Printed 12/28/2011 1309

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EXT 2

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JUDGE: Any further evidence from the state?

STATE ATTORNEY: No, Judge.

JUDGE: Any evidence from the defense?

JEFFERSON: Hold on just a minute.

JUDGE: Sure, sure.

JEFFERSON: Wait a minute. My client is telling me something. Hold on.

UNKNOWN MALE: [Unintelligible]

JEFFERSON: I - I do have one more question.

JUDGE: All right.

UNKNOWN MALE: [Unintelligible]

JEFFERSON: Uh, in speaking to I guess it's Ebee [ph], Ebee Construction?

OFFICER HURST: Irby.

JEFFERSON: Irby. Um, did they say that they had any other thefts besides these pulleys? Do

you know?

OFFICER HURST: Any other?

JEFFERSON: Thefts of items or metal or anything like that?

OFFICER HURST: It's in Norcross. I'm not familiar with that, all of the thefts that they've had.

JEFFERSON: Okay.

OFFICER HURST: Uh

JEFFERSON: But in your conversation with him, he didn't say oh by the way, there were other

things that were stolen? He didn't?

OFFICER HURST: No. Not to my knowledge.

JEFFERSON: Okay. Nothing further.

JUDGE: Well, the items that are the subject of this hearing, those were reported stolen, were they

not?

OFFICER HURST: Yes.

STATE ATTORNEY: Okay. [Unintelligible].

1 pounds of the cast aluminum streaming blocks. This is a photograph of the 380 from December 9, 2011. Uh,
2 Progressive Recycling did not purchase those, and I sent an officer to intercept those, identify Mr. Petty, as well as
3 place a 15-day hold, uh, pursuant to Georgia Code, uh, 10-1350. That's, uh, a other section related to theft. It
4 allowed us an opportunity to begin an investigation. Having no clue where to begin to look for where these items
5 might have been stolen from. I contacted Georgia Power, and they kind of in turn contacted Georgia Transmission.
6 [Unintelligible] does a lot of training on identification of metals and theft, metal - metal theft. Uh, Lee Swann began
7 contacting people in the area, uh, trying to locate where these streaming transmission pulley blocks may have been
8 taken from. He found an individual in the city of Norcross. The company's name is Irby Construction, I-R-B-Y.
9 They're in Norcross, which is inside of Gwinnett County. Uh, they're located at 275 Woodland Road. They had
10 made a police report on November 18th, 2011, that being 10 days before the first quantity was sold to Progressive,
11 uh, said they did inventory and had a large quantity of items stolen. That, um, that is being investigated by, the theft
12 itself was being investigated by, uh, Bill Grogan [ph] of Norcross Police Department. We were allowed to
13 photograph these items that had been sold to Progressive. I met with, uh, Lee Swann. Uh, he, I mean he had a very
14 good description of what these items would look like. Obviously they're transmission streaming blocks, but Irby
15 Construction said that they would be painted with blue, green and pink paint, signifying that they are theirs. If you
16 look in this [unintelligible] photo, you see blue. You look in these photos you see light green and pink. Uh, we also
17 con - uh, a gentleman from Irby Construction came to Progressive Recycling, and I spoke with him by phone. He
18 says that these are blocks, are streaming blocks of his company. Monday, that being Monday of the week which Mr.
19 Petty was arrested. [Unintelligible]. Okay, Monday the 26th, was a holiday, but I happened to be in the office, and I
20 answered the phone, and it was Mr. Petty. Mr. Petty said he was interested in, uh, picking up the blocks from
21 Progressive Recycling. I explained to him that that is currently an ongoing investigation. That a hold, an extended
22 hold had been placed on these items, uh, according to Georgia law, and Norcross was investigating the theft, and we
23 were investigating - we had a case of theft by deception we were looking into. I told him that at this time that they
24 would not be released and could not be released. On the 28th, December 28th, I received a phone call from Santiago
25 Alvarez, who stated that Mr. Petty was down at his location with this card that says 15-day hold that was written by
26 Officer Fritt when he completed the incident report at Progressive. Then he said Mr. Petty was asking to pick up his
27 - he was wanting to pick up the pulley blocks. I went to the location. Actually I sent officers to intercept Mr. Petty,
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EXT 3

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1 JEFFERSON: Okay. Um, now when you - so you actually spoke to the Lee Swann -
2 OFFICER HURST: Yes.
3 JEFFERSON: Person who was at Georgia Transmission?
4 OFFICER HURST: Yes, in attempt to, one, identify what these actually were.
5 JEFFERSON: Mm hmm.
6 OFFICER HURST: Were they really were what I thought they were. And also, uh, help me find,
7 through his industry, the transmission lines, through his industry, find someone who has reported theft.
8 JEFFERSON: Okay. How much - and I know that you said that this - the, the theft is being
9 investigated by a, uh, Det, uh, Detective Grogan. While having a conversation with the representative from Georgia
10 Transmission or - or naturally that would transition with Irby Construction, is there anything - was there anything in
11 that report or any indication as to the amount of poundage of this cast metal and these-pulley things that was, um,
12 taken?
13 OFFICER HURST: I did not have a poundage. Uh, I'm not sure if Norcross PD has a quantity or
14 number.
15 JEFFERSON: Mm hmm.
16 OFFICER HURST: I have requested, um, I - I'm sure there's more investigations.
17 JEFFERSON: Mm hmm.
18 OFFICER HURST: So I really don't have full investigation, investigative reports to exactly what
19 they found.
20 JEFFERSON: Okay.
21 OFFICER HURST: I don't exactly the number that was stolen from Irby Construction.
22 JEFFERSON: Okay.
23 OFFICER HURST: Um
24 JEFFERSON: Earlier when you spoke to the Irby Construction person, he didn't give you an idea
25 as to how much was taken?
26 OFFICER HURST: That's correct.
27 JEFFERSON: Okay.

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EXT 3

1 OFFICER HURST: He's got a lot of them that are missing. Uh, he does not have the exact
2 number. Well, he didn't when I spoke to him. He may have it by now. Norcross may have it.

3 JEFFERSON: Okay.

4 OFFICER HURST: I mean, that there's theft, and these items, I don't believe I mentioned before
5 I valued somewhere around the neighborhood of - they could be anywhere from 183 and sometimes 400 dollars a
6 piece.

7 JEFFERSON: A piece, not per pound? A piece?

8 OFFICER HURST: A piece.

9 JEFFERSON: Okay. And how many - I know that it's in pounds, but how many pieces of these
10 wiggly things were in that 600 pounds?

11 OFFICER HURST: I want to say, the - the ones that I counted, I think that I counted ten.

12 JEFFERSON: Mm hmm.

13 OFFICER HURST: Uh, I would have to go back. Detective Ellis was working this case initially,
14 and he has some notes as to the case [unintelligible]. I would have to look and see exactly how many there are. I - I
15 don't have that number in particular with me.

16 JEFFERSON: Okay. And the identification by the individual at Irby Construction, who was the
17 person that came in and identified [unintelligible] Progressive Recycling?

18 OFFICER HURST: Josh Baxford, B-A-X-F-O-R-D. He is listed as the complainant, I believe, on
19 the - there's a report from Norcross PD, and Norcross's reports, so that you have it, there case number is number
20 2011-3069.

21 JEFFERSON: Okay. Okay. And so the identity was basically the - the paint? There wasn't - there
22 weren't any numbers, there weren't any additional markings or anything like that? Like there's not a serial number
23 or anything like that?

24 OFFICER HURST: There are, there are marking on them. For example, Ford, Chevrolet and
25 Dodge, that the manufacturers are on there. I think some of them said Chattanooga. Uh, the one that would be
26 familiar with, with what he is purchasing, that would be Mr. Baxford for where he typically orders them from. He
27
28

MAGISTRATE COURT

GWINNETT COUNTY

STATE OF GEORGIA,

Plaintiff,

vs.

DARREN PETTY,

Defendant

CASE NO.: 12-B-020228-3

Arraignment hearing, bond hearing.

Dated this 15TH of January, 2012

JUDGE: All right. This is the State of Georgia versus Darren Petty, uh, 11W22267, theft by deception of property, charged as a misdemeanor by 11W22268, false statement of ownership, pursuant to and in violation of OCGA 810-1-356, which is a felony. Is the state prepared to proceed on those warrants?

STATE ATTORNEY: Yes, judge.

JUDGE: Defense ready on those warrants?

DEFENSE ATTORNEY: Yes, Sir.

JUDGE: All right. [Unintelligible]. Jonasha [ph] Hurst [ph] has, uh, previously been sworn. Yeah, go ahead and swear him in.

STATE ATTORNEY: Okay. Officer, do you solemnly swear and affirm that the testimony you're about to give [unintelligible] will be the truth, the whole truth and nothing but the truth, so help you God?

OFFICER HURST: I swear.

STATE ATTORNEY: Thank you, sir. Officer, you familiar with the warrants the court just mentioned?

OFFICER HURST: I am.

STATE ATTORNEY: Did you, um, seek these warrants?

Patty Bender - Attorney Generals Office

From: Susan Parker
To: Patty Bender
Date: 3/10/2016 1:46 PM
Subject: Attorney Generals Office

A Mr. Josiah Heidt from the AG's office called and was asking about a mandamus that was filed against Steve and Steve had asked for the AG to represent him. He has a letter dated 6/19/2014. He didn't think Steve would have been involved with the filing and asked to speak with you. His # is 404-656-3389.

Shelton Thomas

possible discretionary app.

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

March 10, 2014

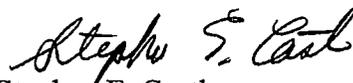
Mr. Regan Reed
Reg. No. 56535-019
Federal Correctional Institution
Post Office Box 15330
Fort Worth, Texas 76119

Dear Mr. Reed:

I am returning the Notice of Appeal to you because the Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. Please see OCGA §5-6-37.

If you are intending for your documents to be filed as a Petition for Writ of Mandamus that would be 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.

Sincerely,



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

SEC/ld
Enclosures

REGAN REED 56535-019
Federal Correctional Institution
Post Office Box 15330
Ft. Worth, Texas 76119

March 4, 2014

THE COURT OF APPEALS
47 Trinity Avenue NW, Suite 501
Atlanta, Georgia 30334

Re: Appeal of Order Denying Coram Nobis

Dear Mr. Castlen:

I received your letter and package returning my Notice of Appeal dated February 25, 2014. I am well aware of the appellate procedure, as I have litigated pro se previously. However, the clerk of the trial court refused to accept my timely Notice of Appeal on two separate occasions. I enclosed the rejection notices from the trial court and I enclosed them for your review. Clearly this is a violation of my due process of law rights and it is my desire for you to construe this letter as a motion for mandamus relief so that my appeal may be reviewed by this Court of Appeals. While it is well established that "pro se" litigants are given a wide range of latitude in filings and such, I was and am in compliance, yet the trial court clerk of Jackson County Georgia refused my Notice of Appeal on two separate occasions. This contravenes our body of jurisprudence, McClellon v Lone Star Gas Co., 66 F.3d 98 101 (5th Cir. 1995)("A Clerk of a court may not reject a pleading for a lack of conformity with requirement of form; only a judge may do that. If a clerk may not reject a pleading for defects, it follows a fortiori that a clerk may not

RECEIVED IN OFFICE
2014 MAR 10 PM 3:19
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

reject a pleading on substantive ground"); because "a clerk of the court is not a judicial officer", cf. United States v Unger, 700 F.2d 445, 453 (8th Cir. 1983).

Therefore, I ask that you docket my Notice of Appeal for review in your court as the trial court continues to refuse my Notice of Appeal, or in the alternative, perhaps an Order granting me Mandamus relief will accomplish my goal. Thank you in advance for your assistance in this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Roger Reed". The signature is written in black ink and is positioned below the word "Sincerely,".

cc: file

Chambers of
David Motes, Chief Judge,
Joseph Booth, Judge and
Currie Mingledorff, Judge.



Piedmont Judicial Circuit
Superior Courts
Serving Banks, Barrow
and Jackson Counties

January 10, 2014

Regan Reed #56535-019
Federal Correctional Institution
P.O. Box 15330
Ft. Worth, TX 76119

RE: Your letter

Dear Mr. Reed:

This is in response to your letter dated November 26, 2013. For the reasons indicated with a checkmark, a copy of your letter is being returned to you.

- The Defendant's request cannot be fulfilled through a letter. The appropriate avenue is for the *defendant* to properly file a motion in which his or her request is provided. If a defendant seeks judicial action of any sort, it must be contained within a motion arising from a properly filed lawsuit. See *In re Unsolicited Letters to Federal Judges*, 120 F.Supp.2d 1073 (2000). Your request cannot be acted on in the form of a letter addressed to the judge personally. The judge must hear both sides in court, not one side in private. You should consult an attorney to take the appropriate action.
- The Defendant's letter does not show that a copy was provided to the opposing counsel and thus it constitutes an *ex parte* communication. The Georgia Code of Judicial Conduct prohibits a judge from considering *ex parte* communications absent an authorized situation. (Georgia Code Of Judicial Conduct, Canon 3(b)(7)).
- The record indicates that the defendant is currently represented by an attorney. In accordance with the holding from the Supreme Court of Georgia, "a layperson does not have the right to represent himself and also be represented by an attorney...." *Seagraves v. State*, 259 Ga. 36, 39, 376 S.E.2d 670, 672 (1989). Please consult your attorney on this matter, which the record shows is _____.
- Please be advised that any questions regarding sentence computation, including credit for time served, should be addressed to the appropriate parole authorities, as time computation is outside the jurisdiction of this Court. See *Casario v. State*, 169 Ga. App. 515, 313 S.E.2d 772 (1984). Credit for time served is computed by the pre-sentence custodian and is awarded by the post-sentencing custodian. *Maldonado v. State*, 260 Ga. App. 580 (2003). This Court is not involved in the computation of the Defendant's credit for time served. *Id.*

Other: The Judge's office will not file any letter, motion, or otherwise. It is the responsibility of the litigant to do so.

Sincerely,

Law Clerk, Piedmont Judicial Circuit

Chambers of
David Motes, Chief Judge,
Joseph Booth, Judge and
Currie Mingledorff, Judge.



Piedmont Judicial Circuit
Superior Courts
Serving Banks, Barrow
and Jackson Counties

Dear Sir/Madam:

For the reasons indicated with a checkmark, a copy of your letter is being returned to you.

- The Defendant's request cannot be fulfilled through a letter. The appropriate avenue is for the *defendant* to properly file a motion in which his or her request is provided. If a defendant seeks judicial action of any sort, it must be contained within a motion arising from a properly filed lawsuit. See *In re Unsolicited Letters to Federal Judges*, 120 F.Supp.2d 1073 (2000). Your request cannot be acted on in the form of a letter addressed to the judge personally. The judge must hear both sides in court, not one side in private. You should consult an attorney to take the appropriate action.
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- Other: _____

Sincerely,


Law Clerk, Piedmont Judicial Circuit

→ Such motions
must be filed with
the Clerk of the Superior Court

IN THE SUPERIOR COURT OF JACKSON COUNTY
STATE OF GEORGIA

REGAN REED,
Petitioner,

vs.

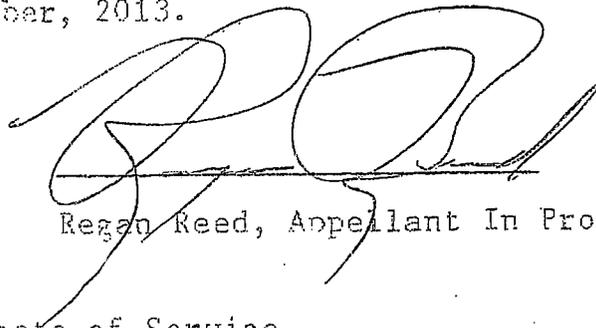
C/A: 91-CR-14548

STATE OF GEORGIA,
Respondent.

NOTICE OF APPEAL

COMES NOW REGAN REED, Petitioner In Pro se, and hereby gives notice of appeal to the Order denying him Writ of Error Coram Nobis and eligibility to proceed in forma pauperis. The Order denying petitioner was entered into the record on September 25, 2013 by the Honorable Wayne D. McLocklin, Superior Court Judge.

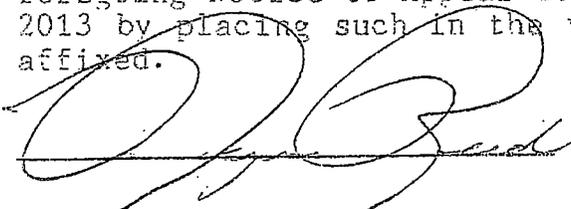
Done this the 5th day of October, 2013.



Regan Reed, Appellant In Pro se

Certificate of Service

I, Regan Reed, do hereby certify that I have mailed the foregoing Notice of Appeal to the District Attorney on October 7, 2013 by placing such in the prison mailbox with adequate postage affixed.



October 7, 2013

OCT 15 2013

REGAN REED 56535-019
Federal Correctional Institution
Post Office Box 15330
Ft. Worth, Texas 76119

November 26, 2013

CLERK OF THE SUPERIOR COURT
Piedmont Judicial Circuit
5000 Jackson Pkwy. Ste. 330
Jefferson, Georgia 30549

Re: 91-CR-14548 NOTICE OF APPEAL

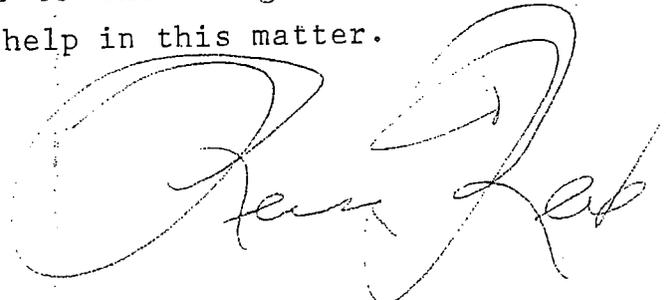
Dear Clerk of The Court:

I received your undated correspondence that was post marked November 22, 2013, whereas you return my NOTICE OF APPEAL to an order denying my Writ of Error Coram Nobis, entered into the record on September 25, 2013 by the Honorable Wayne D. McLocklin. Your reason[s] for returning my Notice of Appeal are: 1) The Defendant's request cannot be fulfilled through a letter....., and 2) The Defendant's letter does not show that a copy was provided to the opposing counsel.....

Both of these reasons are incorrect. Specifically, the Notice of Appeal is presented to the Superior Court in MOTION form; and on the bottom of the MOTION, is the CERTIFICATE OF SERVICE. Nevertheless, "[c]ourts do and should show leniency to pro se litigants not enjoyed to those with the benefit of a legal education. GJR Invs., Inc. v. County of Escambia, Fla., 132 F.3d 1359, 1369 (11th Cir. 1998). A document filed "pro se" is to be liberally construed, and a "pro se" complaint, however in artfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.'" Id. at 94 (quoting Estelle v. Gamble, 429 U.S. 97, 106 S.Ct. 285, 50 L.Ed. 2d 251 (1976).

Therefore, I am returning the same said Motion of Notice of Appeal, that contains a Certificate of Service to you for filing and also to forward the entire record to the Georgia Court of Appeals. Thank you in advance for your help in this matter.

cc: Ga. Court of Appeals



IN THE SUPERIOR COURT OF JACKSON COUNTY
STATE OF GEORGIA

REGAN A. REED,
Petitioner,

vs.

Former Docket No. 91-CR-14548

STATE OF GEORGIA,
Respondent.

WRIT FOR ERROR CORAM NOBIS

JURISDICTION

This Court has jurisdiction to grant this petition pursuant to 28 U.S.C. § 1651, The All, Writs Act. A Writ of Coram Nobis is available to correct errors "of the most fundamental character" that have occurred in a criminal proceeding.

STATEMENT OF THE CASE

On or about June, 1991, the Petitioner and four others were arrested in Commerce, Georgia, charged with Violation of Georgia's Controlled Substance Act (V.G.C.S.A.) and Theft by receiving. The Petitioner was at a game room and co-defendant

Everett Poindexter arrived driving a stolen car. The Commerce Police arrived on the scene and another co-defendant, Christopher Niles, ran. While running away from the scene, Niles shed his jacket, which was later found by the police and the jacket contained approximately ½ ounce of cocaine bagged individually for sell. The petitioner in this action was not involved with the drugs nor the stolen vehicle.

Nevertheless, at the advice of his retained counsel, W.W. Wiggins, and the nolle prosequere of a pending charge with his plea of guilt to these charges, the petitioner pled guilty.

The petitioner was sentenced in federal court some 15 years later and his sentence was doubled under United States Sentencing Guidelines (U.S.S.G.) § 851 to a term of 20 years. This illegal conviction and sentence aggravated and enhanced his current federal sentence that he is now under service of.

LEGAL STANDARD

"The writ of coram nobis is an 'extraordinary remedy', available to a petitioner no longer in custody who seeks to vacate his conviction in circumstances where 'the petitioner can demonstrate that he is suffering civil disabilities as a consequence of the criminal convictions and that the challenged error is of sufficient magnitude to justify the extraordinary relief'". United States v. Castro, 26 F.3d 557, 559 (5th Cir. 1994)(citing United States v. Morgan, 346 U.S. 502, 511, 74 S.Ct. 247, 98 L. Ed. 248 (1954) and United States v. Marcello, 876 F.2d 1147, 1154 (5th Cir. 1989) respectively).

Further, the Supreme Court's recent decision in Padilla v. Kentucky, 130 S.Ct. 1473, 176 L.Ed. 2d 284 (2010), may provide another avenue by which a petitioner can pursue a claim for ineffective assistance through the writ of coram nobis. See Santos-Sanchez v. United States, 130 S.Ct. 2340, 176 L.Ed. 2d 559 (2010)(remanded back to the court of appeals for denial of coram nobis relief when the ineffective assistance claims were based on alleged affirmative misrepresentations and failure to warn of consequences of a guilty plea).

Argument

According to Custis v. United States, 511 U.S. 485, 128 L.Ed. 2d 517, 114 S.Ct. 1732, and also the Fourteenth Amendment of the United States Constitution, defendants have the right to challenge prior convictions or bad acts that have been used to aggravate or enhance a subsequent sentence that the defendant is now under service or restriction of.

Every Federal Court of Appeals allows for a Habeas Petitioner to challenge a conviction whose sentence has expired if he or she is currently incarcerated as a result of that conviction, or if it was used to enhance a sentence presently being served. Young v. Vaughn, 83 F.3d 72 (3rd. Cir. 1996)(Habeas Corpus petitioner could attack his expired conviction in the context of habeas petition that was filed while petitioner was serving another sentence where sentence he was serving was a collateral result of an expired conviction). The Court of Appeals for the **Eleventh Circuit** has held that it makes no difference whether the petitioner attacks the expired or the enhanced

sentence: "this is a distinction without a difference."

Petitioner Reed was advised to plead Guilty to the charge[s] in criminal action 91-CR-14548, at the advice of his retained counsel, W.W. Wiggins. The attorney's erroneous advice was the reason the defendant's current federal prison sentence was doubled under U.S.S.G. § 851, which doubles a defendant's sentence for a prior drug conviction. Attorney Wiggins, never warned the petitioner of any subsequent damages or exposures by pleading guilty, nor did he offer any meaningful adversarial challenge to the case against the petitioner. The state could not present evidence to sustain a guilty verdict against the petitioner in the state matter and through the ill-advice of his counsel, Reed pled guilty without any understanding of what elements the government needed to prove to obtain a conviction.

The Supreme Court has stated, "that because a guilty plea is an admission of all elements of a formal criminal charge, it can not be truly voluntary unless the defendant possesses an understanding of the law in relation to the facts." McCarthy v. United States, 394 U.S. 459, 466, 22 L.Ed. 2d 418, 89 S.Ct. 1166 (1969). Petitioner Reed was never advised of the rights he was waiving nor was he advised of the elements the government had to prove to sustain a guilty verdict, however, in the alternative, told by Attorney Wiggins to "put this behind him and plead guilty".

A guilty plea involves waivers of several Constitutional Rights. These rights include: The privilege against self-incrimination, the right to trial by jury, and the right to

confront adverse witnesses. Boykin v. Alabama, 395 U.S. 238, L.Ed. 2d 274, 89 S.Ct. 1709. The waiver of these rights are governed by federal standards. Douglas v. Alabama, 380 U.S. 415, 422, 13 L.Ed. 2d 934, 85 S.Ct. 1074.

The petitioner has sought to obtain the transcripts from this proceeding and was informed by the Court Clerk that there are no such records or transcripts. "presuming waiver from a silent record is impermissible. The record must show, or there must be an allegation and evidence which show, that an accused was.... Anything less is not a waiver". Boykin, (supra)(Id. at 242). "[C]learly the State bears the burden of establishing that such a waiver was knowingly and voluntarily made. Payne v. State, 460 S.E. 2d 297, 298 (1995), (where the right to question was the right to trial by jury). "Once the defendant raise the issue of intelligent and voluntary waiver with respect to prior guilty pleas, the burden is on the state to establish the waiver". Pope v. State, 345 S.E. 2d 831 (1986).

CONCLUSION

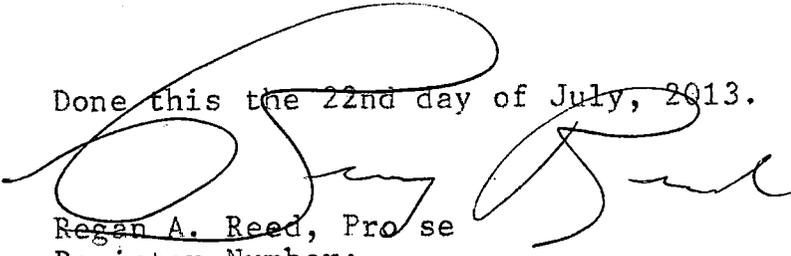
In short, the petitioner in this petition for relief was advised to plead guilty to charges that later come back to haunt him that he was in fact innocent of. The government could not have sustained a conviction against the petitioner in this matter based on the evidence available. However, the petitioner's counsel, W.W. Wiggins was grossly ineffective to not only not challenge the government's case, but to also advise Reed to "put

this behind him and plead guilty". This ill advice aggravated the petitioner's current federal sentence which he is now under service of. It should be noted that the prosecutor for the state, Tim Madison, has since been convicted and prosecuted on corruption charges. He is now in prison. This case has the "stench" of bad acts from the start to the finish and the petitioner is still suffering from the proceedings. In order to obtain a writ of coram nobis, the petitioner must show: (1) that his conviction and or sentence involved an error of the most fundamental character; (2) that not for the error, a different result would have occurred; (3) that adverse consequences continue to flow from the conviction and or sentence such that a case or controversy exists within the meaning of Article III; (4) that a more usual remedy is not available to correct the error; and (5) that sound reason exists for not challenging the error earlier such as by direct appeal or on a 2244 motion. United States v. Denedo, (June 8, 2009)_

Petitioner Regan A. Reed has met the criteria necessary to obtain relief in this miscarriage of justice.

THEREFORE, based on the facts and matters stated herein, the petitioner prays that this court vacate this illegal conviction and sentence in 91-CR-14548.

Done this the 22nd day of July, 2013.



Regan A. Reed, Pro se
Register Number:
Federal Correctional Institution
Post Office Box 15330
Ft. Worth, Texas 76119

IN THE SUPERIOR COURT OF JACKSON COUNTY
STATE OF GEORGIA

REGAN A. REED,
Petitioner,

vs.

Former Docket No. 91-CR-14548

STATE OF GEORGIA,
Respondent.

AFFIDAVIT OF REGAN A. REED

I, Regan A. Reed, under the penalty of perjury, hereby declares:

1. that I am the petitioner in the above-entitled criminal case;
2. that I am proceeding in Pro se with the assistance of another inmate;
3. that I was advised by my attorney to plead guilty to the charge[s] in this action, though I am not guilty;
4. that my attorney never advised me of the subsequent consequences of pleading guilty; and
5. that if called to testify to the facts and matters of this petition, that I will do so truthfully.

Signed this the 22nd day of July, 2013

Regan A. Reed

IN THE SUPERIOR COURT OF JACKSON COUNTY
STATE OF GEORGIA

REGAN A. REED,
Petitioner,

vs..

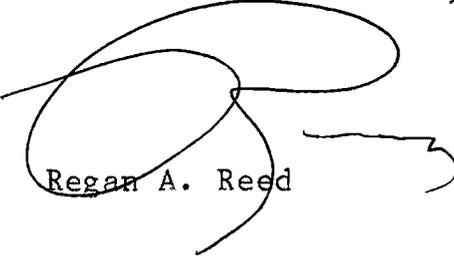
Former Docket No. 91-CR-14548

STATE OF GEORGIA,
Respondent.

MOTION FOR WAIVER OF FEES AND COSTS

I, Regan A. Reed, petitioner, In Pro se, hereby moves this court to waive the fees and costs associated with the filing of this motion, as I am indigent and unable to pay the fees. Granting this motion will not harm the Respondent by granting this motion.

Done this the 22nd day of July, 2013.


Regan A. Reed



IN THE SUPERIOR COURT OF JACKSON COUNTY
STATE OF GEORGIA

REGAN A. REED,
Petitioner,

vs.

Former Docket No. 91-CR-14548

STATE OF GEORGIA,
Respondent.

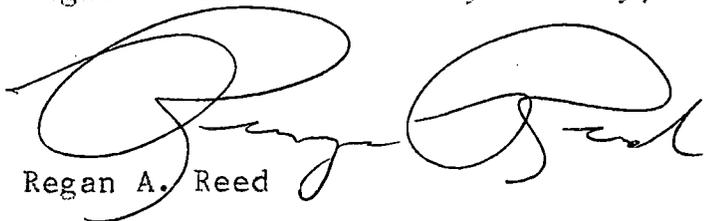
AFFIDAVIT OF INDIGENCY

I, Regan A. Reed, under the penalty of perjury, hereby declares:

1. that I am the petitioner in the above-entitled criminal matter;
2. that I am imprisoned in the Federal Bureau of Prisons;
3. that I am indigent and have only my prison wage which I need for my personal hygiene, legal costs involved in preparing, copying and mailing my legal pleadings and thus, I am unable to pay the fees and costs incurred in litigation of this petition;
4. that I have no checking or savings accounts;
5. that I have no stocks, bonds, or securities;
6. that I have no property, real or otherwise; and
7. that if called to testify to the facts and matters stated

herein, that I will do so truthfully.

Signed this the 22nd day of July, 2013.

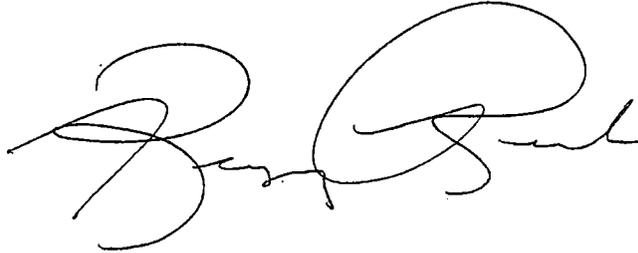


Regan A. Reed

CERTIFICATE OF SERVICE

I, Regan A. Reed, hereby certify that I have mailed a copy of the Motion for Writ For Error Coram Nobis, Affidavit of Regan A. Reed, Motion for Waiver of Fees and Costs, and Affidavit of Indigency to the Jackson County District Attorney at 5000 Jackson Pkwy., Ste. 160, Jefferson, Georgia 30549, by placing such in the prison mailbox with adequate postage on July 22, 2013.

Regan A. Reed

A handwritten signature in black ink, appearing to read "Regan A. Reed", written in a cursive style.

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

March 10, 2014

Ms. Rhonda Reid
GDC783995 H-7-7
Emanuel Women's Facility
Post Office Box 218
Swainsboro, Georgia 30401

Dear Ms. Reid:

We can provide no assistance to you in your disagreements with the lower court clerk.

Sincerely,



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

SEC/ld

TO Whom it may Concern:

I have attempted to file a notice of Appeal on two separate occasions

and have received no response. The

first was mailed on August 13, 2012

and the second was mailed on January

10 2014. Both notices were sent to

Deborah Jackson, Superior Court Clerk of

Greene County and Fredric Bright, DA

of the Demingee Circuit.

There is a conflict of interest

between my case and Ms. Jackson,

the Superior Clerk of Court.

Is there any other way to file

my Notice of Appeal without involving

Ms Jackson the Clerk of Court?

As Always, I appreciate any assistance

or advice you can give me on this

matter.

RECEIVED IN OFFICE
MAR - 05 2014
10
Thank you for your time and consideration

Sincerely,

Rhonda Reid H-7-77
783995

Emmanuel Women Facility

P.O. Box 208

Swainsboro, Ga. 30401

3-1-14

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Greene County Superior Court
 113 N. Main Street, Ste 109
 Greensboro, Ga, 30642

2. Article Number
 (Transfer from service label)

PS Form 3811, February 2004

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
 X Wendy Waldrop
 B. Received by (Printed Name) Wendy Waldrop
 C. Date of Delivery 1-28-14
 D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

Domestic Return Receipt

102595-02-M-1

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Frederic Bright Dr.
 Baldwin County Courthouse
 121 North Wilkinson St.
 Millersville, Ga. Suit 105

2. Article Number
 (Transfer from service label) 31461

PS Form 3811, February 2004

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
 X Kyla Andrews
 B. Received by (Printed Name) Kyla Andrews
 C. Date of Delivery 1-30-14
 D. Is delivery address different from item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

Domestic Return Receipt

102595-02-M-1540

**COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS**

March 10, 2014

To: Mr. Wallace Rumph, GDC500133, Wheeler Correctional Facility, Post Office Box 466, Alamo, Georgia 30411

Docket Number: **Style: Wallace Rumph 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:

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

On October 30th, 2012 in the Superior Court of Peach County, State of Georgia. Petitioner went to a Rule Hearing for violating the conditions of Probation due to being charged with the charges of Burglary and obstruction of an officer (misdemeanor). At the Rule Hearing the state "never" presented "Any Evidence" to establish that the petitioner, in fact or in law, committed the offense of Burglary.

In the Court Below

State of Georgia and O.C.G.A. 5-6-35 (a)(5). VI, Paragraphs II and III of the Constitution of the Supreme Court of Georgia pursuant to Article VI, Section appeals of such cases are not reserved to the Court, has jurisdiction of this appeal because the issue involved is Superior Court Probation Revocation and

the Court of Appeals, rather than the Supreme Court, has jurisdiction of this appeal because the issue

Application For Discretionary Appeal

Wallace Rumph
v.
State of Georgia
CASE No. 99-CR-128
Docket No. _____
FILED IN OFFICE
MAR - 9 2014
COURT CLERK
COURT OF APPEALS OF GA

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2014 MAR 5 PM 6:25
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

THE COURT OF APPEALS OF THE STATE OF GEORGIA

The State's "only" eyewitness "never stated" that it was the petitioner she saw at the scene of the crime (liquor store) where the alleged burglary occurred. In fact the states only eyewitness initial statement stated that the individual she saw at the scene of the crime was a male or female. However, at the Rule Hearing this same witness stated that the person she saw was a "young" Black male (It should be noted that at the time of the Incident petitioner was 4%) forty-six years old with Grey hair) further, the descriptions of the clothing which the witness asserted the person she saw at the scene of the crime was wearing "did not" match the clothing that the petitioner (who was picked up minutes after the alleged crime occurred) was wearing. No finger prints, photos or Evidence of any kind was introduced connecting the petitioner with committing the offense of Burglary. Now withstanding these facts at the conclusion of the Hearing the Judge stated that due to (99%) Ninety-nine percent of glass being on the ground the State met the Perponderance standard.

Argument and Citation of Authority

A Court may not Revoke in part or in full any probated sentence unless the defendant admits the violation as alleged or unless the Evidence produced at the Revocation Hearing establishes by a preponderance of the Evidence the violation or violations alleged.

However, in the Case at BAR petitioner states that there was "No" Evidence to support the Courts decision to Revoke in Full His (petitioner) Probation.

Gonzales v. State, 276 CA. App. 11

Young v. State, 265 CA. App. 425

As the Record will reflect the petitioner pleaded "not guilty" to the charges. Thus, the issue before this Court at this juncture is whether or not the Courts decision to Revoke Petitioners Probation was clearly erroneous. Under probation, preponderance is the standard that (51%) fifty-one percent greater weight shows that a person most likely committed the offense. However, "nothing" was ever presented showing that the Crime was committed by the petitioner. The Exhibits that was used does not prove a crime was committed by the petitioner, no relevance to Burglary. The alleged items that were found was never presented as "Evidence".

: At the Probable Cause Hearing, Detective Sutton testified under oath that himself along with Detective Vet Miller found the alleged bottles the following day. At Rule Hearing, the store owner stated her husband and a employee found the bottles. "No" bottles were presented as "Evidence". Due to being in mere proximity of a crime "does not" mean or prove a person commits or committed a crime even combined with flight, nothing or no one puts petitioner on the scene of crime nor points or leads to petitioner as the offender. The charges were "dismissed" at the Warrant stage due to "lack of Evidence". On the 19th of November, 2012 petitioner filed a Motion for New Trial which was denied by the Judge on the 10th day of February, 2014. Petitioner Probation should be re-instated.

Respectfully submitted this 28th day of February
Wallace Rumph #500133, PRO Se
Wallace Rumph

Forwarding Address:
Wallace Rumph #500133
Wheeler Correctional Facility
P.O. Box 466
Alamo, GA. 30411

Certificate of Service

This shall certify that I have this date served a copy to the foregoing request for Application of Discretionary Appeal, to wit:

Clerk of Court
Ms. Sparrow
47 Trinity Ave S.W.
Atlanta, Ga. 30334

District Attorney Office
Ft. Valley, Ga. 31030

by posting with the U.S. Postal Service in an envelope with sufficient postage to ensure delivery.

This 28th day of February, 2014

Wallace Rumph
Wallace Rumph
PRO Se

2-28-14

To: Clerk of Court

From: Wallace Rumph

Re: Application For Discretionary Appeal

Enclosed is A Application For Discretionary Appeal along with a copy. I request that it be docketed and filed and that the copy be stamped filed and forwarded back to the Petitioner.

Also, I Filed a Notice of Appeal back on November 19th, 2012 and I don't know if it holds merit now or not but I want to proceed with my Appeal and would like this Application to be on Record within the 30 days required by the Court. Thank You for your assistance in this matter.

Respectfully,
Wallace Rumph

Forwarding Address:

Wallace Rumph #500133
Wheeler Correctional Facility
P. O. Box 466
Alamo, CA. 30411

FILED IN OFFICE

MAR - 3 2014

COURT CLERK
CLERK COURT OF APPEALS OF GA

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2014 MAR - 5 PM 0:25
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

March 11, 2014

Mr. Sunceree Ravenell
306 Sandlewood Drive
Morrow, Georgia 30260

RE: A13A2028. Sunceree Ravenell v. The State

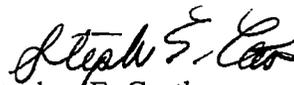
Dear Mr. Ravenell:

I am in receipt of your letter dated March 7, 2014. The above appeal was disposed by opinion on February 14, 2014. That is the attachment you forwarded to this Court.

As you know, the Court of Appeals affirmed the judgment of the trial court in the referenced appeal. The remittitur issued on March 4, 2014, divesting this Court of any further jurisdiction of your case. The case is therefore, final.

I am returning your copy of the opinion to you.

Sincerely,



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

SEC/ld
Enclosure

RECEIVED IN OFFICE
2014 MAR 10 PM 3:14
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

March 7, 2014

Court of Appeals of Georgia
Suite 501
47 Trinity Ave
Atlanta, GA 30334

To whom it may concern,

My name is Sunceree Ravenell Case # A13A2028 and I received a letter from the above address stating that Second Division Barnes, PJ, Miller and Ray, JJ made a decision on my case although I have had no contact from anyone regarding this case. The letter received states that a judgment was affirmed and that Miller and Ray, JJ concurs. I have no idea who the people are listed on this document. It does not show me who has received this letter besides myself, and there are no instructions given if there is a disagreement with this ruling, if it is a ruling. I disagree with any decision against me on this case. It is a scam run by the state to take advantage of the citizens. I have provided information stating that I never said anything in court about not recording the trial, that is not my fault nor do I have anything to do with the fact that there is no transcript for my case. The officer involved did not tell the truth under oath and my photos and information were not permitted to be used as evidence in the court proceeding. As a citizen I feel that the court system makes it almost impossible for the average person to be able to defend themselves. Something needs to be done to rectify this situation and the \$600 that I was forced to pay needs to be refunded to me. There is absolutely no reason why I should have been convicted for something that I did not do. I have a statement from the bus company supporting the fact that the said incident did not occur and that too was not permitted as evidence. I have been wronged and this matter needs to be addressed professionally and timely. Enclosed is a copy of the documents that were sent to me.

Respectfully,



Sunceree' Ravenell

The decision letter was received
~~on~~ on March 3rd 2014

Sunceree Ravenell
306 SANDLEWOOD DRIVE
MORROW, GA 30260

A13A2028
2013TK02109

**SECOND DIVISION
BARNES, P. J.,
MILLER, and RAY, JJ.**

NOTICE: Motions for reconsideration must be *physically received* in our clerk's office within ten days of the date of decision to be deemed timely filed.
<http://www.gaappeals.us/rules/>

February 14, 2014

**NOT TO BE OFFICIALLY
REPORTED**

In the Court of Appeals of Georgia

A13A2028. RAVENELL v. THE STATE.

BARNES, Presiding Judge.

Following a bench trial, Sunceree Ravenell was found guilty of passing a stopped school bus in violation of OCGA § 40-6-163 and fined \$400. In this pro se appeal, she challenges her conviction, primarily contending that the evidence was insufficient. Upon our review, and finding the record devoid of any evidence substantiating her claim, we affirm.

The standard of review for an appeal from a criminal bench trial requires us to view the evidence in a light most favorable to support the trial court's judgment. We determine evidence sufficiency and do not weigh the evidence or determine witness credibility. We will affirm the trial court's judgment if any rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt.

(Citations and punctuation omitted.) *Rainey v. State*, 286 Ga. App. 682 (649 SE2d 871) (2007).

We note at the outset that proceeding pro se does not relieve Ravenell of her obligation to comply with the rules of this Court. Ravenell's one-page brief does not in any way comport with the rules of this Court. See generally Court of Appeals Rules 22, 23, and 25; *Gardner v. State*, 289 Ga. App. 359, 359-360 (657 SE2d 288) (2008). "Our requirements as to the form of appellate briefs were created, not to provide an obstacle, but to aid parties in presenting their arguments in a manner most likely to be fully and efficiently comprehended by this Court." *Aldalassi v. Drummond*, 223 Ga. App. 192 (1) (477 SE2d 372) (1996).

As best we can ascertain, Ravenell appears to contend that certain documents were not admitted into evidence at the trial, and that the evidence was insufficient to sustain her conviction. However, we are unable to address these errors because there is no transcript of the trial court proceedings in the appellate record. *Holley v. State*, 257 Ga. App. 249 (570 SE2d 688) (2002). As appellant, the burden was on Ravenell to arrange for the preparation and filing of a transcript of the trial court proceedings necessary for consideration of her appeal. *Ware v. State*, 279 Ga. 17, 18 (2) (608 SE2d 643) (2005). Ravenell's notice of appeal states that a "[t]ranscript of evidence

and proceedings . . . will not be filed for inclusion in the record on appeal.” A transcript of the evidence is necessary to review her contentions regarding the evidence presented at trial. Thus, “in the absence of a transcript [here], we must assume as a matter of law that the evidence adduced at the [trial] supported the trial court’s findings.” (Punctuation omitted.) *Eason v. State*, 249 Ga. App. 738, 739 (1) (549 SE2d 532) (2001).

Accordingly, based on the record before us, we conclude that the evidence was sufficient to support Ravenell’s conviction.

Judgment affirmed. Miller and Ray, JJ., concur.

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

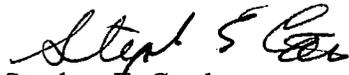
March 11, 2014

Mr. Jason McClure
12210 County Road 72
Tyffe, Alabama 35971

Dear Mr. McClure:

Your 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 Dade County Superior Court is: Post Office Box 417, Trenton, Georgia 30752-0417. The Motion to Modify and/or Reduce Sentence would be filed in the trial court.

Sincerely,



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

SEC/ld
Enclosure

RECEIVED IN OFFICE
2014 MAR 10 PM 3:08
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Respectfully Yours
Jason McLure
Date 11 Feb 14

I, the defendant Jason McLure come before the people of the court in this motion to sincerely request that the Superior Court, Dade County grant me an opportunity to physically appear in court to have a hearing. That I may be able to openly give an oral argument in regards to why I should be entitled to a modified and/or reduced sentence. In as much have a hearing on the earliest date available fail not this brief motion is supported by O.C.G. A 17-10-01 as eligible law.

The Superior Court of Dade Co,
State of Georgia
v.s.
Jason McLure
Motion to modify and/or reduce
"Sentence"
Case #
D.O.B 11/18/79

Certificate of Service

This is to certify that I have this day, served a true and correct copy of the foregoing motion to

This 10 day of February 2014

x Jason McClure

Name

Georgia Diagnostic & Classification Prison
P.O. Box 3877
Jackson Ga 30233

Opposing Party's
State

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS

Date: March 11, 2014

To: Mr. James L. Reynolds, GDC835192 700AA, Wheeler Correctional Facility, Post Office Box 466,
Alamo, Georgia 30411

Docket Number: A14A1104 **Style:** James Reynolds 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 For the pauper's affidavit to be sufficient, it must be signed before a notary public and signed, dated and sealed by the 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

MOTION FOR DESIGNATION OF INDIGENCY TO PROCEED ON APPEAL IN FORMA PAUPERIS

JAMES L. REYNOLDS,
APPELLANT,
VS.
STATE OF GEORGIA,
APPELEE.

IN THE COURT OF APPEALS
STATE OF GEORGIA

APPEAL CASE NO. AL14104
FROM MUSCOGEE COUNTY
INDICTMENT NO. SU-96-2462

RECEIVED IN OFFICE
2014 MAR 10 PM 3:31
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

(COMES NOW) JAMES L. REYNOLDS, THE DEFENDANT IN THE ABOVE STYLED ACTION, AND RESPECTFULLY REQUESTS THE COURT TO ALLOW HIM TO PROCEED ON APPEAL IN FORMA PAUPERIS UPON THE FOLLOWING GROUNDS, TO WIT:

1. THE DEFENDANT IS PENNILESS AND UNABLE TO OBTAIN MONEY TO APPEAL HIS CASE.

2. THE DEFENDANT MEETS EVERY TEST UNDER STATE LAW THAT PRESCRIBES STANDARDS OF INDIGENCY, AND IN FACT, WAS SO DESIGNATED BY THE COURT AT TRIAL LEVEL.

3. THE DEFENDANT SHOWS, BY ATTACHED PRINTOUT OF HIS PRISON ACCOUNT, THAT HE HAS NO SPENDABLE BALANCE, AND IN FACTS SHOWS HE OWES AN OUTSTANDING BALANCE OF \$243,17 AGAINST HIS ACCOUNT.

WHEREFORE, THE DEFENDANT PRAYS THAT HE BE DESIGNATED AS INDIGENT FOR PURPOSES OF APPEALING FROM THE JUDGMENT AND ORDER OF HIS "MOTION FOR LEAVE TO FILE AN OUT OF TIME APPEAL."

RESPECTFULLY SUBMITTED,

JAMES L. REYNOLDS, PROSE

WHEELER CORR FACILITY

PO BOX 466

ALABAMA, GA. 30411

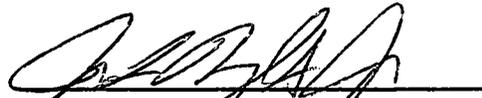
CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY I HAVE SENT TRUE COPIES OF "MOTION FOR DESIGNATION OF INDIGENCY TO PROCEED ON APPEAL IN FORMA PAUPERIS" TO THE GEORGIA COURT OF APPEALS AND THE MUSCOGEE COUNTY DISTRICT ATTY., BY U.S. POSTAL SERVICE, AND MAILED TO:

GEORGIA COURT OF APPEALS
SUITE 501
47 TRINITY AVE.
ATLANTA, GA. 30334

MUSCOGEE Co. DISTRICT ATTY.
P.O. BOX 1340
COLUMBUS, GA. 31902-1340

RESPECTFULLY SUBMITTED,



JAMES L. REYNOLDS, PRO SE
WHEELER CORR. FACILITY
P.O. BOX 466
ALAMO, GA. 30411

Account Statement

REYNOLDS, JAMES

Printed By:

PEEPLES, SONYA

GDC ID: 835192

Spendable Amount	Reserved Amount	Receipts On Hold	Funds Balance	Obligations/Court Charges
\$0.00	\$0.00	\$0.00	\$0.00	\$243.17

RECEIPTS

Receipt Date	Transaction ID	Receipt Type	Receipt Details	Receipt Amount
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WITHDRAWALS

Date	Location Paid	Withdrawal Type	Payable To	Detail	Amount	Check No
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OBLIGATIONS

Paid Status: P = Partially paid; Y = Paid in full; R = Reversed; W = Written off

Date	Location Incurred	Obligation Type	Payable To	Obligation Detail	Amount	Paid
03/03/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	WHEELER CORR FACILITY	RECORD ID = 16955555. ILS 3/3/2014	\$0.41	
03/03/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	WHEELER CORR FACILITY	RECORD ID = 16955305. ILS 2/28/2014	\$0.41	
03/01/2014	CENTRAL ACCT-OFFENDER TRUST	MONTHLY PROCESSING FEE	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee for 03/2014	\$1.00	
02/12/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	WHEELER CORR FACILITY	RECORD ID = 16818367. 2/12/2014	\$1.44	
02/04/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	WHEELER CORR FACILITY	RECORD ID = 16798908. 02/04/2014	\$1.44	
02/01/2014	CENTRAL ACCT-OFFENDER TRUST	MONTHLY PROCESSING FEE	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee for 02/2014	\$1.00	W
01/22/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	WHEELER CORR FACILITY	RECORD ID = 16671012. 1/22/2013	\$2.30	
01/14/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	WHEELER CORR FACILITY	RECORD ID = 16656007. 01/14/2014	\$1.38	
01/01/2014	CENTRAL ACCT-OFFENDER TRUST	MONTHLY PROCESSING FEE	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee for 01/2014	\$1.00	W
12/12/2013	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	WHEELER CORR FACILITY	RECORD ID = 16494872. 12/12/2013	\$2.24	
12/12/2013	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN - Reversal	WHEELER CORR FACILITY	RECORD ID = 16494870. 12/12/2013	(\$0.92)	R
12/12/2013	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	WHEELER CORR FACILITY	RECORD ID = 16494870. 12/12/2013	\$0.92	R
12/10/2013	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	WHEELER CORR FACILITY	RECORD ID = 16484601. ILS 12/6/13	\$0.45	
12/01/2013	CENTRAL ACCT-OFFENDER TRUST	MONTHLY PROCESSING FEE	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee for 12/2013	\$1.00	W
11/13/2013	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	WHEELER CORR FACILITY	RECORD ID = 16316294. ILS 11/8/2013	\$0.45	
11/01/2013	CENTRAL ACCT-OFFENDER TRUST	MONTHLY PROCESSING FEE	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee for 11/2013	\$1.00	W
10/24/2013	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	WHEELER CORR FACILITY	RECORD ID = 16172460. ILS 10/23/2013	\$0.30	
10/23/2013	CENTRAL ACCT-OFFENDER TRUST	RX-COPAY	GEORGIA DEPARTMENT OF CORRECTIONS	RECORD ID = 16170556. 10/22/13	\$5.00	

IN THE COURT OF APPEALS
State of Georgia

James Reynolds, Appellant

v.

State of Georgia, Appellee.

Appeal Case No. A14A11104

Brief of Appellant

RECEIVED IN OFFICE
2014 MAR 10 PM 3:25
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COURT OF APPEALS OF GA

James Reynolds, Pro SE
Wheeler C.F.
P.O. Box 466
Alamo, Ga. 30411

FILED IN OFFICE

MAR 07 2014

COURT CLERK
CLERK COURT OF APPEALS OF GA

I. The Court of Appeals
State of Georgia

James Reynolds,
Appellant,
v.
State of Georgia,
Appellee.

Appeal Case No. A14A1164
from Muscogee County
Judgment No. 8V-96-2462

Brief of Appellant

Part One

Statement of The Case Below And

Statement of Material Facts

This appeal is a direct appeal from the order denying the out of time appeal which order was entered by the Superior Court of Muscogee County. Notice of appeal pursuant to the grant of the request to appeal this matter was timely filed.

During the December Term of 1996, James Reynolds was indicted by the Muscogee County Grand Jury for the felonies offense of Robbery, Count 2; Aggravated Assault, Count 3; Kidnapping w/ bodily injury, Count 4; Simple Battery. The Appellant plead not guilty to all counts of Indictment 8V-96-2462. The Appellant was found guilty by jury trial of all counts and subsequently sentenced to life imprisonment plus 40 years to run consecutive.

Statement of Essential Facts: Appellant was

tried and convicted to the offenses that are essentially different from the indictment that is alleged to have occurred on September 1, 1996, thus creating a variance. The indictment in this criminal case is vague and ambiguous in the charging of the material elements of the crime.

Trial counsel failed to opt in for meaningful discovery. Nor was a vigilant defense tactic presented by counsel during any phase of this criminal case.

This criminal case came before the Muscogee County Grand Jury by District Attorney John Conger who presented limited evidence and no witness testimony as the face of the indictment states to secure an indictment against the Appellant for an alleged crime that is said to have occurred on September 1, 1996 in which the victim was robbed by pulling him into the back of a truck, then charging the truck as a deadly weapon then in count 3 charge the Appellant with kidnapping with bodily injury, to wit: burn marks on his body from being dragged by the truck, a charge contrary to counts one and two which, though vague, do charge the alleged victim was in the truck. The indictment is vague when the material elements of the alleged offenses are not properly set forth. Trial counsel failed to investigate these issues or engage in meaningful argument with the prosecution over the variance that occurred when the charges are different from the facts of the incident.

Statement of Jurisdiction

The Georgia Court of Appeals has Jurisdiction of this appeal because the Judgment of Conviction in this case is not one of the matters within the Exclusive Jurisdiction of the Supreme Court of Georgia. Georgia Const. Art. VI, Sect. VII, Paras. II and III.

Part Two

Enumeration of Errors

The Enumerated Errors in this appeal are:

1. Whether the trial court erred in concluding that the fatal variance did not occur in the indictment in this retrial case.

2. Whether the trial court erred in concluding that the indictment was perfect in form and substance.

3. Whether the trial court erred in concluding that the defendant received effective assistance of counsel.

Part Three

Argument And Citation of Authority

1. The Trial Court Erred In Not Finding That The Appellant Was Subjected To A Fatal Variance When The Indictment Alleges An Offense That Is Different From The Facts Of The Case.

A variance is described in Black's Law Dictionary as any act charged against the accused that is materially different than the actual events proved.

In this case at trial, the State charged the defendant with the offense of robbery in Count one of indictment, the actual offense is charged as committed: "... By use of Force, To Wit: Pulling Him Into The Back of A Truck And Taking The Money..." Count Two of indictment alleges the alternative manner in which the robbery is alleged to have occurred by charging the offense of Aggravated Assault, (O.C.G.A. § 16-8-40) by making "a moving truck" a deadly weapon.

The Appellant's due Process was made to stand silent when the Pattern charge was in effect used to cover all possibilities. More harmful was the fact that the Trial Court charged elements of robbery and aggravated assault, yet gave no limiting instructions as to proof of any manner in the indictment. (Pattern Charge Jury Inst., Crim. Cases No. 2. 60.31). Christian v. State, 297 Ga. App. 596 (2009)

The Rule of Lenity comes into play to resolve ambiguities that remain "AFTER" applying all other tools of statutory construction. Jackson v. State, 287 Ga. 646, 653, 697 S.E.2d 757 (2010).

In this situation, the Rule of Lenity should be applied when there was no fair warning as to what conduct was to be proscribed. Snow v. State, 194 D885, 733 S.E.2d 428 (2012)

2. The Trial Court Erred In Not Finding That The Appellant's Indictment Was Fatally Defective Upon The Indictment Did Not Charge The Essential Elements Of The Alleged Offenses.

In Count 3 of indictment for the offense of Kidnapping w/ Bodily Injury, the State implied two different offenses and charged the elements of Kidnapping as well as aggravated assault. Thus a value and ambiguous count was set forth when these elements are attached to count 1 for the alleged offense of robbery.

As charged, the State has sufficiently shown the act of robbery was in place when he was allegedly pulled into the truck, Garza v. State, 284 Ga. 646, 670 S.E.2d 73 (2008), the moment occurred during the commission of a separate offense and no significant danger was posed.

The ambiguity exists in the charge of Kidnapping, as charged to wit: "Even marks on his body from being dragged by the truck..." this charge is vague when in count one for robbery the victim is

allegedly pulled into a truck by use of force to take \$158.00. Count 3 is a conflicting theory of kidnapping and charges different elements, thus the indictment fails to sufficiently appraise the defendant of what he must be prepared to meet. SHELUETT v. State, 289 Ga. App. 528, 657 S.E.2d. 611 (2008).

3. The Trial Court Erred In Not Finding The Appellant Received Ineffective Assistance of Counsel.

Trial counsel in this criminal case failed to investigate the critical elements of the alleged offenses, in this hazardous representation, counsel did not challenge the indictment by filing a demurrer. Jones v. State, 272 Ga. 900 S.E. 2d. 80 (2000).

Counsel made no attempt to engage in adversarial argument with the prosecution over the issue of the indictment alleging kidnapping when the elements of this charge were vague and attached to count one; Robbery. These issues were not cured during the trial phase, instead they were left unattended.

The Appellant prays this Honorable Court to grant this Appeal and Remand this criminal case back to the trial court with directions to correct his sentence.

Respectfully Submitted,

James Reynolds, Pro SE



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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

March 12, 2014

Mr. William T. Murray
GDC200311
Bartow County Jail
104 Zena Drive
Cartersville, Georgia 30120

RE: A12D0048. William T. Murray v. The State
[10279 Bartow County Superior Court]

Dear Mr. Murray:

I am in receipt of your letter dated March 9, 2014. Per your letter, the number for the Discretionary Application is referenced above. As you stated in your letter, the application was granted (October 5, 2011). Our docket has you listed "pro se" in the appeal.

You also requested mailing addresses for Fulton County Superior Court, which is: 136 Pryor Street, S.W., First Floor, Room C-155 in Atlanta, Georgia 30303. The address for the Cobb County State Court is: 12 East Park Square in Marietta, Georgia 30090.

Sincerely,



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

SEC/ld

RECEIVED IN OFFICE

2014 MAR 11 PM 2:32

3/9/14

DEAR: Clerk

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

I am still trying to appeal
A CASE IN BARTOW CO. in Judge
Howells Court RM. CASE# 10-279
A DISCRETIONARY APPLICATION WAS GRANTED
IF POSSIBLE COULD YOU SEND ME THAT
DOCKET NUMBER, AND THE ADDRESS AND
NAME OF THE ATTORNEY OF RECORD I
THINK ITS JAMES C. WYATT OF ROMO BUT
I DO NOT HAVE AN ADDRESS.

IT WOULD ALSO BE HELPFUL OR
RATHER I NEED SOMEKIND OF "PROOF" THAT
GRANTED DISCRETION APPLICATION WAS INDEED
FILED BY ME PRO-SE. BASICALLY I AM STILL TRYING
TO PURSUE AN APPEAL AND NEED SOMETHING
CONCLUSIVELY THAT I WANTED TO APPEAL,
COUNTER OF H.V. AND GIVING FALSE INFO,
I AM ATTEMPTING TO. BUT I HAVING TO SHOW
THAT CASE WAS ABANDON BY THE ATTORNEY OF
RECORD OR HE'S FAILED TO FILE DIRECT APPEAL
AS REQUESTED.

I AM ALSO REQUESTING ADDRESSES
TO FULTON CO. SUPERIOR COURT AND COBB
CO. STATE COURT IF YOU ARE ALLOWED
TO ACTUALLY SEND THOSE IT'S REALLY IMPORTANT
REALLY WHAT I AM TRYING TO

GET is pretty close to what you sent me before something showing that appeal A12A0220 was GRANTED AND something that shows with doctor number I filed PRO-SE ON CASE # 10-279 Discretionary APPLICATION it was GRANTED, BUT I can't or couldn't proceed because of other difficulties AND ANY ADDRESSES of STAFF ATTORNEY'S that might BE interested in these CASE'S whether PRIVATE or otherwise.

Thank you For
ANY CONSIDERATION in these
MATTERS.

W. J. MURPHY
William J. Murphy

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

March 13, 2014

Mr. Arun Misra
6000 E. Andechs SMT
Duluth, Georgia 30097-6402

Dear Mr. Misra:

I am returning the enclosed Notice of Appeal which should be 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 it 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.

Sincerely,


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

SEC/ld
Enclosure

FORM 1 - NOTICE OF APPEAL (CIVIL or CRIMINAL CASE)

NOTICE OF APPEAL
IN THE District (SUPERIOR, STATE, ETC.) COURT
OF FULTON COUNTY

STATE OF GEORGIA

PLAINTIFF * CASE NUMBER
RF HOA * 2013-CV-226658
vs. *
DEFENDANT *
MISRA ET AL *

NOTICE OF APPEAL

Notice is given that ARUN MISRA et al (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 5 day of Feb, 2014, by Judge Todd Markela.

The clerk shall N/A (omit nothing from the record on appeal/will omit from the record on appeal the following: N/A.)
A transcript of evidence and proceedings N/A (will/will not) be filed for inclusion in the record on appeal.
(No transcripts Available)

The Court of Appeals, rather than the Supreme Court, has jurisdiction of this appeal because the issue involved is MOTION 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, for full dismissal of Plaintiff's Assertions

CERTIFICATE OF SERVICE

I certify that I have this day served BILL GOURLEY (opposing party or attorney) with a copy of this Notice of Appeal by OVERNIGHT (hand delivery/mailling a copy first class mail postage prepaid) to him/her at: 4th floor, 3500 Lenox Road, Atlanta, GA (complete address of party served).
This the _____ day of _____, _____ 30326

A. Misra (Sign your name.)
2/21/14
A. Misra 2/27/14

MISRA
6000 e. andechs
JC, GA 30097-6402

ATLANTA METRO 300

27 FEB 2014 PM 7 L



6000 E. Andechs Smt
Duluth, 30097-6402

Clerk, District Judge
Court of Appeals
3rd floor
136 Pryor Street SW
Atlanta, GA 30303

303033649934



Paul L. Howard Jr., District Attorney
Atlanta Judicial Circuit
136 Pryor Street, SW, 3rd Floor
Atlanta, Georgia 30303-3477

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CLERK/COURT ADMINISTRATION
COURT OF APPEALS OF GA

Clerk,
Supreme Court of Georgia
244 Washington Street
Room 572, State Office Annex Building
Atlanta, Georgia 30334

MAR 10 2014

4862696 30334



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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

March 13, 2014

Mr. Wallace Rumph
GDC500133
Wheeler Correctional Facility
Post Office Box 466
Alamo, Georgia 30411

RE: A14A1161. Wallace Dale Rumph v. The State

Dear Mr. Rumph:

The above referenced appeal was dismissed as of March 11, 2014.

Sincerely,



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

SEC/ld

RECEIVED IN OFFICE
2014 MAR 13 PM 3:08
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

35/12-14

To: Clerk of Court

From: Wallace Rumph A14A1161

Re: Superior Court Appeal

I wrote to your office concerning an Appeal from the Lower Court. On Feb. 27th 2014 I Received a Response from your office (Stephen E. Caston) stating that there was no Active Appeal in my name in Court. However, I Received a letter from the Superior Court Clerk of Peach County stating that on Feb. 14th 2014 my case had been forwarded to the Court of Appeals.

Please make me AWARE if this Court has yet to Receive my case cause I'd been waiting since 2012 just to get the written Order from the Judge on the Revocation. Thank You for your help in this matter.

Respectfully,
Wallace Rumph

Return Address:
Wallace Rumph
Wheeler Correctional Facility
P.O. Box 466
Alamo, CA. 30411

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

March 17, 2014

Mr. Robert Reifsnyder
GDC1262184
Johnson State Prison
Post Office Box 344
Wrightsville, Georgia 31096

Dear Mr. Reifsnyder:

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 clerk of the trial court.

Sincerely,



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

SEC/ld

IN THE COURT OF APPEALS OF GEORGIA

RECEIVED IN OFFICE
014 MAR 14 PM 4:34
ERIC/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

RE: ROBERT REIFSNYDER V. STATE OF GEORGIA - THOMAS COUNTY
SUPERIOR COURT CASE NO. 06-CR-468 - CRIMINAL ACTION - APPEAL
FROM

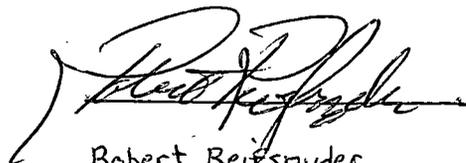
Dear Clerk,

I timely Filed Notice of Appeal From Thomas County Court
Order issued January 14th, 2014, in the above-styled Criminal
Action.

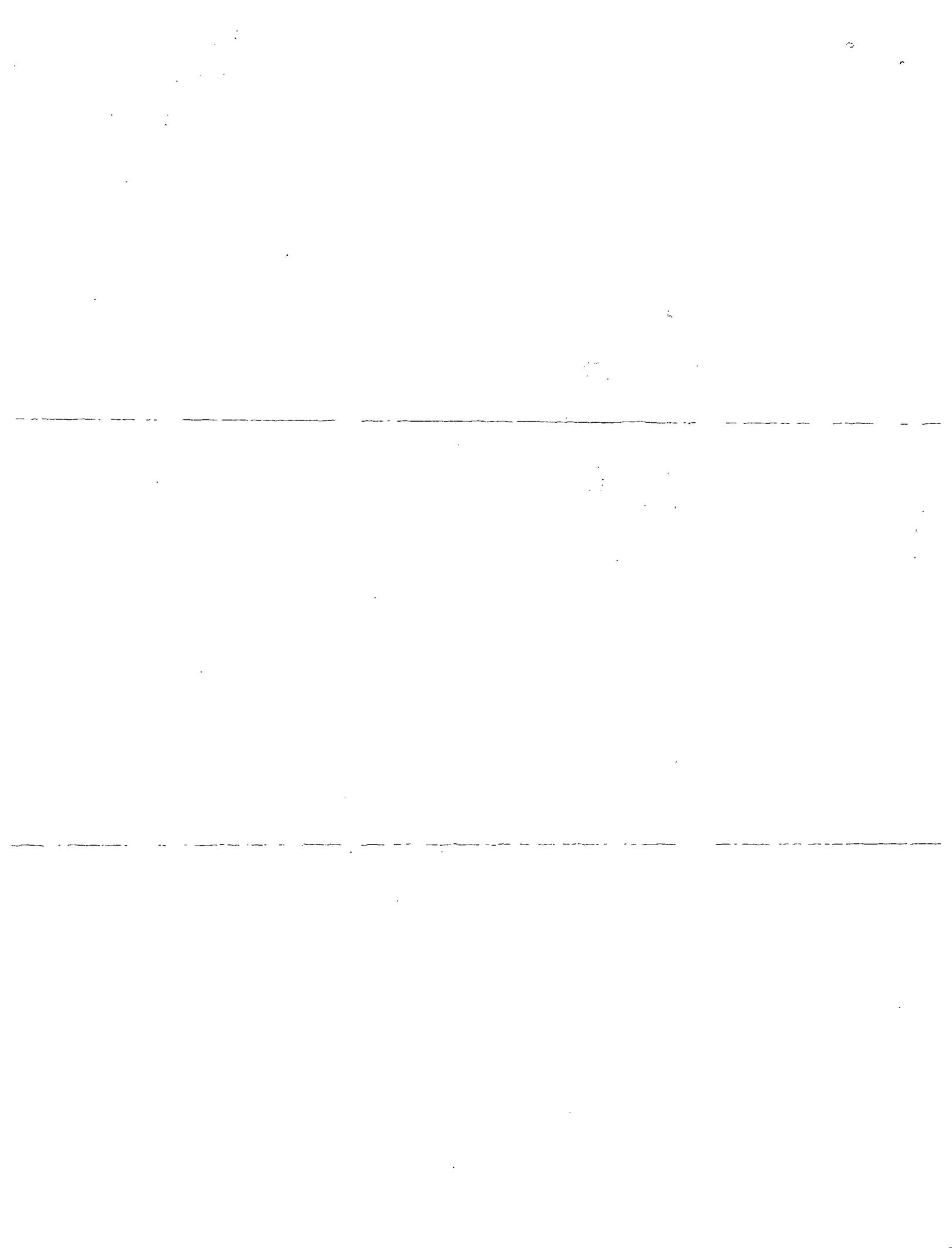
My question here is has the Thomas County Superior Court
Clerk Submitted the Court record for filing? If your office
has received and docketed my appeal please forward to me
the Georgia Court of Appeal case No.

Thank you for your assistance with my request.

Respectfully Submitted this 11th day of March, 2014.



Robert Reifsnyder
GDC # 1262184
Johnson State Prison
PO Box - 344
Wrightsville, Georgia 31096



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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-9450

March 17, 2014

Mr. David H. Long
GDC1021885
Wheeler Correctional Facility
Post Office Box 466
Alamo, Georgia 30411

RE: A13A0998. David Heath Long v. The State

Dear Mr. Daniel:

We have received two (2) Notices of Intent to seek review of this Court's decision from the Supreme Court of Georgia and docketed them. The first Notice of Intent was docketed December 10, 2013 and the second received January 2, 2014.

Pursuant to the State Statutes and the rules of the Court of Appeals and Supreme Court, you should file a Petition for a Writ of Certiorari with the Supreme Court and a notice that you have filed that petition with this Court.

The address of the Clerk of the Supreme Court is: Supreme Court of Georgia, 244 Washington Street, S.W. • Suite 572, Atlanta, Georgia 30334. Please see the copy of Rule 38 of the enclosed Rules of the Court of Appeals. If the Supreme Court grants your petition, the briefs and the record filed with the Court of Appeals in the above appeal will be provided to the Supreme Court for review.

The remittitur issued on March 6, 2014, divesting this Court of any further jurisdiction of your case.

Sincerely,



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



2014

Georgia Court of Appeals

R U L E S

Last Update: February 19, 2014

RECEIVED IN OFFICE

14 MAR 14 PM 4:33

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Witness By Defendant

GENERAL AFFIDAVIT

State of Georgia

County of Wheeler

BEFORE ME, the undersigned Notary, personally appeared David Heath Long
known to me to be a credible person and of lawful age, who being by me first duly sworn, on his oath, deposes and
says:

Concerning: Court of Appeals Case No. A13A0998

David Long v. The State
*All legal mail can be documented if/when received by my prison *
I, David Long, received NOTICE OF REMITTUR
dated March 6, 2014. I signed for this legal mail on
March 11, 2014, the same day I make this affidavit
and have it duly sworn and notarized.
I tried to file Notice of Intent for Certiorari
and a petition of Certiorari to Supreme Court. I filed
to all parties 3 times. I have never received
any response from the Appellate Court. I have
correspondence from Ga. Supreme Ct. that says they
have no record of my case. I allege the Appellate
court has violated my rights of post conviction Due Process.
Please explain to me why the remittur is only now
being sent to trial court, when I was re-sentenced
on remand on 1-2-14. Consider this an official complaint.
The Appellate court has never even contacted me until
now!! I am an indigent inmate with no law training
but I should have had the right to file my own prisoner brief.
I allege misconduct by Appellate Court. I want the right to file
for a Certiorari.

David H. Long G.O.C. # 1021885

[signature of affiant]

Wheeler Correctional Facility
P.O. Box 466
Alamo, Ga. 30411
[address of affiant, line 1]

Subscribed and sworn to before me, this 11th day of March [month], 2014.

NOTARY PUBLIC

Sherry Travis

[Notary Signature]

My commission expires: June 24 2014



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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

March 17, 2014

Mr. David Lewis
GDC105557
Georgia Diagnostic and Classification Center
State Prison
Post Office Box 3897
Jackson, Georgia 30233

Dear Mr. Lewis:

I am in receipt of your letter requesting a copy of the Citizens Guide. Please have a friend or relative download a copy of the Citizens Guide from the Court's web page at: www.gaappeals.us. I have enclosed a copy of the Rules of the Court of Appeals of Georgia. The Rules and Citizens Guide are the only materials that the Court has to assist you.

Sincerely,



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

SEC/ld
Enclosure



2014

Georgia Court of Appeals

R U L E S

Last Update: February 19, 2014

RECEIVED IN OFFICE

2024 MAR 14 PM 4:38

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

My address to send to

please include

David Lewis 105557

GDCP

P.O. Box 3897

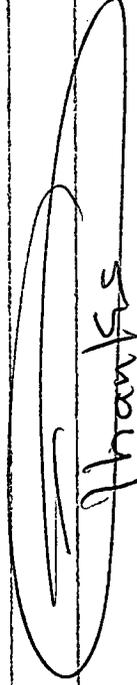
Jackson Ga 30233

Please send me the booklet that you have entitled:

A Citizens Guide to Filing Appeals in the Court of
Appeals of Ga.

and any other available info. on the types
of available appeals.

Please Rush:



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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

March 18, 2014

Mr. Justin Laster
Ms. Linda Laster
2014 Armory Drive
Americus, Georgia 31719

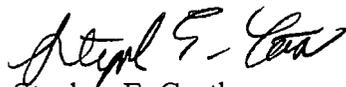
RE: A14A1057. Justin Laster v. National Collegiate Student Loan Trust
A14A1058. Justin Laster v. John Crook
A14A1059. Linda Laster v. National Collegiate Student Loan Trust

Dear Mr. and Ms. Laster:

I am in receipt of the priority mailed "Appellant Briefs" in the above referenced appeals. I am not sure what you are trying to communicate to this Court. The Briefs were already filed in this Court on March 1, 2014. If your intent is to file Supplemental Briefs, you must submit a motion to the Court requesting permission. See Rule 27(a).

I am returning all of your documents to you in case you need them for future proceedings.

Sincerely,



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

SEC/ld
Enclosures

IN THE COURT OF APPEALS

STATE OF GEORGIA

APPEAL CASE NUMBER

A14A1058

JUSTIN LASTER

APPELLANT

V.

JOHN CROOK

APPELLEE

FEBRUARY 28, 2014

DISCRETIONARY APPEAL

FILED IN OFFICE

MAR 13 2014

COURT CLERK
CLERK COURT OF APPEALS OF GA

IN THE COURT OF APPEALS

STATE OF GEORGIA

APPEAL CASE NUMBER

A14A1058

JUSTIN LASTER

APPELLANT

V.

JOHN CROOK

APPELLEE

FEBRUARY 28, 2014

DISCRETIONARY APPEAL

FILED IN OFFICE

MAR 13 2014

COURT CLERK
CLERK COURT OF APPEALS OF GA

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS

Date: March 19, 2014

To: Mr. DeShawn R. Thomas, GDC1000503496 D-E-1#9B, Georgia State Prison, 300 First Avenue,
South, Reidsville, Georgia 30453

Docket Number: A14A1099 **Style:** DeShawn R. 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 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 accompanied your document(s). Rule 6**
5. **The Certificate of Service must 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

Date-March 07-2019

Court of Appeals of Georgia

State of Georgia

v. S

DeShawn R. Thomas

2010 FE0316

Case No. B17A1099

Motion For extensions

Comes Now DeShawn R. Thomas, Defendant in the above styled action and respectfully moves this honorable Court as follows

1. Request for extension time to file brief.

2. Request for extension time to pre-pay sufficient

Paper's Affidavit or Filing Fee of \$100.00.

Respectfully Submitted,

DeShawn R. Thomas

Defendant Pro se

RECEIVED IN OFFICE

2019 MARCH 07 AM 11:04

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

**COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS**

Date: March 19, 2014

To: Ms. Sheila Mize, 114 Ashwood Court, South, Stockbridge, Georgia 30281

Docket Number: A14A1142 **Style:** Sheila Mize v. Georgia Department of Labor, 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: Your appeal was dismissed on March 17, 2014. A copy of the order is enclosed for your review.**

Court of Appeals of the State of Georgia

ATLANTA, March 17, 2014

The Court of Appeals hereby passes the following order:

A14A1142. SHEILA A. MIZE v. GEORGIA DEPARTMENT OF LABOR et al.

Sheila Mize appealed directly to this Court from a superior court order affirming a decision of the Georgia Department of Labor denying her request for unemployment compensation benefits. Under OCGA § 5-6-35 (a) (1), however, a party seeking to appeal a superior court decision reviewing a state agency ruling must follow the discretionary appeal procedure. See *Dunlap v. City of Atlanta*, 272 Ga. 523, 524 (531 SE2d 702) (2000). Because Mize failed to follow the required procedure, this Court lacks jurisdiction over this appeal, which is therefore *DISMISSED*.



Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 03/17/2014

*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. Costello, Clerk.

INDEX

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2014 MAR 18 PM 1:15
CLERK, COURT OF APPEALS OF GEORGIA

STATEMENT OF THE CASE

1. The Nature of the Proceeding and the Relief Sought
2. The Nature of the Decision To Be Reviewed
3. Statement of the Statutory Basis for Appellate Jurisdiction
4. Statement of Appellate Jurisdiction
5. Questions Presented on Review
6. Summary of Argument
7. Statement of Material Facts

FILED IN OFFICE
MAR 17 2014
CLERK, COURT OF APPEALS OF GEORGIA

ASSIGNMENT OF ERROR

The Superior Court of Clayton County State of Georgia erred in affirming the decision of the Department of Labor Board of Review denying petitioner benefits by ruling:

“Judicial review of an administrative decision requires the court to determine that the findings of fact are supported by ‘any evidence’ and to examine the soundness of the conclusions of law that are based upon the findings of fact.” Sky King 101, LLC v. Thurmond, 314 Ga. App. 377, 724 S.E. 2d 412 (2012)

The Petitioner cites twenty (20) separate instances where she contends she was interrupted by the Administrative Hearing Officer, was intimidated or badgered by the Administrative Hearing Officer, where she was not allowed to submit certain evidence, where the Administrative Hearing Officer was “nonsensical”, and where the accurate is inaccurate.”

After hearing argument, the Court has examined the record received from the Department of Labor including a transcript of the telephone hearing conducted between the parties. The Court finds the facts presented at the hearing are supported by the “any evidence” standard and that the conclusions of law based upon those fact are correct. The court can find no basis for reversing the decision of the Board of Review.

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

March 19, 2014

To: Arun Misra, PhD., 600 East Andechs Summit, Johns Creek, Georgia 30097-6402

Case Number: 2013-CV-226658 Lower Court: Fulton 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 clerk of the trial court.**
- 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 a 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 it 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 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 be actually 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 _____
divesting this Court of jurisdiction. The remittitur issued on _____
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 Fulton County Superior Court is: 136 Pryor Street, S.W., First Floor, Room C-155, Atlanta, Georgia 30303.**
- 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 Superior Court of Fulton County
State of Georgia

River Farm Homeowner's Association
Plaintiff

Vs. Civil Action File No. 2013-CV-226658

Misra et al
Defendants

RECEIVED IN OFFICE
2014 MAR 18 PM 2:50
CLERK/COUNTY ADMINISTRATOR
COURT OF APPEALS OF GA

Motion to Re-open and Re-litigate the cases in Magistrate Court,
Superior Court, Appellate Court, of Fulton County, and the Federal Court System.

Motion by Defendants

Comes Now, individually and together,
Arun Misra, Jayasri Misra and Mamata Misra, the defendants, in the above styled civil-action

For permission to,

1. Collect monetary damages
2. Institute lien on club house situated at 5000 Johns Creek Court, Alpharetta, Ga 30022
For \$25,000
3. Institute lien on the residence of Bradley Pitts, located at 9255 south river farm drive, Alpharetta, Ga
For \$25,000
4. Permission to file law suites for Civil Rights denial, discrimination and Hate Crimes
in Federal Courts against

River Farm Homeowners' Association,
Heritage Property Management Services,
and
Bradley Pitts, Ex-President, RFHOA

5. Reinstigate 3 new law suites in Magistrate Court, Fulton County
Against

River Farm Homeowners' Association
Heritage Property Management Services
and
Bradley Pitts

By the Defendants, for harassment, discrimination and hate crime.

Statement of Facts

1. Even after our withdrawing the law suites against Heritage Property Management, and Bradley Pitts
and removing the tree and painting the driveway,
As ordered by Judge Markle, Superior Court of Fulton County,
The harassment to defendants and their tenant continues unabated., Ex-1.

2. The RF HOA and the Heritage fail to provide access to the Books of the Association, to the defendants, since it contains facts that have been hidden from the courts, and legal actions filed against the defendants On false pretense, Ex-2.
3. Repeated requests from the Defendants to stop harassment, and work peacefully without any court cases have been declined by the RFHOA and Heritage Property Management Services.
4. Insistence by the RF HOA, Heritage Property Management Group to work only through Attorneys and the legal system. Ex-3.
5. Unauthorized Garnishment of Funds from Defendants by the Attorneys, representing Plaintiffs using erroneous documentation, and abuse of the judicial system. Ex-4 and 5.
6. Arun Misra had consulted with and requested Attorney Monica Gilroy, to represent the defendants in the law suite against RFHOA, over a year ago, which she refused to undertake, on the ground that her firm does not deal with any litigation cases, since they are purely a real estate closing firm. This proves her and her firm's mistreatment to minorities, as they took they case for plaintiffs, while providing defective advise to the defendants in the past for the same matter.

The Defendants thus pray to,

1. Stop any kind of further litigation by plaintiffs, against the defendants, and make Plaintiffs responsible for any and all legal costs, court fees, attorney fees, since they initiated the litigations, and continue to do so.
2. Eliminate every future correspondence by the attorneys, and counsels, engaged in generating Billable hours, many of which might be illegal and unnecessary, to collect funds, from defendants.
3. Stop any garnishment of funds, accounts, wages by Plaintiff and their attorneys, since the defendants do not owe any funds to the Plaintiffs, and any monetary sanctions are under appeal.
4. Dismiss all law suites and motions by Plaintiffs, against the defendants, instituted by Law Firms of Weissman, Nowack, Curry & Wilco, PC, and that of Dickenson, Gilroy LLC.
5. Bar Monica Gilroy and the Firm Dickinson and Gilroy, from representing RFHOA, on the ground mentioned in 6. Above, as breach of faith, and unfair business conduct.
6. Order a payment of \$150,000 to the defendants by the Plaintiffs, for harassing defendants for over 15 years at a rate of \$10,000 per year.

Respectfully submitted,

A. Misra . 3/14/14

.....
Arun Misra, PhD
6000 East Andechs Summit
Johns Creek, GA 30097-6402
Phone 770-232-7447
Fax 678-840-0070
E-mail : misrausa@yahoo.com

Endorsed by, and Agreed upon individually by,

Jayeri Misra 3/14/14
.....
Jayasri Misra


.....
Mamata Misra

Distribution :

1. Honorable Todd Markle, Judge
2. Clerk, Magistrate Court, Fulton County
3. Clerk, Supreme Court of Georgia
4. Clerk, Court of Appeals of GA
5. Monica Gilroy, Esq, Dickinson & Gilroy
6. Bill Gurley, Esq, WNCW,PC
7. Brad Pitts, River Farm
8. Janet Hellman, President, RFHOA
9. Sonja Johansen, Heritage Property Management Services

Jan 18, 2014

Arun Misra
6000 East Andechs Summit
Johns Creek, GA 30097-6402
Phone 770-232-7447
E-mail : misrausa@yahoo.com

Ex-1

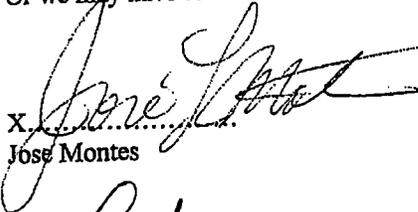
Subject : Problems with our Rental

Pl let the landlord and owner know that we are experiencing several problems at our home
We have rented.

When we first moved in, a member of the board told us that we
Members of the board of HOA of River Farm, visit us and indicate that we are not welcome in this ~~we~~
Community. We were not allowed to use the swimming pool,
Tennis courts, and clubhouse. We felt that we were
They ask us not to use certain kind of curtains we have in our bed rooms, as they do not look
correct through the windows. Not welcome to the community.

They collect the leaves from their yards and put in ours, especially the neighbor across the street
Brad Pitts, at 9255 south river farm drive.

We need your help in stopping these harassments.
Or we may have to move a more friendly neighborhood.

X. 
Jose Montes

X. 
Leticia Montes

X. 
Melissa Montes

Tenants at
5005 Johns Creek Court
Alpharetta, GA 30022
River Farm Sub Division off Old Alabama Road

William H. Gourley III, Esq.
Direct Dial: 404/926-4503
Direct Fax: 404/926-4703
Email: billg@wncwlaw.com

Weissman Nowack
Curry & Wilco
ATTORNEYS AT LAW

One Alliance Center, 4th Floor
3500 Lenox Road
Atlanta, Georgia 30326
Telephone: (404) 926-4500
Fax: (404) 926-4600
www.wncwlaw.com

February 7, 2014

VIA CERTIFIED MAIL; 7196 9008 9111 1907 0672
RETURN RECEIPT REQUESTED
AND VIA FIRST CLASS MAIL

Arun Misra
600 East Andech Summit
Johns Creek, GA 30097

Ex-2

Re: River Farm Homeowners' Association, Inc.

Dear Mr. Misra:

As you are aware, this firm represents River Farm Homeowners' Association, Inc. ("Association"). I am writing to you on behalf of the Board of Directors of the Association in response to the questions and concerns you raised at the Board meeting on January 26, 2014.

First, you requested additional information and documentation regarding the selection of Heritage Property Management Services, Inc. ("Heritage") as the professional management agent of the Association. Please be advised that Article III, Section 19 of the By-Laws of River Farm Home Owners Association, Inc. ("Bylaws") authorizes the Board to hire a professional management agent for the Association. The decision does not require membership approval. Likewise, nothing in the Association's governing documents requires to Association to formally notify the membership of the decision or the reasons for same. Accordingly, this is all of the background information and documentation that the Board intends to provide to you regarding the selection of Heritage.

Second, you requested that the Board instruct Bradley Pitts not to call you profane words, and threatened to sue the Association if he uses such language in the future. Please be advised that this is a personal dispute between homeowners that does not involve the business or affairs of the Association. Accordingly, the Board respectfully denies your request. Please be advised that if you pursue legal action against the Association based on your personal dispute with Mr. Pitts, the Association will seek an award of its attorney's fees and costs incurred in defending such action.

Third, you requested that the Board instruct Mr. Pitts not to dump leaves on your lot. Again, this is a personal dispute between homeowners that does not involve the business or affairs of the Association. Accordingly, the Board respectfully denies your request. Please be advised that if you pursue legal action against the Association based on your personal dispute with Mr. Pitts, the Association will seek an award of its attorney's fees and costs incurred in defending such action.

OVER

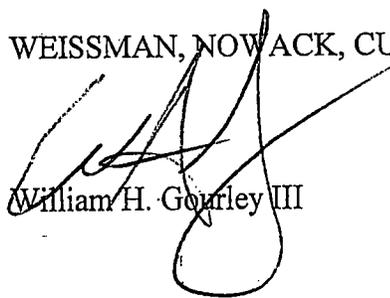
Fourth, you requested to review all of the Association's financial records to determine if you are delinquent in the payment of assessments. Please be advised that the Board respectfully denies your request. Pursuant to Article XII, Section 14 of the Declaration of Covenants, Conditions, and Restrictions for River Farm Home Owners Association ("Declaration"), a member is entitled to inspect the Association's books of account for a purpose reasonably related to his or her interest as a member. In this case, the issue of your delinquency has already been decided, and therefore your blanket request is not for a purpose reasonably related to your interest as a member and appears to be a "fishing expedition." As you are aware, Judge Markle entered a Final Order and Judgment Against Arun Misra as to Count III ("Final Order") on October 1, 2013. The Final Order awarded a money judgment against you in favor of the Association for unpaid assessments. Moreover, you re-affirmed your liability for such unpaid assessments in Paragraph 2 of the Final Consent Order and Judgment entered on October 29, 2013. Accordingly, your liability for unpaid assessments has been finally determined and settled.

Finally, you accused the Association harassing and intimidating you in an effort to encourage you to sell your house in the community. Please be advised that the Association strongly denies your allegations. Neither the Association nor the Board has requested that you sell your house or engaged in any harassment or intimidation. Please be advised that the Association will seek an award of its attorney's fees and costs incurred in defending any frivolous action filed by you regarding such baseless allegations.

This is an attempt to collect a debt. Any information obtained will be used for that purpose.

Sincerely,

WEISSMAN, NOWACK, CURRY & WILCO, P.C.



William H. Gourley III

WHG/sr

cc: Board of Directors
Community Manager

From: Sonja Johansen [<mailto:SJohansen@heritageproperty.com>]
Sent: Thursday, January 30, 2014 7:46 AM
To: Bill Gourley; Janet Hellman; Steve McCain; kimwilk1989@att.net
Subject: Another Email From Arun Misra

From: Arun Misra [<mailto:misrausa@yahoo.com>]
Sent: Thursday, January 30, 2014 6:36 AM
To: misrausa@yahoo.com; Sonja Johansen
Cc: Stephen McCain; jonjanet@bellsouth.net
Subject: Re: Board Meeting Tonight

Ex - 3

Sonja
We withdrew law suites
Cut tree, painted driveway
Paid \$850 instead of billed \$425
You still want me to go to your attorney
Which one
Pl let your attorneys know
Need to examine your books
Need answer to concerns raised at board meeting
Will be glad to file law suites
This us not a threat, but a promise
Thanks
Arun

Sent from Yahoo Mail for iPad

QC - \$39,199.11 ✓

\$206.00
GWINNETT STATE COURT
STATE OF GEORGIA

River Farm Home Owners Association, Inc.
Plaintiff

GARNISHMENT CASE
NO. 14GC-00654-1

Arun Misra, Jayasri Misra, and Mamata Misra
Defendant

GARNISHMENT AFFIDAVIT

6000 East Andechs Summit, Duluth GA 30097 (Arun & Jayasri)
3528 Parsons Ridge Lane, Duluth GA 30097 (Mamata)
ADDRESS

EX-4

Wells Fargo Bank
Garnishee

Attn: Corporation Service Company, 40 Technology Pkwy. South, Ste. 300

Norcross, GA 30092
ADDRESS

Personally appeared the undersigned Affiant who on oath says that s/he is the above plaintiff, plaintiff's agent, or plaintiff's attorney and that the above defendant is indebted to said plaintiff on a judgment described as follows:

Civil Action File No. 2013CV226658 is the case number in the Superior Court of Fulton County, which renders judgment against the defendant in the sum(s) of:

\$	30,347.11	Principal,
\$	0.00	Interest,
\$	8,440.00	Attorney's Fees, and
\$	206.00	Court Costs,
\$	<u>\$38,993.11</u>	TOTAL

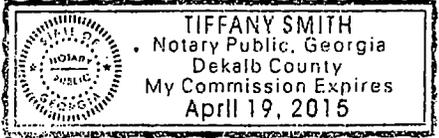
AND Affiant further states that the sum of \$38,993.11 is the balance thereon. Affiant makes this affidavit so that summons of garnishment shall issue thereon.

Sworn to and subscribed before me
this 20th day of February, 2014.

Marc V. Thomes
Marc V. Thomes
Georgia Bar No. 273008

WEISSMAN, NOWACK, CURRY & WILCO, P.C.
One Alliance Center, 4th Floor
3500 Lenox Road
Atlanta, GA 30326
Tel. 404-926-4500

Tiffany Smith
Notary Public/Deputy Clerk of Court



APPROVED:
James D. Go...
JUDGE, GWINNETT STATE COURT

FILED IN OFFICE
CLERK OF STATE COURT
GWINNETT COUNTY, GA
HOWARD ALEXANDER, CLERK
2014 FEB 25 PM 1:55

IN THE MAGISTRATE COURT OF GWINNETT COUNTY

STATE OF GEORGIA

RIVER FARM HOME OWNERS
ASSOCIATION, INC.,

Plaintiff,

vs.

ARUN MISRA, JAYASRI MISRA AND
MAMATA MISRA,

Defendant(s),

WELLS FARGO BANK,

Garnishee.

CIVIL ACTION FILE NO. 14GC006541

Ex - 5

DISMISSAL OF GARNISHMENT WITHOUT PREJUDICE AS TO ARUN MISRA ONLY

COMES NOW, River Farm Home Owners Association, Inc., Plaintiff in the above-styled garnishment action, and herewith voluntarily dismisses Defendant Arun Misra only without prejudice.

Respectfully submitted,
WEISSMAN, NOWACK, CURRY & WILCO, P.C.



Marc V. Thomes
Georgia Bar No. 273008
Attorneys for Plaintiff

WEISSMAN, NOWACK, CURRY & WILCO, P.C.
One Alliance Center, 4th Floor
3500 Lenox Road
Atlanta, Georgia 30326
Telephone: (866) 292-6790

FILED
CLERK OF SUPERIOR COURT
GWINNETT COUNTY
GEORGIA
2014 JUN 11 11:53 AM

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS

03/26/14

To: Menshack Jah Nyepah

Docket Number: Style: Menshack Jah Nyepah 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

Comes Now, Defendant/Appellant, MENSHACK JAH NYEPAH, Pro Se, In the above captioned case and moves the honorable Court for an order directing the review for above abuse of discretion of defendant's Motion of Withdrawal and Out-Of-Time Appeal which were both denied by the Superior Courts of Rockdale County. The Record shall shew that on January 23rd, 2013, Defendant Pled guilty to said indictment and was sentenced the same date, January 25th, 2013, Defendant filed a timely Motion to Withdraw his plea. March 23rd confined at Jackson State Prison defendant received an correspondence from previous counsel Steven Purvis (In which letter has been enclosed) that the Trial court had received his Motion. Over Ten months has passed before defendant took the courts silence to his Motion as a denial of that Motion. He then filed a complaint with the Chief Judge October 2nd 2013, Seeing as though the Courts were well over the 90 day time limit to answer his Motion to Withdraw his plea. Defendant then filed, Pro Se, A Motion for out-of-Time Appeal and a Motion for appointment of counsel to pursue this appeal. There was still yet again no reply to these motions until February 4th 2014, Where the trial Courts of Rockdale Superior held a hearing, But did not discuss any of the grounds in which the defendant knew to Withdraw his plea. One of which was Ineffective Assistance of Counsel. It has been said that Withdrawal is necessary to correct a manifest injustice if, for instance, A defendant is denied effective assistance of counsel, or the guilty plea was entered involuntarily or

PETITION FOR DISCRETIONARY REVIEW

(STATE) DABNEY KENTNER
 ASSISTANT DISTRICT ATTORNEY
 ROCKDALE COUNTY SUPERIOR COURT

VS.

(Defendant) MENSHACK
 JAH NYEPAH

RECEIVED IN OFFICE
 2014 MAR 19 PM 2:48
 CLERK/COURT ADMINISTRATOR
 COURT OF APPEALS OF GA

CASE NO: 2014CR1311

Georgia Court Of Appeals

Memorandum
Pro Se, Defendant

Date
03-13-14
Respectfully submitted,

737 SE 2d 340 (2014)

By not reviewing defendant's claim in its entirety and not allowing defendant to subpoena witness and his former attorney to prove his counsel's ineffectiveness by Strickland vs Washington two part prong test and the Code of Professional Responsibility. Furthermore, lack of decency to review all factual issues raised by the evidence in this Motion for Withdrawal with as a matter of law, constitute reversible error. Secondly, The dismissal of the defendant's, Pro Se, Motion for Out-of-Time Appeal, On the States grounds that the defendant filed this motion after he was appointed by counsel, which would make his, Pro Se Motion void. These are all incorrect suggestions made by the State, being that the defendant filed this Pro Se Motion in December of 2013 and it will show by the record that the defendant was not appointed appellate counsel until February 4th 2014. It is the wish of the defendant that this Honorable Court reverse both decisions of Rockdale Superior Court in Case Number 2011-CR-1311. Also remand this case to trial court for entry allowing him to withdraw his plea and also grant 811-137 motion for replacement of Judge to hear said case. Furthermore, It has been said: "Prejudice is presumed and the harmless error analysis does not apply where there has been a total denial of the assistance of counsel. Defendant did not consent to forgoing an appeal of his conviction, and the trial court thus abused its discretion when it denied his Motion for an Out-of-Time Appeal. Accordingly, we reverse and remand this case to trial court entry of an order granting an out-of-time Appeal from the denial of defendant's motion to withdraw his guilty plea. As said in Leonard vs State, 293 Ga App, 808, 309(c), 668 SE 2d 231 (2008) (CASES CITED: BROWN VS, STATE 319 GA APP 5113;

C

Court of Appeals of Georgia.

BROWN

v.

The STATE (three cases).

Nos. A12A1717, A12A1719, A12A1720.

Jan. 16, 2013.

Background: Defendant was convicted pursuant to a guilty plea in the Superior Court, Richmond County, Brown, J., of armed robbery, robbery by intimidation, and possession of a firearm by a convicted felon. Defendant appealed.

Holding: The Court of Appeals, Boggs, J., held that trial court's denial of defendant's request for appointment of appellate counsel entitled defendant to out-of-time appeal.

Reversed and remanded.

West Headnotes

[1] Criminal Law 110 ⇨ 1069(6)

110 Criminal Law

110XXIV Review

110XXIV(F) Proceedings, Generally

110k1069 Time of Taking Proceedings

110k1069(6) k. Effect of delay. Most

Cited Cases

Trial court's denial of armed robbery defendant's repeated requests for appointment of counsel to pursue direct appeal entitled defendant to an out-of-time appeal; defendant was entitled to appointment of counsel, and the trial court never responded to his motions or letters seeking appointment of counsel.

[2] Criminal Law 110 ⇨ 1069(6)

110 Criminal Law

110XXIV Review

110XXIV(F) Proceedings, Generally

110k1069 Time of Taking Proceedings

110k1069(6) k. Effect of delay. Most

Cited Cases

The disposition of a motion for out-of-time appeal hinges on a determination of who bore the ultimate responsibility for the failure to file a timely appeal.

**340 Freddie L. Brown, pro se.

Charles R. Sheppard, Asst. Dist. Atty., Augusta, R. Ashley Wright, Dist. Atty., for Appellee.

BOGGS, Judge.

*543 Freddie Brown, proceeding pro se, filed multiple appeals from orders disposing of various pro se motions he filed attempting to appeal from his guilty plea.^{FN1} For the reasons stated below, we reverse in Case No. A12A1717 and remand for the entry of an order granting Brown an out-of-time appeal. We dismiss the appeals in Case No. A12A1719 and Case No. A12A1720 as moot.

^{FN1}. In addition to the appeals discussed here, Brown filed pro se appeals in Case No. A11A0518 and Case No. A12A1718.

On August 28, 2008, Brown entered a guilty plea to armed robbery, the lesser included offense of robbery by intimidation on a second count of armed robbery, and possession of a firearm by a convicted felon. Immediately after sentence was imposed, Brown protested that the terms of the negotiated plea had been misrepresented to him and attempted to withdraw his plea. The trial court responded, "The request is noted for the record and I respectfully decline it."

Brown's trial counsel filed a motion for modification of sentence, and Brown filed a pro se motion to withdraw his guilty plea and a motion for appointment of appellate counsel. The trial court denied both the motion for modification of sentence

and the motion to withdraw the guilty plea, but the record does not show any court action on or response to Brown's motion for the appointment of appellate counsel, despite repeated inquiries by Brown and a second motion for the appointment of counsel.

****341** [1] Unrepresented by counsel, Brown attempted to file pro se notices of appeal from the orders denying the motion for modification of *544 sentence and the motion to withdraw his guilty plea. But in both cases his notices of appeal were untimely, and this court dismissed his appeals. After dismissal of his appeals, Brown filed a flurry of pro se motions, including multiple motions for an out-of-time appeal. His motions for out-of-time appeal were denied, and he once again appeals.

[2] 1. "The disposition of a motion for out-of-time appeal hinges on a determination of who bore the ultimate responsibility for the failure to file a timely appeal." (Citations and punctuation omitted.) *Leonard v. State*, 293 Ga.App. 808, 309(n), 668 S.E.2d 321 (2008). The procedural posture of *Leonard* is remarkably similar to that presented here. After sentencing on a guilty plea, Leonard filed a letter with the trial court seeking appointment of appellate counsel, but "[t]he record contains no evidence that appellate counsel was appointed or that there was any response to Leonard's letter." *Id.* Leonard filed a pro se motion for out-of-time appeal, which the trial court denied. *Id.* On Leonard's appeal of that denial, we held:

Our appellate courts have held that an out-of-time appeal is the remedy for a frustrated right of appeal, where the appellant was denied his right of appeal through counsel's negligence or ignorance, or if the appellant was not adequately informed of his appeal rights. 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 counsel for such a direct appeal. When a defendant's right to directly 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.

(Citations and punctuation omitted.) *Id.* Observing that Leonard had attempted to enforce his right to appeal, that he was entitled to counsel on appeal, and that nothing in the record showed that the trial court responded to his request for counsel, we held:

Prejudice is presumed and the harmless error analysis does not apply where there has been a total denial of the assistance of counsel. Leonard did not consent to forgoing an appeal of his conviction, and the trial court thus abused its discretion when it denied his motion for an out-of-time appeal. Accordingly, we reverse and remand this case to the trial court for entry of an order granting an out-of-time appeal from the denial of Leonard's motion to withdraw his guilty plea.

*545 (Citations and punctuation omitted.) *Id.* at 809-810, 668 S.E.2d 321. See also *Stockton v. State*, 298 Ga.App. 84, 86, 679 S.E.2d 109 (2009).

The same circumstances obtain here. Brown repeatedly attempted to assert his right to appeal as well as his right to appellate counsel. He was entitled to counsel, and nothing in the record shows that the trial court ever responded to his motions or letters seeking the appointment of counsel to pursue his appeal. We must therefore reverse and remand this case for the entry of an order granting Brown an out-of-time appeal.

2. In light of the reversal and remand in Case No. A12A1717, Brown's remaining assertions of error in Case No. A12A1719 and Case No. A12A1720 are moot.

Judgment reversed and case remanded with direction in Case No. A12A1717. Appeals dismissed as moot in Case No. A12A1719 and Case No. A12A1720.

DOYLE, P.J., and ANDREWS, P.J., concur.

Ga.App. 2013.
Brown v. State

ROCKDALE COUNTY JAIL
Inmate Request Form

INMATES NAME Menshach Nyepan BLOCK 4E CELL 2

SERVICE(S) REQUESTED

FWD PUBLIC Defender; I would like to know if my Appeal from my denial of Motion of Modification was filed. Also, I was denied out-of-time appeal on grounds that I could not file pro se. I would like to know in writing why my attorney is not filing for direct appeal from Withdrawal. This is my right which I intended to use to the fullest.

Menshach Nyepan
INMATES SIGNATURE

03/02/14
DATE AND TIME

DATE/TIME RECEIVED _____

ACTION TAKEN/DISPOSITION:

Food

Cop 2527
OFFICERS SIGNATURE

3-2-14
DATE AND TIME

Routing (Staff use only):

_____ Medical

_____ Accounting

_____ Transport

_____ Maintenance

Public Defender

_____ Kitchen

ROCKDALE COUNTY JAIL
Inmate Request Form

INMATES NAME Menshack Nyepah BLOCK 4E CELL 2

SERVICE(S) REQUESTED

Fwd to Public Defender: I would like for my public defender Steven Purvis to file an remanded Out-of-time appeal from the denial of my Motion to Withdraw. He can actually file an exact copy of my pro se Motion for Out-of-time appeal Also, I would like another Judge to review my claim

Menshack Nyepah

INMATES SIGNATURE

02/19/14

DATE AND TIME

DATE/TIME RECEIVED _____

ACTION TAKEN/DISPOSITION:

Fwd

Cope 2527

OFFICERS SIGNATURE

2-20-14

DATE AND TIME

Routing (Staff use only):

_____ Medical

_____ Accounting

_____ Transport

_____ Maintenance

Public Defender

_____ Kitchen

IN THE SUPERIOR COURT OF ROCKDALE COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

v.

MENSHACK JAN NYEPAH

Defendant

*
*
*
*
*
*

CASE NUMBER: 2011-CR-1311-I

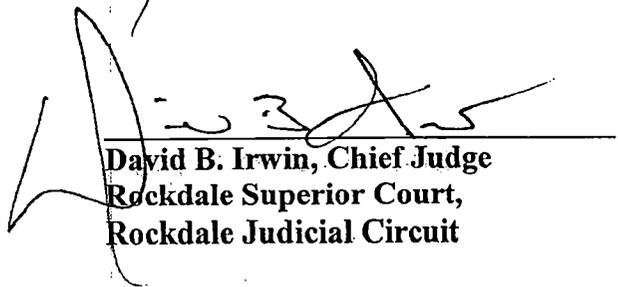
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ROCKDALE CO., GA
2014 FEB 17 PM 3:19
A. W. [Signature] CLERK

ORDER

The above and foregoing matter came to the attention of the Court on the Defendant's pro se Motion for Out-of-Time Appeal. This motion was filed by the Defendant pro se after he was represented by appointed counsel. When a Defendant is represented by counsel, "his pro se motions are void. In Georgia, a criminal defendant no longer has the right to represent himself and also be represented by an attorney." (Punctuation omitted.) *Pless v. State*, 255 Ga. App. 95 (564 S.E.2d 508) (2002). Therefore, it is hereby

ORDERED that the Defendant's pro se Motion for Out-of-Time Appeal is **DISMISSED**.

SO ORDERED this 17th day of February, 2014, at Conyers, Georgia.


David B. Irwin, Chief Judge
Rockdale Superior Court,
Rockdale Judicial Circuit

Copy:

Stephen Purvis
Rockdale County Public Defender

Dabney Kentner
Rockdale County Assistant District Attorney

COURT OF APPEALS OF GEORGIA

MOTION FOR OUT-OF-TIME APPEAL FROM WITHDRAWN
1. MODIFICATION MOTION

DEFENDANT:

NOW COMES, MENSBACK J. NYERAH, DEFENDANT IN THE ABOVE STYLE ACTION
AND MOVES THIS HONORABLE COURT TO GRANT HIM MOTION TO OUT-OF-TIME APPEAL FROM
MOTION TO WITHDRAW HIS GUILTY PLEA ENTERED WITH THE SUPERIOR COURT OF
ROCKDALE COUNTY, THIS DEFENDANT IS SEEKING AN OUT-OF-TIME APPEAL AFTER SERVE
A STIP, THAT WENT UNANSWERED TO BELIEVE HIM OF HIS ILLEGAL GUILTY PLEA
THE FOLLOWING GROUND FOR MOTION FOR OUT-OF-TIME APPEAL WITH PLAINLY
MATTER OF FACTLY, DETERMINE WHO WHICH MEANING DEFENDANT'S COUNSEL
AT THE KNOWN TIME, MAX HIRSH, ULTIMATELY BORE THE RESPONSIBILITY FOR
FAILURE TO FILE A TIMELY APPEAL, FROM DEFENDANT'S JANUARY 23RD 2013
CONVICTION, THE FOUNDATION OR ROOT CASE CITED FOR THIS MOTION IS
OUT-OF-TIME APPEAL WILL BE: BROWN VS. STATE NO. A12 A117/AIRAZI
DEFENDANT HAS A RIGHT TO APPEAL DIRECTLY THE DENIAL OF HIS TIMELY MOTION TO WITHDRAW GUILTY PLEA
AN ALSO ENTITLED TO ASSISTANCE OF COUNSEL FOR SUCH A DIRECT APPEAL

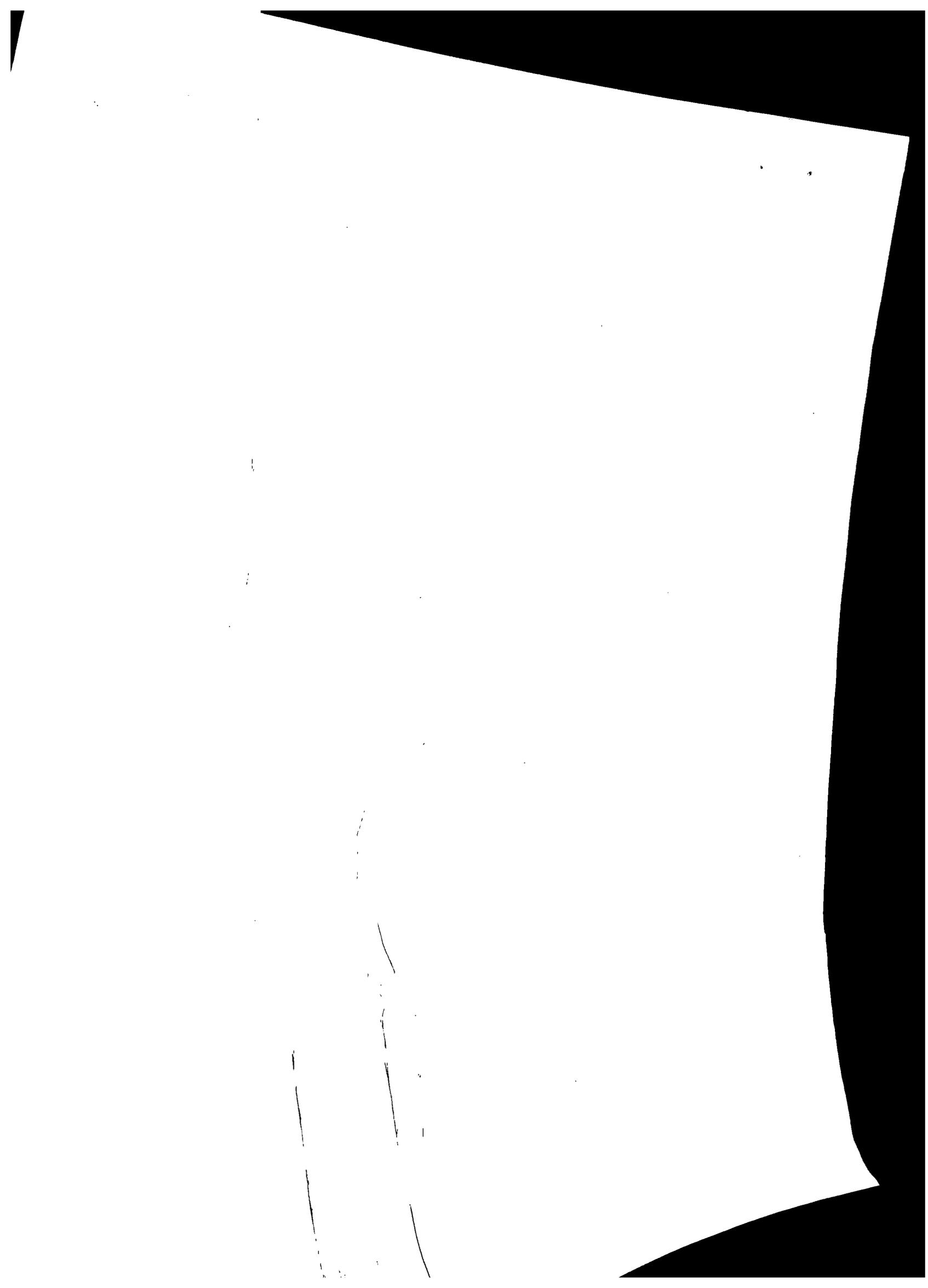
GROUND 1: INEFFECTIVE ASSISTANCE OF COUNSEL

JANUARY 23RD 2013, DEFENDANT NYERAH, AFTER A FULL TWO YEARS IN ROCKDALE COUNTY
JAIL, MORE SO A HAND FULL OF PLEA OFFERS, NONE OF WHICH WERE BELOW TWENTY YEARS
WERE ALL DECLINED, FOUND HIMSELF IN AN PLEA HEARING AT SIX O'CLOCK IN THE I
-ING ONE OF WHICH FEATURED ROCKDALE SUPERIOR COURT JUDGE IWRIN, PROSECUTOR,
- DEFENDANT'S ATTORNEY AND VERY FEW WITNESSES, THE DEFENDANT HAD NO KNOWLEDGE
WHAT THE FOLLOWING PROCEEDINGS WOULD BE BESIDES THAT IT WAS A HEARING
WITH THE JUDGE AND D.A., AT THE LAST POSSIBLE MOMENT THE DEFENDANT
WAS MADE AWARE THAT THE FOLLOWING HEARING WOULD BE FOR PLEA
- NEGOTIATIONS. THE DEFENDANT EXPLAINED TO HIS COUNSEL SEVERAL
- DOING THE PERIOD OF THIS CASE THAT HE'D RATHER STAND TRIAL, A
OPTION HE TOOK HIGHLY IN UPHOLDING, MORE SO THIS STATEMENT
WAS MADE KNOWN ON RECORD TO THE COURTS BY DEFENDANT'S
- COUNSEL (MAX HIRSH) LATER ON IN THESE EXACT SAME PROCEEDINGS
BEFORE ENTERING THE COURT ROOM DEFENDANT WAITED IN A
CELL, STILL ABSENT - MINDED ABOUT THE TIME OF
AFTER A FEW MORE HOURS HIS ATTORNEY
STATE WISHING OF

DEPT

12

ONE OF WHICH HE DIDNT EXPLAIN IN ITS FULL SPECTRUM OF CONSTITUTIONAL AND STATUTORY RIGHTS. HE WAS TOLD BRIEFLY THAT THE STATE WOULD RECOMMEND FOR LENIENCY FOR AN EXCHANGE OF HIS GUILTY PLEA AND ALSO FOR HIS WORK IN HELPING HIS CO-DEFENDANT (SEAN FOSTER) PLEAD GUILTY ON JANUARY 18TH 2013. DEFENDANT AND SEAN FOSTER WERE ALLOWED BY THE PROSECUTOR TO CONVERSE IN FULL ON THIS DATE. THE PAIR WERE TOLD BY THEIR LAWYERS. THAT THE D.A INFORMED THEM THAT ONE WOULD NOT BE ABLE TO PLEAD OUT IF THE OTHER CHOOSE TO GO TO TRIAL. DO TO THEIR IGNORANCE OF THE LAW, THE PAIR WENT ON TO BELIEVE THIS TRICKERY, AND SEEK, TO HIS KNOWLEDGE THE ONLY POSSIBLE RESCUE AS TOLD BY THEIR ADVISER'S. WITH THE WORD OF THE PROSECUTOR ON LENIENCY AND A OFFER OF 30 TO SERVE 10 YEARS IN CONFINEMENT, LIKE SUCH OFFER OF HIS CO-DEFENDANTS, THE DEFENDANT NYERAI LEFT THE DECISION WITH THE BEST ADVICE OF HIS COUNSEL TO CHANCE, THE RECORD STATES DEFENDANT'S DECISION AND HIM SAYING WHAT LAYS IN THE CASES EVIDENCE IS MADE KNOWN TO HIM BY HIS ATTORNEY AND HE IS MOVED BY HIS ADVICE ALONE. AFTER PLEADING, SENTENCING TIME FOLLOWED WITH THE DEFENDANT PROMPTLY EXPLAINING HIS DILEMMA AND THE RECONSIDERATION OF HIS SENTENCE, WHICH WAS DENIED BY THE COURT. FOLLOWING HIS CONVICTION, FEBURARY 7TH 2013, THE DEFENDANT FILED A MOTION TO WITHDRAW HIS PLEA IMMEDIATELY. HE PROTESTED THAT THE TERMS OF THE NON-NEGOTIATED HAD BEEN MISREPRESENTED TO HIM AND HIS RIGHT TO APPEAL WAS NOT ADEQUATELY EXPLAINED TO HIM. BUT FOR THE COUNSEL'S UNPROFESSIONAL ERRORS, THE RESULTS OF THE PROCEEDINGS WOULD HAVE BEEN DIFFERENT. THE DEFENDANT RECEIVED TO A LETTER FROM THE PUBLIC DEFENDANT'S OFFICE OF ROCKDALE COUNTY INFORMING HIM THAT HIS MOTION TO WITHDRAW WAS SHOWN TO THE JUDGE BY THE CHIEF PUBLIC DEFENDER, WHICH WAS NEITHER DENIED OR GRANTED OR DOCKETED FOR THE RECORD. IT IS FOR A MOTION OF WITHDRAWAL, BY COMING TO LAW TO CONSTRUCT THE PETITION LIBERALLY AND AVOID DISMISSING BY COMING TO FAILURE TO COMPLY WITH THE TENTATIVE REQUIREMENTS, FURTHERING IT FOR FAILURE TO CONDUCT LITTLE TO NO INVESTIGATION, THE DEFENDANT'S FAILURE TO CONDUCT ANY INVESTIGATION AT ALL TO THE PRESENCE OF THE DEFENDANT'S THIS CASE IN ALL ITS ASPECTS AND THE DEFENDANT'S INVESTIGATION BACTICS, MORE SO, PLAIN PRECEDENTS AND THE DEFENDANT'S INVESTIGATION NOT SATISFIED, AS A MATTER OF LAW, THE DEFENDANT'S INVESTIGATION DEFENDANT TO PROVE BY RECORD THE PLAIN DEFENDANT'S INVESTIGATION AND CLIENT. ALSO HELD BY JAIL RECORDS, THE DEFENDANT'S INVESTIGATION COUNSEL FAILED TO MEET THE DEFENDANT'S INVESTIGATION



ONE OF WHICH HE DIDNT EXPLAIN IN IT'S FULL SPECTRUM OF CONSTITUTIONAL AND STATUTORY RIGHTS. HE WAS TOLD BRIEFLY THAT THE STATE WOULD RECOMMEND FOR LENIENCY FOR AN EXCHANGE OF HIS GUILTY PLEA AND ALSO FOR HIS WORK IN HELPING HIS CO-DEFENDANT (SEAN FOSTER) PLEAD GUILTY ON JANUARY 18TH 2013. DEFENDANT AND SEAN FOSTER WERE ALLOWED BY THE PROSECUTOR TO CONVERSE IN FULL ON THIS DATE. THE PAIR WERE TOLD BY THEIR LAWYERS, THAT THE D.A INFORMED THEM THAT ONE WOULD NOT BE ABLE TO PLEAD OUT IF THE OTHER CHOOSE TO GO TO TRIAL. DO TO THEIR IGNORANCE OF THE LAW, THE PAIR WENT ON TO BELIEVE THIS TRICKERY, AND SEEK, TO HIS KNOWLEDGE, THE ONLY POSSIBLE RESCUE AS TOLD BY THEIR ADVISER'S. WITH THE WORD OF THE PROSECUTOR ON LENIENCY AND A OFFER OF 30 TO SERVE 10 YEARS IN CONFINEMENT, LIKE SUCH OFFER OF HIS CO-DEFENDANTS, THE DEFENDANT NYERAH, LEFT THE DECISION WITH THE BEST ADVICE OF HIS COUNSEL TO CHANCE, THE RECORD STATES DEFENDANT'S DECISION AND HIM SAYING WHAT LAYS IN THE CASES EVIDENCE IS MADE KNOWN TO HIM BY HIS ATTORNEY AND HE IS MOVED BY HIS ADVICE ALONE. AFTER PLEADING, SENTENCING IMMEDIATELY FOLLOWED WITH THE DEFENDANT PROMPTLY EXPLAINING HIS DILEMMA AND THE RECONSIDERATION OF HIS SENTENCE, WHICH WAS DENIED BY THE COURT. FOLLOWING HIS CONVICTION, FEBRUARY 7TH 2013, THE DEFENDANT FILED A MOTION TO WITHDRAW HIS PLEA IMMEDIATELY, HE PROTESTED THAT THE TERMS OF THE NON-NEGOTIATED PLEA HAD BEEN MISREPRESENTED TO HIM AND HIS RIGHT TO APPEAL WAS NOT ADEQUATELY EXPLAINED TO HIM. BUT FOR THE COUNSEL'S UNPROFESSIONAL ERRORS, THE RESULTS OF THE PROCEEDINGS WOULD HAVE BEEN DIFFERENT. THE DEFENDANT RECEIVED TO A LETTER FROM THE PUBLIC DEFENDANT'S OFFICE OF ROCKDALE COUNTY INFORMING HIM THAT HIS MOTION TO WITHDRAW WAS SHOWN TO THE JUDGE BY THE CHIEF PUBLIC DEFENDER, WHICH WAS NEITHER DENIED OR GRANTED, OR DOCKETED FOR THE RECORD. IT IS FOR A MOTION OF WITHDRAWAL, BY COMMON LAW TO CONSTRUCT THE PETITION LIBERLY AND AVOID DISMISSING IT FOR FAILURE TO COMPLY WITH THE TECHNICAL REQUIREMENTS, FURTHERMORE FAILURE TO CONDUCT LITTLE TO NONE PRESENTENCE INVESTIGATION OR ANY INVESTIGATION AT ALL TO THE CLAIMS OF THE DEFENDANT AND THIS CASE IN ALL IT'S ASPECTS AND IT'S EVIDENCE OF FACTUAL BACICS, MORE SO, PLAIN PREREQUISITES PRIOR TO ENTERING PLEA WERE NOT SATIATED, AS A MATTER OF LAW ON RECORD. IT IS THE WISH OF THE DEFENDANT TO PROVE BY RECORD THE PLAIN CONFLICT OF INTEREST BETWEEN COUNSEL AND CLIENT. ALSO HELD BY JAIL RECORD OR OTHERWISE WILL SHOW HIS COUNSEL FAILED TO MEET WITH HIM AND FULLY INVESTIGATE

COURT OF APPEALS OF GEORGIA

DEFENDANT:

MOTION FOR OUT-OF-TIME APPEAL FROM WITHDRAWAL
& MODIFICATION MOTION.

NOW COMES, MENSACK J. NYEPAN, DEFENDANT IN THE ABOVE STYLE ACTION AND MOVES THIS HONORABLE COURT TO GRANT HIM MOTION TO OUT-OF-TIME APPEAL FROM MOTION TO WITHDRAW HIS GUILTY PLEA ENTERED WITH THE SUPERIOR COURT OF ROCKDALE COUNTY, THIS DEFENDANT IS SEEKING AN OUT-OF-TIME APPEAL, AFTER SERVING ALL STEPS, THAT WENT UNANSWERED, TO RELIEVE HIM OF HIS ILLEGAL GUILTY PLEA, THE FOLLOWING GROUND FOR MOTION FOR OUT-OF-TIME APPEAL WILL PLAINLY, MATTER OF FACTLY, DETERMINE WHO, (WHICH MEANING DEFENDANT'S COUNSEL AT THE KNOWN TIME, MAX HIRSH, ULTIMATELY BORE THE RESPONSIBILITY FOR FAILURE TO FILE A TIMELY APPEAL, FROM DEFENDANT'S JANUARY 23rd 2013 CONVICTION. THE FOUNDATION OR ROOT CASE CITED FOR THIS MOTION FOR OUT-OF-TIME APPEAL WILL BE: BROWN VS. STATE NO. A12 A1117/A12A1717. DEFENDANT HAS A RIGHT TO APPEAL DIRECTLY THE DENIAL OF HIS TIMELY MOTION TO WITHDRAW GUILTY PLEA AND ALSO ENTITLED TO ASSISTANCE OF COUNSEL FOR SUCH A DIRECT APPEAL.

GROUND #1: INEFFECTIVE ASSISTANCE OF COUNSEL

JANUARY 23rd 2013, DEFENDANT NYEPAN, AFTER A FULL TWO YEARS IN ROCKDALE COUNTY JAIL, MORE SO A HAND FULL OF PLEA OFFERS, NONE OF WHICH WERE BELOW TWENTY YEARS, WERE ALL DECLINED, FOUND HIMSELF IN AN PLEA HEARING AT SIX O'CLOCK IN THE EVENING ONE OF WHICH FEATURED ROCKDALE SUPERIOR COURT JUDGE IWRIN, PROSECUTOR, DEFENDANT'S ATTORNEY AND VERY FEW WITNESSES. THE DEFENDANT HAD NO KNOWLEDGE OF WHAT THE FOLLOWING PROCEEDINGS WOULD BE BESIDES THAT IT WAS A HEARING WITH THE JUDGE AND D.A, AT THE LAST POSSIBLE MOMENT THE DEFENDANT WAS MADE AWARE THAT THE FOLLOWING HEARING WOULD BE FOR PLEA NEGOTIATIONS. THE DEFENDANT EXPLAINED TO HIS COUNSEL SEVERAL TIMES DURING THE PERIOD OF THIS CASE THAT HE'D RATHER STAND TRIAL, AN OPTION HE TOOK HIGHLY IN UPHOLDING, MORE SO THIS STATEMENT WAS MADE KNOWN ON RECORD TO THE COURTS BY DEFENDANT'S COUNSEL (MAX HIRSH) LATER ON IN THESE EXACT SAME PROCEEDINGS. BEFORE ENTERING THE COURT ROOM DEFENDANT WAITED IN A HOLDING CELL, STILL ABSENT-MINDED ABOUT THE WHOLE SITUATION AT HAND. AFTER A FEW BRIEF HOURS HIS ATTORNEY EXPLAINED THAT THE STATE WOULD BE OFFERING HIM A NON-NEGOTIATED PLEA,

(NOTHING ELSE FOLLOWS)

EVALUATING THE ADVICE RENDERED BY DEFENDANT'S COUNSEL.

CONSTITUTIONAL DEPRIVATION WILL MORE THAN LIKELY PLAY A PART IN

OF HIS APPEAL RIGHTS. A DEFENDANT HAS A RIGHT TO APPEAL DIRECTLY PRIOR.

NEGLECT OR IGNORANCE, OR IF THE APPELLANT WAS NOT ADEQUATELY INFORMED

APPEAL IS THE REMEDY FOR A FRUSTRATED RIGHT OF APPEAL THROUGH COUNSEL'S

AFFECTED DEFENDANT. BY COMMON LAW/CRIMINAL LAW, THE COURT SAYS, "AN OUT-OF-TIME

DATE IN QUESTION. UNTRUE STATEMENTS BY COMMON LAW BY ATTORNEY UNQUESTIONABLY

TO WITHDRAW HIS PLEA, ON JANUARY 24TH 2013 AND JUDGEMENT WAS FINAL AS OF

STATEMENT BY PHONE IN COUNTY JAIL, STATING THAT HE COULD NOT FILE A MOTION

AND UNUSUAL PUNISHMENT IN VIOLATION OF HIS EIGHTH AMENDMENT RIGHTS. COUNSEL

SADLY RESULTING IN THE OUTCOME BEING FROM COMMON LAW PROSPECTIVE, CRUEL

TICED PLEA OFFER. MORE SO, THE SIGNIFICANCE AND CONSEQUENCES OF THIS PLEA

PLEA OFFERS, BESIDES HIS COUNSEL'S MISINFORMATION EXPLAINING HIS NON-NEGOTIATED

HIS WILLINGNESS TO PROCEED ON WITH TRAIL AND WOULD NOT TAKE THE D.A.'S

AS A GREAT PROBABILITY THAT, HIS ATTORNEY PLAINLY STATES ON RECORD

PREJUDICE COMPONENT IN THE CONTEXT OF HIS GUILTY PLEA WILL BE SEEN

THE SIXTH MONTH PERIOD IN THIS CASE. THE DEFENDANT IS SURE THE

TIMELY MOTION TO SPEEDY TRIAL UPON THE DEFENDANT'S REQUEST AT

WAS INEFFECTIVE BY (STRICKLAND VS. WASHINGTON) NOT FILING A

SENTENCE. IT IS ALSO THE WISH OF THE DEFENDANT TO PROVE HIS COUNSEL

EXPERIENCING ADVERSE COLLATERAL CONSEQUENCES FROM HIS CRIMINAL

OF FORTY TO SERVE TWENTY IN CONFINEMENT. DEFENDANT HAS ALSO BEEN

THE DEFENDANT "STUPID" FOR NOT ACCEPTING THE PROSECUTOR'S OFFER

ONE OF THESE MEETINGS THE COUNSEL EVEN GOES AS FAR AS CALLING

COUNTY JAIL, EACH TIME BEING MORE THAN 15 MINUTES. DURING

FOUR TIMES IN THE TWO YEARS DEFENDANT WAS HELD IN THE

FULLY INVESTIGATE THIS CASE. COUNSEL ONLY SAW DEFENDANT

3.26.14

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS

To: *Monica Mortty*
Docket Number: *A14A1152*

Style: *Monica Tedjame - Mortty, v. Federal National Mortgage Association*

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 *Your Appellant's Brief is not signed or dated.*

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

March 27, 2014

A13D0525
A13IO319

To The Court of Appeals,

① First of all you wouldn't receive anything if one of your own had not stopped to a level of a barbarian.
② Secondly we would not be in touch if your basis in the law "did not afford authorities who were sworn to uphold the law, to break the law.

A) Obviously your laws were developed to alienate

the responsibility bestowed on the courts/state.

B) What law dictates that particular "juristicians" can

simply annihilate or manufacture their own "procedure" in

order to override the entire appellate process?

③ Since if can now be proven that "K. Dawson Jackson"

(one of your own) is as corrupt as any Judge imaginable and he

has purposely directed your every decision then aren't you parti-

cipating in a criminal endeavor?

A) you have options and you have chosen not to explore

those particular options but you have employed threats of your own.

B) you are the NFL rules committee that now says that

in every Super Bowl an AFC touchdown and extra point is worth (7)

points and an NFC touchdown and extra point is worth (1).

④ If the public truly knew the actual truth in relation to

your "basis in the law" (as you call it) they would be appalled.

A) A man is in prison after being subjected to the

most inhumane and you quote:

1) Innocence

2) Innocent findings

3) Insignificant certificate of service

and 4) Trials and "no basis in the law"

⑤ Is sticking a needle in a suspect's mass in order to humiliate and subjugate a basis in the law?
⑥ Is a chief ADA calling police after a living birthday letter to a son "a basis in the law?"
⑦ Is not recognizing that a restraining order was dis-

missed and "Double jeopardy" was implemented solidifying prosecutorial misconduct, a basis in the law?
⑧ A police report detailing Hall County as the "incident lo-

cation" not Guinnett County. Is that a "basis in the law?"
⑨ Is there a "basis in the law" for not recognizing that no "evident" existed in the present case?

⑩ Is there a "basis in the law" for obliterating a prosecutorial and judicial code of ethics?
⑪ Is there a "basis in the law" for your own clerk illegally or unofficially returning viable filings? your own office is self-

police. (I'm more wary than me).
⑫ First of all you know of "K. Dawson Jackson" and
⑬ you know or even damn well what "K. Dawson Jackson" was doing. One of your men is a flat out disgrace and you allowed

his disgraceful activity to "fertilize".
⑬ My analogy. You have a murderer on your hands and you are only concerned about his parking tickets and over hear you ob-

ject the tickets and turn your misguided attention to the one that directed you to the culprit, meaning:
⑭ your basis in the law "is based on an illogical, irresponsi-

ble, irrational, bizarre and bias concept. Do not quote the term "law" when you misplace your sworn obligation to uphold the law.

James S. Thompson

Cover sheet: TO The Court of Appeals

(Jackson breaks the law, then you quote the law. What a hoot!)

① please excuse the rush. your latest order/decision prompted a hasty response based on unbridled true and Factual emotions.

② you now have a Vacate and Reenter request before you. Answer it, unlike your alterego, Por Favor.

③ If you need assistance in relation to or for suggestions of how to handle instructions from your ruling party (no not the Supreme Court, Guinnott County) call Holly Sparrow. I apologize, you are doing just fine.

④ your so called "basis in the Law" reminds me of Legalizing murder, Rape and Child molestation. "K. Dawson Jackson" used you because he knew you were (are) weak. He knew he could flout his every action knowing that he was not only shattering the law but he had to have known you would do exactly what you did. Participate in his criminal endeavor. you are cowards! Spineless individuals that "Fertilized" the ongoing judicial meltdown.

⑤ you justified his every lie and now you justify your pitiful existence by abusing the Law.

⑥ Reason, Logic and rationale provides for the fact that no law exists in this country that states an individual sworn to uphold the law can purposely obliterate his judicial and ethical mandates by involving other jurisdictions in his incompetent, reckless, criminal, corrupt and blatant disregard for any and all laws. Find case study for that my fine poltroons.

⑦ you are the liar that lies so much that you actually believe your lies to be the truth.

Ordo Ab chao. Order will be established via your exposure!
Janice E. Thompson

Court of Appeals of the State of Georgia

ATLANTA, March 21, 2014

The Court of Appeals hereby passes the following order:

A13D0525. JAMES E. THOMPSON v. THE STATE.

A13I0319. JAMES E. THOMPSON v. THE STATE.

On September 9, 2013, this Court denied the applications filed by James Thompson in Case Nos. A13D0525 and A13I0319, in which he challenged the trial court's denial of his petition for writ of error coram nobis and the denial of his motion to recuse, respectively. After the denial of his applications, Thompson submitted motions seeking a new trial before this Court. On December 18, 2013, this Court denied Thompson's motions, concluding that given the denial of his application for discretionary review, the ruling that Thompson was not entitled to a new trial was the law of the case. We also expressly found these motions to be frivolous and cautioned that further future filings that lacked substantial basis in law may result in the imposition of sanctions, pursuant to Ga. Ct. App. R. 15 (b) or OCGA § 42-12-7. Nonetheless, since the issuance of that order, Thompson has submitted seven filings in each case, one of which seeks reconsideration of the December 2013, order, and the other six of which are entitled "Motion to Supplement."

The time within which to seek reconsideration of the orders denying Thompson's applications has long passed. See Ga. Ct. App. R. 37 (b). Furthermore, Thompson is not authorized to file an unlimited number of motions seeking reconsideration of this Court's rulings. Ga. Ct. App. R. 37 (d) explicitly states that "[n]o party shall file a second motion for reconsideration unless permitted by order of the Court." Thompson has requested reconsideration or a new trial in seven filings

*Are you kidding me?
You are so correct on mighty ones.
I never realized "Russian Roulette" was a
viable state strategy/tactic.*

It proves the Court of Appeals has a sense of humor. The comedy act continues, since this Court's last order in these cases, all of which are frivolous and lack substantial basis in the law. Accordingly, Thompson's petitions for reconsideration filed in both cases are hereby DENIED, and all "motions to supplement" filed subsequent thereto in both cases are also hereby DENIED.



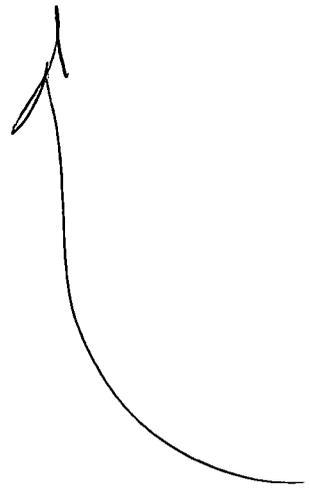
Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 03/21/2014

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. Costello

, Clerk.



Stephen, one huge favor.
Next time send the names
of the justices involved, and
prior to, ask them if they actually
know what this
woman actually stands for.

RECEIVED IN OFFICE

2014 APR -3 PM 2:59

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

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14 APR -4 PM 3: 29
COURT ADMINISTRATOR
OF APPEALS OF GA

Cover sheet:
① Is it there a "basis in the law" that states "none is above the law" and secondly I thought bias was not one of your judicial commissions?

② Too funny. "No basis in the law" all the while "K. Dawson Jackson" makes shermans march look like a wags's day outing.
③ If I check further I may discover that your law (or ga. const. fiction) was "manufactured" by "K. Dawson Jackson" (I'm afraid to search).
④ Jackson obviously authored the law that a judge can simply withhold an "order" or not properly address viable filings in order to expunge the entire appellate process, you should be proud.

⑤ After experiencing your basis in the law "Jackson, Wiley, Hilly Sparrow, Stewart, Pearson Ford, Deegan, the clerks etc, etc, your basis in the law is certainly not formulated or was instilled during our revolution-ary period nor has any connection whatsoever to our (not yours) constitution.

⑥ Would you like to experience your basis in the law? "I have a little vacation resort awaiting which can also provide mind and physiological changes to occur via a quick and painless injection. What basis in law" do I speak of? The exact same one you have accepted as your change in philosophy towards due process, a bill of rights, and the US constitution, your acceptance of a stalwart agenda. No wonder I can't provide your basis in the law. None also in the US, adheres to it!
⑦ One final note of interest. Why did "K. D. J." end up back in Guinn County after such a short stint with the Supreme Court? There appears to be a connection to this case. Not the case itself. The activity. His former position added with his "recent" behavior fueled speculation and . . . Lets just say speculation to be safe. (for now).

And he's one of you! Lucky you.

"A la proclamae"

James E. Thompson

Handwritten text at the top of the page, including a date and several lines of notes.

Handwritten text in the middle section of the page, separated by a horizontal line.

Handwritten text in the bottom section of the page, separated by a horizontal line.

April 11, 2014

To The Court of Impeachment (AttA: The Court of Appeals)

Re: H3D0525/A0319

"Conscience culpable n'a pas besoin d'accusateur"

If you don't have one find yourself a new profession and don't

take yourselves too seriously, Not after this!

Why correspondence "aftershocks?"

① you have a vacate and Reverts request before you, and,

② "Conscience culpable": There's a "netted to the madness":

The point has to drive home. you and your associate are far beyond the bounds of reason and logic. This cannot ever occur

in any legal system much less the state of Georgia, and please be

reminded we would have no interaction whatsoever if one of your

own had not radicalized and desecrated his (your) judicial, official,

and constitutional (your) obligations.

Why correspondence "aftershocks?"

lets exaggerate a point to better emphasize a point. (Don't

get excited). If you and I went into a house to rob and during

that process you shot and killed someone even if I did not know

that you would perpetrate that crime, I could be charged with

murder, correct? Jackson the murderer. The one that pulled the

trigger and you are the accomplice, you are just as culpable;

(No matter your perception of level of undesirability). Stop using the loose

excuse "no basis in the law" when the law never provided an

address. That stated: "authorities sworn to uphold the law can

abuse the law as well as violate the law for their own personal

salvation and gain; Whos law are you quoting anyway? FYI: There

is no law of birds, prejudice, partiality and Favoritism.

And finally I am no Bible thumper but I find thousands of years

of interpretations, by the most worthy scholars, with no definitive defini-

tion, fascinating. It appears to suggest that there is a bedrock foundation

for the clearest teachings. We are fallible beings! (Hypocrisy being a

cornerstone). Its almost like it was all in jest. God knew we could

not live up to the unattainable goals. The point? He gave us options -

James Thompson

to proceed correctly (and honorably) is the true test. Knowing what is right is in the nature of everyone. Having the courage

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

March 27, 2014

Mr. Brian K. Turner
GDC412828
Wheeler Correctional Facility
Post Office Box 466
Alamo, Georgia 30411

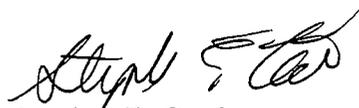
Dear Mr. Turner:

We are in receipt of your submission of March 18, 2014. We are not exactly sure what you intend the filing to be, but we are considering this as a Notice of Intention to Petition for Writ of Certiorari in accordance with Rule 38 of our Court. We are not sending it to the Supreme Court of Georgia as you must petition that Court in accordance with their rules.

You may write the Supreme Court of Georgia at the following mailing address:

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

SCANNED
3-25-14 at

IN THE COURT OF APPEALS

STATE OF GEORGIA

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2014 MAR 20 PM 3:19

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

FILED IN OFFICE

MAR 18 2014

COURT CLERK
CLERK COURT OF APPEALS OF GA

Brian K. Turner
Appellant,

v.

State of Georgia
Appellee,

Appeals Court Docket No.

A13A 2109

Petition FOR Certiorari In The Georgia Supreme Court

The Appellant, Brian K. Turner, petition this court for certiorari in the Georgia Supreme Court from the ruling of this court dated 3-03-2014 signed for by me on 3/14/2014 at this institution, based upon well established Georgia Constitutional Laws and Statutes, certiorari in the Georgia Supreme Court is warranted for review by the Supreme Court of Georgia from the decision of the Appeals Court of Georgia, if granted Appellant Request that the Clerk of the Appeals Court of Georgia forward to the Clerk, Georgia Supreme Court a copy of the the record of the case before this court be provided to the Georgia Supreme Court based upon well established Georgia Constitutional Laws and

Statutes that were improperly applied by the Appeals court in making

its decision, O.C.G.A. 1-3-1 construction of statutes and Appellant's constitutional

right to due process U.S. Const. Amend. 14, therefore Appellant petition this court

for certiorari in the Georgia Supreme Court.

This 14th day of March 2014.

Erin K. Turner

Wheeler Corr. Facility

PO Box 465

Alamo, Ga. 30411

Certificate of Service

This is to certify that I have this date served the Clerk of this Court with a copy of the inclosed document, by placing a copy of the same in the United States mail with adequate postage thereon and addressed as follows:

Clerk's office
Court of Appeals of Georgia
47 Trinity Avenue
Atlanta Ge. 30334

District Attorney
Fayette County
Po Box 130
Fayetteville Ga. 30214

This 16th day of March 2014.

Brian K. Turner
Wheeler Crm Facility
Po Box 466
Alamo, Georgia 30411

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

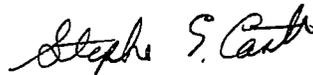
March 28, 2014

Ms. Sheila Mize
114 Ashwood Court, South
Stockbridge, Georgia 30281

Dear Ms. Mize:

Enclosed are documents you submitted to the Court of Appeals of Georgia. As we stated when we returned these documents previously, you may not exceed the page limit contained in our Court Rules. We will file your motion and we are filing it as a Motion for Reconsideration.

Sincerely,



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

SEC/ld
Enclosures

INDEX

STATEMENT OF THE CASE

1. The Nature of the Proceeding and the Relief Sought
2. The Nature of the Decision To Be Reviewed
3. Statement of the Statutory Basis for Appellate Jurisdiction
4. Statement of Appellate Jurisdiction
5. Questions Presented on Review
6. Summary of Argument
7. Statement of Material Facts

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 COURT OF APPEALS OF GA

FILED IN OFFICE
 MAR 17 2014
 CLERK, COURT OF
 APPEALS OF GEORGIA

ASSIGNMENT OF ERROR

The Superior Court of Clayton County State of Georgia erred in affirming the decision of the Department of Labor Board of Review denying petitioner benefits by ruling:

“Judicial review of an administrative decision requires the court to determine that the findings of fact are supported by ‘any evidence’ and to examine the soundness of the conclusions of law that are based upon the findings of fact.” Sky King 101, LLC v. Thurmond, 314 Ga. App. 377, 724 S.E. 2d 412 (2012)

The Petitioner cites twenty (20) separate instances where she contends she was interrupted by the Administrative Hearing Officer, was intimidated or badgered by the Administrative Hearing Officer, where she was not allowed to submit certain evidence, where the Administrative Hearing Officer was “nonsensical”, and where the accurate is inaccurate.”

After hearing argument, the Court has examined the record received from the Department of Labor including a transcript of the telephone hearing conducted between the parties. The Court finds the facts presented at the hearing are supported by the “any evidence” standard and that the conclusions of law based upon those fact are correct. The court can find no basis for reversing the decision of the Board of Review.

FILED IN OFFICE
 MAR 26 2014
 COURT CLERK
 CLERK COURT OF APPEALS OF GA

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 2014 MAR 27 PM 3:
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 COURT OF APPEALS OF GA

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

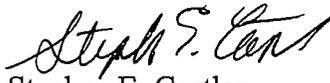
March 28, 2014

Arun Misra, PhD.
6000 East Andechs Summit
Johns Creek, Georgia 30097-6402

Dear Dr. Misra:

In response to your correspondence received in this office, we do not have a case styled in your name pending in this Court. Therefore, I am returning your documents to you.

Sincerely,



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

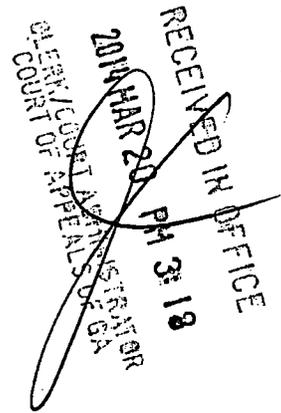
SEC/ld
Enclosures

Clerk, Superior Court
Fulton County
136 Pryor Street SW
Atlanta, GA 30303

Civil Action File No. 2013-CV-226658

Plaintiff
RFHOA

Vs.
Defendants
Misra Et Al



Defendants' Motion to Grant hearing on the Appeal, and allow to cross examine in the court The Plaintiffs, Tenants, Owners and other residents of River Farm, attorneys of the Plaintiffs, and other relevant persons related to Heritage Property Management Services and to examine the relevant books and documents, Of the RFHOA.

COMES NOW, Defendants, Arun Misra, Jayasri Misra and Mamata Misra, individually, and jointly to Pray for the day in the court, to explain their situation, and to describe the atrocities committed in the past 15 years, and still being committed, by the Plaintiffs and their attorneys, against the defendants.

Statement of Facts.

1. Marc V. Thomas, attorney, WNC&W, P.C. has tried to garnish funds from the accounts of Defendants, On 20 Feb 2014, Without any notice to the defendants, knowing full well that the case has not yet been finally decided, and is under appeal. Ex-1.
2. The Monetary judgment has been appealed, on several grounds and several times in superior court, as well as in the court of appeals.
3. The defendants have repeatedly prayed for the re-litigation of cases in magistrate's court of fulton county, against Heritage Property Management, and Bradley Pitts, on the ground that, even after cutting the Tree, painting the driveway, and withdrawing the two cases, the harassment to the defendants by Plaintiff's continue unabated. Ex-2.
4. Defendants have also requested to institute three new cases against RF HOA, Heritage Property and Bradley Pitts, since harassment to the defendants by the Plaintiffs has further increased in recent days, including the permission to the defendants to pursue a case of hate crime against the Plaintiffs in federal courts.
5. Arun Misra was informed that he is not an attorney, thus, the limited POA is not sufficient to represent Jayasri Misra and Mamata Misra, and it does not hold good. Hence Arun Misra, went ahead and obtained an Unlimited POA from both Jayasri Misra and Mamata Misra to represent them. Ex-3,4.
6. Jayasri Misra and Mamata Misra, in addition to providing Unlimited Power of Attorney to Arun Misra Have submitted the Appeals and other documents to the courts, lately, under their own signatures, and Separately from Arun Misra. Hence all three defendants have submitted the appeals on their own separately.
7. Since the 'final judgment' in the case is still pending, and Arun Misra has volunteered to serve a jail

sentence in lieu of monetary sanctions, the garnishment of funds attempted by Plaintiff becomes irrelevant, and should completely stop, and there should not be a posting of any security, and 'Supersedeas Bond'.

Conclusion

The defendants, thus respectfully requests that :

1. Plaintiffs and their attorneys should be fined, and incarcerated, for garnishing the funds from the accounts of Defendants, under false pretense.
2. The case, filed by Plaintiffs, ~~pending in appeal~~, be completely dismissed, and all monetary sanctions against defendants be waived.
3. The defendants be allowed to bring the Plaintiffs to the court for being cross examined, about filing erroneous information into the justice system, at a suitable hearing.
4. The Plaintiffs be asked to pay for the cost of legal expenses and attorney fees, for both parties, since they filed a law suite, to begin with, to harass the defendants.
5. The defendants be paid a sum of \$150,000, by the Plaintiffs, as compensation for harassment for over 15 years, at the rate of \$10,000 per year.
6. The defendants be allowed to pursue further cases against Plaintiffs in county, state and federal courts For harassment, and monetary sanctions.
7. The Court may allow any further awards, as it deems fit, to the defendants, like punitive damages against the plaintiffs etc, for bringing this unnecessary law suite, and abusing the judicial system.

Respectfully submitted,
On March 17, 2014



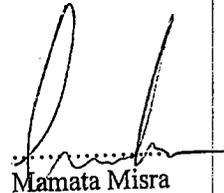
.....
Arun Misra, Ph.D.
6000 East Andechs Summit
Johns Creek, GA 30097-6402

Phone 770-232-7447
Fax 678-840-0070
E-mail : misrausa@yahoo.com



.....
Jayassri Misra

3117114



.....
Mamata Misra

Distribution :
Judge Todd Markle, superior court, fulton county, atlanta
Attorney Bill Gourley, wnc&w, p.c., atlanta
Court of appeals, fulton county, Atlanta

QC - \$ 39,199.11 ✓

GWINNETT STATE COURT
STATE OF GEORGIA

River Farm Home Owners Association, Inc.
Plaintiff

GARNISHMENT CASE
NO. 14GC-00654-1

v.
Arun Misra, Jayasri Misra, and Mamata Misra
Defendant

GARNISHMENT AFFIDAVIT

6000 East Andechs Summit, Duluth GA 30097 (Arun & Jayasri)
3528 Parsons Ridge Lane, Duluth GA 30097 (Mamata)
ADDRESS

Ex - 1

Wells Fargo Bank
Garnishee

Attn: Corporation Service Company, 40 Technology Pkwy. South, Ste. 300
Norcross, GA 30092
ADDRESS

Personally appeared the undersigned Affiant who on oath says that s/he is the above plaintiff, plaintiff's agent, or plaintiff's attorney and that the above defendant is indebted to said plaintiff on a judgment described as follows:

Civil Action File No. 2013CV226658 is the case number in the Superior Court of Fulton County which renders judgment against the defendant in the sum(s) of:

\$	30,347.11	Principal,
\$	0.00	Interest,
\$	8,440.00	Attorney's Fees, and
\$	206.00	Court Costs,
\$	<u>\$38,993.11</u>	TOTAL

FILED IN OFFICE
CLERK OF STATE COURT
GWINNETT COUNTY, GA
2014 FEB 25 PM 1:56
HOWARD ALEXANDER, CLERK

AND Affiant further states that the sum of \$38,993.11 is the balance thereon. Affiant makes this affidavit so that summons of garnishment shall issue thereon.

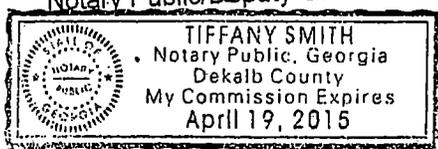
Sworn to and subscribed before me
this 20th day of February, 2014.

Marc V. Thomes
Georgia Bar No. 273008

WEISSMAN, NOWACK, CURRY & WILCO, P.C.
One Alliance Center, 4th Floor
3500 Lenox Road
Atlanta, GA 30326

Tel. 404-926-4500

Tiffany Smith
Notary Public/Deputy Clerk of Court



APPROVED
Theresa D. Go...
JUDGE, GWINNETT STATE COURT

Jan 18, 2014

Arun Misra
6000 East Andechs Summit
Johns Creek, GA 30097-6402
Phone 770-232-7447
E-mail : misrausa@yahoo.com

Ex-2

Subject : Problems with our Rental

Pl let the landlord and owner know that we are experiencing several problems at our home
We have rented.

When we first moved in, a member of the Board told us that we
Members of the board of HOA of River Farm, visit us and indicate that we are not welcome in this ~~we~~
Community. We were not allowed to use the swimming pool,
Tennis Courts, and clubhouse. We felt that we were
They ask us not to use certain kind of curtains we have in our bed rooms, as they do not look
correct through the windows. Not welcome to the community.

They collect the leaves from their yards and put in ours, especially the neighbor across the street
Brad Pitts, at 9255 south river farm drive.

We need your help in stopping these harassments.
Or we may have to move a more friendly neighborhood.

X.....
Jose Montes

X.....
Leticia Montes

X.....
Melissa Montes

Tenants at
5005 Johns Creek Court
Alpharetta, GA 30022
River Farm Sub Division off Old Alabama Road

Ex-3

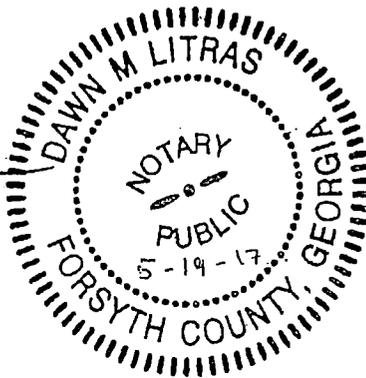
Unlimited Power of Attorney

I, Jayasri Misra,
Provide the Power of Attorney
To my husband, Arun Misra, to sign paperwork and represent me,
Regarding real estate transactions, insurance matters, and any and all court cases.
And act on my behalf to the best of his abilities.

X..... Jayasri Misra
Jayasri Misra
6000Easdt Andechs Summit
Johns Creek, GA 30097-6402
Phone 770-232-7447

Notary Public
Seal and affidavit

[Handwritten Signature]

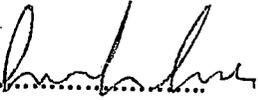


Date: 2/21/17

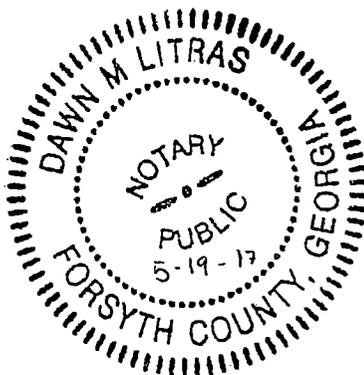
Ex-4

Unlimited Power of Attorney

I, Mamata Misra-Aryal,
Provide the Power of Attorney to, my father, Arun Misra, to sign paperwork and represent me,
Regarding any real estate transactions, insurance matters, and any and all court cases and act on my behalf
To the best of his abilities.

X. 
Mamata Misra-Aryal
3528 Parsons Ridge Lane
Duluth, GA 30097
Phone 678-800-1114

Notary Public
Seal and Affidavit




2/24/14

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

March 28, 2014

Mr. Neville Turnbull
GDC1000976378
Dooly Correctional Institution
Post Office Box 750
Unadilla, Georgia 31091

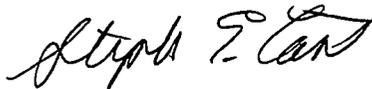
RE: A13A1846. Neville Curtis Turnbull v. The State
A12A1201. Neville Curtis Turnbull v. The State

Dear Mr. Turnbull:

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 and the Court of Appeals of Georgia is not subject to the Open Records Act.

Please send your check or money order to the above letterhead address specifying what copies you would like to have sent to you. Your request will be processed and sent to you by return mail.

Sincerely,



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

SEC/ld

In the Georgia Court of Appeals

Appellate Case no. A130184L; A1201201

An Appeal from the Superior Court of Clayton County

Lower Cause No B09C01805-05
NO. 2010090954-D

The Honorable Judge Miller:
Judge Cowen.

Notion for Copy of Record of Proceedings

James Nix the Appellant, P. 10, to respectfully

urge this Court to issue an Order commanding the Public Defender or one of his duly authorized attorneys to cause a true complete and accurate copy of the Record filed in the above-entitled

Appeal to be delivered to Appellant, without cost

and at the earliest possible date, so that

Appellant can prepare a Petition for Post-Conviction Relief (P-CR). In support of this Motion,

Appellant would show the Court as follows:

1. That he is the Appellant in the above-captioned Appeal.

2.

That on the 4th day of 2014, January this Court affirmed the judgment of the trial Court. (A1201201 Appellate Ref. 28, 2012)

3.

That Appellant is in the Process of researching and preparing a P-CR Petition to -

-challenge his conviction and sentence in that court.

4. In order for Appellant to prepare an affidavit P-CR Motion, he needs access to the record filed in this appeal.

5. That Appellant will be filing a P-CC Motion.

6. The 5th and 14th Amendment to the United States Constitution establish that Appellant be provided access to the record.

7. That Appellant is indigent and cannot pay the fees normally charged for photocopying the requested record. (see exhibit A-attached)

Wherefore, Appellant prays this Court to issue an Order commanding the Public Defender, or one of his deputies to cause a true, complete, and accurate copy of the record filed in this appeal to be withdrawn, photocopied, and delivered to the date, and for all other proper relief.

~~Executed by [Signature]~~
~~Appellant's Attorney, P-CC~~
~~Respectfully Submitted~~

EXHIBIT
"A"

State of Georgia
County of Chocoma

vs:

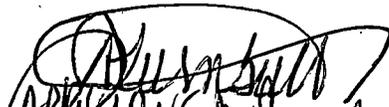
Affidavit of Indigency

I, the undersigned, being first duly sworn upon my oath, deposes and states:

1. That I am the Appellant in the foregoing instrument.
2. That I believe I am entitled to the relief sought.
3. That because of my poverty, I do not have sufficient means, money, properties, or other securities to pay the cost for services that I request.

I, the undersigned, affirm under penalties for perjury that the foregoing representations are true to the best of my knowledge and belief.

FURTHER AFFRANTS SAYETH NOT.


APPELLANT - DEFEASANTS PRUSE
Respectfully Submitted.

INSTITUTION OF OFFENSES OF GEORGIA

Appellate Cause No. 01301846; 01201201

Turnbull Neville E

On Appeal from the Superior Court of Clayton County.

v.

State of Georgia

Appellant's Pro Se Entry of Appearance

James Nus Appellant, Pro Se, and in compliance with this Appellate Court Rule of the Appellate Procedure and files his appearance form as follows:

1. That a Petition to obtain a copy of the record of proceedings filed in the above-captioned appeal is being submitted herewith by Appellant who resides at Dolly State Farm, P.O. Box 750, Uxbridge, GA 31091
2. Appellant does not have a telephone number/fax and service of orders and documents by fax or any other electronic means.
3. That Appellant is unable to and cannot receive that Appellant is preparing and filing a Pro Se Petition for Post-Conviction Relief in the final court below, or more fully appears in his motion for copy of record of proceedings.
4. ~~Appellant~~ Defendant Appellant Pro Se

Certificate of Service

I hereby certify that I have this day serve the Respondents with a copy of the filings by placing the same in the U.S. mail in a paper envelope with adequate postage attached

The Court of Appeals
47 Trinity Avenue S.W., Suite 501
Atlanta Ga. 30334

Attorney General of Georgia
Department of Law
46 Capital Square
Atlanta Ga. 30334

Executed March 10, 2014
[Signature]
Respectfully Submitted.

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

March 28, 2014

Mr. Devon Tarver
Chatham County Sheriff's Complex
1050 Carl Griffin Drive
Savannah, Georgia 31405

Dear Mr. Tarver:

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 a 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.

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 be actually 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.

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
Enclosure

RECEIVED IN OFFICE
2014 MAR 25 PM 1:49
GLENN/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Respectfully
[Signature]

To whom this may concern,
My name is Jenna Jensen I was given a life sentence for
As Alfred Robbery. I can't have 30 days to appeal it I honestly don't know
where to send my appeal papers to I have no help so I'm asking
because I need help so if it's possible can somebody help me because my
time is very limited please let me know something A.S.A.P

3/18/14

Devon Tarver,
Petitioner.

vs.

State Of Georgia,
Respondent.

*
*
*
*
*
*
*

Case No: CR131786

NOTICE OF APPEAL

I Devon Tarver, Devon Tarver am putting the court and attorney Robert Attledge on notice that I wish to appeal my conviction. I am requesting that the public defender that led me to trial to conduct this appeal. I am without transcripts or case numbers or contact with the attorney listed above but I want to preserve my appeal rights.

Devon Tarver
Devon Tarver

DATED: ~~8-10-14~~ ^{D.T.} ~~2/21/14~~ ^{D.T.} 3/13/14

- 1 copy to attorney.
- 1 copy to court
- 1 copy to the prosecutor of the case.

* Attention clerk of the court please send stamped filed copy to petitioner



2014

Georgia Court of Appeals

RULES

Last Update: February 19, 2014

**COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS**

Date: March 28, 2014

To: Mr. Daniel W. Taylor, GDC1000332837 H-2, Johnson State Prison, Post Office Box 344, Wrightsville, Georgia 31096

Docket Number: A14A0497 **Style:** Daniel W. Taylor 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 records must be forwarded from the lower court. If your record is not complete, you must motion this Court to Supplement the Record.**

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS

3.24.14

To: Daniel W. Taylor
Docket Number: A14A0497

Style: Daniel W. Taylor 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.
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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)
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17. The Motion to Supplement has not been granted.
18. Other *all records must come from the lower court. If the record is not complete you must motion our Court to Supplement the record.*

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

IN THE COURT OF APPEALS OF GEORGIA

STATE OF GEORGIA

DANIEL W. TAYLOR,)	
)	
Appellant,)	
)	CASE NO.
v.)	A14A0497
)	
STATE OF GEORGIA,)	
)	
Appellee.)	

STATE'S BRIEF OF APPELLEE

PAUL L. HOWARD, JR.
DISTRICT ATTORNEY
ATLANTA JUDICIAL CIRCUIT
GEORGIA STATE BAR NO. 371088

PAIGE REESE WHITAKER
DEPUTY DISTRICT ATTORNEY
ATLANTA JUDICIAL CIRCUIT
GEORGIA STATE BAR NO. 598190

DAVID GETACHEW-SMITH
CHIEF SR. ASST. DISTRICT ATTORNEY
GEORGIA STATE BAR NO. 655537

Please serve:
David Getachew-Smith
Fulton County Courthouse, 3rd Floor
136 Pryor Street SW
Atlanta, Georgia 30303
(404) 613-4782

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,

VS.

DANIEL W. TAYLOR,

DEFENDANT.

)
)
) INDICTMENT NO. 10SC89595
)
)
)
)
)

MOTION

TRANSCRIPT OF PROCEEDINGS BEFORE THE
HONORABLE MICHAEL D. JOHNSON,
COMMENCING ON JULY 14, 2010.

APPEARANCES OF COUNSEL:

FOR THE STATE:

LENNY KRICK AND MICHAEL BERNARD,
ASSISTANT DISTRICT ATTORNEYS

FOR THE DEFENDANT:

DANIEL TAYLOR,
PRO SE

IONIE TAYLOR, CSR, RPR
OFFICIAL COURT REPORTER, B-1647
T-8705 FULTON COUNTY JUSTICE CENTER
ATLANTA, GEORGIA 30303

 COPY

**COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS**

Date: March 28, 2014

To: Mr. Cornelio Ramirez, GDC1000627233, Wheeler Correctional Facility, Post Office Box 466, Alamo, Georgia 30411

Docket Number: A14A1255 **Style:** Cornelio Ramirez 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
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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

In The Court of Appeals
State of Georgia

RECEIVED IN OFFICE
2014 MAR 27 PM 3:48
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

CORNELIO RAMIREZ,
Appellant,

v.

State of Georgia,
Appellee

Case No. A14A 1255
From Gwinnett County
Indictment: 10 B03386

FILED IN OFFICE

MAR 24 2014

COURT CLERK
CLERK COURT OF APPEALS OF GA

BRIEF OF Appellant

I.

Statement of Case Below And Statement
of Material Facts

This appeal is a direct appeal from the order denying the out of time appeal which order was denied on January 27, 2014. Notice of Appeal pursuant to the grant of this request to appeal this matter was timely filed on February 24, 2014.

The nature of this Appeal is the result of an indictment handed down by the Gwinnett County Grand Jury during the June/July Term of 2010 in which the defendant was accused of trafficking in cocaine in Indictment no. 10 B03386. The indictment is based on an incident that occurred on April 21, 2010 in which the Gwinnett County Police Dept. stopped the defendant due to the window tint of his vehicle being too dark. During this traffic stop cocaine is alleged to

I.

have been found in the defendant's vehicle during a second tier encounter after he was told he was free to go by the initial officer during the first tier of the traffic stop.

Statement of Essential Facts: Appellant entered a plea of guilty to an indictment that failed to charge the essential elements of the offense. This plea was also entered after the defendant's motion to suppress was denied and trial counsel refused to continue the course of defense instead telling the defendant the best course of action would be to enter a plea of guilty.

Facts of The Case

On April 21, 2010 the Appellant was stopped by Officer B. McCollough of the Gwinnett County Police Dept. (G.C.P.D.) on Lawrenceville Highway due to illegal window tint and a crack in the windshield.

In the (G.C.P.D.) Report by Officer McCollough, he states upon writing a ticket for the window tint and serving the Appellant that he was "free to go". The Appellant, who does not speak English, stood there looking at the officer, who again said and motioned that he was "free to go." (See Gwinnett County Police Report and Probable Cause Hearing Transcript). Also Motion To Suppress Hearing on October 19, 2010; Page 8, 17; Testimony by Off. McCollough.

After the first detention was complete and the Appellant was released when told he was "free to go" and responding officer arrived the Appellant

was motioned by the second officer of the Guionett County Police Dept., officer Price, and asked to submit to a search which led to an immediate second detention which exceeded the scope of a permissible investigation of the initial traffic stop. (See Motion To Suppress Hearing, Testimony of off. Price, Page 35, 46, 57.)

The Appellant, not understanding off. Price or the context of the question nodded his head. At this time the detention was extended as a search took place of the vehicle. Consent to which was not expressly given. (Motion To Suppress Hearing, Page 78, line 8.)

Off. Price, in his statement, states an undisclosed amount of cocaine is found in the Appellant's vehicle and an arrest was made.

It was not until after the arrest that an officer arrived who was fluent in Spanish. See Motion To Suppress Hearing, Page 83.

The purpose of the traffic stop had been effectuated, and no developments occurred after the vehicle was validly stopped and provided the officer with reasonable time to suspect if there were drugs in the vehicle, instead officer McCallough wrote the citations and informed the Appellant that he was "free to go", thus ending the stop.

The trial court denied the defendants motion to suppress on October 20, 2010, one day after the hearing took place. A review of the order reveals the trial court ignored the fact that the Appellant does not speak English.

Statement of Jurisdiction

The Georgia Court of Appeals has jurisdiction of this Appeal because the Judgment of Conviction in this case is not one of the matters within the exclusive jurisdiction of the Supreme Court of Georgia. Georgia Const., Art. VI, Sect. VI, Paras. II and III.

II.

Enumeration of Errors

1. Whether the trial court erred in denying the defendant's motion to suppress.
2. Whether the trial court erred in concluding that the defendant's plea of guilty was knowing and intelligent.
3. Whether the Appellant was properly represented during the trial phase of the case.

IV.

III.

Argument And Citation Of Authority

1. The Trial Court Erred In Denying The Defendants Motion To Suppress.

In WEEMS v. State, 318 Ga. App. 749, 752 (1), 734 S.E.2d. 749 (2012), the Court noted that the continued questioning outside the scope of a valid traffic stop is permissible only when the officer has a reasonable articulable suspicion of illegal activity or when the valid traffic stop has become consensual. State v. Connor, 258 Ga. App. 517, 519, 654 S.E.2d. 461 (2007).

The Courts ruling in WEEMS is relevant in this case in two aspects. The first is the fact that the extended detention was not legal when officer McCollough informed the Appellant that he was "free to go" after writing citations for illegal window tint and a cracked windshield. (Motion To Suppress Hearing, Page 17). Nunally v. State, 310 Ga. App. 183, 188 (2), 713 S.E.2d. 408 (2011).

Officer McCollough lacked reasonable suspicion of criminal activity to justify detaining Ramirez after the traffic investigation ended, thus Ramirez's unknowing response to search to off. Price, given after he was told he was free to go, is the product of an illegal prolonged detention.

The second aspect of this illegal search was the fact that off. Price, the second arriving officer had no probable cause to prolong the detention by way of a second-tier encounter. See Motion To Suppress Hearing, Page 35, and 46. State v. Connor, *Supra*.

This Court having ruled on this issue in prior cases has made a constant of correcting and revising this argument and based on the review of the Motion To Suppress and the denial thereof the Appellant moves the Court to rule on his behalf and reverse the denial of motion to suppress.

2. The Trial Court ERRED In Not Finding That The Defendant's Plea Of Guilty Was Unknowing And Unintelligent.

The Appellant was denied proper representation and entered a constitutionally deficient plea to an offense that was a direct result of a prolonged traffic stop. Taylor v. State, 304 Ga. App. 878 (2012).

Trial counsel advised the Appellant to enter a plea of guilty rather than maintaining his innocence and his valid argument of an illegal search. The sentence imposed was the maximum sentence allowed, this fact alone causes one to believe that not only was he not properly advised, but that the language barrier resulted in this manifest injustice.

U.S. v. Brown, 117 F.3d. 471 (11th Cir. 1997).

During the motion to suppress hearings, trial counsel failed to have an interpreter present to adequately convey the elements of the offense or the courts holding on a prolonged traffic stop. McDaniel v. State, 271 Ga. 552 S.E.2d. 648 (1999).

3. The Appellant Received ERRONEOUS Representation During The Trial Phase Of The Criminal Case.

During the trial phase of this case that included motions hearings, trial counsel failed to properly inform the Appellant of his right to confrontation in regards to off. McColloughs and off. Price's testimony. This error further tainted the rights of the Appellant when after the trial courts denial of his motion to suppress, trial counsel made no effort to file an Interlocutory Appeal on the suppression denial. O.C.G.A. § 5-6-34 (b). Blackwell v. Cantrell, 169 Ga. App. 795 (i).

Further harm was caused when new counsel failed to file a "Re-Entry Motion" once he knew Appellant was out of time for "Interlocutory" appeal even though an acknowledgment of such would have been filed and possibly heard due to ineffective assistance of counsel from his first attorney. Smith v. State, 291 Ga. App. 459.

The Appellant prays the Court to review the record on the errors submitted and grant his Appeal that is before the Court and remand this criminal case back to the trial court to correct a void judgement stemming from the denial of his motion to suppress evidence from an illegal search.

Respectfully submitted,

Cornelio Ramirez, Pro se

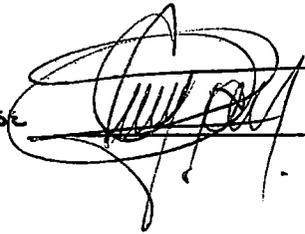
Certificate of Service

I hereby certify I have sent true copies of Appellant's Brief to the Georgia Court of Appeals and the Gwinnett Co. District Atty. by U.S. Postal Service, mailed to:

Georgia Court of Appeals
Suite 501
47 Trivium Ave.
Atlanta, Ga. 30334

Gwinnett Co. District Atty.
75 Langley Dr.
Lawrenceville, Ga. 30046

Cornelio Ramirez, Pro se
Whicker C.F.
P.O. Box 466
Alamo, Ga. 30411



Notary Public; Sherry Travis 3/24/14



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

404-656-3450

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

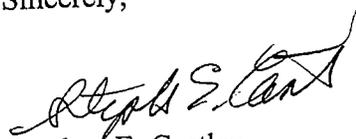
March 28, 2014

Mr. Timothy Roberts
GDC1070550
Georgia State Prison
2164 Georgia Highway 147
Reidsville, Georgia 30499

Dear Mr. Roberts:

In response to your correspondence received in this office, we do not have a case styled in your name pending in this Court. I am returning your documents to you in case you need them for future proceedings.

Sincerely,



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

SEC/ld
Enclosures

COURT OF APPEALS OF GEORGIA

APPEAL NUMBER _____

TIMOTHY ROBERTS
APPELLANT

vs.

STATE OF GEORGIA ETAL.,
APPELLEE/S

RECEIVED IN OFFICE
2014 MAR 25 AM 9:56
CLERK/COUNTY ADMINISTRATOR
COURT OF APPEALS OF GA

BRIEF OF THE APPELLANT
IN REGARDS TO GOVERNMENTAL DELAY
OF THE RESOLUTION OF ISSUES
IN THE SUPERIOR COURT
FOR THE COUNTY OF DOOLEY STATE OF GEORGIA
DATED FEBRUARY 11th 2010
IN THE CIVIL ACTION NUMBER 09DR-0051

RESPECTFULLY SUBMITTED
by

TIMOTHY ROBERTS
APPELLANT Pro Se
GOC No. 1070550
Address
2164 Georgia Hwy 147
Reidsville Georgia 30499

STATEMENT OF JURISDICTION

The Appellant was convicted and sentenced in the County of Dooley which is located in the State of Georgia therefore Jurisdiction in the Georgia Court of Appeals is proper.

STATEMENT OF ISSUES

Ground One:

in violation of O.C.G.A. 17-10-7 the Appellant is serving a constitutionally illegally enhanced sentence

Ground Two:

in violation of Barker v. Wingo, 407 U.S. 514 (1972) the Appellant is suffering an undue prejudicial Governmental delay in the adjudication of such issue

and thereby trigger the need to analyze it under the Barker v. Wingo, 407 U.S. 514 (1972) factor.

Wherefore, the Appellant prays that this Court will either adjudicate the Appellant's claims on the merits or transfer the same to the Superior Court for the prompt adjudication thereof.

Timothy Roberts
Georgia State Prison
2164 Georgia Hwy 147
Reidsville, Georgia 30499

CERTIFICATE OF SERVICE

I certify under penalty of perjury that I have served a true and correct copy of the within and foregoing document(s) through internal mail system of the prison and/or via United States Postal Service, adequate first-class postage affixed thereto, for its prompt delivery to the following:--

Dooley County Superior Court -
House

This the 17th day of March 2014.

Timothy Roberts
#1070550
2164 GA. Hwy 147
Reidsville, GA. 30489

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

March 28, 2014

Mr. Edward T. Ridley
GDC570139 D2-21
Smith State Prison
Post Office Box 726
Glennville, Georgia 30427

Dear Mr. Ridley:

We do not have a case in our Court involving an Edward Ridley. I am returning your document to you.

Sincerely,



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

SEC/ld
Enclosure

GEORGIA COURT OF APPEALS

EDWARD TYRONE RIDLEY, 570139, Petitioner

Petitioner

V.

CASE NO. DR 13-149, CIVIL ACTIONS PURSUANT TO

STATE OF GEORGIA

42-1-9

Respondent

MOTION TO COMPEL

Petitioner, in the above-styled matter respectfully moves this court to Compel the Crisp County Superior Court to send this Court record on appeal for Court denial of motions pursuant 42-1-9 and Writ of Mandamus that was denied on January 28, 2014 and mail copy to this Court through independent mail around February 3, 2014. Filed in good-faith
This 16th day of March 2014. U.S.C. 1746

Respectfully Submitted

C. Copy to

Mr. Edward Tyrone Ridley, 570139

Clerk Superior Courts

Smith State Prison

P.O. Box 747, Cordele, Ga. 31010

P.O. Box 726

This 16th day of March 2014

Glennville, Ga. 30427

Page 1 of 1

RECEIVED IN OFFICE
20 MAR 21 PM 3:49
CRISP COUNTY APPELLATE CLERK'S OFFICE

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

March 28, 2014

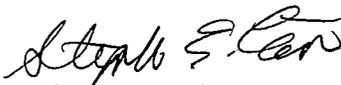
Mr. Ricky Nelson
GDC745250 D-148
Muscogee County Prison
Post Office Box 84041
Columbus, Georgia 31908

RE: A13A2093. Ricky Nelson v. The State

Dear Mr. Nelson:

Your appeal was disposed by opinion on February 25, 2014. The Court of Appeals affirmed the judgment of the trial court. The remittitur issued on March 13, 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

I THE
COURT OF APPEALS
OF GEORGIA

RECEIVED IN OFFICE
2014 MAR 25 AM 9:50
CLERK COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Ricky Nelson
Appellant

v.

A13A2093

FILED IN OFFICE

State of Georgia
Appellee

MAR 25 2014

COURT CLERK
CLERK COURT OF APPEALS OF GA

NOTICE

MOTION FOR RECONSIDERATION ^{and} / OR IN
ALternate Motion For Extension of Time

Before The Court Is Ricky Nelson Pro Se, Petition
The Court For Reconsideration In The Judgement
Entered In The Above Style Case, Arguing In
Numerous enumeration Trial Court And Appellate
Court Counsel Ineffective Assistance of Counsel¹,
In Violation of The 6th Amendment To The United
States. Additionally, The Appellant Prays This Court
Grant Him Time To Retain Counsel. ² Following Appellant
Conviction For Theft BY Receiving Stolen Property He
Petition for Motion for A New Trial, Asserting Trial
Counsel Errors. ² The Appellant Waited For An Appeal
Attorney, But The Trial Court Did Not Appoint One.
Also, In Violation of The 6th Amendment of The United
States Constitution. Therefore, Appellant Filed A
Pro Se Motion For New Trial. (Exhibit A)

Additional Errors of The Court or Trial Counsel
May Be Pointed out BY Further Amendment
To This Motion Pursuant To Georgia Law. Horne
v. State, 231 Ga. App. 864 (1998); O.C.G.A §5-5-40(b),
i.e

Furthermore, Appellant contends The New
Trial Hearing And Appeal Proceed^{ings} were held with-
out His Knowledge And That The Trial Court or
Trial Attorney Did Not Correspond To His Request.
In Violation of The 14th Amend. of The U.S. Constitution

Wherefore, The Appellant Prays This Court Grant
His Motion For Reconsideration / or In Alterna-
tive Motion For Extension of Time To Retain
Counsel, Withholding He Is Not Skilled In The Field
of Law.

Submitted This 6th Day of March 2014

Respectfully,
Rickey Nelson

Rickey Nelson 745250-D-148
MUSCOGEE COUNTY PRISON
P.O. Box 84041
Columbus, GA. 31908

Certificate of Service

This Is To Certify That Appellant Ricky Nelson
Has Served A True And Correct Copy of the

Motion for Reconsideration / and or Motion In
Alternative For Extension of Time on The Georgia
Court of Appeals Clerk of Court Jefferson
County Clerk of Court And Trial Counsel Tobe
Co. Karch, Asst. Public Defender.

This 6th day of March 2014.

Respectfully,
Ricky Nelson

Ricky Nelson 745050-D-148
Muscooke County Prison
P.O. Box 84041
Columbus, Ga. 31908



CONSUMER ASSISTANCE PROGRAM

February 27, 2013

Mr. Ricky Nelson
745250 D171
Muscogee County Prison
P.O. Box 84041
Columbus, GA 31908

Re: Tobe C. Karrh

Dear Mr. Nelson,

Thank you for your letter received February 26, 2013. The State Bar does not have jurisdiction over claims of ineffective assistance of counsel. If you are indigent, you may ask the court to appoint another attorney, but I do not know if it would do that, or you may seek paid legal counsel of your choice.

For help with that write:

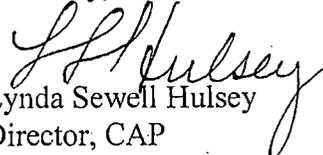
American Civil Liberties Union of GA
1900 The Exchange, S.E.
Building 400, Suite 425
Atlanta, GA 30339

Southern Center for Human Rights
83 Poplar Street, NW
Atlanta, GA 30303-2122

Please be advised that any correspondence sent to the Consumer Assistance Program (CAP) cannot be passed to any other department. CAP is not required to return any original correspondence.

CAP keeps correspondence for only thirty days. After that, it is destroyed.

Sincerely,


Lynda Sewell Hulsey
Director, CAP

~~William Roberts~~
~~Watchdog Group~~

LSH/bd

HEADQUARTERS

104 Marietta Street, Suite 100
Atlanta, Georgia 30303
(404) 527-8700 ■ (800) 354-6865
FAX (404) 527-8717
www.gabar.org

SOUTH GEORGIA OFFICE

244 E. Second Street (Zip 31794)
P.O. Box 1390
Tifton, Georgia 31793-1390
(229) 387-0446 ■ (800) 330-0446
FAX (229) 382-7435

COASTAL GEORGIA OFFICE

18 E. Bay Street
Savannah, Georgia 31401-1225
(912) 239-9910 ■ (877) 239-9910
FAX (912) 239-9970

IN THE SUPERIOR COURT OF JEFFERSON COUNTY

STATE OF GEORGIA

STATE OF GEORGIA

Indictment - 09-CR-161

RICKY NELSON

DEFENDANT

OUT OF TIME MOTION FOR NEW TRIAL PURSUANT

O.C.G.A. 5-5-41(a) i.e.

DEFENDANT MOVES THE COURT TO SET ASIDE THE VERDICT

RETURNED ON FEBRUARY 8, 2011 AND THE SENTENCE ENTERED

THEREON, AND TO GRANT A NEW TRIAL ON THE FOLLOWING GROUNDS

Summary

On or About May 22, 2008 Ricky Nelson (the Defendant)

In The Above Style Case Was Arrested In The Early Morn-

ing Hour And Charged With The Theft Of A Stolen Vehicle, i.e.

The Court Acknowledgement Of His Indigent Status

Appointed Assistant Public Defender Mr. Jobe C. Karch,

On The Date Of Arraignment The Plea Of Not Guilty Was

Entered To All Charges In The Bill Of Indictment. Therefore,

A Jury Trial Was Scheduled And Executed And The Jury

Return A Guilty Verdict As To Count 1, 2. (Theft x Rec. Stolen

Vehicle And Driving With Suspended License. Immediately, The

Defendant Requested A New Trial, (see attachment) To

Appeal The Jury's Verdict;

10#2

To Include, Trial Counsel Ineffective Assistance, In The Violation of the 6th Amendment to the United States Constitution And In Violation of Article 1, Sect. 1, Para. 14 of Georgia Constitution. Accordingly, On Information And Belief, Trial Counsel Petition The Court on March 11, 2011 On A Motion For A New Trial. (see attachment). However, Defendant has Not Received A Hearing To This Date or Appointed An Appeal Attorney. Additionally, Since 9, Jan. 2011 Mr. Nelson Have Made Several Inquiries Regarding His New Trial Hearing And Appeal, yet The Court has Not Responded To Defendant's Right To An Appeal From The Above Style Action.

errors / Grounds as follows:

- 1) The Defendant Should Be Acquitted And Discharged Due To State's Failure To Prove Guilt Beyond A Reasonable Doubt.
- 2) Although The State Proved Guilt Beyond A Reasonable Doubt, The Evidence was Sufficiently Close To Warrant The Trial Judge To Exercise His Discretion To Grant The Defendant A Retrial
- 3) The Trial Court Committed An Error of Law Warranting A New Trial When It Failed To Grant The Defendant Compulsory Due Process.

4) Trial Counsel was Ineffective In Violation of The 6th

Amendment of The U.S.C. 6th Amend. And In Violation of

Article I, Sect 1, Para. 14 of Georgia Constitution In His

Failure To Impeach the Contradictive Hearsay Testimony

From State witness Officer Blair And Officer Cowart

Regarding who called In the Tag of the Allegedly Stolen

Vehicle Mr. Nelson Drove, And who stopped And seized Def-

endant which Is the Ultimate Issue of This Case.

The following Testimonies Includes:

(1) T.T Pg. 31 Line 25, OFFICER BLAIR was Asked Who Called

In the Tag, Answer, Yes Sir, "we Ran the tag, OFFICER

ROBERT COWART He Ran the Tag, And It came Back the Van

That we were Looking For"; On the Contrary, IT Pg. 48 Line 9

Answer, Mr. Cowart "we All Followed the Van They Stopped

It on Church St. And They Run the Tag Through Dispatch"

Both Officers Give Different Account of the Call to Dispatch

Further, When Mr. Cowart was Ask (See: IT Pg. 48 Line 20-25)

Q. Now At The Time were you P.O.S.T Certified Officer?

Officer Cowart Answered "No Sir", Q. In Any Regard.

And was That the Entirely of Your Involvement of the Case?

Answer Officer Cowart, "Yes Sir". Prima facie Exculpatory

Evidence which Is In the Possession of the Assistant District

Attorney were Not Disclosed Shows / Prove Officer Cowart

Call In the Tag, And Pulled Over the Allegedly Stolen Vehicle,

And Seized Mr. Nelson, violated the Discovery Rule

P.O.S.T Certified.

1 OF 4

Accordingly, O.C.G.A. 35-8-10 (a) Provides, That No Person Required To Comply With The Certification Provisions Of This Chapter Shall Be Employed Or Appointed By Any Law Enforcement Unit Without Certification From Council That The Applicant Has Met The Pre-Employment Requirements Established In This Chapter And No Candidate Shall Perform Any Of The Duties Of A Peace Officer Involving The Powers Of Arrest Until Such Train Shall Have Been Successfully Completed. In Addition, Pursuant To O.C.G.A. 35-8-9(c) Should Any Candidate Fail To Complete Successfully The Basic Training Requirements Specified In This Code Section He Or She Shall Not Perform Any Of The Duties Of A Peace Officer Involving The Powers Of Arrest Until Such Training Shall Have Been Successfully Completed. Therefore, Fundamentally The Dispatch Information Was Inadmissible And The Arrest Were Unconstitutional. Furthermore, The Warrant And Indictment Are Based On Flawed Hearsay Information And Is Inadmissible In Trial Of The Above Style Case. Defense Counsel's Performance Was Deficient And Prejudiced Defendant Nelson At Trial Through The Failure To Adequately Investigate The Facts And Law, Failed To Adequately Prepare, And His Misapprehension Of The Law. In Addition, Defense Attorney Performance Was Deficient And Prejudice Mr. Nelson Through The Admission Of State's Witnesses Testimony, In Violation Of The Discovery Rule.

5) The Trial Court Erred And Violated Defendant's

Right To Appeal When It Failed To Respond And Grant A

Hearing On Motion For New Trial. Therefore, Depriving Defendant

Rights To The Court And Due Process. Superior Court Rule 41.1

Provides Time For Hearings: "In Order To Reduce Delay Bet-

ween The Conclusion of The Trial And Filing of The Notice of

Appeal, the Trial Court May Hear Motion For New Trial

Immediately After Filing And Prior To The Preparation of

The Transcripts of Proceedings. In Any Event, The Motion

For New Trial Shall Be Heard And Decided Promptly As

Possible. Defendant Asserts That The Trial Court Error Requires

A New Trial

6) The Defendant contends, The Trial Court Erred, When It

Failed To Appoint An Appeal Attorney For The Subject Matter

Indicated Herein, Which Deprived Him The Right To Challenge

The Jury's Verdict, State's Discovery Violations, Ineffective

Assistant of Counsel And The Sentence Entered, i.e.

Accordingly, The Right of A Person Accused of A Felony To

The Aid of Counsel At All Critical Stages of A Criminal

Proceeding, Before Trial And Prosecute An Appeal

Provided by State Law, Is Fundamental And Must Be

Protected by The State. *Weiner v. Fulton County* 113 Ga.

app. 343, 148 S.E. 2d 143. Additionally, "Indigent Defendants

Must Be Furnished Counsel At The First Appeal," U.S.C.

6th, 14th Amendment, also see: *Thornton v. Ault*, 233 Ga. 172

Ga. 172, 210 S.E. 2d 683 (1974). Defendant Asserts That

That Trial Court Error Requires A New Trial

Rule Nisi, Service, Entry of Motion on the Minutes of the Court

Wherefore, Defendant Ricky Nelson prays that the Court Issue a Nisi Requiring the State Among Others at a Time and Place to be Designated by the Court Not less than 10 days, nor no more than 30-days from this date to show Cause why a New Trial shall not be granted, and that on hearing of the New Trial All Exculpatory Evidence in the possession of the District Attorney's Office be disclosed.

This 3 day of February 2014

Respectfully Submitted

Ricky Nelson
pro se

Ordered This Day 3rd of February 2014

James H. Wheeler
Notary Public, Jefferson County Georgia
My Commission Expires February 7 2018

James H. Wheeler

Judge Robert S. Reeves

b.) Additional Error of the Court or Trial Counsel May Be Pointed out By Further Amendment To this Motion Pursuant To GEORGIA LAW. Horne v. State, 231 Ga. App. 864 (1998); O.C.G.A § 5-5-40(b) (Motion for New Trial May Be Amended Any Time Prior To The Court's Ruling There on).

WHEREUPON, The Defendant Prays That These Grounds For A New Trial Be Inquired of BY The Court And That A New Trial Be Granted.

This 3 Day of February 2014

Respectfully Submitted
Ricky Nelson
pro se

Ricky Nelson 745250 0148
MUSCOGEE COUNTY PRISON
P.O. BOX 84041
Columbus, GA. 31908

Janice N. Wheeler
Notary Public, Jefferson County Georgia
My Commission Expires February 7 2018

Janice N. Wheeler

Certificate OF Service

This Is To Certify That I Have Served A Copy
of The Fore Going "Motion For New Trial" By U.S Postal
Mail To The office of Jefferson County Superior Court
Clerk

This 3 Day of February 2014

Respectfully,

Ricky Nelson
Pro se

Ricky Nelson 745250 0148
MUSCOGEE County PRISON
P.O. Box 84041
Columbus, GA. 31908

Janice N. Wheeler
Notary Public Jefferson County Georgia
My Commission Expires February 7 2018

Janice N. Wheeler

3.20

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS

To: Jose Pineda
Docket Number: A14A1256

Style: Jose Pineda 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: You must sign your document.

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

RECEIVED IN OFFICE

2014 MAR 25 AM 9:35

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

In The Court of Appeals
State of Georgia

Jose Pineda,
Appellant,

v.

State of Georgia,
Appellee.

Docket No. A14A1256
From Gwinnett County
Indictment No. 10 B0110

Motion For Extension of
Time

Comes now Jose Pineda, Appellant in the above-
Docketed Appeal, and respectfully moves this Honorable
Court to grant him an Extension of Time pursuant
to Rule 16 (a), (b) so that he may present a proper
Brief once he has access to the law library at
Wheeler C.F. which has been on security lockdown
since March 9, 2014.

Appellant prays the Court for a 30 day extension
on this Appeal.

Respectfully submitted this 19th day of March, 2014.

Jose Pineda, Pro se

Certificate of Service

I hereby certify I have sent true copies of Motion For Extension of Time to the Georgia Court of Appeals and the Gwinnett Co. District Atty. by U.S. Postal Service, mailed to:

Georgia Court of Appeals
Suite 501
47 Trinity Ave.
Atlanta, Ga. 30334

Gwinnett Co. District Atty.
75 Langley Dr.
Lawrenceville, Ga. 30046

Jose Pineda, Pro se _____
Wheeler C.F.
P.O. Box 466
Alamo, Ga. 30411

Notary Public; _____

* Blp code *

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

April 1, 2014

Mr. Jeremy Patrick Lewis
GDC357237
Augusta State Medical Prison
3001 Gordon Highway
Grovetown, Georgia 30813

RE: A13A1847. Jeremy P. Lewis v. The State

Dear Mr. Lewis:

Your appeal was disposed by opinion on March 26, 2014. The Court of Appeals affirmed the judgment of the trial court. I have enclosed a copy of the Court's opinion for your review.

Sincerely,



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

SEC/ld
Enclosure

**SECOND DIVISION
BARNES, P. J.,
MILLER and RAY, JJ.**

NOTICE: Motions for reconsideration must be *physically received* in our clerk's office within ten days of the date of decision to be deemed timely filed.

<http://www.gaappeals.us/rules/>

March 26, 2014

In the Court of Appeals of Georgia

A13A1847. LEWIS v. THE STATE.

MILLER, Judge.

In the third appearance of his case before this Court, Jeremy Patrick Lewis appeals from the denial of his motion for an out-of-time appeal from the 1994 judgments denying his motions to withdraw his guilty plea.¹ Lewis contends that the trial court erred in finding that the issues in this case were addressed by his prior appeal and in dismissing his motion. For the following reasons, we disagree and therefore affirm.

¹ See *Lewis v. State*, 229 Ga. App. 827 (494 SE2d 678) (1997), overruled in part by *Kaiser v. State*, 285 Ga. App. 63, 68-69 (1) (646 SE2d 84) (2007) (overruling *Lewis* and other cases to the extent they held that a trial court may not grant a motion to withdraw a guilty plea outside the term of court in which sentence is imposed if sentence is void).

From: Jeremy Patrick Lewis

3/27/14

G.D.C. # 357237

RECEIVED IN OFFICE
2014 MAR 31 PM 3:38
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

A13A1847

Dear Clerk of Court of "Court of Appeals,"

Will you Please tell me the status of the "Out-of-Time Appeal" I filed with you all in May of 2013. A few months ago you wrote me back and told me that the judges in this Court of Appeals had till the end of March of 2014 to rule on this case. About 2 1/2 weeks ago I was sent to ~~Augusta~~ Augusta State Medical Prison. I have cancer now and have been put in for a "medical Reprieve" about a month ago. I was not allowed to bring any of my legal paperwork with me. Therefore I do not have my case # with me, & can't give it to you at this time. Can you cross-reference my G.D.C. # & look up my case & give me →

any kind of feedback if possible at all;
let alone, if they have in fact ruled on this
case or not by now. Please respond if at
all possible. Thank you for you time, help
& understanding.

Sincerely
&
Respectfully,
Jeremy P. Lewis
D. D. C. #
357237

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

April 2, 2014

Mr. Rodolfo Jimenez Peralta
GDC1301817 F-2-127 T
Calhoun State Prison
Post Office Box 249
Morgan, Georgia 39866

Dear Mr. Peralta:

I am in receipt of your letter addressed to Ms. Holly K.O. Sparrow. Ms. Sparrow retired last year.

You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.

The process of the Notice of Appeal is as follows: when 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 it to this Court. The Notice of Appeal is then 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.

Therefore, I am returning the copy of the Notice of Appeal to you.

Sincerely,



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

SEC/ld
Enclosures

IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,

Plaintiff,

vs.

RODOLFO JIMENEZ PERALTA,*

Defendant, Pro Se.

*

06B-4442-10

*

CRIMINAL CASE NO.:

*

NOTICE OF APPEAL

RECEIVED IN OFFICE
2014 MAR 31 PM 3:04
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Notice is hereby given that Rodolfo Jimenez Peralta, Defendant, Peralta, as above named, hereby appeals to the Georgia Court of Appeals regarding the March 3rd, 2014 ORDER DENYING DEFENDANT'S MOTION TO CORRECT VOID SENTENCE. The Clerk will omit nothing and will please include the entire record on appeal. Jurisdiction of this appeal is vested in the Court of Appeals of Georgia pursuant to Georgia Constitution of 1983, Article 6, Section 5, Paragraph 3. Respectfully submitted on this 27th day of March, 2014.

Signed:

Rodolfo Jimenez Peralta

Rodolfo Jimenez Peralta #1301817

Colhoum State Prison, F-2, #1277op

27823 Main Street

Post Office Box 249

Morgan, Georgia 39866-0249

Copy

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing NOTICE OF APPEAL was served on the parties listed below by U.S. Mail, postage prepaid via institutional REQUEST FOR INDIGENT POSTAGE, Legal mailing.

Parties Served:

Richard T. Alexander, Clerk
Gwinnett County Superior Court
Post Office Box 880
Lawrenceville, Georgia 30046-0880;

and

Daniel J. Porter, District Attorney
Gwinnett Justice and Administration Center
75 Langley Drive
Lawrenceville, Georgia 30046-6900

So served on this 27th day of March, 2014.

Rodolfo Jimenez Peralta
Rodolfo Jimenez Peralta
Defendant, Pro Se

RJP/rjp

cc: All Parties; and Personal Records of RJPeralta

CHAMBERLAIN, HRDLICKA, WHITE, WILLIAMS & AUGHTRY

A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

ATTORNEYS AT LAW

191 PEACHTREE STREET, N.E. - 34TH FLOOR

ATLANTA, GEORGIA 30303-1747

(404) 659-1410 (800) 800-0745

FAX (404) 659-1852

JIMMY L. PAUL
SHAREHOLDER
DIRECT DIAL NO. 404.658.5468
E-MAIL: jimmy.paul@chamberlainlaw.com

HOUSTON
PHILADELPHIA
SAN ANTONIO
DENVER

April 2, 2014

Stephen E. Castlen
Clerk of Court
Court of Appeals of Georgia
47 Trinity Avenue, S.W.
Suite 501
Atlanta, Georgia 30334

RECEIVED IN OFFICE
2014 APR -2 11:03
Hand Delivery
OFFICE OF THE CLERK
COURT OF APPEALS OF GA

Re: *Raser Technologies, Inc., et al., v. Morgan Stanley & Co., Inc., et al.,*
Superior Court, Business Case Division, Fulton County, State of
Georgia, Civil Action No. 2012-CV-214140

Raser Technologies, Inc., et al., v. Morgan Stanley & Co., Inc., et al.,
Supreme Court of Georgia, Appeal No. S14I0920

Dear Mr. Castlen:

This letter requesting direction is made pursuant to the notation of the website maintained by the Clerk's office indicating that the Clerk's office is available to assist attorneys in answering procedural questions. Our office filed an Application for Interlocutory Appeal in the Supreme Court of Georgia and received the attached Order transferring the Application for Interlocutory Appeal to the Court of Appeals.

We have the following procedural questions regarding which we seek direction from the Clerk's office:

- 1) Format for Application: Our Application complies with the requirement for filing both the Application and the Appendix electronically pursuant to Supreme Court Rule 13. Although Court of Appeals Rule 46 allows for electronic filing, we read Court of Appeals EFAST Registration and E-filing Instructions Updated April 15, 2013 to require submission of a hard copy of the Application for Interlocutory Appeal. Should we deliver a hard copy of our Application for Interlocutory Appeal for filing with the Court of

Appeals?

- 2) The Appendix which supports our Application for Interlocutory Appeal filed with the Supreme Court was likewise filed by email, pursuant to Supreme Court Rule 13, without tabs. Court of Appeals Rule 30(e) requires a different method of filing such that copies of all submitted materials from the Record are tabbed and indexed and securely bound at the top with a cautionary warning that the Application may be dismissed for violation of this Rule 30(e). The Appendix supporting this Application for Interlocutory Appeal consists of 1231 numbered pages. Should the Appendix be refiled in such a way that it complies with Court of Appeals Rule 30(e)?
- 3) Our Application for Interlocutory Appeal filed in the Supreme Court complied with Supreme Court Rule 16 regarding Briefs, which of course allows footnotes and block quotes to be single spaced. Court of Appeals Rule 1(c) requires footnotes and block quotes to be double-spaced. Supreme Court Rule 16 related to Briefs and applicable to Applications for Interlocutory Appeal provides one inch margins at the top, bottom, and both sides of an Application for Interlocutory Appeal. Court of Appeals Rule 24(c) applicable to Briefs requires margins of not less than 2 inches at the top and one inch at the bottom and on both sides. We need direction regarding compliance with this rule in the procedural posture of this transferred appeal.
- 4) Court of Appeals Rule 30(d) requires the Applicant to include a copy of any Petition or Motion which led directly to the Order or Judgment being appealed and a copy of any Responses to the Petition or Motion with the Application. The Supreme Court does not require these items to be included. The existing Appendix filed in the Court of Appeals does in fact include the Respondents'/Defendants' Brief in Support of their Motion to Dismiss the Applicants' Complaint, and the Reply Brief. It does not include the Respondents'/Defendants' actual Motion to Dismiss the Applicants' Complaint. We need direction regarding how to meet this requirement of Court of Appeals Rule 30(d) in light of the posture of this transferred Application for Interlocutory Appeal.
- 5) In the event the Clerk's responses to the above questions require changes to the Application for Interlocutory Appeal or the supporting Appendix, will

Stephen E. Castlen

April 2, 2014

Page 3

the Notice of Docketing issued to the parties include direction to us regarding the time for complying with the Court's directions, or do we need to take the initiative and file some type of motion? It will require a few days to accomplish some of these matters if changes are required.

This is not a unique situation and we are sure there are fully developed responses to the above-questions. We look forward to receiving your answer at the Clerk's earliest convenience. If we need to take some further type of action to obtain clarification to these questions, please have someone contact me at the above number.

Respectfully,

A handwritten signature in black ink, appearing to read "Jimmy L. Paul", written over the word "Respectfully,".

Jimmy L. Paul

JLP/lth

Attachment: 1

cc: Drew V. Greene, Esq. (*firm*)

Lauri J. McKenna (*firm*)

1953811v1



SUPREME COURT OF GEORGIA

Case No. S14I0920

Atlanta, March 26, 2014

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

**RASER TECHNOLOGIES, INC., et al. v. MORGAN STANLEY & CO.,
LLC et al.**

From the Superior Court of Fulton County.

The trial court dismissed claims based on Georgia law asserted by Applicants, who are not Georgia residents. The trial court considered the due process concerns raised by a jurisdiction's extraterritorial application of its laws as discussed in Phillips Petroleum Co. v. Shutts, 472 U.S. 797 (105 S. Ct. 2965, 86 L.Ed.2d 628) (1985) and rejected the Applicants' argument that the public policy exception to the rule of *lex loci delicti* applied. Although Applicants seek to invoke this Court's jurisdiction over constitutional questions, the issues raised require the application of well-settled principles of constitutional law, and therefore, the Court hereby transfers the application to the Court of Appeals. See Zepp v. Mayor and 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.

Suzanne C. Fulton, Chief Deputy Clerk

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

April 3, 2014

Mr. Casey Martin
GDC1000229807
Coastal State Prison
Post Office Box 7150
Garden City, Georgia 31418

Dear Mr. Martin:

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. I am returning your Amended Notice of Appeal to you.

Sincerely,



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

SEC/ld
Enclosures

IN THE Court of Appeals COURT OF Fulton COUNTY

STATE OF GEORGIA

RECEIVED IN OFFICE
2014 APR -2 PM 3:36
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Casey Martin)

Plaintiffs)

v.)

Civil action
File no. 2009-CR-1577-I

Eric Levett, Warden)
Rockdale County Jail)

Defendants)

Amended
Notice of Appeal

Notice is hereby given that Casey Martin and _____
defendants above-named, hereby appeal to the Court of Appeals (Court
of Appeals or Supreme Court) from the Judgment revoking Probation (de-
scribe order or judgment) entered in this action on (date), December 2, 2013.

Motion for new trial (or motion for judgment n.o.v., etc.) was filed and overruled
(or granted, etc.) on (date), February 25, 2014.

The clerk will please omit the following from the record on appeal:

1. _____
2. _____
3. _____

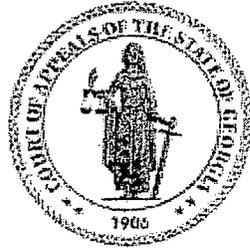
Transcript of evidence and proceedings will will not to be filed for inclusion in
record on appeal.

This court, rather than the (Court of Appeals or Supreme Court) has jurisdiction
of this case on appeal for reason that Rockdale has no jurisdiction.

Dated: March 24, 2014

Casey Wk. Martin
Appellant, Pro. Se

376 Lakeside pt.
Connington GA 30016
Address



2014

Georgia Court of Appeals

R U L E S

Last Update: February 19, 2014

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

April 3, 2014

Mr. David Heath Long
GDC1021885
Wheeler Correctional Facility
Post Office Box 466
Alamo, Georgia 30411

RE: A13A0998. David Heath Long v. The State

Dear Mr. Long:

Your appeal was disposed by opinion November 20, 2013. The Court of Appeals judgment affirmed, sentence vacated and the case was remanded for re-sentencing. The remittitur issued on March 6, 2014, divesting this Court of any further jurisdiction of your case. The case is therefore, final.

Two (2) Notices of Intent to Apply for Certiorari were filed in the referenced appeal.

Sincerely,



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

SEC/ld

Note to Court

Pro Se' Defendant, David Long, is following the instruction of Court of Appeals, dated March 21, 2014.

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2014 APR -2 PM 3:09
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

His correspondance from Supreme Court on December 19, 2013 did not grant him the Certiorari he had applied for. So, as of no fault of his own, this lowly prisoner brief and application for Certiorari is filed late. This fault lies with his Appellate attorney and the Courts. Also, the Defendant cannot provide the multiple copies the court requires. There is no access to copies at his prison. Also, Defendant is supplying his only copy of his Appellate decision, supplied to him by James Bonner of the Public Defender's Standard Council. The courts nor Appellate attorney, neither ever gave him a copy nor notified him of the denial until well after the time limits. Appellant tried to file his own Certiorari 3 times and never got a response from Appellate court until March 21, 2014.

Please review and grant Certiorari full review as an extraordinary remedy and the Supreme Court will see the very real errors and facts ignored by the Court of Appeals and see the State's perjury and corruption. Please give this prisoner brief lee-way.

Thank you, David Long

Court of Appeals of Georgia

David Long; Appellant

vs.

The State; Appellee

Case Number:

A13A0998

Notice of Filing Petition of Certiorari

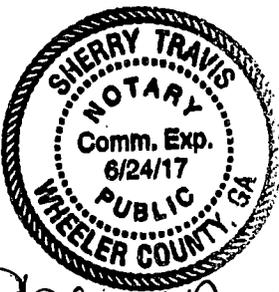
Comes now, David Long, (Appellant) in the above appeal and shows he this day filed an application for Certiorari with the Supreme Court of Georgia.

This the 24 day of March, 2014.

s/x David Long

David Long

G.O.C. # 1021885
Wheeler Correctional Facility
P.O. Box 466
Alamo, Ga. 30411



Sherry Travis
3/24/14

Certificate of Service

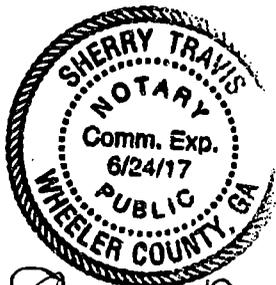
I certify that I have this day served the parties below with a copy of this Notice of Filing Petition of Certiorari by the United States Mail, addressed upon:

- 1) Kay Ann Wetherington
Rome Judicial Circuit
Assistant District Attorney
3 Government Plaza
Rome, Ga. 30161
- 2) Georgia Court of Appeals
47 Trinity Avenue, S.W.
Suite 501
Atlanta, Ga. 30334

This the 24 day of March, 2014.

s/x David Long

David Long G.O.C. # 1021885
Wheeler Correctional Facility
P.O. Box 466
Alamo, Ga. 30411



Sherry Travis
3/24/14

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

April 3, 2014

Mr. Dwight Timms
GDC290249
Augusta State Medical Prison
3001 Gordon Highway
Grovetown, Georgia 30813

Dear Mr. Timms:

In response to your correspondence received in this office, we do not have a case styled in your name pending in this Court.

Sincerely,



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

SEC/ld

RECEIVED IN OFFICE

2014 APR -2 PM 3:31

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Dwight Timms

290249

30001 Gordon Hwy

Grove Town Ga.

30813

Dear Judges

I am writing this for Mr. Timms
he is legally blind and blind for now
in left eye - Right eye is 20/2150
sight. This is Mr. Timms only
time in prison. he had very good
eye sight until Jail when his eye
became infected. The Jail did
send him to the Eye Doctor but
it also happened 2 more times
prison operated once on left eye
once on right eye. but with no
success! Other surgeries are a must
the retina came off

They have waited and
waited - maybe too long. Mr. Timms
deserves more than this. Just
too let him go blind. The Doctors
will NOT operate anymore. I
am asking for your help!
This is inhuman! He
Mr. Timms gets out in 4 yrs
and will be blind

Please help Mr.
Timms Ask, Georgia should be
made to provide better services

2

- Donator.

Mr. Timms is loosing his
sight because of Ga. State
Prison. because waiting and
waiting over a 1 1/2 yrs.

Plus Jail

Please help

Thanks so much

Dwight Timms

DWIGHT TIMMS CO.

March 29, 2014

To: The Court of Appeals
47 Trinity Avenue SW
Suite 501
Atlanta, GA 30334

RECEIVED IN OFFICE

2014 APR -3 PM 2:58

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Attn: Stephen E. Castlen, Court of Appeals of Georgia

From: Thomas Brothers Hydro, Inc.
115 Snapping Shoals Road
Covington, GA 30016
Phone #404-386-1256
Email: hokethomasjr@aol.com

Subj: Reply to your letter of January 6, 2014, declining any further review
Of A11A2377 and offering a copy of said judgment against the
Thomas Brothers by Henry County, Georgia

Ref: (a) July 30, 2004 Henry County Water and Sewerage Authority letter to
Thomas Brothers Hydro, Inc. denying Henry County the use of the
South River waters in perpetuity, but opting to purchase the Snapping
Shoals riverbed from Thomas Brothers for "mitigation" purposes only
(b) Thomas Brothers property plat dated May 19, 2005 with proposed
potable water treatment plant superimposed and showing outlined in red
the 4.1 acres illegally surveyed and ownership of the "tear drop" portion
of said 4.1 acres transferred to J.M. Hanger and sold to the Henry
County Water and Sewerage Authority without notice or payment to
Thomas Brothers (Graphic)
(c) The financial demise of Thomas Brother's 34 year old Georgia
registered "C" corporation due to the stolen property and assets coupled
to 4 years of fruitless defensive legal bills resulting from the bogus
lawsuit "The Henry County Water and Sewerage Authority vs. Thomas
Brothers" as authored, implemented and financed for the solicited, pro
bono client of attorney A.J. Welch, Jr. and the army of attorneys at the
Henry County law firm of Smith, Welch and Brittain (Graphic)

- (d) Copy of page 186, Henry County deed book 2591, top paragraph specifying all the fraudulently quitclaimed improvements and properties for J.M. Hanger and page 113 of the Newton County deed book 31 so specifying by name the same improvements as stolen from Thomas Brothers by said J.M. Hanger and sold to the Henry County Water and Sewerage Authority on March 10, 2008
- (e) "Criminal and Civil acts committed against the 8 Snapping Shoals landowners" by Henry County attorneys, private individuals and county government employees followed by "Reviewing Smith, Welch and Brittain Tracks by date"
- (f) Booklet, "The Death of Entrepreneurship in The United States of America"

1. Sir, I appreciate subject letter and I have no ill feelings towards your decision not to further review the fraudulent property and natural resource procurement scam in Henry County, Georgia. But after purchasing a law library from a retired attorney, studying property law for the past two years and being the victim of a most unscrupulous Henry County law firm and said law firm's solicited, bribed, pro bono client and 4 years of court hearings, I am thoroughly confused and do not know if I should take the Bar Exam, or jump off the planet.

2. Likewise, I do not have any ill feelings towards the Henry County Superior Court, nor the Georgia Appeals and Superior Courts. Although said court's ruling against Thomas Brothers are totally incorrect and a product of fiction, lies and intentional misrepresentation of the facts by the army of attorneys at Smith, Welch and Brittain simultaneously representing a private client for free and a government agency client for monetary payments, for the past 3 years.

3. Chronology, reference (a) letter proves that attorney A.J. Welch, Jr., said Welch's pro bono client and the Henry County Water and Sewerage Authority are not bona fide purchasers and knew of Thomas Brother's ownership, but simply members of a conspiracy to "put Thomas Brothers out of business", for said reference letter, in manager Lindy Farmer's own words, proves beyond the shadow of doubt that Henry County, Georgia could never use the waters of the South River. But in Henry County Superior Court Smith, Welch and Brittain attorney Will White told the Court that Henry County needs Snapping Shoals for a WATER TREATMENT PLANT! The frightening aspect is that the Judge later agreed. Now this happened less than 3 years after refusing to be a participant in the development of Snapping Shoals and after the completion of the \$60,000,000.00 Henry County, Tussahaw Creek Reservoir where attorney A.J. Welch, Jr. and said

Welch's two monetary accomplices jointly made over \$10,000,000.00 in profits from enhanced property sales simultaneously using the Smith, Welch and Brittain law firm as closing attorneys and the attorneys for the Henry County Water and Sewerage Authority!

Reference (b) is a Graphic of the Newton County "tear drop" property that attorney Welch's solicited client, J. M. Hanger sold to the Henry County Water and Sewerage Authority on March 10, 2008. Here are the facts: The Smith, Welch and Brittain law firm authored and obtained a bogus, un-funded, mail-order quitclaim from the grandchildren of the late owners of 160 acres of Snapping Shoals properties and assets, Whitehead Die Casting Company, Ltd. (common vendor to all the past purchasers of said 160 acres); claiming that said heirs or grandchildren were required to sign said bogus quitclaim in order to clear up a newly discovered "clerical error" in J.M. Hanger's 17 year old, June 17, 1991 deed for 89.2 dry Henry County acres. Once signed, the Smith, Welch and Brittain attorneys transferred 273.6 acres of property and assets (not 160 acres) in both Newton and Henry Counties from the rightful owners to said Hanger, then one day later to an unsuspecting (without a Resolution) Henry County Water and Sewerage Authority. Such a move monetarily enhanced said Hanger's dry 89.2 barren acres of Henry County property. The hidden agenda here is just like the enhanced property sales at the previously mentioned Tussahaw Creek Reservoir, again as attorney Will White told the Henry County Superior Court, NOW, Henry County must purchase said Hanger's 89.2 enhanced acres for a water treatment plant with attorney A.J. Welch, Jr. representing both parties! According to the Georgia EPD regulations, it will be 30 future years before Henry County needs any additional water, so why did attorney Welch make an assault on Snapping Shoals? For the answer, please read reference (f) booklet.

Reference (b) continued: After being sued by attorney Welch on behalf of the Henry County Water and Sewerage Authority for halting said Welch's trespass and illegal survey attempt of Thomas Brother's 27.38 Newton County acres of property, improvements and natural resources, the Henry County Superior Court Judge order the Thomas Brothers to submit to attorney Welch's survey over in Newton County by Henry County surveyors. Attorney Welch's surveyors came over and surveyed Thomas Brothers 27.38 acres, then said surveyors disobeyed the court order and continued and surveyed all 160 acres previously owned by Whitehead Die Casting Company, Ltd., apparently this was not enough, said surveyors continued and surveyed all fraudulently 273.6 quitclaimed acres, improvements and natural resources belonging to 9 different landowners, with only one (1) landowner (Thomas Brothers) under court order to allow attorney Welch's

survey. Reference (f) booklet alludes to the Georgia Appeals Court making the statement that attorney Welch quitclaimed 273 acres for said Welch's pro bono client, BUT this too is incorrect! For the property outlined in red on reference (b) is a total of 4.1 Newton County acres purchased in 2004 and 2006 by Thomas Brothers and never owned in the past by Whitehead Die Casting Company, Ltd and NOT a part of this lawsuit and equates to a bogus quitclaim of 273.6 acres + 4.1 acres = 277.7 acres while all three courts based their respective rulings on 273.6 quitclaimed acres! Furthermore, 116 acres of the total 273.6 acres was never previously owned by Whitehead Die Casting Company, Ltd. making the innocent Whitehead heir's signatures represent a fraudulent exhibit, used in all three aforementioned courts against Thomas Brothers and said Brothers unsuspecting 8 neighbors! Bottom line: Attorney Welch ordered Henry County surveyors to trespass on private Newton County 4.1 acres of property, not a part of this lawsuit, survey out the "tear drop" portion of said 4.1 acres, quitclaim and transfer ownership to J.M. Hanger, then to the Henry County Water and Sewerage Authority without notice or payment to Thomas Brothers.

Sadly, all three Georgia Courts have approved this totally illegal action and have now established a "case law" whereby any attorney can trespass on private property, survey said property, and if said attorney likes what he has surveyed, transfer ownership to a new owner without notice or payment to the rightful owner, and there is absolutely no defense for the rightful owner or property tax payer.

This afore described illegal property procurement action is yet another reason that Thomas Brothers respectfully and begs the Governor of Georgia and the Georgia State Attorney General to investigate this entire matter for reference (e) is a time line and list of all state and federal laws that have been violated by the Henry County Conspirators. Furthermore, that the Georgia Appeals Court either re-visit their past decision against Thomas Brothers or endorse a future Trial by Jury in Henry County Superior Court to separate lies and fiction from facts and prosecute the conspirators.

Reference (c) A Graphic of the last turbine produced at Thomas Brothers Snapping Shoals facility due to the financial demise of said company resulting from the bogus lawsuit "The Henry County Water and Sewerage Authority vs. Thomas Brothers", as initiated, financed and implemented by attorney A.J. Welch, Jr. for said Welch's pro bono client J.M. Hanger and said Welch's government agency client, the Henry County Water and Sewerage Authority. You cannot operate a business once you have spent all your cash reserves on a bogus lawsuit!

Reference (d) is a page from J.M. Hanger's, Smith, Welch and Brittain authored bogus quitclaim. Take notice the wording or assets quitclaimed and ownership transferred to J.M. Hanger: "together with all improvements, water rights, access to dam and dam area, **the dam**, upper trash racks and canal and the rights to use River Road a/k/a Hafley Road and any and all other roads, easements, ways and interests owned by grantor". Ownership of ALL these items was transferred from the rightful owners to J.M. Hanger and only a portion of said items were sold to the Henry County Water and Sewerage Authority, said Hanger retained ownership of the balance. When making a property procurement, such as "this one", and using the antiquated "less and except" method, the items "less and excepted" out must be specified, otherwise, ownership will be passed on to the new, illegal owner (J.M. Hanger). Such is the case with the listing of all the improvements; said improvements were quitclaimed, not "less and excepted" and are now, according to all three Georgia Courts, in the possession of J.M. Hanger. This leaves Thomas Brothers with 2 Newton County acres of barren land and no improvements (buildings, hydroelectric powerhouse and metal penstock). This is STEALING and regretfully approved by all three Georgia Courts as "tricked" by the army of devious attorneys at Smith, Welch and Brittain. Lastly, reference (d) is a part of a 1934 deed used by Smith, Welch and Brittain to quitclaim property for J.M. Hanger, the word **the dam** was not a part of the original deed, but wording illegally inserted into said 1934 recorded deed and sold by said Hanger to the Henry County government agency, The Henry County Water and Sewerage Authority. This is FRAUD, for it is the intentional alteration of a public, recorded deed for personal monetary gain.

4. In a layman's language, back in 1958, right out of High School, I enlisted in the U.S. Military. When I arrived in Cape May, New Jersey dressed in my Sears and Roebuck tennis shoes and blue jeans, my Georgia FFA tee shirt, I was immediately stripped of all my belongings (clothes), my head was shaved and my drill instructor or Company Commander told me and 138 other enlistees that we now have no rights, that our position is lower than Whale dung, and said dung is on the bottom of the Ocean.

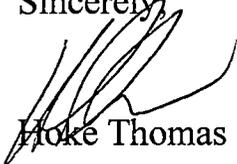
In June of 2011 when the Henry County Superior Court Judge ruled against Thomas Brothers I experienced a "flash-back" to 1958. For said Judge's ruling stripped my family and me of our belongings, completely denied our constitutional property, civil and human rights and reduced our citizenship to a level equal to Whale dung, and as my drill instructor previously stated, on the bottom of the Ocean. After a life-time of experiencing the "American Dream", in one fail

swoop, a rogue attorney, said rogue's solicited, pro bono client and the government agency that said rogue also represents, took from my family and me, our monetary existence and reduced our "American Dream" to Whale dung.

5. Pursuant to all three Georgia Court's erroneous rulings, it is now legal in the State of Georgia and the entire USA for private property owners to be "treated" in such a fashion as previously described; and said private property owners have absolutely no defense. I, along with millions of other Americans thank God that the Cold War with Russia is over, missiles with atomic war heads are no longer aimed at every large city in the USA, that by criticism and negotiations a certain degree of Human Rights has been restored in what was the Soviet Union. I love my State and the Federal Union and damn anyone that does not, but I have to wonder, with respect to my diminished Human, civil and property rights, am I, a native born US citizen, any better-off than a present day Russian Government citizen?

Please help the Snapping Shoals landowners, prosecute the Henry County perpetrators and re-instate the state and federal laws broken in reference (e). This job is too large and expensive for individual efforts, an investigation on a state and federal level is a must.

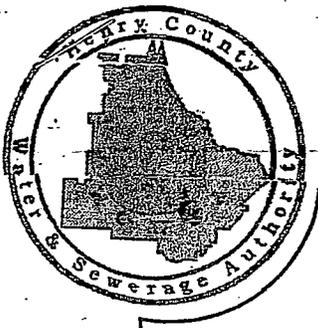
Sincerely,



Hoke Thomas

THE DEATH
OF
ENTREPRENEURSHIP
IN THE
UNITED STATES
OF
AMERICA

THE HENRY COUNTY WATER AND SEWERAGE AUTHORITY
VS
THOMAS BROTHERS
#2008-SU-CV-2714-W



HENRY COUNTY WATER AND SEWERAGE AUTHORITY

1695 HWY 20 WEST • McDONOUGH, GEORGIA 30253
TELEPHONE (770) 957-6659 • FACSIMILE (678) 583-2140

July 30, 2004

Mr. Hoke Thomas, Jr.
Thomas Brothers Hydro, Inc.
115 Snapping Shoals Road
Covington, Georgia 30015

Re: South River Water Supply

Dear Mr. Thomas:

Thank you for attending our Board Meeting this past Tuesday and presenting your South River Water Supply Proposal to our Board members, counsel, staff, and me. At this time, and as expressed in our meeting, we have a number of concerns and reservations concerning your proposal. These concerns relate to water quality, permit feasibility, inter-basin transfer, storage, and other matters more fully described hereinafter.

The Henry County Water and Sewerage Authority ("Authority") has evaluated the South River as a potential water supply source in depth on three occasions over the past 16 years:

1. We originally evaluated the South River as a water supply source in 1988 during our initial permitting of the Upper Towaliga and Long Branch Reservoirs.
2. We again evaluated the South River in 1996 prior to the expansion of the Upper Towaliga Reservoir.
3. We also evaluated the South River in 2000 during the permitting of the Tussahaw Reservoir.

On each occasion it was determined that the South River was not a feasible alternative for water supply by not only the Authority, but also by the State of Georgia, Department of Natural Resources, Environmental Protection Division (EPD) and the U. S. Army Corps of Engineers.

That three acre, more or less, tract conveyed by W. H. Reed to R. W. Warren, Jr. by Warranty Deed dated June 30, 1951, and recorded in Deed Book 40, Page 69, of Newton County Records and recorded in Deed Book 35, Page 441, of Newton County Records
Subdivision conveyed by W. H. Reed to Bruce Hatley, by Warranty Deed dated June of 1947, Lots Nos. 45, 46, 47 and parts of Nos. 44 and 48 of the Gordon Valley Engineering Company
563, of Henry County Records
That three acre, more or less, tract conveyed by R. K. Whitehead to North Georgia Methodist Conference, by Warranty Deed dated September 19, 1963, and recorded in Deed Book 78, Page
Deed dated November 3, 1949, and recorded in Deed Book 42, Page 39 of Henry County Records
That two acre, more or less, tract conveyed by W. H. Reed to W. R. Warren, Jr. by Warranty Page 90 of Henry County Records
That 104.83 acre, more or less, tract conveyed by W. H. Reed to J. P. Lunsford and David Nathan Lunsford by Warranty Deed dated December 8, 1947, and recorded in Deed Book 39,

heretofore conveyed as follows:
LESS AND EXCEPT from the above described properties those properties that have been

John McCalland Estate
WILKINSON, formerly the E. C. Huson Estate; and on the West by lands of Ed Stone, formerly North by South River; East by lands of Willard H. Reed; South by lands of W. R. (Sam) water mark to point of beginning point, containing 116 acres, more or less, and bounded on the the South side, thence running South in the center of Old Branch Lane to the center of the Old Snapping Shoals-Berschke Road; thence running West in center of said road to an original line; Commencing at a branch that empties into South River at the head of Snapping Shoals dam on the South side, thence running South in the center of Old Branch Lane to the center of the Old Snapping Shoals-Berschke Road; thence running West in center of said road to an original line; water mark to point of beginning point, containing 116 acres, more or less, and bounded on the North by South River; East by lands of Willard H. Reed; South by lands of W. R. (Sam) Wilkinson, formerly the E. C. Huson Estate; and on the West by lands of Ed Stone, formerly John McCalland Estate
All that tract or parcel of land lying and being in the 8th District of Henry County, Georgia, and more fully described as follows:

AND TRACT III

deed dated May 3, 1939 and recorded in Deed Book 31, page 108, Henry County Records
point, being the same property conveyed by V. C. Ellington to V. C. Ellington Company, Inc. by low water mark, and thence along the bank of said river at low water mark to the beginning said road to the center of the branch, thence along the center of said branch to the South River at corner, and running to a stake on the road East of the house; thence running along the middle of oak a few yards East of a spring South of the head of said Shoals, which is a BEGINNING at the head of Snapping Shoals on the South bank of the South River, at a water more fully described as follows:

AND TRACT II

All that tract or parcel of land lying and being in Henry County, Georgia, 8th Land District, containing 50 acres of land, more or less, and being parts of Lots 57 and 72, in said District, and interests owned by grantor.
and the right to use River Road a/k/a Hatley Road and any and all other roads, easements, ways improvements, water rights, access to dam and dam area, the dam, upper trash racks and canal of beginning, containing one hundred seven and six-tenths (107.6) acres, together with all the said McDough and Covington Highway twenty-one hundred eight (2108) feet to the point pipe; thence northwesterly along an old fence six hundred eighty-four (684) feet to the center of the said McDough and Covington Highway; thence northwesterly with the center of bank of said South River seventeen hundred fifty-five (1755) feet to an ironwood tree at the top of Snapping Shoals; thence South 14 degrees East fourteen hundred fifty (1450) feet to an iron pipe; thence northwesterly along an old fence six hundred eighty-four (684) feet to the center of the said McDough and Covington Highway; thence northwesterly with the center of the said McDough and Covington Highway twenty-one hundred eight (2108) feet to the point of beginning, containing one hundred seven and six-tenths (107.6) acres, together with all improvements, water rights, access to dam and dam area, the dam, upper trash racks and canal and the right to use River Road a/k/a Hatley Road and any and all other roads, easements, ways and interests owned by grantor.

THE DAWD
SOLD BY
HANGER
TO
HCUSA
NOT PART OF
APP PREVIOUS
DEEDS

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

April 3, 2014

Mr. Devon Tarver
Chatham County Sheriff's Complex
1050 Carl Griffin Drive
Savannah, Georgia 31405

Dear Mr. Tarver:

The Notice of Appeal is filed with the clerk of the trial court in the county from which you were sentenced. The trial court clerk will prepare the record and transcript as you request and forward same to the Court of Appeals of Georgia for docketing. When the case is docketed in this Court, you will receive a Docketing Notice with the Briefing Schedule and other important information.

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 be actually 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.

Also, in your Affidavit you mentioned you plan to file an Application for Writ of Habeas Corpus. The 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.

I am returning your documents to you.

Sincerely,



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

SEC/ld
Enclosures

IN THE STATE COURT OF GEORGIA

Chatham County.

DEVON TARVER,
Defendant.

vs.

THE STATE OF GEORGIA,
Respondent.

§
§
§
§
§
§
§
§

Case Number: CR131786

AFFIDAVIT

I, Devon Tarver, hereby swear, under the penalty of perjury, and pursuant to 28 U.S.C. § 1746, that the following statements are true and correct based upon my personal knowledge:

1. I am the defendant in the above named criminal case.
2. My appointed attorney did no pre trial investigation or discussed any compent plea agreement.
3. I was led to trial by this attorney's advise to go to trial.
4. I plan on filing an appeal with this attorney's help, however since I cannot both have this attorney file a appeal with ineffective assistance of counsel on oneself I am alerting the court that I plan on filing a habeas corpus claiming ineffective assistance of counsel, and numerous other violations.
5. I am planning on filing these complaints pro se therefor I would like all pertinent forms to file this motion.
6. I also would like all forms for me to file In Forma Pauperis.

Sworn to under 28 U.S.C. § 1746....

DATED: 2/10/14 ^{D.T.} 2/21/14 ^{D.T.} 3/13/14 Signed: Devon Tarver
Devon Tarver

COURTS SIGNATURE: _____ DATED: _____

5
COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS

Date: April 4, 2014

To: Ms. Sheila Mize, 114 Ashwood Court, South, Stockbridge, Georgia 30281

Docket Number: A14A1142 Style: Sheila Mize v. Georgia Department of Labor, 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: **The above referenced appeal was dismissed in this Court on March 17, 2014.**

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

03/15/2014

FILED IN OFFICE RECEIVED IN OFFICE

APR 2 2014

2014 APR -3 PM 1:07

CLEK, COURT OF APPEALS OF GEORGIA

DEPARTMENT ADMINISTRATOR COURT OF APPEALS OF GA INDEX

STATEMENT OF THE CASE

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2014 MAR 18 PM 1:15

CLEK, COURT OF APPEALS OF GEORGIA

1. The Nature of the Proceeding and the Relief Sought
2. The Nature of the Decision To Be Reviewed
3. Statement of the Statutory Basis for Appellate Jurisdiction
4. Statement of Appellate Jurisdiction
5. Questions Presented on Review
6. Summary of Argument
7. Statement of Material Facts

FILED IN OFFICE

MAR 17 2014

CLEK, COURT OF APPEALS OF GEORGIA

ASSIGNMENT OF ERROR

The Superior Court of Clayton County State of Georgia erred in affirming the decision of the Department of Labor Board of Review denying petitioner benefits by ruling:

“Judicial review of an administrative decision requires the court to determine that the findings of fact are supported by ‘any evidence’ and to examine the soundness of the conclusions of law that are based upon the findings of fact.” Sky King 101, LLC v. Thurmond, 314 Ga. App. 377, 724 S.E. 2d 412 (2012)

The Petitioner cites twenty (20) separate instances where she contends she was interrupted by the Administrative Hearing Officer, was intimidated or badgered by the Administrative Hearing Officer, where she was not allowed to submit certain evidence, where the Administrative Hearing Officer was “nonsensical”, and where the accurate is inaccurate.”

After hearing argument, the Court has examined the record received from the Department of Labor including a transcript of the telephone hearing conducted between the parties. The Court finds the facts presented at the hearing are supported by the “any evidence” standard and that the conclusions of law based upon those fact are correct. The court can find no basis for reversing the decision of the Board of Review.

FILED IN OFFICE

MAR 26 2014

COURT CLERK CLERK COURT OF APPEALS OF GA

RECEIVED IN OFFICE
2014 MAR 27 PM 3:55
DEPARTMENT ADMINISTRATOR COURT OF APPEALS OF GA

A14A1142

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

April 4, 2014

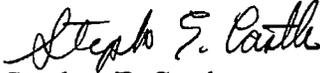
Mr. Hoke Thomas
Thomas Brothers Hydro, Inc.
115 Snapping Shoals Road
Covington, Georgia 30209

Dear Mr. Thomas:

I received your letter of March 29, 2014. I am so sorry for the awful experiences you described. It is obvious that you have put a great deal of work into the submission you sent to me. I regret that I am unable to do anything to assist you with the significant problems you have described. I suspect you have brought this to the attention of a lawyer and sought local or state investigative support. If you have not, I would suggest you consider contacting a lawyer or law firm and that you discuss this with the investigative agencies in your area. A review of your materials suggest that you may have already done this.

Our Court does not initiate investigations, so we are unable to assist. We handle appeals from lower court judgments. I am returning the entire package of materials you sent and I hope that you can provide them to someone who is able to assist you. I wish you well.

Sincerely,

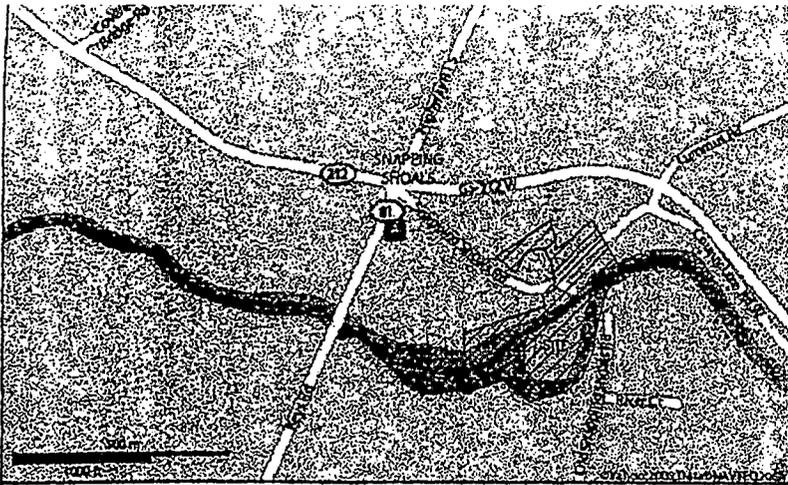

Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld

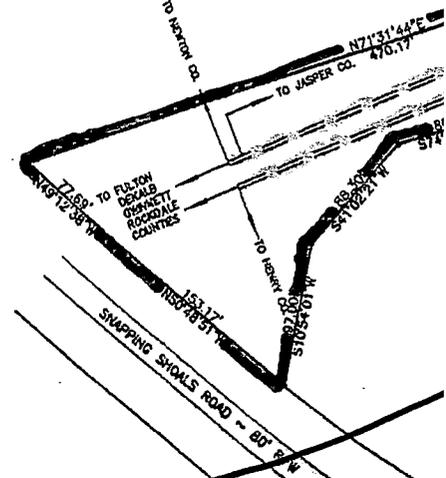
IT WAS A VERY GOOD 34 YEARS OF BUSINESS IN NEWTON COUNTY, GEORGIA, BUT NOW IT IS OVER, NOT RESULTING FROM FOREIGN OR DOMESTIC COMPETITON, BUT AT THE HANDS OF THE ADJOINING HENRY COUNTY GOVERNMENT AS APPROVED BY THE STATE OF GEORGIA COURTS



THE FINAL HYDRAULIC TURBINE MANUFACTURED IN NOVEMBER OF 2010, IN NEWTON COUNTY, GEORGIA BY THOMAS BROTHERS HYDRO, INC. SAID 34-YEAR OLD COMPANY'S FINANCIAL DEMISE WAS A DIRECT RESULT OF HENRY COUNTY ATTORNEY A.J. WELCH, JR.'S BOGUS QUITCLAIM AND FRAUDULENT LIMITED WARRANTY DEEDS BOTH SUPPORTED BY SAID WELCH'S SOLICITED, PRO BONO HENRY COUNTY CLIENT J.M. HANGER AND A POSTHUMOUS RESOLUTION FROM THE HENRY COUNTY WATER & SEWERAGE AUTHORITY APPROVING OF SAME AND "BLESSED" BY THE HENRY COUNTY SUPERIOR COURT.



CONTEXT MAP



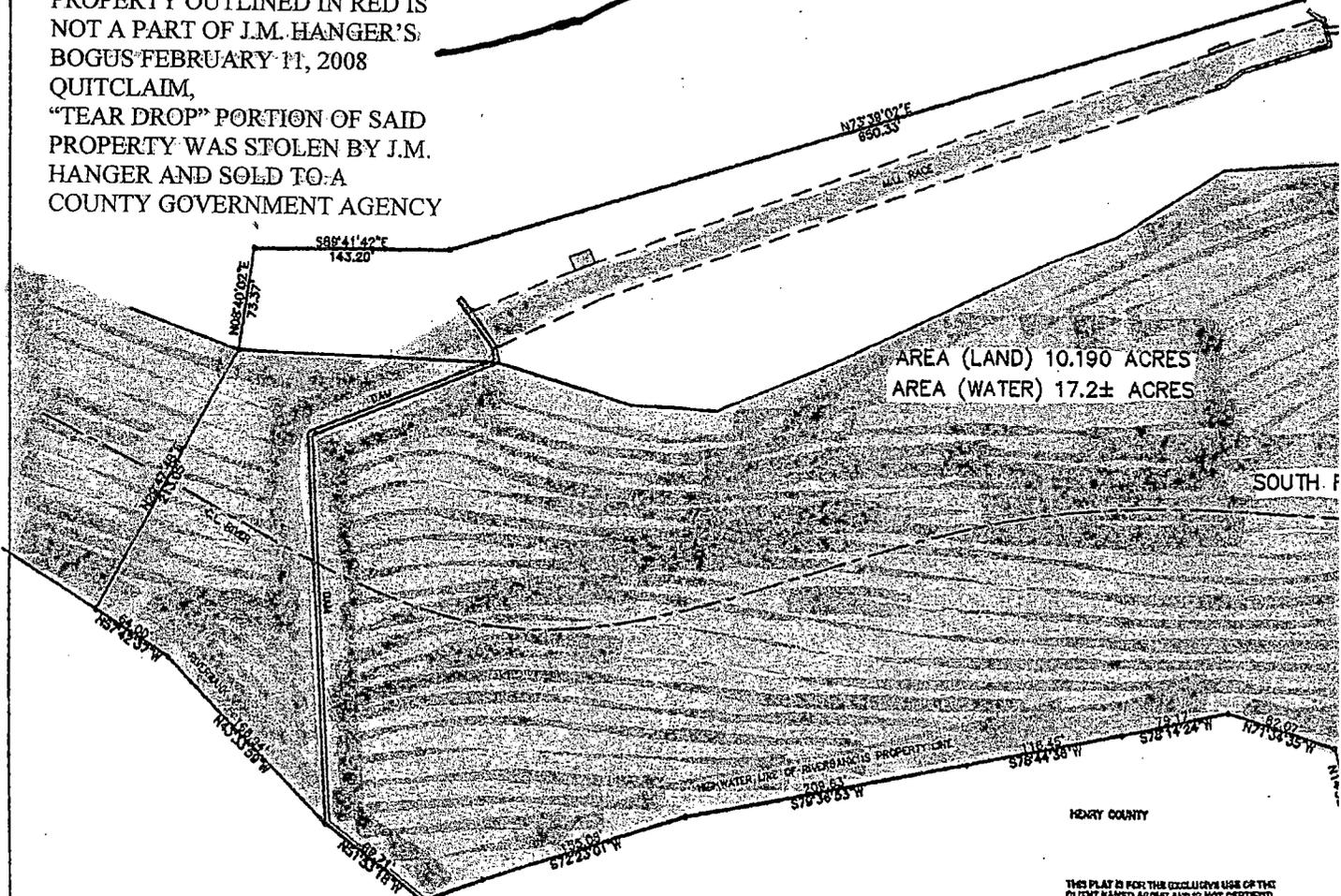
NOTES PERTAINING TO SURVEY:

- #1 OWNERSHIP OF THIS PROPERTY HAS CERTAIN RIGHTS OF CONTROL OF WATER LEVEL AND WATER USAGE OF SOUTH RIVER AND THE RIGHT TO MAINTAIN DAMS, GATES, AND SHORE LINES ON BOTH THE NEWTON COUNTY AND HENRY COUNTY SIDES OF THE RIVER.
- #2 SOME OF THE POWER POLES SHOWN ON THIS PROPERTY ARE PRIVATELY OWNED AND MAINTAINED AND USED FOR THE PRIVATE PRODUCTION AND DISTRIBUTION OF ELECTRICITY.
- #3 THIS PROPERTY IS ZONED M-2 (HEAVY INDUSTRIAL)

NOTES PER HOKE S. THOMAS, JR.

- #4 ALL BUILDING FLOOR LEVELS WERE CONSTRUCTED FOUR (4) FEET ABOVE THE 100 YEAR FLOOD HAZARD LEVEL PER ELEVATION PROVIDED BY NEWTON COUNTY.
- #5 200 KW HYDROELECTRIC GENERATING STATION WITH 20' FEET OF OPERATING HEAD. 200 CFS (CUBIC FEET PER SECOND) USAGE, FERC LICENSE # 63FERC62,132 GEORGIA STATE EPD PERMIT # 107-0404-01. SITE POTENTIAL=2,000 KW PER COFE.
- #6 RIVER FLOW IS 600 CFS AVERAGE OR 387.7 MGD (MILLION GALLONS PER DAY). 28 CFS (18.2 MGD) 7Q10. 30 MGD WITHDRAWAL PERMIT APPLIED FOR JAN. 9, 2002. PROPOSED WITHDRAWAL SITE AT CONFLUENCE OF SNAPPING SHOALS CREEK AND SOUTH RIVER.
- #7 CONSISTENT 56 MGD (88 CFS) ADDITIONAL FLOW IN RIVER FROM TREATED EFFLUENT, 27 MILES UPSTREAM AS INTER BASIN TRANSFER SINCE 1975.

PROPERTY OUTLINED IN RED IS NOT A PART OF J.M. HANGER'S BOGUS FEBRUARY 11, 2008 QUITCLAIM, "TEAR DROP" PORTION OF SAID PROPERTY WAS STOLEN BY J.M. HANGER AND SOLD TO A COUNTY GOVERNMENT AGENCY



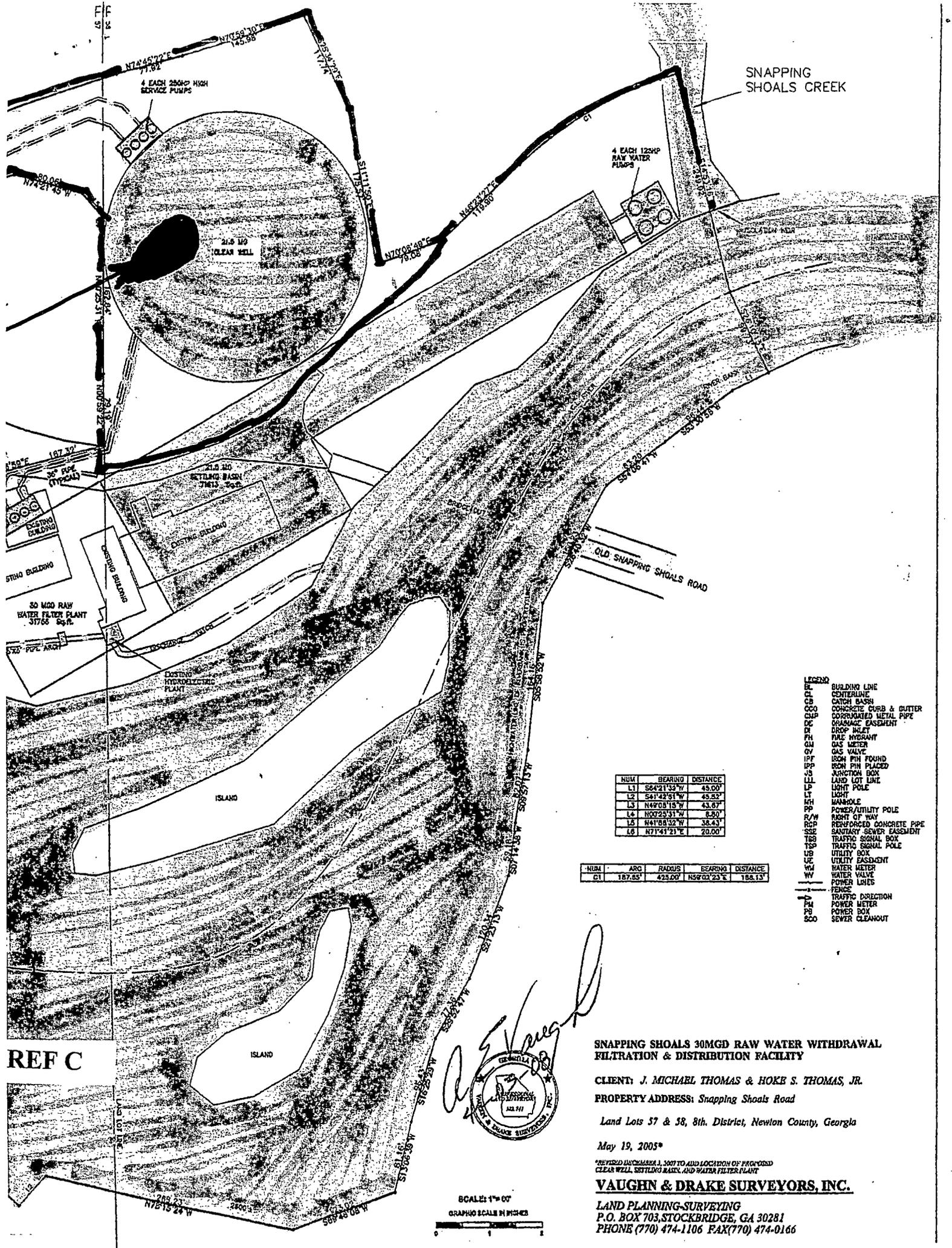
AREA (LAND) 10.190 ACRES
 AREA (WATER) 17.2± ACRES

SOUTH RIVER

HENRY COUNTY

EQUIPMENT USED: TOPCON GST TOTAL STATION
 CLOSURE PRECISION: TRAVERSE PLAT. 20,000' +
 ADJUSTMENTS MADE BY THE COMPASS RULE

THIS PLAT IS FOR THE EXCLUSIVE USE OF THE CLIENT NAMED ABOVE AND IS NOT CERTIFIED TO OTHERS
 UNLESS DESIGNATED OTHERWISE THIS PROPERTY IS NOT ENCLOSED IN THE PLAT, AS BEING WITHIN A FLOOD HAZARD AREA.



SNAPPING SHOALS CREEK

4 EACH 250HP HIGH SERVICE PUMPS

4 EACH 125HP RAW WATER PUMPS

21.5 MG CLEAR WELL

30 MGD RAW WATER FILTER PLANT 37766 sq ft

30" PIPE (TYPICAL)

EXISTING BUILDING

EXISTING BUILDING

EXISTING BUILDING

EXISTING HYDROCHLORIC ACID PLANT

EXISTING BUILDING

- LEGEND**
- BL BUILDING LINE
 - CL CENTERLINE
 - CB CATCH BASIN
 - CCO CONCRETE CURB & GUTTER
 - CMP CORRUGATED METAL PIPE
 - DC DRAINAGE EASEMENT
 - DR DROP INLET
 - PH PIPE HYDRANT
 - GM GAS METER
 - GV GAS VALVE
 - IPF IRON PIN FOUND
 - IPP IRON PIN PLACED
 - JP JUNCTION BOX
 - LJ LAND LOT LINE
 - LP LIGHT POLE
 - LI LIGHT
 - MH MANHOLE
 - PP POWER/UTILITY POLE
 - R/W RIGHT OF WAY
 - RCP REINFORCED CONCRETE PIPE
 - SSE SANITARY SEWER EASEMENT
 - TGB TRAFFIC SIGNAL BOX
 - TSP TRAFFIC SIGNAL POLE
 - UB UTILITY BOX
 - UE UTILITY EASEMENT
 - WM WATER METER
 - WV WATER VALVE
 - PL POWER LINE
 - FENCE
 - TRAF DIRECTION
 - PM POWER METER
 - PB POWER BOX
 - SCO SEWER CLEANOUT

NUM	BEARING	DISTANCE
L1	S64°21'33" W	45.00'
L2	S41°42'51" W	43.82'
L3	N42°08'15" W	43.87'
L4	N02°25'51" W	8.00'
L5	N41°08'32" W	38.43'
L6	N71°41'21" E	20.00'

NUM	ARC	RADIUS	BEARING	DISTANCE
C1	187.85'	425.00'	N59°01'23" E	188.13'

REF C

Handwritten signature



SNAPPING SHOALS 30MGD RAW WATER WITHDRAWAL FILTRATION & DISTRIBUTION FACILITY

CLIENT: J. MICHAEL THOMAS & HOKE S. THOMAS, JR.

PROPERTY ADDRESS: Snapping Shoals Road

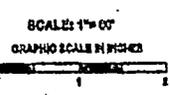
Land Lots 57 & 58, 8th. District, Newton County, Georgia

May 19, 2005*

*REVISED DRAWING 1, 2007 TO ADD LOCATION OF PROPOSED CLEAR WELL, SETTLING BASIN, AND WATER FILTER PLANT

VAUGHN & DRAKE SURVEYORS, INC.

LAND PLANNING-SURVEYING
P.O. BOX 703, STOCKBRIDGE, GA 30281
PHONE (770) 474-1106 FAX (770) 474-0166



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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

April 4, 2014

Mr. Larry Polke
GDC85771 L-7-1B
Ware State Prison
3620 Harris Road
Waycross, Georgia 31503

Dear Mr. Polke:

A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. When the trial court clerk receives and files 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. When 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. I am returning your copies to you.

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 be actually 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
Enclosures

IN THE COURT OF APPEALS OF GEORGIA

STATE OF GEORGIA * CASE NUMBER: 72003;
 WARDEN GLEN JOHNSON *
Respondent(s) / Appellee * CLERK'S NUMBER: 14388;
 VS. *
 LARRY POLKE, #85771 * COURT OF APPEALS FILING
Petitioner / Appellant * NUMBER: _____

NOTICE OF APPEAL

Notice is hereby given that the Appellant above-named hereby appeals to the Court of Appeals of Georgia from the judgment of conviction and sentence in the Superior Court of Toombs County entered herein on February 27, 1985.

Appellant was convicted of Kidnapping, Rape, Aggravated Sodomy, and Armed Robbery, and sentenced to three 20 year term to run consecutively and one (1) 20 year term to run concurrently in the penitentiary prison system.

The Appellant is requesting for leave to proceed in forma pauperis, also for an docket number to appeal his "Motion to Correct And Vacate Void Sentence" his second motion filed in Toombs County Superior Court with his new discovery evidence, new grounds and enumeration of errors pursuant to the O.C.G.A. § 17-9-4, challenging the above-named for relief filed on February 10th, 2014; THEREFORE, Appellant motion is DENIED. So Ordered this 5th day of March, 2014.

The Appellant request is to give notice to the Honorable Court of Appeals to challenge his new
 (Pg 1 of 2)

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 2014 APR - 3 PM
 CLERK/COURT ADMINISTRATOR
 COURT OF APPEALS OF GEORGIA

Continuation

new discovery evidence which is guaranteed pursuant to the O.C.G.A. § 179-4;

The Tombs County Superior Court has been notified with Appellant's Notice of Appeal to please omit nothing from the record on appeal motions of evidence and proceedings is to be filed for inclusion in the record on appeal.

The Court of Appeals of Georgia rather than the Tombs County Superior Court has jurisdiction of this appeal pursuant to O.C.G.A. § 5-6-34(a), (1) and (6), also have jurisdiction of this appeal challenging the Appellant's new discovery evidence in the second Motion to Correct Kind Vacate Void Sentence pursuant to O.C.G.A. § 17-9-4.

Respectfully Submitted
This 24th day of March, 2014. *[Signature]*

Prosec. Larry Polk, #85771;
Ware Station, L-Bldg/7-1-B;
3620 Harris Rd.
Waycross, Ga. 31503
Seal:

[Signature]

My Commission Expires: 2-27-15
(Page 2) Ended

IN THE COURT OF APPEALS OF GEORGIA
STATE OF GEORGIA

LARRY POLKE,
Plaintiff
G.D.C. 85771,
Inmate Number

CLERK'S NUMBER: 14388
CASE NUMBER: 72003
Civil Action No. _____

STATE OF GEORGIA,
vs.
WARDEN GLEN JOHNSON,
RESPONDENT(S),
Defendant(s)

Nature of Action:
"MOTION TO CORRECT AND VACATE
VOID SENTENCE" entered
on March 5th, 2014

REQUEST TO PROCEED IN FORMA PAUPERIS

I, Larry Polke, #85771, 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: NONE

2. 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: _____

3. 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

VERIFICATION

I, Larry Polke, 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.

x Larry Polke
Signature of Affiant Petitioner #85771
Ware State Prison, L-Bldg 17-1B
3620 Harris Rd.
Waycross, Ga. 31503

Date

Sworn to and subscribed before me this
31 day of March, 2014.

Elijae B. Bunker
Notary Public or Other Person Authorized to Administer Oaths

Please note that under O.G.C.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.

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, Larry Polke,
has an average monthly balance for the last twelve (12) months of \$ 722.25 on account at
the Ware State Prison
_____ 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: Ware State Prison

Beth Holland
Authorized Officer of Institution

3-28-2014
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).

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

April 10, 2014

Mr. Michael Rufus
GDC1000788776
Washington State Prison
Post Office Box 206
Davisboro, Georgia 31018

Dear Mr. Rufus:

We are in receipt of your letter dated April 7, 2014. It is correct that you do not owe anything on case A13A2218. Michael Alonza Rufus v. Samuel D. Ozburn, Judge, et al. However, it appears that you do owe this Court in case A14A0051. Michael Alonza Rufus v. Samuel D. Ozburn, Judge.

In case A14A0051, a pauper's affidavit is the classification, i.e., that case concerns the granting or failure to grant a pauper's affidavit. There has been no payment received on that case.

Sincerely,



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

SEC/ld

RECEIVED IN OFFICE

2014 APR -9 PM 3: 18

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Michael Rufus

GAC NO. 10078876

WASHINGTON STATE PRISON

P.O. BOX 206

DAWSBORO, GA 30018

07 April, 2014

Clerk's Office

Court of Appeals of Georgia

47 Trinity Avenue, SW, Suite 501

Atlanta, Georgia 30334

IN RE: DISCRETIONARY APPEALS NO. A13D0332 - APPEAL NO. A13-A2218 and DISCRETIONARY
APPEAL NO. A13D0429 - APPEAL NO. A14A0051 all in reference Michael Abramo Rufus v

Samuel D. Ozburn, Judge.

Madam or Sir

On 16 December, 2013 this court issued an order reversing the lower courts
ruling under case No. A13-A2218 which was initiated by case No. A13D0332. On 21
January, 2014 this court issued an order remanding case No. A13-A2218, but
I presume was in regards to case No(s): A13-00429 and A14A0051, in accordance
with its 16 December, 2013 order above mentioned.
I am in possession of a "KEMITT TUE" for case No. A13A2218 stating
"cost paid in the Court of Appeals: \$300" and my family has been verbally
informed by persons of this office that the costs for both cases have been
paid.
Conceivably attached is a receipt showing that an outstanding obligation

exists that I know can only be due to the alleged obligations of the cases herein mentioned still pending at my facility.

Therefore I respectfully request that you send certified documentations to the business office of this facility and myself which would prove the obligations have been satisfied. I also respectfully request that you return a stamped filed copy of this correspondence and attachment so that I can be informed of your actions and act accordingly.

I am thanking you in advance for your assistance.

07 April, 2014

A handwritten signature in black ink, appearing to be 'N. Smith', written in a cursive style.

Handwritten scribble or signature

Handwritten mark or signature

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

April 11, 2014

Mr. Jackie D. Owens
GDC8829699 D-D-33
Coastal State Prison
Post Office Box 7150
Garden City, Georgia 31418

RE: Jackie D. Owens v. The State
12CR0293

Dear Mr. Owens:

I am in receipt of your documents received on April 10, 2014. We do not have a current appeal in this Court in your name. Therefore, I am returning your documents to you.

Also, I have enclosed a copy of the Court's Rule for your review.

Sincerely,



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

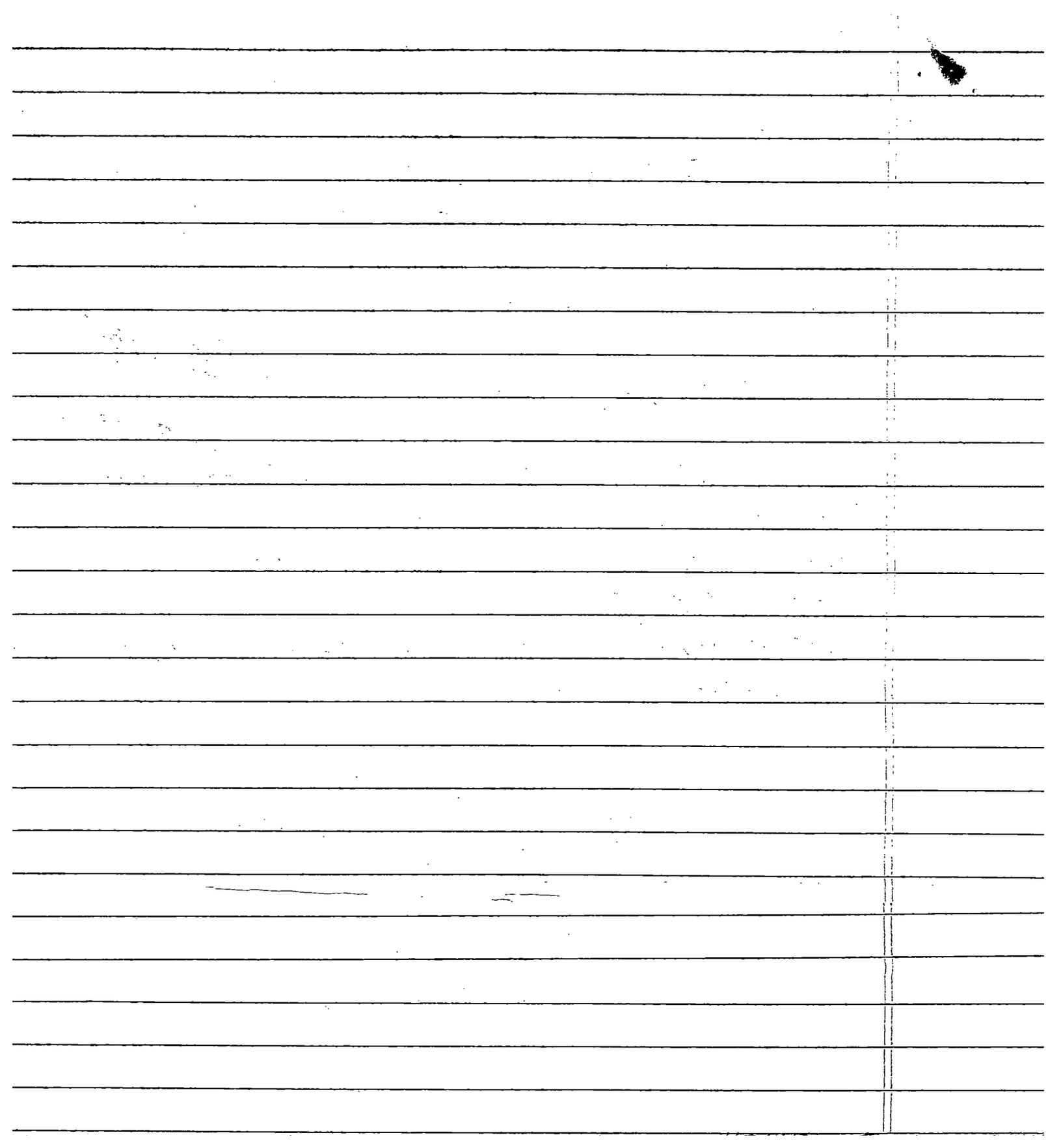
SEC/ld
Enclosures

DEAR CLERK,

I UNDERSTAND MY PAPERWORK HAS DISCREPANCIES
HOWEVER, I HAVE ADDRESSED THE PRISON, THE CLERK OF
COURTS IN WALKER COUNTY AND FORMALLY TRIED TO
CONTACT SOMEONE FOR HELP IN THIS DEPT., TO
NO AVAIL.

I NEED DIRECTION AND/OR HELP IN OBTAINING
THE COURT ORDER OR WHATEVER I AM IN NEED
OF TO HAVE PROPER AND MEANINGFUL ACCESS
TO THIS COURT. MY ONLY KNOWN REMEDY IS TO FILE
A U.S. 1983 CIVIL ACTION WHICH I FEEL WOULD
BE WAY TOO LATE IN THIS MATTER. I HAVE
ALREADY BEEN DELAYED BY THE WALKER COUNTY
CLERK OF COURT AND THE COURT ITSELF DUE TO
1 YEAR DELAY AND THE COURT ORDER / DECISION
BEING DISREGARDED

RESPECTFULLY SUBMITTED
I AWAIT YOUR REPLY! Jackie D. Owens
JACKIE D. OWENS # 829699
COSTA STATE PRISON D-D-33
P.O. BOX 7150
GARDEN CITY, GA. 31418



THE COURT OF APPEALS OF GEORGIA
STATE OF GEORGIA

STATE OF GEORGIA NOTICE OF MOTION TO PROCEED
AS A POOR PERSON

-VS- NO. 12CR0293

11-21-2012

JACKIE D. OWENS

DEFENDANT

RECEIVED IN OFFICE
2014 APR 10 PM 3:44
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GEORGIA

PLEASE TAKE NOTICE THAT UPON AFFIDAVIT OF JACKIE

D. OWENS, DEFENDANT SUBORN ON THE 30TH DAY OF
MARCH, A MOTION WILL BE MADE AT A TERM OF THIS COURT,
FOR AN ORDER PERMITTING DEFENDANT TO PROSECUTE
HIS NOVEMBER 21, 2012 CONVICTION AFTER SERVICE
IS SERVED UPON THE COSTA STATE PRISON BY ORDER
INSTRUCTING SAME TO SUPPLY PHOTO COPYING, NOTARY
SERVICES AND FOR INDIGENT MAIL I.E. LEGAL
TO BE DONE WITHOUT DELAY.

I SWEAR UNDER THE PENALTY OF PERJURY THE FOREGOING
MOTION FOR COURT ORDER IS TRUE AND CORRECT
EXECUTED THIS THE 30TH DAY OF MARCH, 2014.

DATE

Jackie D. Owens

MARCH 30, 2014

JACKIE D. OWENS # 829699

COSTA STATE PRISON 0-0-33

P.O. BOX 7150

GARDEN CITY, GA. 31418

(1)

THE COURT OF APPEALS OF GEORGIA
STATE OF GEORGIA

STATE OF GEORGIA *
*

-VS-

* NO. 12CR0293

* 11-21-2012

JACKIE D. OWENS *

DEFENDANT *

MOTION FOR COURT ORDER

COMES, JACKIE D. OWENS, DEFENDANT, PRO-SE AND WITHOUT HELP OF ANY ATTORNEY AND MOVES THIS HONORABLE COURT TO ISSUE A COURT ORDER AGAINST THE COSTA STATE PRISONS WARDEN AND/OR LAW LIBRARY AT P.O. BOX 7150, GARDEN CITY, GA. 31418 SHOWING AS FOLLOWS:

1.

ON MARCH 18, 2013, DEFENDANT JACKIE D. OWENS FILED A MOTION TO REDUCE SENTENCE WITH THE WALKER COUNTY CLERK OF COURTS PERTAINING TO HIS NOVEMBER 21, 2012 PLEA

2.

DEFENDANT HAS FILED NUMEROUS MOTIONS AND LETTERS

(2)

TO THE WALKER COUNTY CLERKS OFFICE AS TO THE DISPOSITION OF SAID MOTIONS, I.E. MOTION TO REDUCE AND MOTION TO MODIFY.

3.

ON MARCH 4, 2014 DEFENDANT SIGNED FOR A LEGAL ENVELOPE IN THE LEGAL LOG BOOK WHICH CONTAINED THE ENCLOSED LETTER DATED FEBRUARY 25, 2014

4.

ALSO ENCLOSED WERE (2) TWO COURT ORDERS THAT WERE SIGNED AND FILED NOVEMBER 21, 2013

5.

DEFENDANT NEVER WAS SERVED COPIES OF SAID ORDERS WHICH CAN BE VERIFIED BY LEGAL MAIL LOG BOOKS. SEE 2 ENCLOSED COURT ORDERS

ARGUMENT AND CITATION OF LAW

1.

DEFENDANT, HAVING PROOF OF DEADLINES THAT HAVE TO BE MET AND A LIMITED TIME TO DO SO AND THE PRISON ALLOWING 45 MINUTES TO 1 HOUR, ONE OR TWO DAYS A WEEK EXCLUDING EVACUATING THE LAW LIBRARY FOR 10 TO 15 MINUTES FOR HEADCOUNT AND;

(3)

TIME WILL BE REDUCED TO HALF IF OTHERS ARE WAITING.
WILLIAMS V. LEEKE, 584 F. 2d. 1336, 1340 (4th CIR. 1978)
(FINDING THAT A SITUATION WHERE A PRISONER IN A
CITY JAIL WAS ONLY ALLOWED ACCESS TO LEGAL RESOURCES
45 MINUTES A DAY, THREE DAYS A WEEK WAS "ON IT"
FACE A CONSTITUTIONAL VIOLATION").

2.

DEFENDANT, JACKIE D. OWENS, HAS NO OTHER MEANS
OF ACCESS TO A PHOTO COPIER TO RE-PRODUCE LEGAL
PAPERS AND/OR DOCUMENTS, DEFENDANT IS DENIED
MEANINGFULLY ACCESS TO THE COURTS. SEE CANELL
V. BRADSHAW, 840, F. SUPP. 1382, 1392 (D. OR. 1993)
(HOLDING PRISONER HAS CLEARLY ESTABLISHED RIGHT TO
PHOTO COPYING UNDER CERTAIN LIMITED CIRCUMSTANCES)

3.

IT HAS BEEN HELD THAT AN INDIGENT INMATE IS
ALLOWED 3 PERSONAL, AND 5 LEGAL LETTERS A
WEEK. HOWEVER THE UNSETTLED ISSUE OR QUESTION
REMAINS. BY WHAT MEANS CAN INDIGENT INMATES
COMPLY TO THE NOW STRICT RULES OF ENCLOSING
A SELF ADDRESSED, STAMPED ENVELOPE TO RECEIVE
STAMP FILED COPIES FROM COURTS?

4

CANELL V. BRADSHAW, 840 F. SUPP. 1382, 1392 (D. OR. 1993)
IN CANELL A PRISONER CLAIMED HE WAS DENIED PROPER

ACCESS TO THE COURTS AND UNLIKE CANCELL THE

DEFENDANT'S CASE CANNOT BE EXTENDED FOR FURTHER

INJURY TO OCCUR LEAVING THE DEFENDANT DEFENSELESS

AND UNABLE TO PRESENT ANY CLAIM WHATSOEVER.

WHEREFORE DEFENDANT JACKIE D. DUBOIS PRAYS

THIS HONORABLE COURT SIGN AN ORDER TO ALLOW ALL

REQUIRED DOCUMENTS AND FOR ORDERS BE

PHOTO COPIED AND SUFFICIENT TIME, "AS THE COURT

DEEMS FAIR" FOR THE DEFENDANT TO RESEARCH AND

ADDRESS THE COURTS WITH MEANINGFUL ACCESS.

THE DEFENDANT WOULD FURTHER ASK THIS HONORABLE

COURT TO ADDRESS THE WAIVER COUNTY CLERK OF COURT

AS TO COURT RULES AND PROCEDURES AND THEIR DUTY

TO DOCKET CASES PROPERLY AND MAIL ORDERS WITHOUT

DELAY, THIS MOTION OR DOCUMENT IS WRITTEN WITHOUT

MALICE OR PREJUDICE TOWARDS ANYONE

Respectfully Submitted

Jackie D. Dubois

JACKIE D. DUBOIS #829699

DATE

MARCH 30, 2014

P.O. BOX 7150

COSTA STATE PRISON 0-D-33

GARDEN CITY, GA. 31418

DATE

MARCH 30, 2014

Jackie Dubois
JACKIE DUBOIS

MOTION IS TRUE AND CORRECT.

I SWEAR UNDER THE PENALTY OF PERJURY THE FOREGOING

Carter Brown
Clerk of Superior Court

P. O. Box 1125
LaFayette, GA 30728
706-638-1742

February 25, 2014

Jackie Owens:

case# 12cr0293

We received your letter. Enclosed you will find a copy of everything that has been filed in this case since you were sentenced. We will only send these copies this one time. We have read your letters and are not sure what motion you are asking about – there is no Motion to Modify in this case – you can see what is filed. It is the responsibility of the defendant or the defense attorney to send copies to any party that needs to be served. So if it did not get sent to the correct person it is not our fault. If you sent a Motion to Modify, for some reason it never made it to us. As stated above, there is a copy of everything that has been filed.

Sincerely,



Carter Brown
Clerk of Superior Court
Walker County, GA

IN THE SUPERIOR COURT FOR THE COUNTY OF WALKER

STATE OF GEORGIA

FILED IN OFFICE

NOV 21 2013

Cathy Brown
CLERK

STATE OF GEORGIA

|

vs.

|

File Number:
12 CR 0293

JACKIE D. OWENS

|

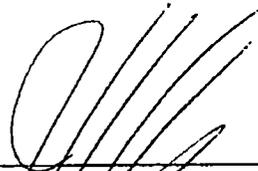
Defendant

|

ORDER ON MOTION REINSTATE THE TIME TO APPEAL

The Court has considered the above and Denies this Motion.

This 21 day of November 2013.



JON BOLLING WOOD
CHIEF JUDGE OF SUPERIOR COURT
LOOKOUT MOUNTAIN JUDICIAL CIRCUIT



2014

Georgia Court of Appeals

R U L E S

Last Update: February 19, 2014

TO: GA COURT OF APPEALS - CLERK OF COURTS

APRIL 24, 2014

RE: JACKIE D. OWENS # 827699

COSTAL STATE PRISON 0-0-33

P.O. BOX 7150

GARDEN CITY, GA. 31418

RECEIVED IN OFFICE

2014 MAY -2 PM 2:54

CLERK COURT ADMINISTRATOR
COURT OF APPEALS OF GA

TO WHOM IT MAY CONCERN,

ON JANUARY 14, 2014, ALLOF MY PAPERWORK WAS RETURNED FROM THIS OFFICE WITH THE ENCLOSED YELLOW SLIP OF PAPER STATING REASON FOR RETURN.

I ASK THIS PRISON'S LAW LIBRARY TO HELP ME COMPLY WITH RULE #6, AND IT WAS STATED NO COPIES WILL BE MADE "PERIOD"

ON APRIL 10, 2014 I FILED A NOTICE OF MOTION TO PROCEED AS A POOR PERSON AND A MOTION FOR A COURT ORDER TO BE SERVED UPON COSTAL STATE PRISON. IN THAT MOTION THERE ARE SEVERAL CITINGS OF CASE LAW TO BE PRESENTED TO THE COURT IN SUPPORT OF THE REQUEST FOR THE COURT ORDER.

I AM WELL AWARE THAT I HAVE NO CURRENT APPEAL IN THIS COURT, BUT THE REASON I "DO NOT" HAVE THE APPEAL IS BECAUSE I HAVE NO MEANS OF COMPLYING WITH COURT RULES.



The first part of the document discusses the importance of maintaining accurate records. It emphasizes that proper documentation is essential for ensuring the integrity and reliability of the data collected. This section also outlines the various methods used to gather information, including direct observation and interviews.

In the second section, the focus is on the analysis of the collected data. The author describes how the information was organized and categorized to identify patterns and trends. This process involved a thorough review of all the data points to ensure that no significant details were overlooked.

The third part of the document provides a detailed account of the findings. It highlights the key observations and conclusions drawn from the data. The author notes that there are several areas where further research is needed to fully understand the underlying causes and effects of the phenomena being studied.

Finally, the document concludes with a summary of the overall results and a discussion of the implications for future work. The author suggests that the findings could be useful in developing more effective strategies and policies to address the issues identified.

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

April 11, 2014

Mr. Jackie D. Owens
GDC8829699 D-D-33
Coastal State Prison
Post Office Box 7150
Garden City, Georgia 31418

RE: Jackie D. Owens v. The State
12CR0293

Dear Mr. Owens:

I am in receipt of your documents received on April 10, 2014. We do not have a current appeal in this Court in your name. Therefore, I am returning your documents to you.

Also, I have enclosed a copy of the Court's Rules for your review.

Sincerely,



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

SEC/lid
Enclosures

**COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS**

January 14, 2014

To: Mr. Jackie D. Owens, GDC8829699 C-14, Georgia Diagnostic and Classification Center - State Prison,
Post Office Box 3877, Jackson, Georgia 30233

Docket Number: Style: Jackie D. Owens 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:

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



2014

Georgia Court of Appeals

R U L E S

Last Update: February 19, 2014

**COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS**

April 9, 2013

To: Mr. Michael A. Rufus, GDC1000788776, Jenkins Correctional Facility, Post Office Box 948, Millen, Georgia 30442

Docket Number: ----- **Style:** Michael Alonzo Rufus 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. **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 or Writ of Prohibition is to the Supreme Court and not the Court of Appeals.**

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

MICHAEL ALONZA RUFUS

VS

STATE OF GEORGIA,
et al.

CIVIL ACTION NO.:

WRIT OF MANDAMUS
WRIT OF PROHIBITION

RECEIVED IN OFFICE
2013 APR -8 PM 3:33
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

CHALLENGES TO CONSTITUTIONALITY OF STATUTES

Plaintiff, having averred to his civil status or condition/capacity, by "Affidavit to Avere Capacity," incorporated herein by reference, challenges the constitutionality to various OCGA's and/or GA ST as follows:

Plaintiff alleges that the application of OCGA §§ 42-12-1 et seq thru 42-12-9 et seq, and 9-10-14 et seq are unconstitutionally vague in violation of the 14th Amendment of the U.S. Constitution and Art. 1 Sec. 1 Par(s) 1, 11 as applied to him in that Plaintiff is not a "prisoner" or "inmate" as described those statutes under the circumstance of his confinement.

Plaintiff's allegations are based upon the fact that though he was a "party" to the action in the trial court which he was ¹ "incarcerated or [was] being held in custody awaiting trial or sentencing," O.C.G.A. § 42-12-3(4), he is not the class of person nor subjected to the class of case, OCGA § 15-1-2 and *Zeagler v Zeagler*, 192 Ga 453, 456-7, necessary for him to be lawfully deemed "incarcerated or [was] being held in custody awaiting trial or sentencing." Therefore Plaintiff's subjecting to the authorities of the statutes as an "inmate," "prisoner" and/or

person of a similar status is arbitrary and discriminatory against him.

The application of the statutes to Plaintiff also violates his guarantee of Equal Protections as a citizen of the United States and South Carolina state.

Precedent holds "A citizen of the United States convicted of a felony does not lose his citizenship. *Roberts v United States District Court* 94 LED 1326, 339 US 844, 845. As a citizen of the United States it is Plaintiff's position that the Privileges and Immunities Clause of the 14th Amendment, the Equal Protection Clauses of said Amendment and Art. I Sec. 1 Par. 11 of Georgia's Constitution guarantees that Plaintiff cannot be subjected to the instant challenged special laws. See Art. III, Sec. VI, PAR IV(C) of GA CONST.

In regards to the application of OCGA §§ 9-10-14(b), 42-12-2 (3), 42-12-9 or other provisions of the challenged statutes herein Plaintiff alleges that his class of persons are bound by the common law principle that the public will pay cost of in forma pauperis filings. Clearly said principles were adopted by this State.

In saying the aforementioned Plaintiff goes on to say that OCGA § 42-12-2 et seq is unconstitutional in violation of the Due Process and Equal Protection Clauses in that the General Assembly plays a direct role in person's filing "frivolous" and/or "meritless" lawsuits that lead to the enactment of said act.

Though it is well established that the General Assembly may classify persons... for purpose of legislation, *Black v Blanchard*,

227 Ga 167, 168, they violate said classified persons, O.C.G. § 81-3-7 and 50-2-21(a), guarantee of "fair play and substantial justice" International Shoe Co v Washington, 326 US 310, 316 as embedded the Due Process and Equal Protection clauses of the United States and Georgia's Constitution. This waste is caused by the States' Affirmative use of the unconstitutional/civil practice that authorizes initiation of penal actions, O.C.G. § 9-2-29, without oversteering to the alleged caper, i.e. the parties would have to defend or be representing. There acting in a representative capacity, or if an organized association of persons, possibly which the defendant is a member is made a party, this authority is under the unconstitutional statute O.C.G. § 9-11-9(c) which is challenged herein.

By the aforementioned practice persons are subjected to unique court processes, O.C.G. § 15-1-2, as a class of person, unknowingly and very well fraudulently imposed them. Thereby many of their claims are favorable or meritless in that they are not fully applicable or recognizable in the court process they are subjected. Cf. Matthews v Maron Water Hut 273 Ga 231. The General Assembly can exempt certain persons from general laws. Otherwise persons become so frustrated under this state's facts that its courts has universal jurisdiction to adjudicate its universal laws as they apply to its one class of persons.... This being the fairest thing from the truth.

Thus it is Plaintiff's position that the legislative findings and determinations are a result of scheme, tactic or other action of the General Assembly that has unjustly caused the found result.

Plaintiff goes on to state that the "nature of this action makes it more akin to an appeal of a criminal action than that of a separate civil action as defined in O.C.G.A. § 42-12-3(1). In support of this position precedent holds "the writ of prohibition is available to restrain courts from exercising their jurisdiction when no other legal remedy is available. Like the writ of mandamus, the writ of prohibition is to aid the appellate process by directing a court or a judge to take or refrain from taking certain actions that cannot be remedied on appeal." See *Sarno v State Court of DeKalb Co.*, 272 Ga 214.

Plaintiff's instant action is of a hybrid or appellate nature to his criminal proceeding. This is not a "civil action" in the sense when compared the provisions of O.C.G.A. § 42-12-3(1). Even from this perspective the application of the challenged statutes to Plaintiff is unconstitutionally vague and in violation of the Due Process Clauses.

WHEREFORE Plaintiff requests that the challenged statutes be held unconstitutional and/or unconstitutionally vague or otherwise, as applied to him, as stated herein, under the circumstances; Plaintiff also requests that preliminary injunctions be issued as to his request for relief.

Executed this 28 day of March, 2013.
 /s/ Michael Alonzo Rufos
 MICHAEL ALONZO RUFOS - PLAINTIFF
 1. Plaintiff challenges encompasses also the portion of the statute which reads "means a person 17 years of age or older who has been convicted of a crime..."

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

Michael Alonza Rufus
[1000788776]

CASE NO:

VS

State of Georgia and Court
of Appeals of Georgia

AFFIDAVIT OF CIVIL STATUS

RECEIVED IN OFFICE
2019 APR -8 PM 3:33
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

PERSONALLY APPEARED before the undersigned officer, duly authorized by law to administer oaths, Michael Alonza Rufus (hereinafter "Affiant"), who after being duly sworn, deposes and states as follows:

1. Affiant is over the age of 18 years of age and under no disability to make this affidavit. This affidavit is based upon personal knowledge.
2. Affiant is a citizen of the United States a natural born citizen of South Carolina state and inhabitant domiciled within the territorial boundaries of said state.
3. Affiant's social status is that of membership of the Posterity of We the People of the United States with inalienable Rights, Privileges and Immunities guaranteed by organic law and secured by the Constitution for the United States and South Carolina state.
4. Affiant is a freeholder in the American sense and nonresident of "this State" (STATE OF SOUTH CAROLINA) or any other political

corporation of a forum state with a body politic or body corporate repugnant to Affiant's freedom of religion and free exercise of religious belief and accountability to the Universal laws of Nature and Nature's God and whose right to religious conscience is that of an inherent natural sense of moral conduct towards mankind.

5. Affiant has never knowingly, intentionally or for certain fair considerations waived or renounced his private character status by the completion and acceptance of Application for Birth Certificate, Social Security or any other record used by governments as forms of social contracting private persons into associations, unincorporated and technically agencies being mere corporations of commerce.

6. Affiant is a temporary sojourner in Georgia and for equal protection purposes to be put on the same footing as private persons as identified in Art. III, Sec. VI, Par. IV(C) of Georgia's Constitution.

7. Affiant through an intensive study of the Fourteenth Amendment, which is only "affirmative and declaratory" of the Civil Rights Act of 1866 (United States v Wong Kim Ark, 169 US 649, 687, 688) is informed that Congress uses the recruiting of private individuals into the Social Security Administration (42 USC § 901) by unconstitutional social contracting techniques that are the grounds that said contracted individuals, under the principles of "...to make and enforce contracts (See Civil Rights Act 1866 § 42 USC § 1981 (b))" are legally presumed of a class of persons whom has waived or renounced their private character status (17 GA ST § 1-3-7) to take upon the character of an association of persons recognized as artificial persons (17 GA ST §§ 1-2-1 & 50-2-21(a) i.e. "denizens") which

in turn creates the rebuttable presumption that said individuals are of an unique, de facto and inferior civil status. Cf 14th Amendment

8. Affiant alleges that this States, as every "State" is obligated to recognize the association of persons created by Congress (See 42 USC § 302(a)(1)) and therefore the alleged contractual relationship of these parties.

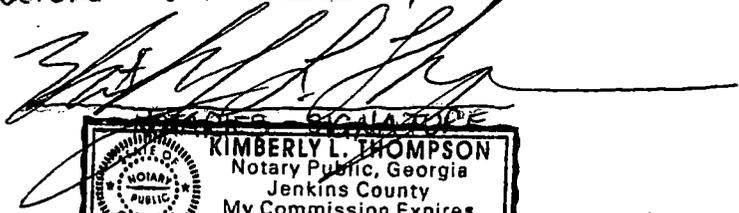
9. Affiant submits this affidavit in rebutting the actions used in Case No.: 11CR 354-3 for jurisdictional prerequisites caused by the State's attorneys use of an unconstitutional civil practice (GA ST § 9-11-9(a)) to initiate the action which the pleadings the instant petition provides the rationale that Affiant is obstructed of the right to challenge said legal presumptions.

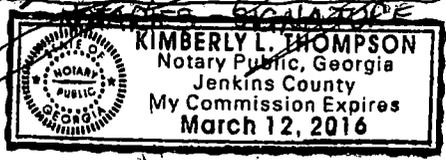
10. Affiant has attempted to withdraw from the Social Security Administration administratively and judicially in the U.S. District Court District of South Carolina (Case No.: 3:12-3370-TLW-KFM) as being void ab initio due to unlawful contracting.

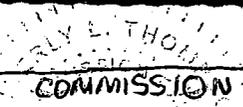
Affiant's only available State court remedy is this action.

ISI Michael Alonza Rufus
MICHAEL ALONZA RUFUS-AFFIANT

Sworn and subscribed to before me this 8th day of March, 2013






COMMISSION

**COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS**

April 11, 2014

To: Mr. Shelton R. Thomas, GDC1000444546, Macon State Prison, Post Office Box 426, Oglethorpe, Georgia 31068

Docket Number: **Style:** **Shelton R. Thomas v. Brian Owens, 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 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 of Georgia
State of Georgia

Shelton R. Thomas,

Appellant, Applicant, Application for Discretionary Appeal

vs.

Brian Owens, et al.,

Appellees.

RECEIVED IN OFFICE
2014 APR 10 PM 3:14
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

To: The Georgia Court of Appeals:

Shelton R. Thomas, applicant, applies to this Court as follows:

(1) To issue an order granting the applicant an discretionary appeal from the final order and order denying applicant motion for reconsideration of the Superior Court of Mason County, Honorable W. James Sizemore, Jr., presiding, in the case entitled Shelton R. Thomas, Plaintiff v. Brian Owens, et al., Defendants, Civil Action No. 2011-CV-222, these orders having held: that the civil right complaint and motion for reconsideration are denied.

(2) Applicant shows that the jurisdiction is properly in this Court because O.C.G.A. Sections 42-12-1 et seq, requires individuals to apply for discretionary appeal to the Court of Appeals from an adverse final order and/or order denying avulsion for reconsideration in a civil right complaint proceeding.

(3) This application for discretionary appeal is filed within 30 days of the entry of the denial of the motion for reconsideration order complained of, the date of which was March 13, 2014.

(4) Applicant submit that an discretionary appeal should be granted because:

a) Reversible error appears to exist;

Respectfully Submitted this 7th day of April 2014

granted in this case -

For the foregoing reasons, the application for discretionary appeal should be

and provide them access to them -

and make it clear that prison officials can not destroy prisoners' excess legal materials

him/her access to excess legal materials. The Court should correct that misinterpretation

litigations upon being transferred to state prisons throughout Georgia, by relaxing

between whether the state can or cannot interfere and obstruct prisoners' ongoing

The lower court seriously misinterpreted Lewis and Bouds by failing to distinguish

ability to have meaningful access to the courts -

In addition, the question is of great importance to prisoners, because it affects their

institution, guidance on the question is also of great importance to the judiciary -

who may accumulate excess legal materials and then are transferred to another

city and county jails. In view of the large amount of prose inmate litigators

operations of prison systems throughout the state of Georgia, and hundreds of

The question presented is of great public importance because it affects the

485 (1969) (prisoners' right of access to courts may not be denied or obstructed) -

v. Smith, 730 U.S. 817, 824, 828 (1972); see also Johnson v. Avery, 393 U.S. 483,

States Supreme Court's decisions in Lewis v. Casey, 518 U.S. 343 (1996); Bouds

This case presents a fundamental question of the interpretation of the United

d) Importance of the question presented

to courts cases, is desirable; or

c) Further development of common law, particularly in prisoners' rights to access

b) The establishment of a precedent is desirable;

111

Susan K. Rutherford
Senior Assistant Attorney General
Department of Law
40 Capital Square S.W.
Atlanta, GA 30334

Copy of the foregoing mailed
this 7th day of Apr. 2014, to:

Shelton R. Thomas
Shelton R. Thomas, GC# 1002-144546
Macon State Prison
P.O. Box 426
Oglethorpe, GA 31068
Applicant-Plaintiff, prose

RECEIVED IN OFFICE
2014 APR 30 PM 3:14
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

In The Court of Appeals of Georgia
State of Georgia

Court of Appeals No. 2011-CV-222

Civil Action No. 2011-CV-222

Shelton R. Thomas,

Appellant-Applicant,

vs.

Brian Owens, et al.,

Appellees.

Discretionary Appeal Without The Request Copies

Motion For Leave To File The Application For

Applicant prose hereby moves this Court for leave to file the accompanying application

for discretionary appeal without the required copies.

This motion is supported by the following facts, Georgia Department of Corrections

("GDC") Standard Operation Procedure ("SOP") 11A14-001, Section 6, Paragraph 4, provide
in pertinent part that: "No reference library will furnish printed copies, photocopies, or
for inmates..."

GDC policy requires indigent inmates to use carbon paper for all legal copies require-

ments, which only produce one clear copy-

wherefore, for the about stated reasons this Court should grant leave for cause.

Respectfully submitted this 7th day of April 2014

Alfred R. Thomas

Shelton R. Thomas, CBC# 100044546

Macon State Prison

P.O. Box 426

Oglethorpe, GA 31068

Applicant, pro se

410 Capital Square Bldg.

Atlanta, GA 30334

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

April 11, 2014

Edward T. Riley
GDC570139 D2-21
Georgia Diagnostic and Classification Center
State Prison
Post Office Box 3877
Jackson, Georgia 30233

Dear Mr. Riley:

In response to your Notice of Appeal and Notice of Filing Petition of Certiorari received in this office on April 10, 2014, we still do not have a case styled in your name pending in this Court

The Notice of Appeal is filed with the clerk of the trial court. 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. The 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.

The Notice of Intention to Petition for Writ of Certiorari is premature. It shall be filed with the Clerk of this Court within ten (10) days after the judgment of an appeal. Rule 38(a)(1)

I am returning your correspondence to you.

Sincerely,



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

SEC/ld
Enclosures

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

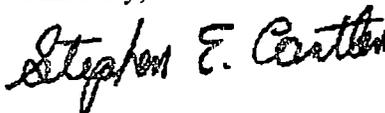
February 25, 2014

Edward T. Riley
GDC570139 D2-21
Georgia Diagnostic and Classification Center
State Prison
Post Office Box 3877
Jackson, Georgia 30233

Dear Mr. Riley:

In response to your Notice of Filing Petition of Certiorari received in this office, we do not have a case styled in your name pending in this Court. I am returning your document to you.

Sincerely,



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

SEC/ld
Enclosure

Clerk Z did have Notice of Appeal
attached with this Certiorari someone @ prison
must have removed from letter with you re file
mail this back. It was timely filed.
Marked indigent mail on 2-28-14 in indigent
box

FORM 1 - NOTICE OF APPEAL (CIVIL or CRIMINAL CASE)

RECEIVED IN OFFICE
2014 APR 19 PM 3:13
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

NOTICE OF APPEAL

IN THE Superior (SUPERIOR, STATE, ETC.) COURT
OF Crisp COUNTY

EDWARD T. RIDLEY
~~Crisp County~~
PLAINTIFF

STATE OF GEORGIA

Criminal
CASE NUMBER

*
*

0813-149

vs.
DEFENDANT

*
*

Civil ACTION pursuant to O.C.G.A
42-1-9 failure to remove
~~42-1-9 case # 13R-149~~

~~Edward T. Ridley~~
STATE OF GEORGIA
Respondent

*

NAME and answer motions, correct
illegal and void judgment

NOTICE OF APPEAL

Notice is given that Defendant 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
28th day of February, 2014.

The clerk shall Omit Nothing From The Record (omit nothing from the record on appeal/will omit from
the record on appeal the following: _____.)

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 Superior Ct. Error 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: Crisp Co. D. A. Denise Fichini, P.O. Box (complete address of party served).
5510, Cordley, Ga. 31010

This the 17th day of February, 2014.

Edward T. Ridley (Sign your name.)

your copy

Certificate of Service

This is to certify that I have, this day, served a true and correct copy of the foregoing motion to Notice of Appeal Failure
to remove name and answer motions pursuant to O.C.G.A. 42-1-9, and to
Correct void and illegal judgment only not withdraw plea

Crisp Co. D.A.

P.O. Box 5510

Cordele Ga. 31010

This 12th day of February, 2014

Edward Tyrone R. Riley 570139
Name
Edward Tyrone R. Riley 570139

Georgia Diagnostic & Classification Prison
PO Box 3877
Jackson, Ga. 30233

Note: The clerk's name and address do not appear on this page. Only the opposing party's title and address appear on this page.

FORM 4 - NOTICE OF FILING CERTIORARI

RECEIVED IN OFFICE
2014 FEB 20 PM 4:42
CLERK COURT ADMINISTRATOR
COURT OF APPEALS OF GA

COURT OF APPEALS OF GEORGIA

Edward T. Ridley

APPELLANT

vs.
Crisp County

APPELLEE

- * CIVIL ACTION pursuant to O.C.G.A.
- * 42-1-9 failure to remove name and answer motions, correct illegal and void judgment
- * CASE NUMBER
- * CRIMINAL
- * OR13-149

NOTICE OF FILING PETITION OF CERTIORARI

Comes now Appellant (Appellant/Appellee) in the above appeal and shows he/she this day filed an application for certiorari with the Court of Appeals of Georgia.

This the 12th day of February, 2012.

Edward T. Ridley (Sign your name.)
C.D.C.P., P.O. Box 3877, Jackson, Ga, 30233

(Your complete address.)

CERTIFICATE OF SERVICE

I certify that I have this day served Opposing Party (opposing party or attorney) with a copy of this Notice of Filing Petition of Certiorari by Mail

(hand delivery/mailing a copy first class mail postage prepaid) to him/her at: Crisp Co. D.A., Denise Fachini, P.O. Box 5510, Cordele, Ga.

31010

(complete address of party served).

This the 12th day of February, 2014.

Edward T. Ridley (Sign your name.)

Ct. of Appeals of GA.

Certificate of Service

This is to certify that I have, this day, served a true and correct copy of the foregoing motion to Appeal failure to
remove name and answer motions pursuant to O.C.G.A. 42-1-9, and
to correct void and illegal judgment only not with some plea. Some
42-1-9 motions in
Case's no's 025-124
of 518 Crisp Co. D.A
P.O. Box 5510
Cordale, Ga. 31010

This 12th day of February 2014.

Edward Tyrone Ridley 570139
Name
Edward Tyrone Ridley 570139
Georgia Diagnostic & Classification Prison
PO Box 3877
Jackson, Ga. 30233

Note: The clerk's name and address do not appear on this page. Only the opposing party's title and address appear on this page.

**COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS**

Date: April 15, 2014

To: Mr. Sim Pope, GDC369764, Coffee Correctional Facility, Post Office Box 650, Nicholls, Georgia 31554

Docket Number: A14A0348 **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 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 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

IN THE COURT OF APPEALS OF GEORGIA
47 TRINITY AVE. S.W. SUITE 501
ATLANTA, GEORGIA 30334

RECEIVED IN OFFICE
2014 APR 14 PM 4:24
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

SIM JAMES POPE
Petitioner

V. CRIMINAL ACTION NO: A14A0348

STATE OF GEORGIA
DISTRICT ATTORNEY
Respondents

AFFIDAVIT FOR ENTRY OF DEFAULT JUDGMENT

AFFIDAVIT OF SIM JAMES POPE
GDC# 369764
P.O. BOX 650
NICHOLS, GA. 31554

Comes now petitioner in the above styled action, Sim James Pope, and after being duly sworn, deposes and says:

1) That he is representing himself Pro Se in the above style action with out assistance of counsel.

2) That the Respondent was served in accord with the laws of the state of georgia with a true copy of the certificate of service and notice as docketed with the clerk of court.

3) That the state of georgia has not filed an answer with the court as required by law within 20 days of the date of service.

4) That there was not a request filed to extend the 40 day time required from the docketing date, October 8, 2013. But on March 25, 2014 this court gave the state 10 more days to file their brief.

5) The rule requires that not filing in the requested time frame, may cause a dismissal of brief, or a non-consideration of the state's brief, when it is filed outside of the required time frame.

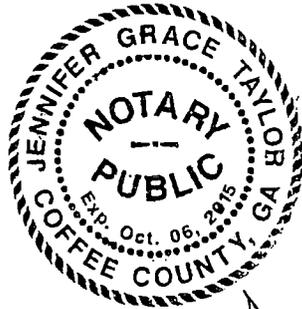
6) That the Petitioner, Sims James Pope is entitled in law to have a default judgment entered in his favor.

AFFIANT FURTHER SAYTH NAUGHT

DONE THIS 9 DAY OF April 2014

THIS THE PETITIONER KNOWN AS SIM JAMES POPE DID APPEAR BEFORE
THE UNDERSIGNED AND MADE THIS SIGNATURE KNOWN

Sims James Pope



Jennifer Grace Taylor

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

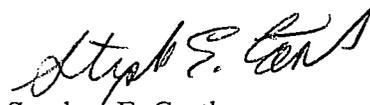
April 16, 2014

Mr. Rodney Parsons
Post Office Box 474
Red Oak, Georgia 30272

Dear Mr. Parsons:

You submitted various documents to the Court that we are unable to assist you with. We do not forward documents to the United States Supreme Court. We do have a case on our docket concerning you, A14A1208, Rodney Parsons v. Federal National Mortgage Association. However, some of the documents you submitted apparently apply to a new filing you submitted to the trial court, i.e., the Notice of Appeal in case 2013CV239757. The Notice of Appeal is filed in the trial court, not the Court of Appeals. We are returning your documents.

Sincerely,



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

SEC/ld
Enclosures

FILED IN DROP BOX

RECEIVED IN OFFICE

2014 APR 16 AM 9:16

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

In The Court Of Appeals

Rodney Parsons

v

2013 CV 239 757

Citi Mortgage

FILED IN OFFICE

APR 14 2014

CLERK, COURT OF
APPEALS OF GEORGIA

Request That This Case Be Heard In The Highest Supreme Court Of The United States of America

I Have not been treated fairly by the courts. My and my familys civil rights and constitutional rights have been violated by citi mortgage - federal national mortgage - pendergast attorneys and ballard spahr.

I have filed many documents including but not limited to the dvd of the pendergast attorneys blatantly disobeying the court order to allow me to enter my home 2171 star mist drive. **The judges and courts have ignored this video evidence!** ... this is unfair. I have respectfully asked the court and judges for fair treatment - but I have been continually treated unfairly. Attorney Reise of ballad Spahr was given preferential treatment in the court hearing with judge Wright - I humbly asked judge wright to allow me to respond to the long closing speech by attorney Sarah Reise....but judge Wright would not allow me to respond! [the transcript will verify this] This is a blatant violation of my civil and constitutional rights! Its unfair to deny me the right to respond to what the other side has said!

I have filed very strong evidence with the courts that proves that the foreclosure by Citi was unfair and fraudulent for example I have filed the document in court sent by Citi AFTER the fraudulent - unfair forclosure that states that they will NOT be foreclosing because of NPV issuesthis evidence has been ignored by the courts and judges....and the evidence on the DVD that proves the courts allows pendergast attorneys to do whatever they want is also being continually ignored by the judges and court. The wrongful illegal eviction happened before the wrongful illegal foreclosure.

The racial discrimination by Cit Mortgage is wrong and unconstitutional and should not be ignored by by courts and judges. Pedergast attorneys and Ballad Spahr attorneys are obviously connected on the case

§ 5-6-35 Form 1 Notice of appeal

IN THE Court of Appeals COURT OF Fulton COUNTY
STATE OF GEORGIA

Rodney, Parsons
Plaintiff

CIVIL ACTION
NO. 2013 CV 239757

v.
Citi, Mortgage
Defendant

~~FILED IN OFFICE
APR 11 2014
CLERK, COURT OF
APPEALS OF GEORGIA~~

NOTICE OF APPEAL

Now comes Rodney Parsons, [Plaintiff/Defendant], who files [his/her] Notice of Appeal and attaches as Exhibit "A" to this Notice of Appeal the Order of This case should not be dismissed in application number _____ granting such right to appeal, which Order was entered on _____.

The Clerk will please include the following pleadings in the record: Attached Documents

The Clerk will please omit the following from the record on appeal: _____.

A transcript of the evidence and proceedings [will/will not] be filed for inclusion in the record on appeal.

The _____, rather than _____, has jurisdiction of this case on appeal for the reason that this case _____.

The [Plaintiff/Defendant] appeals from the [Order/Judgment] of the Superior Court of _____ which _____ dated 2014.

This case should not be dismissed
Please grant appeal.

Rodney Parsons Pro Se

Respectfully submitted,

Rodney Parsons Pro Se
Name

P O Box 474

Red Oak GA 30272

Address

678 541 1670
Telephone Number

(Certificate of service)

(Attach grant of discretionary appeal or, if an interlocutory order is appealed from, the Certificate of Immediate Review).

FILED IN DROP BOX

In The Court Of Appeals

RECEIVED IN OFFICE

2014 APR 16 AM 9:16

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Rodney Parsons

v

2013 CV 239 757

Citi Mortgage

Motion For Fair Treatment by the Courts and Judges

FILED IN OFFICE

APR 14 2014

CLERK, COURT OF
APPEALS OF GEORGIA

I Have not been treated fairly by the courts. My and my familys civil rights and constitutional rights have been violated by citi mortgage - federal national mortgage - pendergast attorneys and ballard sphar.

I have filed many documents including but not limited to the dvd of the pendergast attorneys blatantly disobeying the court order to allow me to enter my home 2171 star mist drive. **The judges and courts have ignored this video evidence!** ... this is unfair. I have respectfully asked the court and judges for fair treatment - but I have been continually treated unfairly. Attorney Reise of ballad Spahr was given preferential treatment in the court hearing with judge Wright - I humbly asked judge wright to allow me to respond to the long closing speech by attorney Sarah Reise....but judge Wright would not allow me to respond! [the transcript will verify this] This is a blatant violation of my civil and constitutional rights! Its unfair to deny me the right to respond to what the other side has said!

I have filed very strong evidence with the courts that proves that the foreclosure by Citi was unfair and fraudulent for example I have filed the document in court sent by Citi AFTER the fraudulent - unfair forclosure that states that they will NOT be foreclosing because of NPV issuesthis evidence has been ignored by the courts and judges....and the evidence on the DVD that proves the courts allows pendergast attorneys to do whatever they want is also being continually ignored by the judges and court. The wrongful illegal eviction happened before the wrongful illegal foreclosure.

The racial discrimination by Cit Mortgage is wrong and unconstitutional and should not be ignored by by courts and judges. Pedergast attorneys and Ballard Spahr attorneys are obviously connected on the case because this case is about **one house** - 2171 Star Mist Drive atlanta. The courts and judges are trampling my civil and constitutional rights because lam a person of color without money.

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

April 14, 2014

Mr. William T. Murray
Barrow County Jail
104 Zena Drive
Cartersville, Georgia 30120

Dear Mr. Murray:

In response to your letter received in this office, we do not have a case styled in your name pending in this 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.

Per your request, enclosed please find a copy of the Rules of the Court of Appeals of Georgia for your review.

Sincerely,



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

SEC/ld
Enclosure



2014

Georgia Court of Appeals

R U L E S

Last Update: February 19, 2014

RECEIVED IN OFFICE

Dear: Clerk

2014 APR 11 PM 2:55

4-8-14

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA.

I AM REQUESTING AND BASICALLY
I AM TRYING TO REPRESENT MY-SELF BUT
AM BEING DENIED THE SAME PRIVILEGES AN
ATTORNEY'S AFFORDED. ACCESS TO NOTARY ect.
There's IS OUT sick. ect. ect. ect. AND I DID
TRY TO APPEAL CASE # 10-229 → A12D0048
BUT WHEN I WENT TO TRIAL MY ATTORNEY
SHOWED-UP AND REPRESENTED ME. BASICALLY
I WROTE HIM SEVERAL TIMES WITH NO REPLY
BUT HE SHOWED-UP FOR TRIAL WHEN THE CASE
WAS CALLED. I FILED A DEMAND FOR DISPOSITION
BE MADE DUE TO ATTORNEY ABANDONMENT. HE
DID SHOW-UP FOR TRIAL. AND SAID HE WOULD
COME SEE AND ASK IF I WANTED TO
APPEAL I SAID YES. THAT'S THE LAST I HEARD
I WROTE AND WROTE, STATE BAR, PUBLIC DEFENDERS
COUNCIL ect. ect. ect. BUT NOTHING STILL WORKING
AFTER 3 YRS. OF TRYING. AND THE COURT UP
HERE HAS JUST STARTED TAKING MY PAPERWORK
THEY'VE BEEN PULLING THIS SAME TRICK TO ME AND
MY SOME FRIENDS IF THEY APPLY FOR AN ATTORNEY
HE WON'T HELP AND IF THEY TRY TO DO IT PRO-SE
THEN THEY JUST WON'T RESPECT A PRO-SE FILER OR
DISREGARD THEM AND THEIR RIGHTS.

I JUST WENT TO PROBATION REVOCATION
WHERE THE PLAIN-IFF IMPEACHED BY HIS OWN
WITNESSES, AND HE PERJURED HIMSELF ON
THE STAND. AND THERE'S NO WAY ANY PART OF
IT WON'T STAND. "MADE UP CHARGES" BUT I AM
WISHED ANYWAY. HOW WOULD YOU LIKE TO
EXPLAIN THAT TO KIDS. WHILE THIS BUNCH

JUST TORTURES US AND OUR KIDS. MANY
OF WHICH PRAY FOR DEATH. CAN'T TEACH
NOTHING, STEALING WRONG, WORKING WRONG EVERY-
THING WRONG. NO MATTER WHAT.

ANYWAY CAN YOU SEND ME
A HANDBOOK. AND WE NEED A NOTARY
COULD YOU SEE WHAT YOU CAN DO. I AM
RUNNING OUT OF TIME WITH THESE DOCUMENTS.
ONE COVER-UP AFTER ANOTHER AND
PUNISHMENT AFTER PUNISHMENT PUNISHMENT FOR
NOTHING.

ANYWAY ANYTHING YOU
CAN DO.

HOPKINS HEALTH
WILLIAM MURRAY

AND WANTED TO THANK EVERYONE
FOR JUSTICE IN COUNTRY.

I ALSO COULD USE THE
ADDRESS TO THE JUDICIAL QUALIFICATION
COMMISSION COUNCIL IN CONGRESS IF YOU CAN
GET IT.

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

April 18, 2014

Mr. Menshock Nyepah
GDC1000878813
Hays State Prison
Post Office Box 668
Trion, Georgia 30753

Dear Mr. Nyepah:

In response to your correspondence received in this office, we do not have a case styled in your name pending in this Court. Until a case is docketed in this Court, all communications should be directed to your attorney or to the trial court.

Sincerely,



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

SEC/ld
Enclosures

RECEIVED IN OFFICE

2014 APR 16 PM 3:34

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

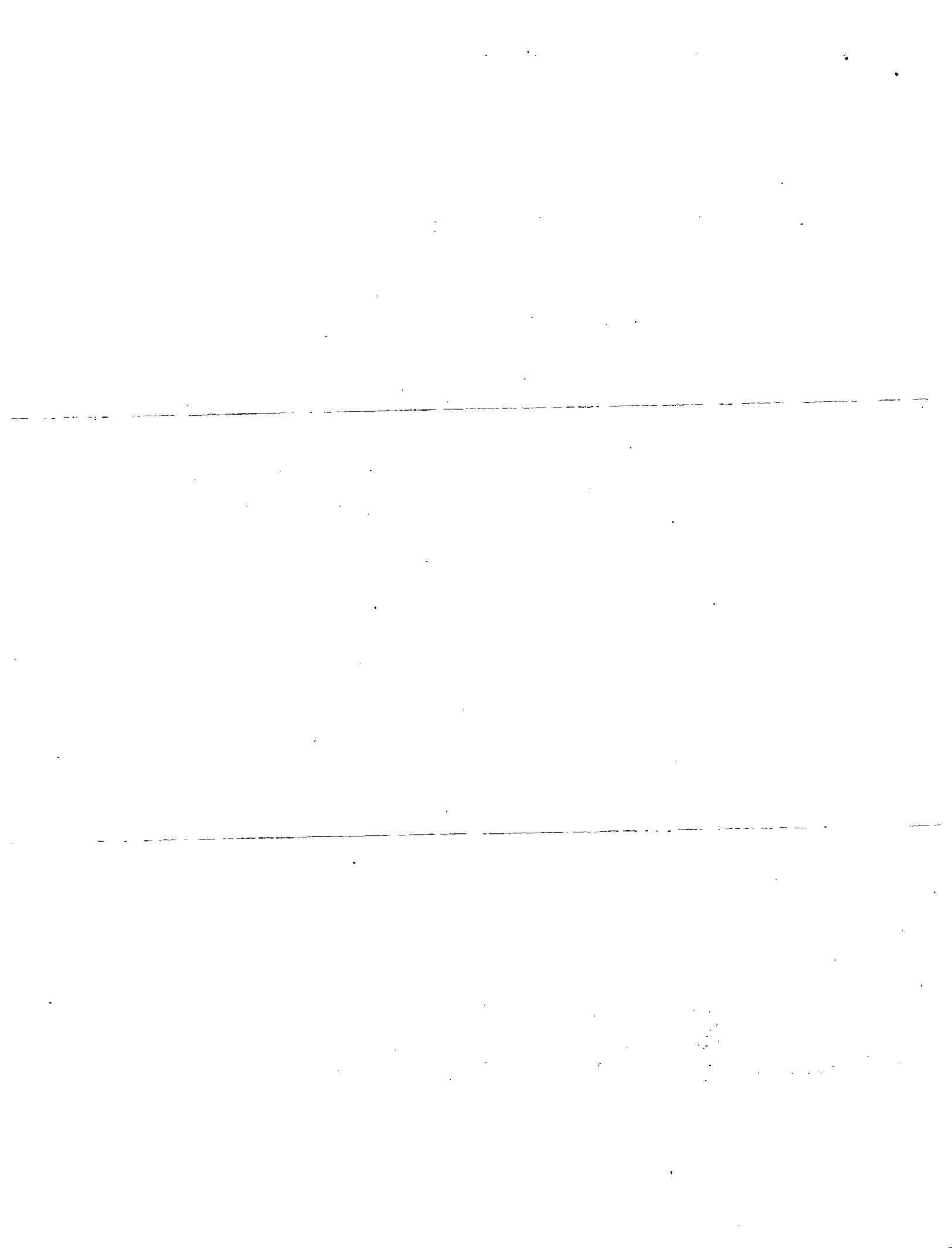
04-1-14

~~Menshach Nyepah~~
~~9/20/2014~~

~~Comes Now Defendant, Menshach Nyepah, Asking the Courts for an extension of time to prepare his Pro Se Notice of Appeal. The Appellant was in Rockdale County Jail for well over a month after the courts returned a denial of his Motion to Withdrawal and did not have the proper material to file a timely Applications. He received a return notice for Application for lack of several documents, which he is currently preparing to send to the courts as soon as possible. Defendant now asks that he be granted an extension to proceed with his Appeal~~

Court Of Appeals Of Georgia
vs.
Menshach Nyepah
Dorsey Bentley
Rockdale County Superior
-/Out-Of-Time Appeal denial
Notice from denial of Motion to Withdraw
Motion for Extension for Appeal

Case No. 2011-CR-1311



**COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS**

April 22, 2014

To: Mr. Harold B. Mason, 2401 Nottingham Way • Apartment 29, Albany, Georgia 31707

Docket Number: **Style: Harold B. Mason v. Department of Labor, 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. **The record was not tabbed and indexed. Rules 30 (e) and 31 (c). Also, your record should be securely bound at the top.**
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

FILED

**IN THE
COURT OF APPEALS
STATE OF GEORGIA**

2014 APR 16 PM 4:44

EVONNE S. MULL
DOUGHERTY COUNTY
CLERK OF COURTS

CASE NO. # _____

ON APPEAL OF

CASE FILE 13 CV 2235.01 -- Judge D. Marshall

FORMERLY CASE FILE -13 CV -1220.1 -- Judge D. Marshall

IN THE SUPERIOR COURT

DOUGHERTY COUNTY STATE OF GEORGIA

Harold B. Mason

Plaintiff/Appellant

Vs.

Department of Labor, DOL Commissioner - Mark Butler's

Board of Review, Ruth F. Clairborne, Xernona C. Brady,

Harvey K. Persons III, Sherrel Lamar, Vickie Churchman,

RiverQuarium Inc., et. al.,

Defendant(s)/Appellees

NOTICE OF APPEAL TO THE GEORGIA COURT OF APPEALS

Comes now plaintiff/appellant Harold B. Mason files with Georgia Court of Appeals the Notice of Appeal as submitted to the Superior Court of Georgia, - Dougherty County -

There has been no reply from the Honorable Judge Denise Marshall on if the matter of vacating a proposed order and then signed order will stand or be vacated as of this date April 16th, 2014 -

As such, Plaintiff/Appellant Mason again request this court to review the matter accordingly.

James H. Moore, III
Luanne Clarke *
Willis A. DuVall, Jr.
W. Ralph Rodgers, Jr.
David A. Garland +++
C. Jason Willcox
Edgar W. Duskin, Jr.
Kevin C. Gaulke **
D. Bradley Folsom
Wallace D. Bonner, Jr.
Donald E. Strickland, Jr.
Matthew E. Eutzler +
R. Lee Brown, Jr.
M. Drew DeMott ++
Michael T. Hammond
J. Bart Davis +
Christopher L. Foreman
Michael Eric Hooper
James H. Edge
Marshall Lee Portivent, Jr.

MOORE CLARKE
DUVALL & RODGERS
ATTORNEYS AT LAW

2829 Old Dawson Road (31707)
Post Office Drawer 71727
Albany, Georgia 31708-1727
Telephone (229) 888-3338
Facsimile (229) 888-1191
Real Estate Fax (229) 888-2199
E-mail: jwillcox@mcd-r-law.com

Reply to:
Albany Office

March 13, 2014

VIA EMAIL AND REGULAR MAIL

Harold Mason
2401 Nottingham Way, Apt. 29
Albany, Georgia 31707

RE: Harold B. Mason v. Department of Labor Department of Labor Commissioner Mark Butler, Board of Review Ruth F. Clairborne, Xernona C. Brady, Harvey K. Persons, III, Cherrel Lamar, Vickie Churchman, Flint RiverQuarium, et al.
In the Superior Court of Dougherty County, Georgia
Civil Action File Number: 13-CV-1220-1
MCDR File No.: 10194.005

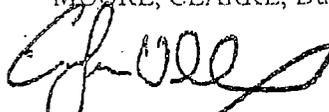
Dear Mr. Mason:

With regard to the above-captioned civil action, enclosed please find a file stamped copy of the Order Denying Plaintiff Harold B. Mason's "Motion to Vacate" the Order of Attorney's Fees and Grant Attorney Fee's to Plaintiff which was executed by Judge Marshall.

With best regards, I remain

Sincerely yours,

MOORE, CLARKE, DuVALL & RODGERS, P.C.


C. Jason Willcox

CJW/ims
Enclosure
cc: Katherine Stoff
Flint RiverQuarium

Atlanta Office
900 Circle 75 Parkway, Suite 700
Atlanta, Georgia 30339
(770) 563-9339

Savannah Office
114 Barnard Street, Suite 2B
Savannah, Georgia 31401
(912) 234-0995

Valdosta Office
2805 North Oak Street, Suite A
Valdosta, Georgia 31602
(229) 245-7823

Of Counsel:
Leesa Bohler **
James L. Coursey, Jr.

* Certified Mediator/Arbitrator
** Certified Mediator

Also admitted in:
+ Florida
++ South Carolina
+++ Tennessee

Unit of Manly B
Ct of Appeal GA

FILED

2014 APR 16 PM 4:44

EVONNE S. MULL
DOUGHERTY COUNTY
CLERK OF COURTS

IN THE
COURT OF APPEALS
STATE OF GEORGIA

CASE NO. # _____

ON APPEAL OF

CASE FILE 13 CV 2235.01 -- Judge D. Marshall

FORMERLY CASE FILE -13 CV -1220.1 - Judge D. Marshall

IN THE SUPERIOR COURT
DOUGHERTY COUNTY STATE OF GEORGIA

IN RE: Harold B. Mason

Plaintiff/Appellant

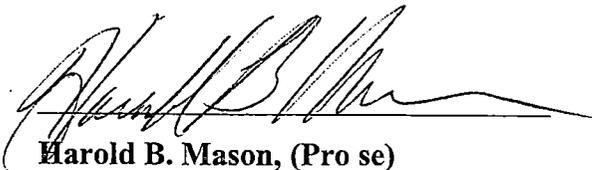
Vs.

Department of Labor, DOL Commissioner - Mark Butler's
Board of Review, Ruth F. Clairborne, Xernona C. Brady,
Harvey K. Persons III, Sherrel Lamar, Vickie Churchman,
RiverQuarium Inc., et. al.,

Defendant(s)/Appellees

NOTICE OF APPEAL TO THE GEORGIA COURT OF APPEALS

WRIT OF MANDAMUS



Harold B. Mason, (Pro se)

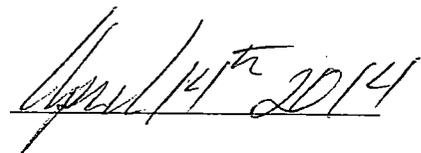
2401 Nottingham Way - Apt 29

Albany, Georgia 31707

229. 364. 8924 -Cell

229. 296.6460 - Alt.

haroldmason83@hotmail.com



RECEIVED IN OFFICE
2014 APR 21 PM 3:07
CLERK/COUNTY ADMINISTRATOR
COURT OF APPEALS OF GA

IN THE
SUPERIOR COURT
DOUGHERTY COUNTY STATE OF GEORGIA
CASE FILE 13 CV 2235.01 -- Judge D. Marshall
FORMERLY CASE FILE -13 CV -1220.1 – Judge D. Marshall

FILED
2014 MAR 17 PM 2:05
EVONNE S. MULL
DOUGHERTY COUNTY
CLERK OF COURTS

Harold B. Mason

Plaintiff/Appellant

Vs.

Department of Labor, DOL Commissioner - Mark Butler's
Board of Review, Ruth F. Clairborne, Xermona C. Brady,
Harvey K. Persons III, Sherrel Lamar, Vickie Churchman,
RiverQuarium Inc., et. al.,

Defendant(s)/Appellees

AFFIDAVIT IN SUPPORT – NOTICE OF APPEAL

Comes now Plaintiff Harold Mason, swears and declares on this date March 17th, 2014 that the following statements are true –

- 1] The lawsuit is not frivolous and that the merits of the case were not heard to determine that the case is indeed frivolous
- 2] Plaintiff Mason is unable to pay the \$1500.00 as sworn in the previous affidavits of poverty and court approved –

Note 1: Defendants denied Plaintiff Masons Unemployment and the lawsuit does attest to it regardless to the merits of the case not being heard – Mason does not have the resources -

Note 2: the second filed lawsuit was dismissed based upon again, proper filing procedures “NOT THE MERITS OF THE CASE” – Attorney Willcox does not make sole determination of what is viable lawsuit – he can exploit the matter, as he did about previous lawsuit, sequeing into those matters of his exploitation without facts –

FILED

2014 APR 16 PM 4:44

EVONNE S. MULL
DOUGHERTY COUNTY
CLERK OF COURTS

**IN THE
COURT OF APPEALS
STATE OF GEORGIA**

CASE NO. # _____

ON APPEAL OF

**CASE FILE 13 CV 2235.01 -- Judge D. Marshall
FORMERLY CASE FILE -13 CV -1220.1 -- Judge D. Marshall**

**IN THE SUPERIOR COURT
DOUGHERTY COUNTY STATE OF GEORGIA**

Harold B. Mason

Plaintiff/Appellant

Vs.

**Department of Labor, DOL Commissioner - Mark Butler's
Board of Review, Ruth F. Clairborne, Xernona C. Brady,
Harvey K. Persons III, Sherrel Lamar, Vickie Churchman,**

RiverQuarium Inc., et. al.,

Defendant(s)/Appellees

NOTICE OF APPEAL TO THE GEORGIA COURT OF APPEALS

Comes now plaintiff/appellant Harold B. Mason files with Georgia Court of Appeals the Notice of Appeal as submitted to the Superior Court of Georgia, - Dougherty County --

There has been no reply from the Honorable Judge Denise Marshall on if the matter of vacating a proposed order and then signed order will stand or be vacated as of this date April 16th, 2014 --
As such, Plaintiff/Appellant Mason again request this court to review the matter accordingly.

FILED

2014 APR 16 PM 4:44

EVONNE S. MULL
DOUGHERTY COUNTY
CLERK OF COURTS

-IN-THE-

**COURT OF APPEALS
STATE OF GEORGIA**

CASE NO. # _____

ON APPEAL OF

**CASE FILE 13 CV 2235.01 -- Judge D. Marshall
FORMERLY CASE FILE -13 CV -1220.1 -- Judge D. Marshall**

**IN THE SUPERIOR COURT
DOUGHERTY COUNTY STATE OF GEORGIA**

IN RE: Harold B. Mason

Plaintiff/Appellant

Vs.

**Department of Labor, DOL Commissioner - Mark Butler's
Board of Review, Ruth F. Clairborne, Xernona C. Brady,
Harvey K. Persons III, Sherrel Lamar, Vickie Churchman,
RiverQuarium Inc., et. al.,**

Defendant(s)/Appellees

**NOTICE OF APPEAL TO THE GEORGIA COURT OF APPEALS
WRIT OF MANDAMUS**

**Harold B. Mason, (Pro se)
2401 Nottingham Way – Apt 29
Albany, Georgia 31707
229. 364. 8924 –Cell
229. 296.6460 – Alt.
haroldmason83@hotmail.com**

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

FROM YOUR CBI INSTRUCTOR

DÈ PARTE DE SU INSTRUCTOR DE CBI



Also he failed to mention, and counsel did not ask about the fact that I was fishing every night ^(trout lines) on the ALKAMAHA River and trying to catch a weasel preying on poultry (hens, guinea fowl & ducks) in the chicken yard on Dr. Pittman's farm. In the chicken house feed room I had a cot, kerosene heater as I set live & steel traps nightly to try to catch this varmit predator. I ^{also} slept there.

C) It was also, I think, never made clear in court & to the jurors that Mr. Kevin Craig had my cell phone - 24 hours - each & every day he was "visiting". He was allowed "carte blanche" access to ① 911, his mother & frequently ② spouse to his ③ family his mother's lesbian roommate Mary Anne Jessica of his ④ girl friend & He never claimed sexual events!

D) No physical exam by a ^{M.D.} to my knowledge nor a "Rape Kit" was done on Mr. Craig.

No DNA evidence re: semen, etc. was pursued by the state at any time?

E) As stated clearly in Col. Wolinski's brief for appeal, the ADA "Trip" Fitzner's & investigator Villeras' comments in court were blatantly homophobic & designed to focus ONLY on HIV & not the myriad of STDS! The fact that Col. Payne helped steer this prejudicial line of questioning is to me clear, prima facie, not only ineffective assistance of counsel but Payne appeared to be working for the state & ADA, ^{Litton} with this ② event & not me - her client!

In summary re #1 (raises testimony, the young man, who was #1 larger than me in stature, so mature for his age I allowed him keys and access to 4 (four) vehicles, etc, I was cautioned, took classes, to even online precautions hours taught ^{degree} college students give my, Masters' at Univ. of Georgia 1983-1985 on 2 hours employed Mary He Yr olds in my two clinics I founded Hazelhurst Animal Clinic (1992) of McRae/Helena Animal Clinic (2002) to never give a child the opportunity to falsely accuse me of any sexual indiscretion(s). It must be noted for record, I have NEVER had nor never been accused of any "boundary issues" (A DFACS term I think?) w/ prepubescent or adolescent youth (Male or female) I did NOT write up at age 49 & decide to become a pedophile. I have been a pedagogue to mentor students of have 3 - D.V.M.s & one Ph.D former employees (Dr Charles Jefferson Cole Dr Mary Tricia White DVM & Dr Koolie DVM Williams, Ph.D.) who btw ALL 3 would have been excellent character witnesses had I, Col. agree only chose to call them to my trial! A total of over 30-50 could have been called as witness who worked w/ us at HHz. An. Clinic of McRae - (3) Helena Animal Clinics!

My porn collection is a blatant & outright lie. A "blind retracted monkey" could review & see my "taste" was "BEAR" men, Ages 30, 40-50-60 etc. There is/are/were No titles of men in High School nor College! In Judge Novak's Kathy Stephens Palmers denial of Appeal motion for a new trial this speech investigator & guest? stated "going men Acting as if they were teenagers" Hogwash? How do ^{Mature} big beefy hairy men "Act like teenagers? This is just one of many of ADA "Tripp" - (what a stupid nickname!) Fitzner's slander, defamation of my character & outright lies he was allowed to enter into evidence, Court record of trial w/ Col. Payne standing idly by, Almost in his "Amen corner" so to speak! As one woman I worked with at

Flemington Veterinary Hospital, Dr. Peter Lynn Morris Clinic, A German, Mrs Beate Hall said: ① So what you had porn, lots of people do? ② So what you had tube, folks do? ③ Why was a jury of Homophobic Southern Baptists? of people w/ OFACS wives told All this? Simply to say - Dr Morris is a FAG ergo he must be a pedophile - lets nail him to a cross! Col. Leibin's Quotes (see the Homosexuals)

Col. Leibin's Quotes (see the Homosexuals) (from Novak)

The evidence supporting the conviction must be substantiated & do more than raise a suspicion of guilt.

There WAS Absolutely NO EVIDENCE, AT ALL, zero, zip, nada, none re: SEXUAL contact of me & Mr Kevin Craig. His lies and "tall tale" to downright ^{SEXUAL} FANTASY

As Col Wolinski stated (pg# - appeal brief) could be due to his mental illness and lack of prescription medication (his mother lied about) He may have on finding the VHS tapes, which btw (by the way) he removed from a cabinet under the bed & stacked in front of my television. ^{you him} If he viewed these tapes? I have no idea?? His performance of telling tales/lies went from (1) Ms Mary Anne Jesser his mother's lesbian lover (2) His mother Mrs Kelly Craig (3) MS ^{Chris} Price forensic interviewer (4) Liberty County officials (5) Toombs Co. investigator - Villegas

By the (6th) time in court he was "well rehearsed" and versed! He WAS handled and deserved an Academy Award! With such "kid gloves" and not really questioned AS to WHY? for 3 days if he was molested he did not one call 911, report to his mom two? or Mary Ann three? or his girlfriend four? or my family the Pittmans five? or even folks at restaurants six? or feed store seven? or Church that Sunday morning - First United Methodist eight? (5) Hazlehurst GA

There are two(2) over one ton "Elephants in the room" being totally ignored. Number one Judge the overdose death of ~~Dr~~ Pamela

Kathy Stephens Palmer's "crack whore" daughter Pamela and my association with the deceased of Pamela perhaps murdered by Arson of Mr Ronald (Ron) Annady, Oak Park, Georgia, Emanuel County. And the FACT Judge Stephens Palmer SHOULD have received herself from my trial & AS I

SAW Pamela Palmer (her daughter) engage in sex for drugs trade in/on/at the (Annady farm) on the banks of the Ogeechee River on several occasions. Also, I called the Palmer family of twice "fool Pamela home intoxicated. It was "thought" one of Ron's field hands could have been her "dealer" ? I will always believe the Arson death of Ron had something to do w/ that farm the Palmer girl (Pamela's) visiting that farm reportedly? Stephens Palmer's claim is Judge Kathy in/of Emanuel County -

Swainsboro Georgia. His reputation of rumors include A CASTRATION murder of pay for sentencing of incarceration/release of 3 black young women of 1/1 over subsequent death when

Allegations of investigations (6) ^{Wendell Johnson} Re: Sheriff Palmer Stephens

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

April 23, 2014

Mr. William T. Murray
Barrow County Jail
104 Zena Drive
Cartersville, Georgia 30120

Dear Mr. Murray:

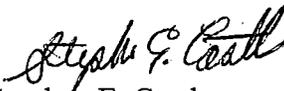
We received your request for copies. Copies are \$1.50 per page in this Court. Your pauper status does not excuse you from the copy fees in this Court and, the Court of Appeals of Georgia is not subject to the Open Records Act. Please send your check or money order to the letterhead address specifying what copy(ies) you would like.

I can only supply you with the following mailing addresses. You will need to continue your search elsewhere for the others listed in your letter.

Supreme Court of Georgia	244 Washington Street, S.W. • Suite 572 Atlanta, Georgia 30334
Judicial Qualifications Commission	8206 Hazelbrand Road • Suite C Covington, Georgia 30014
State Bar of Georgia	104 Marietta Street, N.W. • Suite 100 Atlanta, Georgia 30303

I am returning your correspondence to you because your application did not contain a Certificate of Service. You must provide a copy of the filing to the District Attorney and include his/her name and address on your Certificate of Service.

Sincerely,


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

SEC/ld
Enclosure

DEAR: Clerk

RECEIVED IN OFFICE

4-20-14

2014 APR 22 PM 3:39

I was ^{CLERK/COURT ADMINISTRATOR COURSE OF APPEALS OF GA} the 30 Day's to file an application was 30 day's from the denial of the motion for reconsideration as it APPEARS OR DATE of the original ruling in which I am filing, so I sent both wishing or seeking to APPEAL that matter involved. I am unsure if usually does a person send a brief with this information at the time of filing the application. I am sure NO-ONE sends their APPEAL brief with an application as not to relieve to the opposing party early their case but is more needed?

RE: A000048

Also, reply to your letter as I said I filed a final disposition be made on that case due to attorney abandonment, but when I went to trial he showed up and represented me and asked if I wished to appeal. But he never came seen me and I didn't here anything else so I attempted to file an appeal starting with a discretionary application which was "GRANTED" but when I tried to appeal or file a "NOTICE of APPEAL" with the court I was told if I wished to appeal I needed to contact the "attorney of record" or "attorney who represented me at trial" in which I received no-response and made it impossible to file an appeal "a timely" one on purpose "I am sure" I plan to file myself but I am sure I would not be as good as an attorney doing so. and I am giving

them that opportunity as much as I can Besides I may simple just get more "Tricks" or "Run AROUNDS" AND I AM IMPEDED SO BAD, I really can't DO it ANYWAY, or least AS UP TO AN ATTORNEY level.

I AM requesting A copy of that "GRANTED" APPLICATION A12D0048. IF Possible JUST that one sheet. AS AN INNOCENT person, AS PROOF I wish to PURSUE AN APPEAL on that CASE of 10-279, IN BARTOW COUNTY.

I ALSO COULD USE THE ADDRESS TO:

- 1) THE SUPREME COURT OF GEORGIA
- 2) STATE BAR
- 3) JUDICIAL QUALIFICATIONS COMMISSION COUNCIL
- 4) A.C.L.U. IN ATLANTA.
- 5) PROJECT INNOCENCE IN ATLANTA.

I KNOW THIS IS NOT TO ASK BUT I HAVE FILES THEIR ECT, SO IT IS NEEDED AND PART OF THESE CASE'S. MOST OF IT'S ABOUT THESE AND OTHER CASE'S.

I'VE ENCLOSED TO PEONAGE LAW MAYBE YOU WILL BE ALLOWED TO SEND THE REQUESTED IN AN EMERGENCY CASE" PEONAGE - 12-14-15

(B) NO OFFENDER SHALL BE DENIED ANY BENEFIT, RELIEF, OR PRIVILEGE TO WHICH HE OR SHE MIGHT OTHERWISE BE ENTITLED OR ELIGIBLE SOLELY BECAUSE HE OR SHE IS FINANCIALLY UNABLE + CANNOT BECOME FINANCIALLY ABLE TO MAKE RESTITUTION. PLEASE SO WHAT YOU CAN DO: WALKER IN 1147 EWA DR. CARTERSVILLE, GA 30120

IN THE COURT OF APPEALS

STATE OF GEORGIA

RECEIVED
2014 APR 22 PM 3:39

William T. MURRAY

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

v

CASE NO
13-CR-2427

STATE OF GEORGIA

RE: 14-348

DISCRETIONARY APPEAL

FOR AN PROBATION REVOCATION

NOW COMES William T. MURRAY AS IN THE ABOVE MATTER APPEARING FOR AN DISCRETIONARY APPEAL TO THE COURT OF APPEAL AND REQUEST THE FULL RECORD AND TRANSCRIPT ON APPEAL FOR REVIEW BY THE COURT OF APPEAL THE BARROW COUNTY SUPERIOR COURT HAVING REVOKED THE PROBATION OF THE DEFENDANT IN THE HONORABLE JUDGE NELSON COURT ROOM ON MARCH 25, 2014 HAVING REVOKED 20 MONTHS & DAYS ON THAT DATE FROM (2) TWO 12 MONTH CONSECUTIVE SENTENCES FOR THE OFFENSE OF CRIMINAL TRESPASS, FALSE FIRE ALARM [MISDEMEANORS] ON OCT. 16 2012. AFTER, FROM THE DENIAL OF THE MOTION FOR RECONSIDERATION.

CERTIFICATE OF SERVICE

This is to certify that the NAMED ABOVE HAS SERVED THE OPPOSING PARTY IN THIS MATTER A COPY OF THE FOREGOING DOCUMENTS BY HAND DELIVERY OR U.S. MAIL IN PROPERLY ADDRESS ENVELOPE WITH POSTAGE PAID.

Respectfully submitted this 20th DAY OF APRIL 2014
William T. MURRAY 104 ZENA DR. CARTERSVILLE, GA 30120
william T. Murray

PAUPER AFFIDAVIT

William T. MURRAY

v

STATE OF GEORGIA

RECEIVED IN OFFICE

2014 APR 22 AM 9:39

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

CASE NO

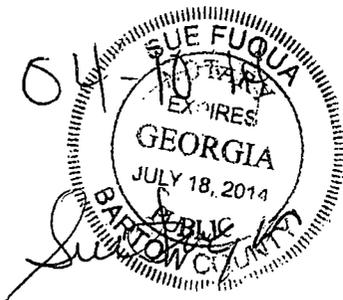
13-CR-2427

RE: 14-348

PAUPER AFFIDAVIT

NOW COMES William T. MURRAY
Duly swearing He is A PAUPER AND UNABLE
TO PAY THE \$0⁰⁰ Filing Fee to FILE the Fore-
GOING DOCUMENTS SO He HereBy Request
DUE to His POVERTY that He BE Allowed TO
FILE without having to pay the REQUIRED
Filing Fee.

William MURRAY
W/T Murray
104 ZENA DR.
CARTERSVILLE, GA.
30120



14-348

FILED

FEB 25 2014

PETITION FOR MODIFICATION/REVOCATION OF PROBATION
SUPERVISION SERVICES INC. COMMUNITY CORRECTIONS DIVISION

CLERK OF SUPERIOR COURT
BARTOW COUNTY, GA.

THE STATE NO. 13-CR-2427 OCTOBER TERM
VS 2013 SUPERIOR COURT
WILLIAM TERRENCE MURRAY OF BARTOW COUNTY

Now comes TIKEISHA L. MOORE of SUPERVISION SERVICE, INC., in the name and behalf of the State of Georgia, and bring this action against WILLIAM TERRENCE MURRAY, hereinafter called the Defendant, and shows:

I

That the Defendant entered a plea of guilty to (was convicted of) the offense CRIMINAL TRESPASS, FALSE FIRE REPORT at the October Term, 2013.

II

That this Court on the 16th day of JANUARY, 2013, did sentence the Defendant to serve as follows:

SIX (24) MONTHS PROBATION

III

That this Court, by proper order, however, permitted the Defendant to serve said sentence on probation, the terms and conditions of which are fully set forth in the copy of said sentence which is attached hereto, marked as Exhibit "A", and specifically incorporated herein.

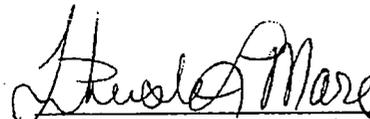
IV

That the Defendant has violated the terms and conditions of probation in the following particulars:

CONDITION# 1: DO NOT VIOLATE THE CRIMINAL LAWS OF ANY GOVERNMENTAL UNIT. PROBATIONER COMMITTED THE OFFENSES OF ROBBERY, AGGRAVATED ASSAULT, AND CRIMES AGAINST DISABLED ADULTS ON OR ABOUT JANUARY 24, 2014.

WHEREFORE, the State of Georgia prays that the citation for modification/revocation of probation be served on the Defendant and that the Defendant be directed to appear before this Court on a day to be fixed by the Court and that time to show cause why probation should not be modified/revoked.

This 24th day of FEBRUARY, 2014.



TIKEISHA L. MOORE, PROBATION OFFICER
SUPERVISION SERVICES, INC.

ORDER

Having read and considered the foregoing petition, it is hereby ordered that the Defendant be served with a copy of same, and that the Defendant show cause before me on the 4TH day of MARCH, 2014 at Superior Court in Cartersville, Georgia at 9A. M. why said probation should not be modified/revoked.

This 25th day of Feb, 2014.

[Signature]
JUDGE, G. CAREY NELSON
CHEROKEE JUDICIAL CIRCUIT

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing petition upon the Defendant in person

G. CAREY NELSON
JUDGE, SUPERIOR COURT
CHEROKEE JUDICIAL CIRCUIT

This 20th day of Feb, 2014.

[Signature]
TIKEISHA L. MOORE, Probation Officer

ACKNOWLEDGEMENT

I hereby acknowledge service of the foregoing petition and that I am aware that I may employ legal representation at said hearing or be represented otherwise as the Court may direct.

This 20th day of Feb, 2014.

[Signature]
WILLIAM TERRENCE MURRAY, Defendant

WHEREAS, pursuant to notice given to the Defendant, a full hearing was conducted by this Court on the date aforesaid in accordance with O.C.G.A. § 42-8-38, § 17-10-1(a) (3) (A) and the Court has adjudged that the terms of probation had been violated as set forth in the following particulars:

FILED

MAR 27 2014

- Technical violation of probation conditions
- New non-violent misdemeanor offense

CLERK OF SUPERIOR COURT
BARTOW COUNTY, GA.

And Revocation/Modification is therefore limited in accordance with O.C.G.A. § 17-10-1(a) (3) (A) to a Community Corrections Alternative or County Jail.

----- OR -----

- New violent misdemeanor offense
- Serious infraction of rules/regulations in a Community Corrections facility
- New felony offense

And the Defendant is therefore eligible in accordance with O.C.G.A. § 17-10-1(a) (3) (A) for Revocation/Modification of sentence to Prison, or a Community Corrections Division Alternative, or County Jail.

NOW, THEREFORE, it is ordered and adjudged that the probation provisions in said original sentence be: (Check)

Revoked in accordance with O.C.G.A. § 42-8-38, § 17-10-1(a) (3) (A) and the Defendant is hereby required to serve 30 months & days in the Bartow County Jail, County Correctional Institution, State Penal System, or such other place as the Commissioner of Corrections may direct; or (Check) Continued, under supervision subject to the further provision that:

This 25th day of March 2014.

[Signature]
Judge, CAREY NELSON
Cherokee Judicial Circuit

Restitution Owed

G. CAREY NELSON
JUDGE, SUPERIOR COURT
CHEROKEE JUDICIAL CIRCUIT

IN THE SUPERIOR COURT OF Bartow COUNTY, STATE OF GEORGIA

STATE OF GEORGIA versus

William Terrence Murray

CRIMINAL ACTION #:

13-2427
October Term of 20 13

Clerk to complete if Incomplete:

OTN(s): _____
 DOB: _____
 Ga. ID#: _____

Final Disposition:
MISDEMEANOR

First Offender/Conditional Discharge entered under:

- O.C.G.A. § 42-8-60
- O.C.G.A. § 16-13-2
- O.C.G.A. § 3-3-23.1

PLEA:

VERDICT:

- Negotiated
- Non-negotiated
- Jury
- Non-jury

The Court enters the following judgment:

Count	Charge (as indicted or accused)	Disposition (Guilty, Guilty-Alford, Guilty-Lesser Incl, Not Guilty, Nolo, Not Pros, Dead Docket)	Sentence	High & Aggravated?	Fine	Concurrent/ Consecutive, Merged, Suspended
1	Def. v. Gov't Prop	Guilty	12 months		\$500	
2	Falsc Fin. Report	Guilty	12 months			
3						
4						

The Defendant is adjudged guilty or sentenced under First Offender/Conditional Discharge for the above-stated offense(s); the Court sentences the Defendant to confinement in the County Jail, with the period of confinement to be computed as provided by law.

Sentence Summary: The Defendant is sentenced for a total of 24 months, with the first _____ to be served in confinement and the remainder to be served on probation; or to be served on probation.

The Defendant is to receive credit for time served in custody: from 10/22/12 - 10/12/14 or as determined by the custodian.

1. The above sentence may be served on probation provided the Defendant shall comply with the Conditions of Probation imposed by the Court as part of this sentence.

2. Upon service of _____, the remainder of the sentence may be served on probation; PROVIDED, that the Defendant shall comply with the Conditions of Probation imposed by the Court as part of this sentence.

Georgia, Bartow County
 I certify that the foregoing is a true and exact copy of the original which appears of record in this office. 1 page
 In witness whereof, I have this 25th day of February 2014
 affixed my seal and signature.
Natalie Adams
 Dep. Clerk
 Bartow Superior Court

IN THE SUPERIOR COURT OF
BARTOW COUNTY

STATE OF GEORGIA

FILED

MAR 28 2014

CLERK OF SUPERIOR COURT
BARTOW COUNTY, GA.

William T. Murray

v

CASE #
13-CR-2427

STATE OF GEORGIA

MOTION FOR RECONSIDERATION
PROBATION REVOCATION.

NOW COMES WILLIAM T. MURRAY IN THE ABOVE
MATTER REQUESTING THAT THE BE RECONSIDERED ON THE
FOLLOWING GROUNDS: PRESUMPTION OF INNOCENCE WAS
VIOLATED. AND,

(1) THE STATES TESTIMONY WAS IMPERISHED BY
ITS OWN WITNESSES.

(2) THE EVIDENCE WAS INSUFFICIENT IN ALL THE
ALLEGED OR SOME OF THE ALLEGED AND WAS CONTRARY
TO THE ALLEGED.

(3) THE PROBATION REVOCATION WAS HELD UN-
SCHEDULED WITHOUT PRIOR NOTICE TO THE DEFENDANT
OR HIS UNSUBPOENAED WITNESSES. REQUIRING AN
EXTRA OR REHEARING, TO SUPPLEMENT ORIGINAL HEARING.

(4) AND: OVERTON V STATE: COURTS NOT
BOUND TO BELIEVE TESTIMONY OR "FACTS INCREDIBLE"
IMPOSSIBLE OR INHERENTLY IMPROBABLE.

RESPECTFULLY SUBMITTED THIS DAY OF

THE 20TH DAY OF CERTIFICATE OF SERVICE

THE DEFENDANT/COUNCIL HEREBY CERTIFY THAT HE
HAS SERVED THE DISTRICT ATTORNEY OF BARTOW CO.
BY PLACING A HAND COPY IN THE U.S. POSTAL SERVICE
WITH PREPAID POSTAGE.

William T. Murray
William Murray
104 Fern St.
Crestview, FL
30120

IN THE SUPERIOR COURT OF
BARTOW COUNTY
STATE OF GEORGIA

FILED
APR 04 2014
Clerk Of SUPERIOR COURT
Bartow Co., GA

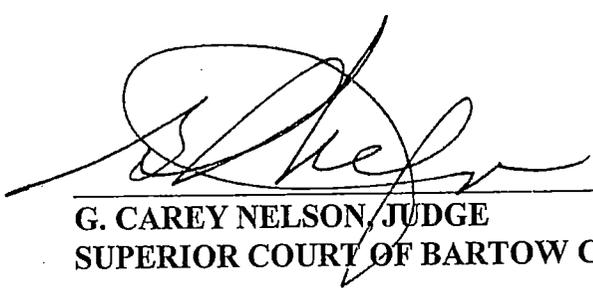
STATE OF GEORGIA : CRIMINAL ACTION
VS. : FILE NUMBER 13-CR-2427
WILLIAM T. MURRAY, :
DEFENDANT :

COPY

ORDER ON DEFENDANT'S MOTION FOR RECONSIDERATION
OF PROBATION REVOCATION

Defendant's Motion For Reconsideration of Probation Revocation having been read and considered, the same is hereby **DENIED**.

SO ORDERED this 4th day of April, 2014.


G. CAREY NELSON, JUDGE
SUPERIOR COURT OF BARTOW COUNTY, GEORGIA

EXCESSIVE PUNISHMENTS

IN WEB V STATE 2004 270 GA. APP 814, 608 S.E.2d 241: A TRIAL COURT CAN NOT IMPOSE AN EXCESSIVE SENTENCE SIMPLY BECAUSE A DEFENDANT HAS CHOSEN TO EXERCISE HIS OR HER CONSTITUTIONAL RIGHT TO A JURY TRIAL.

AND.

VOID OR ILLEGAL SENT.

ARNOLD V STATE 2004 278 GA. APP 188 GAR: DEFENDANTS FAILURE TO FILE MOTION TO CORRECT SENTENCE IN THE TRIAL COURT DID NOT DEPRIVE COURT OF APPEALS OF JURISDICTION TO CONSIDER ISSUE OF WHETHER DEFENDANTS SENTENCE FOR INTERFERENCE WITH CUSTODY EXCEEDS THE STATUTORY MAXIMUM OF FIVE MONTHS GIVEN A VOID SENTENCE COULD BE CHALLENGED AT ANY TIME.

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS

Date: April 24, 2014

To: Mr. Byron Tillis, 431 Greenleaf Road, Conyers, Georgia 30013

Docket Number: A14A1483 **Style:** Byron Tillis 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. **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 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

COURT OF APPEALS OF GEORGIA

NOTICE OF BRIEF

APPEAL CASE NUMBER [A14A1483]

BYRON TILLIS V. THE STATE

BYRON TILLIS

431 GREENLEAF RD

CONYERS GA 30013

RECEIVED IN OFFICE
2014 APR 23 PM 3:30
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

GIVING RISE TO APPEALANT BRIEF THE ALLEGED VICTUM IN MY CASE [SENT A CERTIFIED LETTER TO THE COURT CLERK OF NEWTON COUNTY AND ALSO TO DISTRICT ATTORNEY JILLIAN HALL STATING SHE WAS UNDER THE INFLUENCE OF ALCOHOL AND THE POLICE OFFICER COACHED HER INTO STATEMENTS IN ORDER TO OBTAIN A ARREST WARRANT] [SOON AFTER I RECEIVE A MOTION FROM DISTRICT ATTORNEY HALL TO REVOKE MY BOND] [STATING THAT BYRON TILLIS IS THREATING AND INTIMIDATING WITNESS] [WHICH WAS A FABRICATION OF THE TRUTH WHICH IS A CRIME] [SHE COMMITED AGAINST BYRON TILLIS GAVE FALSE TESTIMONY ON BEHALF OF ALLEGED VICTUM ON THE DATE OF SEPTEMBER 26,2013] [MY ATTORNEY CALLED MRS LATHAM TO THE WITNESS STAND] [SHE NEVER TESTIFIED THAT BYRON TILLIS COMMITED A CRIME AGAINST HER] [MY ATTORNEY EXPLAINED TO THE JUDGE THAT THE COURT PUT A HAMMER ON MR TILLIS HEAD] [TO FORCE HIM INTO A PLEA WITHOUT SUFFICIENT EVIDENCE] [TO PROVE THERE CASE BEYOND A REASONABLE DOUBT] I ASK THAT THE TRANSCRIPT BE READ IN ITS

ENTIRETY [R PAGE #1 THRU 70] TO FULLY UNDERSTAND THE ARGUMENT

ENUMERATION OF ERRORS

0 DISTRICT ATTORNEY JILLIAN HALL FABRICATED BOND REVOCATION HEARING WHICH IS A PROVEN FACT IN TRANSCRIPT

1 BOTH PARTIES WAS UNDER INFLUENCE IT WAS MUTUAL THAT WAS THE TESTIMONY TO THE TRIAL COURT [PAGE 27 LINE 1 AND 2]

2 MRS LATHAM WHO THE STATE ALLEGES AS THE VICTUM OR INJURED PARTY WAS NOT IN AGREEMENT WITH THE SENTENCE OF THE COURT [PAGE 27 LINE 22 23]

3 MRS LATHAM ASKED ON THE RECORD WAS SHE AFRAID OF BYRON TILLIS SHE ANSWERED NO CONTRARY TO DA HALL MOYION FOR BOND REVOCATION [PAGE28 LINE 14 TO 25 CONTINUE TO PAGE 29 1 TO 18]

4 DA HALL SAID TO MRS LATHAM THERE WAS NOT A NEED TO SEE ME MRS LATHAM STATED ON THE RECORD THAT SHE WOULD SEE MR TILLIS ANYWAY [PAGE30 1 TO11]

5 DA HALL ALLEGED THAT I COMMITED A CRIME JUMPING ON TO THE HOOD MRS LATHAM CAR ON [PAGE31 LINE13 TO PAGE 32 1 TO 5] MRS LATHAM TESTIFIED SHE HAD POOR JUDGEMENT LACK OF VOCABULARY

6 DA HALL ALLEGES MR TILLIS MADE A STATEMENT THAT U NOT LEAVING WITH OUT TALKING TO ME MRS LATHAM STATED ON THE RECORD THAT MR TILLIS NEVER SAID THAT [PAGE 32 5 TO 14]

7 DA HALL ASKED ABOUT REPORT TO OFFICERS MRS LATHAM INDICATED SHE DID NOT REMEMBER [PAGE 32 16 TO 25]

8 [JUDGED IGNORED SECURED PARTY CREDITOR MANDAMUSS TO
DISMISS WITH APPOSITE] ALL THE TESTIMONY FROM MRS LATHAM
MY ATTORNEY [PAGE 33 TO 39]

9 DA JILLIAN HALL CONTINUES TO GIVE TESTIMONY ON BEHALF OF
MRS LATHAM [PAGES25] WHICH IS CONTRARY TO TESTIMONY MRS
LATHAM GAVE TO MY DEFENSE ATTORNEY ON THE RECORD AS
OUTLINED IN THE ENUMERATION OF ERRORS BY TRIAL COURT

MY PRAYER FOR RELIEF AS YOU READ MY COURT TRANSCRIPT YOU
WILL SEE CLEARLY NEWTON COUNTY DA JILLIAN HALL TRIAL COURT
JUDGE SAMMUEL OZZBURN DID NOT OPERATE WITH CLEAN HANDS
AND COMMITTED CRIMES OF FRAUD PURGERY UNDER OATH IN OPEN
COURT ON THE RECORD MY PRAYER IS THAT YOU FIND THAT THIS CASE
HAS NO MERRIT AND IS DISMISSED W/O PREJUDICE UCC 1 207 STATE
APPOSTILLE I-266087

4-19-2014
Byron T. Holt
UCC-1-207

COURT OF APPEALS FOR

CERTIFICATE OF SERVICE

Byron Tillis vs. Newton County State Court Appeal No. A14A1483

FRAP 25(b) through (d) (see reverse) requires that at or before the time of filing a paper, a party must serve a copy on the other parties to the appeal or review. In addition, the person who made service must certify that the other parties have been served, indicating the date and manner of service, the names of the persons served, and their addresses.

You may use this form to fulfill this requirement. Please type or print legibly.

I hereby certify that on (date) 4-19-2014,

a true and correct copy of the foregoing (title of filing) Appellant Brief,

with first class postage prepaid, has been (check one)

deposited in the U.S. Mail

deposited in the prison's internal mailing system

and properly addressed to the persons whose names and addresses are listed below:

Georgia Court of Appeals 47 Trinity Ave SW Suite 501

Atlanta GA 30334

Newton County Superior Court 1132 Usher Street

Covington GA 30014

Byron Tillis 431 Greenleaf Rd

Conyers GA 30013

Byron Tillis
Your Name (please print)

Byron Tillis
Your Signature UCC-1-207

Please complete and attach this form to the original document and to any copies you are filing with the court, and to all copies you are serving on other parties to the appeal.

Lestis Lathan

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS

Date: April 29, 2014

To: Mr. Michael Rufus, GDC1000788776, Washington State Prison, P.O. Box 206, Davisboro, Georgia 31018
Docket Number: A14A0051 **Style:** Michael A. Rufus v. Samuel Ozburn

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. 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: The above reference appeal was dismissed on April 15, 2014.**

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

IN THE COURT OF APPEALS OF GEORGIA
STATE OF GEORGIA

Michael Alonza Rufus

vs

CASE NO.: A14A0051

Samuel D. Ozburn, Judge

APPLICATION FOR MANDAMUS

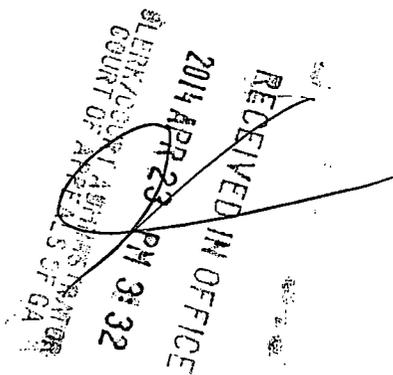
COMES NOW Michael Alonza Rufus, Pro Se litigant and Appellant in this action, in respectfully requesting this Honorable Court to issue mandamus and otherwise through equity due to the following:

Jurisdiction

In that a Superior Court can not issue mandamus against a high court Appellant presumes this Court retains authority under Art. , Sec. , Par. to exercise original jurisdiction in mandamus actions.

Further in that the instant action contains allegations amounting to fraud this Court case and must exercise equity jurisdiction concurrent with law. See O.C.G.A. § 23-2-50

FACTS



Upon review of this court's records it will find that if docketed Appeals cases numbers A13A2218 on 17 July, 2013 and A14A0051 on 26 August, 2013, Appellant informs this court that both of these appeals are from the same lower court action.

On 16 December, 2013, in Case No.: A13A2218 this court issued an order reversing, with instruction, this case.

On 21 January, 2014 this court again issued an order in Case No.: A13A2218 reversing said case allegedly in accordance with its order dated 16 December, 2013.

On 26 February, 2014 a remittitur was issued in Case No.: 13A2218.

Till this date no remittitur or judgment has been issued in the instant appeal which obstructs Appellant's right of adjudication of the merits of his case and/or seeking review by a high court.

ARGUMENT

Appellant's claims in the lower court were affirmatively included in the lower court's classification of persons for adjudication of persons for legislations and classification of persons for application to persons, see Union Sav. Bank & Trust Co. v Doffenbain, 107 Ga 606 625, 626, Sasser v Martin, 101 Ga 947 453-456 and O.C.G. A. § 50-2-21(a). This state's "uniform, not universal, exercise of jurisdiction in its courts

based upon the aforementioned classifications, see *McSeas v The State*, 247 Ga 48, 49 and O.C.G. 43-15-1-2, and which is the rationale that the judicial power of this state is issued through "tribunes, acting as courts of law, being mere adjuncts of special and/or limited jurisdictions. See *Ziegler v Ziegler*, 192 Ga 453, 456 and O.C.G. 43-15-1-1

The adjudicating of the merits of Plaintiff's case and ultimately the constitutionality of his imprisonment will establish precedent that univ. customs and/or practices of negligence and/or fraud by members of this state's bar when acting as they have acted as counsels for their clients in violation of the traditional notions of fair play and substantial justice said clients are and have been subjected to the jurisdiction of this state's tribunals without being informed the distinct capacities they are presumed to have, the capacities that the opposing party may be acting under if the opposing party is an organized association of persons. (P.A.C.G. 43-9-2-29 and 9-11-9(a).)

Based the aforementioned a legal presumption exists that the assigned appeal court justices in this matter has a financial and/or other interest in the outcome of this case that they have failed to inform appellant, see Canon 7, and disqualify themselves as required by law. See Canon 4(1)(c) (iii).

From these aforementioned perspectives the Justices' actions are fraudulently to deprive and prevent appellant. O.C.G. 43-2-51 and 23-2-56

Mutual Life

I certify that on this 17th day of April, 2014, a copy of the foregoing is being mailed Samuel D. Owen.

CERTIFICATE

NOTE 1 Appellant still suffers the obligations of the costs in case No. A13A2218 also and therefore requests appropriate relief due to the circumstances herein showing fraud. Also because Appellant's inmate account is frozen under case Nos. A13D0332 which resulted in A13A2218 and A13D0329 which resulted in A14A0051 appropriate orders or notices must be provided my institution showing all discharged.

RS1 Mutual Life

Respectfully Submitted

WHEREFORE upon inquiry in this motion Appellant prays that the disqualifiable Justices disqualify themselves; that an adjudication of all his issues be done; that an order be issued; that the costs of this appeal be charged the Appellee; that the Clerk of this Court be instructed to notify Appellant's institution of the discharge of the costs [ET] and any other relief deemed just under the circumstances.

REQUESTED RELIEF

Under the facts in this matter the Justices have breached their duty to issue a judgment as required and within the timeframe as required by law, for the amount of the costs in the Appellate Court against the Appellee, O.G. A.S. 5-6-5 and/or issue a remittitur in this matter O.G. A.S. 5-6-10 1/2 Rule 60

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS

Date: April 29, 2014

To: Jackson E. Oliver, Esq., Thompson Law Group, LLC, P.O. Box 53484, Atlanta, Georgia 30355

Docket Number: A14A1298 **Style:** Harriet Carter v. JP Morgan Chase Bank, N.E., et al.

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

1. **The Appellant's Brief in the above appeal was not accompanied by the statutory filing fee (\$300.00 civil).**
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

THOMPSON LAW GROUP, LLC

ATTORNEYS AT LAW

MAILING ADDRESS:

P.O. BOX 53484

ATLANTA, GA 30355-1484

OFFICE ADDRESS:

3390 Peachtree Road

Lenox Towers

Suite 1300

Atlanta, GA 30326

(404) 816-0500

WWW.THOMLAW.NET
JOLIVER@THOMLAW.NET

April 23, 2014

Clerk, Court of Appeals of Georgia

Suite 501

47 Trinity Avenue, S.W.

Atlanta, Georgia 30334

RECEIVED IN OFFICE
2014 APR 24 AM 8:36
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

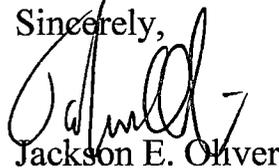
Re: Harriet Carter v. JPMorgan Chase Bank, N.A., et al
Court of Appeals of Georgia
Case No. A14A1298

Honorable Clerk,

Enclosed please find an original and two copies of the Appellant's Initial Brief in the above referenced case.

Thank you for your consideration in this matter.

Sincerely,



Jackson E. Oliver

Enclosures

cc: Mr. Stephen V. Kern, Esq.
Ms. Heather D. Brown, Esq.
Mr. Brett C. Giordano, Esq.

FILED IN OFFICE

APR 23 2014

CLERK, COURT OF
APPEALS OF GEORGIA

COMES NOW, Harriet Carter, Appellant in the above referenced appeal, and hereby submits this Appellant's Brief, respectfully showing this Court as follows:

INTRODUCTION

This case is currently before the Court from a Final Order of the Honorable Murphy C. Miller, Judge of Superior Court of White County, Granting Appellees JPMorgan Chase Bank, N.A. ("JPMorgan"), Mortgage Electronic Registration System ("MERS"), and MERSCORP Holdings, Inc. ("MERSCORP")'s Motion for Summary Judgment entered on September 5, 2013.

Harriet Carter ("Ms. Carter") filed this suit *pro se* against JPMorgan, MERS, MERSCORP and others in the Superior Court of White County ("Trial Court") seeking a temporary restraining order and/or preliminary injunction and a declaratory judgment finding that the Appellees violated Plaintiff's property rights, federal law and Georgia statutes in an attempt to perpetrate a fraud and wrongfully foreclose upon Ms. Carter's property. Ms. Carter also raised issues of a fraudulent transfer of the Security Deed and violations of Due Process.

The Trial Court denied Ms. Carter's Petition for Temporary Restraining Order and/or Preliminary Injunction based upon Ms. Carter's alleged failure to

respond to JPMorgan, MERS and MERSCORPS Motion for Summary Judgment. The Trial Court also granted JPMorgan's counterclaims for cancellation of fraudulent documents and a bill of peace.

The Trial Court's first error was not construing Ms. Carter's pleadings liberally and finding that Ms. Carter failed to respond to the Motion for Summary Judgment. The record clearly illustrates that Ms. Carter filed a "Verified Answer" on August 6, 2013, after the Motion for Summary Judgment was filed on July 12, 2013. By finding that Ms. Carter failed to respond, the Trial Court accepted all of the facts and arguments of the Motion for Summary Judgment and treated it as a default.

The Trial Court's second error was granting the Summary Judgment on the facts before it. Ms. Carter clearly sought an injunction and declaratory judgment regarding the propriety of the foreclosure stating that Fannie Mae owned her mortgage and that JPMorgan was simply the servicer on behalf of Fannie Mae. This fact alone should have entitled Ms. Carter to an injunction to prevent a violation of her Due Process rights under the 5th Amendment of the United States Constitution. This error was a misapplication of the law to the facts before the Trial Court.

Ms. Carter has preserved all of these errors by making the factual allegations in her Complaint and the record clearly supports the same.

Because the Trial Court misapplied legal standards in deciding a Motion for Summary Judgment and misconstrued a *pro se* party's pleadings against the *pro se* party, this Court should reverse and remand the Final Order of the Trial Court for additional proceedings consistent with this Court's decision.

PART ONE

A. STATEMENT OF PROCEEDINGS AND MATERIAL FACTS

Ms. Carter initiated this action, *pro se*, against JPMorgan by filing a “Verified Emergency Petition for Temporary Restraining Order and/or Preliminary Injunction” on November 30, 2012 (“Petition”). [R – 13-54]. Appellee JPMorgan filed a Verified Answer and Counterclaim on July 12, 2013 [R – 242-259] and a Motion for Summary Judgment on July 15, 2013. [R – 260-384]. On August 6, 2013, Ms. Carter filed a “Verified Answer. [R – 385-395]. One month later on September 5, 2013, the Trial Court entered its Order and Judgment. [R – 399-402]. Ms. Carter timely filed her Notice of Appeal to this Court on October 4, 2013. [R – 4-12].

The main thrust of Ms. Carter’s Petition was that JPMorgan did not have the standing or right to non-judicially foreclose upon her property located at 874 Chattahoochee Acres Drive, Cleveland, GA 30528 (“property”). [R – 14-17].

On March 10, 2006, Plaintiff took title to the Property by virtue of that Quit Claim Deed given by Jefferson W. Schrader and Brian E. Baldwin to Harriet Carter. Plaintiff executed a Security Deed to the Property, to the Lender, United Community Mortgage Services, Inc., with Mortgage Electronic Registration

Systems, Inc. (“MERS”) acting solely as a nominee for Lender, as evidenced by that certain Security Deed recorded on August 9, 2006, in Deed Book 1127, Page 243, White County Records, Georgia (“Security Deed”). [R – 15].

The Security Deed was transferred via MERS to JPMorgan. [R – 15]. The loan (or Note) was sold into a Mortgage Backed Security to Fannie Mae. [R – 15 and 27].

On November 22, 2010, purported “officers” of MERS allegedly executed an Assignment, with an effective date of September 28, 2010, in its individual capacity and not as nominee, transferring to Chase Home Finance, LLC, all its right title and interest in and to the Security Deed. [R – 33].

The Assignment was allegedly executed by officers of MERS, a C. Troy Crouse and a Thomas Sears, both of whom are in fact attorneys at the law firm of McCalla Raymer, LLC, the law firm who was acting as the foreclosure attorney for JPMorgan. [R – 28 and 33].

Besides Mr. Crouse and Mr. Sears signing as “officers” of MERS, a Joshua R. Green signed as a Notary Public swearing that he witnessed all persons sign said document on November 22, 2010. [R – 16, 33-35]. Mr. Green’s Notary Commission was revoked on June 21, 2011, six months after signing said

document, by the Superior Court of Dekalb County, State of Georgia's Clerk of Court. [R – 35].

Throughout 2011 and 2012, Ms. Carter was attempting to inquire and determine from Chase (predecessor to JPMorgan), who owned her loan and had the authority to offer her a modification of her loan. [R – 16]. Ms. Carter received a letter from Chase dated April 28, 2012, stating that her loan was sold into a public security known as “FNMA A/A 131238347” and may include a number of investors, therefore, according to the Security Deed's clear language, the Security Instrument went together with the Note. [R – 27]. The letter stated the address of her investor as Federal National Mortgage Association's (“Fannie Mae”) address. [R – 27].

JPMorgan has admitted *in judicio* that Fannie Mae is the owner of the Note and JPMorgan is the servicer of Ms. Carter's mortgage loan, acting on behalf of Fannie Mae to enforce the provisions of the Note. [R – 335-336].

Pursuant to facts declared by JPMorgan, Ms. Carter's loan and debt are owned by Fannie Mae. [R – 335-336].

JPMorgan is acting as a servicing agent for the benefit of the owner of debt, Fannie Mae, JPMorgan is a fiduciary agent and instrumentality of Fannie Mae and

JPMorgan's foreclosure under the security deed is for the benefit of Fannie Mae.
[R – 335-336].

Ms. Carter has never received actual notice of the right to challenge the foreclosure nor has actual notice been received adequately detailing the reason for the foreclosure. [R – 18-19].

Plaintiff has never been provided a meaningful and timely opportunity to contest the foreclosure. [R – 15].

For the reasons set forth in the Petition, the foreclosure and sale of Ms. Carter's Property is illegal, and at best premature, as Ms. Carter will wrongfully be deprived of her interest in the Property.

PART TWO

ENUMERATIONS OF ERROR

- 1) The Trial Court Erred in failing to interpret Ms. Carter's *Pro Se* filings liberally and particularly Ms. Carter's "Verified Answer" as a response and denial of JPMorgan's Motion for Summary Judgment and Statement of Undisputed Material Facts.**
- 2) The Trial Court Erred in granting JPMorgan's Motion for Summary Judgment as the facts in JPMorgan's Motion for Summary Judgment actually show that Ms. Carter was entitled to judgment as a matter of law on her claims for equitable relief from Constitutional violations of JPMorgan.**

PART THREE

STANDARD OF REVIEW

Summary judgment is proper when there is no genuine issue of material fact and the movant is entitled to judgment as a matter of law. OCGA § 9-11-56(c). A de novo standard of review applies to an appeal from a grant or denial of summary judgment, and this Court should view the evidence, and all reasonable conclusions and inferences drawn from it, in the light most favorable to the nonmovant. Matjoulis v. Integon Gen. Ins. Corp., 226 Ga. App. 459 (1997).

ARGUMENT AND CITATION OF AUTHORITY

I. The Trial Court Erred in failing to interpret Ms. Carter's *Pro Se* filings liberally and particularly Ms. Carter's "Verified Answer" as a response and denial of JPMorgan's Motion for Summary Judgment and Statement of Undisputed Material Facts.

"Pro se pleadings are held to less stringent standards than pleadings that are drafted by lawyers." Evans v. City of Atlanta, 189 Ga. App. 566, 567 (1988); *see* Haines v. Kerner, 404 U. S. 519 (92 SC 594, 30 LE2d 652) (1972), Dillingham v. Doctors Clinic, 236 Ga. 302 (1976). Pro se pleadings are to be construed without regard to technicality; pro se litigants' pleadings are not to be held to same high standards of perfection as lawyers, Jenkins v. McKeithern, 395 U.S. 411, 421 (1959); *see also* Picking v. Pennsylvania Railway Co., 151 Fed 2nd 240; Pucket v. Cox, 456 2nd 233 (6th Cir. 1972). "Allegations such as those asserted by Plaintiff, however inartfully pleaded, are sufficient...." Haines v. Kerner, 404 U.S. 519 (1972).

The Courts have long held *pro se* pleadings are to be read liberally and if there is relief available, that they have failed to request, the Courts should be lenient and the *pro se* litigant should be afforded that availability. Here, Ms. Carter

presented her case *pro se* and was prosecuting her claims *pro se*. While her “Verified Answer” was not technically the correct document to file in response to JPMorgan’s Motion for Summary Judgment, the Trial Court should have construed it as such and not interpreted the Motion for Summary Judgment as unopposed. Therefore, this Court should reverse the granting of the Motion for Summary Judgment and remand this action back to the Trial Court for further hearing on the matter.

Additionally, “There is no such thing as a “default summary judgment.” By failing to respond to a motion for summary judgment, a party merely waives his right to present evidence in opposition to the motion. It does not automatically follow that the motion should be granted.” McGivern v. First Capital Income Properties, Ltd., 188 Ga. App. 716, 717 (1988) *citing* Finch v. City of Atlanta, 232 Ga. 415, 416 (1974). (“A motion for summary judgment should not be granted unless it affirmatively appears from the pleadings and evidence that the party so moving is entitled to prevail.”)

As argued below, it is clear that JPMorgan was not in fact entitled to prevail on the facts before the Court. Additionally, because the Plaintiff was *pro se*, her

pleadings and attempts to file documents with the Court should have been liberally construed in her favor.

II. The Trial Court Erred in granting JPMorgan's Motion for Summary Judgment as the facts in JPMorgan's Motion for Summary Judgment actually show that Ms. Carter was entitled to judgment as a matter of law on her claims for equitable relief from Constitutional violations of JPMorgan.

Plaintiff Shows that the facts before the Trial Court state claims against JPMorgan and Summary Judgment was therefore not warranted for JPMorgan, but instead, Summary Judgment was warranted for Ms. Carter.

A. Standard for Granting Motion for Summary Judgment

The movant in a summary judgment motion has the burden of showing that there is no genuine issue of any material fact and that he or she is entitled to judgment as a matter of law. Wade v. Mitchell, 206 Ga.App.265, 424 S.E.2d 810 (1992). Under O.C.G.A. §9-11-56, to prevail at summary judgment the moving party must demonstrate not only that there is no genuine issue of material fact but also that the undisputed facts, when viewed in the light most favorable to the

nonmoving party, warrant judgment as a matter of law. O.C.G.A. §9-11-56 (c); Lau's Corp., Inc. v. Haksins, 261 Ga. 491, 405 S.E.2d 474 (1991).

In deciding motions for summary judgment, the evidence of the nonmovant is to be believed, and all justifiable inferences are to be drawn in his or her favor. Wilson v. State of Georgia, 206 Ga. App.599, 426 S.E.2d 192 (1992), citing Barber v. Perdue, 194 Ga. App. 287, 289; 390 S.E.2d (1990).

Summary judgment should only be granted when the evidence demands, not merely supports, the outcome. Coating, Inc. v. Parsons, 188 Ga. App. 506, 373 S. E. 2d 291 (1988). It is proper when, construing all inferences against the movant, it appears without dispute that the case could have but one outcome. Lawrence v. Gardner, 154 Ga. App. 722, 270 S. E. 2d 9 (1980).

B. JPMorgan's Attempted Foreclosure on Behalf of Fannie Mae, being the lender and the secured creditor, involves U.S. Government Action to Deprive Plaintiff of Property Requiring Due Process of Law Pursuant to the 5th Amendment of the U.S. Constitution.

The 5th Amendment of the U.S. Constitution demands that no one be deprived of "life, liberty, or property without due process of law". U.S. Const. Amend. V.

Pursuant to authority granted under Housing and Economic Recovery Act and the Safety and Soundness Act, on September 6, 2008, the Board of Fannie Mae assented to the order of Federal Housing Finance Agency Director Lockhart appointing the Federal Housing Finance Agency as conservator of Fannie Mae.

Per Section 1367 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. § 4501, et seq., as amended) and regulations published by the Federal Housing Finance Agency (12 CFR Part 1237), the conservator has three general sets of powers: First, the Conservator (or Receiver) is the immediate successor to all rights, titles, powers, and privileges of the entity, and any stockholder, officer, or director. Second, Conservator may operate the

397(10) (1904) (if secured debt is assigned but deed is not, deed holder holds legal title to property for benefit of note holder).

Because the scheduled foreclosure sale is obviously (and admittedly, *see* [R – 334-335]) an action on behalf of the Federal government to deprive Ms. Carter of a property interest, said property interest is protected by the due process clause of the Fifth Amendment. *See Johnson v. U.S. Dept. of Agriculture*, 734 F.2d 774, 782 (1984).

At a minimum, due process assures notice and a meaningful opportunity to be heard before right or interest is forfeited. *See Id.*

Fannie Mae, since sometime before April 28, 2012, became the owner of Ms. Carter's Note and security interest and therefore the power of sale under the Security Deed was being exercised by JPMorgan as an agent of Fannie Mae. There is a presence of a direct federal role in the power of sale at a non-judicial foreclosure sufficient to invoke due process requirements. *See Johnson v. U.S. Dept. of Agriculture*, 734 F.2d 774, 782 (1984); *see also Lehner v. U.S.*, 685 F.2d 1187, 1190-91 (9th Cir. 1982). By virtue of Fannie Mae owning Ms. Carter's Note and security interest, Ms. Carter has a constitutional right to due process of law

prior to any such power of sale at a non-judicial foreclosure instituted to foreclose on Ms. Carter's property interests in the Property.

Because the facts before the Trial Court show that Ms. Carter was indeed entitled to at least have the Motion for Summary Judgment denied as the facts, when taken in a light most favorable to her, show that the non-judicial foreclosure by JPMorgan was conducted on behalf of and at the direction of Fannie Mae, a federal government entity. The deprivation of private property without due process is a violation of the U.S. Constitution, Amendment V. Here, Ms. Carter laid out her claim for the Trial Court and the facts relied upon to show her claim were put into the record by JPMorgan. Therefore, this Court should reverse the granting of summary judgment to JPMorgan and remand this action to the Trial Court for further proceedings consistent herewith.

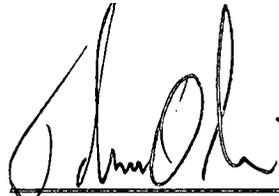
CERTIFICATE OF SERVICE

I, Jackson E. Oliver, hereby certify that I have this day served counsel for Appellee with a true and correct copy of the foregoing Appellant's Initial Brief, via U.S. Regular Mail as follows:

Stephen V. Kern
Heather D. Brown
KITCHENS KELLEY GAYNES, P.C.
Eleven Piedmont Center, Suite 900
Atlanta, Georgia 30305
Counsel for Appellees JP Morgan Chase Bank, N.A. and Mortgage Electronic Registration Systems, Inc.

Brett C. Giordano
MCCALLA RAYMER, LLC
Six Concourse Parkway, Suite 3200
Atlanta, Georgia 30328
Counsel for Appellees McCalla Raymer, LLC, Marty Stone, Adam Silver, Thomas Sears, C. Troy Crouse, Joshua Greene and John D. Fichtner

This 23rd day of April, 2014.



Jackson E. Oliver
Georgia Bar No. 273358

A13 DO 535
A13 IO 319

To The clerk and Court of Appeals,
This is a presumptive

why am I sending you these two enclosed letters?
very simple After months of waiting we are "back in
business!"

Everything was set up, preplanned and expected.
I had to enclose both letters at the same time
and the second letter is a rough draft.

The message is clear.

On Fri. April 18 @ 5:30 am I sent the 1st letter
to the respective Courts.

At 12:30 pm on the 18th I received an "order"
from Dawson Jackson's replacement.

Am I a fortune teller? Nope, sorry.

But the timing is so incredibly fascinating.
Code word for today: "Bias"

what now another excuse.

please stop the absurdity.

James Thompson

Things forthcoming.

The enclosed evidence/letters are just
that - a . evidence pertaining to
the what is soon to be.

(Please except my apology for the rush)

RECEIVED IN OFFICE
APR 30 PM 2:21
CLERK/COURT CLERK/REGISTRAR
COURT OF APPEALS OF GA

Cover sheet:

① We would not be in touch, would we, if certain "fac-tors" within the legal community had not engaged in unscrupu-lous behavior?

The analogy (again): you or they broke into my home and committed acts of aggression and I decided to defend myself by striking back. For you to then complain about my response to your acts of violence is flat out lunacy (but par for the course under the current lunacy). You or they initiated the off-kilterish behavior and I in turn responded accordingly (whatever means I deemed necessary). No more justifications, please, and!

② And please no more thoughts or claims this case is not as relevant as I or we think. If it wasn't or if many weren't unscrupulous, then Jackson (K.D.J) wouldn't have ordered the most unscrupulous act imaginable, and!

A) Tracy Drake, defense attorney, stated emphatically that Jackson would "do everything possible to keep his thumb on you (me)"; Trust when I say she explained why, just as Tom Ford and Rogner Burns (defense attorneys) had made similar comments, and; B) If this case isn't relevant then the record(s) of Georgia need a thorough review meaning acts of "force" must be spread throughout; find another case with so much egregious behavior by so many participants against such an isolated individual. You can't!

James & Thompson
P. Please inform us, Schrader "K.D.J" wasn't her advocate as much as she believes. Common sense and logic dictate that an advocate wouldn't pile waste for "consumption".

Handwritten notes on lined paper, including a vertical margin line on the left and various illegible text entries.

#1

To The Supreme Court,

Each phrase for the day: "Term Limits" Other catch-phrases exist but the timing is not appropriate.

"K Dawson Jackson" was your Chief and I (we) have his documented record which appears to tarnish (concerns understanding) his legacy. Now we have your misguided decision which appears to coincide with "K.D.J.'s" record of ill repute which in turn appears to create a defamatory series of "arguable merits" based on bias, favoritism, a past association (or two), nepotism, and unbridled ego.

No more understatements, please, and to answer the previous letters question, obviously there was never a disorder but Guarnett recognized one fact. They were not accustomed to being embarrassed and being put on the defensive was not customary, hence a three pronged option:

- a) shoot me
- b) drug me
- c) set me free

Which one of the three relates to an honorable conclusion?

That's correct you have no idea and give me proof. One final sensitive guy moment:

Kathryn Schrader now sits in "K.D.J.'s" office. Yes, I've known for quite some time and she has already proceeded to raise speculation interesting an attorney to Superior Court judge so quickly, as well as being assigned to a case that casts shame and dishonor on the entire judiciary. Did "K.D.J." assist as he has "assisted" so often? Why isn't Phil Wilby a Superior Court judge. After (30) years of service at the Guarnett D. Jr office? Of course we know why, don't we?

Received on 4/11/14
April 18, 2014
51440352

#1

Several Fleeting Final Thoughts:

A.) Please inform Ms. Schrader to utilize a comprehensive cleaning team in order to eliminate the stench and stigma of corruption associated with "K.D.J." and;

B.) Why would Jackson assign a newly departed attorney to a case he knew was and is a catastrophe in relation to his departure;

1.) "Spoon Feeding" Ms. Schrader was a must. Others may not have been as sympathetic nor willing to proceed with "K.D.J.'s" agenda, and;

2.) "Reception", Everything he supposedly accomplished (and how he accomplished it) would revolve 180° (and trust when I say he knew it).

The puzzle continues to evolve.

James Thompson

<p>1. The first part of the document discusses the importance of maintaining accurate records of all transactions.</p>	<p>1. Introduction</p>
<p>2. It is essential to ensure that all entries are supported by valid receipts and invoices.</p>	<p>2. Objectives</p>
<p>3. The second part of the document outlines the various methods used to collect and analyze data.</p>	<p>3. Methodology</p>
<p>4. These methods include surveys, interviews, and focus groups, each with its own strengths and limitations.</p>	<p>4. Data Collection</p>
<p>5. The third part of the document describes the statistical techniques used to interpret the results.</p>	<p>5. Data Analysis</p>
<p>6. These techniques include regression analysis, correlation analysis, and hypothesis testing.</p>	<p>6. Results</p>
<p>7. The fourth part of the document discusses the implications of the findings for future research.</p>	<p>7. Discussion</p>
<p>8. It is suggested that further studies should be conducted to explore the relationship between the variables.</p>	<p>8. Conclusion</p>
<p>9. The final part of the document provides a summary of the key findings and conclusions.</p>	<p>9. References</p>
<p>10. The document concludes by emphasizing the need for continued research in this field.</p>	<p>10. Appendix</p>
<p>11. The following table provides a detailed breakdown of the data collected during the study.</p>	<p>11. Appendix A</p>
<p>12. This table shows the distribution of responses across different categories and sub-categories.</p>	<p>12. Appendix B</p>
<p>13. The data indicates a strong positive correlation between the variables studied.</p>	<p>13. Appendix C</p>

April 18, 2014
04-B-3288-3
S14H0352

Letter #2

To The Respective Courts,

Letter authored at approximately 2:00 pm, (1 1/2) hours after receipt of the last two deliveries from Gunnett County and The Supreme Court, Fascinating once again. On April 17 I authored a letter dated April 18 which I deposited in the Lee S.P. mailbox on April 18 at approximately 5:30 am in order to be sent out on April 18 (today).

At 12:30 pm I received word that I had mail at the mail-room. Two envelopes were handed to me which I had to sign for. One from The Supreme Court saying: "this court may not give legal advice" Asking for the justices names who formulated the obviously erratic decision from Feb. 2nd is not legal advice!

B) And I requested the "rule" that stipulated that the Supreme Court "does not give reasons" for their decisions. The "reasons" re-learned. Everything is secret but again requesting a "rule" that should be "pre-printed" for everyone's consumption is not asking for legal advice! Its asking for verification knowing this is a public American forum not the reasons! (At least I thought)

2) And last, please review the April 7/18 letter (agave for once) If discusses Judge Schrader, what did it say? It documented the obvious by Schrader is there (Gunnett Superior Court in certain instances) No need to reiterate, the message was (is) clear on point and could not be anymore apparent. Case in point?

A) 12:30 pm on April 18 2014. I received an order (finally) detailing the fact that Judge Schrader had in fact followed the claims made in my 1st April 18 letter. Torture is definitely a prerequisite in Ga Law Schools. Schrader denied the motions I had previously presented. Of course we know Schrader was in "KDJ's seat

(#2)

and of course we knew the eventual outcome. How did we know?
Re-review the April 18 Letter again. Common Sense and Logic
which appears to trump Case study and erroneous applications
everytime.

Remember I said theres good in all bad. Schrader denies
after revisiting "supplements" meaning she denied after witnessing
egregious acts of corruption and despicable behavior. The point?
Again the April 18 Letter. As soon as I received it (her order)
I began a mental celebration. What now? Cover for Schrader?

I have also enclosed several "snippets" from an intro. note
that I included with Guinnetts April 18 copy which again
details the fact that something again is amiss as well as in-
credibly transparent.

Is someone now going to say Schraders is ^{meteoric rise to} ~~not a superior~~
^{superior} Court judge ~~not~~ ^{and} ~~has any~~ dealings with "KDJ" ^{are not related?} ~~in relation to~~ ^{assis-}
~~tance from "KDJ"?~~ please no more lunacy.

And Finally. more good in bad. The Good? I (we) always
knew of Schraders purposeful intrusion but . . . the higher
courts get yet another gander. The saga continues and patience
has afforded everyone yet another "participant".

The difference between the two at (70)822-8617? Judge Schrader
is at her infancy stage and can easily be dissected as her recent
actions indicate. What now, deny the logic and pie point
accuracy from the 1st April 18 Letter?

Thank you for your time
James Thompson

(#2)

Excerpts From An April 18 "note" delivered to Gwinnett County preceding the actual April 18 Letter:

"Tell her (Schvader) I said I apologize for not making it to her induction but I do in fact have a helpful tip. The two words begin with "S" and "D" . . . "speed dial" straight to you know who?"

And

"Congrats ms. Schvader, I don't think "K.D.J." did you any favors but he needed you?"

All sent at 5:30 AM on April 18, 2014.

I obviously am not a mind reader, and obviously (if you check with Lee S.P.) I received my mail on April 18 at 12:30 pm detailing the fact that once again either all of the participants are unbelievably transparent or the "Trojan Horse", or both.

James Thompson

ps. We patiently awaited Judge Schvaders decision knowing what she was going to do, meaning (again and again and again) everything has become disturbingly disproportionate with logic period. Forewarning Schvaders "agenda" is an enormous plus.

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The foregoing letter dated April 18, 2014 and authored on April 18, 2014 at approximately 2:00 pm has been sent via U.S. mail with proper postage affixed to:

- The Supreme Court
847 Washington St. S.W.
572 State Office Annex
Atl. Ga. 30334
- Court of Appeals
477 Trinity Ave S.W.
Ste 501
Atl. Ga. 30334

- The Attorney General
Ga. Dept of Law
40 Capital Sq. S.W.
Atl. Ga. 30334-1300

- The Clerk of Court
75 Langley Dr.
Lawrenceville, GA 30046
copy: Schroeder, D. Parker

James S. Thompson
4/18/14

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

April 30, 2014

Mr. Michael Rufus
GDC1000788776
Washington State Prison
Post Office Box 206
Davisboro, Georgia 31018

Dear Mr. Rufus:

We are in receipt of your correspondence dated April 23, 2014, in RE: A14 A0051. Michael Alonza Rufus v. Samuel D. Ozburn, Judge. I am returning the communication to you. Please attach a Certificate of Service to your communication notifying this Court of your intentions to petition for certiorari with the Supreme Court of Georgia.

The Certificate of Service should 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.

Sincerely,



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

SEC/ld
Enclosure

RECEIVED IN OFFICE

2014 APR 29 PM 4:36

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Michael Antonio Ruelas

DOC NO: 1000788776

WASHINGTON STATE PRISON

P.O. BOX 206

DAVENSBO, GA 31018

23 April, 2014

IN RE: Case No.: A14A0051

Madam or Sir

Please take note that I am petitioning the
Supreme Court for Cert

I certify by my signature that I am sending
a copy of this motion on Samuel D. Osburn and Sam
Orens this day.

23 April, 2014

~~M. Ruelas~~