

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

Date: May 2, 2014

To: Ms. Crystal L. Eddy, GDC99196386, Gwinnett County Jail, 2900 University Parkway, Lawrenceville, Georgia 30043

Docket Number: A14A1310

Style: Crystal L. Eddy v. Gary Stephen Spears, et al.

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

1. Your Appellant's Brief, was not accompanied by the statutory filing fee (\$300.00 civil; \$80.00 criminal *Effective July 1, 2009) or a sufficient pauper's affidavit. OCGA§5-6-4 and Rule **Your pauper's affidavit should be notarized by a notary public.**
2. A Request for Oral Argument must be filed as a separate document. Rule 28 (a) (3)
3. Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)
4. **No Certificate of Service 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

Appeal Case Number: A14A1310

Style: Crystal Leann Eddy v. Gary Stephen Spears et al.

Dear Clerk,

I am currently incarcerated in the Gwinnett County Detention Center and I have an open case with the Court of Appeals of Georgia. I am unfamiliar with the Courts rules and regulations. I've requested the info from our law library, but they do not have them. Could you please send me a copy of the rules? I am also unclear on whether I still have to file a brief if I have already requested an Oral Argument? I would also like to know if there is a list of lawyers who help pro bono with appeal cases? If so could you please send it to me? So I can contact them? Also I have been unable to get the original Court documents. I have requested them, but my requests have gone unanswered. I know the original courts sent all documents to the Court of Appeals of Georgia. I would like to request a copy. I filed a Pauper's Affidavit with the original Court which should be included in the Courts documents. Any help you can provide in these matters is greatly appreciated. Thank you so much.

Sincerely,

Crystal Leann Eddy

Crystal Leann Eddy
#991916386

2900 University Plaza
Lawrenceville, GA 30046

RECEIVED IN OFFICE 2014 APR 29
2014 APR 29 PM 4:40
CLERK COURT OF APPEALS
COURT OF APPEALS

COURT OF APPEALS OF GEORGIA

FILED IN OFFICE

APR 28 2014

COURT CLERK
CLERK COURT OF APPEALS OF GA

CRYSTAL LEEANN EDDY,
APPELLANT

*

CASE NUMBER

A14A1310

*

VS

*

GARY STEPHEN SPEARS and
RENEE COLEMAN SPEARS

*

APPELLEE

*

RECEIVED IN OFFICE
APR 29 9:40
COURT OF APPEALS OF GEORGIA

REQUEST FOR ORAL ARGUMENT

COMES NOW CRYSTAL LEEANN EDDY request the Court to allow for an Oral Argument. The deciding Court failed to allow her to be heard or even present during Original Court proceedings.

Ms. EDDY is incarcerated and was not transported to either hearing scheduled on December 3, 2013 or December 17, 2013. Since she is pro se this also means she did not have legal counsel present. She is the biological mother and she request an Oral Argument to argue Original Courts errors as well as allow herself to be heard on this matter which the Original Court denied her.

This the 7 day of April, 2014.

Crystal Leeann Eddy

Crystal Leeann Eddy

#99196386

2900 University Parkway
Lawrenceville, GA. 30043

COURT OF APPEALS OF GEORGIA

CRYSTAL LEEANN EDDY,
APPELLANT

VS

GARY STEPHEN SPEARS and
RENEE COLEMAN SPEARS
APPELLEE

*

*

*

*

*

CASE NUMBER
A14A1310

REQUEST FOR ORAL ARGUMENT

COMES NOW CRYSTAL LEEANN EDDY request the Court to allow for an Oral Argument. The deciding Court failed to allow her to be heard or even present during original Court proceedings. Ms. Eddy is incarcerated and was not transported to either hearing scheduled on December 3, 2013 or December 17, 2013. Since she is pro se this also means she did not have legal counsel present. She is the biological mother and she request an Oral Argument to argue original Courts errors as well as allow herself to be heard on this matter which the original Court denied her.

This the 7 day of April, 2014.

Crystal Leeann Eddy

Crystal Leeann Eddy
#99196386

2900 University Parkway
Lawrenceville, GA. 30043

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

May 5, 2014

Ms. Jennifer Gabriel-Mitchell
624 Eighth Place • Apartment D-2
Phoenix City, Alabama 36867

Dear Ms. Gabriel-Mitchell:

Enclosed, please find MoneyGram #R205465996824 payable to the Court of Appeals of Georgia in the amount of \$300.00 returned with your correspondence. If the enclosed correspondence is your Brief, it should be filed as an original and two copies.

The Brief must conform to the Rules of the Court and be served upon opposing counsel. A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must be actually served with a copy of your filing.

I have also enclosed a copy of the Citizen's Guide and Rules of the Court of Appeals for your review.

Sincerely,



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

SEC/ld
Enclosures



2014

Georgia Court of Appeals

RULES

Last Update: February 19, 2014



**A CITIZEN'S GUIDE
TO
FILING APPEALS
IN THE
COURT OF APPEALS
OF GEORGIA**

July 1, 2009

Valid Money Order includes: 1. Heat sensitive, red stop sign AND 2. Contains a True Watermark hold up to light to view.



INTERNATIONAL MONEY ORDER

86-186
1031

04 25 2014

To Validate: Touch the stop sign,
then watch it fade and reappear



20546599682
MONEY ORDER - MM

MONEY ORDER NUMBER
R205465996824
CALL 1-800-542-3590 TO VERIFY

PAY TO THE
ORDER OF /
PAGAR A LA
ORDEN DE:

Court of Appeals of Georgia

IMPORTANT - SEE BACK BEFORE CASHING

James Gabriel Mitchell

PURCHASER / SIGNER FOR DRAWER / COMPRADOR / FIRMA DEL LIBRADOR
PURCHASER: BY SIGNING YOU AGREE TO THE SERVICE CHARGE AND OTHER TERMS ON THE REVERSE SIDE

ADDRESS /
DIRECCION: *624 8th Place Dr Athens Ga, Ga*

Payable Through:
BOKE NA
Erid, OK

ISSUER / DRAWER: *36867*
MONEYGRAM PAYMENT SYSTEMS, INC.

CS # *A14A1494*

PAY EXACTLY

***H/3/0009090
THREE HUNDRED
DOLLARS 00 CENTS

60528131151311
1823000115162682

⑆103101864⑆2054 65996824⑈90

Jennifer Gabriel-Mitchell

624 8th Place Apt. #D-2
Phoenix City, AL 36867
(270) 300-3007

RECEIVED IN OFFICE
2014 APR 30 PM 1:45
CLERK OF APPEALS OF GA
ADMINISTRATOR

April 24, 2014

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

RE: Direct Appeal (Case Number: A14A1494)
Jennifer Gabriel-Mitchell v. Sanford L. Banks d/b/a Adam Car Care

Dear Honorable Judge of Appellate Court:

On March 18, 2014, I appeared in court for the above mentioned case. I attempted to present my case against Mr. Banks for damages and repair costs for my 2001 Mercury Cougar in which he had possession from August 20, 2012, to September 10, 2013. An agreement between Mr. Banks and I was made to repair the alternator, fuel pump, and the cost of labor for \$305. After several inquiries about the status of completion, Mr. Banks proceeded to extend the date of completion, thus delaying the process, increasing expenses for repairs, and causing subsequent damages to the vehicle while in his care.

A decision was rendered after the hearing, and the court ruled in favor of Mr. Banks. However, I was unaware that the receipts to substantiate my case were inadvertently left out of the file. For this reason, I am including an Enumeration of Errors as Part II, and I am asking for a Direct Appeal so that this important evidence may be evaluated and considered in this case.

I am respectfully asking for reimbursement from Mr. Banks for the total cost of repairs, damages to the vehicle, subsequent costs of restoration, and court costs. A complete list of receipts is attached to this brief to substantiate my claim in Part II. Also, a money order for the \$300 filing fee is enclosed.

Sincerely,



Jennifer Gabriel-Mitchell,
Appellant

27 April 2014

Appeals Case Number A14A1494

Towing	\$ 54.00
Engine	\$2300.00
Clutch	\$330.33
Clutch labor	\$150.00
Clutch Master Cylinder	\$97.19
Fuel pump	\$237.20
Fuel pump labor	\$250.00
Quarter Panel and Rear Bumper	\$850.00
Auto Batteries x2 \$107.63	\$215.26
Civil Court	\$47.50
Mr Banks	\$305.00
Appeals	\$300.00

Total \$5,131.48

Mr Banks suppose to repair alternator, fuel pump, haven't received any shop receipts for any repairs. I paid for fuel pump with Mr Davo. Alternator \$45.00, fuel pump \$98.00 labor + Tokes \$165.00
Total \$305.00

Talk with Mr Ed 30 July 2013, he helps Mr Banks sometimes at the shop on repairs. Mr Ed talk with me per Mr Banks and said the Rocker Arm was broken off and the Vals wouldn't open nor close on engine of 2001 Mercury Cougar. Mr Banks avoided me

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

May 5, 2014

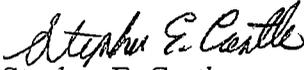
Mr. Damien C. Bernard
GDC1202354 D-2-202-T
Central State Prison
4600 Fulton Mill Road
Macon, Georgia 31208

RE: A14A1258. Damien C. Bernard v. The State

Dear Mr. Bernard:

Your case is still pending before the Court. Your case was docketed in the April 2014 Term and a decision must be rendered by the Court by the end of the September 2014 Term which ends on December 16, 2014.

Sincerely,


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

SEC/ld

IN THE COURT OF APPEALS

STATE OF GEORGIA

DAMIEN C. BERNARD

Appellant,

v.

STATE OF GEORGIA,

Defendant.

APPEAL CASE NO: A14A1258

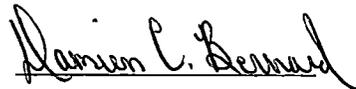
RECEIVED IN OFFICE
2014 APR 25 PM 3:06
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Letter of Inquiry about the Status of Appeal

I am writing in regards to the appeal brief that I filed on March 20, 2014. I never received a copy of the appellee's brief or any response from them pertaining to any extensions of time. According to the important rule requirements and information, the appellee's brief shall be filed within 40 days after the docketing date or 20 days after the filing of the appellant's brief whichever is later. Could you please give me a status report on the appeal, and if it's not a burden on you, could you please send me a stamp filed copy of my brief? I truly appreciate your time and patience. Thanking you in advance for your assistance in this matter.

This 23rd day of April 2014.

Sincerely,



Damien C. Bernard
GDC # 1202354

CERTIFICATE OF SERVICE

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

Court of Appeals of Georgia
Suite 50111
47 Trinity Avenue
Atlanta, Georgia 30334

This the 23rd day of April, 2014.

Damien C. Bernard
GDC # 1202354 D-2-202-1
Central State Prison
4600 Fulton Mill Road
Macon, Georgia 31208

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

May 5, 2014

Mr. Greg Cuppett
GDC17559
Rockdale County Jail
911 Chambers Drive
Conyers, Georgia 30012

Dear Mr. Cuppett:

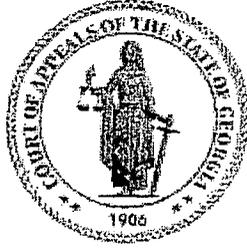
In regards to your letter dated April 25, 2014, I have enclosed a copy of the Rules of the Court of Appeals of Georgia for your review. In that letter you also asked for an address to file a complaint against a judge. You may write the Judicial Qualifications Commission at 8206 Hazelbrand Road • Suite C in Covington, Georgia 30014.

Sincerely,



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

SEC/ld
Enclosures



2014

Georgia Court of Appeals

RULES

Last Update: February 19, 2014

Court Report #17559

RODOLFO COURT JAIL

911 CHAMBERS DR.

CONYERS, GA 30012

ATTORNEY GENERAL'S OFFICE

COURT OF APPEALS

40 CAPITAL SQUARE, SUITE 570

ATLANTA, GA 30334

RE: CORRESPONDENCE

DEAR CLERK OF COURT, COURT OF APPEALS

I would like to know the proper procedure

for filing an appeal including time frames from

a lower court. I don't have access to the

"the liberator" or Rodolfo Court Jail and what

is in there is inaccurate. I haven't brought

it to us in a month even though I have requested

it every week and still Administrative Court won't give

us case #s. Can you give Public Defender's Office

I also would like to know the address

in order to file a complaint against a Judge

for improper rulings not based on testimony

before his Court or substantiated reasons(s)

as to what he made his ruling.

I look forward to hearing from you.

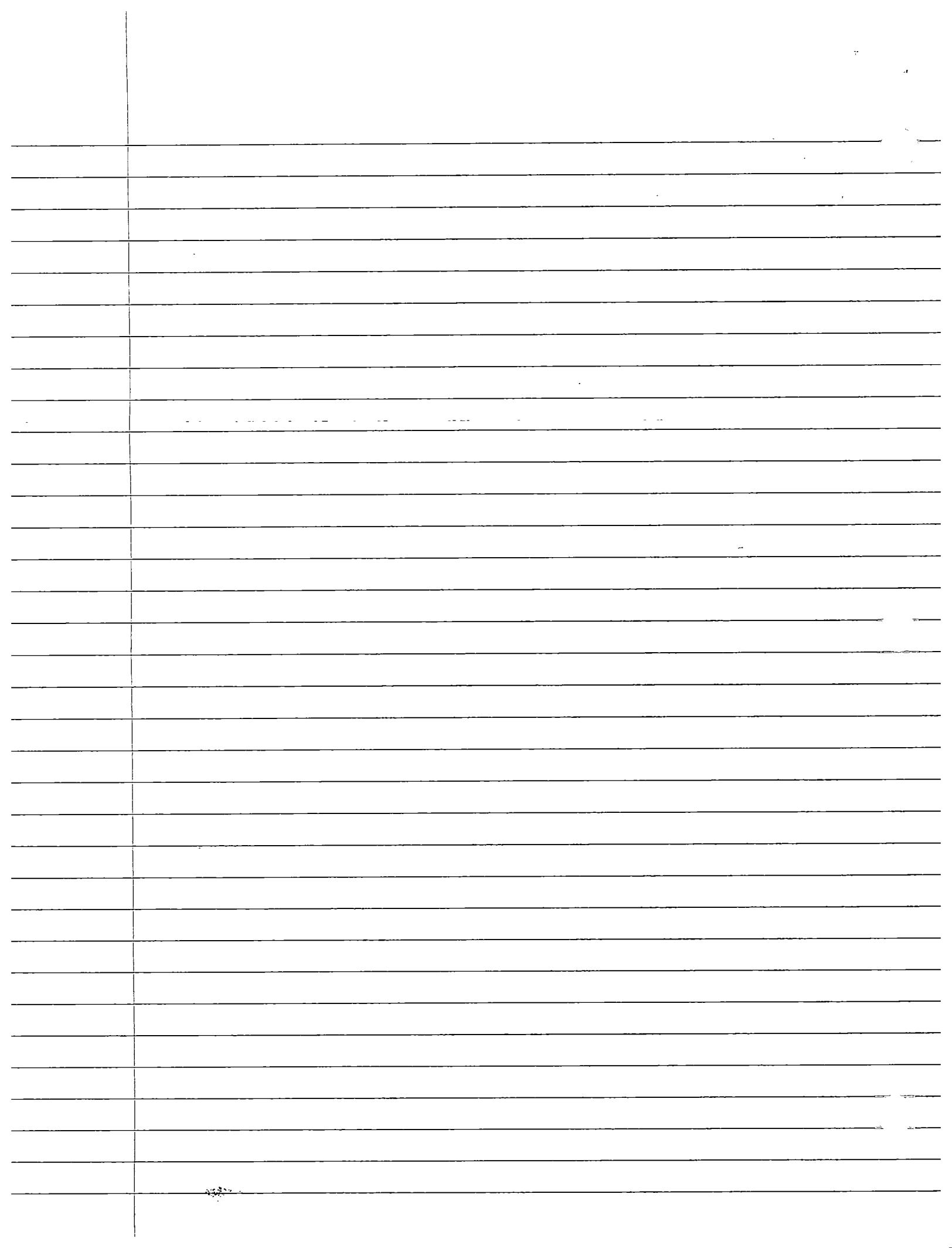
Sincerely,

[Signature]

Court Report

25 Apr 2014

RECEIVED IN OFFICE
2014 APR 30 PM 2:47
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

May 5, 2014

Mr. Anthony Charles Bridges
GDC720964 K-1-219
Autry State Prison
Post Office Box 648
Pelham, Georgia 31779

RE: A13A0250. Anthony Charles Bridges v. The State

Dear Mr. Bridges:

The above appeal was disposed by opinion on May 1, 2013. The Court of Appeals affirmed the judgment of the trial court. The remittitur issued on May 17, 2013, divesting this Court of any further jurisdiction of your case. The case is therefore, final.

Copies are \$1.50 per page in this Court. Your pauper status does not excuse you from the copy fees in this Court and this Court is not subject to the Open Records Act. The opinion in the above appeal contains 5 pages totaling \$7.50.

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

Sincerely,

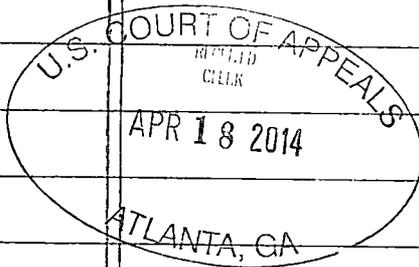


Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld

April 14, 2014

Anthony Charles Bridges
GDC # 720964
Autry State Prison, K-1-219
3178 Mount Zion Church Road
P.O. Box 648
Pelham, GA 31779-0648



Clerk of Court
Georgia Court of Appeals
47 Trinity Avenue, SW
Atlanta, GA 30303

RECEIVED IN OFFICE
2014 MAY -1 PM 1:27
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

RE: Court of Appeals Case No. A13A0250

Dear Clerk:

On November 5, 2012, Attorney David T. Winheim, State Bar Number 411077, filed an Appellant Brief, on my behalf, with your office. That has been over 18 months ago, and I have yet to know the outcome of my appeal. I have not received a copy of the court's decision nor has Attorney Winheim advised me of any decision. In addition, I cannot locate a decision on my case on the Prison Law Library computer.

Please advise me if, in fact, your office has a copy of my appeal brief on file and if a decision has been rendered in my case. If a decision has

Faint, illegible text on lined paper, possibly bleed-through from the reverse side. The text is scattered across the page and is mostly unreadable due to low contrast and blurring.

Anthony C. Bridges
Anthony L. Bridges, Appellant



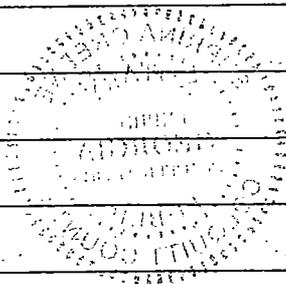
Anthony C. Bridges

Notary Public

Signed before me, on the 15th April 2014,
Anthony C. Bridges
Anthony L. Bridges, Appellant

Sincerely,

been Rendered, please send me a copy of the deci-
sion. If an opinion has not been Rendered, please
send me a court calendar indicating when my
case will be considered by the Court of Appeals.
Thank you for your assistance in this matter.
This the 15 day of April, 2014.



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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

May 5, 2014

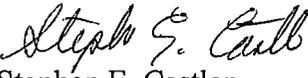
Mr. Jimmy Banks
GDC1094620
Coffee Correctional Facility
Post Office Box 650
Nicholls, Georgia 31554

Dear Mr. Banks:

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 regarding the status of your case 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

To: Clerk of Court

RE: Notice of Appeal Case:
Docket NO: 12-R-10

RECEIVED IN OFFICE
NO 11-00615
2014 APR 25 PM 3:07
HENRY COURT ADMINISTRATION
COURT OF APPEALS OF GA

Dear Clerk of Court: On 07/30/2013 I Jimmy Banks pro-se sent my Notice of Appeal to Troup County, Clerk of Superior Court Clerk along with my Brief that stated 7 errors, and the full Appeal including cover sheet contained 1-40 pages. The Appeal requested relief of judgement

On 02/26/2014 I requested the filing date of that Appeal and the date the Appeal was sent to The Georgia Court of Appeal. Ms. Jackie Taylor has failed to provide any ~~in~~ information of those dates. I wrote the Clerk of Court again on 3/28/2014, yet again I have yet to hear anything.

I am requesting information on the date my Notice of Appeal was filed and received by the Georgia Court of Appeals please. The clerk of court Troup County, Jackie Taylor had 20 days to send that appeal after receiving that Appeal.

Thanks

Jimmy Banks

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

May 6, 2014

Ms. Lynn A. Brown
4310 Buckingham Way
Tifton, Georgia 31793

Dear Ms. Brown:

I am in receipt of your Notice of Appeal received in this office on May 6, 2014. A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court.

Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the Superior Court of Worth County.

Your documents are being returned to you.

Sincerely,



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

SEC/ld
Enclosures

FILED
WORTH COUNTY
CLERK'S OFFICE

2014 MAY -2 PM 12: 38

IN THE SUPERIOR COURT OF WORTH COUNTY

BRENDA W. HICKS
CLERK

STATE OF GEORGIA

BY _____

PLAINTIFF)

CAROLYN BROWN)

CIVIL ACTION NO.: 2014CV046

vs.)

DEFENDANT)

LYNN ARTHUR BROWN, SR)

RECEIVED IN OFFICE
2014 MAY -6 PM 1: 17
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

NOTICE OF APPEAL

Notice is given that Defendant Lynn Arthur Brown Sr. in the above matter hereby appeals to the Court of Appeals of Georgia, from the order of the Superior Court of Worth County, state of Georgia entered on the 16th day of April, 2014.

The actions of the trial judge was unfair and unjust specifically when the Defendant was ordered to either sign a quitclaim deed (in which he signed) before the day end of the hearing April 15, 2014, or face contempt charges, subsequently, finding him in contempt for failing to sign a document that the final divorce decree did not specifically order him to execute.

Whereas the Defendant being found not in contempt regarding the Home equity Line of Credit by providing proof of current payments, likewise, the Defendant provided payment receipt regarding fees paid to his former attorney (that were not taken in considerations) and further explained to the trail judge his motion in relieving the attorney of his duties shortly afterwards in which the erroneous fees were imposed thus resulting in a lien on the property, unbeknown to the Defendant.

The trail judge unfairly dismissed the Defendant's counterclaim for contempt (relating to the final divorce decree proving the Plaintiff's breach of contract) stating "The Defendant should have pursued the claim earlier and that the statute of limitations had expired". However, the trail judge honored the Plaintiff's motion for contempt alleging Defendant defaulting on court orders relating to the final divorce decree.

I appeal to the Court of Appeals of Georgia for the trail court's order to be reversed or vacated.

The clerk shall omit nothing from the record on appeal.

The Court of Appeals, rather than the Supreme Court has jurisdiction of this appeal because the issue involved is not exclusively reserved to the Supreme Court of Georgia.

Respectfully submitted,



Pro se, Defendant

4310 Buckingham Way, Tifton, GA 31793

(229)347-4663

CERTIFICATE OF SERVICE

I certify that I have this day served a copy of this Notice of Appeal by mailing a copy first class mail postage to the Plaintiff Carolyn Brown at 303 Miles St., Sylvester, GA 31791. This the 2 day of May, 2014.


Lynn Arthur Brown Sr.

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

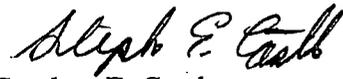
May 8, 2014

Mr. Joseph Bagwell
GDC120146
Georgia Diagnostic and Classification Center
State Prison
Post Office Box 3877
Jackson, Georgia 30233

Dear Mr. Bagwell:

In response to your letter, we do not have a case styled in your name pending in this Court. You will need to inquire about the appealing process with your attorney or the trial court.

Sincerely,



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

SEC/ld

April 21, 2014

Joseph Bagwell 120146

GIDCP

P.O. Box 3877

Jackson Georgia 30233

Georgia Court of Appeals

Clerk's office

41 Trinity Ave S.W.

Suite 501

Atlanta Georgia 30334

RECEIVED IN OFFICE
2014 MAY -7 PM 12:56
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Dear Sir or Madam,

I had a motion hearing in Dec 2013, I need to know if I can appeal the judge's ~~dec~~ decision in that hearing. The transcripts of my original guilty plea hearing from 2002 are missing and I'm serving an extra 52 months because of a mistake in the sentencing sheet. We filed a motion to correct this error. The judge did not correct it. Without a transcript I can't prove the error.

I just want to know if I can appeal the outcome of the motion hearing

Thank You Very Much

Joyce Byrd



The Court of Appeals
Office of the Clerk
47 Trinity Avenue • Suite 501
Atlanta, Georgia 30334

STEPHEN E. CASTLEN
CLERK/ COURT ADMINISTRATOR

(404) 656-3450
castlens@gaappeals.us

May 9, 2014

Mr. Cortez DeJuan Freeman
GDC578879
Rogers State Prison
1978 Highway 147
Reidsville, Georgia 30453

Dear Mr. Freeman:

A request for an out-of-time appeal should be made to the trial court from which you are appealing. If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court. I am returning your documents to you.

Sincerely,

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

SEC/ld
Enclosures

In The Court of Appeals

Criminal Indictment No. #13CR19,501

State of Georgia
vs.
Cortez Deduan Freeman
Defendant

Motion for Out of time Appeal.

Comes now the Above named Defendant:

Cortez Deduan Freeman, to move that this Court grant him an Out of time Appeal on the following grounds for Sentence Reduction/Modification:

1) Defendant received sentence of 10 years to serve

6 years under Recidivist under O.C.G.A. Section 17-10-7(c) for charge of Fraudulent Credit Card

in which above named defendant was convicted and

sentenced for. but as stated in Co. Code 16-9-38(A) & (B)

(A): Persons convicted of said crime of fraudulent

Credit Card to not exceed \$100.00, to be fined \$1000.00

or imprisoned not less than 1 year, nor more than

2 years, or both.

(B): Persons subject to punishment under this

subsection shall be guilty of a felony and punished by

a fine of no more than \$5000.00 or imprisoned for

not less than 1 year, nor more than 3 years, or both.

RECEIVED IN OFFICE
2016 MAY -8 PM 3:26
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

2) Original Motion to Trial Court Judge, Honorable Brian House in the Superior Court of Chattooga County, Georgia to reduce sentence for said charge of fraudulent credit card in which said sentence of 10 years to serve 6 years in which defendant received on 8/28/2013, was denied by Honorable Brian House on the 21st Day of January, 2014 without said reason given. As stated in Ga. Code Ann. §17-10-1 (f), a sentencing court has the jurisdiction, power and authority to modify a sentence in which sentence is imposed within 1 year prior to date of sentencing, or within 120 days after receipt by the sentencing court of Remittitur upon affirmance of judgment. (see: Jones vs. State 278 Ga. 669, 674 S.E. 2d 483 (2004)).

Sentence is void as stated by Ga. law if the court imposes punishment that the law does not allow: (see Colson vs. State, 310 Ga. App. 221, 712 S.E. 2d (2011)). It is also stated in Ga. law that confinement under a sentence that is longer than that permitted by state law constitutes a denial of liberty without due process of law. (See Harvey vs. Meadows, 250 Ga. 166, 126 S.E. 2d 92 (2006)). Also (Price vs. State, 281 Ga. App. 844, 637 S.E. 2d 468 (2006)) as written under Georgia Habercus Corpus Code 9-11-1(c), 9-11-40 to 9-11-53).

the court imposes punishment that the law does not allow: (see Colson vs. State, 310 Ga. App. 221, 712 S.E. 2d (2011)). It is also stated in Ga. law that confinement under a sentence that is longer than that permitted by state law constitutes a denial of liberty without due process of law. (See Harvey vs. Meadows, 250 Ga. 166, 126 S.E. 2d 92 (2006)). Also (Price vs. State, 281 Ga. App. 844, 637 S.E. 2d 468 (2006)) as written under Georgia Habercus Corpus Code 9-11-1(c), 9-11-40 to 9-11-53).

3) Defendant also feels that he was represented ineffectively by court appointed counsel, as 3 jurors on jury at trial did personally know and have contact with Mrs. Misty Burbage (the victim in the case) with counsel's knowledge, which defendant feels should not have been allowed due to a personal conflict of interest. Also counsel for defendant: Robert Patton of Chattahoochee County public defenders office should have known that sentence exceeded sentencing guide lines as allowed by Georgia law, allowing for unconstitutional sentence to be handed down.

4) Above name defendant has resided in county in which sentence was rendered and was also gainfully employed and with stable housing and income since May of 2007, and has also been soul provider of his 2 infant kids and fiance since 2009 until time and date of incarceration.

Conclusion

for the foregoing reasons named above, Defendant respectfully Request that the Appeals court overrules the denial to reduce sentence and takes it upon themselves to hand defendant sentence not to exceed that which is allowed by law.

Respectfully

Colter D. Freeman

Colter D. Freeman

#51879

Rogers state prison

1978 Ga. Hwy 147

Reidsville, Ga. 30453

(917) 557-7107



Valerie
May 5

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

May 9, 2014

Mr. Victor Callahan
GDC80623 J1-39
Valdosta State Prison
Post Office Box 310
Valdosta, Georgia 31603

Dear Mr. Callahan:

I am in receipt of the Motion for Extension of Time to File Brief. A proper Certificate of Service must accompany all pleadings in this Court. The Certificate of Service is not to the Clerk of the Court of Appeals, but to the district attorney who is the prosecuting officer. You should provide a copy of the filing to the district attorney and include his/her name and address on the Certificate of Service.

I am returning your document to you.

Sincerely,



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

SEC/ld
Enclosures

RECEIVED IN OFFICE

MAY 6 2014

COURT CLERK
CLERK COURT OF APPEALS OF GA

COURT OF APPEALS OF GEORGIA

VICTOR Callahan

v

THE STATE

CASE NO: A114153

MOTION FOR EXTENSION OF
TIME TO FILE BRIEF

COME NOW THE APPELLANT IN THE ABOVE STYLE
CASE FILES HIS MOTION FOR EXTENSION OF TIME
TO FILE BRIEF FOR THE REASONS STATED BELOW.

(1)

APPELLANT HAS BEEN AT THE G.R.C.P SINCE APRIL
21, 2014

(2)

APPELLANT WILL BE HERE UNTIL JUNE 2014
UNDER GOING CANCER TREATMENT FOR SIX WEEKS
OF RADIATION THERAPY.

(3)

APPELLANT IS ASSIGNED TO VALDOSTA STATE PRISON
WHERE ALL HIS LEGAL DOCUMENTS ARE LOCATED.

(4)

APPELLANT IS UNABLE TO OBTAIN A BRIEF UNTIL
HE RETURNS BACK TO HIS PRISON WHICH IS VALDOSTA
STATE PRISON.

FOR THE FOREGOING REASONS THE APPELLANT
MAKES THIS REQUEST AND MOTION FOR EXTENSION
OF TIME.

THIS 4TH DAY OF MAY 2014

VICTOR COLLIERSON 90623
G.P.O.P
P.O. BOX 3877
JACKSON GA 30223

CERTIFICATE OF SERVICE

I HAVE ON THIS DATE PLACED IN THE UNITED STATES
MAIL BOX THE MOTION FOR EXTENSION OF TIME
TO FILE BRIEF, ADDRESS TO THE COURT OF APPEALS
OF GEORGIA.

CLERK OF COURT
COURT OF APPEALS OF GEORGIA
47 TRINITY AVENUE S.W. SUITE 501
ATLANTA GA. 30334

THIS 4TH DAY OF MAY 2014

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

May 9, 2014

Mr. Angelo Bernard Banks
GDC402710 J1-146T
Washington State Prison
Post Office Box 206
Davisboro, Georgia 31018

Dear Mr. Banks:

You Application for Discretionary Appeal was granted on November 12, 2013. You had ten (10) days to file a Notice of Appeal in the trial court. When a Notice of Appeal is filed in the trial court, that case eventually is sent to our Court and a new case number is assigned. Once the case reaches our Court from the trial court, we docket the case and after that, Briefs are submitted. I am enclosing a copy of the our Court Rules for your review.

Sincerely,



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

SEC/ld
Enclosures

Court of Appeals of the State of Georgia

ATLANTA, November 12, 2013

The Court of Appeals hereby passes the following order

A14D0078. ANGELO BERNARD BANKS v. BRIAN OWENS, COMMISSIONER .

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby GRANTED. The Appellant may file a Notice of Appeal within 10 days of the date of this order. The Clerk of Superior Court is directed to include a copy of this order in the record transmitted to the Court of Appeals.

LC NUMBERS:

2013CV231225



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, November 12, 2013.*

*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.

29 April 2014

OFFICE OF THE CLERK,
COURT OF APPEALS OF GEORGIA
47 TRINITY AVENUE, STE. 501
ATLANTA, GEORGIA 30334

RECEIVED IN OFFICE
2014 MAY -6 PM 1:24
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

RE: ANGELO BERNARD BANKS V. BD. OF PAROLENS AND PARDONS, ET AL., STATE
CIVIL ACTION NO. 2013CV231225, SUPC. OF FULTON COUNTY, GA, APPLICATION
NO. A1400078.

DEAR CLERK,

Due to your office failure to send me an appeal number after the
notice of appeal was filed in November 2013, I didn't know when to submitted
my brief, knowledge of such discretionary practice is not accessible to me
in the United inmate law library at Washington State Prison.

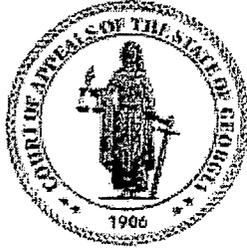
I am confused as to how the Court of Appeals rules require me to
file an application, and then when granted, file notice of appeal and brief under
the same application number, without being specific in detail.
It's now been about five months and all this before the Court of
Appeals is my application and notice of appeal, and so, if you don't allow
me to file request to file brief or the brief, can you put the Court of Appeals
decision on the granted notice of appeal.

BE ADVISED THAT I'M NOT ASKING FOR THE JUDGMENT ON THE APPLICATION FOR A
DISCRETIONARY, BUT FOR THE FINISH OF THE APPEAL.

YOUR PROMPT ATTENTION IS URGED.

RESPECTFULLY SINCERE,

Angelito B. Banks



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

May 8, 2014

Mr. Trenton Bradford
GDC1080768
Gwinnett County Correctional Institution
750 Hi Hope Road
Lawrenceville, Georgia 30043

Dear Mr. Bradford:

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

Until a case is docketed in this Court, your communications should be directed to your attorney or the trial court. We have no file in which to append your documents. Therefore, we are returning your documents to you.

Sincerely,



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

SEC/ld
Enclosures

Hello,

I'm writing you in concern of

RECEIVED IN OFFICE
2014 MAY -7 AM 10:20
COURT OF APPEALS IN GEORGIA
CLERK OF SUPERIOR COURT

made against me were conducted in the

Rome, Ga. by judge Walter Matthews and my lawyer Brian

McWhorter. On April 2013 I was scheduled for a preliminary

hearing at 1:30 in the Floyd county Probate Court, 3 Government

Plaza, in Rome, Ga. to appear in front of Magistrate Judge

Covey to see if the charges against me should be bound over

to Superior Court. When I arrived at the Court house I was

taken directly into Superior Court, witness's were called and

Cross-examined and after all was said and done Judge Walter

Matthews stated that he would like to bound the charges

over to Superior Court with his own courtroom because

he is the same judge that I was going to stand trial in

front of. By law he was not suppose to do my preliminary

hearing or bound the charges over to his own courtroom

for trial because in doing so it created a conflict of interest

because he had already assumed me guilty. My right to a

fair trial was jeopardized in doing so. I was never granted the

right to face my accuser and my lawyer misled me by not

telling me the truth with I am sending you proof of in a copy

of a letter that he wrote me. He told me that it was usual

for a Superior Court Judge to hear a preliminary hearing with

is not true. The purpose for a preliminary hearing is so that

the district court can review the evidence to determine whether

the case should be bound over (that is transferred) to Superior

Court. If the district court finds no probable cause, it must

dismiss. G.S. 15A-612 (a) (3); State vs. Hudson 295 N.C. 427, 430

(1978) hearing supposed to ensure that "defendant will not be

unjustifiably put to the trouble and expense of trial") The screening value of probable cause hearing is some what diminished by provisions allowing the state to reinstate prosecution after a finding of no probable cause. I was never given a copy of my discovery. The allegations against me were completely false, no evidence was presented against me because there wasn't any, the investigating officer took the stand and told the courts that the person who made the allegation admitted to her that she was lying. My counsel never provided me with any discovery. The hearing was supposed to give him opportunity to obtain discovery, develop, impeach material for trial and observe the demeanor of witnesses. The extent of this opportunity however depends on how the court conducts the hearing - for example, whether the court requires the state to establish probable cause through witnesses with personal knowledge (rather than through investigating officer) and whether the court allows defense counsel sufficient latitude on cross-examination. All of the facts on what took place definitely suggest that I was not treated fairly and that I was forced into an Alford plea by the actions of my counsel and the Superior Court because of the misconduct on behalf of both parties. I was railroaded by the Judicial System because of being in fear for my life. I was lied to by my lawyer and the courts. I am sending you copies of the things that I obtained to show you proof of what I am saying is to be completely true. I hope and I pray that you help me and do the right thing because I sit here in prison innocent because of these actions. So please help me to get back in court in

front of a fair judge so that I may receive justice.
Because it is clear that there was some form of an injustice
on my lawyer and the Superior Court's behalf. Thank you
so much and may God bless you.

Truthfully,
Trenton Bradford

P.S. I have exhausted all
efforts trying to resolve this
please help me and check
into this matter

G. BRIAN McWHORTER, L.L.C.
ATTORNEY AT LAW

705 EAST FIRST STREET
P.O. BOX 213
ROME, GEORGIA 30162-0213
(706) 290-0182 TELEPHONE (706) 290-1130 FAX
E-MAIL: mcwhorterllc@comcast.net

~~June 25, 2013~~

Mr. Trenton T. Bradford
2526 New Calhoun Highway
Rome, GA 30161

Dear Trent:

I will most likely have seen you when this letter arrives. First of all, I have never been hired for anything beyond the preliminary hearing and bond hearing. I believe you have probably been listening to too many jail house lawyers. I understand your frustration and I do believe in you and what I know about these charges. You are mistaken however about several premises in your letter. We had a bond hearing and a preliminary hearing with Judge Matthews on the same date. The Magistrate Court is subordinate to the Superior Court. It is not unusual for a Superior Court Judge to hear a preliminary hearing and bond hearing as was done. For purposes of the bond, your sister testified to those issues. It had very little to do with the allegations against you. Bond issues were related to your ties to the community, threat to reoffend or intimidate witnesses. The officer testifying was relative to the preliminary hearing and probable cause. We got some great evidence from that testimony that should benefit you greatly in defending yourself on these charges. I did spend several days tracking down the Probation information and brought you proof of that.

I have received numerous calls to retain me for your revocation and the underlying charges but have been stood up several times as to meeting for payment. Remember, I am a private lawyer. As much as I believe in you, and want to help, I have never been hired to do anything more.

I have made the public defender aware of the situation and the transcripts of the hearings. He should be obtaining copies of those. I hope and pray that the truth comes out from this situation and you are able to be released. I have not abandoned you or forgotten about you. My hands have been tied as to what I could do. I wish you nothing but the best and regret that I have never been retained to continue to assist you.

Very truly yours,

G. BRIAN MCWHORTER, L.L.C.



G. Brian McWhorter

GBM/gam

Notices		File Location	Time Standards	Special Status	File Xref	Journal
Case	Parties/Attorneys	Charges	Warrant/Bail/Jail	Documents	Scheduled Event	
STATE OF GEORGIA VS. BRADFORD, TRENTON TYRONE			File ID	11 13CR00816		
Superior Court Criminal			Case Number			
Filing Date	Category	Filing Type				
04-11-13	Preindictment	Preindictment: Motion For Bond				
Disposition Date	Disposition Type	Disposition Manner				
Official/Judge			Age in Days			
Walter J. Matthews			68			
Status		Location				
Last Event		Next Event				
04-18-13 Motion For Bond						

G. BRIAN MCWHORTER, L.L.C.
ATTORNEY AT LAW

705 EAST FIRST STREET
P.O. BOX 213
ROME, GEORGIA 30162-0213
(706) 290-0182 TELEPHONE (706) 290-1130 FAX
E-MAIL: mcwhorterllc@comcast.net

April 11, 2013

Mr. Trenton T. Bradford ✓
C/O Floyd County Jail
2526 New Calhoun Highway
Rome, GA 30161

Mr. Darrell Ryles
P.O. Box 5146
Rome, GA 30162

Re: **State vs. Trenton Tyrone Bradfield**
Floyd County MAGISTRATE Court
Warrant #: 13-WR-00804

State vs. Trenton Tyrone Bradfield
Floyd County Superior Court
Criminal Action File No.: _____

Dear Mr. Bradford:

Please be advised that the above-referenced case has been scheduled for a Preliminary hearing on Thursday, April 18, 2013 at 1:30 p.m. in the Floyd County Probate Court, 3 Government Plaza, Rome, GA. Please meet me there at 1:00 p.m. so that I may answer any questions you may have before the hearing begins.

I will be in touch with you if and when I hear anything from the District Attorney/Officer. In the meantime, if you have any questions or concerns, please do not hesitate to contact me at (706) 290-0182.

Please be sure we have your current mailing address and phone number on file at all times. Thank you for your attention in this regard.

Very truly yours,

G. BRIAN MCWHORTER, L.L.C.



G. Brian McWhorter

GBM/rat

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

Date: May 14, 2014

To: Mr. Ricky J. Cox, Jr., 6387 Stonelake Drive, S.W., Atlanta, Georgia 30331

Docket Number: A14A0848' **Style:** Ricky C. Cox, Jr. v. 2012 C Property Holdings

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

1. Your Appellant's Brief, was not accompanied by the statutory filing fee (\$300.00 civil; \$80.00 criminal *Effective July 1, 2009) or a sufficient pauper's affidavit. OCGA§5-6-4 and Rule **Your pauper's affidavit should be notarized by a notary public.**
2. A Request for Oral Argument must be filed as a separate document. Rule 28 (a) (3)
3. Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)
4. **An improper Certificate of Service accompanied your document(s). Rule 6**
5. Your Certificate of Service did not include the complete name and mailing address of each opposing counsel and pro se party. Rules 1(a) and 6. You should provide a copy of your filing to the District Attorney and include his/her name and address on your Certificate of Service.
6. There were an insufficient number of copies of your document. Rule 6.
7. Your document exceeds page limits. Rules 24 (f) and 27 (a)
8. Your document was submitted without permission to file (supplemental brief or second motion for reconsideration). Rules 27 (a) and 37 (d)
9. Letter briefs and letter cites are not permitted. Rule 27 (b)
10. Your request for court action must be submitted in motion form. Rule 41 (a)
11. Your motions were submitted in an improper form (joint, compound or alternative motions in one document). Rule 41 (b)
12. Type was on both sides of the paper; type font was smaller than 10 characters per inch; and/or the type was not double-spaced. Rules 1(c), 37(a) and 41(b).
13. The pages were not sequentially numbered with arabic numerals. Rule 24 (e)
14. Case and/or record citations were not made in the proper form. Rules 24 (d) and 25 (c) (2)
15. Margins were too small or paper size incorrect. Rules 1(c), 24(c), 37 (a) and 41(b)
16. Your document(s) was (were) not securely bound at the top with staples or round head fasteners. Rule 1 (c)
17. The Motion to Supplement has not been granted.
18. Other

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

GEORGIA COURT OF APPEALS

RECEIVED IN OFFICE

2014 MAY 14 AM 9:41

CLERK, COURT OF APPEALS OF GA

Rickey Jerome Cox Jr.

6387 Stonelake Dr Sw

Atlanta, Ga. 30331

Plaintiff,

Vs.

A14A0848

2012c Property Holdings

2030 Powers Ferry rd.

Atlanta , Ga 30339 suit 210

Defendant.

FILED IN OFFICE

MAY 14 2014

CLERK, COURT OF APPEALS OF GEORGIA

REQUEST FOR MOTION

RULE 7 & 13

&

RULE 40

In response to defendant's motion, Plaintiff served defendant electronically at the address provided by the trial court. Plaintiff was also served by defendant by Douglas County Sheriff's Department to appear in Magistrate Court. From the same address by the defendant. Plaintiff requests motion, to proceed to suit. Plaintiff requests that defendant is struck, held in contempt of court, shall not allow defendant and attorney to practice in this court. Also fined \$2500.00 dollars. Defendant did not respond to plaintiff's brief. Defendant also possesses plaintiff's property illegally. Under O.C.G.A. 44-14-162 and O.C.G.A. 44-14-162.2. Property was sold illegally. Title Insurance Policy (see Fidelity National Title Insurance Policy), mortgage was to be released to plaintiff on father's death. The sale of property does not agree with public law. See 12CFR330.1-330.101. Neither does it agree with Georgia title insurance laws. Plaintiff requests \$15,000.00 dollars plus rent for the month of May 20, 2013 to April 2014. Which in addition is \$9,900.00 dollars, which equals \$24,900.00 dollars. Also property 4400 Pipemaker Bluff returned to plaintiff.

Rickey Cox
6387 Stone Lake Dr SW
Atlanta GA 30331

Rickey J. Cox Jr.

COURT OF APPEALS OF THE STATE OF
GEORGIA

Rickey Jerome Cox Jr.
6387 Stonelake Dr. SW
Atlanta, GA 30331
Plaintiff,

VS.
A14A0848

2012 C Property Holdings
2030 Powers Ferry RD
Atlanta, Ga 30339 Suit 210
Defendant,

PROOF OF SERVICE BY
EMAIL & FAX

Rickey Jerome Cox Jr. Appeals case number
13cv01106 Douglas County Superior Court decision to
dismissed plaintiffs civil action. Proof of service by fax. To
2012 C Property Holdings LLC also doing business as
Silver Bay Property Corp. Address 2030 Powers Ferry
Rd. Atlanta, Ga 30339. This motion filed on this day 14
on the month May year 2014.

Rickey J. Cox Jr.
6387 Stonelake Dr. SW
Atlanta GA 30331

Rickey J. Cox Jr.



The Court of Appeals
Office of the Clerk
47 Trinity Avenue · Suite 501
Atlanta, Georgia 30334

STEPHEN E. CASTLEN
CLERK/ COURT ADMINISTRATOR

(404) 656-3450
castlens@gaappeals.us

May 14, 2014

Mr. Zekemian Davis
GDC876315
Wheeler Correctional Facility
Post Office Box 466
Alamo, Georgia 30411

Dear Mr. Davis:

The Court of Appeals of Georgia is not subject to the Open Records Act. I am returning your documents to you.

Sincerely,

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

SEC/ld
Enclosures

GEORGIA OPEN RECORDS ACT

TO: COURT OF APPEALS OF THE STATE OF GEORGIA

CLERK'S OFFICE SUITE 501

47 TRINITY AVENUE

ATLANTA, GEORGIA 30334

FROM: ZEKEMIAN DAVIS

GDC # 876315

P.O. BOX 466

ALAMO, GEORGIA 30411

RE: GEORGIA OPEN RECORDS ACT, D.C.B.A. 50-18-70.

I, Zekemian Tyrone Davis, makes this formal request for identifiable records which are in the CLERK'S possession, custody, and control pursuant to D.C.B.A. 5-6-43(c). This formal request is made pursuant to and in accordance with D.C.B.A. 50-18-70.

The specific documentation(s)/record(s) sought are as follows:

- 1. CERTIFIED COPIES - of the ORIGINAL Grand Jury Minutes and Final Records.

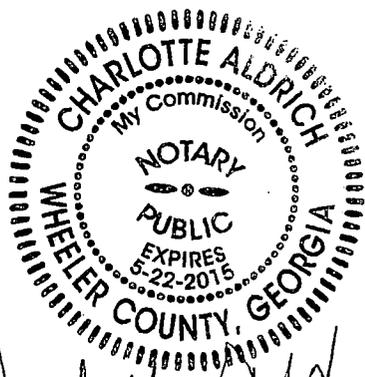
RECEIVED IN OFFICE
 2014 MAY 12 PM 3:21
 CLERK/COURT ADMINISTRATOR
 COURT OF APPEALS OF GA

2. PROOF that an Oath was given to the Grand Jury, Bailiff, and STATE Witnesses that provided Testimonial Evidence before the Grand Jury.
3. PROOF that the ORIGINAL Indictment No. 11CR4826 was RETURNED in open court by a Sworn-In Grand Jury or Bailiff in the July Term of DEKALB COUNTY SUPERIOR COURT filed on August 25, 2011.
4. CERTIFIED COPY of Tina Fleming Inv. of D.A. office Testimonial Evidence given to Grand Jury.
5. CERTIFIED COPY of the ORIGINAL Indictment No. 11CR4826 bearing the Certificate or Attestation from any public officer, either of this STATE or any COUNTY thereof, that gave sufficient VALIDITY or AUTHENTICITY to the returned Indictment No. 11CR4826 in Open Court by a Sworn-In Grand Jury or Bailiff in the July Term and stamped file on August 25, 2011 in DEKALB COUNTY SUPERIOR COURT.
6. CERTIFIED COPIES of all Grand Jury SUBPENAS.
7. CERTIFY that these records requested actually exist or does not exist.

I respectfully request a response within three (3) business days, as is prescribed under D.C.G.A. 50-18-70 (f), with an estimate of cost pursuant to D.C.G.A. 50-18-71.2. I would further like to request that all responses, documentations/ records, regarding this request be certified and/or attested to, to satisfy the requirements of D.C.G.A. 24-7-20.

Failure to timely respond and comply with the GEORGIA OPEN RECORDS ACT will be deemed and treated as refusal and denial pursuant to statute, and enforceable under D.C.G.A. 50-18-73. (This Open Records Act will be introduced into evidence of any process or proceeding).

SWORN BEFORE ME THIS 1 Day of May 2014.



Charlotte Aldrich

Zekemian Tyrone Davis
Zekemian Tyrone Davis
P.O. Box 466
Alamo, Georgia 30411

AFFIDAVIT OF CERTIFICATE OF SERVICE

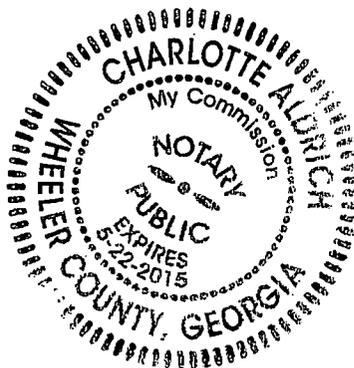
I Zekemian Tyrone Davis, (HEREIN THIS AFFIANT), IN MY PRIVATE – INDIVIDUAL CAPACITY, AM A LIVING, BREATHING, FLESH AND BLOOD DEVINE SOUL –HUMAN MAN INDISPENSABLE PARTY, WITH SENTIENT AND MORAL EXISTENCE AS A SOVEREIGN SECURED PARTY CREDITOR IN FACT, IN CAPTIVITY, AND BEING OF SOUND MIND AND AGE TO CONTRACT, DO DECLARE IN MY OWN AUTHORITY THAT I HAVE PROPERLY SERVE A COPY OF THE DOCUMENT(S) TO THE NAMED PARTY(S) HEREIN

ACKNOWLEDGEMENT

I CERTIFY THAT THE ABOVE- NAMED PERSON APPEARED BEFORE ME

ON THIS 1 DAY OF May 2014

Charlotte Aldrich



Zekemian Tyrone Davis

ZEKEMIAN TYRONE DAVIS



The Court of Appeals
Office of the Clerk
47 Trinity Avenue • Suite 501
Atlanta, Georgia 30334

STEPHEN E. CASTLEN
CLERK/ COURT ADMINISTRATOR

May 14, 2014

(404) 656-3450
castlens@gaappeals.us

Ms. Mary Alice Davis
2314 South Andrews Circle
Columbus, Georgia 31903

RE: A14A1309. Mary Alice Davis v. Adam Scott Jaffe

Dear Ms. Davis:

We are not quite sure what you are attempting to file with this Court. If the enclosures are intended to be your Brief, it does not have to be in any specific form, however, Part I should be a Statement of the case; Part II should be an Enumeration of Errors and Part III should be Argument, Citation and Authority.

In Part I you should state briefly how the case came about. In Part II you enumerate with specificity that the trial court committed reversible error in reference to the record or transcript how the objection to the error was preserved. Part III will be your written legal argument supported by case law, statutes, constitutional provisions or the record.

All things filed with this Court should be an original and two copies since the Court operates in panels of three judges. Also, you must serve opposing counsel and show that a copy of the Brief has been mailed to opposing counsel at his or her complete mailing address.

We are returning all your documents along with a copy of the Citizen's Guide and Rules of the Court of Appeals of Georgia.

Sincerely,

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

SEC/ld
Enclosures

COURT OF APPEALS OF GEORGIA
47 TRINITY AVEUNE , S. W. , SUITE 501
ATLANTA, GEORGIA 30334.

CIVIL ACTION CASE NO. 's
NEW# A14A309
OLD # 13A47098.

RECEIVED IN OFFICE
2014 MAY 13 PM 3:38
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

PLAINTIFF:

MARY ALICE DAVIS
2314 SOUTH ANDREWS CIRCLE
COLUMBUS, GEORGIA 31903

VS.

DEFENDANT:

ADAM SCOTT JAFFE
3776 CLAIRMOUNT ROAD
ATLANTA, GEORGIA 30341

1. FORM 1-NOTICE OF APPEAL (CIVIL or CRIMINAL CASE).
2. FORM 2 - PAUPER'S AFFIDANT/ COURT OF APPEALS OF GEORGIA.
3. FORM 2- PAUPER'S AFFIDAVIT page 2.
4. FORM 3- NOTICE OF INTENT.
5. FORM4- NOTICE OF FILING CERTIORARI.
6. BRIEF; AND E-MAIL PAGES 01 OF 30.
7. NOTICE OF DOCKETING - DIRECT OF DOCKETING: MAY 04, 2014 / PAGES 1 OF 7.

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

NOTICE OF APPEAL

IN THE State (SUPERIOR, STATE, ETC.) COURT
OF DEKALB COUNTY

STATE OF GEORGIA

PLAINTIFF

Mary Alice Davis

*

CASE NUMBER

A14A 1309

*

vs.

*

DEFENDANT

Adam Scott Jaffe

*

NOTICE OF APPEAL

Notice is given that Mary Alice Davis (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 4th day of December, 2013.

The clerk shall omit nothing (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 CIVIL 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 Adam Scott Jaffe (opposing party or attorney) with a copy of this Notice of Appeal by USPS mailing (hand delivery/ mailing a copy first class mail postage prepaid) to him/her at: 3776 Clairmont Road (complete address of party served).
Atlanta, Georgia 30341

This the 2nd day of May, 2014.

Mary A. Davis (Sign your name.)

RECEIVED IN OFFICE
2014 MAY 13 PM 3:38
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

COURT OF APPEALS OF GEORGIA

Mary Alice Davis

*

APPELLANT

*

vs

*

CASE NUMBER

Adam Scott Jaffe

*

A14A1309

APPELLEE

PAUPER'S AFFIDAVIT

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

1. Are you presently employed? Yes No

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

If the answer is "No", state the date of last employment and the amount of the salary and wages per month which you received: February 2006 / worked as Teachers aid / pay 1200.00 before Taxes.

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

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

If the answer to any of the above is "Yes", describe each source of money and state the amount received from each source during the past twelve months: _____

3. Do you own any cash, or do you have money in a checking or savings account? (Include any funds in prison accounts) Yes and No I own a checking Acc. with (Kinetic AT account and you have to keep \$25.00 In. If the answer is "Yes", state the total value of the items owned: 25.00 total.

4. Do you own any real estate, ~~stocks, bonds, notes, automobiles~~ or other valuable property (excluding ordinary household furnishings and clothing)? Yes No

If the answer is "Yes", describe the property and state its approximate value: The property where I live we are buying. I own a 2002 Mercury Cougar. House is a three BR and two Bathroom that needs work.

5. List the persons who are dependent upon you for financial support, state your relationship to those persons, and indicate how you contribute toward their support: Ricky my brother I help pay Life Insurance he has a Mental pro. My Husband and daughter I live with.

I understand that a false statement or answer to any question in this affidavit will subject me to penalties for perjury and that state law provides as follows:

(a) A person to whom a lawful oath or affirmation has been administered commits the offense of perjury when, in a judicial proceeding, he knowingly and willfully makes a false statement material to the issue on point in question.

(b) A person convicted of the offense of perjury shall be punished by a fine of not more than \$1,000 or by imprisonment for not less than one nor more than ten years, or both. OCGA §16-10-70.

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

This the 2nd day of May, 2014.

Mary Alice Davis
(Your name printed or typed)

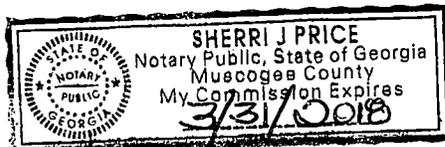
Joyce A. Davis
(Sign your name.)

2314 South Andrews Circle
Columbus, GA. 31903 (706) 315-7401
(Your complete address and telephone number)

Sworn to and subscribed before me

SEAL

this the 1st day of MAY, 2014
[Signature] Notary Public



FORM 3 - NOTICE OF INTENT

RECEIVED IN OFFICE
2014 MAY 13 PM 3:38

COURT OF APPEALS OF GEORGIA

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Mary Alice Davis

*

APPELLANT

*

vs.
Adam Scott Jaffe

*

CASE NUMBER

*

A14A1309

APPELLEE

NOTICE OF INTENT

Comes now Mary A. Davis (Appellant/Appellee) in the above appeal and files this Notice of Intent to apply for certiorari to the Supreme Court of Georgia.

This the 2nd day of May, 2014.

Mary A. Davis (Sign your name.)

2314 South Andrews Circle

Columbus, GA, 31903

(Your complete address.)

CERTIFICATE OF SERVICE

I certify that I have this day served Adam Scott Jaffe (opposing party or attorney) with a copy of this Notice of Intent by USPS mailing (hand delivery/ mailing a copy first class mail postage prepaid) to him/her at: 3776 Clairmont Road,
Atlanta, GA, 30341.

(complete address of party served).

This the 2nd day of May, 2014.

Mary A. Davis (Sign your name.)

FORM 4 - NOTICE OF FILING CERTIORARI

RECEIVED IN OFFICE
2014 MAY 13 PM 3:38
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

COURT OF APPEALS OF GEORGIA

Mary Alice Davis

*

APPELLANT

*

vs.
Adam Scott Jaffe,

*

CASE NUMBER

*

A14A1309

APPELLEE

NOTICE OF FILING PETITION OF CERTIORARI

Comes now Mary Alice Davis (Appellant/Appellee) in the above appeal and shows he/she this day filed an application for certiorari with the Supreme Court of Georgia.

This the 2nd day of May, 2014.

Mary A. Davis (Sign your name.)
2314 South Andrews Circle
Columbus, GA. 31903

(Your complete address.)

CERTIFICATE OF SERVICE

I certify that I have this day served Adam Scott Jaffe (opposing party or attorney) with a copy of this Notice of Filing Petition of Certiorari by USPS mailing (hand delivery/ mailing a copy first class mail postage prepaid) to him/her at: Mr. Jaffe
3776 Clairmount Road, Atlanta, Georgia
30341

(complete address of party served).

This the 2nd day of May, 2014.
Mary A. Davis (Sign your name.)

**COURT OF APPEALS OF GEORGIA
47 TRINITY AVEUNE , S.W. , SUITE 501
ATLANTA , GEORGIA 30334
(404) 656 -3450**

MARY ALICE DAVIS ,

PLANITFF,

CIVIL ACTION FILE

VS.

NEW # A14A309

OLD # 13A47098

ADAM SCOTT JAFFE,

DEFENDANT.

BRIEF : AND E-MAILS : 01 OF 30.

**MARY ALICE DAVIS, PLANITFF VS.
ADAM SCOTT JAFFE DEFENDANT .**

1.) I AM HERE TODAY MAY 05, 2014, WITH THIS BREIF FOR MY CASE, AGAINST MR. ADAM SCOTT JAFFE, THE DEFENDANT AND THE ATLG. FOR FRAUD AND MALPRACTICE.

2.) MR. JAFFE WAS TO GET ME RESEARCH AND ADVICE FOR THE REMOVAL OF MY IMPLANT. I HAVE HAD PROBEMLS WITH SINCE MY SURGERY. THAT WAS WHY I WANTED THE RESEARCH. THE IMPLANT HAS GOTTEN WORST AND NOW I JUST WANT IT OUT. SO I NEEDED THE RESEARCH FROM A DOCTOR.

MY HUSBAND AND I HAD LOST JOBS, MINES WAS FROM THE SURGERY AND HIS WAS FORM THE EXPENCE OF MY SURGERY. DR. ALEXANDER AND THE DOCTORS HOSPITAL CHANGED MY HUSBAND INSURANCE COMPANY OVER 98,000.00 FOR MY FUSION SURGERY AND I WAS NOT BETTER, I GOT WORST. AND THEY DOWN SIZE MY HUSBAND JOB. MY HUSBAND LOST HIS JOB, AND MY THREE LAWYERS GOT ME ON DISIABILY OF 13,000.00 AND 12,000.00 I HAD BEEN OUT OF WORK FOR 3 YEARS. ALL THREE WERE TOGETHER ,

AND THEY TRICKED ME AND MY HUSBAND, THEY LIED TO ME AND MY HUSBAND THAT I NEEDED TO GET MY OWN MALPRACTICE ATTORNEY , AND THAT HOW I GOT TO MEET , MRS. FRANCE & MR. JAFFE . I FOUND MR. THOMAS ALFFECK, MR. LARRY GORDON, AND MR. BOBBERT LEVINGSON ALL OF ATLANTA, GA.

DR. ALEXANDER, HE WAS THE ASSISTANT CHIEF OF STAFF , AND A INVENTOR OF A IMPLANT JUST AS THE ONE HE INSTALLED IN MY NECK, WHEN HE PERFORMED MY NECK SURGERY . HE AND DR. GARY DAWSON , BOTH WERE MY DOCTORS AND I FEEL TO MY HEART THAT ALL FIVE OF THEM GANGED UP ON ME AND THAT IS WHY I CAN NOT GET THE APPROPRIATE MEDICAL CARE.

THE MONEY THAT MR. JAFFE TOOK FROM ME WAS 1500.00 I BORROWED , AND HAD TO PAY BACK FROM MY 12,000.00 THAT I GOT FROM MY SETTLEMENT. AND I TOOK IT BECAUSE DR. ALEXANDER SURGERY MADE ME DISABLED NOT MY JOB INJURY . I BELIEVE RIGHT TODAY IF I HAD THIS PLATE AND SCREWS OUT I CAN WORK PART TIME. I AM A HARD WORKER AND I LOVED THE OUT DOORS. THEY LIED TO ME . AND I GOT BURNED. I JUST WANTED TO LIVE A HEALTHIER LIFE, BECAUSE I MESSED UP TRUSTING PEOPLE.

3.) I AM NOW APPEALING THE DEKALB COUNTY COURTS WITH THE E-MAILS & FACTS THAT MR. JAFFE & THE ATLANTA TRIAL LAWYERS GROUP FOR FRAUD AND MALPRACTICE , BY CONTRACTING OUT MY CASE TO BRAIN COAN A PLASTIC SURGEON, THAT MR. JAFFE THE DEFENDANT TRIED TO PASS OFF AS A LICENSEE OF THE NORTH CAROLINA MEDICAL BOARD , THERE'S NO LICENSES FOUND FOR BRAIN COAN. HE IS A PLASTIC SURGEON, THEY KEPT HIS REAL PROFESSION FROM ME AND TRICK ME AND THE MAGISTRATE COURTS IN BELIVING THAT DR. COAN WAS A DUKE UNIVERSITY PROFESSOR , THAT WORKED AS A NEURSURGEON AT DUKES HOSPITAL.

MR. JAFFE ALSO KEPT 34.10 MAILING FEE.

4.) I, CALLED DR. BRAIN COAN OFFICE APRIL 21, AND SPOKE TO A J.J. IN ADDITION, I ASKED HER IF DR. BRAIN COAN COULD PERFORM FUSION NECK SURGERIES, OR IF HE COULD REMOVE NECK FUSION IMPLANT PLATE AND SCREWS, MS. J.J. TOLD ME TO HOLD THE PHONE UNTIL SHE CHECK , SHE CAME BACK AND TOLD ME THAT DR. COAN DO NOT PERFORM THAT TYPE OF SURGERIES. SO HOW CAN DR. BRAIN COAN GIVE RESEARCH, MEDICAL ADVISE, AND KNOW THE SKILLS, FACTS OR DIRECTION FOR MY CASE OR ANY OTHER CASE, UNLESS TO MEDICAL ADVISE IS ON HIS MEDICAL FIELD AS A PLASTIC SURGERY , HIS PRACTICING TALENTS , PROCEDURES AS A PLASTIC SURGEON. HE SHOULD NOT BE PERMITTED TO BE ABLE TO USE ANYTHING HE SAYS OR WRITE FOR MY CASE. AND MR. ON SITE

OF THE FACULY.

JAFFE AND ATLG COTRACT KEPT HIS REAL PROFESSION FROM ME.

5.) MR. JAFFE CLEARLY TRICKED ME THAT A DUKE DEPARTMENT HEAD , STAFF MEMBER OF DUKE UNIVERSITY SCHOOL OF MEDICINE WAS TO ASSIST ME WITH THE RESEARCH. HE ALSO SAID THAT DR. COAN WORKED , TEACHES , EDUCATEDS , TRAINNS , AND REPORTS , WITH RESEARCH, WITH THE ATTENDING PATIENTS CARE THAT IS ADMITTED TO DUKES HOSPITAL, AND RESEARCH CENTER NONE OF THE CLAIMS THAT MR. JAFFE , THE DEFENDANT HAS BEEN TRUSTED , AND TRICKING PEOPLE IN ANY SITUATION IS WRONG . BUT WHEN A PERSON YOU HIRER FOR A JOB , TRICKS YOU AND TO HAVE A GANG OF PEOPLE DOING THE TRICKING THAT'S APART OF A BUSINESS IS A FULL BLOWN SCAM. THAT A SCHEME THAT EVERY PERSON PLAYED A PART IN ORDER FOR THE DESIGNED TO WORK , AND I FEEL THAT MRS. FRANCES , MR. JAFFE AS SENIOR PARTNER, OVER BOTH SITES , PLUS BRAIN COAN THEY HAD A PLOT OF ACTION. THAT ALMOST WORKED. I DID NOT NEED A PLASTIC SURGERY.

AS I WRITTEN THE COURTS AND TO MR. JAFFE , ON MY E-MAILS THAT THIS IS A SCAM AND I HOPE MRS. FRANCES DID NOT HAVE ANYTHING TO DO WITH SWINDLEING, ME OUT OF MY MONEY.

7.) BRAIN COAN, OWNS A BUSINESS CALLED " CARE PLASTIC SURGERY " . HIS PROFESSION IS IN PLASTIC SURGERY . MR. JAFFE STATED IN OUR LAST TRAIL , THAT WAS THE FIRST TIME HE TOLD BRAIN COAN PROFESSION. BECAUSE HE WAS UNDER OATH AND WAS CAUGHT, AND HAD TO TELL THE COURT. THIS MAN IS A CROOK.

8.). MR. JAFFE HAS NOT SHOWN ANY CERTIFIED PAPERS STATING THAT ALL THINGS ARE TRUTH STATEMENTS, HE HAS SHOWN DISHONESTY BY EVADEING THE COURTS THREE TIMES. THAT SHOWS THAT HE WILL LIE AND CHEAT. PLEASE LET THE DEKALB COUNTY COURTS ASK FOR ALL STAMP AND CERTIFIED STATEMENTS FROM MR. JAFFE AND HIS DR. BRAIN COAN BE SHOWN AND CHEKED BY THE DEKALB COUNTY COURTS. DR BRAIN COAN SHOULD SHOW THAT HE IS A BOARD CERTIFIED , DOULDLE BOARD CERTIFIED SURGEON, AND ON DUKES UNIERVERITY SCHOOL OF MEDICINES STAFF. THAT HE IS A PLASTIC SURGEON , THAT IS CERTIFIED BY THE AMERICAN BOARD OF PLASTIC SURGERY. THE AMERICAN BOARD OF SURGERY AND A MEMBER OF THE AMERICAN SOCIETY OF PLASTIC SURGERY . THAT HE IS ALSO A FELLOW OF THE AMERICAN COLLEGE OF SURGEONS (FACS). SO IT IS ON HIS SITE. BECAUSE THE NORTH CAROLINA MEDICAL BOARD DO NOT HAVE HIS LICENSE NUMBER LISTED.

MR. JAFFE THE DEFENDANT NEEDS TO BE CHECK OUT TOO AND, INVESTIGATED TOO. BECAUSE HE HAS MANY THING ON HIS WEB PAGE THAT DID NOT HAVE HIS DUKE'S LAWYERS DEGREE. BUT I CHECK IT OUT AND ITS NOT TRUE. HE IS A LIAR. HE HIMSELF IS A PHONY.

ON Pg. 47 FROM THE TRASCRIPTS DR. COAN STATES FIRST HE OR THEY CALL ME A (POOR HISTORIAN) CODE WORD MAYBE HE WOULD LIKE TO TELL THE COURTS , BUT GETTING BACK TO Pg. 47 DR. COAN , STATES THAT (I AM NOT ABLE TO ASSESS WHETHER THIS WAS GOOD CLINICAL JUDGMENT OR OVERLY AGGRESSIVE. BUT GIVEN HER SYMPTOMS, IT APPEARS APPROPRIATE.) WHAT THAT 'S. **THESE ARE DUKE UNIVERITY STAFF THAT WOULD HAVE QUALIFICATIONS IN THE FIELDS OF MY CONDITION OF MY SURGERY DONE MARCH 20, 2006 :**

- 1.) DR. PETER R. BRONEC / NEUROSURGEON , SPINE SURGEON, PH. 919-479-4120.
- 2.) DR. BRAIN E. BRIGMAN / MD. /PH. ORTHOPAEDIC SURGEON ,919-6816982.
- 3.) DR. ROBERT D. ZURA, MD. ORTHOPAEDIC SURGEON.
- 4.) DR. ALI R. ZOMORODI MD/ NEUROSURGEON.

DUKE DEPARTMENT OF MEDICINE/ DUKE UNIVERSITY SCHOOL OF MEDICINE. THESE TWO ARE DUKES OWN PLASTIC SURGEONS.

- 1.) DR. CHARLES R. WOODWARD FACIAL PLASTIC SURGEON HEAD AND NECK SURGEON. PH. 919-684-4224.
- 2.) DR. JULIE ANN WOODWARD / OCULOPLASTIC OPHTHALMOLOGIST / PH. 919-684-4224.

It has been since 2011 , since I have tried to get Mr. Jaffe in court and for reason after lie he keeps slipping out of my hands and The Courts hands.

* Ms. France Astern his office Manager kept me in the loop by telling me that I had a case June 9th 2009. So I would not stop payment on my check.

* Mr. Jaffe also lied about the cost for him to return my files back to me , he also ore me 34.10, because he sent my files back by The United States Postal Service, which was just Ten Dollars and Ninety Cents. (10.90) and the change was Thirty Four Dollars and Ten Cents

the amount he kept. I have all my E-Mails that will support my facts.

**** Exhibit 2 / pg. 40

Mr. Jaffe Exhibit # 2/ was wrong about Feb. 02, 2006 , was not my doctor visit with Dr. Alexander. Ms. Ashley Bail June 24, 2009 was wrong , She had to copy my files that I sent to You The Courts , So his Dr. Brain Coan must have not read my files after all. I feel Ms. Bail written the letter for the trail . He had in his note book duplicated letters was copies over and over many times, he also had nothing in his files but what I sent the courts duplicated many times . It all was a scam. He used my files as if he had files from my case. All of Mr. Jaffe files are fakes.

EXHIBITS

Pg. 44,

Pg. 45, are the same.

Pg. 46, are the same.

Pg. 47, Shaneen Noble paralegal/ they or he calls me a poor historian / what code word is that. Date July 27,2009. He can't tell what's wrong. So I guess they make up something quick, Brain is a Plastic Surgeon, whom I would not have agreed to give my 1500.00 too period. And he called me poor as if that a disease that's un curable . I was poor when I work five to seven days a week. I had my health and love , GOD in my heart. He and Brain Coan have been scamming poor people out of their money , greed has caught.

AdamJaffe3@aol.comAdamJaffe3@aol.com Mon. July 27, 2009 at 3:54 pm

To: faatlg@gmail.com

print to file Quoted text hidden

Forwarded message

From: Brain Coan beducationpa@gmail.com

To: Adamjaffe3@aol.com

Date: Mon, 27 Jul 2009 15:50: 03-0400

Subject: RE: Davis, Mary

Adam,

Mrs. Davis is a poor. Historian. Her records and notes are extremely

inflammatory and accusatory and I am unclear on exactly what her injury is except that she is not better.

At this point he had not read any of my test and he would not know because he is a Plastic Surgeon only. Brain they had send me a finding already.

Pg. 48/ On this page he speaks of expanding a more for understanding bcedcationpa@gmail.com/shaneenatlg@gmail.com, that not a law firm name, or a hospital name. then next, what's for dinner tonight. Last to faatlg@gmail.com July 28, 2009. He continue to use the courts over and over again because he know I can not respond to the orients' and language as he and his Lawyers Groups can. But all of us humans are born with the knowledge to know Right From Wrong. Mr. Jaffe has perjured himself to the courts so he can keep my money, and clean his record up.

I feel that Mr. Jaffe has no right to trick me in believing that I was getting a Orthopedic Surgeon, or a Neurosurgeon that has done Fusion surgeries before period, not a Plastic Surgeon period.

Mr. Jaffe and Mrs. France led me in believing I would be getting the best service from their firm. Nothing less, the best. And that they had the capital, money, and time to spend on my case. When I received the phony bill in 2009. The information directory for the address, the place of business did not exist period. No phone number, and no existing address period.

I feel Mr. Jaffe and I had a day in court, Judge Cornell Stephens read all my e-mails to Mr. Jaffe and Mr. Jaffe e-mails to me. And he recognized a scam and a fraud the entire case was exclaimed very thoroughly and completely and Mr. Jaffe exposed his case himself and that's why he lost. He revealed his scam to the courtroom April 02, 2013, in Magistrate Court he had evaded the courts for two years breaking the law. I had a conclusive case I had my E-mails and I had my phony receipt he and Brain Coan made up or Mr. Jaffe made up. I know Brain Coan is not the proper and the appropriate surgeon that I needed for advice. And that Mr. Jaffe never said, or told me that he was going to use a Plastic Surgeon to give me my

Research. I know Mr. Jaffe did not tell me that he was going to use any type of service to give me any Research or and Finding for 1500.00 , no way. That's just crazy. Mr. Jaffe committed perjury over and over to try and trick, and fool the courts and me.

Mr. Jaffe has miss-used and abused me The Plaintiff and The DeKalb County Courts Systems again and again, his deceptions, the evading court summons, he has done this willful and maliciously . He ran a unethical practices he has displayed and acts as if its nothing. He I think he is to rich and clever that he can and will not be held accountable to any act he dose. He has colleagues that will try anything to fool the courts and myself. I have researched all of Mr. Jaffe lies of deceptions, deceit, his dishonesty, and his misleading practices and he has been exposed and he and his practices should be investigated more. His and Brain Coan web-site and web-pages should be investigated, Because Mr. Jaffe said that Brain Coan has been his Researcher for many of his cases. And he and Mr. Jaffe may not be paying taxes on all of the thousands of dollars they have collected together. Mr. Jaffe and his crew has stolen from me and I want justice in The DeKalb Courts finally. Because I have done my phone calls all I have coming to me. He and his evidences is nothing It dose not prove anything but he is a swindle, with his lawyers group that he is Senior Partner too. I have my e-mail. And proof you perjured himself to the courts.

Mary Alice Davis / Plaintiff
2314 South Andrews Circle
Columbus, Georgia 31903/ ph: (706) 315-7401.

Mary A. Davis
Mary A. Davis

VS.

Adam Scoff Jaffe / Defendant
3776 Clairmount Road
Atlanta, Georgia 30341.



2014

Georgia Court of Appeals

R U L E S

Last Update: February 19, 2014



**A CITIZEN'S GUIDE
TO
FILING APPEALS
IN THE
COURT OF APPEALS
OF GEORGIA**

July 1, 2009

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

Date: May 14, 2014

To: Mr. Franklin L. Bacon, GDC241510 E2-17B, Lee State Prison, 153 Pinewood Road, Leesburg,
Georgia 31763

Docket Number: A14A1430 **Style:** Franklin Bacon v. The State

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

1. Your Appellant's Brief, was not accompanied by the statutory filing fee (\$300.00 civil; \$80.00 criminal *Effective July 1, 2009) or a sufficient pauper's affidavit. OCGA§5-6-4 and Rule Your pauper's affidavit should be notarized by a notary public.
2. A Request for Oral Argument must be filed as a separate document. Rule 28 (a) (3)
3. Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)
4. **An improper Certificate of Service accompanied your document(s). Rule 6**
5. **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 (compound 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

RECEIVED IN OFFICE

2014 MAY 12 PM 3:11

Court of Appeals of Georgia

RECEIVED IN OFFICE

2014 APR 25 PM 3:02

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GEORGIA

Franklin Lamar Bacon

Appeal case no. A14A1430

Ogeechee Judicial C.S. 1809CR268

v.
State of Georgia

RE: Request for extension of time / Request for Appointment of Conflict Free Attorney / Request for Brady Materials that's been suppressed 183-2006 1809TCR042 June 22 1999 Extraordinary Motion for New Trial transcripts et Petitioner Defendant Franklin Lamar Bacon BDC# 241510 moves this Honorable Court for extensions of time approximately 120 days to 180 days and that he's assertive that he wants to be 100% percent part of judicial / Appeal procedures. Petitioner's claim of dissatisfaction with Counsel's performance. Trial appointed attorney Mr. Jack B. Williamson / conflict free appointed appeal attorney Mr. Michael Howard rendered ineffective assistance of counsel for constructive denial of representation.

Trial court Honorable F. Bates Peed (Ogeechee Judicial Cir.) was bias and prejudice to defendant / defendants case 1809CR268 from the beginning of judicial proceedings.

Honorable F. Bates Peed held a bias grounded in a personal animus or malice. Petitioner's Motion for New Trial that was filed Pro se was denied for judicial misconduct of said judge stating, Petitioner's Timely Notice of Appeal was never filed. Judge statement as well as his conduct was untrue. Petitioner's Notice of Appeal was filed June 6th 2010

for judges intentional misconduct Petitioner did not have a

fair trial Motion for New Trial was denied as well as
Extraordinary Motion for New Trial that was filed Pro se
Petitioner have rights for Motion for New Trial cause timely
Notice of appeal was filed June 6th 2010 Petitioners Direct
appeal have been denied up to this point for Judicial Misconduct.

Constructed/Constructive denial of Representation Trial/Appeal
Appointed Attorney's

① Case based on Fraudulent Documents TN case no 1809CR268
case no 1897CR042 was used for recidivist enhancements it was
illegal for it to be used for this specific purpose hearing for
Extraordinary Motion for New Trial (June 22 1999) was never
ruled upon as well as in the Magistrate proceedings for this
Indictment Judge Woodrum Judge Turner name is on the
documents Judge Turner took case thru Judicial Proceedings
Jury Trial Judge Woodrum was Judge Turner will claim
signature on indictment.

② Case no 83-2026 was used in 1809CR268 for Recidivist
enhancements case no 83-2026 was dismissed approximately
1984 Attorney Bobby Hill of Savannah Ga. was employed Attorney
case no 83-2026 Resurfaced approx. 1990/91 Attorney
Robert Simmons Lanier Jr illegally altered/scratched out not
guilty changed to guilty, scratched out Bobby Hill
Attorney at law name illegally forged his name to
Fraudulent Documents
Petitioner have several other grounds of supporting

fact errors for the reversal of the above style case no.

Additionally Petitioner asserts that he is indigent by indigent requirements housed in Georgia Department of Correctional Prison system. Therefore moves this Honorable Court to issue order for 6 to 8 hrs law library computer weekly till case is reversed finalized; Approx \$31.00 US Postal stamps plus any stamps that's needed weekly to monthly bases due to prison system Federal mail tampering denial of mail Prison staff opening reviewing legal mail (approx April 2011 Smith State Prison legal documents disk were illegally confiscated; Approx 5-7-2013 legal documents of above style case numbers of Ogeechee Cir were illegally confiscated and not returned copy trial documents of this specific case no. were confiscated Research / Direct Appeal errors of all specific constitutional violations. Denial of access to court from March 30 2009 to 2014 intentionally. Petitioner needs order from court for use of copy machine to show proof of all any issues needed to be revealed; Petitioner need approximately 3 legal pads weekly, approximately 500+ extra sheet of white paper monthly; approx 5 ink pens monthly approx 25 Big Brown env extra monthly, approx 50 small white env. monthly.

Petitioner seek Conflict free Appointment thru Ms Melissa Hardaway Auditor/ Legal Administrator, 104 Marietta Street,

(f)

Suite 600, Atlanta Ga 30303 she have given the only positive assistance of all request made dealing with above style case no.

Petitioner asserts that he wish for Mrs Melissa Hardaway to forward his request/complaints to proper authority of Court of Appeals for Georgia's 1st circuit cause for conflict free Appointment of Counsel Counsel that have no ties with Georgia Judicial Circuit. Appointed Trial/Appal Attorney have conspired with various public officials to uphold secure defendants conviction.

Petitioner Request for Clerk of Superior Court Bulloch County to forward a copy of request for Motion for Appointment of Counsel/Counsel Appointment with no ties with Georgia Judicial Circuit to Public Defenders Office Statesboro Ga. Petitioner ask for rights to over and this request as needed.

Respectfully Submitted
~~from Mrs. Thelma Baker~~

(11)

gov

25 Rio (404) 463 - 1980/facsimile (424) 463-1988 WWW.ETHIC.GA
Commission (formerly State Ethics Commission) case no # 2012-00

To secure convictions illegally. see Transparency and Campaign Finance
cut Mr. Bobby Hill name and forged his name on court documents
altered 83-2026 charged not guilty verdict to guilty scratched
Miss Street appointed attorney Mr. Robert Summers Lawler Jr. illegally

1991 out old court room Bullough County Stateboro Georgia
case was dismissed audio/VIDEO recording subpoenaed appear 1990/
need audio/VIDEO recording subpoenaed 1983/1984 for proof that
case was dismissed approx. 1984 attorney at law Mr. Bobby Hill

of illegal alteration between 1990 1991 when case resurfaced
1983
Motion for handwriting specialist for 83-2026 to show proof
Redivist enhancement in 189CRA8 illegal use for Redivist.

transcript/Hearing/Findings case was never cited or but used for
no. 1897CRA13 approx June 22, 1999 Extraordinary Motion for New Trial
case no. is the same case when this specific issue surfaced; case

suppressed (83-2026/83-1456 Franklin Lamar Wilkerson both
of cancelled free Attorney/Request for Brady Materials that's been
ATT 2 - RF: Request for extensions of time/Request for Appointment

State of Georgia

GDC # 241510

(AKR) Franklin Lamar Wilkerson

Franklin Lamar Bacon

Dyechnee Judicial Cir. 189CRA8

Appeal case no. 014H1430

Court of Appeals of Georgia

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2014 MAY 12 PM 3:12
COUNTY CLERK
OFFICE OF APPEALS OF GA

Transparency and Campaign Finance have no involvement any conduct that surfaced from Cigarette Judicial Cir. but only Petitioner/Defendants affidavit/complaint described as prevailed, petitioner seeks relief sought.

Petitioner shows denial of access to courts prior to duty trial up to this date (CC's) carbon copies' (suppression of Brady Materials, illegal

confiscated legal materials / legal documents by Prison Officials etc; Due Process Violations; Trial Judge Bias and Prejudice, Fair Trial, Un-

dered; denial of appointment of counsel, petitioner had conflict of Interest Appointed Trial/Appellate Counsel, breach of confidentiality

Ineffective assistance / constructive denial of representation trial @ appellate counsel appointed attorneys conspired with various court/public

Officials to secure conviction (c) Petitioner is assertive that attention of time requested for appeal

things is very much needed as well as appointment of conflict fee appeal attorney, appointment of above requests etc in all

circumstances of relief sought reverse of above conviction (c) Petitioner have no Trust of Faith in attorney's that's been appointed

Great The Constitution of The United States of America Amendment V shows Rights of Accused in Criminal Proceedings, protections of life liberty and property (a. Const 1983 Art sec 1 para 1 Double jeopardy generally (a. Const. 1983 Art. Sec 1 Par XVII and applies to the state through US. Const. Amend 14

Threshold question is attachment of jeopardy to be addressed in any case involving double jeopardy is whether jeopardy has attached to defendant during the proceedings which the defendant contends preclude further prosecution *Haynes v. State* 245 Ga. 817, 268 SE 2d 325 (1980)

Defendant is placed in constitutional jeopardy if in a court of competent jurisdiction with a sufficient indictment the defendant has been arraigned has pled and a jury has been impaneled and sworn. *State v. Martin* 173 Ga. App. 370, 336 S.E. 2d 558 (1985)

The court recognized that a state invasion of a lawyer-client relationship misconduct etc. could constitute a 6th Amendment violation but only if the ~~present~~ situation posed a realistic likelihood of state having gained some advantage. @ 429 U.S. 545, 97 S.Ct. 837 51 LEd 2d 30 (1977) Furthermore nominal representation on an appeal as of right - Like nominal representation at trial does not suffice to render proceedings constitutional adequate; a counsel is unable to provide effective representation is no better position than one who has no counsel at all. First appeal as of right is not adjudicated in accord with due process of the law if the [Movant] does not have effective assistance of attorney according to the protection of the 6th and 14th Amendment of the United States Constitution.

The Compulsory Clause - The 6th Amendment to the U.S. Constitution was seriously undermined and desecrated because Movant was manipulated through ignorance

of his right to offer testimony of favorable witness and compel their attendance see *Geders v. United States* 425 U.S. 80, 96 S.Ct. 1330, 47 L.Ed.2d 592 (1976) Government violates the right to effective assistance of counsel when it interferes in certain ways with the ability of counsel to independent about how to conduct a defense. Numerous constitutional valued guarantees were described/desecrated including violations of the 6th amendment, Compulsory Clause guarantee, because anything the Record Custodians could have testified to was potentially favorable to the defense (Navant); which was why he was initially subpoenaed. The Government grossly interfered by insidiously prosecutor may suppress material evidence favorable to the accused.

Confiscating legal materials/legal documents in the above case no's conviction is void

McMann v. Richardson 397 U.S. 759-771-114 (1970) 6th amend rights to "effective" assistance of counsel; *United States v. DeLozier* 487 F.2d 1197 (D.C. Cir 1973) when counsel choices are uninformed because of inadequate preparation, a defendant is denied the effective assistance of counsel.

The effective assistance of counsel is defendant's most fundamental right for it affect his ability to assert any other right he may have. IF the right to counsel guaranteed by the constitution is to serve its purpose, defendant cannot be left to the mercies of incompetent counsel

Strickland v. Washington @ 104 S.Ct 2052

The presumption of ineffective assistance of counsel is imminent only when the ignored issue was so clearly stronger than errors presented that the tactical decision must be deemed an unreasonable one which only an incompetent attorney would have adopted. 192 Ga. 634 15 SE.2D 873 (1941); 193 Ga. 661 195F 499 (1945); 317 U.S. 606, 63 SC 316, 87 LEd 506 (1945)

The proper and timely filings of notice of appeal is an absolute requirement to confer jurisdiction upon the appellate court Jordan v. [redacted] 229 Ga. 343 (1915 SE. 2D 530) 1972 (Emphasis supplied) *Hester v. State* 247 Ga. 173 175 (249 SE.2D 547 (1978)) "A paper is said to be filed when it is delivered to the proper officer and by him received to be kept on file and a certificate to the clerk entered upon paper at the time it is filed is the best evidence of such filing."

Concerning *Rick's* Notice of Appeal, it was filed in Bullough County Clerk's Office on 6/20/10 as well as appointment of attorney. This specific issue Notice of Appeal have been suppressed approximately 4 plus years showing bias & prejudice F. Gates Reed (honorable judge Ogden circuit) Petitioner have evidence showing honorable F. Gates Reed directing Bullough County Clerk of Court not to release any Brady Materials from the above cited case NO. 1, Petitioner had to make request (AS)

for Brady Materials only to Honorable F. Gates Reed. Petitioner
Made multiple requests for appointment of conflict free

Counsel in several different agency's but was denied prior

after above jury trial. (see judicial Misconduct/Constructive

Denial of Representation All of Petitioner's various Rose Motions

was denied as well as Motion for Discovery/Freedom of

Information Privacy Act Request, Motion for New Trial.

Extraordinary Motion for New Trial, Direct appeal, Motion for

Conflict Free Attorney (see James River Ins. Co. v. Howard

Engg Inc 540 F.3d 1270, 1274 (4th Cir 2008) (quoting 550 U.S.

at 555-56) Alabama is plausible when plaintiff alleges facts

... "Igha 556 U.S. at 678, 550 U.S. at 556, 268 F.3d 1014,

1036 N.10 (11th Cir 2001)

Misconduct/Constructive denial of Representation Mr Michael

Howard Esq told client to file Habercs Corpus when direct

appeal was never filed if Mr Howard did the proper

research/investigations with client's assertiveness direct

appeal would have been filed approximately 1 year ago,

above case as 1809 US 208 would have been reversed

three proper judicial procedures

Honorable F Gates Reed was bias to prejudice Powell v.

Alabama supra The trial originated when the court held

that the trial judges failure to make and effective

appointment of Counsel "287 U.S. at 71, 53 S.Ct. 55 had

resulted in the denial of effective and substantial

aid of counsel id at 53, 53 S.Ct. at 58 thereby

depriving petitioner/defendant of due process of law
see also US. Dist Lexis 112173 :: Cadet v. State Dept of
Corr June 1, 2012 construction abandonment Appointed
counsel Mr. Michael Howard Esq. constant assurance
coerced [petitioner] into a false sense of trust,
which the court concluded was "even more severe"
than completely abandoning his client see also
McLaughlin v. Lee 2000 WL 343361 * 3 (E.D.W.C.
Oct 19 2000) appellate attorney made empty promises
that he would protect his legal interest file appropriate
relief with effective assistance of counsel but
actually placed petitioner in extraordinary
situation of believing that he had counsel when in
fact he had counsel in name only.

This demonstrates a lack of diligence and competence
that amounts to extraordinary circumstances.

Given these exacerbating factors the court should
find that this is more than mere "garden variety"
Negligence extraordinary circumstances come to
question but errors was compounded by counsel

[Mr. Michaels] failure to further investigate or conduct
confirmatory research when faced with petitioner's
doubts and in ultimately offering petitioner false
and unbounded reassurance see Baldyague 338
F3d at 152 simple mistakes about the rules applied
to deadlines for filing a Habeas corpus

petition... are ordinary "but some point as attorneys

behavior may be so out regions or so incompetent as to render "extraordinary" The court find that attorneys' empty assurance amounted to nothing more than lip service, and that his representation "of petitioner

during that critical period was devoid of any meaningful or accurate legal advice. The court find attorneys' hollow representation amounted to constructed abandonment, which is such an extraordinary

circumstances that it will relieve a client of his attorney's errors because "a client cannot be charged with the acts or ~~omissions~~ omissions of any attorney who has abandoned him. "Maples v. Thomas - 130 S.Ct. 924, 927 (2010)

Petitioner asserts that if conflict free appointed attorney is appointed to replace Mr. Michael Howard Esq. with assertive effective assistance of counsel petitioner work

be relieved of horrible F. Gates Reed had faith of suppression of evidence / Brady Materials That the favorable evidence [withheld] discovery of specific requests) forger, illegal alteration evidence etc. would have changed the outcome with effective assistance of counsel.

Petitioner Franklin Lamar Bacon and et alius moves

this honorable court for extensions of time requested for appointment of counsel for Petitioner for

New Trial / Direct Appeal as is the same

as in all of my prayers to reverse the guilty verdict in this specific issue at hand.

* Petitioner additionally ask the courts for supersedeas appeal bond and that he wishes to be released into Federal Custody to complete Drug Class & Halfway House. Drug class is 9 months / Halfway House 6 months mandated by Federal Government.

Respectfully submitted,
Franklin James R. R. R.

under the penalty of perjury all statements are true & correct.

Certificate of Service

This is to certify that Franklin Lamar Bacon GDC# 01510

Lee State Prison 153 Pinewood Rd, Leesburg Ga.

317103 is forward a true and correct copy of all the above

Request for Appointment of Conflict Free Attorney; Request

for extension of time Request for Brady Materials that's been

suppressed (83-2026/85-1456) 1897CR723 June 22, 1999

Extraordinary Motion for New Trial transcript / filing etc.

ATTN (all additional request) is being sent to the Court of

Appeals of Georgia Suite 501, 47 Tenth Ave. At. Ga. 30334.

Ms Melissa Anderson 225 Peachtree St. N.E. Ste. 900,

South Tower At. Ga. 30303. Ms Teresa P. Tucker (Clerk) 20

Sheold St Judicial Annex Building Statehouse Ga. 30458

(Asking the clerk to request for Brady Materials from the Public

Defenders office case no 1897CR723 approx date 22 1999

Extraordinary Motion for New Trial hearing judge Torres

was judge / Robert Simmons Lawyer Sr. was appointed

attorney from State Bar of Georgia. Mr. Robert Simmons

Lawyer Sr. has his own forms used) all mail have correct

U.S. Postage

Respectfully Submitted

~~Franklin Lamar Bacon~~

*CC# Evidence of Asset/Asset Court of Appeals

*CC# Resident of USA

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

Date: May 14, 2014

To: Mr. Joshua Belinfante, 6265 Mount Vernon Oaks Drive, N.E., Sandy Springs, Georgia 30328
Docket Number: A14A1540 **Style:** Lab, MD, Inc. v. Adnan Tabrez Savera, M.D.

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 filing fee has been paid and the Appellant's Brief was filed by e-fast on May 12, 2014. Your check #1616 (payable to the Clerk of the Court of Appeals in the amount of \$300.00) and documents are being returned to you.**

JOSHUA B BELINFANTE
KARINA K BELINFANTE
6264 MOUNT VERNON OAKS DR. NE
SANDY SPRINGS, GA 30328

64-10/610
1000159150035

1616

DATE 5/12/2014



DELUXE 100% COTTON SAFETY PAPER

PAY TO THE ORDER OF Clerk of the Court of Appeals of GA \$ 300.00

Three Hundred Dollars and no cents DOLLARS



ACH RT 061000104

MEMO Appeal No. A14A1540

MP

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COURT OF APPEALS OF GA

**IN THE COURT OF APPEALS
STATE OF GEORGIA**

CASE NO. A14A1540

LabMD, INC.,

Appellant/Plaintiff,

v.

ADNAN TABREZ SAVERA, M.D.,

Appellee/Defendant.

BRIEF OF APPELLANT LABMD, INC

Josh Belinfante
Georgia Bar No. 047399
ROBBINS ROSS ALLOY BELINFANTE
LITTLEFIELD LLC
999 Peachtree Street, N.E., Suite 1120
Atlanta, GA 30309-3996
(678) 701-9381 Telephone
(404) 856-3250 Facsimile

Attorney for Appellant, LabMD, Inc.

Appellant appeals an order imposing attorneys' fees, which order failed to apply critical legal standards that have been set forth by this Court and the Georgia Supreme Court. Specifically, the court failed to apportion attorneys' fees or apply required setoffs, and it made comments at the hearing that indicate consideration of irrelevant and inappropriate matters. Adding to Appellant's concerns, the hearing on attorneys' fees included Appellant's then-counsel as a named party who was represented by independent counsel and simultaneously claimed he could fairly represent Appellant. No other corporate representative from the small business was present. Given these errors, reversal is warranted for the trial court's abuse of its discretion in the decision to and manner in which it awarded attorneys' fees.

PART ONE

I. STATEMENT OF THE PROCEEDINGS

On April 12, 2010, Appellant LabMD, Inc. ("LabMD") filed a complaint against Appellee Adnan Savera, M.D. ("Dr. Savera"), "asserting a claim for of the restrictive covenants of his employment contract." (Vol. I R-113.) Dr. Savera filed an answer and counterclaims. As discovery progressed, LabMD amended its complaint several times by revising facts, adding claims, and dismissing other claims. (Vol. I R.-113-115.)

On October 2, 2011, LabMD filed its Fifth and final Amended Complaint, which alleged six claims. (Vol. I R-115.) Thereafter, Dr. Saveria filed a motion for summary judgment regarding each of these six claims; the trial court granted the motion in part, but three claims survived for the jury's consideration. (Vol. I R-115-116.) LabMD's remaining claims -- (1) breach of fiduciary duty; (2) state computer crimes; and (3) punitive damages -- as well as Dr. Saveria's counterclaims were tried before a jury beginning on November 13, 2012. (Vol. I R-116.) During the trial, the Superior Court directed verdict against LabMD's punitive damages and lost revenues and profits claims. (*Id.*) The breach of fiduciary duty and state computer crimes claims were sent to the jury, which ruled in favor of Dr. Saveria on LabMD's claims, and it awarded Dr. Saveria damages in the amount of \$13,587.22 on his counterclaims. (*Id.*; Vol. I R-8.)

On January 3, 2013, Dr. Saveria filed a Motion for Attorneys' Fees against LabMD and LabMD's (now former) counsel of record, Stephen Fusco, seeking a total of \$315,493.92 in attorneys' fees pursuant to O.C.G.A. § 9-15-14(a) and (b). (Def.'s Mot. for Att'ys' Fees, Costs, and Expenses Pursuant to O.C.G.A. § 9-15-14

(“Def’s Mot. for Fees”) at 3¹.) On May 8, 2013, the trial court held a hearing on this motion. On July 23, 2013 and July 29, 2013, Dr. Savera filed notices that he had settled his attorney’s fees claim against Stephen Fusco and his law firm, Fusco & Associates, LLC, respectively. (Vol. I R-107; Vol. I R-109.) The notices did not identify the amount of attorneys’ fees that Dr. Savera received. (*Id.*)

On July 30, 2013, the trial court’s Order Granting Defendant’s Motion for Attorney’s Fees (“Order”) was filed in the clerk’s office. (Vol. I R-112-130.) In this Order, the trial court found that Dr. Savera was entitled to attorneys’ fees incurred in defending six of the nine claims raised by LabMD. (Vol. I R-129(citing O.C.G.A. § 9-15-14(b)).Despite the fact that three of the claims went to

¹ Appellant timely requested that this pleading and the documents it relied on be included in the appellate record, but Appellant’s examination of the Record, showed that these documents were excluded from the Record. Appellant filed a motion to supplement the record with both this Court and the Superior Court of Fulton County to add this pleading and the documents it relied on to this Record. To avoid delay, Appellant is citing to the pleading itself and will update this citation upon this Court’s Request.

the jury, The Order held that “Defendant shall have and recover \$168,257.18 from Plaintiff [LabMD].” (Vol. I R-129-130.)

On August 26, 2013, LabMD filed an application for a discretionary appeal. (Vol. I R-1.) This Court granted the application on September 19, 2013, and it directed LabMD to file a notice of appeal. (*Id.*) LabMD filed this notice of appeal on September 24, 2013. (*Id.*) This Court docketed this appeal on April 22, 2014.

II. MATERIAL FACTS RELEVANT TO APPEAL

For this appeal of the award of attorneys’ fees, there are few facts at issue. The Order, however, omitted certain facts that are central to this appeal.

A. LabMD’s Relationship With Dr. Savera

LabMD was a genitourinary pathology laboratory in Atlanta, Georgia. (Vol. I R-112.) Dr. Savera was LabMD’s Chief Genitourinary Pathologist and Medical Director. (*Id.*) On January 22, 2010, Dr. Savera resigned from LabMD, but he agreed to continue working for LabMD until April 22, 2010 pursuant to his written contract. (*Id.*) LabMD terminated Dr. Savera on April 12, 2010. (*Id.*)

B. LabMD’s Claims Against Dr. Savera

LabMD’s initial complaint alleged Dr. Savera breached restrictive covenants in his employment contract with LabMD.(Vol. I R-113.) The next day, it filed an

amended complaint for breach of restrictive covenants. (*Id.*) In response, Dr. Savera retained Ms. Jessica Wood of the law firm Bodker, Ramsey, Andrews, Winograd&Wildstein, P.C. (the “Bodker Firm”) (*Id.*), and he filed an answer and counterclaims. (Vol. III MT-Ex. D-2 May 8, 2013².) Before trial, LabMD filed additional amended complaints, and this brief focuses only on those parts that amended the asserted claims. (Vol. I R-113-115.)

On October 27, 2010, LabMD filed its Second Amended Complaint for (1) breach of restrictive covenants of the employment contract; (2) breach of contract

² As previously stated, the Affidavits of Jessica Wood and Robert Hill were timely requested to be included in the Record, but an examination showed they were missing. These Affidavits were included as Exhibits to the May 8, 2013 Motion Transcript in the Record, but these exhibits do not have page numbers. Appellant’s review leads it to believe that the Affidavits included as Exhibits to the Motion Transcript may be missing certain legal bills included in the original affidavits. Thus, Appellant requested that the affidavits be added to the Record. Appellant is citing these affidavits as exhibits to the Motion Hearing, and will, upon this Court’s request, update the citations when they are added to the Record.

related to Dr. Savera's failure to keep working hours; and (3) breach of fiduciary duty. (Vol. I R-113.) After Dr. Savera filed a Motion for Judgment on the Pleadings as to the existing claims, LabMD filed a Fourth Amended Complaint on February 1, 2011. (Vol. I R-114.) In this amended complaint, LabMD asserted claims for breach of fiduciary duty and misappropriation of trade secrets, and it "voluntarily removed" its claims for breach of restrictive covenants and breach of contract. (*Id.*)

C. Dr. Savera's Insurance Coverage

Prior to this dispute, Lab MD purchased an insurance policy from Admiral Insurance Company ("Admiral"). (Vol. I R- 124; Vol. III MT-77-78 May 8, 2013.) Dr. Savera, then a terminated employee, sought insurance coverage from Admiral to defend against the claims raised by LabMD, the policyholder and payer of the policy. (Vol. III MT-15, 39 May 8, 2013.) LabMD opposed paying both sides of the litigation, and Admiral filed suit against LabMD and Dr. Savera seeking a court order that it was required to defend Dr. Savera. (Vol. I R-124.) Admiral's suit against these parties was a separate civil action: *Admiral Insurance Company v. LabMD, Inc. and Adnan Tabrez Savera, M.D.*, civil action number

2011cv197374. (Vol. I R-124n.1.) This suit was filed on March 4, 2011, and Mr. Hill represented Dr. Savera in this civil action. (Vol. I R-34.)

Admiral provided a defense to Dr. Savera against the policy holder, and it applied the policy limits for defense costs and insurance coverage being \$250,000.00. (Vol. III MT-15-16 May 8, 2013 (Mr. Hill testifying that his firm received \$250,000 in payments from Admiral in connection with this case).) After Admiral took over payment of the defense costs, the law firm of McLain & Merritt, P.C. (“McLain & Merritt”) was retained to defend the action in January 2011, with Robert Hill serving as lead counsel. (Vol. I R-114.) McLain & Merritt received \$250,000 from Admiral to cover defense costs generated in the case. (Vol. III MT-15-16, 120 May 8, 2013.)

D. The Final Complaint, Summary Judgment, And The Jury Trial

As litigation continued, on October 21, 2011, LabMD filed its Fifth (and final) Amended Complaint “which asserted claims against [Dr. Savera] for (1) breach of fiduciary duty, (2) misappropriation of trade secrets, (3) violation of the federal computer crimes statute, (4) violation of the Georgia computer crimes statute, (5) trespass, and (6) punitive damages.” (Vol. I R-115.) Claims 3-6 were new claims. (Vol. I R-113-115.) Thereafter, Dr. Savera filed a motion for

summary judgment as to all the claims raised by LabMD, which the trial court granted as to LabMD's claims for misappropriation of trade secrets, federal computer crimes, trespass and some of the claims for breach of fiduciary duty. (*Id.*) Consequently, LabMD's remaining claims for (1) breach of fiduciary duty, (2) state computer crimes, and (3) punitive damages were tried before the jury along with Dr. Savera's counterclaims. (Vol. I R-115-116.)

Beginning on November 13, 2012, LabMD presented its three remaining claims and Dr. Savera presented his counterclaims to the jury. (Vol. I R-116.) After the close of LabMD's evidence, the trial court granted a directed verdict to Dr. Savera on LabMD's punitive damages claim and its claim for lost revenues and profits. (*Id.*) "The two remaining claims were sent to the jury who returned a verdict in [Dr. Savera's] favor." (*Id.*) The jury also found in favor of Dr. Savera as to his counterclaims, awarding damages of \$13,587.22. (Vol. I R-8.)

E. Dr. Savera's Motion For Attorney's Fees

On January 3, 2013, Dr. Savera filed a Motion for Attorneys' Fees against LabMD and LabMD's then-counsel of record, Stephen Fusco pursuant to O.C.G.A. § 9-15-14(a) and (b). (Vol. I R-116.) In the motion, Dr. Savera sought to recover all of the attorneys' fees generated in the matter, with the fees distributed as

follows: (1) Bodker Firm: \$34,932.41 and (2) McLain & Merritt: \$280,561.51, for a total of \$315,493.92. (Def's Brief in Support of Def's Mot. for Fees at 9.) In support of his motion, Dr. Savera attached the affidavit of Jessica Wood of the Bodker Firm and Robert Hill of McLain & Merritt, with redacted attorney's fees bills attached to each affidavit. (Vol. III MT-Ex. D-2 May 8, 2013; Vol. III MT-Ex. D-1 May 8, 2013.) Neither Ms. Wood nor Mr. Hill apportioned the fees as to any particular claim or removed entries related to Dr. Savera's counterclaims.(Vol. III MT-30-31, 42 May 8, 2013.)

On May 8, 2013, the Superior Court held a hearing on Dr. Savera's Motion, and Mr. Hill and Ms. Wood testified about their firms' assessed fees bills. (Vol. III MT-14-50 May 8, 2013). Mr. Hill testified that McLain & Merritt received \$250,000.00 from Admiral in connection with this case. (Vol. III MT-15-16 May 8, 2013.) Although the subject of the hearing was whether Dr. Savera should be awarded attorneys' fees, Mr. Hill admitted: "This is about Dr. Savera. About what he lived through. About what he experienced." (Vol. III MT-120 May 8, 2013.)

The attached legal bills show that Mr. Hill included work done on the separate declaratory judgment action filed by Admiral, to determine whether Admiral should provide a defense to Dr. Savera. (Vol. III MT-Ex. D-2 April ,

2011 Invoice at 2-3³ May 8, 2013.) Mr. Hill argued that the work on the Admiral case relates to Dr. Savera's defense and "our work to ensure that Dr. Savera continued through these proceedings to have a defense with Admiral." (Vol. III MT-22 May 8, 2013.)

Additionally, as part of the attorneys' fees bills, McLain & Merritt also included time spent communicating with the personnel of Admiral regarding negotiation of a non-waiver agreement related to defense costs. (Vol. III MT-20-21 May 8, 2013; *Id.* Ex. D-1 April 7, 2011 Invoice at 5-6.) McLain & Merritt also kept Admiral personnel apprized and informed as to what was happening throughout the litigation, and those communication entries were part of the attorney's fees bills. (Vol. III MT-22 May 8, 2013; *Id.* Ex. D-1 Aug. 4, 2011 Invoice, at 4, Oct. 13, 2011 Invoice at 3, 6, Jan. 20, 2012 Invoice at 5, 10, April 4,

³ The Affidavits of Robert Hill and Jessica Wood attach redacted legal bills as exhibits, which do not include page numbers. LabMD cites these bills by referring to the date at the top of the bill and the page number listed under the date. Once the affidavits are added to the Record, Appellant will supplement the citations upon this Court's request. All the citations to the legal bills are not exhaustive.

2012 Invoice at 2, 7, 9, 10, Aug. 8, 2012 Invoice at 3, Oct. 24, 2012 Invoice at 2, 3, 9, 10, Nov. 26, 2012 Invoice at 1.)

The attorneys' fees bills also included time spent representing Dr. Savera for discovery purposes in a separate civil action filed in Arizona styled *LabMd, Inc. v. Corey Dayley*. (Vol. I R-45; Vol. III MT-22-24 May 8, 2013; Vol. III MT-Ex. D-1 Oct. 13, 2011 Invoice at 2, Aug. 8, 2012 Invoice at 3.) Mr. Hill also admitted that he was not apportioning the attorneys' fees between the claims but was seeking **all** of the fees generated by McLain & Merritt. (Vol. III MT-30-33 May 8, 2013.)

Ms. Wood testified that she represented Dr. Savera for nine months before Admiral began funding his defense. (Vol. III MT-39 May 8, 2013.) Dr. Savera paid all of the Bodker Firm's, which totaled \$34,932.41. (Vol. III MT-40 May 8, 2013.) Ms. Wood admitted that she failed to not apportion her fees between (1) claims raised; (2) research on claims not raised; (3) counterclaims; and (4) extraneous related to Dr. Savera's 401K, COBRA payments and other employment benefit issues. (Vol. III MT-42-45 May 8, 2013; Vol. III MT-42, 45 May 8, 2013; *Id.* Ex. D-2 April 30, 2010 at 2, Oct. 31, 2010 at 1, Dec. 31, 2010 at 1-2.)

Ms. Wood also took actions to recover monies due and owing to Dr. Savera which was billed as part of the defense. At the hearing, she stated that "they were

not claims raised by LabMD but they could have been claims raised in answering defenses if they were not resolved in the way that we were able to resolve them.” (Vol. III MT-45 May 8, 2013.) The fee bills from the Bodker firm show time entries related to Dr. Savera’s 401K account, COBRA payments, and other employment benefit issues. (Vol. III MT-D-2 May 31, 2010 Invoice at 1, June 30, 2010 Invoice at 1-2, July 31, 2010 Invoice at 1 May 8, 2013.) Similarly, the fee bills from McLain & Merritt include time spent on issues related to Dr. Savera’s 401K account as well as his counterclaim. (Vol. III MT-Ex. D-1 Oct. 13, 2011 Invoice at 8, Jan. 20, 2012 Invoice at 8, April 4, 2012 Invoice at 3, May 8, 2013.)

In LabMD’s response brief opposing an award of attorneys’ fees, as well as at the hearing, counsel for LabMD made a number of arguments why Dr. Savera’s requested attorneys’ fees calculation was not proper. First, LabMD argued that Dr. Savera already received \$250,000.00 in defense costs from Admiral, and he should not obtain a double recovery from LabMD. (Vol. III MT-77-78 May 8, 2013; Vol. I R-3, 10.) Second, LabMD argued that Dr. Savera should not recover attorneys’ fees for claims that went to the jury as they would not meet the standards necessary to meet approve an award of attorneys’ fees. (Vol. III MT-85-86 May 8, 2013; Vol. I R-21-23.) Third, and similarly, LabMD argued that Dr.

Savera's counsel did not properly apportion the fees between claims. When seeking all of their fees, Dr. Savera's counsel failed to distinguish between frivolous and non-frivolous claims and work done in separate civil actions, specifically the Admiral declaratory judgment action, the *Dayley* case and the *Chad Miller* case: *LabMD, Inc. v. Chad Miler*, Superior Court of Forsyth County, Civil Action No. 12 CV-0460. (Vol. III MT-93-94 May 8, 2013; Vol. I R-26-27.) Fourth, LabMD argued that Dr. Savera's counsel improperly sought to recover fees related to Dr. Savera's successful counterclaim. (Vol. III MT-30-31, 42, 45 May 8, 2013; Vol. I R-26-27.)

At the hearing, the LabMD's attorney and the Superior Court engaged in commentary that was particularly concerning. For example, the Superior Court acknowledged the potential of a conflict between Fusco defending the claims in his personal capacity and in his capacity as LabMD's counsel. (Vol. III MT-13 May 8, 2013.) The Judge then offered that "if you want to take the negative approach [LabMD CEO Mike Daugherty] was a death spot who was abusing everyone there and it might include his attorney which also bears upon the aspect of Mr. Fusco versus his responsibility and his client's responsibility because Daugherty is Lab M.D." (Vol. III MT-103-104 May 8, 2013.) Despite recognizing that Fusco faced

a potential conflict, the Superior Court also called Daugherty's conduct "draconian." (Vol. III MT-104 May 8, 2013.)

F. Dr. Savera's Settlement With Stephen F. Fusco And Fusco & Associates, LLC

On July 23 and July 29, 2013, Dr. Savera's counsel filed Withdrawals of the Motion for Attorneys' Fees against Stephen F. Fusco and Fusco & Associates, LLC, respectively. (Vol. I R-107; Vol. I R-109.) According to these pleadings, Dr. Savera settled his attorneys' fees claim against Mr. Fusco and Fusco & Associates, LLC. (*Id.*) Enhancing the risk of double recovery, these Withdrawals do not disclose the amount of the settlement received by Dr. Savera. (*Id.*)

G. Court Order Awarding Attorney's Fees Against LabMD

Three days after Savera filed the notice of settlement with Fusco, on July 26, 2013, the trial court issued the Order, which was filed in the clerk's office on July 30, 2013. (Vol. I. R-112-130.) In the Order, the trial court noted that Dr. Savera "has now withdrawn the Motion for Attorneys' Fees against Plaintiff's counsel of record pursuant to a settlement agreement." (Vol. I. R-116.) The Order did not reveal the amount of this settlement, and it did not subtract the settlement amount from the attorneys' fees awarded to Dr. Savera. (*Id.*)

In the Order, the trial court ruled that Dr. Savera is entitled to an award of attorney's fees "incurred in defending against" six of the nine claims raised by LabMD pursuant to O.C.G.A. § 9-15-14(b). (Vol. I. R-129-130.) The trial court did not award attorneys' fees with respect to three claims: (1) breach of fiduciary duty related to the Dayley conversation; (2) violation of the Georgia Computer Systems Protection Act; and (3) punitive damages. (Vol. I R-120, 122, 123.)

When calculating the amount of attorneys' fees to award, the trial court apportioned "the attorneys' fees evenly between the claims pending at the time [the fees] were incurred." (Vol. I R-129.) The trial court then added the fees apportioned to the claims subject to sanctions to reach a total of \$168,257.18 awarded to Dr. Savera. (*Id.*) The trial court reasoned that apportioning the attorneys' fees evenly between the claims pending at the time they were incurred "represents the most accurate way to apportion the attorneys' fees between claims and is not a lump sum award." (*Id.*)

The Order's award of attorneys' fees did not subtract any attorneys' fees related to the following: (1) Dr. Savera's counterclaim; (2) recovery of Dr. Savera's employment benefits; (3) communications with Admiral; (4) the Admiral declaratory judgment civil action; (5) the *Dayley* civil action; and (6) the *Chad*

Miller civil action. (Vol. I R-112-130.) Rather, the trial court apportioned all of the attorneys' fees sought by Dr. Savera to one of the claims alleged by LabMD in this civil action. (*Id.*) Also, the Order accepted the attorneys' fees invoices presented in their entirety, even though the fees were not apportioned between claims and civil actions. (Vol. I R-129-130.)

Additionally and importantly, when calculating the award of attorneys' fees, the trial court did not set off the \$250,000 in defense costs already paid by Admiral on behalf of Dr. Savera, even though the Order recognized that Admiral provided a defense to Dr. Savera. (Vol. I R-124, 128, 129-130.) In fact, when discussing Dr. Savera' insurance coverage the Order stated that "[i]t is axiomatic that coverage follows defense. If there is no insurance defense there will certainly not be insurance coverage for potential recovery. By opposing a defense for Defendant [Dr. Savera], Plaintiff [LabMD] was jeopardizing any potential recovery for any judgment it obtained against Defendant." (Vol. I R-128.)

Additionally, in its invoices, counsel for Dr. Savera sought \$8,568.50 for preparing the pleadings seeking attorneys' fees. (Vol. I R-117.) In the Order, the trial court granted attorneys' fees for the entire \$8,568.50, even though the Order

denied attorneys' fees as to certain claims asserted by LabMD. (Vol. I R-120, 122, 123, 129.)

LabMD filed a timely notice of appeal with respect to this award of attorneys' fees under O.C.G.A. § 9-15-14(b). (Vol. I R-1.)

PART TWO

I. ENUMERATION OF ERRORS

This Court has jurisdiction of this case on appeal. Ga. Const., Art. 6, § 5, ¶ III.

The enumeration of errors for this Court's consideration is as follows:

1. Whether the trial court abused its discretion and permitted a double recovery by Dr. Savera when it awarded Dr. Savera attorneys' fees in the amount of \$168,257.18 without setting off the amount Dr. Savera received pursuant to his settlement with LabMD's counsel, and/or without setting off the attorneys' fees paid by Admiral, not Dr. Savera?
2. Whether the trial court abused its discretion in its award of attorneys' fees by including amounts unrelated to Dr. Savera's defense of the sanctionable claims raised by LabMD, such as the fees to pursue Dr. Savera's counterclaims and to litigate Admiral's Declaratory Judgment civil action?

PART THREE

I. STANDARD OF REVIEW

The trial court awarded attorney's fees against LabMD pursuant to O.C.G.A. § 9-15-14(b). Such an award is discretionary and is reviewed on appeal pursuant to an abuse of discretion standard. *See Haggard v. Board of Regents of University System of Georgia*, 257 Ga. 524, 526 (1987); *Jones v. Unified Government of Athens-Clarke County*, 312 Ga. App. 214, 218 (2011); *Franklin Credit Management Corp. v. Friedenbergs*, 275 Ga. App. 236, 240 (2005).

II. ARGUMENT AND CITATION OF AUTHORITY

- A. The trial court abused its discretion and permitted a double recovery by Dr. Savera when it awarded Dr. Savera attorneys' fees in the amount of \$168,257.18 without setting off the amount Dr. Savera received pursuant to his settlement with LabMD's counsel, and/or without setting off the attorneys' fees paid by Admiral, not Dr. Savera.**

The trial court abused its discretion by (1) failing to consider amounts paid to Dr. Savera by LabMD's counsel, and (2) not setting off the proceeds paid by Admiral. The trial court assessed attorneys' fees against LabMD pursuant to O.C.G.A. § 9-15-14(b), which states, in part, as follows:

The court may assess **reasonable and necessary attorney's fees and expenses of litigation** in any civil action in any court of record if, upon the motion of any party or the court itself, it finds that an attorney or party brought or defended an action, or any part thereof, that lacked substantial justification or that the action, or any part thereof, was interposed for delay or harassment, or if it finds that an attorney or party unnecessarily expanded the proceeding by other improper conduct, including, but not limited to, abuses of discovery procedures available under Chapter 11 of this title, the "Georgia Civil Practice Act."

O.C.G.A. § 9-15-14(b) (emphasis added). The plain language of O.C.G.A. § 9-15-14(b) only authorizes an award of attorney's fees and expenses of litigation, not a general award of damages unrelated to the attorneys' fees generated. This award is limited to "the attorney fees attributable to the conduct that the trial court found justified the award." *Lawrence v. Direct Mortg. Lenders Corp.*, 254 Ga.App. 672, 676 (2002).

It is well settled law that “Georgia, as part of its common law and public policy, has always prohibited a [party] from double recovery of damages; the [party] is entitled to only one recovery and satisfaction of damages, because such recovery and satisfaction is deemed to make the [party] whole.” *Ga. Northeastern R. Co., Inc. v. Lusk*, 277 Ga. 245, 246 (2003) (quoting *Candler Hosp. v. Dent*, 228 Ga.App. 421, 422 (1997)). A party is only entitled to recover one award of attorneys’ fees. *See Roofers Edge, Inc. v. Standard Bldg. Co., Inc.* 295 Ga.App. 294, 296 (2008) (“[A] second award of attorney fees would constitute an impermissible double recovery.”) Additionally, a party “cannot receive in judgment again what has already been paid by the defendant or on the defendant’s behalf by an insurer.” *Candler Hosp.*, 228 Ga.App. at 422. This rule prohibits a party from collecting both from an insurance company and from another party in the litigation. *See Andrews v. Ford Motor Co.*, 319 Ga. App. 449, 451 (2011) (holding that plaintiff cannot collect both from his or her insurer and from defendant for the same item of damages as such a double recovery is prohibited.)

Here, Dr. Savera received an improper double recovery because the Order did not set off the amounts Dr. Savera received pursuant to his settlement agreement with LabMD’s counsel. Dr. Savera brought his claim for attorneys’

fees against LabMD and LabMD's counsel. (Vol. I. R-112.) Shortly before the Order was filed, Dr. Savera withdrew his motion against LabMD's counsel pursuant to a settlement agreement. (Vol. I R-116.) This appeared to satisfy the trial court, which had already spoken disparagingly against LabMD's CEO, even though Mr. Fusco represented LabMD and neither the company nor its CEO could have advanced any of the arguments it did without Mr. Fusco's representation. Further, the Order, however, does not discuss the amount Dr. Savera recovered pursuant to this settlement agreement, which remains undisclosed. (Vol. I R-112-130.) It also did not discuss the potential conflict of interest Mr. Fusco faced at the hearing. (*Id.*) Rather, it awards Dr. Savera the full amount of attorneys' fees apportioned to the six claims that the trial court held warranted an award of attorneys' fees. (Vol. I R-129-130.) Therefore, the attorneys' fees awarded to Dr. Savera in the Order must be reduced by the amount Dr. Savera received pursuant to his settlement agreement with LabMD's counsel to prevent Dr. Savera from receiving an improper double recovery.

Additionally, Dr. Savera received an improper double recovery because the trial court did not set off the attorneys' fees that were paid by Admiral rather than Dr. Savera. In *Candler Hospital*, this Court held that "plaintiff can recover from

the jury all special damages provable, but cannot receive in judgment again what has already been paid by the defendant or on the defendant's behalf by an insurer." *Id.* at 422. This prohibition of "anything that exceeds a full and complete satisfaction of a single injury" applies to all cases under any theory. *Id.* at 422 n.1. Here, Admiral provided LabMD with insurance. (Def's Brief in Support of Def's Mot. for Fees at 8.) There is no dispute that pursuant to this insurance policy, Admiral paid \$250,000 to cover Dr. Savera's fees and costs in this litigation. As explained in *Candler Hospital*, where damages have been paid by an insurer, in whole or in part, prior to judgment and these same damages were awarded in a subsequent judgment, a set-off against the specific damages awarded is mandated to prevent a double recovery. *Id.* at 422; *see also MCG Health, Inc. v. Kight*, 325 Ga.App. 349, 353-54 (2013) ("To prevent a double recovery, Kight was not entitled to recover in judgment against the tortfeasor what has already been paid on the tortfeasor's behalf by an insurer.") (citations omitted). Thus, the trial court abused its discretion by failing to set off the specific damages awarded by the amount of the legal fees paid by Admiral.

In response to this insurmountable problem, Dr. Savera argues that the payment by Admiral is a payment from a collateral source and should not be

considered in making an award of attorney's fees (the argument raised in his response to LabMD's Application for appeal). Dr. Savera relies on *Andrews v. Ford Motor Co.*, 310 Ga. App. 449 (2011). This argument is without merit. In *Andrews*, this Court held that the collateral source rule "does *not* provide that a plaintiff is entitled to *collect* from both his or her insurer and from the defendant tortfeasor for the same item of damages. Such a double recovery is prohibited under fundamental equitable principles." *Andrews*, 310 Ga. App. at 451 (emphasis in original). See also, *Johnson v. State Farm Mut. Auto. Ins. Co.*, 216 Ga. App. 541, 545 (1995) (collateral source rule does not permit claimant to recover duplicate damages); *Orndorff v. Brown*, 197 Ga. App. 591 (1990) (trial court acted properly in crediting insurance benefits previously paid against the amount of the verdict to avoid duplicate damages).

Stated simply, a party "may not recover twice for the same loss." *Overstreet v. Ga. Farm Bur. Mut. Ins. Co.*, 182 Ga. App. 415, 417 (1987). "A set off or reduction of the amount of verdicts to reflect payments previously made to plaintiffs on the defendants' behalf has been approved, usually on the basis that such an adjustment avoids the payment of duplicate damages or a double recovery by plaintiffs." *Myers v. Thornton*, 224 Ga. App. 325, 326 (1997). The collateral

source rule is a rule of evidence of doubtful remaining validity, and even it does not allow a party to receive a double recovery. *See Andrews*, 310 Ga. App. at 451 (holding that even when the collateral source rule applies, a party is still not entitled to collect damages from his or her insurer and defendant.) Thus, the \$250,000 in defense costs paid by Admiral must be set off against the attorney's fees award of \$168,257.18 assessed against LabMD. After this setoff, LabMD does not owe any attorneys' fees to Dr. Savera.

In sum, the trial court abused its discretion by awarding attorneys' fees against LabMD without setting off (1) the amounts Dr. Savera recovered from LabMD's counsel pursuant to their settlement agreement; and (2) the amounts Admiral paid for Dr. Savera's coverage. The trial court's failure to consider these amounts in its award of fees created an invalid double recovery for Dr. Savera. *See Roofers Edge, Inc.*, 295 Ga. App. at 296 (affirming the trial court's denial of attorney fees under O.C.G.A. § 9-15-14 "because a second award of attorney fees would constitute an impermissible double recovery".) When set off is done properly, LabMD owes no attorneys' fees to Dr. Savera. Accordingly, the trial court's order granting any attorney's fees against LabMD should be reversed.

B. Enumeration Of Error No. 2: Whether The Trial Court Abused Its Discretion In Its Award Of Attorney's Fees By Including Fees Unrelated To Dr. Savera's Defense Of The Claims Subject To Sanctions

The trial court abused its discretion in including certain attorneys' fees items in the total assessed against LabMD. Counsel for LabMD raised objections to these items in its response to the motion for attorneys' fees and at the hearing. These items should be subtracted from the fees awarded, and, as a result, the fee amount set off against the settlement with LabMD's counsel and the Admiral payment should be even smaller.

In awards under O.C.G.A. § 9-15-14(b), "the trial court must limit the fees award 'to those fees incurred because of [the] sanctionable conduct.'" *Trotter v. Summerour*, 273 Ga. App. 263, 267 (2005) (quoting *Harkleroad v. Stringer*, 231 Ga. App. 464, 472 (1998)). See also, *Trotman v. Velociteach Project Mgmt., LLC*, 311 Ga. App. 208, 214 (2011) (following this rule); *Royston v. Bank of America*, 290 Ga. App. 556, 563 (2008) (following this rule).

The issue of what fees should be assessed arose in *Harkleroad v. Stringer*, 231 Ga. App. 464 (1998). In *Harkleroad*, the trial court awarded fees generated in (1) pursuing a rejected prejudgment-interest claim; (2) in prosecuting appeals to

the Georgia Court of Appeals; (3) in pursuing claims against a party in federal bankruptcy court; and (4) in post-judgment collection efforts. This Court reversed the award of fees for the following reasons:

The foregoing fees were not recoverable under OCGA § 9-15-14. (a) A trial court must limit sanctions to those fees incurred because of the sanctionable conduct, so fees incurred in pursuing an unsuccessful claim would not be recoverable. (b) the Morris, Manning attorneys cannot be liable for fees incurred in post-judgment collection as they had withdrawn long before that phase of the litigation. (c) OCGA § 9-15-14 does not authorize an award for the expenses of litigation incurred during proceedings before an appellate court of this state. (d) OCGA § 9-15-14 does not authorize an award of attorney fees or expenses for proceedings before a federal bankruptcy court; application of the statute is limited to courts of record where the Georgia Civil Practice Act applies.

Id. at 471.

In this case, the trial court apportioned all of the fees sought by Dr. Savera's counsel to defending claims asserted by LabMD. (Vol. I R-117, 129-130.) As a result, the trial court imposed reimbursement for the following improper fees:

- (1) Fees related to litigating Dr. Savera's counterclaims (Vol. III MT-Ex. D-2 May 8, 2013; Vol. III MT-Ex. D-1 Oct. 13, 2011 Invoice at 8, Jan. 20, 2012 Invoice at 8, April 4, 2012 Invoice at 3, May 8, 2013);
- (2) Fees related to Dr. Savera's 401K account, COBRA payments and other employment benefit issues (Vol. III MT-D-2 May 31, 2010 Invoice at 1, June 30, 2010 Invoice at 1-2, July 31, 2010 Invoice at 1 May 8, 2013; Vol. III MT-Ex. D-1 Oct. 13, 2011 Invoice at 8, Jan. 20, 2012 Invoice at 8, April 4, 2012 Invoice at 3, May 8, 2013);
- (3) Fees related to communications with Admiral regarding negotiation of a non-waiver agreement and the status of the litigation (Vol. III MT-20-21 May 8, 2013; *Id.* Ex. D-1 April 7, 2011 Invoice at 5-6);
- (4) Fees related to a separate declaratory judgment action filed by Admiral: *Admiral Insurance Company v. LabMD, Inc. and Adnan Tabrez Savera, M.D.*, civil action number 2011cv197374 (Vol. III MT-Ex. D-2 April, 2011 Invoice at 2-3 May 8, 2013);

- (5) Fees related to handling non-party discovery in the civil action:
LabMd, Inc. v. Corey Dayley (Vol. I R-45; Vol. III MT-22-24 May 8, 2013; Vol. III MT-Ex. D-1 Oct. 13, 2011 Invoice at 2, Aug. 8, 2012 Invoice at 3); and
- (6) Fees related to defending Dr. Savera in the *Chad Miller* civil action (Vol. III MT-94 May 8, 2013).

These fees are not incurred because of the sanctionable conduct in this action. As a necessary predicate to issuing an award of fees under O.C.G.A. 9-15-14, “the trial court must determine that the fees were unwarranted and amassed **solely** as a result of abusive conduct by the party against whom they were assessed.” *Hindu Temple and Comm. Ctr. of the High Desert, Inc.*, 311 Ga.App. 109, 118-119 (2011) (emphasis added). Accordingly, this Court should remand this matter so that the trial court may apportion the fees related to the above-referenced list and reduce any fee award by that amount.

Moreover, the trial court assessed the total amount of attorney’s fees requested by Dr. Savera’s counsel, \$8,568.50, in preparing the motion for attorney’s fees, even though fees were not awarded as to three of the claims at issue. (Vol. I R-129-130.) The trial court abused its discretion by awarding fees

related to claims not subject to sanctions, and this award of \$8,568.50 should be reduced.

Because the amount of attorneys' fees assessed against LabMD, \$168,257.81, includes many entries not incurred because of the sanctionable conduct in this action, the fee award should be greatly reduced.

If this Court agrees with LabMD's arguments pursuant to Enumeration of Error Number 1, then remand of the fee calculations will not be necessary because after set off of the Admiral payments and the amount Dr. Savera received pursuant to this settlement agreement with LabMD's counsel, the fee amount owed by LabMD, even with the improper fee entries, is zero.

III. CONCLUSION

With this case, the Court is presented with what can only be described as an unusual hearing on attorneys' fees. The attorney representing the corporation was also facing potential sanctions and had his own counsel. The Court criticized Appellant and its CEO, even though neither could bring the arguments the Superior Court without the assistance of its counsel. Whether consideration of the legal conflict, the Court's commentary, or the pure legal errors in failing to apportion damages and award them for matters that failed to meet the statutory standard, this

Court is provided with numerous and independent bases to reverse the trial court's erroneous order.

For the foregoing reasons, LabMD respectfully requests that the trial court's award of attorneys' fees against LabMD be reversed on the grounds that it is an improper double recovery of attorneys' fees for Dr. Savera. In addition, the total amount of attorneys' fees assessed contains fees unrelated to Dr. Savera's defense of the claims subject to sanctions under O.C.G.A. § 9-15-14(b) and should be reduced.

Respectfully submitted this 12th day of May, 2014.



Josh Belinfante

Georgia Bar No. 047399

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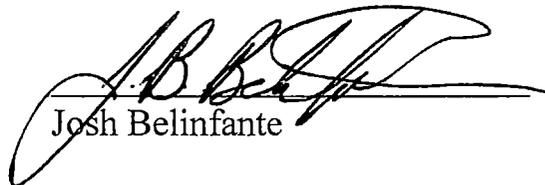
Attorney for Appellant, LabMD, Inc.

CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of **BRIEF OF APPELLANT** by filing the same with the Georgia Court of Appeals e-filing system and depositing a hard-copy of the same in First Class Mail addressed to the following:

Robert B. Hill
Ernest L. Beaton IV
McLAIN & MERRITT, PC
3445 Peachtree Road, NE
Suite 500
Atlanta, Georgia 30326

This 12th day of May, 2014.


Josh Belinfante

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

May 14, 2014

To: Michael J. Bowers, Esq., Balch & Bingham, LLP, 30 Ivan Allen Jr., Boulevard, N.W.,
Suite 700, Atlanta, Georgia 30308

Case Number: _____ Lower Court: _____ County Superior Court

Court of Appeals Case Number and Style: _____

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

- There is no case found in the Court of Appeals under the names of Jorge Maciel nor Juan Sanchez.**
- 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 _____ is: _____
- If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.

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

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& BINGHAM LLP

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CLERK COURT ADMINISTRATOR
COURT OF APPEALS OF GA

May 6, 2014

VIA HAND DELIVERY

Ms. Holly K.O. Sparrow
Clerk of the Court
Court of Appeals of Georgia
47 Trinity Avenue SW, Suite 501
Atlanta, Georgia 30334

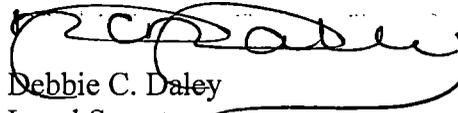
Re: Jorge Maciel and Juan Sanchez v. Stampeding for Success, LLC
Appeal No. _____
Civil Action File No. 2013-CV-239634

Dear Ms. Sparrow:

Enclosed please find one original and four copies of the **Appellee's Motion to Dismiss Appeal** for filing with the Court of Appeals. Please file the original and return the date stamped copies to the waiting courier.

If you have any questions, please do not hesitate to contact me at (404) 962-3528.

Sincerely,


Debbie C. Daley
Legal Secretary

:dcd

Enclosures

cc: Nanette L. Wesley, Esq. (w/encl.)

IN THE COURT OF APPEALS
STATE OF GEORGIA

JORGE MACIEL and JUAN
SANCHEZ,

Appellants,

v.

STAMPEDING FOR SUCCESS,
LLC,

Appellee.

APPEAL NO. _____

Civ. Action No. 2013-CV-239634

FILED IN OFFICE

MAY 06 2014

CLERK COURT OF
APPEALS OF GEORGIA

APPELLEE'S MOTION TO DISMISS APPEAL

Defendant Stampeding for Success, LLC ("Appellee") hereby files this Motion to Dismiss Appeal pursuant to O.C.G.A. § 5-6-48(b)(2) and Georgia Court of Appeals Rule 41(c). For the reasons set forth below, Appellee requests that this Court dismiss the frivolous, untimely appeal submitted by Plaintiffs Jorge Maciel and Juan Sanchez ("Plaintiffs") because it is moot, premature, and procedurally improper.

I. STATEMENT OF RELEVANT FACTS

This appeal is premature. On April 11, the trial court entered a non-final (1) Order on Declaratory Judgment, and (2) Order Cancelling Lis Pendens (collectively, the "Orders"). The Appeal must be dismissed because neither of the Orders is a final appealable order. Thus, this Court does not have jurisdiction pursuant to O.C.G.A. §§ 5-6-34(a) or 9-4-2(a) as alleged by Appellants.

Specifically, this Motion results from the Plaintiffs' completely improper Notice of Appeal (attached hereto as **Exhibit A**) filed on April 25, 2014, after having been denied a certificate of immediate review by the trial court. This filing appears to have been done by the Plaintiffs to improperly delay Defendant's sale of Henderson Arena to a third party pursuant their Real Estate Purchase Agreement.

Appellee owns an event facility known as Henderson Arena in Fulton County, Georgia. Appellee leased Henderson Arena to Plaintiffs pursuant to that certain Lease Agreement dated March 5, 2013 (the "Lease"). The Lease gives the Lessees an option to purchase Henderson Arena if Lessor receives a bona fide purchase offer from a third-party. Plaintiffs concede that Defendant advised Plaintiffs of a bona fide third-party offer to purchase the Premises for \$1,800,000 ("Offer"), but did not believe that a bona fide offer had been received. Plaintiffs do not allege that they attempted to exercise their purchase option; rather, Plaintiffs' allege the purchase option was not triggered.¹

Plaintiffs were denied a certificate of interlocutory appeal pursuant to O.C.G.A. § 5-6-34(b), but filed an appeal anyway. On Friday, April 18, 2014, counsel for Plaintiffs sent an email to the trial court that asked "if the Court would entertain a request for a Certificate of Immediate Review, pursuant to O.C.G.A. § 5-6-34(b), for its Order dated April 10, 2014 [sic], dismissing the declaratory

¹ Verified Third Amended Complaint ¶¶ 27, 33; attached as **Exhibit B**.

portion of this claim? We believe that the issues on which the Plaintiffs sought declaratory relief are of such importance that immediate review should be granted. We therefore respectfully request that the Court grant such a certificate. Given the date of the ruling, time is of the essence[.]” The trial court replied succinctly on Monday, April 21, 2014 that it “is going to deny the request.”

See Exhibit C.

On Friday, April 25, 2014, Plaintiffs filed a Notice of Appeal anyway. Plaintiffs’ Notice of Appeal is frivolous warrants dismissal for at least four reasons:

1. The Order on Declaratory Judgment is moot, the Plaintiffs having filed a Verified Third Amended Complaint on April 7, 2014 that did not assert a claim for declaratory judgment. *See Exhibit B;*
2. The non-final Orders entered April 11, 2014 are not within the categories of orders directly appealable under O.C.G.A. § 5-6-34(a);
3. Appellate review under O.C.G.A. § 5-6-34(b) is unavailable because Plaintiffs did not obtain a certificate of interlocutory review of the Court’s April 11, 2014 non-final Orders prior to filing their Notice of Appeal;
4. The appeal is untimely pursuant to O.C.G.A. § 5-6-34(b), which requires requests for a certificate of interlocutory appeal to be submitted within ten days of the trial court’s order.

The Notice of Appeal was filed to thwart the Court’s cancellation of lis pendens; this act of desperation was taken for the sole purpose of preventing or delaying the Defendant’s sale of the Property to a third party pursuant to their Real Estate Purchase Agreement.

II. ARGUMENT AND CITATION OF AUTHORITY

Appellee files this Motion pursuant to Georgia Court of Appeals Rule 41(d), which provides that this Court may dismiss an appeal “[w]henever it appears the Court has no jurisdiction.” Appellants’ Notice of Appeal states that it is filed pursuant to O.C.G.A. § 9-4-2(a) or in the alternative, O.C.G.A. § 5-6-34(d). Notice of Appeal at p. 1. The Appellants’ reliance on O.C.G.A. § 9-4-2(a) is misguided. That Code section states a “declaration shall have the force and effect of a final judgment or decree and be reviewable as such.” If the trial court had entered a declaration, it would be directly appealable *by the Defendant/Appellee*. But the plain, unambiguous language of this Code section makes clear that the trial court’s *refusal* to enter a declaration is not directly appealable by Appellants.

O.C.G.A. § 5-6-34(d) does not authorize this appeal either. This Code section is a catch-all provision that addresses appeals made under subsections (a), (b), or (c). Section 5-6-34(a) provides that an appeal may be taken to the Court of Appeals from a “final judgment[], that is to say, where the case is no longer pending in the court below” O.C.G.A. § 5-6-34(a)(1). “Generally, an order is final and appealable when it leaves no issues remaining to be resolved, constitutes the court’s final ruling on the merits of the action, and leaves the parties with no further recourse in the trial court.” *Thomas v. Douglas County*, 217 Ga. App. 520,

522, 457 S.E.2d 835 (1995). An appeal under O.C.G.A. § 5-6-34(b) requires certification by the trial court, which it has expressly refused to grant. Subsection (c) applies to criminal appeals, and is inapplicable.

Where, as here, an issue remains to be resolved, the case is still pending in the trial court because no final judgment exists; therefore, any appeal pursuant to O.C.G.A. § 5-6-34(a)(1) at that point is premature and must be dismissed. *See Jones v. Singleton*, 253 Ga. 41, 41, 316 S.E.2d 154 (1984) (affirming the dismissal of notice of appeal where the case was not final under O.C.G.A. § 5-6-34(a)(1) because the issue of damages remained unresolved); *Williams v. City of Atlanta*, 263 Ga. App. 113, 114, 587 S.E.2d 261, 262 (2003) (dismissing appeal where issues remained unresolved, no certification under O.C.G.A. § 9-11-54(b) was obtained, and appeal was not brought under the interlocutory procedures in O.C.G.A. § 5-6-34(b)); *Hogan Mangement Services, P.C. v. Martino*, 255 Ga. App. 168, 168, 483 S.E.2d 148, 149 (1997) (dismissing appeal where procedures were not followed pursuant to O.C.G.A. §§ 5-6-34(b) or 9-11-54(b)); *Whiddon v. Stargell*, 192 Ga. App. 826, 826, 386 S.E.2d 884, 885 (1989) (same); *Havischak v. Neal*, 176 Ga. App. 203, 203, 335 S.E.2d 469 (1985) (dismissing an appeal where no final judgment for purposes of § 5-6-34(a) existed because the issue of damages remained outstanding); *Tomberlin Associates Architects, Inc. v. Athens Bank & Trust*, 158 Ga. App. 659, 659-60, 281 S.E.2d 645 (1981) (dismissing an appeal

where judgment was not a “final judgment” because defendant’s counterclaim remained pending and the order did not dispose of plaintiff’s amendment to complaint based on quantum meruit); *Cleveland v. Watkins*, 159 Ga. App. 885, 886, 285 S.E.2d 546, 547 (1981) (dismissing appeal as premature when counterclaim remained viable and pending); *Marsh v. Allgood*, 118 Ga. App. 773, 773, 165 S.E.2d 479, 480 (1968) (dismissing appeal where judgment appealed was neither from a final judgment nor one certified by the trial court for review). The Appellants cannot appeal under O.C.G.A. § 5-6-34(b) because the trial court refused to issue a certificate of interlocutory appeal. *See* Exhibit C.

In the present case, Appellants’ appeal must be dismissed as premature because: (1) the express language of each Order demonstrates that it is not a final order; (2) the Order does not end the proceedings in this matter; and (3) the Orders do not grant the complete relief requested by either party because claims and counterclaims remain pending. Moreover, the appeal of the Order on Declaratory Judgment is moot because the Plaintiffs’ amended complaint does not contain a claim for declaratory judgment. *See* Exhibit A.

First, the express and plain language of each Order indicates that neither is a final, appealable order. Specifically, the Order Cancelling Lis Pendens requires the clerk to cancel and remove the lis pendens filed by Plaintiffs. The Order states that “[u]ntil it has been determined that the Defendant has breached the contract

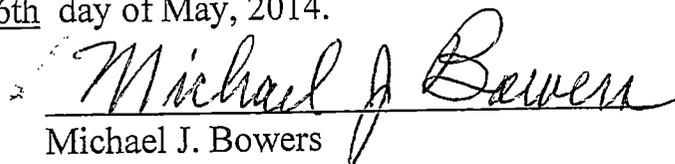
between the parties, the Plaintiffs can ask only for the opportunity to enter into a purchase and sale agreement.” This language expressly indicates that this Order was not intended as a final order. The Order on Declaratory Judgment also contains express language that indicates it is not a final order: “what the Plaintiffs have is a breach of contract action, not a declaratory judgment action.” The breach of contract action remains pending, although the Plaintiffs’ amended complaint no longer contains a claim for declaratory judgment. Thus, Appellants’ Appeal must be dismissed. *See* O.C.G.A. § 5-6-48(b)(2)(An appeal shall be dismissed “where the decision or judgment is not then appealable”).

Second, the Order does not end the proceedings in this matter. In fact, the trial court references the issues that remain to be resolved in future proceedings; therefore, the Order is not an appealable “final judgment.” *See Williams v. City of Atlanta*, 263 Ga. App. 113, 114-115, 587 S.E.2d 261, 262 (2003) (when issues remain to be resolved, an order clearly does not constitute the trial court’s final ruling on the merits of the action); *Jones v. Singleton*, 253 Ga. 41, 41, 316 S.E.2d 154 (1984); *Thomas*, 217 Ga. App. at 522, 457 S.E.2d 835. Thus, Appellants’ Appeal must be dismissed. *See* O.C.G.A. § 5-6-48(b)(2).

Third, Appellants’ Appeal is not of a final order because the Orders do not grant the complete relief requested by either party. Although the Orders granted Appellee relief with respect to the dismissal of a claim and cancellation of the

improperly-filed lis pendens, the court's Order did not address the Appellants' remaining claims or Appellee's Counterclaims. These issues, therefore, remain outstanding. The Orders are not directly appealable because the express language of each Order indicates it is not a final order, because the Order does not end the proceedings, and because the Order does not resolve all pending issues before the trial court. Pursuant to O.C.G.A. § 5-6-48(b)(2) and Rule 41(d) of the Georgia Court of Appeals, therefore, this Court should dismiss Appellants' Notice of Appeal.

Respectfully submitted this 6th day of May, 2014.



Michael J. Bowers
Georgia Bar No. 071650

Joshua M. Moore
Georgia Bar No. 520030

BALCH & BINGHAM LLP

30 Ivan Allen, Jr. Blvd. NW, Suite 700
Atlanta, Georgia 30308

Telephone: (404) 962-3540

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mbowers@balch.com

J. Domenic "Nic" Greco, II, Esq.

The Greco Law Firm, Inc.

60 B Eastbrook Bend

Peachtree City, GA 30269-1530

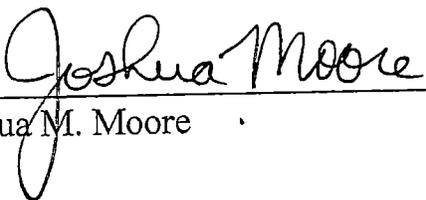
Greco@thegrecolawfirm.com

Attorneys for Appellee

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **APPELLEE'S MOTION TO DISMISS APPEAL** has been served upon the following by U.S. Mail, properly addressed and postage prepaid, on this the 6th day of May, 2014.

Nanette L. Wesley, Esq.
Skedsvold, White & Wesley, LLC
1050 Crown Pointe Parkway, Suite 710
Atlanta, Georgia 30338



Joshua M. Moore



The Court of Appeals
Office of the Clerk
47 Trinity Avenue • Suite 501
Atlanta, Georgia 30334

STEPHEN E. CASTLEN
CLERK/ COURT ADMINISTRATOR

(404) 656-3450
castlens@gaappeals.us

May 15, 2014

Mr. Rodriguez Abercrombie
GDC506133 J-D-214
Riverbend Correctional Facility
196 Laying Farm Road
Milledgeville, Georgia 31061

RE: A14A0179. Rodriguez Abercrombie v. The State

Dear Mr. Abercrombie:

Your case is still pending before the Court. Your case was docketed in the January 2014 Term and a decision must be rendered by the Court by the end of the April 2014 Term which ends on July 31, 2014.

Sincerely,

A handwritten signature in cursive script that reads "Stephen E. Castlen".

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

SEC/ld

May 12, 2014

Hello my name is Rodriguez Liberomble
my docket number is A14A0179. I want
to know the ruling on my case if
they have made one I was sentenced
to 30 years in prison. If you could
will you let me know if my case
is under review? Thank you for your
time and help.

Thank you

Rod Liberomble

RECEIVED IN OFFICE
2014 MAY 14 PM 5:10
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

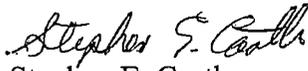
May 6, 2014

Mr. Carter Arnold, Jr.
GDC367195
Telfair State Prison
Post Office Box 549
Helena, Georgia 31037

Dear Mr. Arnold:

In response to your correspondence received in this office, we do not have a case styled in your name pending in this Court. We are returning your letter copy because we do not have an appeal to append your copy.

Sincerely,


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

SEC/ld
Enclosure

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

2014 MAR -6 PM 1:22

RECEIVED IN OFFICE

Attn: Beth C. GREENE, Clerk
Superior Court of Lowndes County
Post Office Box 1514
Valdosta, Georgia 31603

HELINA, GEORGIA 31037
Post Office Box 549
Telfair State Prison
Carter Arnold, #367195

RE: State of Georgia - vs. - Carter Arnold, Indictment #
2013-CR-145

April 29, 2014

Mrs. GREENE:

I am in dire need of some sense of confirmation of
you having received notification of my most recent
change of address per the advice of Hon. Frank

Horkan. As an indigent defendant, who was
tried and persecuted in the Superior Court of
Lowndes County on October 7th and 8th, 2013, and pursuant

to the law of Roberts v. L. Valle, 389 U.S. 40, 88 S.Ct.

194, 19 L. Ed. 2d 41 (1967), I am writing you once again
in request of a printout of my Index Docket

Sheet. Your prompt response will be most utterly
appreciated.

Respectfully,

~~Carter Arnold, Sr.~~
Carter Arnold, Sr.

Certificate Of Service

Georgia, Lowndes County.

The undersigned Defendant/Appellant, Pro SE, in the preceding page and foregoing action hereby certify that he has this day deposited the same in the United States Postal Service depository, pursuant Houston - vs. - Lack, 487 U.S. 266, 273-276, 108 S.Ct. 2379 (1988) (pro SE motion/pleading deemed filed on the day it is delivered for mailing to prison authorities), properly addressed and with the sufficiently required postage to:

Beth C. Greene, Clerk
Superior Court of Lowndes County
P.O. Box 1349
Valdosta, GA. 31603

% Clerk
Georgia Court of Appeals
47 Trinity Avenue S.W.
Atlanta, GA. 30334

Meredith Brasher, Asst. D.A.
Post Office Box 99
Valdosta, GA. 31603

Date:
4/29/2014

Respectfully,
Carter Arnold, Jr.
Carter Arnold, Jr.
Defendant/Appellant, Pro SE.

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

May 6, 2014

Mr. Denver Allen
GDC1149092
Augusta State Medical Prison
3001 Gordon Highway
Grovetown, Georgia 30813

Dear Mr. Allen:

We are not quite sure what you are attempting to file with this Court. You may intend this to be a Habeas Corpus application. If so, habeas corpus matters should be filed with the Supreme Court, not the Court of Appeals. If this is intended to be an application to appeal in our Court, you must, among other things, include a cover page indicating which Court you are filing in, payment of the filing fee or a proper pauper's affidavit, include the order that you are appealing and a proper Certificate of Service.

We are returning all your documents that you submitted to this Court.

Sincerely,



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

SEC/ld
Enclosures

RECEIVED IN OFFICE

2014 MAY -5 PM 12:21

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA



I was in Isolation
 at time for appeal. I
 cannot go to the law
 library please Grant a
 30 day appeal. Read
 over my chart before
 making a decision,
 please look at my cases & send my
 papers back. I don't have copies. Again I
 I couldn't file an appeal because
 I was on Adm. Segregation.

10A-2



GEORGIA DEPARTMENT OF CORRECTIONS
Augusta State Medical Prison
3001 Gordon Highway
Grovetown, Georgia 30813
706-855-4700
FAX 706-869-7933



Sonny Perdue
Governor

Brian Owens
Commissioner

MEMORANDUM

DATE: May 10, 2010
TO: Inmate Allen, Denver (1149092)
FROM: Scott Wilkes, Deputy Warden for Care and Treatment *[Signature]*
RE: Sentence Computation

According to your records, you were serving a probated sentence, which began 2/1/2005 and was not due to end until 8/31/2008 for Violation of Motor Vehicle Law and Violation of the Georgia Controlled Substance Act.

You were charged with Armed Robbery, Kidnapping, False Imprisonment, and Possession of a firearm by a convicted felon in Bartow County on 4/2/2005. On 7/22/2008 you were convicted of False Imprisonment and sentenced to serve three years in prison and then seven years on probation.

On 7/22/2008 you were sentenced to serve three years in prison and then seven on probation. You were given credit for 1207 days in jail and were released on probation.

On 7/20/2009 you were charged with Causing a Riot in a Penal Institution, Mutiny in a Penal Institution, three counts of Felony Obstruction and Terroristic Threats. Your probation was revoked and your sentence was amended. **On 9/1/2009 you were ordered to serve 5 years, 6 months, and 30 days in prison.** Your maximum release date is 3/30/2015.

The Department of Corrections is charged with enforcing the sentence imposed by the court. If you feel the sentence is wrong, you must discuss the issue with the court. Parole will consider your case according to their standards. GDC has no control over the Parole Board's decisions.

FILED
U.S. DISTRICT COURT
SAVANNAH DIV.

FORM FOR USE IN APPLICATIONS
FOR HABEAS CORPUS UNDER 28 U.S.C. Section 2254

2012 AUG 30 AM 11:22

Denver Fenton Allen
Name

CLERK
SO. DIST. OF GA.

CV 4 12 - 222

1149092
Prison Number

Augusta State Medical Prison, 3001 Gordon Hwy., Grovetown, Ga. 30813

Place of Confinement

United States District Court Southern District of Georgia

Case No: _____
(To be supplied by Clerk of U. S. District Court)

Denver Fenton Allen
(Full Name) (Include name under which you were convicted)

v.

Warden Dennis Brown
(Name of Warden, Superintendent, Jailor, or authorized person having custody of petitioner)

and

THE ATTORNEY GENERAL OF THE STATE OF Georgia
Samuel S. Olenz, ADDITIONAL RESPONDENT.

(If petitioner is attacking a judgment which imposed a sentence to be served in the future, petitioner must fill in the name of the state where the judgment was entered. If petitioner has a sentence to be served in the future under a federal judgment which he wishes to attack, he should file a motion under 28 U.S.C. Section 2255, in the federal court which entered the judgment.)

PETITION FOR WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY

INSTRUCTIONS—READ CAREFULLY

- (1) This petition must be legibly handwritten or typewritten, and signed by the petitioner under penalty of perjury. Any false statement of a material fact may serve as the basis for prosecution and conviction for perjury. All questions must

-2-

be answered concisely in the proper space on the form.

- (2) Additional pages are not permitted except with respect to the facts which you rely upon to support your grounds for relief. No citation of authorities need be furnished. If briefs or arguments are submitted, they should be submitted in the form of a separate memorandum.
- (3) Upon receipt of a fee of \$5 your petition will be filed if it is in proper order.
- (4) If you do not have the necessary filing fee, you may request permission to proceed in forma pauperis, in which event you must execute the declaration on the last page, setting forth information establishing your inability to prepay the fees and costs or give security therefor. If you wish to proceed in forma pauperis, you must have an authorized officer at the penal institution complete the certificate as to the amount of money and securities on deposit to your credit in any account in the institution. If your prison account exceeds \$ you must pay the filing fee as required by the rule of the district court.
- (5) Only judgments entered by one court may be challenged in a single petition. If you seek to challenge judgments entered by different courts either in the same state or in different states, you must file separate petitions as to each court.
- (6) Your attention is directed to the fact that you must include all grounds for relief and all facts supporting such grounds for relief in the petition you file seeking relief from any judgment of conviction.
- (7) When the petition is fully completed, the original and two copies must be mailed to the Clerk of the United States District Court whose address is Post Office Box 8286, Savannah, Georgia, 31412.
- (8) Petitions which do not conform to these instructions will be returned with a notation as to the deficiency.

PETITION

1. Name and location of court which entered the judgment of conviction under attack Bartow County Superior Court, 135 West Cherokee Avenue, Cartersville, Georgia 30120

2. Date of judgment of conviction July 22, 2008
3. Length of sentence 10 yrs.
4. Nature of offense involved (all counts) ct.#1 Armed Robbery, ct.#2 Kidnapping, ct.#3 False Imprisonment, ct.#4 Possession of a Fire-arm by convicted Felon
5. What was your plea? (Check one)
(a) Not guilty ()
(b) Guilty ()
(c) Nolo contendere ()
If you entered a guilty plea to one count or indictment, and a not guilty plea to another count or indictment, give details:
The prosecutors threatened + coerced into guilty plea on one count, to have the rest quitted/dismissed. I had no choice. They wouldn't even let me go to trial.
6. Kind of trial: (Check one)
(a) Jury ()
(b) Judge only ()
7. Did you testify at the trial? Yes () No ()
8. Did you appeal from the judgment of conviction? Yes () No ()
9. If you did appeal, answer the following:
(a) Name of court _____
(b) Result _____
(c) Date of result _____
10. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this judgment in any court, state or federal? Yes () No ()
11. If your answer to 10 was "yes", give the following information:
(a) (1) Name of court Richmond County Superior Court
(2) Nature of proceeding Habeas Corpus
(3) Grounds raised I had 15 grounds that are too much for this area. Mainly Involuntary guilty plea + ineffective assistance of counsel. I'll attach those 15 grounds to this complaint. I was given a continuance to present additional ground + submitted 7 more, not yet responded to.

re: seeking

(4) Did you receive an evidentiary hearing on your petition, application or motion? Yes () No ()

(5) Result Judge Annis threatened me + a continuence.

(6) Date of result I have not got any results court on 01-27-12.

(b) As to any second petition, application or motion give the same information:

(1) Name of court _____

(2) Nature of proceeding _____

(3) Grounds raised _____

(4) Did you receive an evidentiary hearing on your petition, application or motion? Yes () No ()

(5) Result _____

(6) Date of result _____

(c) As to any third petition, application or motion, give the same information:

(1) Name of court _____

(2) Nature of proceeding _____

(3) Grounds raised _____

(4) Did you receive an evidentiary hearing on your petition, application or motion? Yes () No ()

(5) Result _____

(6) Date of result _____

(d) Did you appeal to the highest state court having jurisdiction the result of action taken on any petition, application or motion:

(1) First petition, etc. Yes () No ()

(2) Second petition, etc. Yes () No ()

(3) Third petition, etc. Yes () No ()

(e) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not: _____

-5-

12. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.

CAUTION: In order to proceed in the federal court, you must ordinarily first exhaust your state court remedies as to each ground on which you request action by the federal court. If you fail to set forth all grounds in this petition, you may be barred from presenting additional grounds at a later date.

For your information, the following is a list of the most frequently raised grounds for relief in habeas corpus proceedings. Each statement preceded by a letter constitutes a separate ground for possible relief. You may raise any grounds which you may have other than those listed if you have exhausted all your state court remedies with respect to them. However, you should raise in this petition all available grounds (relating to this conviction) on which you base your allegations that you are being held in custody unlawfully.

Do not check any of these listed grounds. If you select one or more of these grounds for relief you must allege facts. The petition will be returned to you if you merely check (a) through (j) or any one of these grounds.

- (a) Conviction obtained by plea of guilty which was unlawfully induced or not made voluntarily with understanding of the nature of the charge and the consequences of the plea.
- (b) Conviction obtained by use of coerced confession.
- (c) Conviction obtained by use of evidence gained pursuant to an unconstitutional search and seizure.
- (d) Conviction obtained by use of evidence obtained pursuant to an unlawful arrest.
- (e) Conviction obtained by a violation of the privilege against self-incrimination.
- (f) Conviction obtained by the unconstitutional failure of the prosecution to disclose to the defendant evidence favorable to the defendant.
- (g) Conviction obtained by a violation of the protection against double jeopardy.
- (h) Conviction obtained by action of a grand or petit jury which was unconstitutionally selected and impaneled.
- (i) Denial of effective assistance of counsel.
- (j) Denial of right of appeal.

-6-

(Prosecutorial Misconduct)

- A. Ground one: Judge, Micheal Annis basically threatened me, sayin' he'd re-arraign me on all charges.
Supporting FACTS (tell your story briefly without citing cases or law): I was tryin' to get annis to Dismiss the whole case & let me go, or intimidated by all grounds in my complaint. Annis was real nice & smooth with his threat. He used faces & body language. He made it clear he should give me relief, but due to his misconduct, would not. He acted un-concerned that there was a miscarriage of Justice in play. Very Unprofessional!
- B. Ground two: Unlawfully induced guilty plea. Sharon Fox & Chris Paul threatened me with a life sentence.
Supporting FACTS (tell your story briefly without citing cases or law): Paul made contact with me in CSH, & told me IF I don't take the plea that Fox said, shed make sure I got life & 40. It ended up with Paul having me sign some papers & go over the guilty plea, like he was the Judge & I was the Culprit. He made it clear the plea was non-negotiable. I found thier mis-conduct to be very unprofessional. Real story.
- C. Ground three: Ineffective assistance of counsel at Habens Corpus Hearing. (Perjury) Paul got caught lying.
Supporting FACTS (tell your story briefly without citing cases or law): Paul told lies. And did not try to assist in my relief, in any other form than stating to the Court I was not suppose to be in Prison, which I'm not. He told Annis or AG I was late on asking to file the appeal, after he done stated it never happened. You could pull my phone # for late July & early August 2008 & Paul's office. That'll give you a time-frame. My # at that time was 770-336-5012 & his 678-121-3254. Paul was not askin' any questions, or standing for me at all. In his facial expression, body language & tone, he could have cared less. I think he should be dis-bared from Georgia & not allowed to practice in any other State.
- D. Ground four: Conviction obtained by use of evidence obtained pursuant to an Unlawful arrest.
Supporting FACTS (tell your story briefly without citing cases or law): Marc Barrere gathered statements from Crystal Williams & Pagan Gayton stating I had a gun. Guess what? Guns do not committ crimes people do. I think Barrere used that to seal an indictment & leached onto to force a plea & if I argued my case after forced plea. Very unprofessional. I was Framed.

Statement of your Claims
(continued)

23.

(A)

Ground twenty three: Willful Prosecutorial Mis-conduct

Supporting Facts: Would not let me present or speak on ALL grounds, as writtin' in State Habeas Court. They picked + choosed grounds to talk of. I asked to read every ground off, then elaborate fully of said grounds + refused the right to do so by either Judge or AG. They know that I'm not suppose to be in prison + all my grounds are well founded.

Statement of your Claims

24.

Ground Twenty four: Conviction obtained by a violation of the privilege against self incrimination.

Supporting facts: I'm the one that told Investigator to be contact'd Crystal Williams + Pegan because they could testify I did not have money. Subsequently, Barre used the fact they said I had a gun to incriminate myself.

Statement of your Claims

25.

Ground twenty five (Conviction obtained by the Unconstitutional)
Failure of the prosecution to disclose to the Defendant
evidence favorable to the defendant.

Supporting facts: I sent Good & Paul stacks of requests
to retrieve all kinds of evidence in states custody, etc.
that would clearly prove my innocence. All they did
was exfiltrate records & fabricate my evidence, in
a way to make it appear to be theirs. All they
sent me was stacks of papers that were used
to medal with & none of the record I asked for,
but in some of those stacks it did say the
evidence exist in states hands.

Statement of your Claims

26.

Ground twenty six: Conviction obtained by use of coerced confession.

Supporting Facts: Again, it was like prosecution was corroborating a play around my confession in court on 07-22-08. For contrivedly made false statements in court & even made me say I was delusional.

FRAME

Statement of your Claims

27.

Ground twenty seven: Conviction obtained by action of a grand or petit Jury which was unconstitutionally selected and impaneled.

Supporting facts: I believe grand jury was not fairly chosen. I was not allowed to ask any questions of them & was not, or did not partake in choosin' them. Prosecution did it in a way to secure Indictment & later conviction.

Statement of your Claims

28.

Ground twenty eight: Exfixiation. I was told by Lt. Palone that's what was going on & by my pet rilly polly that, that far exceeds a 7th grade education.

Supporting facts: Everytime I ask for client file material containing my documented requests for records & so fourth, Tony Goss' submits another statement revolving around my evidence. How can you change your statement?

Prayer For relief & a Federal Evidentiary hearing:

I want a Court hearing. I want to go over each individual fact/ground & documents relief to further into a Fed. lawsuit against the FBI & the USA ^{per every 8 months,} For Grave Negligence, topple' 25 Billion Dollars, political & Diplomatic immunity, Full acquittal of all outstanding issues & so fourth. 5' poppin', 6 droppin'. State Court Granted me another hearing to Submit add. grounds & I want it in Federal Court. This could easily turn into a Trillion \$ situation, according to what I gotta do for media coverage & an attorney. They've already seg. me & I've begun to start hunger strike. Goal, which is torture, is a 30 to 90 day fast, in order to get out of hole. Not to mention FED have Jurisdiction over Jail, I received brain trauma inn. I want 250 Billion. Class Action & Goal Trillion \$ personal claim, pending or in foot documentation of.

Sue Wood



The Court of Appeals
Office of the Clerk
47 Trinity Avenue • Suite 501
Atlanta, Georgia 30334

STEPHEN E. CASTLEN
CLERK/ COURT ADMINISTRATOR

(404) 656-3450
castlens@gaappeals.us

May 15, 2014

Mr. Jason Bourassa
1606 Annas Way
Monroe, Georgia 30656

RE: A13A0092. Jason Bourassa, et al. v. The State

Dear Mr. Bourassa:

I received on May 14, 2014, the Petition for Writ of Mandamus dated May 12, 2014. An Application for Writ of Mandamus is filed in the superior court of the county of the public official whose conduct you intend to mandate. An appeal from the trial court's order on the Application for Writ of Mandamus is to the Supreme Court of Georgia, not the Court of Appeals.

I am returning your documents so you may use them for future proceedings.

Sincerely,

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

SEC/ld
Enclosures

COVER LETTER

RECEIVED IN OFFICE
2014 MAY 14 PM 5:02
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

May 12, 2014

Honorable Clerk *STEPHEN Castlen*
Court of Appeals of Georgia
47 Trinity St. S.W., *Suite 501*
Atlanta, Ga 30303

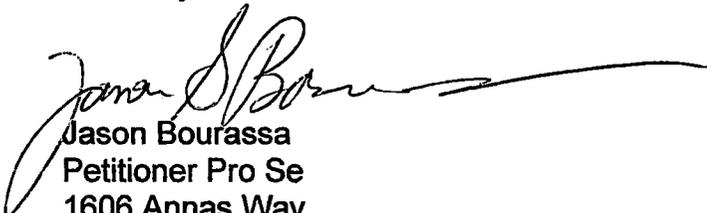
Re: Bourassa et al v. State of Georgia
Case No.: A13A0092

Dear Honorable Clerk:

Enclosed herein please find Original Petition for Writ of Mandamus and Verification and two copies.

Thanks in advance for all your assistance in this matter.

Sincerely,


Jason Bourassa
Petitioner Pro Se
1606 Annas Way
Monroe, GA 30656

Cc: Mr. Vic Reynolds, DA
Cobb County
70 Haynes Street
Marietta, GA 30090

Honorable Judge Flournoy
Cobb County
70 Haynes Street, Suite 5400
Marietta, GA 30090

COVER LETTER

12/15/2014

Mr. Clark
South of State
1234 5th St.
Atlanta, GA 30309

Dear Mr. Clark:

I am writing to you

because I am interested in your company and I would like to know more about it.

I have been looking for a new job for some time and I believe your company is the best fit for me.

Sincerely,

John Doe
1234 5th St.
Atlanta, GA 30309

Mr. Clark
South of State
1234 5th St.
Atlanta, GA 30309

Thank you for your time and consideration. I look forward to hearing from you.

COVER LETTER

RECEIVED IN OFFICE
2014 MAY 14 PM 5:02
CLERK OF COURT APPEALS OF GA

May 12, 2014

Honorable Clerk *STEPHEN Castlen*
Court of Appeals of Georgia
47 Trinity St. S.W., *Suite 501*
Atlanta, Ga 30303

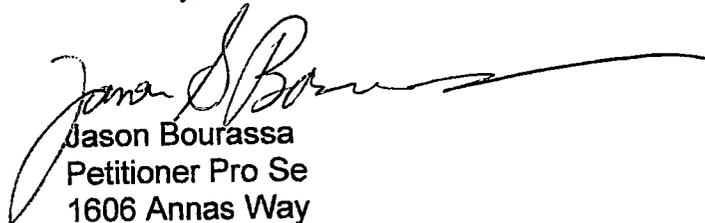
Re: Bourassa et al v. State of Georgia
Case No.: A13A0092

Dear Honorable Clerk:

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Thanks in advance for all your assistance in this matter.

Sincerely,


Jason Bourassa
Petitioner Pro Se
1606 Annas Way
Monroe, GA 30656

Cc: Mr. Vic Reynolds, DA
Cobb County
70 Haynes Street
Marietta, GA 30090

Honorable Judge Flournoy
Cobb County
70 Haynes Street, Suite 5400
Marietta, GA 30090

Manhattan Inc v. Moran 248 Ga 461, 284 S.E.2d 256 (1981) and other relevant authorities.

II. THE FACTS UPON WHICH PETITIONER RELIES

1. The Appeals Court of Georgia rendered judgment in the above styled case in favor of Petitioner on July 16, 2013 reversing the Superior Court of Cobb County judgment entered in this case in favor of the State of Georgia on or around April 30, 2012 forfeiting 144,000.00 in U.S. Currency. Said judgment was entered by Honorable Judge Flournoy.

2. Upon the Appeals Court rendering judgment in favor of the Petitioner the Respondents collaborated with the Georgia State Tax Division and the \$144,000 was transferred to the Georgia State Tax Division October 2, 2013 to satisfy an alleged tax liability against Petitioner's Brother, Jeffrey Bourassa who was a co-defendant in the above styled case. See Exhibit "A" Order.

3. The State of Georgia seized the \$144,000. In U.S. Currency from the Petitioner Jason Bourassa and not from Jeffrey Bourassa by obtaining a search warrant for a safety deposit box at Bank of America in Petitioner's name. See Exhibit "B" Search Warrant and Exhibit "C" Bank log sheet and CD applications.

4. The Respondent made one more last ditch effort to retain the seized money by seeking a Writ of Certiorari with the Supreme Court of Georgia Case No. S13C1819 on August 19, 2013 seeking a review of this Court's judgment in Bourassa et al v State Supra. See Exhibit "D" Writ Denied by the Supreme Court of Georgia dated after money was transferred to the Georgia Tax Division on February 24, 2014.

5. Petitioner avers that upon the Court's remitter to the Superior Court of Cobb County Clerk's Office in the above styled case the \$144,000. Dollars in U.S. Currency should have been released and delivered to the Petitioner pursuant to O.C.G.A. 16-13-49 (L) (2).

III. THE NATURE OF RELIEF SOUGHT

The Petitioner requests that the Court of Appeals of Georgia grant his Writ of Mandamus and issue an order enforcing the Appellate Court's judgment in returning Petitioner's money. See Article V. Section I, Paragraph IV of the Georgia Constitution (1983) and under Georgia Laws codified as O.C.G.A. 15-1-3 (3); O.C.G.A. 9-6-20.

IV ARGUMENT

PRELIMINARY MATTERS

Petition is assuming that this is not a new action but an action to petition the Appeals Court to enforce its judgment, Petition is entitled to a waiver of the filing fees in reference to the filing of this petition; please advise Petitioner if he should pay a filing fee in this action;

SOCIETAL ISSUE

That this Appeal has come to this Appeals Court by way of Writ of Mandamus drafted by a lay person instead of a lawyer suggests that it may be very rare that the ethical and due process issues represented in it ever get to this Court and may be being "sanitized" out of appeals that do get before this Court from Cobb County.

At the same time, the openly blatant way in which Petitioner's property rights have been handled over this long period suggest that within Cobb County there are no viable self correcting influence leaving open the possibility that such abuses may not be uncommon farther begging the question of how many rights may have been lost that might have been preserved on Appeal and how many people have lost their property because the Courts judgments are not adhere to.

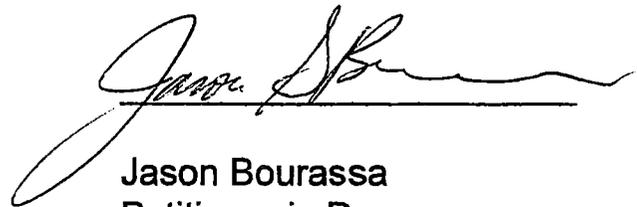
It would cost Petitioner to retain legal counsel and incur substantial costs of litigation in order to enforce this Court's order.

WHEREFORE, Petitioner request as follows:

1. That the Court issue Writ of Mandamus and Order pursuant to Article V, Section I, Paragraph IV of the Georgia Constitution (1982) and under Georgia Laws Codified as O.C.G.A 15-1-3 (3) and O.C.G.A. 9-6-20 and O.C.G.A. 16-13-49 (L) (2).
2. That the Court impose sanctions on the Respondent pursuant to Georgia Law Codified as O.C.G.A. 15-6-8 (5); shall the Respondent fail and refuse to comply with the Court's Order.
3. That Petitioner have such other and further relief as the Court deems just and equitable.

This 12th day of May 2014.

Respectfully Submitted,



Jason Bourassa
Petitioner in Pro se
1606 Annas Way
Monroe, GA 30656
Cell: 770 / 307-7105

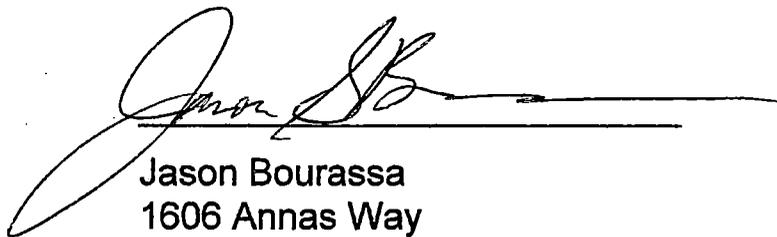
CERTIFICATE OF SERVICE

I hereby certify that I have this day served the Respondent (s) with a copy of the forgoing, by placing the same in the United States mail in a proper envelope with adequate postage attached, properly addressed to:

Mr. Vic Reynolds
District Attorney for Cobb County
70 Hayes Street
Marietta, GA 30090

Honorable Judge Flournoy
70 Hayes Street, Suite 5400
Marietta, GA 30090

This 12th day of May 2014.

A handwritten signature in black ink, appearing to read "Jason Bourassa", is written over a horizontal line. The signature is stylized and cursive.

Jason Bourassa
1606 Annas Way
Monroe, GA 30656



The Court of Appeals
Office of the Clerk
47 Trinity Avenue • Suite 501
Atlanta, Georgia 30334

STEPHEN E. CASTLEN
CLERK/ COURT ADMINISTRATOR

(404) 656-3450
castlens@gaappeals.us

May 19, 2014

Mr. Kenneth S. Fletcher
GDC543362 M 3 10
Baldwin State Prison
Post Office Box 218
Hardwick, Georgia 31034

Dear Mr. Fletcher:

In response to your letter 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 MAY 15 PM 3:48

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

to whom it may concern,
I am writing a letter concerning
An Application for Appellate Review I filed to the courts
Keith Scott Fletcher v. State of Georgia where County Superior
Court Case # 06-CR-0011 I was wondering if you will receive
my Application for Review + was a Decision Rendered.

Thank You
Sincerely Yours
~~Kenneth S. Felder~~

11

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

May 19, 2014

To: Mr. Greg Cuppett, GDC17559, Rockdale County Jail, 911 Chambers Drive, Conyers, Georgia 30012

Case Number: _____ Lower Court: _____ County Superior Court _____

Court of Appeals Case Number and Style: _____

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

- There is no case pending in the Court of Appeals under your name. Until a case is docketed in the Court of Appeals in your name, you should direct your inquiries to your attorney or the 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 the parties. 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 _____ . The remittitur issued on _____ divesting this Court of jurisdiction. The case decision is therefore final.
- Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia. The address of the Clerk of the _____ is: _____
- If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court. As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.

IN THE SUPERIOR COURT OF ROCKDALE COUNTY

STATE OF GEORGIA

MELISSA HENRY,
PETITIONER,

CIVIL ACTION FILE
No. 2014-CV-1093 M

v.

NOTICE OF APPEAL

GREGORY WILLIAM CUPPETT,
RESPONDENT.

RECEIVED IN OFFICE
2014 MAY 15 PM 3:33
CLERK OF SUPERIOR COURT
ROCKDALE COUNTY, GEORGIA

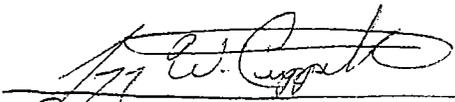
NOTICE IS HEREBY GIVEN THAT GREGORY WILLIAM CUPPETT, THE RESPONDENT, HEREBY APPEALS TO THE COURT OF APPEALS THE ORDER BY SUPERIOR COURT JUDGE ROBERT F MUMFORD ENTERED IN THIS ACTION ON THE 1ST OF MAY, 2014 AND FILED 7TH OF MAY, 2014.

THE CLERK OF THE SUPERIOR COURT OF ROCKDALE COUNTY, SHALL TRANSMIT TO THE CLERK OF APPEALS ALL EVIDENCE, PROCEEDINGS AND COMMUNICATIONS WITH THE COURT IN THIS CIVIL ACTION. THE COMMUNICATIONS SHALL INCLUDE ALL WRITTEN AND ORAL/TELEPHONIC CONTACT BETWEEN THE PETITIONER AND JUDGE MUMFORD AND THE JUDGES OFFICE STAFF. THE CLERK OF THE COURT, IN ACCORDANCE WITH OCGA 5-6-37, RULE(S) 17, 18(A)(B) AND 19, OF THE COURT OF APPEALS, FOR THE TRIAL COURT, PREPARE AND FORWARD ALL DOCUMENTS/TESTIMONY TO THE COURT OF APPEALS WITHIN FIVE (5) DAYS OF THE FILING OF THIS NOTICE OF APPEAL.

THIS COURT, RATHER THAN THE SUPREME COURT, HAS JURISDICTION OF THIS CASE ON APPEAL FOR THE

REASON THAT THIS IS A CIVIL ACTION BETWEEN TWO
(2) PARTIES AND RESPONDENT BELIEVES THAT THE TRIAL
COURT ISSUED THE ORDER WITHOUT THE CONSENT OF
THE PETITIONER AND AGAINST HER WISHES.

RESPECTFULLY SUBMITTED THIS 13TH DAY OF MAY, 2014.

By: 
GREGORY W. CUPPETT, RESPONDENT

CERTIFICATE OF MAILING

ORIGINAL AND 3 COPIES OF THE FOREGOING WERE MAILED
THIS 13TH DAY OF MAY, 2014, TO:

CLERK OF THE COURT, RUTH WILSON
SUPERIOR COURT ROCKDALE COUNTY
922 COURT STREET
CONYERS, GA 30012

TRUE COPIES OF THE ORIGINAL WERE MAILED, OF THE
FOREGOING, THIS 13TH DAY OF MAY, 2014 TO:

MELISSA HENRY
2829 KLONDIKE RD
CONYERS, GA 30094

ATTORNEY GENERAL, STATE OF GEORGIA
40 CAPITOL SQUARE, SUITE 134
ATLANTA, GA 30334

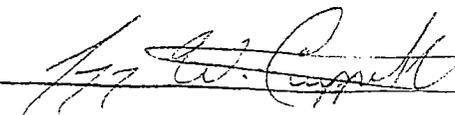
CERTIFICATE OF MAILING (CONT)

COURT OF APPEALS, CLERK
47 TRINITY AVENUE, SW., SUITE 301
ATLANTA, GA 30334

U.S. ATTORNEY GENERAL
RICHARD B. RUSSELL FEDERAL BLDG.
75 SPRING ST. SW. SUITE 600
ATLANTA, GA 30303-3309

GREG CUPPETT #1755-9
ROCKDALE COUNTY JAIL
911 CHAMBERS DR.
CONYERS, GA 30012

I DECLARE UNDER THE PENALTY OF PERJURY THAT THIS
DOCUMENT AND ALL COPIES THEREOF WAS PLACED IN THE
JAIL STAFF HANDS WITH INDICENT POSTAGE AFFIXED
ON THE 15TH DAY OF MAY, 2014

BY: 
GREGORY W. CUPPETT

IN THE SUPERIOR COURT OF Rockdale County / COURT OF APPEALS
STATE OF GEORGIA

GREGORY W. CUPPETT,
Plaintiff
17559,
Inmate Number

Civil Action No. 2014-CV-1093M

MELISSA HEART vs.
Defendant(s)

Nature of Action:

NOTICE OF APPEAL

REQUEST TO PROCEED IN FORMA PAUPERIS

I, GREGORY W. CUPPETT, 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: n/a

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: 24 Jan 2014 \$12.00 PER HR 40 HRS PER WEEK

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, GREGORY W. CUPPETT, 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.

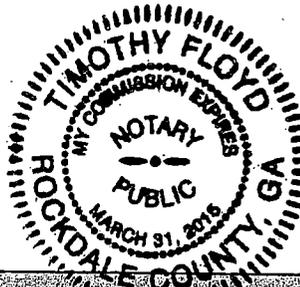
I am the plaintiff in this action and know the content of the above Request to Proceed in Forma Pauperis. I verify that the answers I have given are true of my own knowledge, except as to those matters that are stated in it on my information and belief, and as to those matters I believe them to be true. I have read the perjury statute set out above and am aware of the penalties for giving any false information on this form.

[Signature]
Signature of Affiant Plaintiff

13 May 2014
Date

Sworn to and subscribed before me this
13th day of May, 2014.

[Signature]
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.

6 Copies of This Form

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, GREGORY W. CUPPETT,
has an average monthly balance for the last twelve (~~12~~⁴) months of \$ -0- on account at
the Rockdale County Jail
_____ 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: _____

Dep. Deborah Greene 5-13-14
Authorized Officer of Institution Date

NOTE: Please attach a copy of the prisoner's inmate account of the last 12 months, or the period of incarceration (whichever is less).



The Court of Appeals
Office of the Clerk
47 Trinity Avenue • Suite 501
Atlanta, Georgia 30334

STEPHEN E. CASTLEN
CLERK/ COURT ADMINISTRATOR

(404) 656-3450
castlens@gaappeals.us

May 20, 2014

Mr. Michael Capers
Chatham County Sheriff's Complex
1074 Carl Griffin Drive • Unit 2B
Savannah, Georgia 31405

Dear Mr. Capers:

I am sorry but our office is unable to assist you with the problems that you are having with your attorney. We had two cases in our Court concerning Michael Capers; case #A14D0001 and A14A0277. Both of those cases have been completed; one being denied and the other dismissed. I hope this information is of assistance to you.

Sincerely,


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

SEC/ld

May 8 2014

Court of Appeals,

My name is Michael Capers and I am an inmate at the Chatham County Detention Center in Savannah, Ga.

Mr. Anthony Center has filed an appeal on my behalf for a revocation of probation and not only have I not spoken with Mr. Center about it, but he sent the appeal to the wrong courts. Mr. Center has failed to inform me of this grave error. I am asking this court for information on what (I) can be done to correct this error. Please contact me at 1047 Carl Griffin Drive, Savannah, Ga. 31405 unit 2B. or at 121 Junco Way, Savannah Ga 31419

Michael Capers

Michael Capers

C.C. NAACP

1204 MLK BLVD

Sav., Ga. 31405

National Action Network

P.O. Box 432

Sav., Ga. 31401

Civil Rights Division of

the Department of Justice

950 Pennsylvania Ave. N.W

Educational Opportunities Section PHB

Washington, DC. 20530

State Bar of Georgia

104 Marietta St. N.W. Suite 100

Atlanta, Ga. 30303

Coastal Georgia Office

18 E. Bay Street

Sav., Ga. 31401-1225

RECEIVED IN OFFICE
2014 MAR 16 PM 3:40
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Mr. Capers,

I am sorry, but our office is unable to assist you with the problems that you are having with your attorney. We had two cases in our Court concerning a Michael Capers; case # A14D0001 and A14A0277. Both of those cases have been completed; one being denied and the other dismissed. I hope this information is of assistance to you.

RECEIVED IN OFFICE

2014 MAY 20 AM 11:46

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

FORM 3 - NOTICE OF INTENT

COURT OF APPEALS OF GEORGIA

Edward Davis,

*

APPELLANT

*

vs.

*

CASE NUMBER

FILED IN OFFICE

Evelyn Ballinger,

*

A14A0093

MAY 16 2014

APPELLEE

COURT CLERK
CLERK COURT OF APPEALS OF GA

NOTICE OF INTENT

Comes now Appellant (Appellant/Appellee) in the above appeal and files this Notice of Intent to apply for certiorari to the Supreme Court of Georgia.

This the 16 day of May, 2014

Edward Davis (Sign your name.)

P.O BOX 431 Pearson, Ga 31642
(Your complete address.)

CERTIFICATE OF SERVICE

I certify that I have this day served William King (opposing party or attorney) with a copy of this Notice of Intent by Mailing a Copy... (hand delivery/ mailing a copy first class mail postage prepaid) to him/her at: P.O Box 441 Pearson, Ga 31642

(complete address of party served).

This the 16 day of May, 2014

Edward Davis (Sign your name.)

Comes now Edward Davis to give notice of intent to apply for certiorari to the Supreme Court of Georgia.

Mr. Davis will present the ruling of the Supreme Court in Setlock versus Setlock case number S09a1588 dated January 25th 2010 as a prior ruling.

Mr. Davis will be filing another appeal civil case 214/CV/15 to the Supreme Court. I request this whole case be compiled as one for an accurate review.

Thank You
E. Davis PRO. 51



The Court of Appeals
Office of the Clerk
47 Trinity Avenue • Suite 501
Atlanta, Georgia 30334

STEPHEN E. CASTLEN
CLERK/ COURT ADMINISTRATOR

(404) 656-3450
castlens@gaappeals.us

May 20, 2014

Mr. Loquez Bell
GDC1048242
Hays State Prison
Post Office Box 668
Trion, Georgia 30753

RE: A13A0259. Loquez Bell v. The State

Dear Mr. Bell:

We are in receipt of your request. This Court is unable to mail the record to you even on a collect basis. The remittitur date in the above appeal is May 10, 2013. We will place a one-year hold on the record effective beginning the date of this letter.

If you are able to locate someone who can retrieve the record for you, please ask them to call the Court at the above telephone number to arrange a pick up date for the record.

Sincerely,


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

SEC/ld

Lopez Bell 1048242

Hay State Prison

P.O. Box 668

Trion, GA 30753

CASE No. A13A0259

I'm writing you back about my records.
I don't have anyone that will come and pick up
the records right now due to lack of contact.
I'm asking can you send them to me if I pay
for postage. If so will you let me know how much
I will have to send you to have it sent to me.
THANK YOU SO MUCH AND MAY PEACE AND
BLESSING BE WITH YOU

RECEIVED IN OFFICE

2014 MAY 20 AM 11:40

RECEIVED
CLERK OF SUPERIOR COURT
COUNTY OF APPEALS OF GA

Sincerely,
Lopez Bell 1048242



The Court of Appeals
Office of the Clerk
47 Trinity Avenue • Suite 501
Atlanta, Georgia 30334

STEPHEN E. CASTLEN
CLERK/ COURT ADMINISTRATOR

(404) 656-3450
castlens@gaappeals.us

May 22, 2014

Mr. John Bradley
GDC105387 D2-17B
Autry State Prison
Post Office Box 648
Pelham, Georgia 31779

Dear Mr. Bradley:

I am in receipt of your letter received in this office on May 21, 2014 addressed to Ms. Holly K.O. Sparrow who retired as of August, 2013.

A11A0872. John Bradley v. The State, was remanded back to the trial court on February 17, 2011. You will need to inquire with the trial court clerk on whether or not you should resubmit an appeal and/or seek new counsel to appeal for you. This Court is unable to assist you in this matter.

Sincerely,

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

SEC/ld

RECEIVED IN OFFICE
2014 MAY 21 PM 3:29
LENNY COOK ADMIRALTY
COURT OF APPEALS OF GA

DEAR MRS. HOLLY K. D. SPARROW

MY NAME IS JOHN BRADLEY 602# 105389 AN INMATE AT
PUTY STATE PRISON PEHAM GEORGIA. APPEAL CASE NUMBER
#A11A0872 DOKETED JANUARY 7 2011 CASE STYLE JOHN
BRADLEY V. STATE OF GEORGIA. IT JUST CAME TO MY
ATTENTION. I FILED A STATE HABEAS CORPUS PREMATURELY
ALTHOUGH THE HABEAS COURT HAVN'T MADE A RULING YET.
I WANT TO KNOW IF IT'S TO LATE TO RESUBMIT MY
APPEAL WITH A DIFFERENT ATTAY. TO THE GEORGIA
COURT OF APPEAL. DUE TO THE FACT MY FORMER APPEAL
COUNSEL MR. JOHN GEE EDWARD. RAISED GROUNDS IN
THE APPEAL THAT WAS NEVER RULE ON IN THE LOWER
COURT. AS WELL AS NOT FOLLOWING THE RULES REQUIRE-
MENTS. THEREBY THE APPEAL COURT WAIVED MY CLAIMS
AND CONFIRME MY CONVICTION. DUE TO MY APPEAL
COUNSEL JOHN GEE EDWARD WAONGLY HAVGER MY APPEAL
THEREBY PERJUDICE MY APPEAL AND CHOSE IT TO BE

AFFRAME. AND TO MY UNDERSTANDING THE COURT OF APPEAL
HIDES THE FACT FOR A YEAR BEARE CLOSING OR DISTROING
IT. AND WHEN I ASK MY FORMER APPEAL COUNSEL TO
FAIL FOR RECONSIDERATION. STATED IT WOULD NOT DO AN
GOOD. AND DID NOT DO IT. ALTHOUGH WHEN THE COURT
AFFRAME MY CONVICTION SAID THAT I JOHN BRADLEY
DID THESE THINGS ON APPEAL WHEN MY ATTORNEY MR.
JOHN GEE EDWARD DID THIS NOT ME. HE ELL THE APPEAL
IN 50M I ASK THAT THIS HONORABLE COURT GRANT ME
PERMISSION TO RESUBMIT MY APPEAL WITH A DIFFEREN
COUNSEL THIS THE DEFENDANT WILL FOREVER PRAY.
THIS 19 DAY OF APRIL 2014

RESPECTFULLY SUBMITTED

John Bradley

PA6-6E

100
100

100



The Court of Appeals
Office of the Clerk
47 Trinity Avenue • Suite 501
Atlanta, Georgia 30334

STEPHEN E. CASTLEN
CLERK/ COURT ADMINISTRATOR

(404) 656-3450
castlens@gaappeals.us

May 22, 2014

Mr. Quentin Baker
Cobb County Adult Detention Center
Post Office Box 100110
Marietta, Georgia 30061

Dear Mr. Baker;

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

The Court of Appeals does not have the power or authority to appoint counsel for you. Any requests for appointed counsel should be directed to the trial court.

Sincerely,

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

SEC/ld

To Ga. Court of Appeals:

RECEIVED IN OFFICE
2014 MAY 21 PM 3:31
5/15/14

Hello, my name is Quentin Baker. I'm currently incarcerated here at the Cobb County adult detention center, for the charge of possession of cocaine with intent to distribute.

My reason of writing this letter to your office is upon the grounds of "ineffective assistance of counsel" on behalf of my paid attorney Roger L. Curry. I have not had any form of communication between myself and Roger L. Curry since May of 2013. I've paid him for representing my case, which I haven't seen him give any effort in my defense. I've requested to speak with him thru personal written letters from myself, as well as telephone calls to his law office and messages left with his personal secretary. Roger L. Curry has been totally unresponsive, insensitive, and ineffective in assisting me here in the superior court system of Cobb County, Ga.

I've submitted several written documents to his law office here in Marietta, Ga, informing him of several "technicalities, discrepancies, and unlawful procedures" that were exercised by the Cobb County Police officers whom violated my constitutional rights on February 8th of 2013, which led to me being arrested as well as charged for this crime. I've asked Roger L. Curry to file for an motions to suppress evidence hearing, which he hasn't done "nor gave me a reason why he hasn't done it. Roger L. Curry withheld my discovery packet, and evidence against me" as well as critical evidence of errors within my case that could lead to dismissal of these charges against me. For a period of 6 months before he sent me the discovery packet. by the time I asked a few times for the

(Pg. 2.)

TO GA. COURT OF APPEALS:

5/15/14

ONCE I RECEIVED THE COPY OF THE DISCOVERY PACKET, I READ WITHIN THE CONTENTS OF IT WHERE I FOUND THAT ROGER L. CURRY HAD IN FACT HAD MY DISCOVERY PACKET IN HIS POSSESSION SINCE OCTOBER OF 2013. ROGER L. CURRY, WITHHELD MY DISCOVERY PACKET FROM ME UNTIL I REQUESTED IT SEVERAL TIMES BEFORE HE FINALLY MAILED IT TO ME IN MARCH OF 2014. ROGER L. CURRY GAVE ZERO EFFORT TO CHALLENGE THE TECHNICALITIES, DISCREPANCIES, AND UNLAWFUL PROCEDURES "CLEARLY WITHIN THE CONTENTS OF MY CRIMINAL CASE. I'VE PERSONALLY FOUND NINETEEN DIFFERENT DISCREPANCIES, TECHNICALITIES, AND ILLEGAL UNLAWFUL PROCEDURES EXERCISED BY THE ARRESTING OFFICERS WHOM VIOLATED MY CONSTITUTIONAL RIGHTS ON FEBRUARY 8TH, 2013. I'VE NOTIFIED, AND MADE ALL OF THE ABOVE MENTIONED THINGS EVIDENT TO ROGER L. CURRY, WHILE HE HAS YET TO RESPOND OR COMMUNICATE WITH ME ON THESE MATTERS. I'VE BEEN CLEARLY LEFT IN THE DARK, AS WELL AS MYSELF HAVE BEEN TOTALLY NEGLECTED BY ROGER L. CURRY. HE HAS WAITED, AND FORCED ME INTO THE TRIAL CALENDAR STAGES OF THIS CRIMINAL CASE, WHILE NOT GIVING ANY EFFORT TO SUPPORT ME OR MY DEFENSE. I MADE BOND LAST YEAR IN MAY OF 2013 ON THIS CHARGE, AND LAST YEAR I WAS ARRESTED IN PAULDING COUNTY, GA. FOR VIOLATION OF MY PROBATION. I HAVE A PROOF OF INCARCERATION FOR THE 4 MONTHS I WAS ARRESTED, AND INCARCERATED IN PAULDING COUNTY FROM AUGUST, 12 2013 UNTIL DEC. 24TH 2013. COBB COUNTY SUPERIOR COURT JUDGE ROBERT E FLOURNOY III ISSUED A BENCH WARRANT FOR MY ARREST, FOR A FAILURE TO APPEAR FOR A CALENDAR CALL ON NOVEMBER 7, 2013, WHICH ROGER L. CURRY KNEW I WAS INCARCERATED AT THE PAULDING PROBATION DETENTION CENTER AT THAT TIME. I WAS RELEASED FROM PAULDING PROBATION DETENTION CENTER ON DECEMBER 23RD, WHILE COBB COUNTY PUT A HOLD ON ME FOR A FAILURE TO APPEAR WHILE THEY KNEW I WAS IN THE CUSTODY OF PAULDING PROBATION DETENTION CENTER AT THAT TIME.

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

May 27, 2014

Mr. Alfred Edmonson
GDC1001296613 E5-31B
Georgia Diagnostic and Classification State Prison
Post Office Box 3877
Jackson, Georgia 30233

Dear Mr. Edmonson:

In response to your correspondence received in this office, we do not have a case styled in this Court under the name of Alfred Edmonson.

Sincerely,



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

SEC/ld
Enclosures

LETTER OF HARDSHIP AFFIDAVIT

I, ALFRED EDMONSON COMES NOW ON HIS OWN

FREE WILL TO ASK THE COURT TO WAIVE ALL FEES AND

COURT COST TO FILE HIS MOTION REQUESTING A

NEW TRIAL.

I, ALFRED EDMONSON DECLARE I AM INDIGENT

AND PRAY THAT THIS COURT DO NOT HOLD MY INDIGENCY

AGAINST ME. I AM THE DEFENDANT IN THIS ACTION/

MOTION AND ASK THE COURT TO PROCESE IN

FORMA PAUPERIS.

I, ALFRED EDMONSON DO SWEAR AND AFFIRM

UNDER PENALTY OF LAW THAT THE STATEMENTS CONTAINED

IN THIS AFFIDAVIT ARE TRUE, I DO UNDERSTAND

THE PERJURY STATUE AND AM AWARE OF THE PENALTIES

FOR GIVING FALSE INFORMATION OR STATEMENTS.

A PERSON CONVICTED OF THE OFFENSE OF PERJURY SHALL BE PUNISHED

BY A FINE OF NOT MORE THAN \$ 1,000 OR BY IMPRISONMENT FOR

NOT LESS THAN ONE NOR MORE THAN TEN YEARS OR BOTH

O.G.C.A. 16-10-70.

ALFRED EDMONSON



IN THE APPEALS COURT
OF FULTON COUNTY

STATE OF GEORGIA

STATE OF GEORGIA

Case No. 2013 CR00272 DL6

- vs -

ALFRED EDMONSON
Defendant

RULE NISI

The above and foregoing [name of pleading] having been presented and considered, the same is ordered filed.

Let the _____ show cause before this court at the courthouse
in _____, Georgia, at _____ o'clock _____ m. on the _____ day
of _____, 200__ why the prayers of _____ should not be granted.

Let a copy of the same and this order to be served upon _____.

This _____ day of _____, 200__.

Judge

CERTIFICATE OF SERVICE

I hereby certify that I have a true and correct copy of the foregoing motion of

MOTION FOR A NEW TRIAL

_____ upon the party (ies)
listed below by placing same in United States mail with sufficient postage affixed, addressed to:

Jacqueline D. Willis, Clerk
Superior Court
Harold R. Banke Justice Center
9151 Tara Boulevard
Jonesboro, Georgia 30236

Tracey Graham Lawson, District Attorney
Clayton Circuit
Harold R. Banke Justice Center
9151 Tara Boulevard
Jonesboro, Georgia 30236

This _____ Day of _____, 201_.

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

May 27, 2014

Mr. Phillip M. Eddings
Phillip M. Eddings, P.C.
250 Tenth Street, N.E.
Suite 2108
Atlanta, Georgia 30309

RE: Johnny Martin v. Department of Transportation, Jesup Division
Application for Discretionary Review

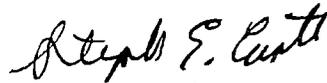
Dear Mr. Eddings:

I am in receipt of your Discretionary Application in the above appeal. We are unable to process the application because the Certificate of Service does not have service to opposing counsel by United States mail or hand delivery. Without the complete name and address of opposing counsel, we are unable to docket the application, since we do not know to whom to send the Docketing Notice. An electronic email address is not sufficient.

I have also enclosed the Court's receipt 110962 for \$300.00 in payment for the fees for the Discretionary Application.

I am returning your documents to you along with a copy of the Rules of the Court of Appeals of Georgia. If you wish to re-file the application, please do so in compliance with the rules.

Sincerely,



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

SEC/ld
Enclosures

COURT OF APPEALS

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

Receipt No. **110962**

DATE 5-22-14

RECEIVED OF Constance J. Gall

WE ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

BRIEF OF APPELLANT _____

ENUMERATION OF ERRORS _____

WITHDRAWAL FEE _____

PHOTOCOPIES _____

ADMISSION FEE _____

CERTIFICATION FEE _____

APPLICATION COST _____

OTHER _____

AMOUNT \$ 300.00

CH# 960

KIA

CASE NUMBER Johnny Martin
v. state of Georgia, DOT

CLERK

APPLICATIONS PREPARATION SHEET

Docket Date: 5/20/14

Case Number A14

Judge No. _____

Case Type D - Discretionary Applications ✓

I - Interlocutory Applications

Criminal _____ Civil ✓

Appellant Johnny Martin

Appellee: State of Georgia et al.

Cost Paid Date 5-22-14 Receipt Number 110962 Who Constance J. Gall

Pauper's Affidavit Filed Warden Letter sent

Supreme Court Case Number _____

Classification workers Comp

Sealed Case

Lower Court Case Number 14V208

County Camden

Court Type City Civil Juvenile Magistrate Municipal Probate State Superior Traffic

Judge No Judge

Lower Court Order Date 4/25/14

Notice of Appeal Date _____

Improper certificate of service
verizon wireless number no available 5/22/14 2 attempt - email attempt
5/23/14 2 attempt
Return this day if haven't heard back

Phillip M. Eddings

Appellant Attorney Bar Number 5/27/14

238775				

Elizabeth Ford

Appellee Attorney Bar Number _____

~~WORKERS~~ *workers Comp*

Other Attorney Bar Number _____

772460				

Cross Reference (Associated Cases) _____

Application Case Number _____

PHILLIP M. EDDINGS, P.C.

ATTORNEY AT LAW
250 10TH STREET, N.E. #2108
ATLANTA, GA 30309

PHILLIPMEDDINGS@YAHOO.COM

RECEIVED IN OFFICE
2014 MAY 22 AM 10:43
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

May 20, 2014

Stephen E. Castlen, Clerk
Court of Appeals of Georgia
47 Trinity Avenue
Suite 501
Atlanta, GA 30334

**RE: Johnny Martin v. State of Georgia, DOT Jesup Division
Board File No.: 2003-021692
D/A #: 7/16/2003**

Dear Mr. Castlen:

Please find enclosed the original and two copies of Applicant's Application for Discretionary Appeal to the Court of Appeals. I have enclosed my check in the amount of \$300.00.

Kindest regards.

Very truly yours,

PHILLIP M. EDDINGS, P.C.

By: 
Phillip M. Eddings

PME/cjg

cc: Elizabeth L. Ford

UNITED STATES
POSTAL SERVICE®

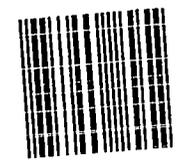
RECEIVED IN OFFICE

2014 MAY 22 AM 10:45

CLERK/COURT ADMINISTRATION
COURT OF APPEALS OF GA



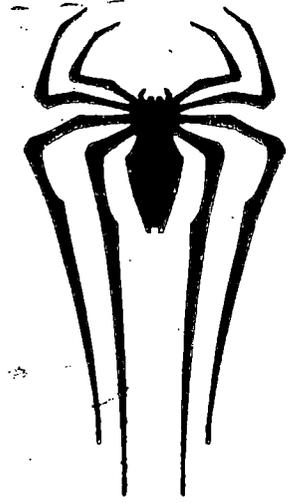
1004



30334

U.S. POSTAGE PAID
ST MARYS, GA 31558
MAY 20, 2014
AMOUNT

\$17.45
00023715-05



FILED IN OFFICE

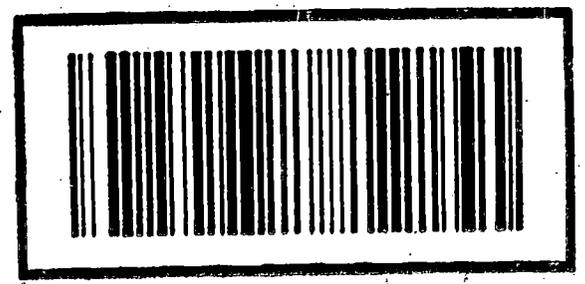
MAY 20 2014

COURT CLERK
CLERK COURT OF APPEALS OF GA

IM: Phillip Eddings
250 10th St. NE
#2108
Atlanta GA 30309

TO: Stephen E. Castlen, Clerk
Court of Appeals of GA

47 Trinity Ave
Suite 501
Atlanta GA 30334



UNITED STATES
POSTAL SERVICE®

TRACKING #

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

May 27, 2014

Mr. Alan Dion Daniel
GDC1000981401
Coffee Correctional Facility
Post Office Box 650
Nicholls, Georgia 31554

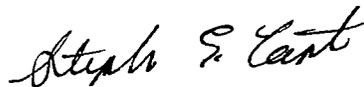
RE: A14A0294. Alan Daniel v. The State

Dear Mr. Daniel:

The above referenced appeal was disposed by opinion on May 1, 2014. The Court of Appeals affirmed the judgment of the trial court. The remittitur issued on May 20, 2014, divesting this Court of any further jurisdiction of your case. The case is therefore, final.

I am returning the Motion for Reconsideration to you.

Sincerely,



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

SEC/ld
Enclosure

FILED IN OFFICE

MAY 23 2014

COURT CLERK
COURT OF APPEALS OF GA

Alan Dion Daniel

VS.

State of Georgia

Case Number: A14A0294

Motion for Reconsideration

RECEIVED IN OFFICE
2014 MAY 23 AM 9:03
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Comes Now, Alan Dion Daniel, prose, and files this Motion for Reconsideration, This Court should reconsider its final order of May 11, 2014, for the following

Reasons:

(A) Identification: The Investigating officer, Officer Pix, testified that the victim, Mrs Grady, could not identify anyone involved in the robbery. Only after the arrest of the Plaintiff due to the fact of him using one of the victims credit cards, and the Plaintiff's picture posted on the Sheriff Dept's website, along with the other suspects, did she admit to knowing her assailants. O.C.G.A. 24-8-801, states in part, "A witness must positively identify a suspect."

(B) The Plaintiff did possess some of the items belonging to the victim. But was not identified as the person who stole those items until trial, Brown vs. State 679 SE 2d, 808, and Davyker vs State, 662 SE 2d 318, states in part, "A jury is not authorized to find a person who is merely associated with other persons, involved in the commission of a crime, guilty of consent in or concurrence in the commission of the crime."

(C) The Defendants, Mr. Baylor and Ms Sanders, bene fitted by testifying that the Plaintiff made certain statements pertaining to the robbery. In fact, in the investigation the clothes and the weapon used in the robbery were found in Baylor's home. Thus pointing to Mr Baylor as to committing the robbery and not Daniels.

In The Court of Appeals of Georgia

Alan Dion Daniel

vs.

Case Number: A14A0294

State of Georgia

Motion For Extension of Time to Appeal

Comes Now, Alan Dion Daniel, pro se, Plaintiff, and files this motion for Extension of time to appeal, Movant has filed a motion for reconsideration of this courts final order of May 1, 2014.

Unlike a motion for New trial, the Motion for reconsideration will not reset the time available for the Movant to Appeal, O.C.G.A. § 5-6-38(A). However, this court does have the authority to grant one - and only one - 30-day extension of that deadline, O.C.G.A. § 5-6-39(C).

An Extension is requested by reason, There was a delay, by reason of a relay by the U.S. Postal Service, from This Court, Trial counsel, then Distribution by the prison, coffee Correctional Facility to the Plaintiff. Causing the order to not reach the Plaintiff until May 15, 2014. Thus causing a timely filing impossible.

Wherefore Plaintiff prays that this court extend the time for the filing of a notice of Appeal or certiorari from the order of May 1, 2014 until and through June, 10, 2014.



Jennifer Grace Taylor
Notary Public

Sworn and subscribed before me
this 19 day of May, 2014

Alan D. [Signature]
Plaintiff Prose.

Respectfully Submitted

Dated this 19 day of May, 2014

The filing of this Motion for Reconsideration will not reset the time available for Plaintiff to appeal, O.C.G.A. 5-6-38(A). However, this court does have the authority to grant one - and only one - 30-day extension of that deadline. O.C.G.A. 5-6-39(c), consequently, Plaintiff has also filed a motion for Extension of time to file a Notice of Appeal, which would extend the time for the filing of a Notice of Appeal until, June 10, 2014. Plaintiff respectfully requests that this court rule on his Motion for reconsideration prior to that deadline. Wherefore, Movant prays that a hearing be held on the Motion for Reconsideration, that this court rule on the Motion for Reconsideration. Prior to June 10, 2014, and that this court reconsider and vacate its final order in the above action.



Jennifer Grace Taylor
Notary Public.

Sworn and subscribed before me
this 19 day of May, 2014

Dated this 19 day of May, 2014

Respectfully submitted

Alamy Davis
Plaintiff, et al.

Certificate of Service

This is to certify that I have this day served a true and correct copy of the within and foregoing document(s) upon the party(s) listed below by depositing a copy of the same in the United States mail in a properly addressed enveloped with adequate postage thereon or submitted same to the institutional legal mail system, to bellow addressee(s)

Court of Appeals of Georgia
334 State Judicial Bld.
Atlanta Ga 30334

District Attorney, Gwinnett Co.
Daniel Porter
Justice and Administration Center
75 Langley Dr.
Lawrenceville Ga 30046

Document(s) Included:

- 1) Motion for Reconsideration
- 2) Motion for Extension of Time for Notice of Appeal.

This 19 Day of May, 20 14

Respectfully submitted,

Pro Se

Signature x Alan Dion Daniel

Print: Alan Dion Daniel

GDC#: 1000981401

Address: Coffee Correctional Facility

PO Box 650

Nicholls Ga 31554

File stamp copy Requested

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

May 27, 2014

Mr. Roscoe Dean
612 East Cherry Street
Jesup, Georgia 31546

Dear Mr. Dean:

I am in receipt of your correspondence dated May 19, 2014, addressed to the Chief Judge and all members of this Court. Pursuant to the Code of Judicial Conduct and the rules and policies of this Court, the judges of this Court are not permitted to communicate with parties who have a case before or which may come before the Court. Your letter was forwarded to me for a response.

At this time, there is no case styled in the Court of Appeals under Mary Drawdy Diaz v. Roscoe Emory Dean, Jr.

A 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.

When the record 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 actually be served with a copy of your filing. I am returning your documents to you.

Sincerely,



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

SEC/ld
Enclosures

MARY DRAWDY Diaz vs Roscoe E. Dean, JR.

13CV50038 - civil action

May 19 2014

To: All members of court of Appeals
of Georgia - suite 501
47 Trinity Ave. S.W.
Atlanta, Georgia 30334

RECEIVED IN OFFICE
2014 MAY 22 PM 4:03
CLERK COURT ADM. ST. PR. BLDG.
COURT OF APPEALS OF GA.

From: Roscoe Emory Dean, Jr - Defendant
612 E. cherry Street
Jesup, GA, 31546
PRO SE

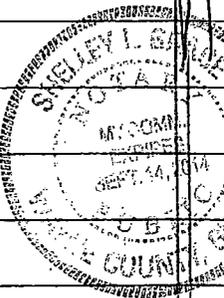
Prayer:

Please accept this letter as a
MOTION TO OVERTHROW, an order of judgement,
for \$5,900, of April 23, 2014, by Wayne
County state court Judge, Vi Bennett,
for Mary Drawdy Diaz. The case is titled
Mary Drawdy Diaz Plaintiff vs Roscoe Dean
Jr. Defendant, civil action file # 13CV50038.

NO official court transcript was produced
from this case.

Shelley L. Grace
Notary Public
Wayne County, Georgia
My commission expires

Roscoe E. Dean, Jr.
Roscoe E. DEAN, JR. - PRO SE
612 E. Cherry St.
Jesup, Georgia 31546
PRO-SE



IN THE STATE COURT FOR THE COUNTY OF WAYNE
STATE OF GEORGIA

Mary Drawdy Diaz
Plaintiff

vs.

Roscoe Dean
Defendant

CIVIL ACTION FILE
NO. 13CVS0038

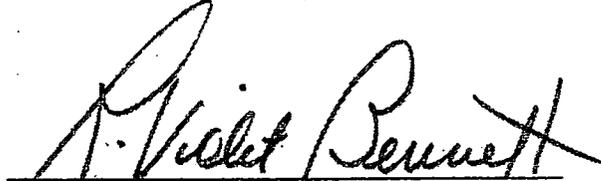
FILED
WAYNE CO. CLERK'S OFFICE
2014 MAY 12 AM 9:08
Christina O'Connell
CLERK SUPERIOR COURT

ORDER OF JUDGMENT

The above styled case having come before the Court on the Civil Bench Trial Calendar of April 23, 2014, and both parties having appeared before the Court, it is therefore:

CONSIDERED, ORDERED AND ADJUDGED that the Court hereby finds for the Plaintiff in the amount of **\$5900.00**.

SO ORDERED this the 23 day of April, 2014.


R. Violet Bennett, Judge
Wayne County State Court
Brunswick Judicial Circuit

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

May 28, 2014

Mr. Norman Davis
GDC1043303
Macon State Prison
Post Office Box 426
Oglethorpe, Georgia 31068

RE: A14A0927. Norman Davis v. The State

Dear Mr. Davis:

I am in receipt of your communication dated May 18, 2014. Your case is still pending before the Court. Your case was docketed in the April 2014 Term and a decision must be rendered by the Court by the end of the September 2014 Term which ends on December 16, 2014.

Again, according to our docket, you are represented by James Bonner and Michael Tarleton. Since Mistert Bonner and Tarleton represent you, when an order or opinion is released in the above appeal, you may want to obtain a copy from them. I have sent both the attorneys a copy of this letter.

You requested a copy of the Appellee's Brief which contains 13 pages which would cost \$19.50. Copies are \$1.50 per page in this Court. You may want to check with your attorneys for a copy of the Appellee's Brief as well.

Sincerely,



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

SEC/ld

cc: Mr. James Bonner, Georgia Public Defense Standards Council
Mr. Michael Tarleton, Georgia Public Defense Standards Council

Norman Davis
1043303
Macon State Prison
P.O. Box 426
Dalethorpe, Ga. 31068

RECEIVED IN OFFICE
2014 MAY 27 PM 3:05
CLERK OF COURT
COURT OF APPEALS OF GA

To: Stephen E. Castle
Clerk and Administrator
Court of Appeals
47 Trinity Ave. S.W.
Suite 501
Atlanta, Ga. 30334

Date: May 18, 2014

Re: Davis v. The State A14A0927

Dear Clerk,

Have the court pass an order upon my appeal. And if not will you please send me a direct copy when such order is pass. Please
May I have a copy of the State's brief. I have not received one. Thank You.

Norman Davis
Norman Davis

c.c. G.P.D.S.C
D.A. Office Decatur County

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

May 28, 2014

Ms. Yolanda D. Davis
1598 Blue Spruce Lane
Conyers, Georgia 30012

RE: A13A1690. Yolanda Denise Davis v. Wells Fargo Bank, N.A.

Dear Ms. Davis:

I am in receipt of your document titled "Request to Condone Delay for Filing of Notice of Appeal" on today's date. I am so sorry for the difficult times you describe. We have taken your communication as a Notice of Intent to seek review in the Supreme Court of Georgia of the decision of the Court of Appeals in the above case. We lack authority to grant an extension on behalf of the Supreme Court of Georgia. For your information the address of the Clerk of the Supreme Court is: 244 Washington Street, S.W. • Suite 572, Atlanta, Georgia 30334. You have twenty (10) days from the date of this Court's decision to file your petition with the Supreme Court of Georgia.

Sincerely,



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

SEC/lid

**FIRST DIVISION
PHIPPS, C. J.,
ELLINGTON, P. J., and BRANCH, J.**

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

**NOT TO BE OFFICIALLY
REPORTED**

In the Court of Appeals of Georgia

A13A1690. DAVIS v. WELLS FARGO BANK, N. A.

PHIPPS, Chief Judge.

In this case, the following circumstances exist and are dispositive of the appeal:

- (1) The evidence supports the judgment;
- (2) No reversible error of law appears, and an opinion would have no precedential value; and
- (3) The issues are controlled adversely to the appellant for the reasons and authority given in the appellee's brief.

The judgment of the court below therefore is affirmed in accordance with Court of Appeals Rule 36.

Judgment affirmed. Ellington, P. J., and Branch, J., concur.

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

May 28, 2014

Ms. Yolanda D. Davis
1598 Blue Spruce Lane
Conyers, Georgia 30012

RE: A13A1690. Yolanda Denise Davis v. Wells Fargo Bank, N.A.

Dear Ms. Davis:

I am in receipt of your document titled "Request to Condone Delay for Filing of Notice of Appeal" on today's date. I am so sorry for the difficult times you describe. This Court lacks the authority to grant an extension on behalf of the Supreme Court of Georgia. For your information, the address of the Clerk of the Supreme Court is: 244 Washington Street, S.W. • Suite 572, Atlanta, Georgia 30334. You have ten (10) days from the date of this Court's decision to file your petition with the Supreme Court of Georgia.

Sincerely,



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

SEC/ld

IN THE COURT OF APPEALS

STATE OF GEORGIA

RECEIVED IN OFFICE
2014 MAY 27 PM 3:25
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

YOLANDA DENISE DAVIS

Appellant, Pro Se

Vs.

WELLS FARGO BANK N.A.

Appellee

APPELLANT'S CASE NUMBER

A13 A1690

REQUEST TO CONDONE DELAY FOR FILING OF NOTICE OF APPEAL

- i) In this case honorable court passed an order dismissing the appeal of Appellant Yolanda Denise Davis, who thereafter filed motion for reconsideration, which also came to be dismissed on 9th of APRIL, 2014, and order was received on about April 14, 2014
- ii) Aggrieved by the said order the appellant desires to file notice of appeal in the SUPREME COURT OF GEORGIA. However, the appellant could not file the notice of appeal with in the time limit OF 30 days, due to below mentioned reasons:-
 - a) The appellant was jobless during last about 4 years and was surviving on the social security/disability assistance.

However, the appellant was fortunate enough to get job in a reputed organization. Since, the appellant is initially placed on probation has to devote all the time, not to compromise on the job, and present herself on the job without any break, as same is the only source of her livelihood. Due to said critical situation, appellant could not file the notice of appeal in time.

- b) In this connection it is to mention that during the intermittent period Appellant's mobile phone was lost and she did not have communications of any kind during the no mobile period, &the applicant could not arrange her defense properly/timely .
- c) During the intermittent period the appellant lost her Aunt in Virginia & family was busy with burial/funeral arrangements & related matters and mourning issues so the Appellant was unable to find even a little time to pay attention to the present matter of filing of notice of appeal in the required period, which is sincerely regretted..
- d) It is also to mention that the appellant is fighting this case PRO SE, without any legal support. Hence, is not well aware of the time schedule required to be observed in such cases. Hence, the filing of appeal is delayed by 15 days so far. The appellant would also like to seek one more weeks' time in addition to the aforesaid time of 15 days, to file the appeal.

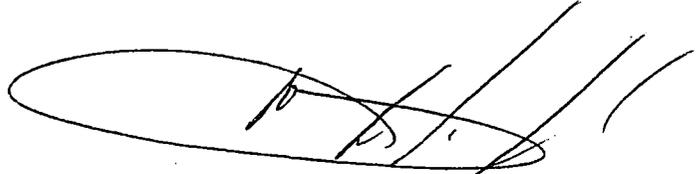
Necessary service has already been made to the appellee please.

Under the circumstances stated above, it is humbly requested to condone the delay in filing the notice of appeal

and allow the appellant to file after a week from the date of order allowing extension

Respectfully submitted,

05/23/2014



YOLANDA DAVIS

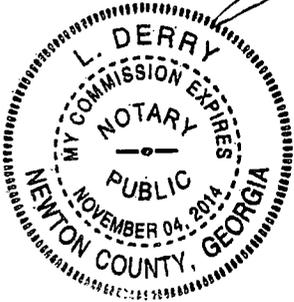
APPELLANT, pro se

1598 Blue Spruce Lane

Conyers, Georgia 30012

Telephone no: 6789640323

NOTARY



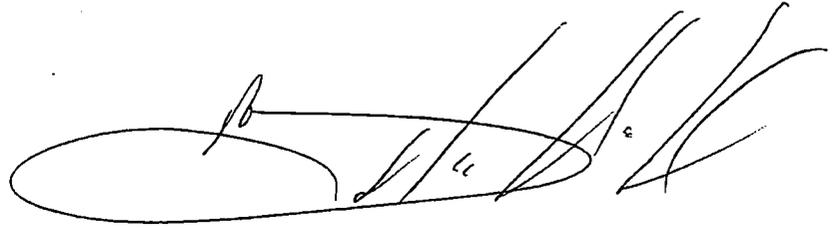
CERTIFICATE OF SERVICE

I certify that I have this 23TH OF MAY, 2014, served WELLS FARGO BANK N.A. THRU THEIR ATTORNEY, with a copy of FOREGOINGS, by US FIRST CLASS MAIL, POSTAGE PREPAID, TO

Wells Fargo bank thru their attorney

Dyland W. Howard

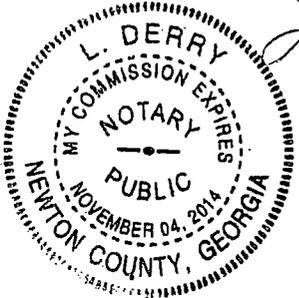
BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC
SUITE 1600 MONARCH PLAZA
3414 PEACHTREE RD. NE
ATLANTA, GEORGIA, 30326



YOLANDA DENISE DAVIS,
APPELLANT, pro se

1598 Blue Spruce Lane
Conyers, Georgia 30012
Telephone no: 6789640323

NOTARY

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

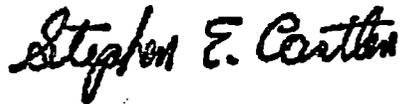
May 28, 2014

Mr. Rodney Darby
Chatham County Sheriff's Complex
1074 Carl Griffin Drive
Savannah, Georgia 31405

Dear Mr. Darby:

In response to your letter received in this office, you will need to file the appeal for the Motion to Suppress in the trial court.

Sincerely,



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

SEC/d

I ask my lawyer, Stew McCusker to appeal the motion to suppress that was denied April 21, 2014 he told me he don't do appeals so I ask him to provide me information on how to do it myself he said no so I'm letting you know I want to appeal the motion to suppress that was denied thank you so much!!!



RECEIVED IN OFFICE
2014 MAY 27 PM 3:26
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

May 28, 2014

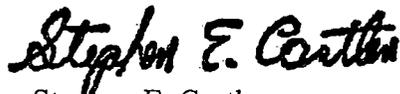
Mr. Tremaine Davis
GDC1178991
Valdosta State Prison
Post Office Box 310
Valdosta, Georgia 31603

Dear Mr. Davis:

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

You will need to file the Motion for Out-of-Time Appeal in the Early County Superior Court. I am returning your documents to you.

Sincerely,



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

SEC/ld
Enclosures

Dear Court of Appeals:

Re: point of reference letter

I write to inform this Court that I am currently being

denied my right to appeal a criminal conviction.

After my 2009 conviction, the trial court did not appoint

appellate counsel, the Public Defender's Office failed to file a motion

for new trial, & my many naive attempts (motions & case records &

transcripts, mandamus, & inadequate out of time appeals) have literally

been ignored by the Early Co. Court, the D.A.'s Office, & the P.D.'s Office.

Therefore, I am filing this motion (which is adequate) to

obtain an appeal.

From the Davis

RECEIVED IN OFFICE
2014 MAY 27 PM 3:27
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

IN THE SUPERIOR COURT OF EARLY COUNTY

STATE OF GEORGIA

STATE OF GEORGIA

vs.

TREMAINE DAVIS

MOTION FOR OUT OF TIME APPEAL

Comes now the Defendant, TREMAINE DAVIS, pro se, pursuant to Georgia

caselaw, and moves this Court to grant an out of time appeal. In support of

of his motion, the Defendant shows this Court as follows:

1.

Defendant alleges that due to ineffective assistance of counsel and due process

violations he has lost his right to appeal life plus twenty-five years in sentences.

2.

An Early County jury found Defendant guilty of aggravated sodomy, burglary,

escape, and other charges on September 30, 2009.

3.

The Court, Ronnie J. Lane, sentenced Defendant to life, 20 years, and 5 years,

respectively, on October 15, 2009. The other charges were run consecutive or concurrent

RECEIVED IN OFFICE

2014 MAY 27 PM 3:27

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

CASE NO. 2009-132

with others for an aggregate sentence of life plus twenty-five years.

4.

After trial and sentencing, neither trial counsel, Britt Friddy, nor sentencing counsel, Mike Thomas, filed a motion for new trial. Both are members of the Public Defender's Office.

5.

The trial court has failed to appoint appellate counsel for Defendant.

6.

The trial has neither scheduled nor conducted a motion for new trial hearing.

7.

The Public Defender's Office filed a motion for out of time appeal on August 25,

2011. However, Defendant alleges that the P.D.'s Office neither advised him of the

motion nor advised him of its advantages or disadvantages. Nor was Defendant

present at any hearing conducted as a result of the motion.

8.

The trial transcripts were filed on July 13, 2012.

9.

After the trial transcripts were filed, the attorneys took no action to appeal.

1
Mr. Friddy ceased representing Defendant prior to sentencing. Defendant still does not understand the reason.

10.

Since January 3, 2013, Defendant has filed numerous motions intended to forward the appeal of his convictions.² However, the criminal justice system has literally ignored his attempts to appeal.

11.

Defendant wanted to appeal his convictions, and had the right to appeal.

12.

Defendant does not recall if the trial counsel advised him of his appeal rights.

2 which include motions for transcripts, case records, mandamus, and others.

3 D.C.C.A. 5-6-34; Smith v State, 266 Ga. 687 (470 S.E.2d 437)(1996).

4 the lack of info is compounded by the fact that the trial transcript and records have not been made available to Defendant despite motions and requests, which have been ignored by the court and P.D.'s Office and stymied by the D.A.'s Office.

ARGUMENT AND CITATION OF AUTHORITY

An out of time appeal is a judicial creation that serves as a remedy for a frustrated right of appeal; it is a means by which a criminal defendant who lost his right to direct appeal of his criminal conviction due to counsel's negligence, ignorance, or misinterpretation of the law may gain that appellate review. Richards v State, 275 Ga. 190 (563 S.E. 2d 856) (2002). "A criminal defendant has the absolute right to file a timely direct appeal from a judgment of conviction and sentence entered after a jury or bench trial." Smith v State, 266 Ga. 687 (470 S.E. 2d 438) (1996). "When the defendant loses that right as a result of ineffective assistance of counsel, he is entitled to an out of time appeal." Rowland v State, 264 Ga. 872, 875 (2) (452 S.E. 2d 756) (1995), "It is the remedy for a frustrated right of appeal..." Smith v State, *Supra*.

a.) Defendant argues that he is entitled to an out of time appeal as he has lost his right to appeal because trial counsel failed to file a motion for new trial following conviction. Smith, 266 Ga. 687.

The error of counsel is egregious and borders on negligence. "Out of time appeal appropriate when a direct appeal was not taken due to ineffective assistance of counsel."

Cornham v State, 267 Ga 635 (481 S.E.2d 219)(1997).

b.) Defendant argues that he is entitled to an out of time appeal because the trial court failed to appoint appellate counsel. "An indigent defendant is entitled to representation by counsel only for trial and for the direct appeal from the judgment of conviction and sentence." Orr v State, 276 Ga 91, 93(3)(575 S.E.2d 444)(2003)

Defendant has shown good and sufficient reason for an out of time appeal to be granted. Rowland v State, 264 Ga 873 (453 S.E.2d 756)(1995).

g.) Defendant argues that he is entitled to an out of time appeal because the trial court failed to adequately advise Defendant of his appeal rights. Williams v Hopper, 243 Ga 475 (854 S.E.2d 854)(1979); Thornton v Holt, 333 Ga 173 (910 S.E.2d 683)(1974) (relief available where appellant not adequately advised of appeal rights and direct appeal forgone by attorney without his consent).

Defendant has shown good and sufficient reason for an out of time appeal to be granted. Rowland v State, 264 Ga 873 (453 S.E.2d 756).



NOTARY PUBLIC
Tonda Williams
THIS 1st DAY OF May, 2014.
SWORN TO AND SUBSCRIBED BEFORE ME

X

RESPECTFULLY SUBMITTED,
Tremaine Davis
TREMACHINE DAVIS

X

Defendant prays that this Court grants this motion for out of time appeal.

CONCLUSION

CERTIFICATE OF SERVICE

I do hereby certify that I have this day served the within and foregoing MOTION FOR OUT OF TIME APPEAL, prior to filing the same, by depositing a copy thereof, postage prepaid, in the U.S. Mail, properly addressed upon:

T. Craig Earnest
District Attorney
Pataula Judicial Circuit
P.O. Box 30
Cuthbert, Georgia 39840

GEORGIA COURT OF APPEALS
334 State Judicial Building
Atlanta, GA 30334

THIS 15 DAY OF May, 2014.


TREMACHINE DAVIS

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

May 28, 2014

To: Mr. Charles Allen, GDC1105887 I-2-239T, Washington State Prison, Post Office Box 206, Davisboro, Georgia 31018

Docket Number: **Style: Charles Allen 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

IN THE COURT OF APPEALS

STATE OF GEORGIA

RECEIVED IN OFFICE
2014 MAY 27 PM 3:23
CLERK OF SUPERIOR COURT
COURT OF APPEALS OF GA

STATE OF GEORGIA

VS.

CASE NO:

2001-CLW-119

CHARLES ALLEN

DEFENDANT

LOWER COURT NO:

* PUT SUPERIOR CASE

NUMBER IN HERE

APPLICATION FOR DISCRETIONARY APPEAL

COMES NOW CHARLES ALLEN, DEFENDANT IN THE SUPERIOR COURT OF WILCOX COUNTY AND APPELLANT HEREIN SEEKS LEAVE TO FILE A DISCRETIONARY APPEAL, AS FOLLOWS:

1. IN THE LOWER COURT, DEFENDANT SUBMITTED A MOTION FOR OUT-OF-TIME APPEAL OF THE ORDER REVOKING THE BALANCE OF HIS PROBATION.
2. THE LOWER COURT, ON MARCH 25TH 2014 DENIED THE MOTION FOR OUT-OF-TIME APPEAL.
3. DEFENDANT POINTS OUT THAT HE WAS NOT ADVISED OF HIS RIGHT OF APPEAL FROM THE ORDER REVOKING HIS PROBATION.

4. DEFENDANT POINTS OUT THAT HE WAS NOT AWARE OF HIS RIGHT OF APPEAL FROM THE ORDER REVOKING HIS PROBATION;

5. DEFENDANT POINTS OUT HE WAS NOT ADVISED ON RECORD HIS RIGHT TO APPEAL;

6. DEFENDANT POINTS OUT DUE PROCESS WAS VIOLATED IN THE PROBATION REVOCATION BUT COULD NOT CHALLENGE NO TRANSCRIPT EXIST;

7. DEFENDANT POINTS OUT HE IS ENTITLED TO OUT-OF-TIME APPEAL SINCE HE WAS NOT INFORMED OF RIGHTS TO APPEAL;

8. DEFENDANT IS ENTITLED TO AN OUT-OF-TIME APPEAL SINCE THE HONORABLE JUDGE CHRISTOPHER HUGHES DID NOT ADVISE ON RECORD HE HAD RIGHT IS THE REASON APPEAL WAS NOT TIMELY FILED;

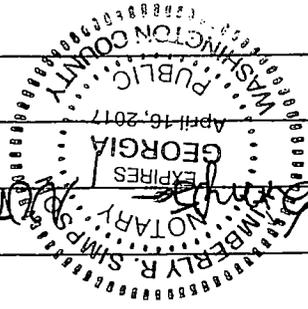
9. DEFENDANT WAS DENIED ADEQUATE NOTICE IN THE REVOCATION HEARING;

10. DEFENDANT WAS DENIED A DETERMINATION BY AN IMPARTIAL DECISION-MAKER IN THE REVOCATION PROCEEDING;

11. DEFENDANT WAS DENIED THE REQUIRED PRELIMINARY HEARING AND FINAL HEARING IN THE REVOCATION PROCEEDING;

12. THE TRIAL COURT ERRORED IN FAILING TO CONSIDER ALTERNATIVES TO CONFINEMENT IN THE REVOCATION PROCEEDING;

CHARLES ALLEN
CHARLES ALLEN
602 # 1105887
WASHINGTON S.F.
P.O. Box 204
DAYS BLDG CA 31018



Amberly R. Shamp
Notary Public
Washington County, Georgia
April 16, 2017

EXCITED THIS DAY OF 2014

LOWER COURT DECISION.
DISCRETION, DEFENDANT PLAYS FULL LEAVE TO APPEAL THE
LOWER COURT ORDER WAS ELABORATE AND AN ABUSE OF
IT IS ALLEGED THAT AS TO THE RECORDS AND THAT THE
MATERIALS, HAVING BEEN SHOWN THE COURT THAT THERE
DEFENDANT TO PRISON INSTEAD OF DETENTION CENTER.
HELD. DEFENDANT ONE PROCESS RIGHTS WERE VIOLATED BY SENTENCING
WAS VIOLATED AGAIN ON 12-18-12 ADMINSTRATIVE HEARING WAS
AND SUSPENDED ORDER TO A DETENTION CENTER IF PROBATION
16. DEFENDANT SIGNED A CONSENT ORDER FOR COMMUNITY SERVICE

OF ESTABLISHED LAW?

15. THE REVOCATION DOES NOT MEET THE ONE PROCESS REQUIREMENTS
AND INCOMPEtent EVIDENCE?

14. THE TRIAL COURT BASED THE REVOCATION ON INSUFFICIENT

OF EVIDENCE?

13. THE REVOCATION WAS NOT ESTABLISHED BY A PERFORMANCE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT THESE COPIES OF THE APPLICATION FOR DISCRETIONARY APPEAL HAS BEEN SERVED UPON:

CLERK OF COURT OF APPEALS
334 STATE JUDICIAL BLDG.
ATLANTA GA 30334

BY DEPOSITING IN THE U.S. MAIL WITH FIRST CLASS POSTAGE ATTACHED

THIS 22TH DAY OF MAY 2014

DEFENDANT COMES NOW WITH ATTACH EXHIBIT FOR

TO SHOW THAT HE WAS NOT GIVEN A PRELIMINARY HEARING

OR DETERMINATION BY IMPARTIAL DECISION-MAKER.

DEFENDANT SHOWS THAT HE SHOULD NOT HAVE BEEN PLACED

IN PRISON FOR THE VIOLATIONS OF SPECIAL CONDITION

OF PROBATION FOR SEX OFFENSE WHEN DEFENDANT WAS

ONLY REQUIRED TO REGISTER

DEFENDANT ESTABLISH HE WAS ABLE TO BE PLACED IN A

DETENTION CENTER FOR VIOLATION OF PROBATION. DEFENDANT

SHOWS THAT HE ALREADY BEEN SENTENCE TO ONE.

PETITION FOR MODIFICATION / REVOCATION DEPARTMENT

OF COLLECTIONS DEFENDANT SHOW THAT ON RECORD THAT HE HAD

ADMINISTRATIVE HEARING ON 12.18.12 - DEFENDANT SIGNED A

WAVEL TO A CONSENT ORDER FOR 96 HOURS OF COMMUNITY

SERVICE AND A SUSPENDED ORDER TO THE DETENTION CENTER.

DEFENDANT ALSO SHOWS THAT HE WAS VIOLATED FOR SPECIAL

CONDITIONS FOR FAILING TO ATTEND SEX OFFENDER TREATMENT

AS DIRECTED, VIOLATED ESTABLISH CURFEW ON OR ABOUT 3-28-13

AND IN THE PRESENCE OF MINORS ON OR ABOUT 02.07.13.

DEFENDANT WAS NOT GIVEN A PRELIMINARY HEARING ON ANY

OF THE VIOLATION. "SEE EXHIBIT A"

DEFENDANT SHOWS THAT HE WAS RELOCATED IN FULL FOR

VIOLATIONS OF SPECIAL CONDITION AT INITIAL

SENTENCING. BEING IN THE PRESENCE OF MINORS, FAIL TO

ATTEND SEX OFFENDER TREATMENT, VIOLATION OF CURFEW ON

MAY 20TH 2013. DEFENDANT WAS SUPPOSE TO BE SENT

TO DETENTION CENTER. "SEE EXHIBIT B"

DEFENDANT SHOWS THAT HE MEETS CRITERIA FOR PROBATION

DETENTION CENTER. DEFENDANT PRESENTS RECORDS FROM THE

COURT. "SEE EXHIBIT C, D, E"

DEFENDANT SHOWS THAT HE WAS SENTENCE TO SPECIAL

CONDITIONS OF PROBATION TO REGISTER AS SEX

OFFENDER BUT BECAUSE OF CONVICTION DATE FULL

OFFENSE, DEFENDANT HAS NO RESTRICTION OR

PROXIMITY LIMITS. DEFENDANT WAS ONLY REQUITE TO REGISTER. " SEE EXHIBIT F, G, H " DEFENDANT ASK THAT HE BE RELEASE FROM CONFINEMENT.

DEFENDANT SHOWS THAT ON 12.18.12 HE SIGNED A CONSENT WAIVER FOR 96 HOURS OF COMMUNITY SERVICE AND A SIGNED SUSPENDED ORDER TO DETENTION CENTER. DEFENDANT SHOWS THAT HE WAS GIVEN COMMUNITY SERVICE. " SEE EXHIBIT I "

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

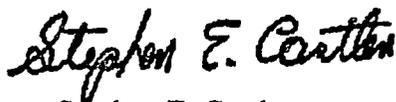
May 28, 2014

Mr. Kenneth S. Fletcher
GDC543362 M3-10
Baldwin State Prison
Post Office Box 218
Hardwick, Georgia 31034

Dear Mr. Fletcher:

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

Sincerely,



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

SEC/ld

to whom it may concern:

my name is Kenneth Scott Fletcher I am
currently housed at Baldwin St. Prison
my G.D.C # is 543362 I am in m-3-10
The Reason I am writing letter is because
I sent a case styled State of Ga.
vs. Kenneth S. Fletcher the case was in
Warren Co. the case # is 06-CR-0041+0042
there was a mix-up in the address I
sent to this address back in March
when I was suppose to send it to
Court of Appeals of Georgia
Suite 501
47 Trinity Ave.
Atlanta, Ga. 30334

Could someone please look + see if my
case can be found + forwarded to the
address listed.

Thank you for your time
+ patience

Sincerely
Kenneth S. Fletcher

RECEIVED IN OFFICE

2014 MAY 27 PM 3:25

CLERK COURT 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

June 3, 2014

Mr. Robert A. Elsner
The Elsner Law Firm
6111 Peachtree-Dunwood Road, N.E.
Building G • Suite 100
Atlanta, Georgia 30328

RE: Mydreciah Barnwell, a Minor, by and through her Natural Parent and
Guardian, Jennifer Barnwell v. Shahin Miah, Ezy Shopper, Inc., et al,
Fulton County Superior Court
Civil Action File Number: 2013CV238054

Dear Mr. Elsner:

I am in receipt of your letter dated May 28, 2014 and have contacted Fulton County Superior Court to obtain an answer for you. The case has been received by Fulton County but the appeal has not been prepared to be forwarded to this Court.

I am, by copy of this letter, informing the Clerk of Fulton County Superior Court that inquiry has been made to this Court by you on the referenced appeal.

I am returning your documents to you.

Sincerely,



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

SEC/ld
Enclosures

cc: Ms. Cathelene Robinson
Clerk, Fulton County Superior Court

Law Offices
THE ELSNER LAW FIRM

Robert A. Elsner

6111 Peachtree-Dunwoody Road, NE
Building G, Suite 100
ATLANTA, GEORGIA 30328

Internet Address:
BobElsner@gmail.com

Telephone (678) 281-8750
Facsimile (678) 281-8755

January 31, 2014

Areas of Practice:
Civil Litigation • Trials
Personal injury • Wrongful
Death • Negligence
Family Law • DUI
Malpractice • Mediation
Dispute Resolution

Ms. Cathelene Robinson
Clerk of Fulton Superior Court
Lewis Station Courthouse, Room C-155
136 Pryor Street, SW
Atlanta, GA 30303
Phone: (404) 730-5313
Fax: (404) 730-7993

TRANSMITTED VIA A QUICK DELIVERY COURIER

Re: MYDRECIAH BARNWELL, a Minor, by and through her Natural Parent and Guardian, JENNIFER BARNWELL vs. SHAHIN MIAH, EZY SHOPPER, INC., a/k/a E-Z SHOPPER, and KU BON SHIK, a/k/a BON SHIK KU
Fulton Superior Court

Dear Ms. Robinson:

Attached for filing in the above matter is Plaintiff's Notice of Appeal.

Thank you for your anticipated assistance in this regard.

With kind regards, I remain

Very truly yours,

COPY

Robert A. Elsner

RAE:bjm

cc: Ms. Jennifer Barnwell
Honorable Ural D. Glanville

Enclosure

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

June 3, 2014

Mr. Robert A. Elsner
The Elsner Law Firm
6111 Peachtree-Dunwood Road, N.E.
Building G • Suite 100
Atlanta, Georgia 30328

RE: Mydreciah Barnwell, a Minor, by and through her Natural Parent and
Guardian, Jennifer Barnwell v. Shahin Miah, Ezy Shopper, Inc., et al,
Fulton County Superior Court
Civil Action File Number: 2013CV238054

Dear Mr. Elsner:

I am in receipt of your letter dated May 28, 2014 and have contacted Fulton County Superior Court to obtain an answer for you. The case has been received by Fulton County but the appeal has not been prepared to be forwarded to this Court.

I am, by copy of this letter, informing the Clerk of Fulton County Superior Court that inquiry has been made to this Court by you on the referenced appeal.

I am returning your documents to you.

Sincerely,



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

SEC/ld
Enclosures

cc: Ms. Cathelene Robinson
Clerk, Fulton County Superior Court

Law Offices
THE ELSNER LAW FIRM

Robert A. Elsner

6111 Peachtree-Dunwoody Road, NE
Building G, Suite 100
ATLANTA, GEORGIA 30328

Areas of Practice:
Civil Litigation • Trials
Personal injury • Wrongful
Death • Negligence
Family Law • DUI
Malpractice • Mediation
Dispute Resolution

Internet Address:
BobElsner@gmail.com

Telephone (678) 281-8750
Facsimile (678) 281-8755

January 31, 2014

Ms. Cathelene Robinson
Clerk of Fulton Superior Court
Lewis Station Courthouse, Room C-155
136 Pryor Street, SW
Atlanta, GA 30303
Phone: (404) 730-5313
Fax: (404) 730-7993

TRANSMITTED VIA A QUICK DELIVERY COURIER

Re: MYDRECIAH BARNWELL, a Minor, by and through her Natural Parent and Guardian, JENNIFER BARNWELL vs. SHAHIN MIAH, EZY SHOPPER, INC., a/k/a E-Z SHOPPER, and KU BON SHIK, a/k/a BON SHIK KU
Fulton Superior Court

Dear Ms. Robinson:

Attached for filing in the above matter is Plaintiff's Notice of Appeal.

Thank you for your anticipated assistance in this regard.

With kind regards, I remain

Very truly yours,

COPY

Robert A. Elsner

RAE:bjm

cc: Ms. Jennifer Barnwell
Honorable Ural D. Glanville

Enclosure

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

COPY

MYDRECIAH BARNWELL,

:

Plaintiff

:

CIVIL ACTION

VS.

:

FILE NO. 2013CV238054

SHAHIN MIAH, ET AL

:

Honorable Ural D. Glanville

Defendants.

:

NOTICE OF APPEAL

Notice is hereby given that MYDRECIAH BARNWELL, Plaintiff above named, hereby appeals to the Court of Appeals from the Final Order of Honorable Ural D. Glanville, dated December 31, 2013, dismissing plaintiff's case for lack of service.

The Clerk will please include the following in the record on appeal:

- (A) All pleadings, Orders and entries of record, including, but not limited to:
- (1) Plaintiff's Complaint;
 - (2) The Court's First Order to Perfect Service;
 - (3) Plaintiff's Response to the Court's First Order to Perfect Service;
 - (4) The Court's Second Order to Perfect Service;
 - (5) Plaintiff's Response to the Court's Second Order to Perfect service;
 - (6) The Court's Final Order of December 31, 2013;

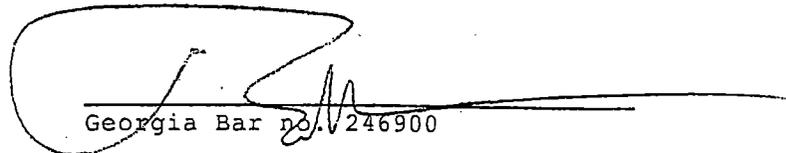
No transcript of the proceedings will be filed with the Court.

The Court of Appeals (rather than the Supreme Court) has jurisdiction of this case on appeal, pursuant to O.C.G.A. §9-11-56(h), and Article XI, Section V, Paragraph III, of the Constitution of the State of Georgia.

This Notice of Appeal is being filed on January 31, 2014, due to the closing of Fulton Superior Court Clerk's Office on January 30, 2014.

This 31st day of January, 2014.

Robert A. Elsner
Attorney for Plaintiff/Appellant



Georgia Bar No. 246900

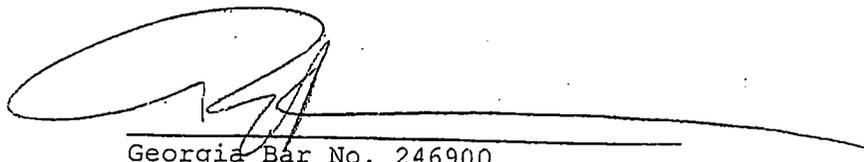
The Elsner Law Firm
6111 Peachtree-Dunwoody Road
Building G, Suite 100
Atlanta, GA 30328
Telephone: (678) 281-8750
Fax: (678) 281-8755

CERTIFICATE OF SERVICE

Pursuant to Rule 5.2 of the U.S.C.R. and O.C.G.A. §9-11-5(b), this is to certify that I have this day served the Honorable Ural D. Glanville, Judge, in the above matter, with a copy of the within pleading (Plaintiff's Notice of Appeal) by courier. The defendant not having been served, no service is made on the defendant.

This 31st day of January, 2014.

Robert A. Elsner
Attorney for Plaintiff

A handwritten signature in black ink, appearing to be 'R. A. Elsner', written over a horizontal line.

Georgia Bar No. 246900

The Elsner Law Firm
6111 Peachtree-Dunwoody Road, NE
Building G, Suite 100
Atlanta, GA 30328
Telephone: (678) 281-8750
Fax: (678) 281-8755

**IN THE SUPERIOR COURT OF FULTON COUNTY
APPEALS DIVISION**

COPY

Cathelene 'Tina' Robinson, Clerk of Superior Court

COST BILLING FORM

Date: 2/17/2014

RECORD TO: COURT OF APPEALS

Case No. 2013CV238054

Bill to: THE EISNER LAW FIRM
ROBERT A. EISNER
6111 PEACHTREE DUNWOODY RD.
BLDG "G" SUITE 100
ATLANTA, GA 30328

MYDRECIAH BARNWELL, A MINOR, BY AND THROUGH HER PARENT AND
NATURAL GUARDIAN, JENNIFER BARNWELL vs. SHAHIN MIAH, EZY SHOPPER,
INC., A/K/A E-Z SHOPPER, AND KU BON SHIK, A/K/A BON SHIK KU

DESCRIPTION	QUANTITY	AMOUNT	TOTAL
Certificate and Seal	1.00	\$ 1.00	\$1.00
Notice of Appeals Fee	1.00	\$.75	\$0.75
Number of Pages in NOA	3.00	\$ 1.00	\$3.00
		per page	
Number of Pages in Record	27.00	\$ 1.00	\$27.00
		per page	
Postage	1.00	\$ 2.75	\$2.75
Remittitur	1.00	\$ 4.00	\$4.00
Transcript Charges	1.00	\$35.00	\$0.00
TOTAL CHARGES			\$38.50

- * Costs to prepare a record on appeal are set out in O.C.G.A. 15-6-77(4)
- * Appeals are subject to dismissal by the court if these costs are not paid within 20 days of your receipt of this notice. All costs specified in O.C.G.A. 5-6-48.c and 15-6-60.
- * All payments shall be made by Money Order or Cashier's Check to the CLERK OF SUPERIOR CLERK and returned with copy of this form to:

FULTON COUNTY CLERK OF SUPERIOR COURT
COST COLLECTION
136 PRYOR STREET, S.W.
ATLANTA, GA 30303

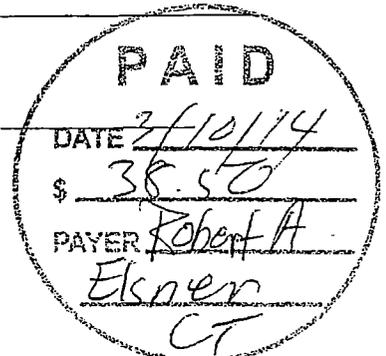
Date N.O.A. 1-31-14

OFFICIAL USE

Paid _____

Record Trans _____

Deputy Clerk Billing: WENDY BREWSTER



COPY

CATHELENE "TINA" ROBINSON
CLERK OF SUPERIOR COURT
FULTON COUNTY, GEORGIA

COSC 17272

FOR Appeal 2014CV23814

RECEIVED FROM Robert H. Kuer AMOUNT DUE \$ 38.00

DATE 3/10/14 AMOUNT PAID \$ 38.00

SERVICE RENDERED _____

Method of Payment

CHECK CASH

CHECK # 8835038973

PROCESSED BY CT
Deputy Clerk

White — Fiscal Services Copy Yellow — Customer Copy Pink — Division Copy

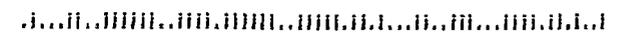


CATHELENE "TINA" ROBINSON
CLERK OF SUPERIOR COURT
FULTON COUNTY COURTHOUSE
ATLANTA, GA 30303

4705

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MAR 11 2014
8000 483

"IMPORTANT DOCUMENTS ENCLOSED"



Law Offices
THE ELSNER LAW FIRM

Robert A. Elsner

6111 Peachtree-Dunwoody Road, NE
Building G, Suite 100.
ATLANTA, GEORGIA 30328

Areas of Practice:
Civil Litigation • Trials
Personal injury • Wrongful
Death • Negligence
Family Law • DUI
Malpractice • Mediation
Dispute Resolution

Internet Address:
BobElsner@gmail.com

Telephone (678) 281-8750
Facsimile (678) 281-8755

May 28, 2014

Clerk, Stephen E. Castlen
Chief Deputy Clerk, Patty Bender
Court of Appeals of Georgia
47 Trinity Avenue S.W., Suite 501
Atlanta, GA 30334
Phone: (404) 656-3450

Re: MYDRECIAH BARNWELL, a Minor, by and through her Natural Parent and Guardian, JENNIFER BARNWELL vs. SHAHIN MIAH, EZY SHOPPER, INC., a/k/a E-Z SHOPPER, and KU BON SHIK, a/k/a BON SHIK KU
Fulton Superior Court, Civil Action, File No. 2013CV238054

Dear Mr. Castlen:

We filed a Notice of Appeal in the Fulton Superior Court on or about January 31, 2014, attempting to appeal the Court's final Order in this case to the Court of Appeals. A copy of that letter and Notice is attached.

We received a cost billing from the Superior Court, which was paid. A copy of that is also attached.

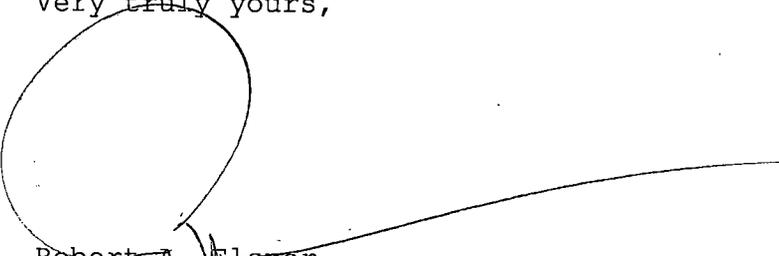
Since then we have heard nothing concerning this appeal.

We would appreciate knowing the status of the appeal.

Thank you for your attention to this matter.

With kind regards, I remain

Very truly yours,



Robert A. Elsner

RAE:bjm

cc: Ms. Jennifer Barwell
Ms. Cathleen Robinson, Clerk, Fulton Superior Court

Attachments

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

June 3, 2014

Mr. Henry L., Dobbs
GDC511239
Riverbend Correctional Institution
198 Laying Farm Road
Milledgeville, Georgia 31061

Dear Mr. Dobbs:

In response to your correspondence received in this office, we do not have a current case styled in the name of Henry Louis Dobbs pending in this Court. I am returning your documents to you in case you need them for any future proceedings.

Sincerely,



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

SEC/ld
Enclosures

Courts Of Appeals State of Georgia

Henry Louis Dobbs RECEIVED IN OFFICE

vs

2014 MAY 29 PM 3:52 CASE # 10 CR 01027-A

State Of Georgia
COURT OF APPEALS OF GA

Come now Henry Dobbs the defendant in the above style case, Appeal the denial of his motion for resentencing to this Court of Appeals by showing as follows:

- 1) The defendant filed a motion for resentencing with the Superior Court of Douglas County on April 15, 2014. This motion was denied on April 22, 2014 (see attached page 6).
- 2) On January 30, 2012, The defendant entered a negotiated plea of guilty to one count of possession of cocaine with the intent to distribute 5 grams of cocaine.
- 3) The defendant was sentence to 30 years with 10 years to serve under O.C.G.A § 17-10-7 (c). However according to the indictment of the defendant he were charge under O.C.G.A § 16-13-30 (b) (see attached page 7).
- 4) Under Ga. Code Ann § 16-13-30 (d) provide a specific sentencing scheme for defendant convicted more than once of possessing cocaine with the intent to distribute under Ga. Code Ann § 16-13-30 (b). For

This reason, the general recidivist scheme of Ga. Code Ann § 17-10-7 will apply to multiple conviction under Ga. Code Ann § 16-13-30 (b) only if Ga. Code Ann § 16-13-30 (d) permits the applicability of Ga. Code Ann § 17-10-7.

O.C.G.A § 16-13-30 (d) provides that upon a second or subsequent conviction of possession of a controlled substance with the intent to distribute, the trial court has the discretion to impose a sentence of not less than ten years nor more than 110 years or life imprisonment. The provision of subsection (A) of Code Section § 17-10-7 shall not apply to a sentence imposed for a second such offense; however, that the remaining provision of Code Section § 17-10-7 shall apply for any subsequent offense.

5) There are ^{no} admissible evidence in the record of the defendant that will support he have been convicted of more than one possession with the intent to distribute cocaine. The defendant do not have any prior convictions for possession of cocaine with the intent to distribute as proof of a similar transaction.

6) The amended version of O.C.G.A § 16-13-30 (d) the application of O.C.G.A § 17-10-7 does so only apply with sentence imposed for second drug offenses under O.C.G.A § 16-13-30 (b).

7) The defendant attorney Lorraine R. Silvo and district attorney Bonnie Smith went on record with the agreement to enter a negotiated guilty plea of 30 years. The first 10 in custody and the remaining 20 on banishment from Douglas County. (see attached page 8 January 30 2012 guilty plea transcript, page 8 line 19 thru 22). The Court use his discretion and sentence the defendant as a recidivist under §17-10-7 and rejected the original plea agreement of 20 years banishment to 20 years probation.

8) The defendant filed a motion to withdraw the guilty plea. The motion was denied by the Superior Court of Douglas County on June 27, 2012.

9) The Superior Court of Douglas County sentence the defendant as a recidivist under §17-10-7 resulting from his prior convictions he received in the year of 1990 from Carroll, Polk and Haralson County. Each county allowed their conviction to run concurrent with the conviction the defendant receive in the first county. (see attached page 9 from guilty plea transcript, page 9 line 22 thru 25 and attached page 10, page 10 of January 30, 2012 guilty plea line 1 and 2). Since the convictions was ran concurrent with each other, The

Convictions should be counted as one conviction. Have the convictions been separate the court in each county would have ran their conviction consecutive with the other county. Giving a start and beginning date to serve each conviction.

10) The record for the defendant do not support the court finding he has 4 separate convictions

11) In Williams v. State, Case No. A98A2294

(January 5, 1999) - Bettie Williams was sentence as a recidivist under O.C.G.A. § 17-10-7 after the

trial the court found that he had to prior felony

convictions imposed on 3 separate occasions. Williams

appealed contending there was no admissible evidence

in the record to support the trial court's finding

and the state agreed in its brief that the sentence

was not supported by the record. The Court of Appeals

vacated the sentence and remanded the case for

resentencing, finding that the trial court erred in

considering the prior convictions which were not supported

by admissible evidence when sentencing the defendant.

Conclusion

The defendant pray this Honorable Court of Appeals vacate the sentence impose by the Superior Court of Douglas County. And remand the case for resentencing base on the fore-going facts averments presented in this appeal. And any relief this Honorable Court deem is appropriate.

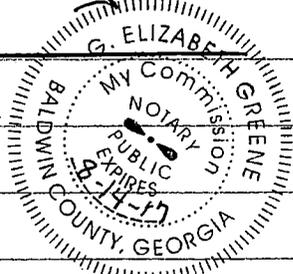
I declare or certify, verify or state under penalty or perjury that the foregoing statement in this Appeal are true and correct.

Executed on May 22 2014.

Henry L. Dobbs
signature of the defendant

Sworn to and subscribe before me this
22nd day of May 2014.

G.E. Greene
Notary Public



Henry Louis Dobbs
GDC# 511239
Riverbend Correctional Facility
198 Laying Farm Road
Milledgeville Georgia 31061

IN THE SUPERIOR COURT OF DOUGLAS COUNTY
STATE OF GEORGIA

ORIGINAL

STATE OF GEORGIA
Plaintiff

Versus

CASE NO. 10CR01027-A

FILED

APR 23 2014

Tammy M. Howard, Clerk
Superior & State Court
Douglas County, GA

HENRY LOUIS DOBBS
Defendant

ORDER DENYING DEFENDANT'S MOTION FOR RESENTENCING

The above-styled case comes before this Court on Defendant's Motion for Resentencing under a Substantive Error in Sentencing.

On January 30, 2012, Defendant entered a negotiated guilty plea to one count of possession of cocaine with intent to distribute. He was sentenced under O.C.G.A. § 17-10-7(c) to thirty years, ten to serve. The Defendant's four prior felony convictions in Georgia authorized the Court to sentence him as a recidivist, and Defendant has failed to show that the sentence was not authorized by law.

Accordingly, Defendant's Motion for Resentencing under a Substantive Error in Sentencing is hereby DENIED.

SO ORDERED this April 22, 2014.

LK
4/25/14



ROBERT J. JAMES
Judge, Superior Court
Douglas Judicial Circuit

JUDGE'S DISTRIBUTION LIST:

- ✓ HENRY, DOBBS, #51 1239, 198 LAYING FARM RD, RIVERBEND CORRECTIONAL FACILITY, MILLEDGEVILLE, GA, 31061
- ✓ BONNIE K SMITH, DISTRICT ATTORNEY, 8700, HOSPITAL DRIVE, DISTRICT ATTORNEY'S OFFICE, DOUGLASVILLE, GA, 30173

SCANNED FELONY ACCUSATION ORIGINAL

Witnesses:
(See last page of Accusation)

CASE NO. 10CR1027
DOUGLAS SUPERIOR COURT
APRIL TERM 2010

ASSIGNED TO JUDGE
ROBERT J. JAMES

11/4

STATE OF GEORGIA

versus

HENRY LOUIS DOBBS
KAREN DENISE LOUIS
aka KAREN DENISE LEWIS
STERLING SHAVERS

Offenses(s):

- Ct. 1: VIOLATION OF THE GEORGIA CONTROLLED SUBSTANCES ACT O.C.G.A. § 16-13-30(b)
(Karen Louis and Sterling Shavers only)
- Ct. 2: VIOLATION OF THE GEORGIA CONTROLLED SUBSTANCES ACT O.C.G.A. § 16-13-30(b)
(All defendants)
- Ct. 3: VIOLATION OF THE GEORGIA CONTROLLED SUBSTANCES ACT O.C.G.A. § 16-13-30(b)
(Henry Dobbs only)

David McDade, District Attorney
Douglas Judicial Circuit

Filed in Office of Clerk, Superior Court
this 28 day of Sept, 2010.

Rhonda G. Payne
Rhonda G. Payne, Clerk

The defendant herein waives a copy of accusation, list of witnesses, formal arraignment and pleads — guilty.

This 20th day of April, 2011.

[Signature]
Defendant

[Signature]
Attorney for the Defendant

Assistant District Attorney JLB/cf

The defendant herein waives a copy of accusation, list of witnesses, formal arraignment and pleads CT.3 guilty.

This 30th day of January, 2012.

[Signature]
Defendant

[Signature]
Attorney for the Defendant

[Signature]
Assistant District Attorney

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habeas corpus petition?

DEFENDANT DOBBS: Yes.

MS. SMITH: As to Count 3 of the accusation that we're discussing, the possession with intent to distribute cocaine that we've been discussing, how do you plea to that charge?

DEFENDANT DOBBS: Guilty.

MS. SMITH: Judge, as we've indicated, this is a non-negotiated plea. The State did also agree with counsel that I would make the same recommendation that I have previously made. As Your Honor is aware, the State has filed its recidivist notice. I do have the certified copies of the defendant's convictions for the record. I don't know if there had been a previous hearing, but it looks like Mr. Ballew may have premarked them for some previous purpose. They are marked 3, 4, 5, and I'm going to change this one to 6.

And, Judge, as we went on the record the other day, the State's recommendation is 30, that he serve the first 10 in custody, and that you suspend the remaining 20 on his banishment from Douglas County. The State, based on his criminal history, is not requesting probation as I don't think that it would be successful, but obviously inasmuch as it's a

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non-negotiated plea, I would leave that with Your Honor. And I know he wishes to be heard and has his family members here. I guess I should do a factual basis. That might help.

THE COURT: I think it's in the record, but you might want to do that.

MS. SMITH: Judge, this case on July the 16th of 2010 at a motel here in Douglas County, Georgia, the defendant was recorded in a phone conversation from an informant requesting that the defendant bring drugs to Douglas County to deliver them to her. The defendant did appear at the time and place discussed in the phone call, knocked on the door. Law enforcement was there. They made contact with the defendant and identified themselves as law enforcement and he had the cocaine on his person, and the crime lab report indicates it was approximately 5 grams.

THE COURT: I find there's a factual basis for the plea and the plea is freely, voluntarily, and knowingly made and I'll accept it.

MS. SMITH: Judge, I will place on the record while you're looking at his three armed robbery convictions, they occurred within about a week and a half, two weeks of each other. They're in different

1 counties, but they all occurred within two or three
2 weeks of each other.

3 *THE COURT:* Are you asking recidivist?

4 *MS. SMITH:* Judge, we had filed the notice, yes.
5 I am willing to leave that within your discretion.

6 *THE COURT:* Recidivist is appropriate in this
7 case looking at his record. I don't favor
8 banishment. I'm going to impose a sentence of 30
9 years of which 10 shall be served under 17-10-7(c).

10 Now, Mr. Dobbs, this means you'll serve those 10
11 years, but the probationary portion, if you violate
12 the probation and are brought back and, say, given
13 another 10 years for a violation, you serve every day
14 of that because your probated sentence is under 7(c)
15 too. So rather than banish you, I want to make sure
16 that if you come back and do something -- it don't
17 take much, if you got out of prison and you did
18 something, you're looking at 20 years probation.
19 That could be revoked in its entirety and you would
20 then be looking at 20 years to finish up. Do you
21 understand that?

22 *DEFENDANT DOBBS:* Yes. Can you lower the 10
23 since it's a recidivist?

24 *THE COURT:* No. I'm looking at here, you've
25 got -- looking at what you've got, you've gotten life

61

Certificate of Service

This is to certify that I have this day served the following with a true and exact copy of the within and foregoing of this appeal for the denial of a motion for resentencing.

Court of Appeals
Holly K.O. Sparrow
Clerk and Court Administrator
47 Trinity Avenue, Suite 501
Atlanta, Georgia 30334

This 22 day of May 2014.

Respectfully submitted
Henry H. Dobbs,
Defendant

Henry Louis Dobbs
GDC # 511239
Riverbend Correctional Facility
198 Laying Farm Road
Milledgeville Georgia 31061

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

June 3, 2014

Mr. Garin Daniel
GDC413482 D1-24
Spaulding County Correctional Institution
295 Justice Boulevard
Griffin, Georgia 30224

Dear Mr. Daniel:

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 correspondence to your attorney or the clerk of the trial court. I am returning your documents to you since we do not have a file to append your Affidavit of Poverty. I suggest that you forward it to the Carroll County Superior Court where you filed your Notice of Appeal.

Sincerely,



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

SEC/ld
Enclosure

5-28-14

Clerk,

I filed a notice of Appeal in the Superior Court of Carroll County, enclosed is a Affidavit of Poverty form that I would like to have on file with this Court upon arrival of my notice of Appeal so that I my proceed with my Appeal

Thank you

Carid Lee Davis
Pro Se

RECEIVED IN OFFICE
2004 MAY 30 PM 3:47
CLERK'S COURT ADMINISTRATOR
COURT OF APPEALS OF GA

IN THE _____ COURT OF Appeals COUNTY
STATE OF Georgia

GARIN LEE DANIEL

VS

Case No. 06CR435

STATE OF GEORGIA

*
*
*
*

RECEIVED IN OFFICE
2014 MAY 30 PM 3:47
CLERK OF SUPERIOR COURT
COURT OF APPEALS OF GA

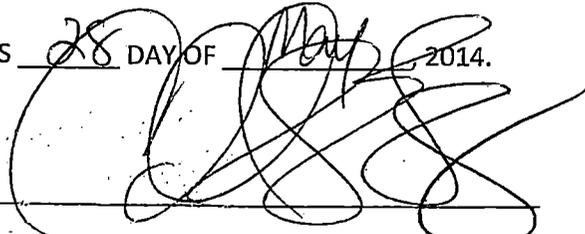
AFFIDAVIT OF POVERTY

Personally appeared before me, an officer authorized to administer oaths in and for the State of Georgia, _____ who having been first duly sworn, did depose and state on his oath the following:

That he is indigent person, incarcerated within the prison system of the State of Georgia, unable to meet or pay the costs and fees attaching to said matter, and that he makes this affidavit in order to be granted leave to proceed *in forma pauperis* and the be relieved from paying all costs which otherwise would be required of him.

Respectfully submitted this the 28 day of May 2014.

Garin L. Daniel
Pro-Se

SUBSCRIBED AND SWORN BEFORE ME
THIS 28 DAY OF May 2014.


CERTIFICATE OF SERVICE

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

Clerk
Courts of Appeals
Suite 501
47 Trinity Avenue S.W.
Atlanta, Georgia 30334

Peter John Skandralakis
District Attorney
P.O. Box 338
Garrison, GA. 30112

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

Date: June 3, 2014

To: Ms. Tabitha Cote, 4404 Wiggins Mill Road, Wilson, North Carolina 27893

Docket Number: A14A1681

Style: Tabitha Cote v. Bank of New York Mellon

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: 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. Also enclosed, please find your Kroger Money Order #17-008593319 in the amount of \$300.00.**

THIS DOCUMENT CONTAINS A TRUE WATERMARK - HOLD UP TO LIGHT TO VIEW



WESTERN UNION FINANCIAL SERVICES INC. - ISSUER - Englewood, Colorado

MONEY ORDER

moving money for better.

Payable at Wells Fargo Bank Grand Junction - Downtown, N.A., Grand Junction, Colorado

ROGER #457

17-008593319

A 332687 D 060214
T 1555 14
170085933197 L 000467

\$ 300.00

PAY EXACTLY THREE HUNDRED DOLLARS AND NO CENTS

PAY TO THE ORDER OF

Clerk of the Court of Appeals

Feb 16th 2014

4404 W. 1st St., N.C. 27893

Wendy C. D.

PURCHASER'S ADDRESS

PURCHASER'S SIGNATURE

PURCHASER BY SIGNING YOU AGREE TO THE TERMS ON THE REVERSE SIDE

⑆⑆⑆102100400⑆⑆ 40170085933197⑆⑆

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

To: *Jabitha Cote*
Docket Number: *A14A1681*

Style: *Jabitha Cote v. Bank of New York
Mellon, as Trustee for
Bear Stearns Alt-A 2005-5
Trust*

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)
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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 have an attorney of record.*

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

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

Date: June 3, 2014

To: Damian M. Brychcy, Esq., Kilpatrick Townsend & Stockton, LLP, 1100 Peachtree Street • Suite 2800,
Atlanta, Georgia 30309

Docket Number: A14A1385 **Style:** Vision General Contracting, LLC v. Cornerstone Bank

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 (compound 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).
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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: Signatures by "Expressed Permission" are not permitted.**

FILED IN OFFICE

JUN 12 2014

CLERK, COURT OF
APPEALS OF GEORGIA

**IN THE COURT OF APPEALS
FOR THE STATE OF GEORGIA**

No. A14A1385

VISION GENERAL CONTRACTING, LLC

Plaintiff/Appellant,

v.

CORNERSTONE BANK, *Defendant/Appellee*
S&D MAGNET, LLC, *Defendant.*

REPLY BRIEF OF PLAINTIFF/APPELLANT

Chad V. Theriot
Georgia Bar No. 373090
Damian M. Brychcy
Georgia Bar No. 231959
**KILPATRICK TOWNSEND &
STOCKTON LLP**
1100 Peachtree Street, Suite 2800
Atlanta, Georgia 30309-4530
Telephone: (404) 815-6500
Facsimile: (404) 815-6555
Counsel for Plaintiff/Appellant

RECEIVED IN OFFICE
2014 JUN 22 PM 3:55
CLERK, COURT OF APPEALS OF GEORGIA

Moreover, Cornerstone fails to enumerate the trial court's error on these specific issues. "Arguments raised in the appellate brief are not made issues on appeal unless they are properly enumerated as error." *Thompson v. Princell*, 304 Ga. App. 256, 259, 696 S.E.2d 91, 95 (2010) (emphasis added). Cornerstone fails to specifically enumerate the error of the trial court's rulings on promissory estoppel, negligent misrepresentation, and unjust enrichment as error. Because Cornerstone failed to move for a cross-appeal on these issues, the trial court's ruling on these issues is not properly before this Court.

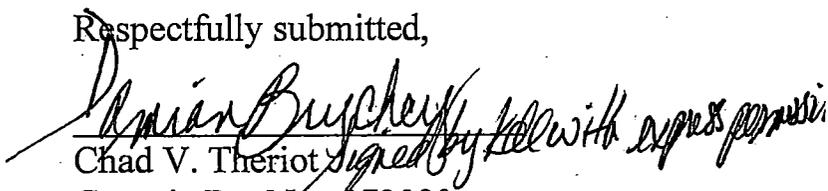
III. CONCLUSION

For the foregoing reasons, this Court should reverse the trial court's Order denying Vision's Motion for Declaratory Relief and granting Cornerstone's Motion for Summary Judgment on Vision's breach of contract claim.

This 2nd day of June, 2014.

Kilpatrick, Townsend & Stockton
1100 Peachtree Street NE Suite 2800
Atlanta, GA 30309-4528
Telephone: (404) 815-6500
Facsimile: (404) 815-6555

Respectfully submitted,


Chad V. Theriot *Signed by Chad with express permission*
Georgia Bar No. 373090
Damian M. Brychcy
Georgia Bar No. 231959

Attorneys for Plaintiff/Appellant

CERTIFICATE OF SERVICE

This is to certify that I have this 2nd day of June 2014 caused to be served upon counsel for all parties a true and correct copy of the foregoing **REPLY BRIEF OF PLAINTIFF/APPELLANT** by depositing same in the United States Mail in an envelope with sufficient postage affixed thereto to insure delivery and addressed to:

Mark L. Golder
Siegel & Golder, P.C.
5605 Glenridge Drive
One Premier Plaza, Suite 690
Atlanta, GA 30342
ATTORNEY FOR DEFENDANT
CORNERSTONE BANK

S&D Magnet, LLC
Attention: Daryush Sattari
7503 Chad's Circle
Jonesboro, GA 30236

S&D Magnet, LLC
Attention: Shahin B. Ghazi
Registered Agent
7503 Chad's Circle
Jonesboro, GA 30236

By: *Damian Brychcy signed by [illegible] with express power*
Damian M. Brychcy
Georgia Bar No. 231959
Kilpatrick, Townsend & Stockton
1100 Peachtree Street NE Suite 2800
Atlanta, GA 30309-4528
Telephone: (404) 815-6500
Facsimile: (404) 815-6555

Attorney for Plaintiff/Appellant

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

To: *Damian M. Brychey*
Docket Number: *A14A1385*

Style: *Vision General Contracting, LLC v.
Cornerstone Bank, 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)
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10. Your request for court action must be submitted in motion form. Rule 41 (a)
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12. Type was on both sides of the paper; type font was smaller than 10 characters per inch; and/or the type was not double-spaced. Rules 1(c), 37(a) and 41(b).
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17. The Motion to Supplement has not been granted.
18. Other *No signatures by expressed permission are permitted.*

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

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

June 3, 2014

Mr. Eric Barney
GDC987731
Coffee Correctional Facility
Post Office Box 650
Nicholls, Georgia 31554

Dear Mr. Barney:

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.

Sincerely,



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

SEC/ld
Enclosures

Greetings:

RECEIVED IN COURT
Date: 5-29-14

2014 JUN -2 PM 4:07

To whom this may concern, my name is Eric Barney 987731.

Concern about Case No. 10-CR-139. At this present time I am incarcerated.

the facility of Coffee County, my case is simple yet complex and I'm

not nor have I received the assistance that I know and feel I deserve

through the court judicial system, and appointed lawyer without defends

I am hoping someone within courts of appeals will look into this

matter and give a helping hand. Could you please help me fight the

right way on the wrong ways that I was convicted on? I am

writing this letter to you in concern of wondering exactly how

many I receive some type of assistance from your association. I

want to explain my case if I may, first I would like to inform

you on when I was alarmed about nothing being done to support

me which started at my trial dated, October 15, 2012 on this

counts of burglary case No. 10-CR-139, and was found guilty at this

and received ten years on the first count and 20 years on the

second count ran consecutive to serve five years on the 20 year

and 15 years on probation. On September, 25 2013 a motion was filed

by the DA, claiming I was suppose to receive the maximum

sentence on both cases, yet I was not present nor was I enlighten

on the occurring events on time I was ~~not~~ serve. I was

suppose to see or received and sign off on a notice of

sentencing. Here are copies of both final Disposition, one shows

I went to trial and the other one shows I suppose to look

a plea under O.C.G.A. 17-10-7c. I was giving this paper

to sign but I would not because, I went to trial and I suppose

to have a appeal and I know when I get my transcript

in the right hands it would show my innocent, so I'm doing

what I can with the little help of access that I

already have I have my trial transcript and it specifically

identifies and speak out from my co-defendants testifying falsely to

save self one minute then not remembering the next minute or

even claimed to lie under oath, even the judge taken him off the

stand, and drug test him, locking him up and still bring him

back on the stand and the judge saying she is putting him

under the same oath which he lied on, yet I'm still convic

under cruel and unusual punishment, would you please see if y

can assist me and if you can't would you direct me in the

path where I can get the proper help that's badly needed

and I was also put on a electric monitor around my ankle

and was sent out in front of the jury and seen it, and

during trial the jury's asked why I didn't get on the stand

and where was I during the crime, Ms. Tina Maddox, was the

attorney that filed my motion for New Trial, and she will

verify about the trial & electric monitor during trial I have

been indigent that's why I have taken so long to write

about this matter, and by the grace of God and his

providing he has made okay for me to write. I also

have an A appellate attorney and I swear she is not on

my side. She tried to get me to sign the resentencing

paper, but I wouldn't and she told me, they didn't need

me to sign anyway and I have not seen her since.

My appellate attorney name & address is: Katherine Mason, #

706-312-5105, Address: 402 Taylor St. Augusta GA 30901 Bar No. 475539. END.

Thank you for your time and consideration into this

Matter and May God Bless your footsteps and pathway in life.

Sincerely, E. Barney 987731

Truc: E.B.

IN THE SUPERIOR COURT OF Emanuel COUNTY, GEORGIA

FINAL DISPOSITION

VS.

CRIMINAL ACTION NO. 10-CR-139

OFFENSE(S) Count 1) Burglary
Count 2) Burglary

Eric Lashuwn Barney, II

OTN: 88377318326

October TERM, 20 12

- PLEA
NEGOTIATED
GUILTY ON COUNT(S)
NOLO CONTENDERE ON COUNT(S)
TO LESSER INCLUDED OFFENSE(S)
COUNT(S)

- VERDICT
GUILTY ON COUNT(S) 1 & 2
NOT GUILTY ON COUNT(S)
GUILTY OF INCLUDED OFFENSE(S) OF ON COUNT(S)

- OTHER DISPOSITION
NOLLE PROSEQUI ORDER COUNT(S)
DEAD DOCKET ORDER ON COUNT(S)
SEE SEPARATE ORDER

FELONY SENTENCE MISDEMEANOR SENTENCE

WHEREAS, the above-named defendant has been found guilty of the above-stated offense, WHEREUPON, it is ordered and adjudged by the Court that: The said defendant is hereby sentenced to confinement for a period of Count 1) Ten (10) Years without parole; Count 2) Twenty (20) Years, five (5) years to serve in prison without parole "consecutive" to count 1 with the balance of fifteen (15) years on probation. Defendant sentenced as a recidivist under 17-10-7(c) in the State Penal System or such other institution as the commissioner of the State Department of Corrections or Court may direct, to be computed as provided by law. HOWEVER, it is further ordered by the Court:

- 1) That the sentence may be served on probation;
2) That upon service of Fifteen (15) Years of the sentence, the remainder of Fifteen (15) Years may be served on probation; PROVIDED, that the defendant complies with the following general, special, and other conditions herein imposed by the Court as part of the sentence.
3) FURTHERMORE, the Court orders the defendant to serve an additional term of special probation pursuant to O.C.G.A. § 42-8-35.2 consecutive to this sentence with conditions of probation attached hereto as Exhibit A.

GENERAL CONDITIONS OF PROBATION

- 1. Do not violate the criminal laws of any governmental unit.
2. Avoid injurious and vicious habits-especially alcoholic intoxication and narcotics and other dangerous drugs unless prescribed lawfully.
3. Avoid persons or places of disreputable or harmful character.
4. Report to the Probation Officer as directed and permit such officer to visit you at home or elsewhere.
5. Work faithfully at suitable employment insofar as may be possible.
6. Do not change your present place of abode, move outside the jurisdiction of the Court, or leave the State for any period of time without prior permission of the Probation Supervisor.
7. Support your legal dependants to the best of your ability.
8. Probationer shall, from time to time upon oral or written request by any Probation Officer, produce a breath, urine, and/or blood specimen for analysis for the possible presence of a substance prohibited or controlled by any law of the State of Georgia or of the United States.
9. Probationer shall submit to evaluations and testing relating to rehabilitation and participate in and successfully complete rehabilitative programming as directed by the department.

SPECIAL CONDITIONS OF PROBATION PURSUANT TO O.C.G.A. § 42-8-34.1

- 10. Probationer shall, as a Special Condition of Probation in accordance with O.C.G.A. § 42-8-34.1, stipulate and agree to the use of "On Trak Test Stik", a product of Varian, Inc., which is a qualitative analysis of drugs obtained by testing a urine sample.
11. Probationer, as a Special Condition of Probation in accordance with O.C.G.A. § 42-8-34.1, knowingly waives any objection and further agrees and stipulates that the results, from the above mentioned "On Trak Test Stik", be admitted as evidence by the State of Georgia in any subsequent judicial proceeding brought as a result of said test.
12. Probationer shall abide with the terms and conditions in the attached and incorporated Separate Order of Special Conditions of Probation in accordance with O.C.G.A. § 42-8-34.1.

OTHER CONDITIONS OF PROBATION

IT IS FURTHER ORDERED, that the defendant pay a FINE of none PROBATION FEE plus COURT COST of plus \$50 or 10%, whichever is less pursuant of O.C.G.A. § 15-21-70 and pay RESTITUTION in the amount of \$3,800. and pay ATTORNEY'S FEE of none to be paid as follows: GBI surcharge 1&2. To be paid to probation office in 90 equal monthly payments. Restitution is to be paid jointly & severally with codefendants & is to be n/a hrs. Community Service ordered to be completed within first n/a months of sentence; Community Service waived; Fine, fees, and surcharges waived; paid to Marie Smith 429 McGarrh Mill Pond Road Swainsboro, \$3,800.0 & Marcus Sherrod, 454 Mill Pond Rd. Swainsboro, \$2,000.0 IT IS THE FURTHER ORDER of the Court, and the defendant is hereby advised, that the Court may, at any time, revoke any conditions of this probation and/or discharge the defendant from probation. The probationer shall be subject to arrest for violation of any condition of probation herein granted. If such probation is revoked, the Court may order the execution of the sentence which was originally imposed or ant portion thereof in the manner provided by law after deducting therefrom the amount of time the defendant has served on probation.

The defendant was represented by the Honorable Tina Maddox, Attorney at Law, Toombs County, by Employment Appointment.

SO ORDERED, this 31st day of October, 20 12.

Kathy S. Palmer
Chief Judge, Emanuel Superior Court

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this Final Disposition has been delivered in person and the defendant has been duly instructed regarding the conditions as set forth.

This day of October, 20
Copy received and instructions regarding conditions acknowledged.
This day of November, 20 12
Filed in this office this 2 day of Nov, 20 12.

Probation Officer
Probationer/Defendant
Deputy Clerk of Superior Court

True: E.B

HAMILTON & MADDOX, LLC
ATTORNEYS AT LAW
P.O. BOX 1343
205 SMITH STREET
VIDALIA, GEORGIA 30475

Lance J. Hamilton, Esq.
Tina E. Maddox, Esq.
Email: hamilton_maddox@yahoo.com

Telephone (912) 537-3025
Toll Free 877-798-1287
Fax (912) 537-0264

October 29, 2012

Honorable Jay Lawson, Clerk
Emanuel County
P.O. Box 627
Swainsboro, GA 30401

Re: State of Georgia vs. Eric L. Barney, II
Superior Court of Emanuel County
Case No: 10CR139
Charge: Burglary 2 Cts.

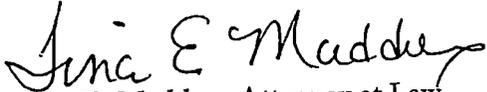
Dear Mr. Lawson:

Enclosed please find for filing the original and one copy of Motion for New Trial and Certificate of Service.

Kindly file the originals and mark the copies with the appropriate filing information and return same to me in the self-addressed, stamped envelop provided. I am by copy of this letter providing opposing counsel and all concerned with the copies of the aforementioned pleadings.

Thank you for your assistance in this matter.

Sincerely,


Tina E. Maddox, Attorney at Law
For the Firm
HAMILTON & MADDOX, LLC

TEM/bsg
Enclosure(s)
cc: District Attorney
Circuit Public Defender Office

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the within and foregoing document, *MOTION FOR NEW TRIAL*, upon all parties in this action by placing a copy thereof in an envelope addressed as follows:

Hayward Altman District Attorney P.O. Box 590 Swainsboro, GA 30401	Circuit Public Defender 124 N. Main St. Swainsboro, GA 30401
---	--

and delivering same

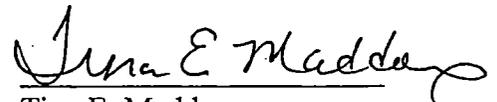
___ by facsimile transmission; and/to

___ by hand to said office at the address indicated above; or,

___ to said person in open court; or,

X by depositing it into the United States Mail bearing sufficient postage to ensure delivery.

This 29th day of October, 2012.



Tina E. Maddox
Attorney for Defendant
Ga State Bar No. 465511

For the Firm
HAMILTON & MADDOX, LLC
P.O. Box 1343
Vidalia, GA 30475

IN THE SUPERIOR COURT OF EMANUEL COUNTY, STATE OF GEORGIA

STATE OF GEORGIA versus

Eric Lashawn Barney

CRIMINAL ACTION #:

10CR139

JULY Term of 2013

Clerk to complete if incomplete:

OTN(s): 88377318326
 DOB: 7/12/1980
 Ga. ID#: 2470882T

Filed in Open Court
 This 25 day of Sept, 2013
Carla Daugherty
 Clerk, Superior Court

Final Disposition:
FELONY CONFINEMENT

- First Offender entered under O.C.G.A. § 42-8-60
- Repeat Offender as imposed below
- Repeat Offender waived

PLEA:

- Negotiated
- Non-negotiated

VERDICT:

- Jury
- Non-jury

The Court enters the following judgment:

Count	Charge (as indicted or accused)	Disposition (Guilty, Not Guilty, Guilty-Alford, Guilty-Lesser Incl, Nolo, Nol Pros, Dead Docket)	Sentence	Fine	Concurrent/ Consecutive, Merged, Suspended
1	Burglary	Guilty	20 years		
2	Burglary	Guilty	20 years		Concurrent
3					
4					

The Defendant is adjudged guilty or sentenced under First Offender for the above-stated offense(s); the Court sentences the Defendant to confinement in such institution as the Commissioner of the State Department of Corrections may direct, with the period of confinement to be computed as provided by law.

Sentence Summary: The Defendant is sentenced for a total of 20 years.

The Defendant is to receive credit for time served in custody: from _____; or as determined by the custodian.

The Court sentences the Defendant as a recidivist under O.C.G.A.:

§ 17-10-7(a); § 17-10-7(c); § 16-7-1(b); § 16-8-14(b); or § _____.

The Defendant shall pay restitution in the amount of \$ _____ through the Clerk of Court for the benefit of the victim(s), _____.

FIRST OFFENDER

(If designated by the Court)

The Defendant consenting hereto, it is the judgment of the Court that no judgment of guilt be imposed at this time but that further proceedings are deferred and the Defendant is hereby sentenced to confinement at such institution as the Commissioner of the State Department of Corrections or the Court may direct, with the period of confinement to be computed as provided by law.

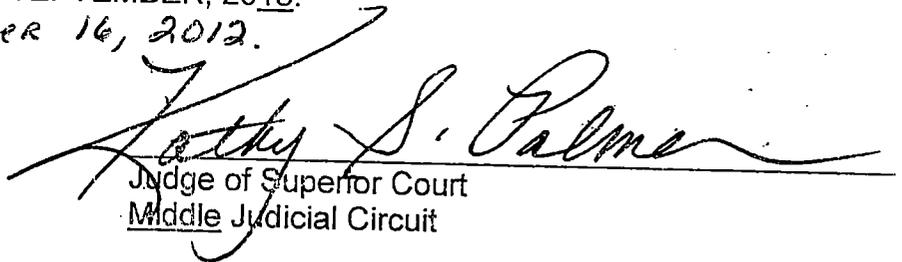
Upon the Court's determination that the Defendant is or was not eligible for sentencing under the First Offender Act, the Court may enter an adjudication of guilt and proceed to sentence the Defendant to the maximum sentence as provided by law.

For Court's Use: *To serve without Parole per Judge Palmer. (Rd)*

The Hon. Katherine Mason, Attorney at Law, represented the Defendant by: employment; or appointment.

SO ORDERED this 25th day of SEPTEMBER, 2013.

NUNC PRO TUNC October 16, 2012.


Judge of Superior Court
Middle Judicial Circuit

Kathy S. Palmer
(print or stamp Judge's name)

FIREARMS – If you are convicted of a crime punishable by imprisonment for a term exceeding one year, or of a misdemeanor crime of domestic violence where you are or were a spouse, intimate partner, parent, or guardian of the victim, or are or were involved in another similar relationship with the victim, it is unlawful for you to possess or purchase a firearm including a rifle, pistol, or revolver, or ammunition, pursuant to federal law under 18 U.S.C. § 922(g)(9) and/or applicable state law.

Acknowledgment: I have read the terms of this sentence or had them read and explained to me.

Defendant

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

Date: June 3, 2014

To: Mr. Rufus Chestnut, GDC422556, Baldwin State Prison, Post Office Box 218, Hardwick, Georgia 31014
Docket Number: A14A1626 **Style:** Rufus Chestnut v. The State

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

1. Your Appellant's Brief, was not accompanied by the statutory filing fee (\$300.00 civil; \$80.00 criminal *Effective July 1, 2009) or a sufficient pauper's affidavit. OCGA§5-6-4 and Rule **Your pauper's affidavit should be notarized by a notary public.**
 2. A Request for Oral Argument must be filed as a separate document. Rule 28 (a) (3)
 3. Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)
 4. No Certificate of Service or an improper Certificate of Service accompanied your document(s). Rule 6
 5. Your Certificate of Service did not include the complete name and mailing address of each opposing 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.
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 7. Your document exceeds page limits. Rules 24 (f) and 27 (a)
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 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: 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.**
-

May 22, 2014

GA Court of Appeals
47 Trinity Ave, Ste 501
Atlanta GA 30334

RECEIVED IN OFFICE
2014 JUN -3 PM 12:16
CLERK OF SUPERIOR COURT OF GA

RE: A14A1626 Chesnut v. State

Dear Clerk of Court:

Please file the enclosed AFFIDAVIT related to ~~add~~ the above reference. I never had an Armed Robbery Charge in any case, nor been charge ^{with it.} Thank you for your attention to this matter.

Rufus Chestnut

RUFUS CHESTNUT

CO# 422556

Baldwin State Prison

PO Box 218

Hardwick GA 31038

11/11/11

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AFFIDAVIT

I, Rufus Chestnut, hereby solemnly swear to the following under penalty of perjury: I received my appellant brief, case number A14A1526 from public defender counsel Jim McGee Bar # 49150 related to coffee court case number 2009-50-F-292 on May 22, 2014 dated May 15, 2014. The Brief submitted by Attorney Mr. Mize is incorrect and contains fraudulent facts and inaccuracies to the record of the case. The Brief represents factual errors and through Mr. Mize's performance during the appeal, and hearing process through his attention, or lack thereof, attention to details and by his submission of so fraudulently measurable and illegal conduct leaves me with the honest belief he has no interest in representing me and I have lost all faith in his representation. I have requested Mr. Mize withdraw his brief in my behalf and withdraw as proposed herein from my case and I seek now proceed counsel appointment. On this 22nd day, May, 2014 /s/

Rufus Chestnut

Case # 422556

Rufus Chestnut

RECEIVED IN OFFICE

2014 JUN -3 PM 12:16

CLERK OF SUPERIOR COURT OF APPEALS OF GA

NOTARY
Comm. Exp. 06/01/16

IN THE COURT OF APPEALS

STATE OF GEORGIA

RUFUS CHESTNUT,

Appellant,

vs.

STATE OF GEORGIA,

Appellee.

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CASE NO. A14A1626

BRIEF OF APPELLANT

Jim McGee
Attorney for Appellant
Georgia State Bar No. 491550
Post Office Box 679
Waycross, Georgia 31502
(912) 285-0355

~~RUFUS CHESTNUT, Appellant~~
GDC# 422556
Baldwin State Prison
P. O. Box 218 M145
Hardwick, GA. 31034

Attachment A

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

June 3, 2014

Mr. James Rashad Clay
GDC99417757
Gwinnett County Jail
2900 University Parkway
Lawrenceville, Georgia 30043

Dear Mr. Clay:

A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit 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. A Certificate of Service must accompany your Notice of Appeal. It must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing. In an appeal of a criminal conviction in a superior court, the State is represented by the District Attorney or an Assistant District Attorney.

I am returning your documents to you.

Sincerely,



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

SEC/ld
Enclosures

To whom it may concern:

~~My~~ My name is James Rashad Clay. I'm a inmate of the Gwinnett County Detention Center # 99417757. I was sentenced to life plus 25 years for Malice Murder, Felony Murder, 2 counts of aggravated assault and possession of firearm during commission of a felony and currently filing for motion for new trial along with appeal. I sent this letter under another inmate name because my mail that my mother been sending me is being mishandled by Gwinnett County staff here at this jail. If you would like to contact here for confirmation her number is 678-622-8879.

Thank you
James Clay

RECEIVED IN OFFICE

2014 JUN -2 PM 4:05

RECEIVED IN OFFICE
COURT OF APPEALS

IN THE SUPERIOR COURT OF Gwinnett COUNTY

STATE OF GEORGIA

STATE OF GEORGIA

]

]

vs.

] CASE NO. 12-B-04745-3

]

DEFENDANT

]

James Clay

]

NOTICE OF APPEAL

Defendant hereby files this, his Notice of Appeal to the Court of Appeals of Georgia from the judgment and sentence entered on.

Defendant was sentenced to life+25yrs. Restitution estimated at \$ N/A was made a part of the sentence. Restitution hearing was held on and restitution of \$ N/A was imposed. Order was also entered on 5-22-2014.

The Clerk will please omit nothing from the record on appeal. Transcript of evidence and proceedings have been transcribed and are to be filed for inclusion in the record on appeal.

The Court of Appeals of Georgia has jurisdiction of this case for the reason that the judgment of conviction and sentence was entered on a non-capital felony. Art. VI, Sec. V, Par. III of the 1983 Constitution of Georgia.

This 27 day of May, 2014.

CERTIFICATE OF SERVICE

This is to certify that I have this day served opposing counsel, Danny Porter, District Attorney, or a member of his staff, a copy of the foregoing pleading by mail delivery at the Gwinnett County District Attorney's Office, located in Lawrenceville, Georgia.

This 27 day of May, 2014.



Court of Appeals of Georgia

June 4, 2013

TO: Mr. Daniel Eric Cobble, GDC758572, Baldwin State Prison, Post Office Box 218,
Hardwick, Georgia 31039

RE: **A13D0139. Daniel Eric Cobble v. Clay Tatum**

REQUEST FOR COPIES

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

The appellant's Brief contains _____ pages.

The appellee's Brief contains _____ pages.

The opinion contains _____ pages.

Other: **Order on above application.**

The copies you requested are a total of **1** pages totaling **\$1.50**.

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

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

REQUEST FOR FORMS

- This Court does not have the forms you requested.

COURT RULES

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

APPOINTMENT OF COUNSEL

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

To clerk S Georgia Court of Appeals

RECEIVED IN OFFICE
2013 JUN -3 PM 3:34
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

From Daniel Eric Cobble
GDC# 758572
Baldwin State Prison
P.O. Box 218
Hardwick, Georgia 31039

prosepetitions Today's 5-27-73 4th

Regarding case # A13D0139

① I need a free copy of your court's order
so I can send it to U.S. Supreme Court

I am indigent

I sent your last order to the Georgia Supreme

Court as they required me to do

however Georgia Supreme never sent it back to me!

So I can't abide by both Georgia Supreme and U.S. Supreme
rules, if your Georgia Court of Appeals don't send me 2 copies of
its orders in the 1st place, or I'll be denied access to one
of those courts unless you'll fix your own systems
conflicting rules
by Daniel Estelle

also ② I've addressed to whatever U.S. appellate court
clerk's office deals with District of Columbia
Washington D.C. federal suits appeals, then I need it, as
Prison Law Library can't answer my requests

by Daniel Estelle

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

June 4, 2014

Mr. Duandre Dorsey
GDC1000818322
Jenkins Correctional Facility
Post Office Box 948
Millen, Georgia 30442

RE: A14A0321. Duandre Jamar Dorsey v. The State

Dear Mr. Dorsey:

I am in receipt of your letter received in this Court on today's date addressed to Chief Judge Herbert E. Phipps of this Court. Pursuant to the Code of Judicial Conduct and the rules and the policies of this Court, the judges of this Court are not permitted to communicate with parties who have a case before the Court or which may come before the Court.

According to our records, you are represented by Ms. Kearston Gill, Office of the Public Defender, 114 West Cherokee Avenue, Cartersville, Georgia 30120. As long as you are represented by counsel in this Court, you are not permitted to file pleadings on your own behalf. Until such time as Ms. Gill files a Motion for Permission to Withdraw as your counsel and this Court grants that motion or until the trial court substitutes counsel, Ms. Gill remains your attorney of record for the above referenced appeal.

I am returning your documents to you in case you wish to share them with Ms. Gill.

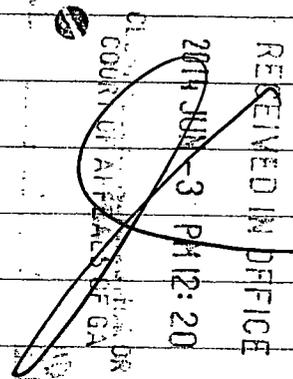
Sincerely,



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

SEC/ld
Enclosures

Duandre Dorsey #1000818322
Jenkins Correctional Facility
Miller, Ga. 30442



Appeal Case No. A14A0321

Dear Judge Phipps,

My appeal counsel Kearston Gill represented me on appeal to your courts and my appeal was denied. I contacted her and asked about filing a motion for reconsideration and she insisted that I seek new counsel, because she didn't handle motions for reconsiderations, just appeals. I was unable to contact further services, being incarcerated, and also I am not knowledgeable of filing any motions so I was unable to send one. So I am asking if you would just take the time to hear what I have to say.

I was found guilty of 2 counts of serious injury by vehicle, plus other charges. Well, there were not any documents or medical records of any sort to support the claim of serious injury

by vehicle, as noted in my transcripts for my motion for re-

new trial on pg. 9, lines 16-25 and pg. 10, lines 1 and 2. I advised my appeal counsel, Reardon Gill, that proof beyond reasonable doubt for the 2 counts of serious injury by vehicle was essential in my case and should be the main argument on my appeal. In the verdict of my appeal that I received from you, I noticed on the last page that it read, "Dorsey does not challenge the sufficiency of the evidence to establish that he caused the officer bodily harm for purposes of crime My appeal counsel failed to include that my trial judge failed to apply ineffective assistance of trial counsel Terry Mancus due to the fact that he failed to investigate the medical records and bodily injury was part of crime and medical documents were essential to prove that there was or wasn't any injuries to victim, or that my trial counsel failed to move for a directed verdict after even though there was a lot of evidence presented, there was no evidence to prove a serious injury by vehicle. The Sixth Amendment requires investigation and preparation not only to exonerate, but also to secure and protect the rights of the accused, such as constitutional rights are granted to the innocent and guilty alike, and failure to investigate and file appropriate motions is ineffective Kimelman v. Morrison, 447 U.S. 365, 91 L.E.D. 2d. 305, 106 S.Ct. 2574 (1986).

A divided panel of the Court of Appeals reversed, 665 F. 2d 427 (1981) ¹³¹ Laying down a new standard,

665 F. 2d 427 (1981) ¹³¹ Laying down a new standard,

the majority held that when "the appellant requests that [his attorney] raise additional colorable points on appeal, counsel must argue the additional points to the full extent of his or her professional ability." Id., at 433 (emphasis added). In the view of the majority, this conclusion followed from *Anders v. California*, 386 U.S. 738 (1967). In *Anders*, this court held that an appointed attorney must advocate his client's cause vigorously and may not withdraw from a nonfrivolous appeal. *750 The court of Appeals majority held that, since *Anders* bars counsel from abandoning a nonfrivolous appeal, it also bars counsel from abandoning a nonfrivolous issue on appeal.

"[A]ppointed counsel's unwillingness to present particular arguments of appellant's request functions not only to abridge defendant's right to counsel on appeal, but also to limit the defendant's constitutional right of equal access to the appellate process..." 665 F.2d, at 433. The court of Appeals went on to hold that, "In having demonstrated that appointed counsel failed to argue colorable claims of his request, an appellant need not also demonstrate a likelihood of success on the merits of those claims." Id., at 434.

Counsel's failure to raise on appeal nonfrivolous constitutional claims upon which his client has insisted must constitute "cause and prejudice" for any resulting procedural default under state law. See *Wainwright v. Sykes*, 433 U.S. 72 (1977).

I am only asking that you reconsider, mainly due to the fact that there was no physical evidence to convict me of any types of injuries. My honest opinion is if there were indeed any serious injuries that were claimed, the District Attorney would have presented them during my 3 day trial. I may be guilty of everything else but no one got hurt. If you can't help, is there any other way that I should proceed?

Thank you kindly for your time. May the Grace of God be with you.

Sincerely,
Quandre Corsey

3. OCGA § 40-6-394 provides, as applicable here, that “[w]hoever, without malice, shall cause bodily harm to another . . . by rendering a member of his body useless . . . through the violation of Code Section . . . 40-6-391 shall be guilty of the crime of serious injury by vehicle.” Dorsey does not challenge the sufficiency of the evidence to establish that he caused the officer bodily harm for purposes of the crime. Rather, he asserts that the evidence was not sufficient to show that he violated OCGA § 40-6-391, as required by the statute. However, as discussed supra, the evidence was sufficient to show that Dorsey was guilty of DUI less safe. Accordingly, we find that any rational trier of fact could have found Dorsey guilty beyond a reasonable doubt of serious injury by vehicle.

Judgment affirmed. Ellington, P. J., and McMillian, J., concur.

*August 13, 2013
Motion For New Trial*

1 on more than one occasion because Mr. Miles gave me things over
2 a period of time, initially. And as I got it and I
3 communicated with Mr. Dorsey, then I would pass it on to him.

4 Q Okay. Now, did he come up with any defenses for his
5 case? I mean, did he speak to you about, you know, any
6 possible defenses? I mean, what was your intention when you
7 went into the trial? Was it to -- I know you had indicated you
8 wanted the State to prove their case, but was there anything
9 that he had discussed with you with regards to the defense?

10 A Part of the defense was to force the State to prove
11 each and every one of the elements, in that he wasn't
12 intoxicated, or there was an issue of malice with some of the
13 counts versus no malice with others. So the defense was
14 basically to try to convince a jury that Mr. Dorsey was not as
15 reckless as the State was trying to show with their evidence.

16 Q Now, during the trial, there was some testimony by
17 the officer about the extent of his injuries; correct?

18 A Yes, ma'am.

19 Q There was no medical testimony that was presented
20 during that time?

21 A That's correct.

22 Q Okay. Did you ever, prior to the trial, ask for any
23 medical records or anything of that nature to see the extent of
24 the injuries?

25 A As far as actual documents, no, ma'am. I had

*August 13, 2013
Motion For New Trial*

1 communicated with the officer, but no medical evidence from
2 hospitals and doctors and so forth.

3 Q Okay. And what was the reason why you did that?

4 A Well, sometimes things are best left unsaid. The
5 officer was going to come in and testify as to what he felt had
6 occurred. Bringing in medical doctors just simply emphasizes
7 the injuries -- or medical personnel simply emphasizes injuries
8 even more so than it was through the police officer, so --

9 Q So was that a strategic move --

10 A Yes, ma'am.

11 Q -- as to why you didn't ask for or have the medical
12 experts come in?

13 A Yes, ma'am.

14 Q Now, did you ever speak to Mr. Dorsey about there
15 being a lack of medical testimony? Did he ever question you
16 about, you know, the medical testimony and the records?

17 A I know after the fact, he did, but I don't believe he
18 did prior to trial.

19 Q Now, I know at some point during the trial, you had
20 indicated that you were familiar with Mr. Steven Collins. How
21 were you familiar with Steven Collins?

22 A He's been a police officer with the Dalton police
23 force for several years. During my practice, he's -- he's been
24 witnesses in other cases and I just know him as a result of the
25 professional relationship and so forth.

*August 13, 2013
Motion For New Trial*

1 Q Okay. So you're not friends or anything like that?

2 A No, ma'am. No. We don't socialize. I mean, I
3 consider him to be an acquaintance. Yes, ma'am.

4 Q Now, when the State rested, did you move for a
5 directed verdict in that case -- in Mr. Dorsey's case?

6 A Honestly, I don't remember whether I did or not.

7 Q Okay. I don't believe you did, just looking at the
8 transcript.

9 Would there be a reason as to why you did not move
10 for a directed verdict?

11 A Well, there were 12 witnesses and 89 exhibits, I
12 believe, a relatively vivid video, and a motion for directed
13 verdict, in my mind, would have been just a futile attempt. I
14 can't see the Court granting it under any circumstances.

15 Q Now, with regards to the reckless driving charge and
16 the reckless driving serious injury by vehicle, was there any
17 issue with the indictment with regards to the location of that?
18 At any point, was that changed during the course of the trial,
19 the indictment? Was that modified in any way?

20 A I don't recall it being modified. I know it
21 referenced two different streets, Old Chattanooga Road and a
22 parking lot or something like that. I don't recall anything
23 being changed, though.

24 Q Okay. And there was an issue with the aggravated
25 battery and a serious injury by vehicle, there was some

assessment and CCFA on Appellant in October of 2012 (R – 45). In the trial court’s termination order, the court noted that Roberts testified that “drug use was harmful to the child because parents who use drugs place themselves and the drugs as a priority over the needs of the child” (R – 45). Roberts never saw Appellant again after October 2012 and knew very little about the family’s present situation at the time of the termination proceeding (T – Vol I – 44, 49). The generalized, hypothesized harm testified to by Margie Roberts that might come to any child of any parents who use drugs does not meet the Department’s burden of establishing that continued deprivation of the child would likely cause serious physical, mental, emotional, or moral harm to the child as required for termination. No witness testified to any actual, serious harm that A.L.V. was likely to suffer if Appellant’s rights were not terminated. Not one “of the witnesses testified that the child’s relationship with [Appellant] was harmful to the child” In the Interest of K.J., 226 Ga. App. 303, 308 (1997). In fact, the foster mother testified that she would allow Appellant to continue a relationship with the child even if Appellant’s rights were terminated (T – Vol. II – 13). Id.

4. The trial court erred by finding that the child had limited contact with the Appellant.

The trial court's finding that the child had limited contact with Appellant was not supported by the evidence presented at the hearing. Though Appellant had missed a number of scheduled visits, testimony established that she visited with the child both at the Department and in the home of the foster family. Numerous witnesses testified that Appellant attended to the technical aspects of parenting and was capable of caring for the child (T – Vol. I – 94-95, 195 – Vol. II – 27). During the first month that A.L.V. was in care, Appellant visited with the child weekly (T – Vol. I 94-95). The frequency of Appellant's visits with the child did reduce after A.L.V. was placed with relatives in November 2012 as Appellant was also splitting her time for visitation between A.L.V. and her three other children who were also in the care of relatives (T- Vol. I – 94, 99). During December 2012 and April 2013, Appellant and the father visited weekly and during the other months, Appellant and the father visited every other week (T – Vol. I – 195). In March of 2013, Appellant requested that the Department increase her visitation and allow her overnight visits with A.L.V. but the Department declined her request (T – Vol. I – 100). The only period of time that Appellant did not visit consistently with A.L.V. was the five weeks prior to the termination hearing after the petition for termination had already been filed (T – Vol. I – 195).

CONCLUSION

WHEREFORE, based on the facts, law, and argument outlined above, Appellant respectfully prays that this Honorable Court reverse the trial court's order terminating the parental rights of Appellant. Appellant respectfully shows that if the trial court's ruling is permitted to stand, such would be a miscarriage of justice.

Respectfully submitted this the 3rd day of June, 2014.

COWETA JUDICIAL CIRCUIT PUBLIC DEFENDER OFFICE

By: 

Jacqueline C. Cauble, Esquire
Georgia Bar Number 531872
Attorney for Stacey Shelnett

114 Church Street
LaGrange, Georgia 30240
Telephone: (706) 298-2555
Facsimile: (706) 883-3004
Electronic Mail: jcauble@gapublicdefender.org

IN THE COURT OF APPEALS

STATE OF GEORGIA

IN THE INTEREST OF:

AIDEN LEE VASQUEZ

A Minor Child.

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**JUVENILE ACTION
FILE NO. 13JUV00154

COURT OF APPEALS
FILE NO. _____**

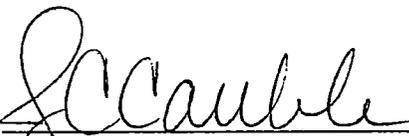
PAUPER'S AFFIDAVIT

I hereby certify that I am Jacqueline C. Cauble, counsel of record for the above named Appellant. The Coweta Judicial Circuit Public Defender Office represents the Appellant because she is an indigent defendant who qualifies for representation by a state public defender office under the indigence guidelines set forth by the Georgia Public Defender Standards Council. Counsel came to represent the Appellant under the employ of the Coweta Judicial Circuit Public Defender Office. The defendant remains indigent and unable to pay the costs of her appeal.

FURTHER AFFIANT SAYETH NOT.

Respectfully submitted this 3rd day of June, 2014.

COWETA JUDICIAL CIRCUIT PUBLIC DEFENDER OFFICE

By: 
Jacqueline C. Cauble, Esquire
Georgia Bar Number 531872
Attorneys for Stacey Shelnett

114 Church Street
LaGrange, Georgia 30240
Telephone: (706) 298-2555
Facsimile: (706) 883-3004
Electronic Mail: jcauble@gapublicdefender.org

Sworn to and subscribed before me,

this 3 day of June, 2014.



Notary Public

My Commission Expires:

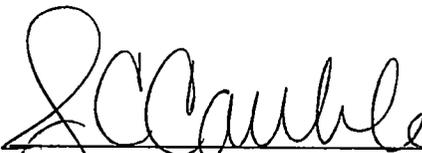


Manchester, Georgia 31816

Graylin C. Ward, Esquire
Attorney for father, Fermin Vasquez Herrera
27 East Broad Street
Newnan, GA 30263

Respectfully submitted this the 3rd day of June, 2014.

COWETA JUDICIAL CIRCUIT PUBLIC DEFENDER OFFICE

By: 
Jacqueline C. Cauble, Esquire
Georgia Bar Number 531872
Attorney for Stacey Shelnett

114 Church Street
LaGrange, Georgia 30240
Telephone: (706) 298-2555
Facsimile: (706) 883-3004
Electronic Mail: jcauble@gapublicdefender.org

We are in receipt of your "Brief For Appellant". We are unable to accept it as no case is pending to file the brief with. This Court granted your Application for Discretionary Appeal on November 6, 2013. You had ten days in order to file a Notice of Appeal in the Trial Court. Once that occurs, the Clerk prepares the record, the Appellant generally pays the copy costs, and the Clerk sends the record to our Court. We have not received the record and have therefore not docketed your case.

Once your case is docketed you will get a Notice of Docketing that will inform you that you have twenty days to file your brief. I hope this assist you in perfecting your appeal.

SEC

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

June 6, 2014

Jacqueline C. Cauble, Esq.
Coweta Judicial Circuit Public Defender Office
114 Church Street
LaGrange, Georgia 30240

Dear Ms. Cauble:

We are in receipt of your "Brief of Appellant." We are unable to accept it because there is no direct appeal pending to file the Brief. This Court granted your Application for Discretionary Appeal on November 6, 2013. You had ten (10) days to file a Notice of Appeal in the trial court. Once that occurs, costs are paid and the Clerk prepares the record to send to our Court. We have not received the record and, therefore, have not docketed your case.

In this Court, once your case is docketed, you will receive a Notice of Docketing that will inform you that you have twenty (20) days to file your Brief. I hope this information assists you in perfecting your appeal.

I am returning your documents to you.

Sincerely,



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

SEC/ld
Enclosures

IN THE COURT OF APPEALS

STATE OF GEORGIA

IN THE INTEREST OF:

A.L.V.

A Minor Child.

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**JUVENILE ACTION
FILE NO. 13JUV00154

COURT OF APPEALS
FILE NO. A14D0081**

BRIEF FOR APPELLANT – TABLE OF CONTENTS

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Part Two – Enumeration of Errors.....8
Part Three – Argument and Citation of Authorities.....9
Conclusion.....19
Pauper’s Affidavit.....20
Certificate of Service.....22

IN THE COURT OF APPEALS

STATE OF GEORGIA

IN THE INTEREST OF:

A.L.V.

A Minor Child.

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**JUVENILE ACTION
FILE NO. 13JUV00154

COURT OF APPEALS
FILE NO. A14D0081**

JUDGMENT APPEALED

Stacey Deeanne Shelnett (hereafter, "Appellant") appeals an Order Terminating Parental Rights and Disposition entered on September 19, 2013, which terminated the parental rights of Appellant, the natural mother of the child A.L.V. (R – 45).

STATEMENT OF JURISDICTION

The Georgia Court of Appeals has jurisdiction in this matter because it is an appeal from a final judgment entered by the Juvenile Court of Meriwether County. Appellant filed an Application for Discretionary Appeal in accordance with O.C.G.A. §5-6-35(a)(12). This Honorable Court entered an order granting the

Application for Discretionary Appeal. Appellant filed a timely Notice of Appeal on November 14, 2013 (R – 1).

PART ONE – STATEMENT OF FACTS

Appellant is the natural mother of A.L.V. The child came into care shortly after birth on September 21, 2012 (T – Vol. I – 84, R – P exhibit 10). The child came into care after the Meriwether County Department of Family and Children Services (hereafter, “the Department”) received a referral that Appellant tested positive for methamphetamines at the time of the child’s birth (T – Vol. I – 67). The Department held a family team meeting and created a case plan for the family in October of 2012 (T – Vol. I – 86). Anastasia Smith was the foster care case manager for the Department (T – Vol. I – 82).

Prior to the creation of the October 2012 case plan, Appellant submitted to a substance abuse assessment at the request of the Department and this assessment was completed by licensed professional counselor, Margie Roberts (T – Vol. I – 15). During the assessment, Appellant admitted a history of drug use to Margie Roberts, but when Margie Roberts testified at the hearing on the Department’s Petition for Termination of Parental Rights on September 3, 2013 she could not recall the recency or frequency of Appellant’s drug use (T – Vol. I – 16, 20, 47).

Margie Roberts also conducted a Comprehensive Child and Family Assessment (hereafter, "CCFA") (T – Vol. I – 15). Margie Roberts was qualified as an expert and testified regarding the potential harm that can come to children of substance abusing parents, testifying that a "child would not be the primary focus of a mother who is addicted to drugs" (T – Vol. I – 24-26). Margie Roberts had had no contact with the family since October 2012 and knew very little of their situation at the time of the termination hearing. (T – Vol. I – 44, 49).

The October 2012 case plan required the mother to submit to random drug screens, secure stable housing and employment, develop a support system, visit with the child, submit to the substance abuse assessment, and to follow the assessment's recommendation that she enter and complete Level III inpatient rehabilitation and attend NA and AA meetings several times a week (T – Vol. I – 86, R – P's exhibits 8 and 9). At the termination hearing in September 2013, the evidence presented at the hearing was that the home was very suitable and stable. (T – Vol. I – 21, 137). Additionally, it was established that the Appellant and father of the child visited with the child at the Department's office for the first month the child was in foster care once a week (T – Vol. I – 94). In November 2012, the child was placed with the McKoys, relatives of the Appellant (T – Vol. I

- 94). After the child was placed with the McKoys, the visits from Appellant and the father were generally once every two weeks, with the exceptions being December 2012 and April 2013 when Appellant and the father visited every week (T - Vol. I - 94, 195 - Vol. II - 27). At some of these visits, Appellant and the father brought cash, clothes, food, and gifts for the child and, at one point, paid for two weeks of the child's daycare (T - Vol. I - 102). At the time of the termination hearing, Appellant and the father had not visited with the child in five weeks (T - Vol. II - 12). Appellant had, however, stayed in contact with the foster family consistently, requesting updates and photographs of the child. (T - Vol. II - 25). During the visits with the child, the mother attended to the technical aspects of parenting such as changing diapers and making bottles (T - Vol. I - 95). Case manager Smith expressed concerns that Appellant was not bonding with the child at the visits, but she only observed the visits in the Department's office which took place during the child's first month in foster care. (T - Vol. I - 95). The foster mother, Ashley McKoy, testified that during the visits in her home, Appellant fed the child and cared for the child and she never was concerned that Appellant or the father would harm the child (T - Vol. II - 24).

At the termination hearing, the Department presented evidence that Appellant was unwilling to enter a Level III inpatient rehabilitation facility, but case manager Smith was unable to define exactly what Level III inpatient treatment was and admitted that the case plan did not define it for Appellant and that she assumed Margie Roberts explained it to Appellant (T – Vol. I – 130-135). Case manager Smith testified that she provided Appellant with a list of substance abuse rehabilitation service providers on October 26, 2012 and that she discussed rehabilitation with Appellant on that date as well as on November 15, 2012 and December 14, 2012 and Appellant told case manager Smith that she was in contact with rehabilitation facilities and was on waiting lists (T – Vol. I – 90). Appellant also entered an inpatient rehabilitation center, but only stayed for three days (T – Vol. II 44-45).

Additionally, the October 2012 case plan listed a goal completion date of September 11, 2013 (T – Vol. I – 136). The Department, in fact, filed their Petition for Termination of Parental Rights on June 27, 2013 (R – 4). The termination hearing was held on September 3rd and 6th, 2013.

On September 19, 2013, the trial court entered an Order Terminating Parental Rights, in which it announced its decision to terminate Appellant's

parental rights (R – 45). In the order, the trial court ruled that Appellant “has unrehabilitated substance abuse issues” and that she “tested positive for amphetamines at the birth of [A.L.V.] and admitted to using methamphetamines while pregnant [...] later tested positive for methamphetamines and amphetamines [...] [A.L.V.] tested positive for amphetamines at birth” (R – 45). The trial court found that Appellant’s visits “have been sporadic” (R – 45). The trial court found that “continued deprivation would cause serious harm to the child” based on the testimony of Margie Roberts who “testified that the mother’s prognosis for rehabilitation in the future was poor” and “that the drug use was harmful to the child because parents who use drugs place themselves and the drugs as a priority over the needs of the child” (R – 45).

PART TWO – ENUMERATION OF ERRORS

1. The trial court erred by improperly admitting the results of several drug screens.
2. The trial court erred by granting the Department’s petition prematurely.
3. The trial court erred by finding that the continued deprivation of the child will cause or is likely to cause serious harm to the child.

4. The trial court erred by finding that the child had limited contact with the Appellant.

PART THREE – ARGUMENT AND CITATION OF AUTHORITIES

On appeal from a termination of parental rights, the standard of review is “whether any rational trier of fact could have found by clear and convincing evidence that the natural parents' rights to custody have been lost.” In the Interest of S.M.W., 287 Ga. App. 288, 288-89 (2007). In its application of the standard of review, this Honorable Court holds the principle that “there is no judicial ruling that has greater significance than one severing the parental bond.” Id.

When terminating parental rights, the trial court must determine whether there is present clear and convincing evidence of parental misconduct or inability. O.C.G.A. §15-11-94. Parental misconduct or inability is determined under four criteria: (1) the child is deprived; (2) the lack of proper parental care and control by the parent whose rights are being terminated is the cause of the deprivation; (3) the cause of the deprivation is likely to continue; and (4) continued deprivation is likely to cause serious physical, mental, emotional, or moral harm to the child. In the Interest of S.M.W., 287 Ga. App. 288, 290 (2007).

- 1. The trial court erred by improperly admitting the results of several drug screens.**
- 2. The trial court erred by granting the Department's petition prematurely.**
- 3. The trial court erred by finding that the continued deprivation of the child will cause or is likely to cause serious harm to the child.**
- 4. The trial court erred by finding that the child had limited contact with the Appellant.**

- 1. The trial court erred by improperly admitting the results of several drug screens.**

The Court erred in admitting several drug screens over objection. The Department sought introduction of the results of several drug screens related to Appellant in this case. First, Dana Jewell, child protective services supervisor for the Department, testified that in a separate 2003 case the Appellant tested positive for methamphetamines (T – Vol. I – 55). Appellant objected on the grounds that the testimony was hearsay and violated her right to confront the witness against her. Appellant's objections were overruled and the testimony was permitted.

Later, Shara Nichols, an investigator with the Department, testified that Appellant tested positive for methamphetamines at the birth of A.L.V. (T – Vol. I – 67). Nichols did not perform the drug screen. (T – Vol. I – 77). Appellant again objected to this evidence as hearsay. This objection was also overruled and the testimony was permitted. Later, the Department admitted four drug screens through the most recent case manager, LeQuita Jackson. It appears from the transcript that the Department contended these records were not hearsay because they were business records of the Department (T – Vol. I – 83-84). Appellant objected that the drug screens were hearsay, that foundation had not been properly laid, and that admission of them without testimony from the proper witness violated her constitutional right to confrontation and due process (T – Vol. I – 185-186). These objections were overruled and the screens were admitted. After their admission, counsel for Appellant realized that a certification of authentication had also been admitted along with the screens and objected pursuant to O.C.G.A. § 24-9-902 that Appellant had not received pretrial notice of the Department’s intention to use certification of authentication. The trial court did not discuss the merits of the objection, simply stating “well, they’ve already been admitted” and agreeing to note the new objection. (T – Vol. II – 6-7).

First, the results of the various drug screens are hearsay. The results of any drug test performed are out of court statements by a nontestifying declarant offered for the truth of the matter asserted by the Department. Though at times, the Department argued that these results were not hearsay, they seemed to avail themselves of that position when they instead attempted to admit the results as business records. The drug screens are not, however, business records of the department. O.C.G.A. § 24-8-803(6) provides that the following shall not be excluded by the hearsay rule:

A memorandum, report, record, or data compilation in any form, of acts, events, conditions, opinions, or diagnoses, if (A) made at or near the time of the described acts, events, conditions, opinions, or diagnoses; (B) made by or from information transmitted to a person with personal knowledge and a business duty to report; (C) kept in the course of regularly conducted business activity; and (D) it was the regular practice of that business activity to make the memorandum, report, record, or data compilation, all shown by the testimony of the custodian or other qualified witness or by certification that complies with paragraph (11) or (12) of Code Section 24-9-902 or by any other statute permitting certification.

The Department's case manager Jackson testified that she maintains the drug screens of the parents on the cases she manages, is the custodian of those records for the DFCS office, and she uses those screens in the regular course of her

business (T – Vol. I – 183-184). Based on that testimony, the Department sought introduction of the drug screens as business records.

Appellant objected that proper foundation had not been laid to admit the screens as business records of the Department. There was no testimony establishing the O.C.G.A. § 24-8-803(6) factors with regard to the Department. The Department did not perform the drug screens, did not take or test the samples, and did not generate the reports. (T – Vol. I – 192). The Department is not in the regular practice of performing drug screens or creating the reports of their results. The Department also admitted a document with the screens to certify their authenticity pursuant to O.C.G.A. § 24-9-902(12). Appellant objected that the Department did not give Appellant the required pretrial notice. The code requires that the:

party intending to offer a record into evidence under this paragraph shall provide written notice of such intention to all adverse parties and shall make the record and declaration available for inspection sufficiently in advance of their offer into evidence to provide an adverse party with a fair opportunity to challenge such record and declaration.

Appellant was not provided written or any other notice of the Department's intention to authenticate the drug screen results by certification as required by the statute. (T – Vol. II – 6).

Admission of the results of these various screens violated the bar against hearsay, did not meet the foundational or notice requirements to be admitted as business records exceptions to the hearsay rule and violated Appellant's right to confront the witnesses against her and to cross examine the witness asserting that she had tested positive on any of these screens. Though a termination proceeding is not a criminal trial, the proceeding involves a fundamental liberty interest and "due process requires that we afford this liberty interest the same protect on appellate review that we afford those constitutionally protected interests in cases where a criminal conviction is had." Blackburn v. Blackburn, 249 Ga. 689, 693 (1982).

The court erred in admitting the results of the various drug screens for a number of reasons already stated. Had the evidence been properly excluded, there would have been no evidence presented at the termination proceeding that Appellant had engaged in any illegal drug use in almost a full year. The only

properly admitted evidence of Appellant's drug use would be her own admissions to Margie Roberts and Shara Nichols (T – Vol. I – 16, 67). Though Appellant admitted methamphetamine usage, there was no properly admitted evidence regarding the recency of that use and no properly admitted evidence that Appellant engaged in illegal drug use after A.L.V. came into foster care.

2. The trial court erred by granting the Department's petition prematurely.

Testimony and evidence presented at the termination proceeding established that the child was removed from Appellant and the father by the trial court's shelter care order filed September 21, 2012 (R – P exhibit 10). The child was adjudicated deprived by the trial court's order filed October 31, 2012 (R – P exhibit 13). Case plans generated by the Department and admitted into evidence at the termination proceeding listed completion dates for the parents' goals as September 11, 2013 (T – Vol. I – 136; R – P exhibits 8 and 9). The Department, however, filed its Petition for Termination of Parental Rights on June 27, 2013 less than eight months after the child was adjudicated deprived (R – 4). Testimony at the termination proceeding was heard on September 3, 2013 and September 6, 2013 and Appellant's rights were terminated on September 19, 2013 by order of the trial

court (R – 45). O.C.G.A. § 15-11-94 (b)(4)(C), which was in effect at the time of the trial court's termination, covered the grounds for termination. In

determining whether a child is without proper parental care or control when the child is not in the parent's custody, the court may consider whether the parent without justifiable cause has failed significantly *for a period of one year or longer prior to the filing of the petition for termination of parental rights*: (i) to develop and maintain a parental bond with the child in a meaningful, supportive manner; (ii) to provide for the care and support of the child as required by law or judicial decree; and (iii) to comply with a court ordered plan designed to reunite the child with the parent or parents.

In the Interest of C.G. et al., 324 Ga. App. 110, 114 (2013). In this case, the Department filed its termination petition less than 8 months after the court adjudicated the child deprived and ordered the reunification case plan. The case plan itself listed a goal completion date of September 11, 2013, a date that had not yet passed when the termination hearings commenced. Appellant was not afforded enough time to complete her case plan and the termination of her parental rights by the trial court was premature.

3. The trial court erred by finding that the continued deprivation of the child will cause or is likely to cause serious harm to the child.

The Court relied on the testimony of Margie Roberts, a licensed professional counselor and contractor with the Department who performed the substance abuse

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

June 6, 2014

Mr. Edwin Baker
GDC1264256
Washington State Prison
Post Office Box 206
Davisboro, Georgia 31018

Dear Mr. Baker:

I am in receipt of your Information Privacy Act Request for Court certified copies of Briefs in A09A1314. Edwin Baker v. The State. We have had no case styled, George Hunter v. The State in this Court. The Court of Appeals of Georgia is not subject to the Open Records Act.

The Court of Appeals of Georgia affirmed the judgment of the trial court in A09A1314. The remittitur is dated October 22, 2009. This Court's copy of the record has been recycled under the Record Retention Schedule. You may contact the clerk of the Superior Court who should have the original record so you may be able to obtain a copy of the Index.

On microfilm in this Court, we have copies of the Briefs you may purchase. Copies in the Court of Appeal of Georgia are \$1.50 per page. The Appellant's Brief contains 34 pages, the Appellee's Brief contains 16 pages and the opinion contains 6 pages. Certification is \$5.00 per document.

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

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

Sincerely,



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

SEC/ld

INFORMATION/PRIVACY ACT REQUEST

RECEIVED IN OFFICE
2014 JUN -4 PM 4:00
CLERK OF SUPERIOR COURT
COURT OF APPEALS OF GA

Georgia Administrative Procedure Act
Georgia Government documents Act
Georgia Records Act

TO: William L. Martin III
Court of Appeal of Georgia Clerk

From: Mr. Edwin Baker #1264256

47 Trinity Ave

Washington State Prison

Suite 501

P.O Box 206

Atlanta, GA 30334

Davisboro, GA 31018

Pursuant to Official Code of Georgia Annotated Title 50 Chapter 13, Sections 3 and 9 "Adoption of Agency's Rules of Organization and Practice; Public inspection and Validity of Rules, Polices Orders, Decisions, and Opinions- Petition for Agency's Promulgation of Rules." Title 50, Chapter 18, Section(s) 70 and 71 "Inspection of Public Records, Rights of Access to Make Reproduction." I, the undersigned, identified as above, respectfully request the following information:

Court certified court certified copies of the Appeals Briefs
Filed in the case of EDWIN BAKER V. STATE (CASE Number A09A1314)
& the case of George Hunter V. STATE. Along with copies of Court
INDEX of Case Files, of Both Appellants case, lower Court case
Number for George Hunter V. STATE is 07CR379A

If for any reason(s) any of the above described information or material is deemed to be non-releasable, please specify the statutory and regulatory reason(s) and the name & title of the person(s) making such decisions.

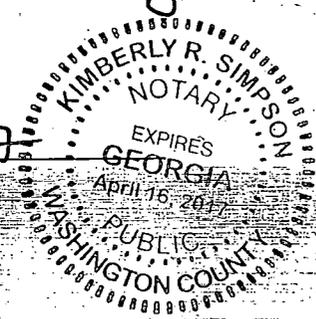
Your kind reply within the next twenty (20) working days would be very much appreciated. In the event that I do not receive any reply within that time, I will deem this formal request as denied and will have no alternative option but to seek access to the above request information and material through the appropriate judicial remedies. Sanctioned by O.C.G.A 50-18-73 "Jurisdiction to Enforce."

Respectfully submitted, Edwin Baker #1264256

SWORN AND SUBSCRIBED BEFORE ME THIS 28th DAY OF May 2014

Kimberly R. Simpson
Notary Public

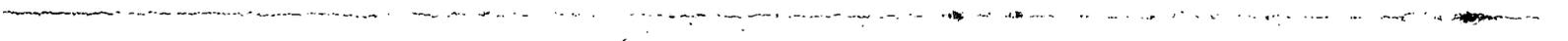
(SEAL) My commission expires 04/16/2017



C.C

35

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

Date: June 9, 2014

To: Mr. John O. Ellis, GDC1176320 F-1-203B, Dooly State Prison, Post Office Box 750, Unadilla, Georgia 31091

Docket Number: A14A1500 **Style:** John Ellis 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) or a sufficient pauper's affidavit. OCGA§5-6-4 and Rule 5 A 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

1.) Application Informing Defendant Right to have Sentence Reviewed. (see statement of facts pgs 2 of 6)

2.) Application submitted by attorney to have sentence reviewed (2pts) (see statement of facts pg 2 of 6)

3.) Response from Sentence Review Panel (see statement of facts pg 3 of 6)

4.) Motion for Appeal & Withdrawal of Plea (see statement of facts pg 3 of 6)

5.) Motion for Attorney to Represent (see statement of facts pg 3 of 6)

6.) Order Dismissing Motion for Appeal & Withdrawal of Plea and Request to Proceed in Form Papers (note see case # statement of facts pg 3 of 6)

LIST of Exhibits

John D. Ellis
PETITIONER
VS
STATE of Georgia
RESPONDENT

A14A1500

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2014 JUN 6 AM 10:59

CLERK OF SUPERIOR COURT

Exh 1

IN THE SUPERIOR COURT FOR
THE COUNTY OF DOUGHERTY
STATE OF GEORGIA

November TERM, 19 2004

STATE OF GEORGIA

VS.

CASE NO. 03 R 1243

John Oliver Ellis

OFFENSE: Child Molestation
(2 counts); Aggravated
child molestation;

TO: _____

Since you the defendant, have received a sentence of twelve (12) years or more; or consecutive sentences which total twelve (12) years or more, you are advised by this court that you have the right to have this sentence reviewed by the Superior Courts Sentence Review Panel. If you desire to file such an application for review, it must be filed with the Clerk of this Court within thirty (30) days of the date on which this sentence was imposed, or within thirty (30) days of the date the order from this Court of Appeals or Supreme Court affirming the conviction is made the judgment of the sentencing Court, whichever occurs last.

I acknowledge that the above statement was read to me in open court this
the 8th day of November, 192004.

John Ellis
Defendant

William H. Monroe, Jr.
Deputy Clerk, Dougherty County Superior Court

[Signature]
Judge, Superior Court, Dougherty County

Donaldson & Bell, LLP

R. Ripley Bell, Jr., P.C.

127 N. Westover Blvd.
P.O. Box 71607
Albany, Georgia 31708-1607
(229) 888-6929

Ex
2

November 8, 2004

John Ellis
c/o Dougherty County Jail
P.O. Box 549
Albany, Georgia 31702-0549

Re: State vs. John Ellis
Superior Court of Dougherty County
Case No: 03-R-1243

Dear Mr. Ellis:

While my representation of you concluded at such time as you were issued your sentence in the above-referenced matter, I have filed an Application of Sentence Review on your behalf and at your request. I am enclosing a copy of the application for your review.

Thank you for your attention to this matter.

Very Truly Yours,


R. RIPLEY BELL, JR.

RRB\jat
enclosure

Ex 2

APPLICATION FOR SENTENCE REVIEW

04 NOV -8 PM 4: 20

JOHN O. ELLIS (NAME OF DEFENDANT) VS STATE OF GEORGIA
INDICTMENT NUMBER: 03-R-1243
DOUGHERTY SUPERIOR COURT

The above named applicant hereby applies to the Superior Courts Sentence Review Panel of Georgia for review of the felony sentence imposed in the Superior Court of DOUGHERTY County on NOVEMBER 8, 2004.

The Clerk will please forward a copy of the sentence(s) of the Court, the indictment(s), pre-sentence or post-sentence investigation by the Court or by the probation officer to the Sentence Review Panel, 18 Capitol Square, Suite 108, Atlanta, Georgia 30334.

Application for Review of Sentence is pursuant to OCGA 17-10-6 which states a defendant receiving a felony sentence of 12 years or more imposed by a Superior Court Judge may apply to have the sentence(s) reviewed by the Sentence Review Panel. Felony sentences of less than 12 years are eligible for review only when they are to be served consecutively for a total of 12 or more years and were imposed in the same county within the same term of court.

Application may be filed by the defendant or attorney. Please indicate below whether you are the attorney or defendant.

R. RIPLEY BELL, JR. Attorney

JOHN O. ELLIS Defendant

Please indicate below the name and address of the person filing this application:

Complete the information below concerning the Defendant:

R. RIPLEY BELL, JR.

State I. D. Number GA 1117312W

P.O. BOX 71607

Date of Birth: 01/19/1963

ALBANY, GA 31708-11607

Social Security Number: 255-21-1370

11/8/04 (DATE)

SIGNATURE OF APPLICANT

PLEASE RETURN THIS FORM TO THE SUPERIOR COURT CLERK OF THE COUNTY IN WHICH THE DEFENDANT WAS SENTENCED.

Superior Courts Sentence Review Panel
Council of Superior Court Judges of Georgia
Suite 108, 18 Capitol Square, Atlanta, Georgia 30334

Review Panel: (404)656-5159
fax: 651-8626

Council: (404)656-4964
651-8626

Ex 3

DATE: 03-09-2005

RE: Pre-docket number: 05-9423
Defendant: JOHN O ELLIS

Indictment Number(s): 03R1243

In response to the request for Sentence Review, it appears that the Panel has no jurisdiction to review the sentence(s) because:

OCGA 17-10-6.1 prohibits the review of murder, felony murder, aggravated child molestation, aggravated sexual battery, aggravated sodomy, rape, kidnaping or armed robbery.

TO: Superior Court Clerk, DOUGHERTY COUNTY
Evonne Mull
P.O. Box 1827
Albany Ga 317021827

JOHN O ELLIS
EF#. 565017/GDC#: 1176320
COASTAL STATE PRISON
P.O. BOX 7150
GARDEN GA 314181750

FILED
05 MAR 14 AM 9:03
EVONNE S. MULL
CLERK OF SUPERIOR COURTS
DOUGHERTY COUNTY

Walter R. ...
of Mark ...



Witness by ...
violated by the courts; the Attorney ...
my constitution rights have been ...
an appeal; withdrawal of my plead, because ...
against me by the courts. In requesting ...
investigate all false evidence that was ...
on me. The Attorney also refuse to ...
into accepting the sentence that was impose ...
Attorney is the one that compel me ...
sentence that was impose on me, Mr ...
I was compel into accepting the ...
charges it I plead guilty to them. ...
Legal rights or the consequences of ...
The full knowledgement of the ...
The Attorney or Judge did not give ...
as he suppose to by the law. ...
The Attorney did not represent me ...
Under the circumstance of, the ...

of plead:
Appeal & Withdraw

EYONNE S. MULL
CLERK OF COURTS
DOUGHERTY COUNTY

04 DEC - 8 AM 8:52

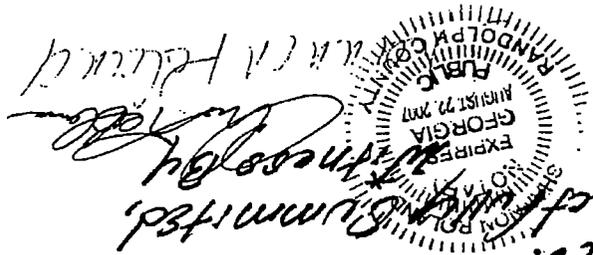
John ...
Mr. E. H. ...
V. S. ...

FILED

Ind: cment # 03 E-1243

Date 12/6/09

CSY



Prepare By
John Ellis

Respectfully Submitted,
Court of Dougherty Co.
I'm requesting for the Court of Clerk
to appoint me an Attorney to represent
me on an appeal; withdraw of plea
that I've plea to. I've file an
motion with the Court of Clerk for an
appeal; withdraw of plea that I've
enter with an Attorney that was appointed
by the indigent Defense of the Dougherty
County Jail. The Attorney that the
indigent Defense appointed to me misre-
presented me, by allowing my constitu-
tion rights to be violated in the Superio-

Motion: for Attorney
to represent:

Superior Court
Clerk of Court
Office...
P.O. Box 1821
Albany, GA
31701

Mr. John Ellis
CASE # 03-R-1248
OCH # 66201
P.O. Box 549
Albany, GA
31702

FILED 12/17/04

DEC 20 AM 9:23

DOUGHERTY COUNTY
CLERK OF COURTS

2 x 5

Ex 06

Exhibit E

FILED
IN THE SUPERIOR COURT OF DOUGHERTY COUNTY

STATE OF GEORGIA 06 OCT -5 AM 10:59

EVONNE S. HULL
DOUGHERTY COUNTY
CLERK OF COURTS

STATE OF GEORGIA,

V.

Criminal Action: 03-R-1230

John Ellis,
DEFENDANT.

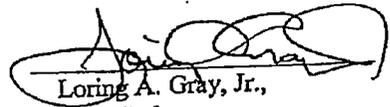
ORDER

Pending before this Court is the Defendant Richard Collins pro se "Motion for Appeal & Withdrawal of Plead" and a Request to Proceed in Forma Pauperis¹. Said motions, however, lacks any indication that a copy has been furnished to the opposing counsel (i.e. State) in accordance with O.C.G.A. §17-1-1. "This State's rules of criminal procedure require the service of every written motion on each party absent authority for an ex parte hearing," Prater v. State, 222 Ga. App. 486, 487-88 (1996).

Failure to serve motions and hence give notice and an opportunity for the opposing party respond prevents a ruling and would render any resulting order of no effect. Owens v. State, 258 Ga.App. 647 (2002). Therefore, before this Court can consider the Defendant's motion, the Defendant must conform to the dictates of O.C.G.A. § 17-1-1(a), along with a copy to this Court. Until this has been accomplished, no further ruling will be issued in this matter.

Furthermore, the Defendant petitions the Court for trial transcript in order to appeal. The Defendant pled guilty to the charge of aggravated assault, therefore, there is no trial transcript in the record. As there was a guilty plea, there is can also be no appeal. Accordingly, the Defendant's motions are hereby Dismissed.

SO ORDERED, this 5 day of Oct September, 2006



Loring A. Gray, Jr.,
Chief Judge
Superior Court
Dougherty County, Georgia

¹ The request does not include a civil action form as promulgated by the Administrative Office of the Courts. Instead, the Defendant wrote in the margins which actions he wanted taken.

IN the Court of APPEALS
STATE of GEORGIA

RECEIVED IN OFFICE

2014 JUN 6 AM 10:59

COURT OF APPEALS OF GA

JOHN O. ELLIS

PETITIONER

-VS-

STATE of GEORGIA

RESPONDENT

CASE# 03-R-1243

CASE# A14A1500 (APPEAL)

BRIEF IN SUPPORT of MOTION to WITHDRAW
GUILTY Plea due to INEFFECTIVE ASSISTANCE
of COUNSEL.

COMES NOW DEFENDANT JOHN O. ELLIS moves this
honourable court to support motion to withdraw
guilty plea due to INEFFECTIVE ASSISTANCE of
COUNSEL ON the following grounds.

(1.)

INEFFECTIVE ASSISTANCE of COUNSEL - Attorney
gave the PETITIONER erroneous advice about
SENTENCE REVIEW.

(2.)

INEFFECTIVE ASSISTANCE of COUNSEL - Attorney
failed to investigate laws pertaining to
requirements of SENTENCE REVIEW Panel

At the guilty plea hearing on the petitioner case, the petitioner was advised to plead guilty to the charges of the state by his Attorney. The petitioner Attorney did not investigate the advice he was given. The Judge advised the petitioner that he had a right to a sentence review panel. Petitioner

STATEMENT of Facts

ON or About November 8, 2004 the petitioner entered a guilty plea in Superior Court of Dougherty County to Aggravated Child Molestation.

STATEMENT of CASE

The Court of Appeals has jurisdiction over the matter by virtue of the Appellate Practice Act of 1965, O.C.G.A. SECTION 5-6-33 (GA36-901)

Jurisdiction

(3.) Court response to original motion was not in time allowed. Causing petitioner to being out of time.
Court response to original motion did not pertain to petitioner.

(4.)

(3.)

Attorney neglected to inform petitioner, Pleading to aggravated Child Molestation is not Reviewable by panel. This rendered the advice given Ineffective Assistance of Counsel. Judge advised petitioner he had a right to Appeal. Petitioner filed a Notice of Appeal within allotted time. Motion for Appeal and Withdrawal of plea stamp filed Dec 8, 2004. Motion for Attorney to Represent stamp filed Dec 20, 2004 under case # 03-R-1243. Approx 23 months later, on or about Oct 5, 2006 the court entered an order dismissing motion for Appeal as well as motion to withdraw plea and a request to proceed in Forma Pauperis under case # 03-R-1230 said charge of aggravated assault upon defendant Richard Collins. Petitioner after being delayed 23 months later after filing motions + Notice of Appeal, Petitioner received a order dismissing under another case # as well as charges. Order received did not pertain to petitioner.

CITATION of Authority

In Davis Murrell 279 GA 584 619 S. E. 2d 662 (2005) held order denying relief to petitioner had to be reversed. Two Instances of Affirmatively misinforming petitioner of the consequences -

of his plea established the deficient performance prong of a showing of ineffective assistance of counsel and the question in a prejudice inquiry was not what petitioner would have done at subsequent time when he learn the truth, but what he would have done at the guilty plea hearing had he been given the correct information. However the misinformation on which the finding of deficient performance is based on counsel erroneous statement to Davis that he was eligible to have his sentence reviewed. The advice was so inaccurate that it fell outside the permitted range of competence. (SEE HILL vs Lockhart SUPRA 474 U.S. at 59) TARWATER vs STATE 259 GA. 516 (383 SE2d 883). It has been long held that a criminal defendant is entitled to effective assistance of counsel. (SEE PENSON vs. Ohio). Under the landmark case of (STRICKLAND vs. Washington) 693 F.2d 1243 it was established that counsel has several required duties to perform and to neglect these duties constitutes ineffective assistance of counsel. It should also be kept in mind that just because a defendant decides to plead guilty does not relieve counsel of his or her duties. (SEE TORO-FAIRMAN) 940 F.2d 1068 It has been established that counsel must perform

Respectfully submitted
John D. Ross
7/5/16

This 3 day of June 2014

CONCLUSION
BASED ON THE FOREGOING ENUMERATIONS OF ERRORS / GROUND
(SEE Pg. 10 f. 6 AND 20 f. 6) PETITIONER SEEKS
TO HAVE GUILTY PLEA WITHDRAWN.

A thorough investigation. This duty is especially
required as without first doing a complete investigation
counsel is in no position to advise the defendant
to plead guilty or on possible defenses that can
be used a trial (SEE Mason vs Dalton) 531 F.2d 751
counsel must thoroughly research the law and be
familiar with the law. (SEE Matire vs Wainwright
811 F.2d 1430. Failure of counsel to be familiar
with the law render counsel useless as counsel
with no law to go by can present no defense.
(SEE Voyles vs. Watkins) 498 F. S. 901. Counsel
performance in this case clearly shows that he
wasn't acting as counsel and clearly indicating
a plea. Making him ineffective as guaranteed
by the 10th & 14th Amendment of the United
STATES Constitution.

CERTIFICATE OF SERVICE

I hereby certify that on this dated served a true and correct copy of the foregoing Brief in Support of Motion to Withdraw Plea due to Ineffective Assistance of Counsel by mail to District Attorney Office AND Court of Appeals of Georgia.

This 3 day of June 2014

John D. Bledsoe
PETITIONER

Court of Appeals of State of Georgia
Clerk's Office
Suite 501
47 Trinity Ave
ATLANTA, GA 30334

District Attorney's Office
Office of Daugherty Judicial Circuit
P.O. Box 1827
Albany, GA 31702

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

June 9, 2014

To: Ms. Anastasia Deschamps, 5149 Barrington Trace, Atlanta, Georgia 30331

Docket Number: A14D0355 **Style:** **Marathon Reo Investment, LLC v. Anastasia Deschamps**

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 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

JUN 06 2014

CLERK, COURT OF APPEALS OF GEORGIA

IN THE COURT OF APPEALS STATE OF GEORGIA

RECEIVED IN OFFICE
2014 JUN -6 PM 4:07
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

MARATHON REO INVESTMENT LLC.)
Plaintiff)
)
)
vs.)
)
ANASTASIA DESCHAMPS)
Defendant)
)
)
_____)

Fulton County Case No. 2013CV236354

APPEALS No.:
A14 P0355

MOTION FOR RECONSIDERATION AND/OR TO SET-ASIDE OR IN THE ALTERNATIVE AN ORDER ALTERING THIS COURT JUDGMENT

AND

NOTICE OF INTENT TO FILE A WRIT OF CERTUARY WITH THE SUPREME COURT OF GEORGIA

COMES NOW Defendant Anastasia Deschamps in the above appeal and files her TIMELY Motion for reconsideration and/or to set-aside or in the alternative an order altering this court judgment and shows the Court the following:

1.

That this Court has determined that the appeal of the Defendant is not proper for not following the procedure found in OCGA 5-6-34 (interlocutory appeals) because the “order determining rent” was not a final order, as it left the issue of possession pending.

2.

But to the Defendants limited understanding, the “order “ of the Superior Court granted both rent to the Plaintiffs and writ of possession, or affirmed the magistrate courts order for writ of possession.

3.

In any regard, the order was issued in the most obvious part:

- a) Without hearing as requested by both parties;
- b) Without an expert witness (appraiser) as required by law and this court's precedent.
- c) Without the order having a Civil Disposition Form filed out and attached;

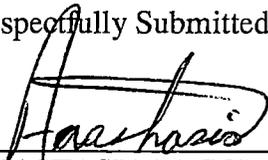
4.

Therefore the Defendants request for this Court to reconsider its order denying jurisdiction and re-examine the Superior Court's order and ALLOW and GRANT the Defendant a complete review by this Court. See: OCGA § 5-6-35(a) (3).

OCGA § 5-6-35(a) (3)

(3) Appeals from cases involving distress or dispossessory warrants in which the only issue to be resolved is the amount of rent due and such amount is \$2,500.00 or less;

Respectfully Submitted this June 6, 2014


ANASTASIA DESCHAMPS
5149 Barrington Trace
Atlanta Ga. 30331
917-930-8920

CERTIFICATE OF SERVICE

This is to certify that I have served

**MOTION FOR RECONSIDERATION AND/OR TO SET-ASIDE OR IN THE
ALTERNATIVE AN ORDER ALTERING THIS COURT JUDGMENT**

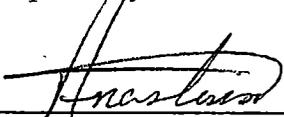
AND

**NOTICE OF INTENT TO FILE A WRIT OF CERTUARY WITH THE SUPREME
COURT OF GEORGIA**

upon the Defendants named below by legal service of process at their known addresses.

MCCULLA RAYMER
1544 OLD ALABAMA RD.
ROSWELL GA.

Respectfully Submitted this June 6, 2014



ANASTASIA DESCHAMPS
5149 Barrington Trace
Atlanta Ga. 30331
917-930-8920

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

Date: June 9, 2014

To: Mr. Garin Daniel, GDC413482 D1-24, Spalding County Correctional Institution, 295 Justice Boulevard, Griffin, Georgia 30224

Docket Number: **Style:**

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

1. Your Appellant's Brief, was not accompanied by the statutory filing fee (\$300.00 civil; \$80.00 criminal *Effective July 1, 2009) or a sufficient pauper's affidavit. OCGA§5-6-4 and Rule **Your pauper's affidavit should be notarized by a notary public.**
2. A Request for Oral Argument must be filed as a separate document. Rule 28 (a) (3)
3. Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)
4. 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 Court of Appeals of Georgia does not have the power nor authority to appoint counsel for you.**
18. Other:

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

In The Court of Appeals of the State of Georgia

GARIN LEE DAVIEL

v

State of Georgia

.....

Motion for Appointment of Counsel

Now comes the Petitioner Asking this Honorable Court to Appoint Counsel to represent him in this matter. In support of this Motion, the Petitioner states,

1) He is unable to afford counsel. He has requested leave to proceed in forma pauperis.

2) His imprisonment will greatly limit his ability to litigate. The issues involved in this case are complex and will require significant research and investigation.

3) Petitioner has limited access to the law library and limited knowledge of the law

RECEIVED IN OFFICE

2014 JUN -6 PM 3:47

CLERK OF COURT APPEALS OF GEORGIA
COURT ST. APPEALS OF GA

Wherefore, PETITIONER REQUEST THAT THIS
HONORABLE COURT APPOINT HIM COUNSEL IN
THIS CASE.

This 4th Day of June 2014
Garin L. Daniel
GARIN L. DANIEL

Certificate of Service

This is to certify that I have this day served a true and correct copy of the within and foregoing document upon the party listed below by depositing a copy of same in the United States Mail in a properly addressed envelope with adequate postage thereon to insure that it reaches its destination properly addressed upon:

Clerk
Court of Appeals
Suite 501

47 Trinity Avenue S.W.
Atlanta, Georgia 30334

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

June 9, 2014

To: Mr. Daniel E. Cobble, GDC7585172, Hancock State Prison, Post Office Box 339, Sparta, Georgia 31087

Docket Number: **Style:** **Daniel E. cobble v. Stephanie Anne Lockhart**

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).
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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

Tracy is 8-2-14 of David Beckwith
Police position

RECEIVED IN OFFICE
2011 JUN 15 PM 3 45
CLERK OF SUPERIOR COURT
COURT OF APPEALS OF GA

Perhaps request Tracy
17855

Motion to Reverse Remittitur
directing my obtaining evidence to prove
I did exact opposite of what Tracy
appears court said I did

Motion to Reverse
Remittitur of
CIVIL CASE

Civil # 12-10423
Court of Appeals

In Re Georgia
Darnel and Cobb
perhaps
Stephanie Anne Lockhart
detainer

USFE 4578 Depreciation

157801: Sergio Court of Appeals error
in Reg 2012 Rule when Reg says I
don't ~~not~~ for 2 years certificate of
Investment Review 13075, when policy is of 1 year
either a 5 year delay for 2 years certificate
of Investment Review, so as per O.C.G.
51520 Appeals Rule 1.2012 15 certificates
to either

Jurisdictional Statement

as per 1983 Georgia Constitution
Georgia court of Appeals has Jurisdiction
to answer all Remittitur Reversal motions
Filed in their court on their Rules
due to evidence newly available to me
despite re in Segregation forever so prison
will not let me go to Law Library from seg
so I can't get case to tell you, but the records
evidence to you'll, to show you 115 actions
were involved, not mine

procedural history

I filed a writ motion for REX Beck
for immediate review motion in Superior
court, then I filed a writ for certiorari
of a certiorari review order ~~of~~ ^{denying} appeal
my objection motion, or a writ? ^{appeals with grant}
a writ for civil rights violation as writ
part was granted paper states as follows
under review, but because court deprecates
lead of review, I did not file judgment
certiorari for immediate review but
superior would not give me the writ
to send you a writ, so I did not
have my own case anymore, and so I did not
I can't get in case, but on 5-2-84
I get free and case from superior court

(was a writ for this time) or writs
that is what I can send you again

In the Georgia court of appeals

Panel (en banc)

petitioner

in

Stephanie Anne Leffler

defendant

Notice of evidence

next 3 days

petitioner sends this

①

Aug 20, 2017 filed in

Cherokee Superior court for indictment

Return made

②

certification of service filed on

③

check letter verifying granted

papers 5/2/17

July 15 6-2-14

David B. Williams

pro se petitioner

A120423

en banc

motion

reply &

return file

In the Superior Court of Cherokee County
State of Georgia

Daniel Entz Case

Case No. 11-cv-2273-EM

Filed in Office, Cherokee County, Georgia
This 20 day of Aug. 2013
At 3:13 p.m.
PATTY BAKER, Clerk
Superior State and Juvenile Courts
Stephanie Anne Leckie
defendant

Motion for Certificate of Immediacy

Review of Immediacy

to appeal to Georgia Court of Appeals
to appeal to Georgia Court of Appeals
to appeal to Georgia Court of Appeals

to appeal to Georgia Court of Appeals
to appeal to Georgia Court of Appeals
to appeal to Georgia Court of Appeals

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to appeal to Georgia Court of Appeals
to appeal to Georgia Court of Appeals



**PATTY BAKER
CLERK SUPERIOR COURT**

Cherokee County Justice Center 90 North Street, Suite G-170
Canton, Georgia 30114
678-493-6511

September 2, 2011

Daniel Cobble
Inmate # 758572
Hays State Prison
PO Box 668
Trion, GA 30753

FILED IN OFFICE
CLERK OF SUPERIOR COURT
CHEROKEE COUNTY, GA
2011 SEP -2 PM 3:16
PATTY BAKER, CLERK

**Re: Daniel Eric Cobble vs. Stephanie Anne Lockhart Biggers
Civil action no. 11-CV-2272-EM**

Dear Mr. Cobble:

This letter is written in response to your recently filed Pauper's Affidavit. On August 18, 2011, we received your Pauper's Affidavit along with an Inmate Form for Civil Action. Enclosed you will find an Order in which Judge Ellen McElyea **granted** your request to waive the required filing fees. Your case has been assigned to civil action no. 11-CV-2272-EM. Please include this number on all future filings.

If we can be of further assistance, please let us know.

Sincerely,

Stephanie Loudermilk
Deputy Clerk

SUPERIOR COURT:
CIVIL 678-493-6501
CRIMINAL 678-493-6507

STATE COURT:
CIVIL 678-493-6555
CRIMINAL ... 678-493-6550

**JUVENILE
COURT** 678-493-6560
DEED DEPT. 678-493-6530

UCC DEPT. 678-493-6524
INTANGIBLE
TAX 678-493-6527

certificate of service

First certificate that I have this day
Served copies scanned Katz's profile
civilian protesters as well as mail with copy with
postage to ↓

Stephanie Anne Lockhart
108 57th Street Aline
Woodstock, Georgia 30188

This day of June 2014 by David Beattie
pro/A persons

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

June 9, 2014

To: Mr. Rico L. Ballard, GDC886719, Georgia Diagnostic and Classification Center - SMU, State Prison,
Post Office Box 3877, Jackson, Georgia 30233

Docket Number: **Style:** **Rico L. Ballard 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)
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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)
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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

Reed L. Ballard
-v-
STATE OF GEORGIA

Fulton County Superior Court
Indictment # 2-75422
GEORGIA COURT OF APPEALS
Docket Number _____

APPLICATION FOR REVIEW OF ERRONEOUS JURY CHARGE
INVOLVING SUBSTANTIAL ERROR PURSUANT TO
O.C.G.A. 5-5-24(C)

Comes Now - the defendant Reed Ballard - Prose - in the above style case pursuant to O.C.G.A. 5-5-24(C) and respectfully ask(s) this honorable court to review the enumeration of error(s) erroneous jury charge involving substantial error(s) which are harmful as a matter of law and may be considered by this honorable court for the following reason(s);

(1)

Pursuant to O.C.G.A. 5-5-24(C), the appellate court shall consider and review erroneous charges where there has been a substantial error in the charge which was harmful as a matter of law, regardless of whether objection was made hereunder or not.

(2)

Therefore - Pursuant to O.C.G.A. 5-5-24(C) - this honorable court has the proper authority to consider and review each of the listed enumeration of error(s) because each of the enumeration of error(s) if involved erroneous jury charges resulting in substantial error which are harmful as a matter of law and the Georgia Court of Appeals is empowered to consider and review the erroneous jury charges because they are substantial error(s) which are harmful as a matter of law and the Georgia Court of Appeals is charged with the duty of correcting errors of law.

(3)

Notwithstanding - the defendant attorney Glenn Zell objected to the jury charge(s) and reserved the objections for later review on appeal as required by law which can be found on trial transcript page # 718 in the following language by attorney Glenn Zell; "I ALWAYS RESERVE MY OBJECTIONS IN CASE THERE IS A NEED FOR MOTION FOR NEW TRIAL OR NOTICE OF APPEAL. I RESERVE ANY OBJECTIONS".

Notwithstanding regardless of the objections - Pursuant to O.C.G.A. 5-5-24(C) - the defendant is entitled to have the erroneous jury charges considered and reviewed by the Georgia Court of Appeals because these erroneous jury charges resulted in a substantial error which is harmful as a matter of law.

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JUN - 5 PM 1:41
COURT ADMINISTRATOR
OF APPEALS OF GA

RECEIVED IN OFFICE

2014 JUN -5 PM 1:49

COURT OF APPEALS OF GA

#886719

Rico Ballard

Rico Ballard #886719
601 C.P. 5th
P.O. Box 3877
JACKSON, GA 30233

listed address - thanks

of each back to the defendant at the below

PLEASE STAMP FILE EACH AND FORWARD A COPY

PROCEED IN FORMER PAPERS FORMS -

PURSUANT TO O.C.G.A. 5-5-24(c) AS WELL AS TWO REQUEST TO

OF ERRONEOUS JURY CHANGE INVOLVING SUBSTANTIAL ERROR

PLEASE FIND ENCLOSED TWO APPLICATION FOR REVIEW

CLERK OF COURT

6-1-14

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

Date: June 9, 2014

To: Mr. Michael Lane Brewer, GDC705156, Coffee Correctional Facility, Post Office Box 650, Nicholls, Georgia 31554

Docket Number: A14A0799 **Style:** Brewer v. The State

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

1. Your Appellant's Brief, was not accompanied by the statutory filing fee (\$300.00 civil; \$80.00 criminal *Effective July 1, 2009) or a sufficient pauper's affidavit. OCGA§5-6-4 and Rule **Your pauper's affidavit should be notarized by a notary public.**
2. A Request for Oral Argument must be filed as a separate document. Rule 28 (a) (3)
3. Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)
4. No Certificate of Service or an improper Certificate of Service accompanied your document(s). Rule 6
5. Your Certificate of Service did not include the complete name and mailing address of each opposing 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)
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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)
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 case is still pending before the Court. Our docket still reflects your attorneys as James Bonner and Michael Tarleton at GPDSC - Appellate Division.**

MICHAEL LANE BREWER

GDC# 705156

COFFEE CORRECTIONAL FACILITY
P.O. BOX 650
NICHOLLS, GA. 31554

June 2, 2014

* ADDRESS CHANGE *

Stephen E. Castlen, Clerk

Court of Appeals for
the State of Georgia

47 Trinity Avenue, S.W.

Suite 501

Atlanta, GA. 30334

RE: A14A0799. BREWER V. STATE

RECEIVED IN OFFICE
2014 JUN -6 PM 3:46
CLERK OF APPEALS OF GA

Dear Mr. Castlen;

I am sure that this case is still pending,
however, please send me a copy of the
court's opinion as soon as you have one to
file. Thank you.

Sincerely,
Michael Lane Brewer

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

June 11, 2014

To: Mr. Kurtis L. Brown, GDC1240028, Johnson State Prison, Post Office Box 344, Wrightsville, Georgia 31096

Docket Number: **Style:** **Kurtis L. Brown v. Judge Michael Karpt, 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

COUNTY

STATE OF GEORGIA

Kurtis L. Brown (Case 308)

Petitioner

CIVIL ACTION NO. _____

VS.

PETITION FOR WRIT OF MANDAMUS

Judge: Michael Karpf
Judge: David L. Cavender
Head Clerk Chatham County
Head Clerk Tattnall County

Respondent/Defendant

“AFFIDAVIT CONTEMPT”
UNDER O.C.G.A. § 15-6-21(A)(d)
“WRIT mandamus”

PETITION FOR A WRIT OF MANDAMUS

Now comes K/Curtis Lee Brown, hereinafter referred to as Petitioner in the above-titled “Petition for a Writ of Mandamus”, pursuant to O.C.G.A. 9-6-1 and O.C.G.A. 9-6-20 et seq. and moves the court for issuance of a Writ of Mandamus directed to the above-named Respondent(s) ordering the performance of duties as Chatham/Tattnall Judges, Clerks. As legal and just cause for issuance of such an order, Petitioner submits as follows to-wit:

A

Respondent is employed by STATE OF Georgia in the official capacity of Judges and Clerks and as such, is subject to the jurisdiction of this Court.

B

Petitioner states a claim in that AFFIDAVIT OF FACTS That This Chatham County Court and Judge: Michael L. Karpf and Tattnall County court would Answer Chatham County Judge (1) Affidavit of facts special demurrers for this court to Answer in (10) days (Business days, that was set in on May 13, 2013, the filings day at 9:38 A.M. Court Record, (#2) also on file at the court Demand for Discovery under O.C.G.A. § 17-16-1 et seq. At 9:38 AM, (#3) second one sent in for the record “Demand for Default Judgment Affidavit of facts For summary Judgment That was file on May 13, 2013 at 9:37 (A.M.) (#4) on file at the court at 9:11 AM in April 11, 2013 defendant Affidavit of facts vacate and set aside void Jury Proceedings, (#5) Filed Feb. 25, 2013 at 8:59 A.M. fast and speedy trial on case # (107-0530-KA. (#6) Filed Aug. 5, 2010 at 11:03 A.M., also at 11:03 Aug. 5, 2010 copy of the grand Jury minutes. Filed in office on July 5, 2013 at 3:45 A.M. Affidavit of facts letter of inquiry (#7) Filed in office on April 11, 2013 at 9:11 A.M. and mine more that on the record.

Petitioner has a clear legal right to the relief sought, but has no other remedy other than Mandamus to obtain such relief. 3/

D

If Petitioner is not granted the relief sought, Petitioner will suffer loss of protections guaranteed by the Constitution of the United States and the State of Georgia, and the laws thereof.

E

Failing the performance of the official duties of the Respondent(s), Petitioner is and will continue to be denied the very rights to which Petitioner is guaranteed by law and/or suffer punishment or damages in violation of the law.

CONCLUSION

Wherefore, Petitioner requests that the Court issue a Mandamus Nisi ordering Respondent to show cause at a time and place to be designated by this Court not less than ten (10) nor more than thirty (30) days from this date, why a Mandamus should not be granted against Respondent requiring performance of, or cessation of, the acts requested and that on the hearing the Mandamus be made absolute.

This 5 day of June, 2014.

ucc1-308
Respectfully Submitted,

K/Curtis Lee B (GDC#1240078)
Pro-Se

K/Curtis Lee, Brown (ucc1-308)
Print Name

P.O. Box 344
Print Address

Wrightsville, Georgia

Sworn to and subscribed before me this 5 day of JUNE, 2014.

J. Lecca
Notary Public
Comm. Exp. 2/26/18
2192
My Commission Expires 2018
WILKES COUNTY, GA

Gifts or inheritances? Yes No

Any other sources? Yes No

If the answer to any of the above is "Yes," describe each source of money and state the amount received from each source during the past twelve months: _____

_____ N/A

4. Do you own any cash, or do you have money in a checking or savings account? (Include any funds in prison accounts): Yes No

If the answer is "Yes," state the total value of the items owned: _____

5. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? Yes No

If the answer is "Yes," describe the property and state its approximate value: _____

_____ N/A

6. List the persons who are dependant upon you for financial support, state your relationship to those persons, and indicate how you contribute toward their support: _____

_____ N/A

I understand that a false statement or answer to any question in this affidavit will subject me to penalties for perjury and that state law provides as follows:

- a. A person to whom a lawful oath or affirmation has been administered commits the offense of perjury when, in a judicial proceeding, he knowingly and willfully makes a false statement material to the issue on point in question
- b. A person convicted of the offense of perjury shall be punished by a fine of not more than \$1,000 or by imprisonment for not less than one nor more than ten years, or both. O.G.C.A. § 16-10-70.

Charles Teub
Signature of Plaintiff

6/5/14
Date

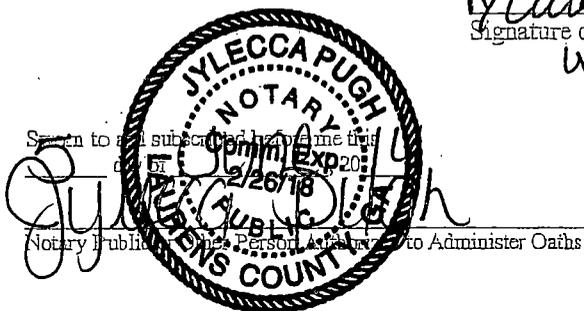
ucc 1-308

VERIFICATION

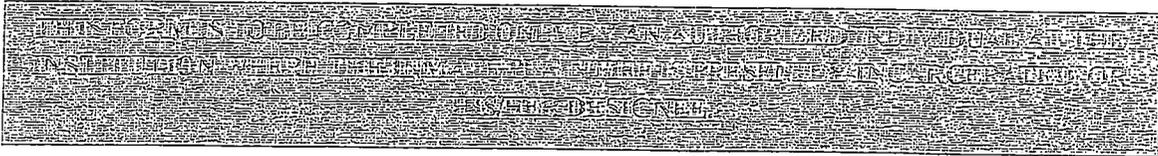
I, K/Curtis-Lee; Brown, do swear and affirm under penalty of law that the statements contained in this affidavit are true. I further attest that this application for in forma pauperis status is not presented to harass or to cause unnecessary delay or needless increase in the costs of litigation.

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.

K/Curtis Lee B 6/5/14
Signature of Affiant Plaintiff Date
WCC1-388



Please remember that under O.C.G.A. § 42-2-5 service of an affidavit in forma pauperis and all other filings shall be made upon the court and all required filings shall be made by the prisoner. To comply with this code section shall result in dismissal with prejudice of the prisoner's action.



CERTIFICATION

I hereby certify that the Plaintiff herein, K/Curtis Lee Brown (UCCL-308)
has an average monthly balance for the last twelve (12) months of \$ 0 on account at
the _____

_____ 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: \$10.

J. Pugh
Authorized Officer of Institution

JUNE 5, 14
Date

NOTE: Please attach a copy of the prisoner's inmate account for 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

June 11, 2014

Mr. Ahquan Dante Boyd
LE1516967 GDC1001097939
Clayton County Jail
9157 Tara Boulevard
Jonesboro, Georgia 30236

Dear Mr. Boyd:

The Court of Appeals of Georgia does not have the power or authority to appoint counsel for you. Any requests for appointed counsel should be directed to the trial court.

Sincerely,



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

SEC/ld
Enclosure

Ahquan Dante Boyd
LE# 1516967 4-415
Case: 2013-CR-00438-01
GDC# 1001097939

AFFIDAVIT

The Court of Appeals

Office of the Clerk

47 Trinity Avenue

Suite 501

Atlanta, GA, 30334

And Trial.

RE: Motion For New Appellate Counselor

Page 1 of 2

RECEIVED OFFICE
28 JUN 11 AM 8:52
COURT OF APPEALS OF GA

Dear, Court of Appeals
I petitioner (Ahquan Dante Boyd) would like to appeal to this honorable court. In the form of the defendant, of case 2013-CR-00438-06. This affidavit is to alert this honorable court that I have filed a motion for new appellate counselor and trial, with clayton county superior court on March, 26th 2014. Which clayton county superior court has not responded to petitioners motion.

Furthermore I have learned that my case has been docketed by this honorable court. However I can not continue this process of appeal until, clayton county court has granted my motion for new appellate counselor. My present appellate counselor is aware that I have filed for new counsel, therefore to avoid conflict of interest, I can not continue with his services.

Moreover, if the court of appeals continues with the appeal process. This honorable court would have forced me to be represented by Michael W Tolton. Enclosed is a copy of motion for new appellate counselor and trial which was filed with clayton county court on March 26th, 2014.

AFFIDAVIT

See: White V Kalso, 261 GA.32, 401 S.E.2d 733

See: Habeas Corpus 197K 295K

See: Criminal Law 110K 660K

See: Criminal Law 110K 1429(1) Formerly 110K 998(3)

Therefore petitioner is requesting that this honorable

court intervene with a righteous action to seize all procedures,

processing of documents, and setting court dates until Clayton county

superior court has addressed the said filed motion.

Please send confidential correspondence

AFFIDAVIT OF:

I (Ahquan Dante Boyd) do declare that the above

statements and claims made by petitioner hereafter are; true, correct

without bias, and not ment to mislead and without prejudice; based on

affiants knowledge and beliefs; under the penalty of perjury by

the laws of the state of Georgia.

Respectfully Requested

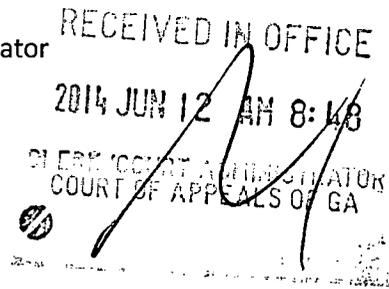
On this 6th day of June 2014

By Ahquan Dante Boyd

Adrian B. Gainey, Son and Caveator
P.O. Box 55031
Atlanta, Ga. 30308

6/8/14

Ga. Court Of Appeals
Remitters Office
47 Trinity Ave.
Atlanta, Ga. 30334



FILED IN DROP BOX

Re: Misappropriation of Funds regarding the Estate of Zora Helen Gainey: Probate Court No.226125:
GCA No. Report A14A0428:

Dear Remitters Office:

There appears to be mismanagement of funds regarding the estate of my late mother, Zora Helen Gainey. The exact amounts must be confirmed by the Remitters' Office. The following is an educated guess of the total worth of the estate and how the funds were most like used. Executors offered \$2,918.18 to me on a 3-way-split between myself, my twin sister who is an invalid and her son, as settlement regarding her estate. The total amount was \$8,755.61.

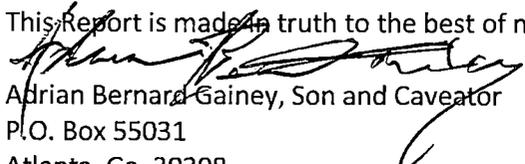
There should have been more money left in her estate after bills were paid even after her lengthy illness. I believe there has been a mismanagement of funds on the part of the executors. My late mother had a life insurance policy worth \$100,000.00 with Variable Annuity Life Ins. Co: a \$50,000.00 CD with Wachovia Bank: a CD with Pinnacle Credit Union, which may have been valued at \$50,000.00: a \$3,000.00 life insurance policy with Union Fidelity Life through the Atlanta Public School System: a checking account with Wachovia Bank valued at \$26,872.00 as of 1/09 which was down to \$123.00 by April of 2009. All these assets taken together total \$229,872.00. My mother's home, which was paid for, is an all Brick Ranch with a full basement and is valued at \$100,000.00. This brings the total value of her estate to \$329,872.00 in liquid and solid assets. My mother had a pension she received from the Atlanta Public School System which may have been \$2,600.00 a month. She received her pension for the full 50 months of her illness which would amount to \$130,000.00. This when added to her total estate comes

to \$459,872.00. My late mother had very few bills. Her illness lasted 50 months from 8/08 – 12/30/12. While I have not seen the life insurance policies, the CD's, the amount of her pension, or her assisted living bills, these are my informed guesses.

The executors and their lawyers have stated that her home had to be sold to cover the cost of her illness. Who bought the home and when? How much was the home sold for. The fact is the home was bought by Geoffrey Heard, in June of 2012, 6 months before my mother's demise. I do not believe her home sold. There should have been \$146,372.00 in cash left in her estate after all bills were paid. (See Accounting Attachment). Can the Remitters Office check the books for me to find any financial misappropriation of funds, any financial abnormalities present such as padded or unusual expenses. Geoffrey Heard and Winlow Heard were co-executors of her estate.

I signed a letter of release in March of this year in distress to Birdia Greer, Attorney for executors, releasing the estate from liability. This was before I realized that there should have been more money in my late mother's estate and that a potential crime had been committed. After getting over the shock of what I had done I realized that a potential mismanagement of funds had occurred. Stating duress, I contacted the Remitters Office in March. I have since been under the care of Dr. Banoff of Northwest Behavior Medicine.

This Report is made in truth to the best of my Knowledge by,


Adrian Bernard Gainey, Son and Caveator

P.O. Box 55031

Atlanta, Ga. 30308

Phone No. 404-914-5162

e-mail: adriangainey@aol.com

Financial Analysis (Accounting) Of the Estate of the Deceased Zora Helen Gainey

This is my financial analysis of the unseen books regarding my late mother's estate. These guesstimates I believe are near true values. My late mother's housing upkeep figures are accurate. The bills are attached separately.

Solid Assets (Life Insurance) Held in Estate Before Illness:

Variable Annuity Life Insurance	\$100,000.00
Fidelity Life Insurance	3,000.00
CD Wachovia Bank	50,000.00
CD Pinnacle Savings	50,000.00
Total Solid Assets	\$203,000.00

Liquid Assets During Her Illness:

Checking Account at Wachovia Bank	\$ 26,872.00
Pension from the Atlanta Public School System (For Accounting Purposes) Calculated for 50 months at \$2,600.00 a month	<u>130,000.00</u>
Total Liquid Assets	\$156,872.00
Total All Solid and Liquid Assets Before Illness	\$359,872.00

Real Estate Value:

Home Value 4 Bedroom Brick Ranch	\$100,000.00
Total All Assets before Illness	\$459,872.00

Debits:

Assisted Living Bills	
Summerset et.al. \$3,000.00 month facilities for 30 months	\$ 90,000.00
Del Mar Gardens \$3,600.00 month facilities for 20 months	<u>72,000.00</u>
Debit Sub Total	\$162,000.00

Other Cost:

Housing Upkeep 5 years	(under) \$ 15,000.00
Burial Expense	26,500.00
Legal Expenses	<u>10,000.00</u>
Sub Total Other Cost	\$ 51,500.00
Total Debit from Estate	\$213,500.00

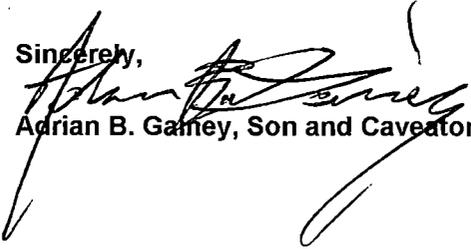
Remainder of Proceeds After All Bills Paid:

Total Value of Estate	\$246,372.00
------------------------------	---------------------

Her housing upkeep bills were obtained from the Georgia Power Company, The Georgia Natural Gas Company, Water, Sewer, and Solid Waste bills were obtained from the City of Atlanta. I was also able to obtain City and County Tax Bills. Her Telephone bills were estimated at \$ 40.00 per month for 36 months. All other bills were calculated for 50 months plus the 12 month period from 1/13 -1/14/. Mother's home could not have been sold to cover the cost of her illness.

Please Remitters, do all that you can to find the truth and the missing funds in this matter. As an EPA endorses and former Project Director, of the Hedgewood Valley Project, I was thoroughly ashamed and embarrassed at the Ga. Courts treatment of this matter. I felt the courts were extremely biased with malice. The Probate Court never granted a continuance and the Ga. Court of Appeals did not even docket the case before ruling. My federal papers were included in my petition. Thank you very much for your attention and expertise.

Sincerely,


Adrian B. Gahey, Son and Caveator

Lawyer Advertising: Get to Know the New Rules

by Paula Frederick

I told you we need a marketing director," your paralegal declares as she enters your office. "Check this out!" She appropriates your computer and brings up the Bar's website.

"It's right here under Latest News," she says, scrolling down the homepage. "Did you know that there are new Rules of Professional Conduct dealing with lawyer advertising?"

"Ummm . . . no," you admit. "Anything we need to worry about?"

"Nothing major, but we definitely need to review all of our marketing materials to be sure they comply. Aren't you glad I'm paying attention? Your license could be on the line if you miss stuff like this!"

"I hereby proclaim thee director of marketing," you announce.

By order of March 21, 2014, the Supreme Court of Georgia approved amendments to Rule 7.2. The changes require additional disclaimers and disclosures for ads directed to potential clients in Georgia or offering to provide legal services in the state.

Advertisements must now include the name, telephone number and full office address of each lawyer or law firm who paid for the ad and who takes responsibility for it. If an ad includes a non-attorney spokesperson or uses actors to portray either lawyers or clients, that fact must be prominently disclosed.

If the advertising lawyer refers most potential clients to other lawyers, he must disclose that fact and comply with the rules regarding referral services. There are additional requirements for lawyers who advertise fixed fees for services, or who send ads that resemble legal documents.



The Bar's Fair Market Practices Committee recommended the changes as part of its ongoing mission to protect consumers of legal services from false or misleading advertisements.

Lawyers have a reasonable time (which will vary based upon the type of ad) to bring their advertisements into compliance.

Please take a moment to check your marketing materials to be sure that they meet the requirements of the new rules. 



Paula Frederick is the general counsel for the State Bar of Georgia and can be reached at paulaf@gabar.org.

D. D. Worley CLE Director

Len Horton Ben Foundation Journal
404-588-2239

(Monitor Sp. of Property)

GREER & ASSOCIATES, P. C.

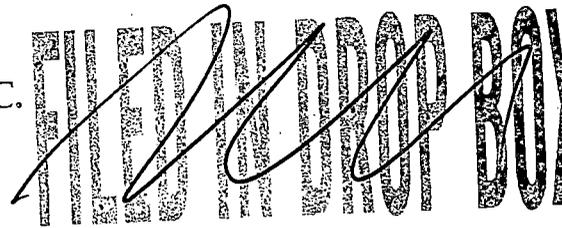
ATTORNEYS AT LAW

SUITE 2

10882 CRABAPPLE ROAD
ROSWELL, GEORGIA 30075

(770) 640-0619 (404) 759-2519

EMAIL: birdia@bgreerandassociates.com



BIRDIA M. GREER**

** ALSO ADMITTED IN LOUISIANA

HAMIDA JACKSON-LITTLE, OF COUNSEL

JENNIFER HAYNES GREEN, OF COUNSEL

January 3, 2014

VIA CERTIFIED & U. S. MAIL

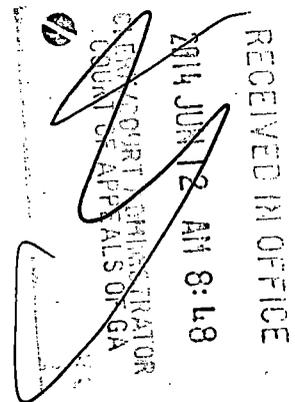
Adrian B. Gainey
477 Peachtree Street, N.E.
Atlanta, Georgia 30308

Jacquelyn B. Thomas
Arbor Terrace at Cascade
1001 Research Center Atlanta Drive
Atlanta, Georgia 30331

Kimani Scott
4405 West Pine Blvd.
Apt.311
St. Louis, Missouri 63108

Patricia Heard
3399 Elmtree Drive, Sw
Atlanta, Georgia 30311

Jackie Scott
1087 Wilson Avenue
St. Louis, Missouri 63130



Subject: Estate of Zora Gainey, deceased
Estate Accounting Explanations and Final Distribution of In-Kind gifts
And Remaining Net Proceeds of the Estate

Dear Ladies and Gentleman:

The Last Will & Testament of Zora Gainey, deceased has been duly admitted to Probate by the Fulton County Probate Court appointing Geoffrey A. Heard and Winlow Heard as co-

GREER & ASSOCIATES, P.C.

January 3, 2014

Page 2

executors of the estate pursuant to the will. Pursuant to the will you are entitled to the distribution of the specific in-kind gifts listed in the will, if those items are found in the estate. You will be entitled to distribution of the net proceeds of the estate as set forth in the will, if any remain after payment of all debts and expenses of the estate.

Creditors and debtors of the estate have been duly notified by publication as required by law. To date the only creditor claim received by this office was from South Fulton Medical Center, which amount has been paid in full by the Executors. No other creditors' claims have been filed as of the date of this writing. The expiration of time to file creditor claims has also expired.

The Executors have incurred numerous legal costs defending the Estate due to objections to will asserted and filed with the Probate Court and Court of Appeals by Adrian B. Gainey. Both courts have denied and dismissed all of Mr. Gainey's claims and objections.

All known administrative costs, court costs and creditor claims of the estate have been paid by the estate. However, court and legal costs continue to accrue including the final Petition of Discharge which must be filed 6-months after the last distribution is made from the estate by the Executors. This Discharge petition will close the estate and discharge the executors from any and all liability. Legal fees must be set aside to pay for these costs including publication notices, filing fees, court costs and attorney fees.

A copy of the will is attached hereto for your reference and review. Please note the following:

1. Paragraph III of the Will --The funeral bills have been paid by the estate.
2. Paragraph IV of the Will – a) There are no remaining "Certificates of Deposit, bonds, or proceeds from accounts at the Pinnacle Credit Union, Wachovia Bank nor the Variable Annuity with Life Insurance Company as these funds were used for the benefit of the deceased during her last illnesses prior to her death.
3. Paragraph IV of the Will (b) –The former residence was sold prior to the death of the decedent to pay for medical bills, assisted living and nursing home expenses. There are no proceeds remaining from that sale and the property was not found in the estate at the time of decedent's death.
4. Paragraph IV of the Will (c) –Decedents jewelry will be given to Patricia Heard, Jackie Scott and Jacquelyn G. Thomas.
5. Paragraph IV of the Will (d) –Adrian Gainey requested and received the fair market value of the decedent's vehicle and has signed and executed a receipt and release therefore. The vehicle was purchased by the estate.
6. Paragraph IV of the Will (e) – The remaining personal effects shall be distributed to Jacquelyn G. Thomas and Patricia Heard.

GREER & ASSOCIATES, P.C.

January 3, 2014
Page 3

7. Paragraph IV of the Will (f) & (g) –The remaining, residuary estate, if any shall be equally divided among Jacquelyn G. Thomas, Adrian B. Gainey and Kimani Scott. Executors are now holding the remaining funds of the estate in the interest bearing estate account which amounts shall be paid to each of the 3 beneficiaries in the amounts of \$400/per month until exhausted or an equal lump sum amount to each beneficiary to satisfy these specific gifts and bequests.
8. All beneficiaries must sign and execute an “ACKNOWLEDGEMENT RECEIPT AND RELEASE upon the receipt/distribution of his/or specific or residuary gifts and/or bequests. No distributions will be made without the fully signed and executed Receipt and Release which shall be presented by the executor for signature prior to the distribution(s) described therein.

REMAINING NET FUNDS HELD BY EXECUTORS

The total of the remaining estate assets that are being held for distribution pursuant to the terms of the will are as follows:

Estate of Gainey Funds Balance as of Dec. 30, 2013 \$ 11,961.81

Current bills pending \$ 956.20 (processing car paper work \$223.00) (Current legal fees \$733.20);

Estimated court cost and legal fees for the final closing of the estate after distribution estimated at \$ 2,250.00;

Balance after deducting the Estimated Cost, and the Current Bills: \$ 8,755.61.

\$8,755.61 shall be distributed to you pursuant to the provisions of the will until exhausted.

Please note that Mrs. Gainey had a very lengthy illness and did in fact use and dispose of most of her estate assets prior to her death for medical, administrative and other personal assistance. Therefore, the estate did not contain many of the items included in her 2005 Will because they were previously used and exhausted for her care, burial and expenses.

The Executors will timely file the required State and Federal Income Tax Returns for the decedent personally for the year in which she died and subsequently, if necessary Returns for the Estate of Gainey. These accounting costs are expenses of the estate as well and will be paid by the estate.

Distributions can now be made to you from the remaining estate funds and assets of the estate. You must sign and execute the enclosed Acknowledgement Receipt Release and return the original to my office prior to distribution of your funds and/or in kind gifts as specified in the Last Will & Testament of Zora H. Gainey.

GREER & ASSOCIATES, P.C.

January 3, 2014

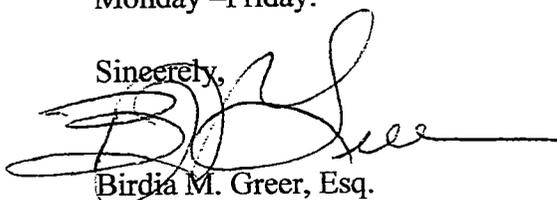
Page 4

Once you have signed and returned the enclosed Acknowledgement Receipt and Release form, your certified check shall be made payable to you and mailed to your address as listed above unless you advise otherwise.

For your convenience we have also enclosed a "postage-paid return envelop" to return your signed Acknowledgement Receipt and Release form.

If you have any questions, please contact my office during normal business hours Monday -Friday.

Sincerely,

A handwritten signature in black ink, appearing to read "Birdia M. Greer", with a long horizontal line extending to the right.

Birdia M. Greer, Esq.

CC: Geoffrey Heard and Winlow Heard

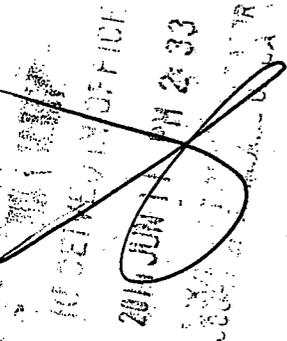
Enclosures: Copy of Last Will & Testament of Zora H. Gainey, Acknowledgement Receipt and Release of Liability Form, postage-paid return envelop

Comes Now Hong Seop CHAE, pro-se, and submits this His Request to file for a C.P.A. pursuant to O.C.G.A. § 5-6-34(d); rule 31(c), whereby the Appellant Above-named raised an issue of clearly established law before the Superior Court of Gwinnett County pertaining to the Legislature's categories for Battery. Appellant contends that superficial-Visible Injustice does not rise to the level of an O.C.G.A. § 16-5-24, and that O.C.G.A. § 16-5-23.1 should have been applied in the sentencing phase, and that

Request to file for a C.P.A.

Indictment No. 08-B-4434-3

Docket No.



Hong Seop CHAE
 G.O.C. # 1000209474
 Appellant,
 VS.
 The STATE of Georgia
 Respondant,

*
*
*
*
*
*

IN THE COURT OF APPEALS
 STATE OF GEORGIA

Because the trial court did not exercise jurisdiction over the "VOID" portion of the sentence, because of the ADMEDATURE of the SAID MOTION TO MODIFY, AND ONLY MERELY SUMMARILY DEVOIDED THE MOTION, AND MISCONSTRUCTED THE SAID MOTION AS A MOTION TO WITHDRAW GUILTY PLEA, THE APPELLANT PRAYS THAT THIS HONORABLE COURT OF APPEALS REVIEW THE EXHIBIT "A", ORDER OF THE COURT, AND APPLY ZEPH V. MAYOR AND COUNCIL OF THE CITY OF ATHENS, 255 GA. 449,

Title 16.

THE SENTENCE HAS A "VOID" PORTION, THAT HAS EXTENDED BEYOND THE LEGISLATURES INTENT, AND A REQUEST FOR A REMAND IS BEING HEREBY MADE SO AS TO ALLOW THE COURT TO RULE ON THE MERITS OF THE INEFFECTIVENESS OF COUNSEL CLAIM, AND THE CONSTITUTIONALITY OF THE SUBSTITUTIVE CONDUCT CLAIM THAT CONSTITUTED THE ACTUAL CRIME AGAINST PERSONS BY ATTEMPTING TO COMMIT A BATTERY AGAINST THE VICTIM, CHAPTER 5, ART. II OF

450 (339 s.e.d. 576) (1986) AND REMAND THIS MATTER

FOR A RULE.

FURTHER RELIEF IS PRAYED FOR THAT THIS HONORABLE

COURT OF APPEALS, ENTER AN ORDER EX-MERITO

DUE TO THE COGNIZANT ISSUE OF A SUBSTANTIVE

DUE PROCESS RIGHT VIOLATION, WHEREBY THE INVOLVING

MEANT FAILS TO ALLEGE THE SUBSTANTIVE ELEMENT OF

CONDUCT THAT CONSTITUTES A CRIME AGAINST PERSONS

AS DEFINED IN O.C.G.A. § 17-17-3(4), AS CHAPTER 5,

ART. II OF THE 16, "RELATES TO" THE VIOLATED

OFFENSE(S) IN CONJUNCTION TO THE FUNDAMENTAL

ACT OF ATTEMPTING TO COMMIT A "VIOLENT INJURY, OR

BATTERY-CONTACT UPON ANOTHER,

LASTLY, CLARIFICATION, AFTER RATIONALIZATION AND

PROPER ANALYSIS OF THE AUTHORITIES OF WILLIAMS

U. STATE, 248 GA. APP. 316, 546 S.E.2D 74 (2001) AND GARNETT V.

STATE, 293 GA. APP. 721, 667 S.E.2D 708 (2008) ARE MADE IS

ALSO PRAYED FOR AS A STATED CLAIM FOR RELIEF.

NO OTHER ENUMERATIONS OF ERRORS

ARE CLAIMED, BUT THE ABOVE-

STATED,

JURISDICTION

Due to a Loss of Subject-Matter Jurisdiction,
No Jurisdiction is Conferred on the Courts as to
the Substantive Conduct Element of, "Attempting to
Commit a 'Violent' Injury to the Person of Another",
AND Although Jurisdiction would normally lie
in this Georgia Court of Appeals instead of
the Supreme Court. Due to, this is NOT a Capital
Case, ... there HAS NOT BEEN ANY merits Ruling on
the ASSERTED Issues, wherefore PRIOR TO ANY
Speculation upon a VOID INDICTMENT, which fails
to Allege the essential element of a crime, OR
PRIOR TO this Court exercising Jurisdiction, A
Remand for a Ruling is Requested..., THEN-AFTER.,
AND ONLY THEN-AFTER, should an Appeals lie.

This 3rd DAY of June, 2014.

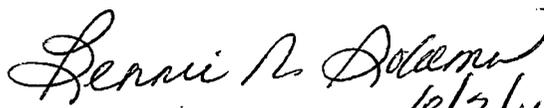
Respectfully Submitted;

X 

HONG SEOP CHAE

G.D.C. # 1000 209474

PRO-SE


Bennie R. Solomon
Notary Public
Peach County, State of Georgia
Comm. Expires 07-14-2014

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY THAT I HAVE SERVED
A COPY OF THE SAME FORGOING REQUEST FOR
A C.P.C or C.O.A. TO THE DISTRICT ATTORNEY
OFFICE OF GWINNETT COUNTY BY UNITED STATES
MAIL, WITH APPROPRIATE AMOUNT OF POSTAGE
ON THE ENVELOPE TO ASSURE IT'S DELIVERY.

C.F. DANNY PORTER, DIST. ATT.
GWINNETT COUNTY D.A.'S OFFICE
75 LANGLEY DRIVE
LAWRENCEVILLE, GA. 30046

THIS 3rd DAY OF JUNE, 2014.

Respectfully Submitted,

R 

HONG SEOP CHAE

G.A.C. # 1000209474

PRO-SE

Bennie R. Solomon 6/3/14
NOTARY, Bennie R. Solomon
Notary Public
Peach County, State of Georgia
Comm. Expires 07-14-2014
my Commission expires

RECEIVED

EXHIBIT "A" APPEALS NO.

MAY 13 2014

Mailroom
Macon S.P.
IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

FILED IN OFFICE
CLERK SUPERIOR COURT
GWINNETT COUNTY, GA

2014 MAY -8 AM 11: 28

RICHARD ALEXANDER, CLERK

STATE OF GEORGIA,

v.

HONG SEOP CHAE,
Defendant.

*
*
*
*
*
*
*

Criminal Case No. 08-B-4434-3

Pro Se Motion to Modify Void Portion
of Said Charge(s) filed 5/2/2014

ORDER DENYING PRO SE MOTION TO MODIFY VOID PORTION OF SAID
CHARGE(S)

The foregoing Motion to Modify Void Portion of Said Charge(s) filed *pro se* by the Defendant on May 2, 2014, having been read and considered, and after review of the February 10, 2009 negotiated guilty plea hearing transcript filed on February 10, 2010, the same is hereby **DENIED**. The Court notes that the Defendant entered a guilty plea on January 19, 2010. See Guilty Plea Hearing Transcript filed on April 29, 2010. The Court further notes that to the extent the afore-referenced Motion is considered to be a Motion to Withdraw Guilty Plea, the trial court is without jurisdiction to allow the withdrawal of a guilty plea after the expiration of the term of court in which the Defendant was sentenced pursuant to the plea. See Orr v. State, 276 Ga. 91, 93 (2) (2003); O.C.G.A. § 15-6-3(20).

SO ORDERED; this 7th day of May, 2014.


KATHRYN M. SCHRADER, Judge
Gwinnett Superior Court

Copies to:

Gwinnett County District Attorney's Office

Hong Seop Chae, #10002094747
Macon State Prison
P.O. Box 426
Oglethorpe, GA 31068

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

June 17, 2014

To: Mr. Roscoe Emory Dean, 612 East Cherry Street, Jesup, Georgia 31546

Case Number: _____ Lower Court: _____ County Superior Court

Court of Appeals Case Number and Style: _____

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

- There is no case pending in the Court of Appeals under your name. Until a case is docketed in the Court of Appeals in your name, you should direct your inquiries to your attorney or the trial court clerk.**
- 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 actually be served with a copy of your filing. In an appeal of a criminal conviction in a superior court, the State is represented by the District Attorney or an Assistant District Attorney.
- An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____
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 _____ is: _____
- If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.

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

RECEIVED IN OFFICE
2014 JUN 13 PM 1:20
CLERK/COURT ADMINISTRATOR

Honorable Stephen Castlen

Clerk Court Administrator

Court of Appeals of Georgia

47 Trinity Avenue [Suite 501]

Atlanta, Georgia 30334

Dear Sir:

Thank you for your letter of May 27, 2014.

At this time there is a case

styled in the Ga. Court of Appeals,

under Mary Drady Diaz v. Roscoe

Emory Dew Jr. & Ifs, may we

receive the Docketing Notice and

the briefing schedule? Thank you.

Enclosed is a copy of a certificate

of service for a filer's affidavit. It is

stamped: it appears on May 29, 2014

but was served on me on June 3,

2014 - several days later although

we live in the same town (Plaintiff

and defendant). It was delivered by

the U.S. Postal Service.

- Page 2 -

A growing number of people have heard about this and are upset. One of their reasons is because it appears whoever holds the unit of FIFA could possibly enter your home before appeal courts have time to rule one way or the other. And also a lot of folks do not like to be awakened in the middle of the night, by someone looking for a "needle in a haystack", so to speak.

A number of citizens are also very concerned about freezing ANY BANK ACCOUNTS. Our population of senior citizens has been growing in the last several years. They go to their bank once 2 months, to get their social security check and nothing more. The social security administration and other government agencies make their deposits directly to the bank for most senior citizens. IF there are any malfunctions of the social security computer at the bank or the bank's computer, watch out!!!

Most people are aware that these problems
can be solved but it is not going
to be easy. It will take several years --
if the social security system lasts
that long. In the meantime we are
going to need some HELP FROM OUR COURTS
AND OUR COURT SYSTEMS. We all want
to help those who need it with as
little loss to the public as possible.
Thank you.

Faithfully,
Roscoe E. Dean Jr.
612 E. Cherry St.
Jesp. Co. 31546

BCV50038

COURT OF APPEALS OF GEORGIA

**MARY DRAWDY DIAZ,
PLAINTIFF,**

vs.

**ROSCOE EMORY DEAN, JR.,
DEFENDANT.**

§
§
§
§
§
§
§

CASE NO. 13CVS0038

CERTIFICATE OF SERVICE

This is to certify that I have this day served a true and correct copy of the within and foregoing **NOTICE OF APPEAL** upon the Plaintiff, **MARY DRAWDY DIAZ, 153 DRENNON DRIVE, JESUP, GEORGIA 31545**

by personally delivering a copy to her.

So certified on this 3 day of June, 2014.

Roscoe Emory Dean, Jr.
ROSCOE EMORY DEAN, JR., DEFENDANT
612 East Cherry Street
Jesup, Georgia 31546

FILED
WAYNE CO. CLERK'S OFFICE
2014 JUN -3 AM 10:30
Christina O'Neil
CLERK SUPERIOR COURT

MARY DRUDY DIAZ VS ROSCOE E. DEAN, JR.
13CV50038 - CIVIL ACTION

May 19 2014

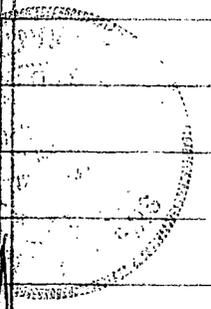
To: All members of court of Appeals
of Georgia - suite 501
47 Trinity Ave. S.W.
Atlanta, Georgia 30334

From: Roscoe Emory Dean, Jr. - Defendant
612 E. Cherry Street
Jesup, Ga. 31546
PRO-SE

RECEIVED IN OFFICE
MAY 22 PM 4:00
COURT OF APPEALS

Prayer:
Motion to overthow, an order of judgement, for \$5,000, of April 23, 2014, by Wayne County state court Judge, V. Bennett, for Mary Drudy Diaz. The case is titled Mary Drudy Diaz Plaintiff vs Roscoe Dean Jr. Defendant, civil action file # 13CV50038.

No official court transcript was produced from this case.
Roscoe E. Dean, Jr.
Roscoe E. Dean, Jr. - PRO SE
612 E. Cherry St.
Wayne County, Georgia
Jesup, Georgia 31546
PRO-SE
My Commission Expires:



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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

May 27, 2014

Mr. Roscoe Dean
612 East Cherry Street
Jesup, Georgia 31546

Dear Mr. Dean:

I am in receipt of your correspondence dated May 19, 2014, addressed to the Chief Judge and all members of this Court. Pursuant to the Code of Judicial Conduct and the rules and policies of this Court, the judges of this Court are not permitted to communicate with parties who have a case before or which may come before the Court. Your letter was forwarded to me for a response.

At this time, there is no case styled in the Court of Appeals under Mary Drawdy Diaz v. Roscoe Emory Dean, Jr.

A 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.

When the record 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 actually be served with a copy of your filing. I am returning your documents to you.

Sincerely,



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

SEC/ld
Enclosures

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

June 18, 2014

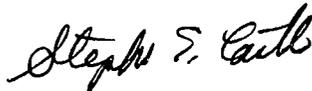
Mr. Dexter R. Ellington, Sr.
GDC180451 H1-102-T
Dooly State Prison
Post Office Box 750
Unadilla, Georgia 31091

RE: A14A1438. Dexter Ellington v. The State

Dear Mr. Ellington:

The above appeal is still pending before the Court. Your appeal was docketed in the April 2014 Term and a decision must be rendered by the Court by the end of the September 2014 Term which ends on December 16, 2014.

Sincerely,



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

SEC/ld

Dexter R. Ellington Sr # 180451 PRO. SE
Dooly State Prison - H1-102-T
P.O. Box 750
UNADILLA GA 31091
Case NO = A14A1438
2009CR044

6-12-14

Court of Appeal of Georgia
47 Trinity Avenue, S.W., Suite 901
Atlanta, Georgia 30334

Dear Clerk's

I AM writting to find out, has my case been
Heard, or when is it schedule to be
heard.

Thank You
Dexter R. Ellington Sr

RECEIVED IN OFFICE

2014 JUN 16 PM 3:03

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

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

Date: June 18, 2014

To: Mr. Ginette Saint Cilien, 3508 Stonewall Drive, Kennesaw, Georgia 30152

Docket Number: A14A1755

Style: Ginette Saint Cilien v. Just Mortgage, Inc., et al.

The attached documents 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 Certificate of Service attached to the Appellant's Brief is improper. The attached Certificate of Service states "Appellant's Motion for Extension of Time to File Appellant's Brief and Rule 41(c) Motion to Supplement Record."**

FILED IN OFFICE
JUN 16 2014
CLERK COURT OF
APPEALS OF GEORGIA

RECEIVED IN OFFICE
2014 JUN 16 PM 4:06
CLERK COURT OF APPEALS OF GA

**IN THE COURT OF APPEALS
STATE OF GEORGIA**

GINETTE SAINT CILLEN,
plaintiff-appellant,

vs.

APPEAL NO A14A1755

JUST MORTGAGE, INC., et. al.,
defendants-appellees,

On Appeal From Cobb County
Superior Court State of Georgia
Civil Action No: 13-1-00176

PLAINTIFF-APPELLANT'S BRIEF

PART ONE

A. Statement of Proceedings Below.

As a preparatory matter, the specific page numbers of the Record references have been unavoidably omitted because the Clerk of this Court informed that a judge or judges were reviewing the record at the time of filing and it was thus not available for Appellant's purposes in determining the specific page numbers. The clerk's assistant in charge of delivering mail by the name of "Tyreese" informed that he left a message via voicemail that the Record was needed but the matter could not be resolved and Appellant did not wish to delay filing any further. An

CERIFICATE OF SERVICE

THIS IS TO CERTIFY that the undersigned has this day served a copy of the foregoing and attached **APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE APPELLANT'S BRIEF AND RULE 41(c) MOTION TO SUPPLEMENT RECORD** on all parties at their addresses of record.

This 16 day of June, 2014.

By: *Ginette Saint Cilien*
Ginette Saint Cilien, *Plaintiff Appellant.*
3508 Stonewall Drive
Kennesaw, GA 30152
(678) 591-7485

*JUST MORTGAGE, INC., et. al.,
Georgia Secretary of State
2 MLK Jr Drive suite 313 - Floyd Left Tower
Atlanta 30334*

*US BANK N/A
2 MLK JR Drive suite 313
Floyd Left Tower
Atlanta GA 30334*

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

6/17/14

(Handwritten initials)

To: *GINETTE SAINT CILICA*

Docket Number: *A14A1755*

Style: *GINETTE SAINT CILICA V. JUST MORTGAGE, INC., 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: *Improper Certificate of Service, attached service for motions to the Brief Filing*

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



**Itemized Statement
Billing Account
000613329-0626004**

**ZORA H GAINEY
2641 HEDGEWOOD LN NW
ATLANTA, GA 30311**

**Transaction Dates: 24-JAN-2008 thru 10-JAN-2014 *
Report Date: 20-JAN-2014**

Date	Service From	Service To	Therms	Budget Amt	Amount Description	Balance
					Begin Balance	\$35.20
24-JAN-2008	12-DEC-2007	12-JAN-2008	177.828		\$267.17 Gas Charge	\$302.37
04-FEB-2008					-\$302.37 Payment	\$0.00
22-FEB-2008	12-JAN-2008	12-FEB-2008	207.669		\$346.79 Gas Charge	\$346.79
20-MAR-2008					\$10.00 Late Charge	\$356.79
20-MAR-2008					-\$346.79 Payment	\$10.00
25-MAR-2008	12-FEB-2008	13-MAR-2008	173.225		\$303.23 Gas Charge	\$313.23
21-APR-2008					\$10.00 Late Charge	\$323.23
23-APR-2008	13-MAR-2008	14-APR-2008	99.328		\$188.84 Gas Charge	\$512.07
03-MAY-2008					-\$188.84 Payment	\$323.23
19-MAY-2008					\$10.00 Late Charge	\$333.23
21-MAY-2008					-\$124.39 Payment	\$208.84
22-MAY-2008	14-APR-2008	13-MAY-2008	41.902		\$94.35 Gas Charge	\$303.19
18-JUN-2008					-\$198.84 Payment	\$104.35
23-JUN-2008	13-MAY-2008	12-JUN-2008	19.38		\$60.91 Gas Charge	\$165.26
08-JUL-2008					\$10.00 Late Charge	\$175.26
19-JUL-2008					-\$165.26 Payment	\$10.00
23-JUL-2008	12-JUN-2008	14-JUL-2008	15.3		\$54.68 Gas Charge	\$64.68
19-AUG-2008					\$10.00 Late Charge	\$74.68
21-AUG-2008	14-JUL-2008	12-AUG-2008	15.36		\$57.95 Gas Charge	\$132.63
08-SEP-2008					-\$132.63 Payment	\$0.00
23-SEP-2008	12-AUG-2008	12-SEP-2008	16.384		\$54.50 Gas Charge	\$54.50
04-OCT-2008					-\$54.50 Payment	\$0.00
22-OCT-2008	12-SEP-2008	13-OCT-2008	39.897		\$89.97 Gas Charge	\$89.97
15-NOV-2008					-\$89.97 Payment	\$0.00
21-NOV-2008	13-OCT-2008	12-NOV-2008	164.32		\$259.45 Gas Charge	\$259.45
13-DEC-2008					-\$259.45 Payment	\$0.00
26-DEC-2008	12-NOV-2008	12-DEC-2008	189.625		\$292.00 Gas Charge	\$292.00
15-JAN-2009					-\$292.00 Payment	\$0.00
28-JAN-2009	12-DEC-2008	12-JAN-2009	111.24		\$200.26 Gas Charge	\$200.26
13-FEB-2009					-\$200.26 Payment	\$0.00
27-FEB-2009	12-JAN-2009	11-FEB-2009	105.06		\$184.32 Gas Charge	\$184.32
19-MAR-2009					-\$184.32 Payment	\$0.00
30-MAR-2009	11-FEB-2009	13-MAR-2009	88.494		\$145.16 Gas Charge	\$145.16
27-APR-2009					\$10.00 Late Charge	\$155.16
29-APR-2009	13-MAR-2009	14-APR-2009	58.539		\$96.87 Gas Charge	\$252.03
06-MAY-2009					-\$252.03 Payment	\$0.00
29-MAY-2009	14-APR-2009	13-MAY-2009	10.25		\$40.28 Gas Charge	\$40.28
09-JUN-2009					-\$40.28 Payment	\$0.00
29-JUN-2009	13-MAY-2009	12-JUN-2009	4.092		\$32.39 Gas Charge	\$32.39
24-JUL-2009					\$10.00 Late Charge	\$42.39



**Itemized Statement
Billing Account
000613329-0626004**

**ZORA H GAINEY
2641 HEDGEWOOD LN NW
ATLANTA, GA 30311**

**Transaction Dates: 24-JAN-2008 thru 10-JAN-2014 *
Report Date: 20-JAN-2014**

Date	Service From	Service To	Therms	Budget Amt	Amount Description	Balance
24-JUL-2009					-\$32.39 Payment	\$10.00
28-JUL-2009	12-JUN-2009	14-JUL-2009	4.092		\$32.56 Gas Charge	\$42.56
24-AUG-2009					\$10.00 Late Charge	\$52.56
26-AUG-2009	14-JUL-2009	13-AUG-2009	6.138		\$34.92 Gas Charge	\$87.48
29-AUG-2009					-\$42.56 Payment	\$44.92
05-SEP-2009					-\$44.92 Payment	\$0.00
24-SEP-2009	13-AUG-2009	14-SEP-2009	6.144		\$29.55 Gas Charge	\$29.55
20-OCT-2009					-\$29.55 Payment	\$0.00
23-OCT-2009	14-SEP-2009	13-OCT-2009	5.11		\$28.34 Gas Charge	\$28.34
23-NOV-2009	13-OCT-2009	11-NOV-2009	15.27		\$42.81 Gas Charge	\$71.15
02-DEC-2009					-\$71.15 Payment	\$0.00
22-DEC-2009	11-NOV-2009	11-DEC-2009	64.26		\$103.33 Gas Charge	\$103.33
20-JAN-2010					\$10.00 Late Charge	\$113.33
20-JAN-2010					-\$103.33 Payment	\$10.00
22-JAN-2010	11-DEC-2009	12-JAN-2010	174.078		\$238.65 Gas Charge	\$248.65
05-FEB-2010					-\$248.65 Payment	\$0.00
22-FEB-2010	12-JAN-2010	10-FEB-2010	86.615		\$150.50 Gas Charge	\$150.50
05-MAR-2010					-\$150.50 Payment	\$0.00
23-MAR-2010	10-FEB-2010	12-MAR-2010	123.42		\$194.38 Gas Charge	\$194.38
19-APR-2010					\$10.00 Late Charge	\$204.38
21-APR-2010	12-MAR-2010	13-APR-2010	43.774		\$80.69 Gas Charge	\$285.07
30-APR-2010					-\$194.38 Payment	\$90.69
08-MAY-2010					-\$90.69 Payment	\$0.00
20-MAY-2010	13-APR-2010	12-MAY-2010	6.12		\$31.35 Gas Charge	\$31.35
14-JUN-2010					-\$31.35 Payment	\$0.00
21-JUN-2010	12-MAY-2010	11-JUN-2010	4.064		\$28.36 Gas Charge	\$28.36
09-JUL-2010					-\$28.36 Payment	\$0.00
21-JUL-2010	11-JUN-2010	13-JUL-2010	4.064		\$28.59 Gas Charge	\$28.59
07-AUG-2010					-\$28.59 Payment	\$0.00
20-AUG-2010	13-JUL-2010	12-AUG-2010	4.068		\$28.80 Gas Charge	\$28.80
04-SEP-2010					-\$28.80 Payment	\$0.00
21-SEP-2010	12-AUG-2010	13-SEP-2010	4.064		\$30.06 Gas Charge	\$30.06
19-OCT-2010					\$10.00 Late Charge	\$40.06
21-OCT-2010	13-SEP-2010	13-OCT-2010	4.068		\$29.79 Gas Charge	\$69.85
30-OCT-2010					-\$39.79 Payment	\$30.06
06-NOV-2010					-\$30.06 Payment	\$0.00
19-NOV-2010	13-OCT-2010	11-NOV-2010	4.056		\$34.56 Gas Charge	\$34.56
09-DEC-2010					-\$34.56 Payment	\$0.00
22-DEC-2010	11-NOV-2010	13-DEC-2010	69.897		\$111.13 Gas Charge	\$111.13
11-JAN-2011					-\$111.13 Payment	\$0.00
24-JAN-2011	13-DEC-2010	14-JAN-2011	174.58		\$248.05 Gas Charge	\$248.05



**Itemized Statement
Billing Account
000613329-0626004**

**ZORA H GAINEY
2641 HEDGEWOOD LN NW
ATLANTA, GA 30311**

**Transaction Dates: 24-JAN-2008 thru 10-JAN-2014 *
Report Date: 20-JAN-2014**

Date	Service From	Service To	Therms	Budget Amt	Amount Description	Balance
10-FEB-2011					-\$248.05 Payment	\$0.00
22-FEB-2011	14-JAN-2011	10-FEB-2011	131.193		\$196.91 Gas Charge	\$196.91
05-MAR-2011					-\$196.91 Payment	\$0.00
23-MAR-2011	10-FEB-2011	14-MAR-2011	66.04		\$116.34 Gas Charge	\$116.34
12-APR-2011					-\$116.34 Payment	\$0.00
21-APR-2011	14-MAR-2011	12-APR-2011	28.448		\$64.25 Gas Charge	\$64.25
12-MAY-2011					-\$64.25 Payment	\$0.00
20-MAY-2011	12-APR-2011	12-MAY-2011	4.056		\$32.46 Gas Charge	\$32.46
09-JUN-2011	12-MAY-2011	01-JUN-2011	3.042		\$30.53 Gas Charge	\$62.99
13-JUN-2011					-\$32.46 Payment	\$30.53
07-JUL-2011					\$10.00 Late Charge	\$40.53
11-JUL-2011	01-JUN-2011	30-JUN-2011	4.056		\$31.78 Gas Charge	\$72.31
15-JUL-2011					-\$30.53 Payment	\$41.78
01-AUG-2011					-\$41.78 Payment	\$0.00
10-AUG-2011	30-JUN-2011	02-AUG-2011	4.052		\$31.78 Gas Charge	\$31.78
01-SEP-2011					-\$31.78 Payment	\$0.00
09-SEP-2011	02-AUG-2011	31-AUG-2011	3.036		\$30.91 Gas Charge	\$30.91
05-OCT-2011					-\$30.91 Payment	\$0.00
11-OCT-2011	31-AUG-2011	03-OCT-2011	4.056		\$32.56 Gas Charge	\$32.56
02-NOV-2011					-\$32.56 Payment	\$0.00
09-NOV-2011	03-OCT-2011	01-NOV-2011	4.044		\$35.83 Gas Charge	\$35.83
01-DEC-2011					-\$35.83 Payment	\$0.00
12-DEC-2011	01-NOV-2011	02-DEC-2011	4.048		\$41.99 Gas Charge	\$41.99
19-DEC-2011					-\$41.99 Payment	\$0.00
12-JAN-2012	02-DEC-2011	03-JAN-2012	4.048		\$45.86 Gas Charge	\$45.86
02-FEB-2012					-\$45.86 Payment	\$0.00
10-FEB-2012	03-JAN-2012	31-JAN-2012	57.684		\$109.21 Gas Charge	\$109.21
02-MAR-2012					-\$109.21 Payment	\$0.00
12-MAR-2012	31-JAN-2012	01-MAR-2012	50.6		\$95.26 Gas Charge	\$95.26
04-APR-2012					-\$95.26 Payment	\$0.00
10-APR-2012	01-MAR-2012	30-MAR-2012	10.11		\$39.55 Gas Charge	\$39.55
07-MAY-2012					\$10.00 Late Charge	\$49.55
07-MAY-2012					-\$39.55 Payment	\$10.00
09-MAY-2012	30-MAR-2012	01-MAY-2012	5.055		\$33.24 Gas Charge	\$43.24
15-MAY-2012					-\$43.24 Payment	\$0.00
08-JUN-2012	01-MAY-2012	31-MAY-2012	3.039		\$31.05 Gas Charge	\$31.05
15-JUN-2012					-\$31.05 Payment	\$0.00
10-JUL-2012	31-MAY-2012	29-JUN-2012	4.048		\$31.69 Gas Charge	\$31.69
16-JUL-2012					-\$31.69 Payment	\$0.00
09-AUG-2012	29-JUN-2012	01-AUG-2012	4.048		\$31.71 Gas Charge	\$31.71
31-AUG-2012					-\$31.71 Payment	\$0.00



Itemized Statement
Billing Account
000613329-0626004

ZORA H GAINES
2641 HEDGEWOOD LN NW
ATLANTA, GA 30311

Transaction Dates: 24-JAN-2008 thru 10-JAN-2014 *
Report Date: 20-JAN-2014

Date	Service From	Service To	Therms	Budget Amt	Amount Description	Balance
10-SEP-2012	01-AUG-2012	30-AUG-2012	4.04		\$29.81 Gas Charge	\$29.81
09-OCT-2012	30-AUG-2012	01-OCT-2012	4.044		\$30.39 Gas Charge	\$60.20
13-OCT-2012					-\$29.81 Payment	\$30.39
18-OCT-2012					-\$30.39 Payment	\$0.00
07-NOV-2012	01-OCT-2012	30-OCT-2012	3.033		\$31.38 Gas Charge	\$31.38
16-NOV-2012					-\$31.38 Payment	\$0.00
10-DEC-2012	30-OCT-2012	29-NOV-2012	4.048		\$36.49 Gas Charge	\$36.49
29-DEC-2012					-\$36.49 Payment	\$0.00
10-JAN-2013	29-NOV-2012	31-DEC-2012	42.546		\$83.44 Gas Charge	\$83.44
06-FEB-2013					\$10.00 Late Charge	\$93.44
08-FEB-2013	31-DEC-2012	29-JAN-2013	75.036		\$123.93 Gas Charge	\$217.37
22-FEB-2013					-\$217.37 Payment	\$0.00
11-MAR-2013	29-JAN-2013	28-FEB-2013	89.232		\$134.72 Gas Charge	\$134.72
04-APR-2013					-\$134.72 Payment	\$0.00
09-APR-2013	28-FEB-2013	01-APR-2013	78.155		\$117.08 Gas Charge	\$117.08
30-APR-2013					-\$117.08 Payment	\$0.00
08-MAY-2013	01-APR-2013	30-APR-2013	11.165		\$36.26 Gas Charge	\$36.26
01-JUN-2013					-\$36.26 Payment	\$0.00
07-JUN-2013	30-APR-2013	30-MAY-2013	6.09		\$32.31 Gas Charge	\$32.31
15-JUN-2013					-\$32.31 Payment	\$0.00
09-JUL-2013	30-MAY-2013	28-JUN-2013	3.039		\$30.27 Gas Charge	\$30.27
30-JUL-2013					-\$30.27 Payment	\$0.00
08-AUG-2013	28-JUN-2013	31-JUL-2013	4.06		\$32.10 Gas Charge	\$32.10
05-SEP-2013					\$10.00 Late Charge	\$42.10
09-SEP-2013	31-JUL-2013	29-AUG-2013	4.068		\$32.09 Gas Charge	\$74.19
01-OCT-2013					-\$74.19 Payment	\$0.00
09-OCT-2013	29-AUG-2013	30-SEP-2013	4.076		\$32.57 Gas Charge	\$32.57
21-OCT-2013					-\$32.57 Payment	\$0.00
07-NOV-2013	30-SEP-2013	30-OCT-2013	4.06		\$35.81 Gas Charge	\$35.81
22-NOV-2013					-\$35.81 Payment	\$0.00
10-DEC-2013	30-OCT-2013	02-DEC-2013	88.392		\$102.88 Gas Charge	\$102.88
19-DEC-2013					-\$102.88 Payment	\$0.00
10-JAN-2014	02-DEC-2013	31-DEC-2013	94.674		\$110.46 Gas Charge	\$110.46
10-JAN-2014					Ending Balance	\$110.46

* Charges and Credits that occurred after these dates are not reflected on this statement.

Georgia Power
Account Activity Statement

Date: 01/18/14
Page: 1 of 1

*** Account Information ***

Account Number: 99619-61007
Account Status: Active
Customer Name: ZORA H GAINNEY

Mail To:
ZORA H GAINNEY
3399 ELMTREE DR SW
ATLANTA GA 30311

*** Current Account Status ***

Credit Amount: \$0.00 Previous Balance: \$0.00
Deposit Requested: \$0.00 Current Bill: \$42.11
Deposit On-Hand: \$0.00 New Charges: \$0.00
Account Balance: \$42.11

Requested By:
ZORA H GAINNEY
(404)696-0143 Extension: 9999

Service Address:
2641 HEDGEWOOD LN
ATLANTA GA 30311

Current Rate(s): 1. Residential
2.

3.
4.

DATE	TRANSACTION	BILLING PERIOD	DUE DATE	BALANCE FORWARD	TRANSACTION AMOUNT	AMOUNT DUE	CURRENT ACTUAL BILL	BUDGET BILL DIFFERENCE	RDG/TYPE	DAYS USED	USAGE KWH	BILL DEMAND
10/07/2013	Balance Forward			\$0.00								
10/07/2013	Electric Service	09/05/2013 10/07/2013			\$33.80				0023656R		206	
10/07/2013	Regular Bill		10/21			\$33.80				32		
10/21/2013	Payment				\$-33.80							
11/05/2013	Balance Forward			\$0.00								
11/05/2013	Electric Service	10/07/2013 11/05/2013			\$30.97				0023835R		179	
11/05/2013	Regular Bill		11/19			\$30.97				29		
11/20/2013	Payment				\$-30.97							
12/05/2013	Balance Forward			\$0.00								
12/05/2013	Electric Service	11/05/2013 12/04/2013			\$43.25				0024130R		295	
12/05/2013	Regular Bill		12/19			\$43.25				29		
12/16/2013	Payment				\$-43.25							
01/07/2014	Balance Forward			\$0.00								
01/07/2014	Electric Service	12/04/2013 01/07/2014			\$42.11				0024412R		282	
01/07/2014	Regular Bill		01/22			\$42.11				34		

Adj
36.00

Payment History



Tran	Tran Date	Type	Post Date	Op #	Control	Batch	Ref #	Payment
RECO	01/10/14	SEWER	1/10/14	5217	25091	4001	4	26.04-
RECO	01/10/14	WATER	1/10/14	5217	25091	4001	4	6.72-
RECO	12/11/13	SEWER	12/11/13	5828	24818	4030	10	18.04-
RECO	12/11/13	WATER	12/11/13	5828	24818	4030	10	17.40-
RECO	11/21/13	SEWER	11/21/13	5217	24640	4018	230	4.82-
RECO	11/21/13	WATER	11/21/13	5217	24640	4018	230	8.30-
RECO	10/03/13	SEWER	10/03/13	5828	24235	4008	102	6.56-
RECO	10/03/13	WATER	10/03/13	5828	24235	4008	102	6.56-
RECO	09/30/13	SEWER	9/30/13	5828	24208	4034	239	6.56-
RECO	09/30/13	WATER	9/30/13	5828	24208	4034	239	6.56-
RECO	07/30/13	SEWER	7/30/13	5217	23722	4014	169	6.56-
RECO	07/30/13	WATER	7/30/13	5217	23722	4014	169	6.56-
RECO	07/16/13	SEWER	7/16/13	5217	23600	4007	75	6.56-
RECO	07/16/13	WATER	7/16/13	5217	23600	4007	75	6.56-
RECO	06/12/13	SEWER	6/12/13	5826	23310	4028	64	6.56-
RECO	06/12/13	WATER	6/12/13	5826	23310	4028	64	6.56-
RECO	05/07/13	SEWER	5/07/13	5217	22987	4011	169	6.56-
RECO	05/07/13	WATER	5/07/13	5217	22987	4011	169	6.56-
RECO	04/04/13	SEWER	4/04/13	5217	22733	4000	175	13.12-
RECO	04/04/13	WATER	4/04/13	5217	22733	4000	175	13.12-
RECO	02/22/13	SEWER	2/22/13	5217	22445	4000	230	13.12-
RECO	02/22/13	WATER	2/22/13	5217	22445	4000	230	18.12-
RECO	12/10/12	SEWER	12/10/12	5217	21810	4005	29	6.56-
RECO	12/10/12	WATER	12/10/12	5217	21810	4005	29	6.56-
RECO	11/26/12	SEWER	11/26/12	5826	21694	4112	96	6.56-
RECO	11/26/12	WATER	11/26/12	5826	21694	4112	96	6.56-
RECO	10/15/12	SEWER	10/15/12	5826	21379	4019	153	6.56-
RECO	10/15/12	WATER	10/15/12	5826	21379	4019	153	6.56-
RECO	09/10/12	SEWER	9/10/12	5217	21083	4009	207	9.06-
RECO	09/10/12	WATER	9/10/12	5217	21083	4009	207	9.06-
RECO	08/20/12	SEWER	8/20/12	5828	20894	4005	14	4.06-
RECO	08/20/12	WATER	8/20/12	5828	20894	4005	14	9.06-
RECO	07/16/12	SEWER	7/16/12	5217	20587	4020	100	6.56-
RECO	07/16/12	WATER	7/16/12	5217	20587	4020	100	6.56-
RECO	06/08/12	SEWER	6/08/12	5826	20241	4014	245	6.56-
RECO	06/08/12	WATER	6/08/12	5826	20241	4014	245	6.56-

RECO	05/03/12	SEWER	5/03/12	5826	19905	4004	164	6.56-
RECO	05/03/12	WATER	5/03/12	5826	19905	4004	164	6.56-
RECO	04/16/12	SEWER	4/16/12	5217	19753	4038	55	9.06-
RECO	04/16/12	WATER	4/16/12	5217	19753	4038	55	9.06-
RECO	03/15/12	SEWER	3/15/12	5217	19473	4018	84	4.06-
RECO	03/15/12	WATER	3/15/12	5217	19473	4018	84	9.06-
RECO	02/03/12	SEWER	2/03/12	5217	19085	4004	73	6.56-
RECO	02/03/12	WATER	2/03/12	5217	19085	4004	73	6.56-
RECO	01/06/12	SEWER	1/06/12	5217	18783	4010	64	9.06-
RECO	01/06/12	WATER	1/06/12	5217	18783	4010	64	9.06-
RECO	12/19/11	SEWER	12/19/11	5217	18658	4001	63	4.06-
RECO	12/19/11	WATER	12/19/11	5217	18658	4001	63	9.06-
RECO	11/03/11	SEWER	11/03/11	5217	18263	4021	79	13.12-
RECO	11/03/11	WATER	11/03/11	5217	18263	4021	79	18.12-
RECO	09/13/11	SEWER	9/13/11	5217	17759	4105	72	9.06-
RECO	09/13/11	WATER	9/13/11	5217	17759	4105	72	9.06-
RECO	08/12/11	SEWER	8/12/11	5217	17451	4005	219	6.28-
RECO	08/12/11	WATER	8/12/11	5217	17451	4005	219	11.28-
RECO	07/18/11	SEWER	7/18/11	5217	17129	4002	15	5.86-
RECO	07/18/11	WATER	7/18/11	5217	17129	4002	15	10.86-
RECO	06/13/11	SEWER	6/13/11	5828	16808	4009	112	3.36-
RECO	06/13/11	WATER	6/13/11	5828	16808	4009	112	8.36-
RECO	05/13/11	SEWER	5/13/11	5217	16527	4005	91	5.86-
RECO	05/13/11	WATER	5/13/11	5217	16527	4005	91	5.86-
RECO	04/13/11	SEWER	4/13/11	5826	16254	4002	167	5.86-
RECO	04/13/11	WATER	4/13/11	5826	16254	4002	167	5.86-
RECO	03/07/11	SEWER	3/07/11	5828	15911	4014	139	5.86-
RECO	03/07/11	WATER	3/07/11	5828	15911	4014	139	5.86-
RECO	02/11/11	SEWER	2/11/11	5217	15736	4005	101	5.86-
RECO	02/11/11	WATER	2/11/11	5217	15736	4005	101	5.86-
RECO	01/07/11	SEWER	1/07/11	5217	15438	4010	92	5.86-
RECO	01/07/11	WATER	1/07/11	5217	15438	4010	92	5.86-
RECO	12/09/10	SEWER	12/09/10	5828	15190	4013	65	5.86-
RECO	12/09/10	WATER	12/09/10	5828	15190	4013	65	5.86-
RECO	11/09/10	SEWER	11/09/10	5828	14904	4011	72	5.86-
RECO	11/09/10	SEWER	11/09/10	5828	14904	4000	175	5.86-
RECO	11/09/10	WATER	11/09/10	5828	14904	4011	72	5.86-
RECO	11/09/10	WATER	11/09/10	5828	14904	4000	175	10.86-

RECO	09/07/10	SEWER	9/07/10	5826	14297	4005	140	5.86-
RECO	09/07/10	WATER	9/07/10	5826	14297	4005	140	5.86-
RECO	08/06/10	SEWER	8/06/10	5828	14014	4007	92	5.60-
RECO	08/06/10	WATER	8/06/10	5828	14014	4007	92	5.60-
RECO	07/08/10	SEWER	7/08/10	5828	13708	4009	22	5.21-
RECO	07/08/10	WATER	7/08/10	5828	13708	4009	22	5.21-
RECO	06/11/10	SEWER	6/11/10	5826	13442	4004	133	5.21-
RECO	06/11/10	WATER	6/11/10	5826	13442	4004	133	5.21-
RECO	05/07/10	SEWER	5/07/10	5828	13104	4005	191	7.71-
RECO	05/07/10	WATER	5/07/10	5828	13104	4005	191	7.71-
RECO	04/29/10	SEWER	4/29/10	5828	13034	4002	184	2.71-
RECO	04/29/10	WATER	4/29/10	5828	13034	4002	184	7.71-
RECO	03/04/10	SEWER	3/04/10	5828	12484	4013	128	5.21-
RECO	03/04/10	WATER	3/04/10	5828	12484	4013	128	5.21-
RECO	02/05/10	SEWER	2/04/10	5828	12198	4004	23	7.71-
RECO	02/05/10	WATER	2/04/10	5828	12198	4004	23	7.71-
RECO	01/20/10	SEWER	1/20/10	5828	12041	4009	78	2.71-
RECO	01/20/10	WATER	1/20/10	5828	12041	4009	78	7.71-
RECO	12/03/09	SEWER	12/03/09	5828	11593	4013	83	26.90-
RECO	12/03/09	WATER	12/03/09	5828	11593	4013	83	29.28-
RECO	09/09/09	SEWER	9/09/09	5828	10782	4003	118	38.87-
RECO	09/09/09	WATER	9/09/09	5828	10782	4003	118	16.53-
RECO	08/28/09	SEWER	8/28/09	5826	10693	4017	69	12.22-
RECO	08/28/09	WATER	8/28/09	5826	10693	4017	69	13.04-
RECO	07/23/09	SEWER	7/23/09	5828	10330	4022	19	2.13-
RECO	07/23/09	WATER	7/23/09	5828	10330	4022	19	7.13-
RECO	06/08/09	SEWER	6/08/09	5826	9873	4022	166	11.50-
RECO	06/08/09	WATER	6/08/09	5826	9873	4022	166	6.59-
RECO	05/11/09	SEWER	5/11/09	5828	9641	4001	153	11.50-
RECO	05/11/09	WATER	5/11/09	5828	9641	4001	153	6.59-
RECO	04/14/09	SEWER	4/14/09	5432	9357	4002	91	4.63-
RECO	04/14/09	WATER	4/14/09	5432	9357	4002	91	4.63-
RECO	03/10/09	SEWER	3/10/09	5425	9006	4002	15	11.50-
RECO	03/10/09	WATER	3/10/09	5425	9006	4002	15	6.59-
RECO	02/09/09	SEWER	2/09/09	5425	8725	4025	22	4.63-
RECO	02/09/09	WATER	2/09/09	5425	8725	4025	22	4.63-
RECO	01/09/09	SEWER	1/09/09	9014	8450	4005	195	14.55-
RECO	01/09/09	WATER	1/09/09	9014	8450	4005	195	9.71-

Handwritten notes: 2.71-
7.71-
[Signature]

RECO	12/15/08	SEWER	12/15/08	9014	8188	4008	143	5.80-
RECO	12/15/08	WATER	12/15/08	9014	8188	4008	143	3.46-
RECO	11/14/08	SEWER	11/14/08	9014	7902	4009	13	36.74-
RECO	11/14/08	WATER	11/14/08	9014	7902	4009	13	17.53-
RECO	09/11/08	SEWER	9/11/08	5425	7267	4005	119	31.37-
RECO	09/11/08	WATER	9/11/08	5425	7267	4005	119	14.62-
RECO	06/10/08	SEWER	6/10/08	5425	6351	4002	112	15.42-
RECO	06/10/08	WATER	6/10/08	5425	6351	4002	112	35.31-
RECO	06/02/08	SEWER	6/02/08	5425	6278	4004	77	19.78-
RECO	06/02/08	WATER	6/02/08	5425	6278	4004	77	8.36-
RECO	04/04/08	SEWER	4/03/08	5425	5686	4012	20	32.45-
RECO	04/04/08	WATER	4/03/08	5425	5686	4012	20	17.43-
RECO	01/02/08	SEWER	1/02/08	5425	4628	4015	245	14.41-
RECO	01/02/08	WATER	1/02/08	5425	4628	4015	245	6.77-
RECO	12/03/07	SEWER	12/03/07	5425	4325	4001	85	19.80-
RECO	12/03/07	WATER	12/03/07	5425	4325	4001	85	8.34-
RECO	11/07/07	SEWER	11/07/07	5425	4091	4017	68	19.80-
RECO	11/07/07	WATER	11/07/07	5425	4091	4017	68	8.34-
RECO	10/03/07	SEWER	10/03/07	5425	3708	4014	37	27.35-
RECO	10/03/07	WATER	10/03/07	5425	3708	4014	37	11.45-
RECO	09/05/07	SEWER	9/05/07	5425	3399	4005	114	56.46-
RECO	09/05/07	WATER	9/05/07	5425	3399	4005	114	23.50-
RECO	08/03/07	SEWER	8/03/07	5425	3098	4008	66	31.72-
RECO	08/03/07	WATER	8/03/07	5425	3098	4008	66	13.32-
RECO	07/05/07	SEWER	7/05/07	5425	2804	4000	227	38.58-
RECO	07/05/07	WATER	7/05/07	5425	2804	4000	227	16.17-
RECO	05/29/07	SEWER	5/29/07	5425	2444	4026	210	62.25-
RECO	05/29/07	WATER	5/29/07	5425	2444	4026	210	25.92-
RECO	05/01/07	SEWER	5/01/07	5425	2165	4014	168	18.00-
RECO	05/01/07	WATER	5/01/07	5425	2165	4014	168	7.62-
RECO	04/17/07	SEWER	4/17/07	5425	2043	4006	185	18.00-
RECO	04/17/07	WATER	4/17/07	5425	2043	4006	185	7.62-
RECO	03/09/07	SEWER	3/09/07	5425	1665	4000	131	18.00-
RECO	03/09/07	WATER	3/09/07	5425	1665	4000	131	7.62-
RECO	02/09/07	SEWER	2/08/07	5425	1353	4002	148	24.86-
RECO	02/09/07	WATER	2/08/07	5425	1353	4002	148	10.47-
RECO	01/02/07	SEWER	1/02/07	5424	943	4027	122	24.86-
RECO	01/02/07	WATER	1/02/07	5424	943	4027	122	10.47-

CASH	03/04/03	WATER	3/04/03	99	5713690	999999	97.33-
CASH	12/31/02	WATER	12/31/02	99	5541334	999999	84.45-
CASH	11/01/02	WATER	11/01/02	99	5350549	999999	84.45-
CASH	09/04/02	WATER	9/04/02	99	5188168	999999	45.04-
CASH	07/09/02	WATER	7/09/02	99	5025681	999999	28.15-



Arthur E. Ferdinand
Tax Commissioner
Fulton County, Georgia

141 Pryor Street
 Atlanta, Georgia 30303
 (404) 730-6100

TAX BILL

Property Owner	Parcel Identification	Description	User ID
HEARD GEOFFREY A	14 -0206-0001-037-4	Real Estate	IWR

Tax District: 05 - ATLANTA

<u>Property Address</u>	<u>Account Number</u>	<u>Current Fair Market Value</u>	<u>Current Assessed Value</u>
2641 HEDGEWOOD LANE NORTHWEST	1557313	20,000	8,000

City Exemption:

County Exemption:

City Sales Tax Credit: \$0.00

County Sales Tax Credit: \$6.45

<u>Tax Year</u>	<u>Cycle</u>	<u>Principal Amount</u>	<u>Interest</u>	<u>Penalties/Fees</u>	<u>Paid</u>	<u>Total</u>
✓ 2013	Atlanta	267.92	10.72	26.79	0.00	305.43
	County	85.05	2.55	0.00	0.00	87.60
2012	Atlanta	FIFA TRANSFERRED/SOLD	33.12	35.51	379.83	0.00
	County	FIFA TRANSFERRED/SOLD	9.93	15.43	124.70	0.00
2011	Atlanta	17.04	0.00	0.00	17.04	0.00
	County	0.00	0.00	0.00	0.00	0.00
2010	Atlanta	23.28	0.00	0.00	23.28	0.00
	County	0.00	0.00	0.00	0.00	0.00
2009	Atlanta	199.43	19.94	10.50	229.87	0.00
	County	0.00	0.00	0.00	0.00	0.00
2008	Atlanta	102.59	0.00	0.00	102.59	0.00
	County	0.00	0.00	0.00	0.00	0.00
2007	Atlanta	108.40	0.00	0.00	108.40	0.00
	County	0.00	0.00	0.00	0.00	0.00
2006	Atlanta	114.76	0.00	0.00	114.76	0.00
	County	7.19	0.00	0.00	7.19	0.00
2005	Atlanta	116.93	0.00	0.00	116.93	0.00
	County	7.19	0.00	0.00	7.19	0.00
2004	Atlanta	114.72	0.00	0.00	114.72	0.00
	County	6.77	0.00	0.00	6.77	0.00
2003	Atlanta	119.06	0.00	0.00	119.06	0.00
	County	6.33	0.00	0.00	6.33	0.00
2002	Atlanta	498.41	0.00	0.00	498.41	0.00
	County	5.54	0.00	0.00	5.54	0.00
2001	Atlanta	482.43	0.00	0.00	482.43	0.00
	County	5.42	0.16	10.50	16.08	0.00
2000	Atlanta	492.26	0.00	0.00	492.26	0.00
	County	4.47	0.00	0.00	4.47	0.00

Grand Total Due: \$393.03



Home Property Records iMaintain Admin SQL Query Tool

RE PP Owner Name Address Parcel Advanced Sales Search Lists

- Profile
- Sales
- Residential
- Commercial
- OBV
- Permits
- Values
- Assessed Values
- Value History
- Land
- Agricultural
- Full Legal
- Sketch
- Payment Summary
- Payment
- Payment Details (RTAB)
- Photo
- Map
- Appeals
- Appeals History
- TCO1
- TCO2
- TCO 2009
- Property Level
- Application
- Tax Summary
- Tax Code Description
- Tax History
- FC Taxes
- Exemption
- BILP
- Special Asmt
- Deferrals
- CPI View
- FIFA Transfer
- Pay Contract
- Bankruptcy
- Levy
- Returned Mail
- Tax Comments
- Details
- MODS
- Detail Level Exemption
- Commercial Use
- Commercial Apartment
- Mailing Address
- Income & Expense
- Income & Expense
- Values
- CPI SF

PARID: 14 020600010374

JUR: 000

CITYNAME: ATL

NBHD: 14681

ROLL: RE

GAINNEY ZORA H

2641 HEDGEWOOD LN NW

Tax Year: 2012

CURRENT RECORD

1 of 1

Return to Search Results
 Edit Current Record
 Create Workflow

1 of 2

Cycle	ATLANTA
30 Day FIFA Notice	09/27/2012
FIFA #	1557313
FIFA Issue Date	05/10/2013
GED Record Date	05/10/2013
Book/Page	20130023/357
Transfer GED Date	12/16/2013
Book/Page	/
Consideration	\$368.63
Tax District	05 - ATLANTA
Transferee	INVESTA SERVICES OF GA CHRISTIANA TRUST AS CUSTODIAN
Address	1266 WEST PACES FERRY ROAD #517 ATLANTA, GA 30327
Contact	
Phone#	(404) 949-3850
Fax	(404) 949-3851
All Years	2012
Total Consideration	\$368.63
Reason(s)	ATL

Printable Summary

Printable Version



- Profile
- Sales
- Residential
- Commercial
- OBY
- Permits
- Values
- Assessed Values
- Value History
- Land
- Agricultural
- Full Legal
- Sketch
- Payment Summary
- Payment
- Payment Details (RTAB)
- Photo
- Map
- Appeals
- Appeals History
- TCO1
- TCO2
- TCO 2009
- Property Level
- Application
- Tax Summary
- Tax Code Description
- Tax History
- FC Taxes
- Exemption
- BILP
- Special Asmt
- Deferrals
- CPI View
- ▶ FIFA Transfer
- Pay Contract
- Bankruptcy
- Levy
- Returned Mail
- Tax Comments
- Details
- MODS
- Detail Level Exemption
- Commercial Use
- Commercial Apartment
- Mailing Address
- Income & Expense
- Income & Expense
- Values
- CPI SF

PARID: 14 020600010374
JUR: 000 CITYNAME: NBHD: 14681 ROLL: RE
ATL 2641 HEDGEWOOD LN NW
GAINNEY ZORA H

Tax Year: 2012

CURRENT RECORD

1 of 1

Return to Search Results
 Edit Current Record
 Create Workflow

2 of 2

Cycle	FULTON
30 Day FIFA Notice	03/26/2013
FIFA #	1557313
FIFA Issue Date	05/10/2013
GED Record Date	05/10/2013
Book/Page	20130024/640
Transfer GED Date	12/16/2013
Book/Page	/
Consideration	\$124.70
Tax District	05 - ATLANTA
Transferee	INVESTA SERVICES OF GA CHRISTIANA TRUST AS CUSTODIAN
Address	1266 WEST PACES FERRY ROAD #517 ATLANTA, GA 30327
Contact	
Phone#	(404) 949-3850
Fax	(404) 949-3851
All Years	2012
Total Consideration	\$124.70
Reason(s)	FUL

Printable Summary

Printable Version

iasWorld

USER: Usha Jarnwala | ROLE: Customer_Service | SIGN OUT | MY ACCOUNT | HELP



Home Property Records Maintain Admin SQL Query Tool

RE PP Owner Name Address Parcel Advanced Sales Search Lists

- Profile
- Sales
- Residential
- Commercial
- OBV
- Permits
- Values
- Assessed Values
- Value History
- Land
- Agricultural
- Full Legal
- Sketch
- Payment Summary
- Payment
- Payment Details
- (RTAB)
- Photo
- Map
- Appeals
- Appeals History
- TCO1
- TCO2
- TCO 2009
- Property Level
- Application
- Tax Summary
- Tax Code Description
- Tax History
- FC Taxes
- Exemption
- BILP
- Special Asmt
- Deferrals
- CPI View
- ▶ FIFA Transfer
- Pay Contract
- Bankruptcy
- Levy
- Returned Mail
- Tax Comments
- Details
- MODS
- Detail Level Exemption
- Commercial Use
- Commercial Apartment
- Mailing Address
- Income & Expense
- Income & Expense
- Values
- CPISF

PARID: 14 020600010374

JUR: 000 CITYNAME: NBHD: 14681 ROLL: RE
ATL 2641 HEDGEWOOD LN NW
HEARD GEOFFREY A

Tax Year: 2013
 CURRENT RECORD
 1 of 1
[Return to Search Results](#)
[Edit Current Record](#)
[Create Workflow](#)

Cycle	SOLID WASTE
30 Day FIFA Notice	09/02/2013
FIFA #	1557313
FIFA Issue Date	12/16/2013
GED Record Date	12/13/2013
Book/Page	2815/215
Transfer GED Date	12/16/2013
Book/Page	/
Consideration	\$545.37
Tax District	05 - ATLANTA
Transferee	INVESTA SERVICES OF GA CHRISTIANA TRUST AS CUSTODIAN
Address	1266 WEST PACES FERRY ROAD #517 ATLANTA, GA 30327
Contact	
Phone#	(404) 949-3850
Fax	(404) 949-3851
All Years	2013
Total Consideration	\$545.37
Reason(s)	SAN

Printable Summary
 Printable Version

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

June 12, 2014

Mr. Greg Cuppett
GDC17559
Rockdale County Jail
911 Chambers Drive
Conyers, Georgia 30012

Dear Mr. Cuppett:

Until a case is docketed in this Court in your name, there is nothing this Court can do to assist you. I am returning your documents to you.

Sincerely,



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

SEC/ld
Enclosures

Greg Cuppert # 17559

4 June 2014

Rockdale County Jail

911 Chambers Dr.

Cowley, GA 30012

RECEIVED IN OFFICE
2014 JUN 11 AM 8:51
CLERK COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Court of Appeals, Clerk

47 Truitt Avenue SW, Suite 501

Atlanta, GA 30334

RE: FAILURE TO TRANSMIT OF Court Records.

Civil Action No. 2014-CV-1093 M

Dear Clerk of Appeals Court:

I HAVE ATTEMPTED TO GET THE Clerk of the Court TO FORWARD A NOTICE OF APPEAL (SEE ENCLOSED) TO THIS COURT. I HAVE EVEN WRITTEN ANOTHER REQUEST TO GET THE Clerk of Court FOR Rockdale County Ruth Wilson TO EXPLAIN WHY MY CONFORMED COPIES AREN'T BEING RETURNED AND WHY IN THE ABOVE CASE THE TRANSMITTAL OF RECORD FOR THE PURPOSE OF APPEAL. (SEE ENCLOSED), HAS NOT BEEN DONE.

I AM ASKING FOR HELP FROM THIS COURT OR IN THE ALTERNATIVE DIRECT ME TO THE PROPER GOVERNMENT AGENCY WHO CAN. I THOUGHT THE LAW WAS TO PROTECT PEOPLE FROM BEING DENIED ACCESS TO COURTS, THE 5TH AND 14TH AMENDMENTS PROTECT OUR DUE PROCESS RIGHTS.

Respectfully Submitted this 4th day of June, 2014

BY:



Greg Cuppert

CA: FILE

IN THE SUPERIOR COURT OF ROCKDALE COUNTY
STATE OF GEORGIA

RECEIVED IN OFFICE
2014 JUN 11 AM 8:51
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

MELISSA HEARY,
PETITIONER,

CIVIL ACTION
No. 2014-C-1073

v.

NOTICE OF APPEAL

GREGORY WILLIAM CUPPETT,
RESPONDENT.

RECEIVED IN OFFICE
2014 MAY 16 PM 3:38
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

NOTICE IS HEREBY GIVEN THAT GREGORY WILLIAM CUPPETT, THE RESPONDENT, HEREBY APPEALS TO THE COURT OF APPEALS THE ORDER BY SUPERIOR COURT JUDGE ROBERT F MUMFORD ENTERED IN THIS ACTION ON THE 1ST OF MAY, 2014 AND FILED 7TH OF MAY, 2014.

THE CLERK OF THE SUPERIOR COURT OF ROCKDALE COUNTY, SHALL TRANSMIT TO THE CLERK OF APPEALS ALL EVIDENCE, PROCEEDINGS AND COMMUNICATIONS WITH THE COURT IN THIS CIVIL ACTION. THE COMMUNICATIONS SHALL INCLUDE ALL WRITTEN AND ORAL/TELEPHONIC CONTACT BETWEEN THE PETITIONER AND JUDGE MUMFORD AND THE JUDGE'S OFFICE STAFF. THE CLERK OF THE COURT, IN ACCORDANCE WITH OCGA 5-6-37, RULE(S) 17, 18(A)(B) AND 19, OF THE COURT OF APPEALS, FOR THE TRIAL COURT, PREPARE AND FORWARD ALL DOCUMENTS/TESTIMONY TO THE COURT OF APPEALS WITHIN FIVE (5) DAYS OF THE FILING OF THIS NOTICE OF APPEAL.

THIS COURT, RATHER THAN THE SUPREME COURT, HAS JURISDICTION OF THIS CASE ON APPEAL FOR THE

REASON THAT THIS IS A CIVIL ACTION BETWEEN TWO
(2) PARTIES AND RESPONDENT BELIEVES THAT THE TRIAL
COURT ISSUED THE ORDER WITHOUT THE CONSENT OF
THE PETITIONER AND AGAINST HER WISHES.

RESPECTFULLY SUBMITTED THIS 13TH DAY OF MAY, 2014.

By: 
GREGORY W. CUPPETT, RESPONDENT

CERTIFICATE OF MAILING

ORIGINAL AND 3 COPIES OF THE FOREGOING WERE MAILED
THIS 13TH DAY OF MAY, 2014, TO:

CLERK OF THE COURT, RUTH WILSON
SUPERIOR COURT ROCKDALE COUNTY
922 COURT STREET
CONYERS, GA 30012

TRUE COPIES OF THE ORIGINAL WERE MAILED, OF THE
FOREGOING, THIS 13TH DAY OF MAY, 2014 TO:

MELISSA HENRY
2829 KLENDIKE RD
CONYERS, GA 30094

ATTORNEY GENERAL, STATE OF GEORGIA
40 CAPITOL SQUARE, SUITE 134
ATLANTA, GA 30334

CERTIFICATE OF MAILING (CONT)

COURT OF APPEALS, CLERK
47 TRINITY AVENUE, SW., SUITE 301
ATLANTA, GA 30334

U.S. ATTORNEY GENERAL
RICHARD B. RUSSELL FEDERAL BLDG.
75 SPRING ST. SW. SUITE 600
ATLANTA, GA 30303-3309

GREG CUPPETT #17559
ROCKDALE COUNTY JAIL
911 CHAMBERS DR.
CONYERS, GA 30012

I DECLARE UNDER THE PENALTY OF PERJURY THAT THIS
DOCUMENT AND ALL COPIES THEREOF WAS PLACED IN THE
JAIL STAFF HANDS WITH INDICENT POSTAGE AFFIXED
ON THE 15TH DAY OF MAY, 2014.

BY: Gregory W. Cuppett

GREGORY W. CUPPETT

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

May 19, 2014

To: Mr. Greg Cuppett, GDC17559, Rockdale County Jail, 911 Chambers Drive, Conyers, Georgia 30012

Case Number: Lower Court: County Superior Court

Court of Appeals Case Number and Style:

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

- There is no case pending in the Court of Appeals under your name. Until a case is docketed in the Court of Appeals in your name, you should direct your inquiries to your attorney or the 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 the parties. 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 _____ The remittitur issued on _____ divesting this Court of jurisdiction. The case decision is therefore final.
- Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia. The address of the Clerk of the _____ is _____
- If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court. As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.

GREG CUPPERT #17559
ROCKDALE COUNTY JAIL
911 CHAMBERS DR.
CONYERS, GA 30012

22 MAY 2014

CLERK OF THE COURT
ROCKDALE SUPERIOR COURT
922 COURT ST.
CONYERS, GA 30012

RE: CONFORMED COPIES

DEAR CLERK OF THE COURT:

I WOULD LIKE TO KNOW WHY, I AM NOT GETTING BACK MY CONFORMED COPIES FROM THE CLERK'S OFFICE. A CONFORMED COPY IS THAT WHICH IS STAMPED UPON RECEIPT OF THE COURT WITH DATE/TIME AND SIGNATURE OF RECEIVING PERSON.

I HAVE THE FOLLOWING WITHOUT A RESPONSE/ CONFORMED COPY RETURNED TO ME WHICH IS VERIFICATION OF RECEIPT.

- 1) MOTION FOR MODIFICATION OF TPO
- 2) PETITION CRIMINAL COMPLAINT
- 3) PETITION FOR ANNULLMENT OF MARRIAGE
- 4) NOTICE OF APPEAL

ENCLOSED IS A COPY OF LETTER FROM COURT OF APPEALS, ALONG WITH A CONFORMED COPY OF MY NOTICE OF APPEAL THAT I SENT TO THE ROCKDALE SUPERIOR COURT CLERK'S OFFICE FOR FILING AND RECORDS TRANSMITTAL REQUEST TO THE COURT OF APPEALS.

THE FACT THAT I HAVE NOT RECEIVED THESE CONFORMED COPIES ARE A DIRECT VIOLATION OF DUE PROCESS GUARANTEED AND PROTECT UNDER THE 5TH AND 14TH AMENDMENTS OF THE U.S. CONSTITUTION.

PLEASE FORWARD ME TO CONFORMED COPIES AS REQUESTED AND THUS FORWARD THE PROPER DOCUMENTS TO THE COURT OF APPEALS AS PER THE NOTICE OF APPEAL UNDER THE LAWS OF THE STATE OF GEORGIA.

RESPECTFULLY SUBMITTED THIS 22ND DAY OF MAY, 2014

BY: ~~A. Cuppett~~
GREG CUPPETT

CERTIFICATE OF MAILING

ORIGINAL AND 1 COPY MAILED THIS 23RD DAY OF MAY, 2014 TO:

CLERK OF THE COURT
ROCKDALE COUNTY SUPERIOR COURT
922 COURT ST.
CONYERS, GA 30012

TRUE COPIES OF THE ORIGINAL MAILED THIS 23RD DAY OF MAY, 2014 TO:

ATTORNEY GENERAL, STATE OF GA
40 CAPITOL SQUARE, SUITE 134
ATLANTA, GA 30334

U.S. ATTORNEY GENERAL
RICHARD B. RUSSELL FEDERAL BLDG
75 SPRING ST., SW, SUITE 600
ATLANTA, GA 30303-3309

GREG CUPPETT, FILE.

I DECLARE UNDER THE PENALTY OF PERJURY THAT THIS DOCUMENT & ALL COPIES THERE OF WAS PLACED IN US MAIL WITH INDIGENT POSTAGE AFFIXED ON THE _____ DAY OF MAY 2014

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

Date: June 11, 2014

To: Charles Henry Frier, Esq., Post Office Box 8783, Atlanta, Georgia 31106

Docket Number: A14A1741 **Style:** Chernard Carter v. The State

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

1. Your Appellant's Brief, was not accompanied by the statutory filing fee (\$300.00 civil; \$80.00 criminal *Effective July 1, 2009) or a sufficient pauper's affidavit. OCGA§5-6-4 and Rule **Your pauper's affidavit should be notarized by a notary public.**
2. A Request for Oral Argument must be filed as a separate document. Rule 28 (a) (3)
3. Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)
4. **No Certificate of Service accompanied your document(s). Rule 6**
5. Your Certificate of Service did not include the complete name and mailing address of each opposing 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 documents were addressed to Ms. Holly K.O. Sparrow who retired in August, 2013. The new clerk of the Court of Appeals of Georgia is: Stephen E. Castlen.**

CHARLES HENRY FRIER
Attorney at Law
P.O. Box 8783
Atlanta, GA 31106-8783
(404) 876-0847

FILED
JUN 08 2014
CLERK, COURT OF
APPEALS OF GEORGIA

May 27, 2014

Ms. Holly K.O. Sparrow,
Clerk, Court of Appeals of Georgia

REQUEST FOR ORAL ARGUMENT IN CASE No. A14A1741

CHERNARD CARTER v. STATE OF GEORGIA

RECEIVED IN OFFICE
2014 JUN -9 AM 10:49
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Pursuant to Rule 28, this is a request for oral argument in the above-styled case. I hereby certify that David Gettachew-Smith, Fulton County Assistant District Attorney, has been notified of my intention to argue the case orally and that it is a standing policy of the Fulton County District Attorney's Office's to participate in oral argument. I further certify that I have served David Gettachew-Smith, Fulton County Assistant District Attorney, with a copy of this letter.

The decisional process will be significantly aided by oral argument due to the unique issue of this case: Appellant was indicted for malice murder (Count 1) and three counts of felony murder (Counts 2, 3, and 5), all alleging the death of Lynette Reese by shooting her. As to those four counts, the jury was also instructed as to the lesser included offense of voluntary manslaughter. The jury's verdict as rendered and received by the trial court found Appellant not guilty of malice murder and not guilty of all three counts of felony murder, but also found Appellant **not guilty** of voluntary manslaughter as to Count 1 but **guilty** of voluntary manslaughter as to Counts 2, 3, and 5. In

denying Appellant's motion for new trial, the trial court cited the abolition of the inconsistent verdict rule, quoting that "the rule is not implicated where verdicts of guilty and not guilty are returned". However, the trial court failed to recognize that the verdict in this case was, in fact, an instance of the extremely rare repugnant verdict – where there are verdicts of not guilty and guilty of the exact same crime against the same victim using the same evidence – which should never be accepted by the court, and also means that the abolition of the inconsistent verdict rule analysis does not apply.

The specific reason why oral argument would be beneficial to the Court is that this is a case of first impression in that there are no Georgia cases directly on point with this issue (a jury returning verdicts of guilty and not guilty on different counts that alleged the exact same crime as a lesser included offense of the indicted offenses) although there is one case that has dealt with a similar situation of a jury returning verdicts of guilty and not guilty on two different accusations that were tried at the same time and that alleged the exact same crime. This is not a matter of interpretation of constitutional law, but it does involve the fundamental constitutional right to not have one's liberty restricted based on an improper verdict. Due to the extremely rare occurrence of repugnant verdict cases in the appellate records nationwide, and the unique application to this case due to the verdicts being on the lesser included offense, Counsel for Appellant needs to appear in person to accurately present the issue and respond to the Court's questions.

Respectfully submitted,

A handwritten signature in cursive script that reads "Charles Henry Frier".

Charles Henry Frier

Attorney for Appellant
State Bar No. 277965

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

Date: June 11, 2014

To: Ms. Shary F. Drawdy, 711 Signal Mountain Road, #135, Chattanooga, Tennessee 37405

Docket Number: A14A1217 **Style:** Shary F. Drawdy v. Erik S. Hullender

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

1. Your Appellant's Brief, was not accompanied by the statutory filing fee (\$300.00 civil; \$80.00 criminal *Effective July 1, 2009) or a sufficient pauper's affidavit. OCGA§5-6-4 and Rule **Your pauper's affidavit should be notarized by a notary public.**
2. A Request for Oral Argument must be filed as a separate document. Rule 28 (a) (3)
3. Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)
4. **An improper Certificate of Service accompanied your document(s). Rule 6 (In the certification statement , you referred to the service of an "Appellant's Reply Brief" when you are filing an "Emergency Motion for Injunctive Relief to Enforce Minor Child Visitation and Contempt of Court".)**
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



COURT OF APPEALS
STATE OF GEORGIA

FILED IN OFFICE
JUN 9 2014
COURT CLERK
CLERK COURT OF APPEALS OF GA

Docket No. A14A1217

SHARY F. DRAWDY,

APPELLANT,

VS.

ERIK S. HULLENDER, A/K/A, ERIC S. HULLENDER,

APPELLEE.

RECEIVED IN OFFICE
25 JUN 10 PM 4:00
CLERK COURT OF APPEALS OF GA

EMERGENCY MOTION FOR INJUNCTIVE RELIEF TO ENFORCE MINOR CHILD VISITATION AND CONTEMPT OF COURT

PLEASE TAKE NOTICE, that before the COURT OF APPEALS FOR THE STATE OF GEORGIA under Appeals Court Rule 40(b) (Emergencies: In the exercise of its inherent power this Court may issue such orders or give such direction to the trial court as may be necessary to preserve jurisdiction of an appeal or to prevent the contested issue from becoming moot), and Appeals Court Rule 7 (Contempt: Breach of any rule of the Court of Appeals or failure to comply with an order of this Court subjects the offending party and/or attorney to contempt and may subject the appeal to dismissal or cause appellee's brief to be s may, upon a finding of conduct constituting contempt, impose a fine not to exceed \$2,500.00 against each contemner or revoke the license to practice in this Court, or

Original

IN THE APPEALS COURT OF THE STATE OF GEORGIA

SHARY F. DRAWDY,

APPELLANT,

V.

Docket # A14A1217

ERIK S. HULLENDER,

AK/A ERIC S. HULLENDER

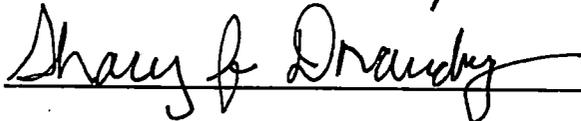
APPELLEE.

CERTIFICATE OF SERVICE

I certify that I have this day served Erik S. Hullender a/k/a Eric S. Hullender by and through his attorney, Robert L. Stultz, with a copy of this Appellant's Reply Brief by Regular mail, Mailed to him at:

P.O. Box 5786, Fort Oglethorpe, Ga. 30742

This the 9th day of June, 2014.



SHARY F DRAWDY / PRO SE

711 Signal Mountain Rd. #135

Chattanooga, Tn. 37405

Ph# 423-994-0063

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

Date: June 12, 2014

To: Mr. Kevin Gross, Reg. No. 30109-016, Federal Correctional Institution, Post Office Box 420, Fairton,
New Jersey 08320

Docket Number: A14A1800 Style: Kevin Gross v. The State

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

1. Your Appellant's Brief, was not accompanied by the statutory filing fee (\$300.00 civil; \$80.00 criminal *Effective July 1, 2009) or a sufficient pauper's affidavit. OCGA§5-6-4 and Rule **Your pauper's affidavit should be notarized by a notary public.**
2. A Request for Oral Argument must be filed as a separate document. Rule 28 (a) (3)
3. Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)
4. **No Certificate of Service accompanied your document(s). Rule 6**
5. Your Certificate of Service did not include the complete name and mailing address of each opposing 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

COURT OF APPEALS OF GEORGIA

KEVIN GROSS

v.

THE STATE

)
)
)
)
)

APPEAL CASE NUMBER; A14A1800

REQUEST FOR AN EXTENTION OF TIME
TO FILE BRIEF

NOW INTO COURT the appellant Kevin Gross, pro se, and beg
this Honorable Court for an Extention of time to file his brief
for the following reasons.

Appellant is incarcerated in the Federal Penal System and
does not have access to the State of Georgia Appellate Rules and
Procedures. He will be requesting a copy of these Rules along with
the proper format of an Appellate Brief. This will require addit-
ional time. If the Appellant does not have the proper format and
does not diligently follow the Appellate Rules for the State of
Georgia; the Brief will be returned to him.

So for the foregoing reasons; Appellant prays that this
Honorable Court grant him the requested extension of time.

June 5, 2014.

Respectfully submitted,

Kevin Gross

KEVIN GROSS
Pro Se Appellant
Reg. No. 30109-016
Federal Correctional Institution
Post Office Box 420
Fairton, NJ 08320-0420

RECEIVED IN OFFICE
2014 JUN 11 AM 8:50
CLERK/COUNT 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

June 12, 2014

Mr. Freddie Calloway
GDC382793 L-10 2-B
Ware State Prison
3620 Harris Road
Waycross, Georgia 31503

RE: A13A1926. Freddie Calloway v. The State

Dear Mr. Calloway:

The Court of Appeals issued the remittitur in your case on April 1, 2014. That remittitur divests this Court of further jurisdiction of your case.

We are returning your documents to you and regret any inconvenience this has caused you.

Sincerely,



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

SEC/ld
Enclosures

6-9-14

c/o Clerk;
Court Of Appeals Of Georgia

Clerk,

I am writing in hope of being able to get a extension on the filing time for the motion to modification of sentence. After the court of appeal ~~has~~ affirmed my conviction I only had 10 days for the motion for reconsideration and the petition for certiorari, by the time I got the notice half of the ten days had ~~passed~~ pass by.

I am asking for at lease 90 day's to get things together on this motion

Thank you

Freddie Calloway
382793

RECEIVED IN OFFICE
26th JUN 11 PM 2:33
CLERK/COURT ADMINS TRSBROR
COURT OF APPEALS OF GA

Procedure for New Docket for Front Desk

Entering Payment:

- 1) Log on
- 2) Click on Case Management
- 3) Enter Case #
- 4) Click on General Docket Tab
- 5) Click on Edit
- 6) Then Click on Edit Data on this Tab
- 7) Add a payment
- 8) Enter paid by & amount
Date
Receipt #
- 9) Click on Edit then Save changes

Entering Cites:

You will receive a "Georgia Advance Sheets" book on Thursdays with the exception of every 3rd Thursday. Once received write on the front of the book "Received" date received and initial. Flip through the book and find the first case cited then follow instructions below

- 1) Log on
- 2) Click on Case Management
- 3) Enter Case #
- 4) Click on Judgement
- 5) Click Edit
- 6) Enter Citation (Vol#GAPage# i.e. 311GA167) in the citation box
- 7) Click Edit then Save changes
- 8) Place a check beside case number in the book
- 9) Completed books are placed on table in reception area, Old book is placed in Attorney work room.

Looking up Attorneys to see if Admitted to COA:

- 1) Log on
- 2) Click on System Management
- 3) Click on Manage Attorneys
- 4) Look up by Bar # or name
- 5) Click on View

Editing Attorneys for Disciplinary from BAR:

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

June 13, 2014

Mr. Adrian B. Gainey
477 Peachtree Street, N.E.
Atlanta, Georgia 30308

Dear Mr. Gainey:

We are returning your submission to this office. Case A14A0428. In Re: Estate of Zora Helen Gainey, Deceased, was dismissed on November 6, 2014 and the remittitur issued on January 3, 2014. Once the remittitur issues, our Court has no jurisdiction on the case. Also, please note that our Court does not do any independent investigation of alleged wrongdoings. I recommend that you discuss those issues with an attorney.

Sincerely,



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

SEC/ld
Enclosures

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

Date: June 16, 2014

To: Mr. Kevin Gross, Reg NO. 30109-016, Federal Correctional Institution - Fairton, Post Office Box 420,
Fairton, New Jersey 08320

Docket Number: A14A1800 **Style:** Kevin Gross v The State

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

1. Your Appellant's Brief, was not accompanied by the statutory filing fee (\$300.00 civil; \$80.00 criminal *Effective July 1, 2009) or a sufficient pauper's affidavit. OCGA§5-6-4 and Rule **Your pauper's affidavit should be notarized by a notary public.**
2. A Request for Oral Argument must be filed as a separate document. Rule 28 (a) (3)
3. Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)
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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

COURT OF APPEALS OF GEORGIA

RECEIVED IN OFFICE
2014 JUN 13 PM 1:17
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

KEVIN GROSS

Appellant,

v.

THE STATE OF GEORGIA,

Appellee.

Appeal Case Number A14A1800

REQUEST FOR ORAL ARGUMENT

NOW INTO COURT COMES THE Appellant, Kevin Gross, pro se, and request that this Honorable Court grant him Oral Argument in the above cited case. Before the Second Division: P.J., Andrews, J., McFadden, J., Ray, on September 9, 2014.

Respectfully submitted,

Kevin Gross

June 5, 2014.

KEVIN GROSS
PRO SE APPELLANT
Reg. No. 30109-016
Federal Correctional Institution
Post Office Box 420
Fairton, NJ 08320-0420

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

June 13, 2014

Mr. Adrian B. Gainey
477 Peachtree Street, N.E.
Atlanta, Georgia 30308

Dear Mr. Gainey:

We are returning your submission to this office. Case A14A0428. In Re: Estate of Zora Helen Gainey, Deceased, was dismissed on November 6, 2014 and the remittitur issued on January 3, 2014. Once the remittitur issues, our Court has no jurisdiction on the case. Also, please note that our Court does not do any independent investigation of alleged wrongdoings. I recommend that you discuss those issues with an attorney.

Sincerely,



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

SEC/ld
Enclosures

REMITTITUR

Court of Appeals of Georgia

Atlanta, November 06, 2013

Case No. A14A0428. IN RE: ESTATE OF ZORA HELEN GAINES,
DECEASED.

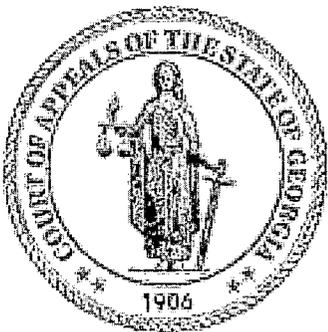
Upon consideration of this case, which came before this Court on appeal from the Probate Court of Fulton County, this Court rendered the following decision:

Appeal dismissed.

Barnes, P. J., Boggs and Branch, JJ., concur.

LC NUMBERS:
226125

Costs paid in the Court of Appeals: \$300



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, January 03, 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.

Adrian B. Gainey, Son and Caveator
P.O. Box 55031
Atlanta, Ga. 30308

6/8/14

Ga. Court Of Appeals
Remitters Office
47 Trinity Ave.
Atlanta, Ga. 30334

RECEIVED IN OFFICE

2014 JUN 12 AM 8:48

CLERK OF THE COURT
COURT OF APPEALS OF GA

FILED IN DROP BOX

Re: Misappropriation of Funds regarding the Estate of Zora Helen Gainey: Probate Court No.226125:
GCA No. Report A14A0428:

Dear Remitters Office:

There appears to be mismanagement of funds regarding the estate of my late mother, Zora Helen Gainey. The exact amounts must be confirmed by the Remitters' Office. The following is an educated guess of the total worth of the estate and how the funds were most like used. Executors offered \$2,918.18 to me on a 3-way-split between myself, my twin sister who is an invalid and her son, as settlement regarding her estate. The total amount was \$8,755.61.

There should have been more money left in her estate after bills were paid even after her lengthy illness. I believe there has been a mismanagement of funds on the part of the executors. My late mother had a life insurance policy worth \$100,000.00 with Variable Annuity Life Ins. Co: a \$50,000.00 CD with Wachovia Bank: a CD with Pinnacle Credit Union, which may have been valued at \$50,000.00: a \$3,000.00 life insurance policy with Union Fidelity Life through the Atlanta Public School System: a checking account with Wachovia Bank valued at \$26,872.00 as of 1/09 which was down to \$123.00 by April of 2009. All these assets taken together total \$229,872.00. My mother's home, which was paid for, is an all Brick Ranch with a full basement and is valued at \$100,000.00. This brings the total value of her estate to \$329,872.00 in liquid and solid assets. My mother had a pension she received from the Atlanta Public School System which may have been \$2,600.00 a month. She received her pension for the full 50 months of her illness which would amount to \$130,000.00. This when added to her total estate comes

Lawyer Advertising: Get to Know the New Rules

by Paula Frederick

"I told you we need a marketing director," your paralegal declares as she enters your office. "Check this out!" She appropriates your computer and brings up the Bar's website.

"It's right here under Latest News," she says, scrolling down the homepage. "Did you know that there are new Rules of Professional Conduct dealing with lawyer advertising?"

"Ummm . . . no," you admit. "Anything we need to worry about?"

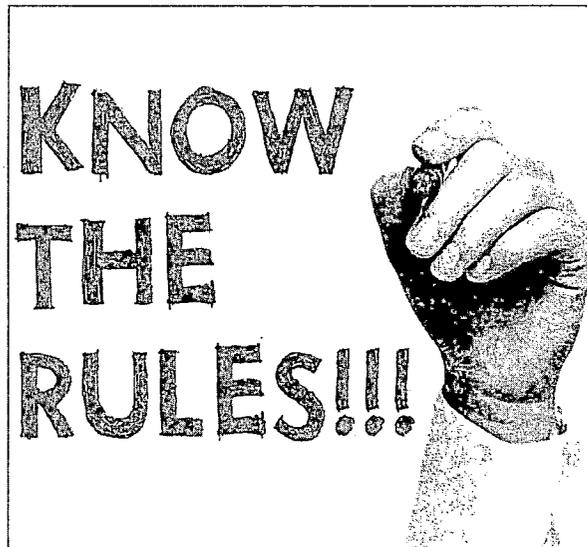
"Nothing major, but we definitely need to review all of our marketing materials to be sure they comply. Aren't you glad I'm paying attention? Your license could be on the line if you miss stuff like this!"

"I hereby proclaim thee director of marketing," you announce.

By order of March 21, 2014, the Supreme Court of Georgia approved amendments to Rule 7.2. The changes require additional disclaimers and disclosures for ads directed to potential clients in Georgia or offering to provide legal services in the state.

Advertisements must now include the name, telephone number and full office address of each lawyer or law firm who paid for the ad and who takes responsibility for it. If an ad includes a non-attorney spokesperson or uses actors to portray either lawyers or clients, that fact must be prominently disclosed.

If the advertising lawyer refers most potential clients to other lawyers, he must disclose that fact and comply with the rules regarding referral services. There are additional requirements for lawyers who advertise fixed fees for services, or who send ads that resemble legal documents.



The Bar's Fair Market Practices Committee recommended the changes as part of its ongoing mission to protect consumers of legal services from false or misleading advertisements.

Lawyers have a reasonable time (which will vary based upon the type of ad) to bring their advertisements into compliance.

Please take a moment to check your marketing materials to be sure that they meet the requirements of the new rules. (C)



Paula Frederick is the general counsel for the State Bar of Georgia and can be reached at paulaf@gabar.org.

D.D. Worley CLE Director

Sen Horton Ben Foundation Journal

404-588-2239

(Monitor Sp of Property)

GREER & ASSOCIATES, P. C.

ATTORNEYS AT LAW
SUITE 2
10882 CRABAPPLE ROAD
ROSWELL, GEORGIA 30075
(770) 640-0619 (404) 759-2519
EMAIL:birdia@bgreerandassociates.com

FULTON

BIRDIA M. GREER**

**ALSO ADMITTED IN LOUISIANA

HAMIDA JACKSON-LITTLE, OF COUNSEL
JENNIFER HAYNES GREEN, OF COUNSEL

January 3, 2014

VIA CERTIFIED & U. S. MAIL

Adrian B. Gainey
477 Peachtree Street, N.E.
Atlanta, Georgia 30308

Jacquelyn B. Thomas
Arbor Terrace at Cascade
1001 Research Center Atlanta Drive
Atlanta, Georgia 30331

Kimani Scott
4405 West Pine Blvd.
Apt.311
St. Louis, Missouri 63108

Patricia Heard
3399 Elmtree Drive,Sw
Atlanta, Georgia 30311

Jackie Scott
1087 Wilson Avenue
St. Louis, Missouri 63130

RECEIVED IN OFFICE
2014 JUN 12 AM 8:48
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Subject: Estate of Zora Gainey, deceased
Estate Accounting Explanations and Final Distribution of In-Kind gifts
And Remaining Net Proceeds of the Estate

Dear Ladies and Gentleman:

The Last Will & Testament of Zora Gainey, deceased has been duly admitted to Probate by the Fulton County Probate Court appointing Geoffrey A. Heard and Winlow Heard as co-

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

June 16, 2014

To: Mr. Garin Daniel, GDC413482 D-1-24, Spalding County Correctional Institution, 295 Justice Boulevard, Griffin, Georgia 30224

Case Number: _____ Lower Court: _____ County Superior Court

Court of Appeals Case Number and Style: _____

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

- There is no case pending in the Court of Appeals under your name. Until a case is docketed in the Court of Appeals in your name, you should direct your inquiries to your attorney or the trial court clerk.**
- 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 actually be served with a copy of your filing. In an appeal of a criminal conviction in a superior court, the State is represented by the District Attorney or an Assistant District Attorney.
- An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____ The remittitur issued on _____ divesting this Court of jurisdiction. The case decision is therefore final.
- Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the _____ is:
- If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.

IN THE _____ COURT OF Appeals COUNTY
STATE OF Georgia

GARIN LEE DANIEL

VS

Case No. 06CR435

STATE OF GEORGIA

*
*
*
*

RECEIVED IN OFFICE
2014 MAY 30 PM 3:47
CLERK/COST ADMINISTRATOR
COURT OF APPEALS OF GA

AFFIDAVIT OF POVERTY

Personally appeared before me, an officer authorized to administer oaths in and for the State of Georgia, _____ who having been first duly sworn, did depose and state on his oath the following:

That he is indigent person, incarcerated within the prison system of the State of Georgia, unable to meet or pay the costs and fees attaching to said matter, and that he makes this affidavit in order to be granted leave to proceed *in forma pauperis* and the be relieved from paying all costs which otherwise would be required of him.

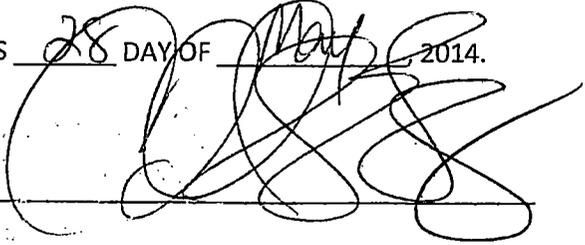
Respectfully submitted this the 28 day of May 2014.

Garin L. Daniel

Pro-Se

RECEIVED IN OFFICE
2014 JUN 18 PM 1:18
CLERK/COST ADMINISTRATOR
COURT OF APPEALS OF GA

SUBSCRIBED AND SWORN BEFORE ME
THIS 28 DAY OF May 2014.



Notary Public, Spalding County, Georgia
My Commission Expires Dec. 12, 2015

Certificate of Service

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

Clerk
Courts of Appeals
Suite 501
47 Trinity Avenue S.W.
Atlanta, Georgia 30334

Peter John Skandralakis
District Attorney
P.O. Box 338
Carrollton, GA. 30112

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

June 16, 2014

To: Mr. Hong Seop Chae, GDC10002094747, Macon State Prison, Post Office Box 426, Oglethorpe, Georgia 31068

Docket Number: **Style:** **Hong Seop Chae 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

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS

CA

6/13/14

To: Hong Seop Chae

Docket Number:

Style: Hong Seop Chae v. The State

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

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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

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

Date: June 18, 2014

To: Mr. Ginette Saint Cilien, 3508 Stonewall Drive, Kennesaw, Georgia 30152

Docket Number: A14A1755

Style: Ginette Saint Cilien v. Just Mortgage, Inc., et al.

The attached documents 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 (compound 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

FILED IN OFFICE

JUN 16 2014

CLERK, COURT OF
APPEALS OF GEORGIA

RECEIVED IN OFFICE

2014 JUN 16 PM 4:06

CLERK/COURT OF APPEALS OF GA

**IN THE COURT OF APPEALS
STATE OF GEORGIA**

GINETTE SAINT CILIEN,
plaintiff-appellant,

vs.

APPEAL NO:

JUST MORTGAGE, INC., et. al.,
defendants-appellees,

On Appeal From Cobb County
Superior Court State of Georgia
Civil Action No: 13-1-00176

**APPELLANT'S MOTION FOR EXTENSION
OF TIME TO FILE APPELLANT'S BRIEF
AND
RULE 41(c) MOTION TO SUPPLEMENT RECORD**

Appellant Ginette Saint Cilien, hereby moves the Court to permit the late filing of her Appeal Brief which is filed contemporaneously herewith and for supplementation of the Record on Appeal and shows the following:

This appeal was originally docketed on a date unknown to Appellant. However, as she was informed by the clerk's office, the Record on Appeal was not accepted by this Court due to a defect in the Notice of Appeal. The defect was that the Notice of Appeal had not shown service on the non-appearing defendant-

appellees.

However, due to an apparent oversight of the superior court clerk's office in preparing the Record, the Amended Notice of Appeal showing such service (which had already been filed prior to the time of original service of the Record on this Court) was not included.

Despite this Amended Notice, and out of an abundance of caution, Appellant prepared a second Amended Notice to also inform this Court that, in addition to the omission of the above-described Notice of Appeal, the clerk had also failed to include the transcript of a hearing identified in the Notices of Appeal. (See footnote of final Notice of Appeal included in the Record.)

At the time Appellant was informed of this Court's refusal of the Record by the clerk, she also took the opportunity to inform the clerk's office of the failure to include the transcript of hearing and requested that same be included along with the Notice of Appeal before service of same on this Court.

In the interim however, Appellant's mother died on May 20, 2014 in Massachusetts. Thus, while it may be that Notice of the second docketing was mailed on or around May 22, 2014, Appellant, due to the death of her mother two

days earlier, was away in Massachusetts to be with family and to prepare for her funeral arrangements and other associated matters. A copy of the Death Certificate is attached hereto as **Exhibit A**. Appellant remained out of town and did not return until June 9, 2014--two days before her Brief would have been due. Appellant has been physically unavailable to receive Notice (if one was sent) and has been mentally and emotionally unable to meet filing deadlines with respect to her Brief. It is entirely possible that plaintiff overlooked this notice while looking thru the voluminous collection of mail during her absence given her physical exhaustion and mental and emotional state.

MOTION FOR SUPPLEMENTATION OF THE RECORD.

Appellant would further move the Court, pursuant to Appellate Rule 41(c), to direct the Clerk of Cobb County Superior Court to transmit the transcript of hearing filed in this case which was held on January 28, 2014.

The underlying Notice of Appeal specified that nothing was to be excluded from the Record and specifically referenced the subject transcript. It does not appear to have been included.

Wherefore, Appellant respectfully moves the Court (1) to accept this

verified motion as an affidavit in support hereof; (2) to permit the late filed Brief and (3) to authorize the Clerk of this Court to obtain the missing transcript from the Clerk of the Superior Court of Cobb County as soon as practicable.

VERIFICATION

I, Ginnette Saint Cilien, being first duly affirmed, do hereby depose and say:

I am the Appellant herein and make this affidavit to support the foregoing Motion and further make this affidavit based upon personal knowledge. I have read the foregoing matters asserted and the same are true.

Respectfully submitted this 16 day of June, 2014.

By: Ginnette Saint Cilien
Ginnette Saint Cilien, Plaintiff Appellant.

Affirmed and subscribed to before me this 16th day of June, 2014.

BY: [Signature]
NOTARY PUBLIC

S E A L

My Commission Expires: 10.13.2014

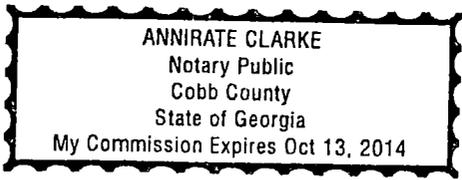


EXHIBIT A

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY that the undersigned has this day served a copy of the foregoing and attached **APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE APPELLANT'S BRIEF AND RULE 41(c) MOTION TO SUPPLEMENT RECORD**" on all parties at their addresses of record.

This 16 day of June, 2014.

By: Ginette Saint Cilien
Ginette Saint Cilien, Plaintiff Appellant.
3508 Stonewall Drive
Kennesaw, GA 30152
(678) 591-7485

JUST MORTGAGE INC
Georgia secretary of state
2 MLK Jr Drive suite 313
FLOYD LEFT Tower
ATLANTA GA 30334

US BANK N/A
2 MLK Jr Drive suite 313
FLOYD LEFT Tower
ATLANTA GA 30334

Federal NATIONAL MORTGAGE ASSOCIATION
GAYE GRIFFIN - AGENT for service
PROCESS
950 E PACES FERRY ROAD suite 1900
ATLANTA GA 30326

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS INC
40 Federal MORTGAGE ASSOCIATION
GAYE GRIFFIN AGENT for service
950 E PACES FERRY ROAD
suite 1900
ATLANTA GA 30326



1456

STATE USE ONLY
1 Age
2 Sex
3 Race
4 MA
5 Marital Status
6 Date of Birth
7 Sex
8 Race
9 MA
10 Marital Status
11 Date of Birth
12 Sex
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95 Marital Status
96 Date of Birth
97 Sex
98 Race
99 MA
100 Marital Status

DECEASED

INFORMANT

DEPOSITION

CERTIFIER

Proclamation of Death Form (A-322) on File:

PERMANENT BLACK INK ONLY

D-311-31

1. NAME OF DECEASED CATHERINE ST. CILIER F		2. DATE OF DEATH MAY 20, 2014	
3. PLACE OF BIRTH BROCKTON		4. PLACE OF DEATH BROCKTON HOSPITAL	
5. SOCIAL SECURITY NUMBER 066-72-9098		6. OCCUPATION HOUSEWIFE	
7. RACE HAITIAN		8. AGE AT DEATH 63	
9. DATE OF BIRTH APRIL 1, 1939		10. PLACE OF BIRTH JEREMIK, HAITI	
11. MARITAL STATUS MARRIED		12. NAME OF SPOUSE PERPETUS ST. CILIER	
13. ADDRESS 224 BELAIR STREET, BROCKTON, PLYMOUTH, MASSACHUSETTS 02301		14. RELATIONSHIP TO DECEASED HUSBAND	
15. NAME OF DECEASED PERPETUS ST. CILIER		16. ADDRESS 224 BELAIR ST., BROCKTON, MA 02301	
17. NAME OF DECEASED DAVID F. RUSSELL		18. ADDRESS 4949	
19. NAME OF DECEASED HELROSE CEMETERY		20. ADDRESS BROCKTON, MASSACHUSETTS	
21. DATE OF DEATH MAY 20, 2014		22. PLACE OF DEATH RUSSELL FUNERAL HOME, 165 BELMONT ST., BROCKTON, MA 02301	
23. CAUSE OF DEATH Acute major right-sided stroke		24. DURATION OF ILLNESS 1 day	
25. SIGNATURE OF CERTIFIER Richard Hyatt		26. DATE OF SIGNATURE MAY 26, 2014	
27. SIGNATURE OF WITNESS Anthony J. Zeoli		28. DATE OF SIGNATURE MAY 30, 2014	

I certify that I am the City Clerk of Brockton, MA and I have Custody of Records of Births, Marriages and Deaths required by law to be kept in my office, I certify that the above is a true copy from said records.
 WITNESS MY HAND AND SEAL OF THE CITY OF BROCKTON THIS 30th DAY OF MAY 2014.

Anthony J. Zeoli
 ANTHONY J. ZEOLI, CITY CLERK

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

June 20, 2014

To: Mr. Daniel E. Cobble, GDC7585172, Hancock State Prison, Post Office Box 339, Sparta, Georgia 31087

Docket Number: A12D0423 **Style:** Daniel E. Cobble v. Stephanie Anne Lockhart

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.
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8. Your Certificate of Service did not include the complete name and /or mailing address of each opposing counsel and pro se party. Rule 1(a) and 6
9. Your document exceeds page limits. Rules 24(f) , 30(e) and 31(c)
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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

To clerk of Georgia court of appeals

From Daniel Eric Coble 758592 GP CH
at Hancewell State Prison

P.O. Box 339 Sparks Georgia 30177
today is - - 14

RECEIVED IN OFFICE
2014 JUN 19 PM 2:40
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Regarding CIVIL # A1220423

1) on may 28, 2014 I got new evidence that
proves (Georgia court of appeals 2012 Rules on
above CIVIL #), was wrong

Therefore this is not a motion for Reconsideration
and therefore since I did not have ~~access to this evidence~~

access to this evidence within 10 ~~to 15~~ days of the 2012 Rules
and so I could not file this then and therefore since superior
can't rule about something against Georgia court of appeals, and so

this motion to Reverse Remittitur can be file at any
time, and I filed this last available chance Prison mail room
all way me too, ~~from~~ day I got this new evidence on 5/28/14
and since Georgia court of appeals let me file a motion
to Reverse Remittitur ~~before~~ on other cases
such as ~~the~~ criminal # A04A0884, then this is
allowed ~~and~~ ~~but~~ if needed please file this under a completely new CIVIL #

2) I need copy of Georgia court of appeals Rules
on ~~the~~ criminal # A04A0884 & as in indigent?

3) Please see next ps for proof

its Superior letter from saying
may 21, 2014 mailing I got on 5/28/14

Daniel Eric Coble
pete peterson
5 19 2014

In the Georgia Court of Appeals

Daniel Sebbé
petitioner

GN7
A12, D0403

v.

[Redacted Name]

Stephanie Anne Biggers

Respondent

motion to be heard
re writ of habeas

[Redacted]

Judicial Affidavit

Petitioner declares in the judicial
and request to be heard to be as per

notary

[Redacted Signature]

RECEIVED IN OFFICE

2014 JUN 19 PM 2:40

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

by Daniel Sebbé

pre & petition

Judicial 10-19 -13
no transcript

Charlene M. Wilkins
Notary

Continued on 6-2-14

RECEIVED IN OFFICE
2014 JUN 19 PM 2:40
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Tolson 156-2-14
D. Daniel B. ...
Preliminary

pages 5-14

3 call letter ...
2 ...
1 ...

Chandler ...
Aug 20, 2013 ...
Refuses ...

Notice of evidence
next 3 pgs

defendant

Stephanie ...

...
...
...

...
...
...

Case No. 13-10703

Petitioner

Stephanie Anne Lockhart

Defendant

13-10703

Motion to Reverse
Remittitur of
CIV case

Motion to Reverse Remittitur
due to my obtaining new evidence to prove
I did exact opposite of what this
appeals court said I did

Petitioner request fees

17955

RECEIVED IN OFFICE

2011 JUN 19 PM 2:40

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

2011 JUN 15 PM 3:45

RECEIVED IN OFFICE

copy is to 6-2-14 by Daniel E. Smith
per the petitioner

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS

TRA

To: Daniel E Cobble

6/19/14

Docket Number: A12D0423
Style: Daniel Eric Cobble 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.**
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14. Margins were too small or paper size was incorrect. Rules 1(c), 24(c), 30(e), 31(c) and 41(b).
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For Additional information, please go to the Court's website at: www.gaappeals.us

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

June 24, 2014

To: Mr. Bruce Wayne Carpenter, GDC1170075, Coffee Correctional Facility, Post Office Box 650, Nicholls, Georgia 31554

Docket Number: **Style:** **Bruce Wayne Carpenter 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.
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16. Other: **I have enclosed a copy of the Rules of the Court of Appeals of Georgia for your review.**

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

IN THE COURT OF APPEALS OF GEORGIA

BRUCE WAYNE CARPENTER,
Appellants,

RECEIVED IN OFFICE
STATE CLERK
2014 JULY 23 PM 3:31
CLERK, COURT ADMINISTRATOR
COURT OF APPEALS
GEORGIA, Appellee.

COURT OF APPEAL TICKET:

APPEAL FROM GILMER
COUNTY SUPERIOR COURT
CASE NO.: 99CR95

* MOTION FOR GUILTY *
* PLEA TRANSCRIPTS AT *
* GOVERNMENT EXPENSE *

APPLICATION FOR DISCRETIONARY APPEAL

Comes now, the above-named Appellant, in the above-styled case and caption and pursuant to O.C.G.A. 5-5-6-35 and Court of Appeals Rule #31, applies to this honorable court for a Discretionary Appeal pursuant to this instant APPLICATION FOR DISCRETIONARY APPEAL, on the primary ground that the lower court committed reversible error by ruling in contrast to clearly established state and federal case precedents, to wit:

ORDER APPEALED

The Superior Court of Gilmer County, Honorable Judge Brenda S. Weaver, entered an order on May 23, 2014, being appealed, denying Appellant's instant MOTION FOR GUILTY PLEA TRANSCRIPTS AT GOVERNMENT EXPENSE.

Appellant filed his instant MOTION FOR GUILTY PLEA
TRANSCRIPTS AT GOVERNMENT EXPENSE on or about April
23rd, 2014, and properly included a proper affidavit of
verification stating no such copy has been received,
as well as pertinent proposed habeas corpus petition, raising
grounds that could be resolved by the record.

3.

Appellant did not receive a copy of his guilty plea transcripts,
nor did his court appointed attorney, James Bass, and still has
not received such as of this date.

2.

Appellant entered a guilty plea on August 30, 2012, to charges
of statutory rape, child molestation and enticing a child for indecent
purposes, and the honorable Gilmer County court sentenced the appell-
ant to (20) twenty-years, to serve (8) eight-years, with the balance
on probation.

1.

I. STATEMENT OF FACTS AND PROCEDURAL HISTORY

4.

On May 23, 2014, the honorable Judge Brenda Weaver, denied the Appellant's instant MOTION FOR GUILTY PLEA TRANSCRIPTS AT GOVERNMENT EXPENSE, without proper explanation and conclusions of law, and that decision has prompted this instant APPLICATION FOR DISCRETIONARY APPEAL.

II. Statement of the issues

1.

The honorable lower court in Gilmer County committed reversible error / erroneous ruling upon established state and federal case law and precedents which allow defendant's to receive a free copy of their criminal proceedings - which include guilty plea hearings - for indigent defendants.

III. ARGUMENT AND CITATION OF AUTHORITIES

The Appellant asserts that he is entitled to a free copy of his guilty plea hearing transcripts, in order to show that there were errors contained therein that can be resolved by facts contained or omitted by the record, in favor of the appellant.

The Appellant properly filed his motion for guilty plea transcripts of government expense, with a proper affidavit of poverty and affidavit of verification as well as attaching a proposed copy of his habeas petition, as required. The Appellant asserts that their are errors contained within his guilty plea transcripts that can be resolved in the appellant's favor, and could allow him to pursue such errors by filing an out-of-time appeal and a habeas action. The appellant stipulates and also acknowledges that he can only take forward an appeal of his guilty plea in limited situations, proven by facts in the record. Therefore, a copy of the transcripts is a vital piece of the puzzle prior to challenging a guilty plea.

In addition, the Appellant asserts that his appointed counsel, never informed the Appellant of his right to appeal, even a guilty plea, thereby frustrating his right to appeal.

When the Appellant requested case documents from the Gilmer County Clerk, an index was received that listed all documents related to the appellant's case, except the guilty plea transcripts, thereby showing that apparently, no such transcripts exist as of the date of this filing.

The Appellants points to KING V. STATE, 270 Ga. 367, 589 S.E. 2d 32 (1998), where the Georgia Supreme Court noted that a verbatim record is required whenever a criminal defendant is sentenced to a term of imprisonment, and any guilty plea form is not sufficient.

Only a proper review of the transcripts can equip a criminal defendant with the tools needed to challenge his conviction following a guilty plea hearing.

Therefore, the Appellant asserts that the lower trial court ruled in apposite and adversely to established state and federal case law precedents when the lower court denied the appellant's instant MOTION FOR GUILTY PLEA TRANSCRIPTS AT GOVERNMENT EXPENSE.

The said transcripts will show the appellant was not informed of his right to appeal nor his BANKIN rights, among others, once he is given said transcripts.

CONCLUSION

Wherefore, the appellant prays for this Honorable Court to grant this Application for Discretionary Appeal in this pivotal matter.

Executed this 16th of June, 2014.

Respectfully Submitted,
1st Bruce Wayne Carpenter Pro Se
1st Bruce Wayne Carpenter
GDC# 1170075
Coffee Cor. Facility, P.O. Box 650
Nicholls, GA 31554-0650

CERTIFICATE OF SERVICE

This is to certify that I, the undersigned, has served a true and correct copy of the Appellant's instant APPLICATION FOR

DISCRETIONARY APPEAL, upon the following parties, by placing

the same in the United States mail, in properly addressed

envelopes along with adequate postage affixed thereon, to wit:

Executed this 18th day of June, 2011.

TO: Holly K. D. Sparrow, Honorable Clerk
Court of Appeals of Georgia
417 Trinity Avenue, S.W., Suite 501
Atlanta, GA 30331.

Respectfully Submitted,
~~Isabelle L. Lynam, Esq.~~
~~Isabelle Lynam, Esq.~~
Isabelle Lynam, Esq.
141 Bruce Wayne Carpenter
APT # 1130025
Coffee Con. Facility
P.O. Box 650
Nicholls, GA 31557-0650

IN THE GEORGIA COURT OF APPEALS

Bruce Wayne Carpenter,
APPELLANT,

VS.

STATE OF GEORGIA,
APPELLEE.

§
§
§
§
§

COURT OF APPEALS DOCKET
CASE NO# _____

Appeal from Gilmer County
Superior Court Case NO.
99 CR 45
*Motion for Guilty Plea
Transcripts at Government
Expense

AFFIDAVIT OF POVERTY

Personally appeared before me, an officer authorized to administer oaths in and for the State of Georgia Bruce Wayne Carpenter, who having first been duly sworn, did depose and state his oath the following:

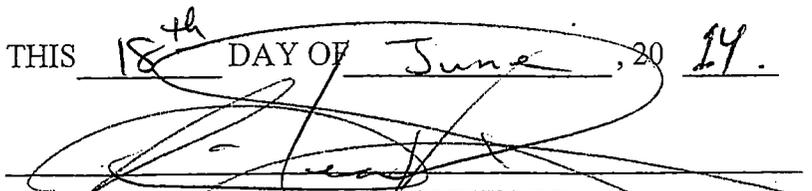
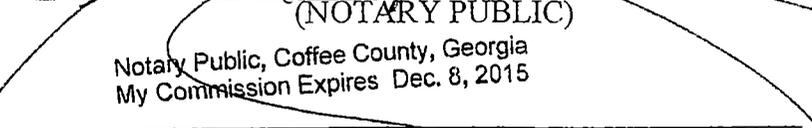
That he is an indigent person, incarcerated within the prison system of the State of Georgia, unable to meet or pay the costs and fees attaching to said matter, and that he makes this affidavit in order to be granted leave to proceed in forma pauperis and to be relieved from paying all costs which otherwise would be required of him.

Respectfully submitted this the 18th day of June, 2014.

1st Bruce Wayne Carpenter
Pro-Se
1st Bruce Wayne Carpenter
GPC # 1170075
Coffee Cor. Facility
P.O. Box 654
Nicholls, GA 31554-0650

SUBSCRIBED AND SWORN BEFORE ME

THIS 18th DAY OF June, 2014.


(NOTARY PUBLIC)
Notary Public, Coffee County, Georgia
My Commission Expires Dec. 8, 2015

(MY COMMISSION EXPIRES)

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

Date: June 24, 2014

To: Mr. Victor Callahan, GDC80623 C4-41, Georgia Diagnostic and Classification Center, State Prison,
Post Office Box 3877, Jackson, Georgia 30233

Docket Number: A14A1528 **Style:** Victor Callahan 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) or a sufficient pauper's affidavit. OCGA§5-6-4 and Rule 5 Your pauper's affidavit should be notarized by a notary public.**
2. A Request for Oral Argument must be filed as a separate document. Rule 28 (a) (3)
3. Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)
4. **An improper Certificate of Service accompanied your document(s). Rule 6**
5. **Your Certificate of Service did not include the complete name and mailing address of each opposing counsel. 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:

COURT OF APPEALS
OF THE STATE OF GEORGIA

VICTOR CALLAHAN

V

THE STATE

RECEIVED IN OFFICE
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JUN 18 2014
COURT CLERK
CLERK COURT OF APPEALS OF GA

CASE NO: A14A1528

PETITIONER'S Opening Brief

THE ATHENS CLARKE COUNTY GRAND JURY INDICTED PETITIONER ON MAY 18, 1998. FOR ARM ROBBERY, KIDNAPP AND HI JACKING MOTOR VEHICLE.

PETITIONER WAS FOUND GUILTY OF ARM ROBBERY, KIDNAPP AND HI JACKING MOTOR VEHICLE. THE COURT IMPOSED A LIFE WITHOUT PAROLE FOR ARM ROBBERY, NINETY YEARS FOR KIDNAPP AND NINETY YEARS CONSECUTIVE FOR HI JACKING MOTOR VEHICLE.

PART I
STATEMENT OF CASE
PART II
STATEMENT OF FACTS

IN THE AFTERNOON OF APRIL 24, 1998 AT THE TOWN OF 235 COLLEGE AVE A PERPETRATOR ENTERED AN PARKING GARAGE AN ENTERED AN ELEVATOR WITH TWO OTHER PEOPLE JESSICA BOOTH AND ROBIN HUBBARD AT A DOWNSTAIR ALIERS PARKING DECK. JESSICA BOOTH EXITED AT THE SECOND FLOOR, LEAVING THE VICTIM ROBIN HUBBARD ALONE WITH PERPETRATOR WHO BOTH EXITED THE THIRD FLOOR.

THE VICTIM ROBIN HUBBARD STATED AS SHE WENT TO HER CAR, THE PERPETRATOR SUDDENLY GRABBED HER FROM BEHIND PUSHING HER INTO THE DRIVER SEAT INSULTING HER TO OPEN THE BACK DOOR ON THE DRIVER SIDE.

THE PERPETRATOR WHEN ENTERED THE CAR INSULTING VICTIM TO DRIVE HIM TO ALIERS KEYWAY WHICH HE WENT ALIERS KEYWAY AT THE CORRECT NAME OF THE HOSPITAL.

WHILE ENROUTE THE PERPETRATOR TOLD THE VICTIM THAT HIM AND SOME FRIENDS CAME UP FROM MIAMI ON A DEEP DEAL THAT WENT BAD CAUSING ONE OF THE FRIENDS TO GET SHOT THIS IS WHY PERPETRATOR WENT TO GO TO HOSPITAL AND THE REASON WHY HE DID NOT KNOW THE CORRECT NAME TO THE HOSPITAL.

THE PERPETRATOR STATED TO THE VICTIM THAT HE MAY HAVE TO ROB SOMEONE IN ORDER TO GET BACK TO MIAMI. ASKED VICTIM DID SHE HAVE ANY MONEY. VICTIM STATED YES AND GAVE PERPETRATOR ELEVEN 01 DOLLARS.

WHEN VICTIM WAS ASKED ABOUT THE GUN SHE STATED "HE MADE ME FEEL THAT IT WAS IN MY BACK, BUT I COULD NOT SEE IT BECAUSE HE WAS DIRECTLY BEHIND ME."

THE PERPETRATOR EXITED THE VICTIM'S CAR AT THE HOSPITAL AND WAS NOT WEARING GLOVES. THE VICTIM RETURNED TO HER WORK PLACE WHERE SHE WAS TELLING THE STORY TO HER BOSS WHEN ANOTHER EMPLOYEE OVERHEARD THE CONVERSATION AND CALLED POLICE.

THE ONLY ~~OTHER~~ EVIDENCE TAKEN ARE SHOWN ON THE SURVEILLANCE CAMERA WAS A PICTURE OF THREE PEOPLE WAITING ON THE ELEVATOR.

SINCE THE POLICE DEPARTMENT COULD NOT IDENTIFY THE PERPETRATOR THE POLICE DEPARTMENT PLACED THE PICTURE OF THE UNIDENTIFIED SUSPECT IN THE LOCAL NEWS PAPER ASKING THE PUBLIC FOR THEIR HELP.

ON APRIL 30, 1998 AN UNIDENTIFIED CALLER CALL THE ALBERT CLARKE COUNTY POLICE DEPARTMENT AND SPOKE WITH SGT. W. SMITH AND TOLD HIM THAT THE SUSPECT IN THE NEWS PAPER WAS NAME VICTOR CALLAHAN.

Argument and Citation of Authority

Grounds: Illegal Search and Seizure: Violation of United States Constitution Fourth Amendment;

Trial Transcript Page 186 line 16:22: Clearly shows that Sgt Smith on May 1, 1998 seized petitioner shirt three days before the Wilson was executed. Gentry v United States 418 F.2d 101 (5th Cir 1969) Gentry clothes were taken shortly after arrest at the 1st/3rd days later searched, incriminating evidence found a divided part of the tux of Apparis held the evidence found as being inadmissible for want of a warrant.

In the case at hand petitioner was arrested on April 29, 1998, properly seized on April 30, 1998 without a warrant.

Edward v United States 415 U.S. 802 (1974) The Supreme Court held that after police had seized Edwards over to the authority for detention, his consented their hold on Edwards properly and to believe that Edwards pants may have pink chips from the window he entered. A search warrant was needed

In the case at hand the petitioner had been

counted over to the authority over three days.

Grounds: failure to conduct all exculpatory material to defense under Brady v Maryland

Trial Transcript Page 186 line 16:22: Shows that a good hand photograph was taken of petitioner shirt last in 3/11/98 before witnesses Leslie Booth and William Rubin Hubbard took lead to both picking petitioner out of photo line up when he was the only person in line up with some shirt on.

the photograph would have allowed the jury to see just how the witness and victim was influenced into setting

the petitioner loc. cit. p. 17. ad. v. Antromore v. Talbot Stokes

450 US 967, 101 S Ct 1485, 67 Fed 2d 117 (1982) Green v. Markland 151 Ed 2d 215 (1968) Colley v. Colman, 519 F 2d 184 (1975)

Green/Whree, Lindly, Suggestive and wanted photograph line up
And identification.

trial transcript page 63 line 111: Victim stated she was unable to identify anyone from the photo line up.

page 62 line 19-20: Victim stated picture #3 is a very nice photo.

63 line 21-25: Victim stated she was explained how lighting effects the picture and she when picked out picture #3.

page 220 line 11-19: Sgt Durham admitted that if a person can not identify anyone, when explained about the lighting and only a couple pictures are affected that means the line up.

page 205 line 19-16: Sgt Durham admits if a photograph of a shirt is shown to a witness and then a six man photo line up where only one person in the line up have on the same shown in the photo group that surely means the line up.

page 82 line 13-25: Witness Jessica Bouch stated she was shown a photo of a shirt first when picked out man in photo line up who had on same shirt.

McDou v. State 237 Ga. 219, 226 S.E.2d 997, 67 Ga. App. 219 (1975). Heard v. State 216 Ga. App. 815 (1975) Eye witness identification at trial following a identification by photos will be set aside only if the photographic identification procedure was so impermissibly suggestive as to give rise to the very substantial likelihood of a misidentification.

The record clearly shows how the petitioner was selected through the influence of Sgt Durham and violation of his constitutional rights.

GROUND FOUR: DENIED THE RIGHT TO SELF REPRESENTATION:

When PETITIONER was informed by the COURT that he had no attorney of record, PETITIONER AMENDED HIS MOTION FOR NEW TRIAL RAISING SIXTYFOUR (64) ISSUES. THAT WAS FILED WITH THE CLERK ON SEPT. 28, 1999 AND A HEARING DATE SCHEDULED FOR DEC 6, 1999

ERIC NORRIS AN ATTORNEY APPOINTED BY THE COURT WITHOUT MY CONSENT, AMENDED MY MOTION FOR NEW TRIAL ELIMINATING FIFTYFOUR (54) OF THE ISSUES RAISED BY ME.

WHEN THE COURT EXCEEDED MY AMENDED MOTION AS PRO-SE THE COURT THEN VIOLATED MY CONSTITUTIONAL RIGHT TO SELF REPRESENTATION.

GROUND FIVE: PETITIONER WAS NEVER ACCUSED:

PETITIONER WAS NEVER ACCUSED ON THE CHARGES IN WHICH HE SENTENCED. NOR WAS HE EVER BROUGHT BEFORE A JUDGE AND HAD THE CHARGES READ OFF THE INDICTMENT. HOW DOES THE COURT HAVE A COPY OF THE ALLEGED JULY 29, 1998 ACCOMPANIMENT WHERE I ENTERED A PLEA.

HICKS V SLAKE 145 GA APP 669.244 SE2D 597 (1978)
PLETCHER V SLAKE 157 GA APP 278 SE2D 444 (1981) DC. R. 17-791

GROUND SIX: VIDEO TAPE NEVER WAS AUTHENTICATED

TRIAL TRANSCRIPT PAGE 31 LINE 19:25 SHOWS THAT A SECONDARY EVIDENCE WAS USED OF THE PARKING DECK WITHOUT ANY REASON BEING GIVEN AS TO THE LOCATION OF THE ORIGINAL.

ALLEN V SLAKE 146 GA APP 815, UNITED STATES V SECUNES 17 ASD 847 6TH CIR (1994). UNDER THE SILENT WITNESS THEORY A VIDEO TAPE CONSTITUTES INDEPENDENT, PROBATIVE EVIDENCE OF WHAT IT SHOWS. AUTHENTICATION OF SUBJECT IS ALWAYS REQUIRED

GROUND SEVEN: PERJURY TESTIMONY USED BY PROSECUTOR ON INDICENTENK AND CHIEF INVESTIGATOR.

ON MAY 6, 1998 SGT. DURHAM PERJURED HIMSELF IN AN SWORN AFFIDAVIT BEFORE JUDGE VICKIE CASER AT 9:12 AM WHEN HE SWARED THAT THE VICTIM DESCRIPTION OF THE PERPETRATOR SHIRK WAS THE SAME AS THE SHIRK PETITIONER WAS ARRESTED IN. THIS WAS DONE EIGHT (8) HOURS BEFORE SGT. DURHAM EVER SPOKE WITH VICTIM.

TRIAL TRANSCRIPT PAGE 150 LINE 16: SHOWS THAT SGT. DURHAM DID NOT SPEAK WITH VICTIM UNTIL 5:10 PM ON MAY 6, 1998 AND THE VICTIM SWARED SHE COULD NOT IDENTIFY SHIRK.

SGT. DURHAM PERJURED HIMSELF WHEN HE TESTIFIED TO THE VICTIM MAKING A POSITIVE IDENTIFICATION OF PETITIONER

PAGE 70 LINE 14-17: CLEARLY SHOWS THAT VICTIM COULD NOT IDENTIFY PETITIONER AS A SUSPECT UNTIL INFLUENCE BY SGT. DURHAM.

SGT. DURHAM PERJURED HIMSELF WHEN HE TESTIFIED TO NOT INFLUENCING THE VICTIM TO PICK PETITIONER AS A SUSPECT.

PAGE 62 LINE 19-25; PAGE 150 LINE 16-22: SHOWS THAT SGT. DURHAM DID INFLUENCE VICTIM THROUGHOUT THE ENTIRE CASE.

SGT. DURHAM PERJURED HIMSELF WHEN HE TESTIFIED TO RECEIVING AN PHONE CALL FOR AN ~~IDENTIFIED~~ ANONYMOUS CALLER THAT SOUNDED LIKE AN BLACK ELDERLY WOMAN.

PAGE 133 LINE 12-14: SHOWS THAT SGT. W. SMITH RECEIVED THE CALL.

UNDER FRANKS V DELAWARE 438 U.S. 154 (1978) THE FOURTH AMENDMENT AS INCORPORATED IN THE FOURTEENTH AMENDMENT REQUIRES THAT A HEARING BE HELD AT THE DEFENDANT'S REQUEST AFTER A HEARING A DEFENDANT ESTABLISH BY A PREPONDERANCE OF

THE EVIDENCE THAT THE FALSE STATEMENT WAS INCLUDED IN THE AFFIDAVIT BY THE AFFRANK KNOWINGLY AND INTENTIONALLY OR WITH RECEIPTS DEMAND FOR THE TRUTH, AND THE FALSE STATEMENT WAS NECESSARY TO THE FINDING OF PROBABLE CAUSE, WHEN THE SEARCH WARRANT WAS MADE VOID (398 AD 578)

Ground Eight, Tampering With Evidence O.C.G.A. 16.10.4

VIOLATION OF CONSPIRACY, FORMING A CONSPIRACY, O.C.G.A. 16.10.4: TAMPERING WITH EVIDENCE: (A) A PERSON COMMITS THE OFFENSE OF TAMPERING WITH EVIDENCE WHEN WITH THE INTENT TO PREVENT THE APPREHENSION OR CAUSE THE UNLAWFUL APPREHENSION OF ANY PERSON: TO OBTAIN THE PROSECUTION; OR DEFENSE OF ANY PERSON; HE KNOWINGLY DESTROYS, ALTERS, CONCEALS, OR DISGUISES PHYSICAL EVIDENCE OR MAKES, DEVICES, PREPARES OR PLANTS FALSE EVIDENCE.

Phillips v Hopper 297 Ga. 88, 227 S.E.2d (1976) ALIQUOT V. ILLINOIS 81 ED 2D 1217. FILE V. KANSAS 87 ED 2D 141. RIVER V. MARTIN 384 F.2D 1001 (1962) BRADY V. MARYLAND 13 ED 2D 215. KELLY V. IOWA 21 F.2D 154 (1928)

CONCEPTS:

MOTION TO SUPPRESS TRANSCRIPT PAGE 21 LINE 20-25. SGT. DURHAM TESTIFIED UNDER OATH THAT VICTIM MADE A POSITIVE IDENTIFICATION OF PETTINER.

VICTIM

PAGE 62 LINE 14-15. PAGE 70 LINE 14-15. VICTIM STATED SHE WAS UNABLE TO IDENTIFY PETTINER OR ANYONE. THIS INFORMATION WAS OBTAINED FROM THE INVESTIGATION REPORT FILED BY SGT. DURHAM.

CONCEPTS

PAGE 138 LINE 7-9. SGT. DURHAM REPORT NEVER STATED FOR UNIDENTIFIED VICTIM COULD NOT IDENTIFY ANYONE.

DISCUSSIONS

PAGE 145 LINE 17-21. SGT. DURHAM ADVISED HIS REPORT TO SAY THAT WHEN THE VICTIM VIEW THE PHOTOGRAPH TIME UP SHE STATED THAT PICTURE NONE OF THESE ARE HIM REFERRING TO PICTURE 1-2-4-5-6 BUT #8 WAS RESPONSIBLE HIM (17)

VICTIM

PAGE 62 LINE 11-14: O: INITIALLY WHEN YOU WAS SHOWN THE PHOTO
LINE UP YOU TOLD THE OFFICER NONE OF THESE ARE HIM IS THAT
CORRECT? (A) THAT WAS MY INITIAL RESPONSE.

DISMISSES

Sgt Durham in a sworn affidavit before Municipal Court Judge
Mickie Carter stated the victim, description of the suspect which
was the same as the Shick defendant had on aube wine at his
apartment. TRIAL TRANSCRIPT PAGE 234 LINE 15-28, PAGE 50 LINE 55-
PAGE 201 LINE 18-21, PAGE 207 LINE 6-7. THE EVIDENCE, CIRCUMSTANCES
BY THE WAY REPEATED AND BUILT SUPPLEMENTAL NEEDS CLEARLY
SHOW THE SHICK BEING IDENTIFIED AS GREEN.

Sgt Durham disguised the information
in the affidavit by fabricating his report. to obtain a warrant

Plants False Evidence

TRIAL TRANSCRIPT PAGE 19 LINE 9-15: CLEARLY SHOWS THAT NONE AS THE
POLICE DEPARTMENT KNEW WHO THE UNIDENTIFIED SUSPECT WAS. SO A
LETTER WAS PUT IN THE NEWS PAPER ASKING THE PUBLIC HELP

Sgt Durham planted false evidence when he in the
affidavit before Judge Carter lied about the Shick. HE PLANTED FALSE
EVIDENCE WHEN HE CHARGED VICTIM MADE A POSITIVE IDENTIFICATION
OF DEFENDANT. HE PLANTED FALSE EVIDENCE EACH TIME HE IDENTIFIED
THE SUSPECT AS DEFENDANT.

Grand Note: Court fail to instruct jury on lesser included
offense:

TRIAL TRANSCRIPT PAGE 915 LINE 29-35, 316 LINE: THE COURT
EXPRESS /S OPINION AS TO THE STATE FOR VICTIM EVER DROVED
A GUN WAS USED FOR ANY EVIDENCE WAS OFFERED TO ESTABLISH THE
PHYSICAL PROHIBITION REQUIREMENT NECESSARY TO SUSAN

A REASONABLE INFERENCE THAT PETITIONER HAD A GUN.
A WEAPON, OR ANY OBJECT AS ALLEGED IN THE INDICTMENT.

PHYSICAL MANIFESTATION REQUIREMENT:

UNDER THE PHYSICAL MANIFESTATION REQUIREMENT ON EVIDENCE WAS
OFFERED TO ESTABLISH THE PHYSICAL MANIFESTATION REQUIREMENT NECESSARY
TO SUSTAIN A REASONABLE INFERENCE THE PETITIONER HAD A WEAPON
OR OBJECT. HIS CONVICTION WAS REVERSED BRADY V. STATE 470 SE 2 (85) (1996)

HENSLEY V. STATE 186 SE 2d 729 (1972).

IN THE CASE AT HAND THE PETITIONER
ALLEGED CONFESSION WAS ALLOWED BY THE COURT OVER OBJECTION,
AND THE CONFESSION NEVER MENTIONS A GUN. SINCE THE
CONFESSION WAS USED THE EVIDENCE INTRODUCED ESTABLISHES A
LESSER INCLUDED OFFENSE THAN A GUN ROBBERY.

THE COMPLETE RULE WITH REGARD TO GIVING A DEFENDANT'S REQUESTED
CHARGE ON A LESSER INCLUDED OFFENSES: WHERE THE STATE'S EVIDENCE
ESTABLISHES ALL THE ELEMENTS OF AN OFFENSE AND THERE IS NO EVIDENCE
RAISING THE LESSER OFFENSE, THERE IS NO ERROR IN FAILING TO GIVE A
CHARGE ON THE LESSER OFFENSE. WHERE A CASE CONTAINS SOME
EVIDENCE, NO MATTER HOW SLIGHT, THAT SHOWS THAT THE DEFENDANT
COMMITTED A LESSER OFFENSE, THEN THE COURT SHOULD CHARGE THE
JURY ON THAT OFFENSE: EDWARD V. STATE 264 GA 131 (1994)

GROUND TEN: THE COURT INCORPORATED HIS OPINION AS TO WHAT
HAS OR HAS NOT BEEN PROVEN.

TRIAL TRANSCRIPT PAGE 143 LINE 20-24: DURING THE HEARING THE COURT INCORPORATED
ITS OPINION AS TO WHAT EVIDENCE HAD BEEN CONNECTED TO THE
PETITIONER.

was error for any judge in any criminal case during his
proceeds or in his charge or the jury, to express or manifest
his opinion as to what has or has not been proved or as to the
guilt of the accused should any judge violate this Code Section
the violation shall be held by the Supreme Court of Appeals
to be error and the decision in the case reversed.

Ground Eleven: The Court Announce the Sentence before
Verdict was reached.

TRIAL TRANSCRIPT PAGE 93 LINE 11-18: THE COURT ANNOUNCE THE
SENTENCE IN WHICH THE PETITIONER RECEIVED DURING THE HEARING
BEFORE A DEMAND A POLL.

Ground Twelve: improper jury instructions on intent.

THE COURT INSTRUCTIONS ON INTENT PAGE 396 LINE 1-4: "INTENT IS
ANY ESSENTIAL ELEMENT OF ANY CRIMINAL CASE AND MUST BE PROVED
BY THE STATE BEYOND A REASONABLE DOUBT."

STATE DEFINITION INTENT:

"TO INTEND TO COMMIT THE ACT WHICH IS PROHIBITED BY STATUTE, THE
DEFENDANT CANNOT BE FOUND GUILTY UNLESS YOU FIND BEYOND
A REASONABLE DOUBT THAT EVERY ELEMENT OF THE OFFENSE
AS DEFINED BY THESE INSTRUCTIONS WAS COMMITTED"

THE JURY IS DENIED THE RIGHT UNDER THE CONSTITUTION AS
JUDGE OF BOTH LAW AND FACTS, WHEN THE COURT FAILS TO INSTRUCT
THE JURY ON THE COMPLETE SCOPE AS TO INTENT.

THE PETITIONERS CONSTITUTIONAL RIGHTS WERE BEING
VIOLATED AS TO THE FIFTH AND FOURTEENTH AMENDMENTS.

NOTE 984 NOV 18: PROSECUTOR OBJECTED IN HIS CLOSING ARGUMENT MATTERS THAT HAS NO AMOUNT OF THE EVIDENCE IN WEDDIE DURING TRIAL, SUCH AS A PAPER BAG, A METAL BOX, A GUN BEING PLACED IN A PAPER BAG AND PUT IN A METAL BOX.

R.G.A. 17.4

THE PROSECUTION IS CHARGE WITH THE KNOWLEDGE OF RECEIVING TESTIMONY IF IT IS SHOWN THAT THE DEFENSE ACTING ON BEHALF OF THE STATE AND IN CONNECTION WITH THE PROSECUTION AND KNOWLEDGE OF THE RECEIVED CHARACTER OF THE TESTIMONY GIVEN.

~~FRANKS V. DELMAR (48 U.S. 154) (1978) UNITED STATES V. BLOOM (958 F.2d) (11/19/97) TEST ESTABLISH IN UNITED STATES V. BLOOM SUPER HELD THAT WHERE REQUIREMENTS MUST BE ESTABLISH BY PETITIONER BEFORE A NEW TRIAL COULD BE GRANTED~~

1) THAT PERJURED TESTIMONY WAS USED.

2) THAT PERJURED TESTIMONY WENT UNCORRECTED.

3) SUCH TESTIMONY HAS REASONABLY LIKELY TO HAVE AFFECTED THE OUTCOME OF THE TRIAL.

THE PROSECUTOR ERIC EBERHARDT FRANKED A STATE COURT RECEIPT AFTER IT WAS GRANTED BY THE COURT REVEAL THAT ESTABLISH THAT THE TESTIMONY WAS IN STATE COURT THE DAY OF THE CRIME. THE DISTRICT ATTORNEY WROTE ON THE STATE COURT TRANSCRIPT THE TIME 2:30 PM AND STATED THAT THE COURT REPORTER KENNETH SMITH HAD PLACED THE TIME ON THE TRANSCRIPT. JUD. MARK ADAMS WAS THE PROSECUTOR ON THE INDICTMENT AND WROTE THE RECEIPT AND WITNESS, THE STATE DID NOTHING TO CORRECT THE MANY PERJURED TESTIMONIES BY HIM.

WE ARE PRESENTED WITH A SITUATION WHERE SEVERAL
COUNSEL'S STRATEGIC CHOICES WERE MADE BY A FORMALLY INEFFECTIVE
ATTORNEY AFTER LESS THAN UNCOMPLETE INVESTIGATION AND
PREPARATION: STRATEGICALLY WASHINGTON FILE 115-6188 (1984)

page 21 line 15: Counsel admit defendant should have been supplied
page 22 line 17: Counsel admit suppressing the evidence would have
denied defense.

CONSTITUTIONAL VIOLATIONS IN THE WARRANTS.
LINE 23 SHOWS THAT COUNSEL WAS AWARE OF FEDERAL STATE AND
DUI-5-498 AND 5-698 THAT TRANSCRIPT PAGE 199

THE EVIDENCE IS UNCONTROVERTED THAT DETROIT COUNSEL WAS
AWARE THAT THE LAW SEARCH WARRANTS WAS NOT SUPPORTED BY PROBABLE
CAUSE FOR SIGNED BY MUNICIPAL COURT JUDGE VICKIE CALDER

page 21 line 25: page 22 line 13: page 24 line 1: page 29 line 14:
page 30 line 14: page 36 line 1-4: page 37 line 3-8: page 64 line 8 16:

TRIAL COUNSEL WAS INEFFECTIVE WHEN PROPERTY
WAS TAKEN FROM PETITIONER HOME, WHERE THE SEARCH WARRANT
WAS NOT SUPPORTED BY PROBABLE CAUSE, NOT SIGNED BY A JUDGE

AND THE RETURN OF SERVICE FORM ON THE LAST PAPER CLEARLY
SHOWED AND STATED THE SEARCH WARRANT WAS NEVER SERVED
BUT YET PROPERTY WAS TAKEN FROM THE HOME.

TRIAL COUNSEL WAS INEFFECTIVE IN HIS DURESS OF A FOURTH AMENDMENT
VIOLATION WHEN PETITIONER'S PROPERTY WAS TAKEN FROM THE CHAIR
COURTYARD PROPERLY ROOM ON MAY 3, 1998 BUT SEARCH WARRANT
WAS NOT ISSUED UNTIL MAY 4, 1998.

TRIAL COUNSEL WAS INEFFECTIVE IN HIS DURESS OF A FOURTH AMENDMENT
VIOLATION WHEN PETITIONER'S PROPERTY WAS TAKEN FROM THE CHAIR
COURTYARD PROPERLY ROOM ON MAY 3, 1998 BUT SEARCH WARRANT
WAS NOT ISSUED UNTIL MAY 4, 1998.

AND FURTHER: INEFFECTIVE ASSURANCE OF TRIAL COUNSEL.

The failure to investigate sources of evidence which may be helpful to the defense is not the greatest breach of the attorney's duty to adequately defend his client.

DAVIS V ALABAMA 396 U.S. 304 (1970)

Though his inexperience to investigate and his non-stake in error not to pursue detainers for his client's violation as to the illegal search and seizure found proved himself in the situation of having to make the stake choice of whether or not to file a motion to suppress the stake in his choice in not filing the motion was erroneous as well as ineffective

AT THE HEART OF EFFECTIVE REPRESENTATION IS THE INDEPENDENT DUTY TO INVESTIGATE AND PREPARE.

BRODWIN V BAL KORN 842 P.2D 794, 825 (1992)

Therefore, permissible dual stake in case never include the failure to conduct a reasonably substantial investigation into a defendant's one possible line of defense.

WELCH V ALABAMA 358 U.S. 214, 216 (1958)

The court here has required the defendant to prove prejudice when circumstances support a finding of defendant's failure to investigate. The court here has required the defendant to prove prejudice when circumstances support a finding of defendant's failure to investigate. The court here has required the defendant to prove prejudice when circumstances support a finding of defendant's failure to investigate.

WELCH V ALABAMA 358 U.S. 214, 216 (1958)

The practice from lack of preparation and experience cannot be used to justify a finding of defendant's failure to investigate.

DE NICOLO V ILLINOIS 406 U.S. 310, 313 (1972)

(EVEN DEFENSE ATTORNEYS MAY BE SUBJECT TO USUAL AS TO THEIR DUTY TO INVESTIGATE CONSTITUTIONALLY DEFENSIVE.

WELCH V ALABAMA 358 U.S. 214, 216 (1958)

IN THE PRESENT CASE WHAT CAUSED OBVIOUS LACK OF EXPERIENCE AND JUDGEMENT AND PROPER PREPARATION WAS JUST UNQUESTIONABLE AND IT WAS UNREASONABLE TO DEDUCE FROM SEARCHED/INDEXED INFORMATION SUPRA AT 685.

"THAT ADEYER WHO HAPPEN TO BE A LAWYER IS PRESENT AT TRIAL ALTHOUGH SHE NEVER HOWEVER IS NOT EMPLOYED AS SUCH BY THE QUESTIONING COUNSEL. THE SIXTH AMENDMENT RECOMMENDS THE RIGHT TO THE ASSISTANCE OF COUNSEL DURING ALL CRUCIAL STAGES OF THE PROCEEDINGS. THE SIXTH AMENDMENT RECOMMENDS THAT A PERSON WHO IS CRUCIAL TO THE ADVICE OF THE ADVERSARIAL SYSTEM TO PRODUCE JUST RESULTS. AN INDIVIDUAL OR COMPANY WHO PLAYS THE ROLE NECESSARY TO ENSURE THAT THE TRIAL IS FAIR."

GROUND FIFTEEN: THE MIRANDA WAS GIVEN FOR HOLLOWAY AND FIFTEEN: THE MIRANDA WAS GIVEN FOR HOLLOWAY

SMPT.

MOTION TO SUPPRESS JULY 29, 1998 PAGE 17 LINE 18-19: SHOWS NO VIDEO TAPING OF CONFESION OR MIRANDA BEING GIVEN.
PAGE 18 LINE 22-25: SHOWS NO WAIVER PRESENTED NOR SIGNED BY THE PETITIONER.
PAGE 21 LINE 8-11: SHOWS NO WRITTEN CONFESION NOR SIGN CONFESION BY PETITIONER FOR ANY MOVES TAKEN DURING INTERVIEW.

THERE IS NO EVIDENCE OF THE MIRANDA WAS GIVEN FOR YES/NO BY ANY OFFICER. SGT. WILSON YES/NO IN DETAIL OF ANOTHER OFFICER CLAIMING THE OFFICER WHO DID NOT APPEAR IN COURT READ MIRANDA, WHICH VIOLATED PETITIONERS FIFTH AMENDMENT AS TO THE CONFRONTATION CLAUSE.

SGT. WILSON. YES/NO TO WHAT HE SAID
ANOTHER OFFICER DID SAID WAS NEARBY.

GROUND SIXTEEN: THERE WAS A FATAL VARIANCE BETWEEN THE EVIDENCE AND THE ALLEGATION SET FORTH IN THE INDICTMENT AS TO THE ARM ROBBERY WHICH ALLEGES A WEAPON.

TRIAL TRANSCRIPT PAGE 315 LINE 22-25. PAGE 316 LINE 1: THE COURT MADE IT VERY CLEAR THAT THE STATE NOR THE VICTIM EVER PROVED A GUN WAS USED NOR OFFERED ANY EVIDENCE TO ESTABLISH THE PHYSICAL MANIFESTATION REQUIREMENT NECESSARY TO SUSTAIN A REASONABLE INFERENCE THAT THE PETITIONER HAD A GUN: BRADFORD V STATE SE 20 859 (1996)

GROUND SEVENTEEN: THE COURT ABUSED ITS DECISION IN FAVOR OF THE DISTRICT ATTORNEY NOT THE LAWS OF THE STATE:

1) THE COURT ABUSED ITS DECISION IN ALLOWING THE SIMILAR TRANSACTION TO BE USED WHEN THE CHARGES WERE DISMISSED.

2) THE COURT ABUSED ITS DECISION IN ALLOWING A COPY OF THE POLICE REPORT TO BE USED OF THE VICTIM STATEMENT IN THE SIMILAR TRANSACTION WHERE THE PETITIONER WAS DENIED THE RIGHT TO QUESTION THE STATEMENT MADE BY VICTIM WHO NEVER TESTIFIED.

3) THE COURT ABUSED ITS DECISION IN ALLOWING AN CONFESSION TO BE ADMITTED OVER OBJECTION. WHEN THE STATE NEVER PRODUCED A SIGN WAIVER BY PETITIONER, SIGNED CONFESSION BY PETITIONER NOR TESTIMONY FROM ANY OFFICER SUPPORTING THE FACTS THAT HE READ MIRANDA TO THE PETITIONER: MOTION TO SUPPRESS JULY 29, 1998 PAGE 18 LINE 22-25. PAGE 17 LINE 18-19. PAGE 21 LINE 19-25.

4) THE COURT ABUSED ITS DECISION WHEN ALLOWING SGT. DURHAM TO TESTIFY TO AN ANONYMOUS PHONE CALL RECEIVED BY SGT. W. SMITH, WHO IDENTIFIED SUSPECT IN NEWS PAPER AS PETITIONER: T.T. 09 133 LINE 12-14

- 5) The Court advised its decision when asking defense to conceal the truth about the Anonymous Caller gave petitioner more to police. T.T. pg. 198 line 5-10: 12.17.
- 6) The Court advised its decision when jury instruction was given based on Sol. Durham's conclusion as the unidentified suspect being the petitioner when his conclusion denied in the Anonymous Caller T.T. pg. 198 line 24-25: 124 line 1-4
- 7) Trial transcript page 19 line 9-22: Shows that none of the police department including Sol. Durham, knew who the suspect were until the Anonymous Caller call the Police and claimed it was petitioner
- 8) The Court advised its decision when the jury was given instruction on conclusion was solely on testimony which stated the testimony on conclusion clause under the fifth amendment pg. 198 line 12-19:
- 9) The Court advised its decision when allowing over objection the use of an video tape without first being identified pg. 198 line 14-23
- 10) The Court advised its decision in allowing secondary evidence which was a copy of the finding check video without establishing the reason why original was not present.
- 11) The Court advised its decision in allowing prosecutor to inject into his closing argument matters which was not part of the evidence over objection by stating he has the right to do what pg. 198 line 24-29
- 12) The Court advised its decision when allowing Sol. Durham to read from his Memoirs and that which the claim was read by ADET. Separately. T.T. pg. 231 line 1-8: pg. 196 line 19-25: 167 line 1-3:

The petitioner ask for the relief in all manner and that the miscarriage of justice be corrected and that this court view the evidence of the record, so that the court decision is influence only by the laws that govern this region. Further petitioner ask this court to remanded the petitioners conviction of August 19, 1998 by sending it back to the sentencing court

Relief sought

The state constitution provide for at least one appeal to another court as matter of right. purpose of appeal was to determine whether appellant had been lawfully convicted. The due process clause of the fourteen amendment guarantees a criminal defendant the effective assistance of counsel on his first appeal as of right. A first appeal as of right where there is no habeas corpus in record with due process of law if the appellant does not have an attorney. *Winters v California* 85 S Ct 814 (1984); *Green v Wainwright* 83 S Ct 791 (1984)

Grounds for appeal: Denied the right to appellate court on first appeal.

CONCLUSION

THE PETITIONER HAS ESTABLISHED FROM THE SHOWING OF THE RECORD THAT HE WAS DENIED DUE PROCESS, EQUAL PROTECTION AND EFFECTIVE ASSISTANCE OF COUNSEL. HIS FIFTH, SIXTH, AND FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION WAS VIOLATED. THE JUDGE WAS BIAS THROUGHOUT THE TRIAL WHICH CLEARLY IS SHOWN BY THE RECORD THE MISAPPEALANCE OF JUSTICE RECEIVED.

PETITIONER PRAYS THAT THIS COURT CORRECT THE INJUSTICE.

THIS 7TH DAY OF JUNE 2014

VICTOR COLLIERSON

CERTIFICATE OF SERVICE.

THIS IS TO CERTIFY THAT I HAVE THIS DAY SERVED A COPY OF THE FOREGOING BRIEF OF PETITIONER BY PLACING A COPY OF THE SAME IN THE UNITED STATE MAIL, PROPERLY ADDRESSED TO:

COURT OF APPEALS OF GEORGIA
CHECK OF COURTS
SUITE 501, 47 TRINITY AVE
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

June 24, 2014

Mr. Franklin Lamar Bacon
GDC241510 E2-17-B
Lee State Prison
153 Pinewood Road
Leesburg, Georgia 31763

RE: A14A1430. Franklin L. Bacon v. The State

Dear Mr. Bacon:

I am in receipt of your letter concerning the above appeal. According to our records, you are represented by Michael Howard, Esq., 111 Brookins Street • Suite 300 in Sandersville, Georgia, 30182. As long as you are represented by Mr. Howard in this Court, you are not permitted to file pleadings on your own behalf.

If you have a concern about Mr. Howards' representation, you should discuss it with your attorney and/or the trial court.

Until such time as your attorney files a Motion for Permission to Withdraw and this Court grants that motion or until such time that the trial court shall substitute counsel, Mr. Howard has been deemed your attorney of record for the above appeal. I am returning your documents to you.

Sincerely,



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

SEC/ld
Enclosures

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

2014 JUN 24 PM 1:16

RECEIVED IN OFFICE

Court of Appeals of Georgia

In The Superior Court of Bullough Co/State of Ga.

Franklin Lamar Bacon
Appel case no. H14H1430

(AKA) Franklin Lamar Wilkerson
GDC# 241510

vs.
State of Ga.
Egnerhe judicial or
case no. 1809CR018

RE: Request for extension of time approximately 180 to
180 days to be 100% part of appeals/judicial
procedures/Appointment of Conflict free Attorney

June 13, 2014 Petitioner Defendant Franklin Lamar Bacon
GDC# 241510 asserts that Mr. Michael Howard Esq. [redacted]
[redacted] visited court for the first time at

Lee State Prison Petitioner have several letter from
Mr Howard and one phone call approximately 1 year
from this date concerning the above case no. s. H1

the end of Attorney visit Petitioner/Defendant told
Mr. Michael Howard Not to file the appeal until
request of extension of time is acknowledged/
Granted due to the inordinate delay of appeal
due to inordinate suppression of Notice of appeal.

suppression of all Brady materials requested, ineffective
assistance of counsel, Motion to suppress

040

Use next page

~~Franklin Taylor Bacon 6-16-14~~
Respectfully submitted

Dealing with prison mail box rules this nation is
are put in the state prison mail box done 11th 2014

of my prayers.
of conflict free attorney, as in the same as in all
above is reviewed/granted with affirmative assistance
Bacon request for execution of time for all the
Therefore Petitioner/Defendant Franklin Taylor
beginning of the above case no.
as F. Gates Feed Bios and prejudice since the
the courts prior to 10-11-09 to this date as well
be disclosed. Petitioner have been denied access to
as well as all intentional suppressed Brady material
be provided until court regarding be investigated
180908088 is falsified information. Appeal cannot
closing argument in transcript December 11 2009
Feeds denied closing argument in day that but
illegal evidence have never been heard. F. Gates

Certificate of Service

This is to certify that a true and correct copy of the above is being forward by Franklin Lamar Bacon GDC# 241510, Lee State Prison, 153 Pinewood Rd, Leesburg Ga. 31763 RE: Request for extension of time for Direct Appeal / appointment of conflict free Attorney etc. capps are being forward to District Attorney / Courtland Street 2nd Floor, Statesboro Ga. 30458; Ms Teresa P. Tucker Clerk of Superior Court, 90 Siebald Street, Judicial Annex Building # Statesboro Ga 30458 (asking the clerk to forward copy to the public defenders office for conflict free Appointment of Attorney.) (President) Mr. B. Obama, Executive Office of The President, 1600 Pennsylvania Avenue, Washington DC. 20500, etc. all mail have correct U.S. Postage.

Franklin Lamar Bacon

CC Ga. Court of Appeals
47 Trinity Ave. S.W. - Ste 501

CC Mr. Michael Howard
Attorney at Law
111 Brookings Street - Suite 300
PO. Box 5711
Sandersville Ga. 31082

DA(3)

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

June 25, 2014

Mr. Kurtis L. Brown
GDC1240028
Johnson State Prison
Post Office Box 344
Wrightsville, Georgia 31096

Dear Mr. Brown:

I am returning your documents that you sent to the Court of Appeals of Georgia. Our Court does not have jurisdiction to hear Petitions for a Writ of Mandamus. This appears to be a petition for such a writ.

An Petition 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 a Petition for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.

Sincerely,


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

SEC/ld
Enclosures

RECEIVED IN
GENERAL INVESTIGATION
DIVISION
JUN 19 PM 12:00
STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

AFFIDAVIT OF FACT "no just statement"

I am in receipt of your instrument dated June 11, 2014, from one of your Deputy Clerk are head clerk. I see in your Document NOTICE FOR APPLICANTS, that there are some filing fee. I don't have any money to pay at all. For the record on the record and let the record show I am a moorish National Aborigine Indigenous Natural person, and not a non-de-guerre, straw man or any other artificial corporate construct as written in all CAPITAL LETTERS, by the unclean hands of others. I am sovereign to this land and such, this Administrative Court does not have lawful jurisdiction (Chatham County court of Savannah to hear, present, or pass judgment in any matter concerning my affairs under a quasi criminal non sanctioned tribunal of foreign private law process.

In response to your return of my document of certificate of service, this court knows whom Michael L. Karpis et al. them are and where they are, there mailing address. I don't want this to be a misrepresented assumption that my Affidavit is a Motion. Let the record show it is an exercise of Right -

In former Pauper is?

United States Constitution Article VI

All debts contracted and engagements entered into before the adoption of this constitution, shall be as valid against the United State under this constitution, as under the confederation. This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the

(2 of 2)

supreme law of the Land; and the (judges) in every state shall be Bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding. The Senators and Representatives before mentioned, and the members of the several state Legislatures, and all executive and judicial officers, both of the united states and of the several states, shall be bound by Oath OR affirmation, to support this Constitution; but no Religious test shall ever be Required as a Qualification to any office OR public trust under the united states."

It clearly if this court demand for a "Financial statement" it be used as an instrument to deny due process of Law and my Right to Free access to the courts. I introduced The Petition For A writ of MANDAMUS and A Affidavit of CONTEMPT under D.C.G.A. 15-6-21(A) (d), O.C.G.A. §§ 9-7-7, 15-14, 15-11-31(a), 15-6-21(a)(c)(d), 15-6-81, 15-12-81, 15-6-82(a), marked as Evidence. someone in the Names Superior Courts in Chatham — County and Tattnal County are tampered with that Evidence, and MISREPRESENTED it as a motion. A motion is discretionary and an assumption that permission must be Requested to exercise a constitutionally secured Right. An exercise of a Right is not a Request, and ~~your~~ There office are your office Knows this to be "stare Decisis" and the Law of the Land. Tampering with Evidence is a Federal Violation, and a clear corruption of the Fiduciary duties OR requiring a "Financial statement." "Financial Fee (Ferdal Law)", or a "motion" to exercise a constitutional secured Right,

C/Mark Fee B — UCC1-308

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

June 25, 2014

Mr. Christopher Dontae Greene
GDC1000338517
Telfair State Prison
Post Office Box 549
Helena, Georgia 31037

Dear Mr. Greene:

I am returning your Motion for Extension as pursuant to Rule 31(g) of this Court, "No extensions of time shall be granted in filing a discretionary application unless the motion for extension is filed on or before the due date of the discretionary application."

Sincerely,



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

SEC/ld
Enclosures

GEORGIA COURT OF APPEALS

CHRISTOPHER DONTAE GREENE
APPELLANT

CASE NUMBER

09CR01311

VS.

GEORGIA COURT OF APPEALS
APPELLEE

*
*
*
*
*
*

PAUPER'S AFFIDAVIT

Comes now CHRISTOPHER DONTAE GREENE GDC# 1000338517 and first being
(Appellant/Applicant/Petitioner Name)
duly sworn, states that because of my indigence I am financially unable to pay
the required filing cost in the GEORGIA COURT OF APPEALS, and I request that I
be permitted to file without having to pay filing fees.

RECEIVED IN OFFICE
2014 JUN 23 PM 3:41
CLERK/COUNTY ADMINISTRATOR
COURT OF APPEALS OF GA

This 29th day of May, 2014

Christopher Dontae Greene #1000338517

Christopher Dontae Greene #1000338517

210 Longbridge Rd. - 410 Pinkerton St.

P.O. Box #549 - Telfair State Prison

Helena, GA. 31037

Sworn to and subscribed me,
this 12th day of June, 2014

Cynthia Stewart

SEAL

Notary Public



81
Christopher Greene

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, Greene, Christopher #1000338517,
has an average monthly balance for the last twelve (12) months of \$ 12.25 on account at
the Telfair 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: _____

Sal Griffin
Authorized Officer of Institution

6/10/14
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).

GRIFFIN, SABRIYA

Court Charges
10.00

Receipt Amount

\$49.25

\$49.25

\$24.25

\$24.25

\$9.25

\$24.25

\$49.25

\$49.25

\$20.00

\$49.25

\$49.25

\$49.25

\$50.00

\$50.00

\$49.25

\$20.00

\$20.00

\$20.00

\$49.25

\$49.25

\$49.25

\$39.25

Amount Check No

\$0.70 118516

E \$29.49 BOA ACH-2010000060

E (\$9.35) BOA ACH-2010000060

SE \$9.35 BOA ACH-2010000060

SE (\$29.49) BOA ACH-2010000060

ASE \$29.49 BOA ACH-2010000060

CERTIFICATE OF SERVICE

I CHRISTOPHER DONTAE GREENE hereby certify that I have this day served the GEORGIA COURT OF APPEALS and District Attorney Office of David McDade Douglas County Courthouse 8700 Hospital Drive, 2nd Floor Douglasville, GA. 30134 a copy of the foregoing document by first class UNITED STATES mail in a properly address envelope with adequate postage thereon;

This 29th day of May, 2014

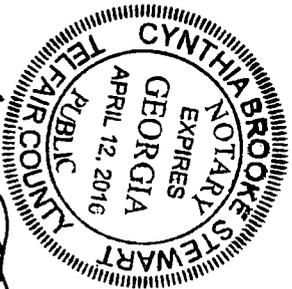
Respectfully Submitted

Christopher Dontae Greene

Christopher Dontae Greene

GDC # 1000338517

Pro-Se



Cynthia Brooke Stewart

GEORGIA COURT OF APPEALS

CHRISTOPHER DONTAE GREENE
DEFENDANT

S. GEORGIA COURT OF APPEALS

CASE No.
09CR01311

RECEIVED IN OFFICE
2014 JUN 23 PM 3:41
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

MOTION FOR TIME EXTENSION

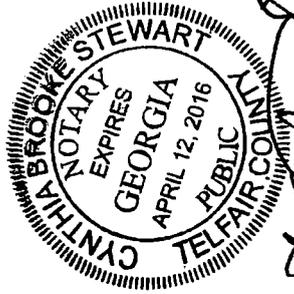
Now Comes APPELLANT, CHRISTOPHER DONTAE GREENE, pro-se in the
above self-styled action and prays this Honorable Court to grant this MOTION
FOR TIME EXTENSION, as set for the following REASONS:

As stated, I CHRISTOPHER D. GREENE, was illiterate to the legal procedures
of a motion I filed that I was UNWARE had a time deadline that was later denied

Plus, I was indigent to where I could not afford legal assistance for a post conviction
relief.

WHEREFORE, appellant prays this Honorable Court grant this time extension ON
this MOTION FOR MODIFICATION/REDUCTION OF SENTENCE.

This 29th day of May, 2014



X

Cynthia Brooke Stewart

Respectfully Submitted
CHRISTOPHER D. GREENE
Christopher D. Greene
GDC # 1000338517
Pro-Se

CERTIFICATE OF SERVICE

I CHRISTOPHER DONTAE GREENE, hereby certify that I have this day served the GEORGIA COURT OF APPEALS and District Attorney Office of David McDade, Douglas County Courthouse 8700 Hospital Drive 2nd Floor Douglasville, GA. 30134 a copy of the foregoing document by first class UNITED STATES mail in a properly address envelope with adequate postage thereon.

This 29th day of May, 2014

Respectfully Submitted
Christopher Donta Greene
Christopher DONTAE GREENE
GDC # 1000338.517
Pro-Se



Cynthia Brooke Stearns

GEORGIA COURT OF APPEALS

CHRISTOPHER DONTAE GREENE
DEFENDANT

CASE No.
09CR01311

3 GEORGIA COURT OF APPEALS

APPEAL OF MOTION TO MODIFY SENTENCE

NOW COMES, CHRISTOPHER DONTAE GREENE, defendant pro-se
in the above self-styled action and prays this Honorable Court to grant
his MOTION FOR MODIFICATION/REDUCTION OF SENTENCE
pursuit to O.C.G.A. 17-10-1, as set forth for the following REASONS:

(1)

Defendant WAS SENTENCE to twenty years on count one and five years
consecutively on count three with credit for time served since October 7, 2009;
that upon service of thirteen years, the remainder of twelve years may be served
in probation.

Mitigating factors that were presented to the sentencing court were
living neighbors, volunteers, teachers, and employers speak on my behalf.
Documenting about how my influence in the community was productive and positive

(see attachment 1).

Defendant has been employed with (3) LENARD JOHNSON'S ELECTRICAL POWER
positive, LLC as a Electrical Engineer Apprentice for a period of fourteen

(1) months.

(4)

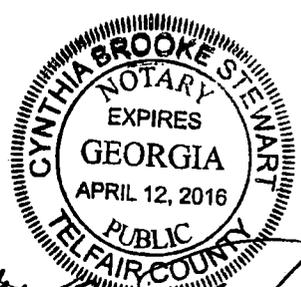
Defendant is independent with 1 child whom depend upon him for sole-financial support.

Defendant is willing to submit to ⁽⁵⁾ Any court imposed sanctions as the court deems necessary. Defendant has also reach 50% of sentence.

(6)

Defendant also was denied by Superior Court of Douglas County because of failure to present a reasonable resolution to previous MOTION FOR MODIFICATION/REDUCTION OF SENTENCE.

WHEREFORE, defendant prays this Honorable Court grant this here modification of sentence be modified to a Twenty years on Count 1 and five years concurrently on Count 3 with credit for time served since October 7th, 2009; but upon service of Ten years in confinement, the remainder of Ten years may be served on probation.



[Handwritten signature]

X

Respectfully Submitted
Christopher Dontae GREENE
~~Christopher Dontae Greene~~
GOC # 1000338517
Pro-Se

This 29th day of ~~_____~~ MAY, 2014.

• Kissiah P. Greene

769 Zion Rd

Cross, SC 29436

• Roberta Spann

1168 Sharper Dr.

Cross, SC. 29436

• Wade Greene Jr.

2200 Slate Ct.

Austell, GA 30106

• Senovia Dingle

15265 Lord Culpeper Ct.

Woodbridge, VA 22191

• Adeline K. Greene

1098 Sharper Dr.

Cross, SC 29436

• Martha Patterson

1382 Spiers Landing Rd.

Cross, SC. 29436

• Lenard Johnson

2200 Slate Ct.

Austell, GA 30106

• Regenia Greene

1502 Trojan Rd.

Cross, SC. 29436

• Ivory Johnson

P.O. Box # 295

Cross, SC 29436

• Patricia Tucker

216 MilkyWay lane

Eutawville, SC. 29048

CERTIFICATE OF SERVICE

I CHRISTOPHER DONTAE GREENE hereby certify that I have served a copy of the foregoing APPEAL OF MOTION OF MODIFICATION/REDUCTION OF SENTENCE to the GEORGIA COURT OF APPEALS and District Attorney Office of David McDade, Douglas County Courthouse 8700 Hospital Drive, 2nd Floor Douglasville, GA. 30134 a copy of the document by first class UNITED STATES mail in a properly addressed envelope with adequate postage thereon,

This 29th day of May, 2014



Respectfully Submitted
Christopher DONTAE GREENE
Christopher DONTAE GREENE
GDC # 1000338517
Pro-Se

ORIGINAL
IN THE SUPERIOR COURT OF DOUGLAS COUNTY
STATE OF GEORGIA

FILED

2011 MAR 15 PM 12:13

STATE OF GEORGIA
Plaintiff

Versus

CASE NO. 09CR01311

SUPERIOR COURT
DOUGLAS COUNTY, GA
SHONDA G. PAYNE CLK

CHRISTOPHER DONTAE GREENE
Defendant

ORDER

The defendant's motion to modify the sentence is denied.

SO ORDERED this March 11, 2011.


DAVID T EMERSON
Judge, Superior Court
Douglas Judicial Circuit

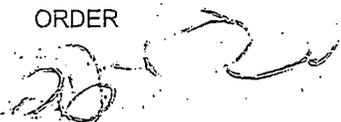
JUDGE'S DISTRIBUTION

Dist. 3/15/2011

CHRISTOPHER D. GREENE, #1000338517, WASHINGTON STATE PRISON, P.O. BOX 206, 13252 STATE HIGHWAY #24 EAST,
DAVISBORO, GA 31018

DISTRICT ATTORNEY'S OFFICE

SCANNED



FILED IN THE SUPERIOR COURT OF DOUGLAS COUNTY

2011 MAR -7 PM 3:45

SUPERIOR COURT
DOUGLAS COUNTY, GA
RHONDA G. PAYNE CLK

STATE OF GEORGIA

STATE OF GEORGIA

Case No. 09CR01311

- VS -
CHRISTOPHER DONTAE GREENE

MOTION TO MODIFY SENTENCE
NOW COMES, CHRISTOPHER DONTAE GREENE,
defendant pro-se in the above self-styled action and prays
this Honorable Court to grant this his Motion to Modify
SENTENCE pursuant to O.C.G.A. 17-10-1, as set forth for
the following reasons:

(1)

Defendant was sentence to twenty years on count one and
five years consecutively on count three with credit for time served since
October 7, 2009; That upon service of Thirteen years, the
remainder of Twelve years may be served on probation.

(2)

Mitigating factors were presented to the sentencing court are having
neighbors, volunteers, teachers, and co-workers speak on my behalf. Talking
about my influence in the community positively. (SEE attachment)

(3)

Defendant has been employed with Lenard Johnson as a
apprentice for a period of 1 year.

SCANNED



2-17-11

Christopher Greene 2-17-11

Respectfully Submitted
CHRISTOPHER D. GREENE
Christopher Greene
Pro Se

This 26th day of January, 2011.

Defendant is willing to submit to any court imposed sanctions as the court deems necessary. WHEREFORE defendant prays this Honorable Court grant this his Modification of Sentence.

(6) Defendant understands the seriousness of his crime.

(5) Defendant is married with 1 child whom depend upon him for sole-financial support.
(4)

Exhibit A

- KISSIAH GREENE
769 ZION ROAD
CROSS, SC 29436
- WADE D. GREENE
2200 SLATE COURT
AUSTELL, GA 30106
- ADELIN K. GREENE
1098 SHARPER DRIVE
CROSS, SC 29436
- LENARD JOHNSON
2200 SLATE COURT
AUSTELL, GA 30106

CERTIFICATE OF SERVICE

I CHRISTOPHER DONTAE GREENE hereby certify that I have cause to be served a copy of the foregoing MOTION TO MODIFY SENTENCE upon District Attorney EDDIE BARKER by sending the same by United States mail in a proper envelope with adequate postage, properly addressed to David McDade

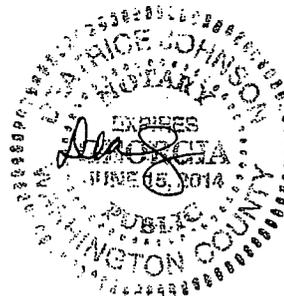
8700 Hospital Drive 2nd Floor
Douglasville, GA 30134

This day 26th of January, 2011

Christopher Dontae Greene
Christopher Dontae Greene

Pro Se

Christopher Greene 2-17-11



2-17-11

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

June 30, 2014

To: Mr. John T. Fisher, III, 340 Glen Loch Lane, Stockbridge, Georgia 30281

Case Number: _____ Lower Court: _____ County Superior Court _____

Court of Appeals Case Number and Style: _____

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

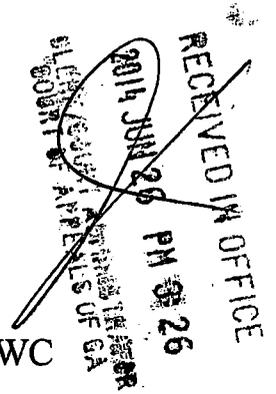
- There is no case pending in the Court of Appeals under your name.**
- A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia.** See OCGA §5-6-37. Once the trial court clerk has received and filed a Notice of Appeal, the trial court clerk will prepare 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 actually be served with a copy of your filing. In an appeal of a criminal conviction in a superior court, the State is represented by the District Attorney or an Assistant District Attorney.
- An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____
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 Federal Courts are:**
United States District Court - Northern, 2511 US Courthouse, 75 Spring Street, S.W., Atlanta, Georgia 30303-3361
or
Eleventh Circuit Court of Appeals, 56 Forsyth Street, N.W., 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.

IN THE SUPERIOR COURT OF HENRY COUNTY
STATE OF GEORGIA

FEDERAL NATIONAL MORTGAGE
ASSOCIATION

Plaintiff

Civil Action No.
2014-SU-CV-001160-WC



Vs.

Jury Demand, Fifth Time
Demanding

Sara D. Murray and All
Others

Defendants

AMENDED NOTICE OF APPEAL TO COURT OF APPEALS AND
ANSWER TO PLAINTIFF'S MOTION TO DISMISS IS DENIED

Notice is again hereby given that Sara D. Murray as Defendant and Appellant is demanding a trial by jury and that the Appellant has not waived her rights. Appellant preserves all rights, privileges and immunities at all times, and seeks over in contrast to O.C.G.A. 44-14-210, the Appellant, "Title Holder" demands a trial by jury. Notice is also given that Appellant be granted a stay pending the appeal process and procedure in this on going case. A direct appeal is also being made as to secure the integrity of these proceedings.

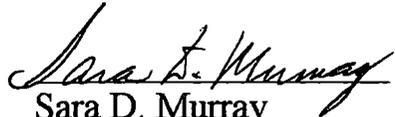
As to the Plaintiff's statement of facts, ... where, as here, the bidder and the creditor are the same entity and "the deeds have not been delivered nor have the notes been marked paid in full, it is clear that the proceeds of sale have not been transferred in cases before us." Federal Deposit Insurance Corp. v. Dye, supra. Based on the foregoing precedent from this State's *726 appellate courts, U.S. Bankruptcy Courts have concluded that under Ga. law, a debtor's equity of redemption terminates on the date that the foreclosure auction is held when the high bid is received. In re Williams, 393 B.R. 813, 820(Bankr.M.D.Ga.2008). As of March 4, 2014 foreclosure sale date, no high bid could have been received because the bidder and the creditor are the same entity. Thus, we cannot infer any requirement for confirmation where a

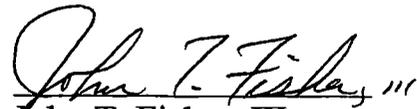
foreclosure sales contract is formed but the sale is never consummated. See *129 Acres v. Atlanta Business Bank*, 311 Ga. App. 462, 463, 716 S.E. 2d 536(2011). Until a deed under power is transferred and consideration passed, “the sale itself has not occurred; there is only a contract to buy and sell.” *Federal Deposit Insurance Corp. v. Dye*, supra. See original notice of appeal for clarity. Appellant simply asked where is a certified copy of the cancelled check that has gone through the Security and Exchange Commission that can be examined by the Appellant and her legal representatives for proof and jurisdiction as Plaintiff had no authority since Appellant has NO SIGNED contract with the Plaintiff or any of his/her agents or assigns. Appellant filed a Lis Pendens on March 4, 2014 before that so called foreclosure sale. A Lis Pendens makes the fair market value impossible to be determined at the time of the foreclosure sale and thus makes it impossible to foreclose on the property in question without proper answers as to its fair value.

Appellant’s appeal is based on her 7th Amendment rights under the U.S. Constitution to a trial by jury as is her right when a question as to the possession of real property is at issue here. See first amended appeal for clarity. Again, Appellant has been demanding a jury trial since Nov. 26, 2012 in an affidavit filed in the Superior Court records of Henry County. The issues in this case have shown a pattern of denial and abuse of power from the very start and Appellant does not feel that a fair trial can be obtained in this case.

Plaintiff’s have continued to defraud and deceive Appellant for over 15 years now and have tried to suppress records and documents by the Appellant in order to procure injury to Appellant. Appellant also has statements and documents of files that have been submitted to the FBI, the State Atty. General of Ga. and the U. S. Justice Dept. There are also over 8 witnesses that may be called forward as they are important to this case and also the recorded statements given by Appellant to FBI Special Agent Kevin McClinicy and the U.S. Treasury Dept. on Dec. 17, 2012 that are to be admitted into the courts. As always, every thing that relates to this case is sent to the local offices of the FBI, the Dept.of Justice, the State Atty. General’s Office of Ga. and U.S. Representative David Scott’s Office. The U.S. Attorneys that are receiving copies are Daniel Mosteler, Benjamin B. Wagner and Asst. Attorney Uzo Asonye who prosecuted the case on behalf of the U.S. against SunTrust Mortgage; of which this is where the trail of discrimination and fraud starts.

Respectfully submitted this 25th day in June in the Year of Our Lord, 2014


Sara D. Murray


John T. Fisher, III



Court of Appeals of Georgia

June 26, 2014

TO: Mr. Mitchell Edwards, GDC1249326, Calhoun State Prison, Post Office Box 249,
Morgan, Georgia 39866

RE: **A14A0711. Mitchell Leon Edwards v. The State**

CHECK RETURN

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

CASE STATUS - DISPOSED

- Your appeal was disposed by opinion May 23, 2014. The Court of Appeals affirmed the judgment of the trial court. The remittitur issued on June 11, 2014, divesting this Court of any further jurisdiction of your case. The case is therefore, final.

CASE STATUS - PENDING

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

APPLICATION FOR PERMISSION TO APPEAL A PROBATION REVOCATION

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

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

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

Mitchell Edwards #1249326
Calhoun State Prison
P.O. Box 249
Morgan, GA. 39866

Georgia Court of Appeals

June 23, 2014

RE: Pending Appeal

Floyd County Case No:

12-CR-02374 JFL001

Dear Court of Appeals,

This letter is in very much hope of some assistance. It was my understanding that my case was forwarded to your Agency for review in December 2013. I am in hopes that you could let me know the file date and the status of my appeal.

If you will "Please" check this for me it will be greatly appreciated. Thank you for your time, attention, and assistance. I do look forward to hearing from you in the near future.

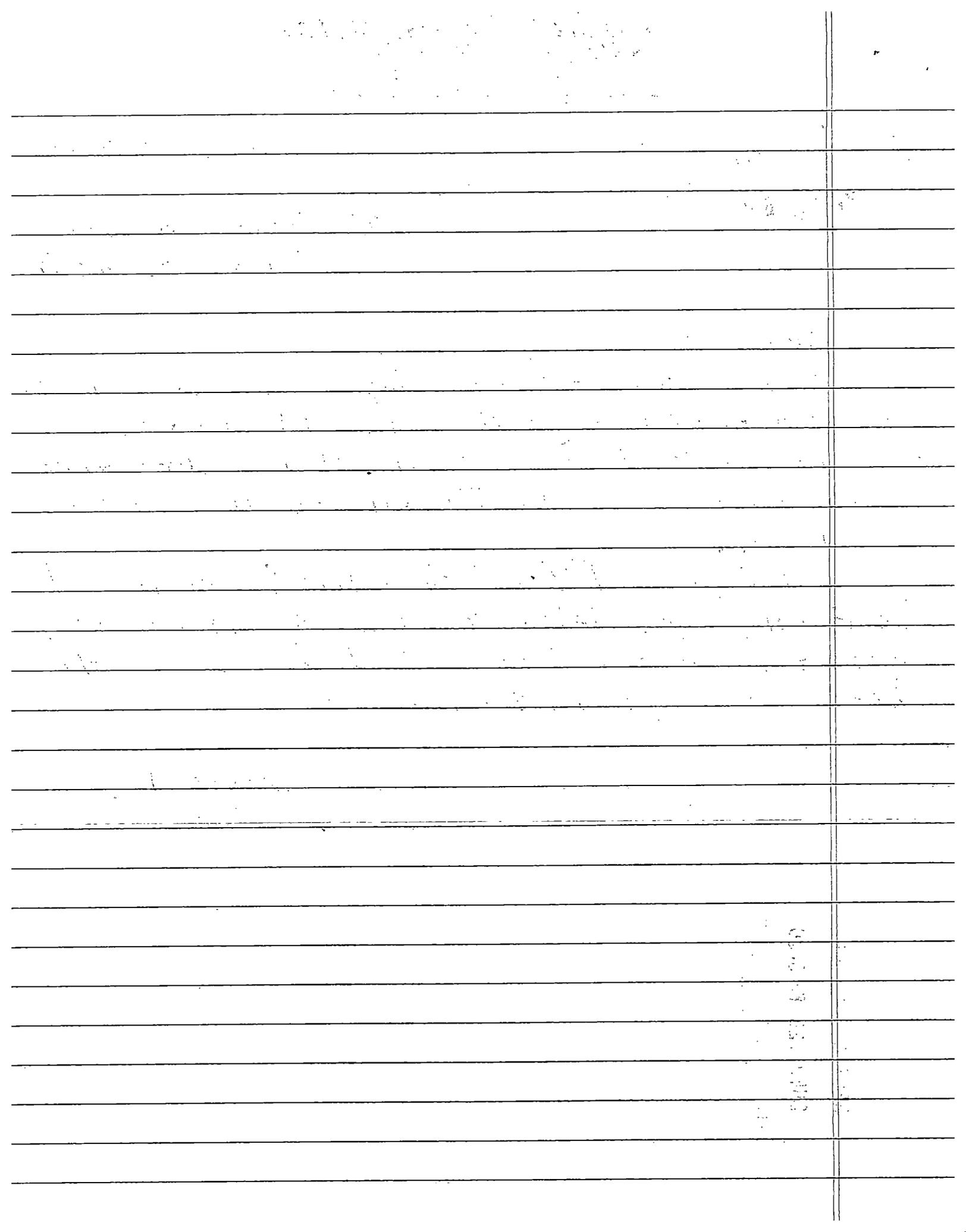
Sincerely,

Mitchell Edwards

RECEIVED IN OFFICE

2014 JUN 26 PM 03 30

COURT OF APPEALS OF GA.



COURT OF APPEALS OF GEORGIA

RETURN NOTICE

June 26, 2014

To: Mr. Anthony Rae Brown, GDC1300898, Ware State Prison, 3620 Harris Road,
Waycross, Georgia 31503

Case Number: _____ Lower Court: _____ County Superior Court

Court of Appeals Case Number and Style: _____

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

- There is no case pending in the Court of Appeals under your name. Until a case is docketed in the Court of Appeals in your name, you should direct your inquiries to your attorney or the trial court clerk.**
- 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 actually be served with a copy of your filing. In an appeal of a criminal conviction in a superior court, the State is represented by the District Attorney or an Assistant District Attorney.
- An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____
divesting this Court of jurisdiction. The case decision is therefore final.
- Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the _____ is: _____
- If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.

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

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2014 JUN 26 PM 3: 00

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Thank you
Anthony Rae Brown

Would you please be so kind and
tell me if my case has been docketed in
this Court from Fulton County.
If so please advise me if this
Court has made a ruling

RE: Anthony Rae Brown v S

Greetings
Dearest Clerk
No case found.

1950

1951

1952

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

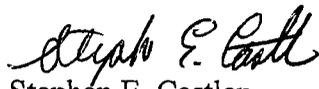
June 24, 2014

Mr. Charles Henry Frier
Attorney at Law
Post Office Box 8783
Atlanta, Georgia 31106

Dear Mr. Frier:

Thank you for your letter of June 12, 2014. I have informed the appropriate parties and I thank you for bringing this to our attention.

Sincerely,



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

SEC/ld

CHARLES HENRY FRIER

Attorney at Law

P.O. Box 8783

Atlanta, GA 31106-8783

(404) 876-0847

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2014 JUN 16 PM 3:02

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

June 12, 2014

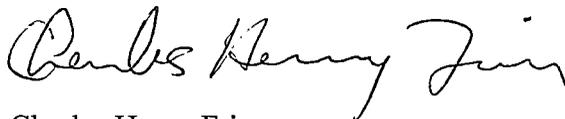
Stephen E. Castlen
Clerk, Court of Appeals of Georgia
47 Trinity Avenue S.W., Suite 501
Atlanta, GA 30334

Mr. Castlen:

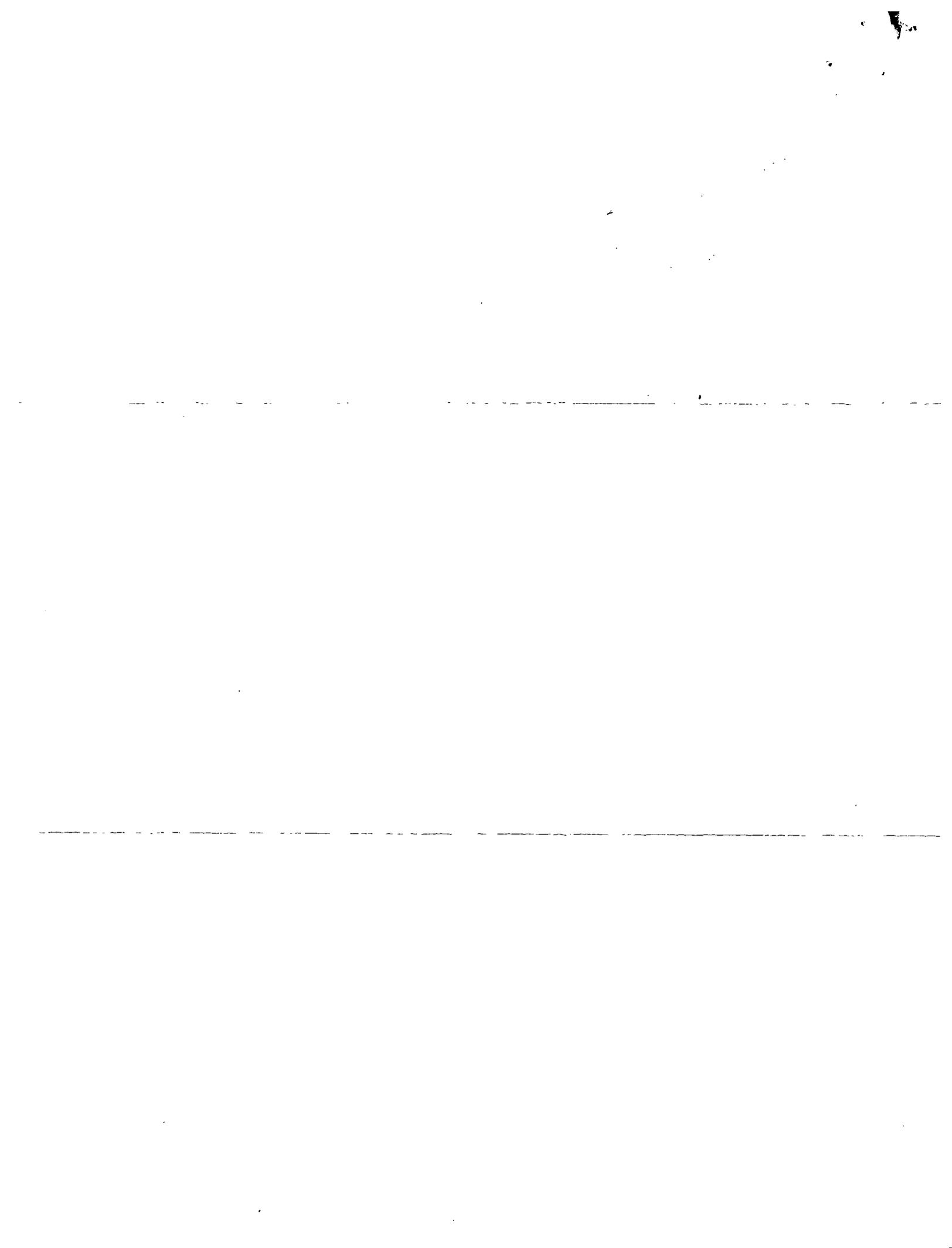
I am writing to you regarding an apparent anomaly in the recently reported case of *Stokes v. State*, Case No. A14A0170, decided June 11, 2014. The opinion states: “A person commits the offense of burglary in the first degree when, without authority and with the intent to commit a felony or theft therein, he or she enters or remains within [the] ... dwelling house of another[.]’ OCGA § 16-7-1 (a)”. However, the opinion also states: “On November 14, 2008, the victim received a call from his home security provider that the security system in his home had been activated”. The anomaly is this: the crime took place in 2008; OCGA § 16-7-1 was not amended until July 1, 2012 to create first degree and second degree burglary. Persons who commit crimes are to be prosecuted, convicted and sentenced under the laws that existed at the time the crimes were committed. See *Fleming v. State*, 271 Ga. 587, 590 (1999). So how can Snow be guilty of a crime that did not exist in 2010? While a conviction for burglary is warranted under the facts, there was no “burglary in the first degree” in 2008, so doesn’t the opinion need some editing?

And, as a further note of concern, this same mistake was made less than two years ago in *Snow v. State*, No. A12A0885, decided October 22, 2012. That’s alarming...

Regards,



Charles Henry Frier



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

Date: June 30, 2014

To: Mr. Joel Bostick, GDC1000485277, Georgia State Prison, 300 First Avenue, South, Reidsville, Georgia 30453

Docket Number: A14A1804 **Style:** Joel Bostick v. The State

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

1. Your Appellant's Brief, was not accompanied by the statutory filing fee (\$300.00 civil; \$80.00 criminal *Effective July 1, 2009) or a sufficient pauper's affidavit. OCGA§5-6-4 and Rule **Your pauper's affidavit should be notarized by a notary public.**
2. A Request for Oral Argument must be filed as a separate document. Rule 28 (a) (3)
3. Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)
4. No Certificate of Service or an improper Certificate of Service accompanied your document(s). Rule 6
5. Your Certificate of Service did not include the complete name and mailing address of each opposing 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: **According to our records you are represented by Ms. Jennifer Black, Office of Public Defense, Cherokee Judicial Circuit, 114 West Cherokee Avenue, Cartersville, Georgia 30120. As long as you are represented by counsel in this Court, you are not permitted to file pleadings on your own behalf.**

IN THE COURT OF APPEALS STATE OF GEORGIA

JOEL BOSTICK

Appellant

STATE OF GEORGIA

Appellee

Appeal case no. A141804

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2014 JUN 26 PM 3:28
CLERK/COURT APPEALS
COURT OF APPEALS OF GA

MOTION FOR AN EXTENSION OF TIME

Comes now the Appellant under such capacity deemed pro se and whereby prays that this honorable court will grant the Appellant an 'Extension of Time to file such 'Brief' (1) The Appellant is an indigent litigant whom is solely dependant upon the assistance of the public Defenders Services.

FILED IN OFFICE

JUN 24 2014

COURT CLERK

CLERK COURT OF APPEALS OF GA

(2)

Appellate Counsel has previously indicated to the Court that as a direct consequence of having to litigate 17 other cases she is virtually overwhelmed.

(3)

Wherefore the Appellant contends that due to such case load of the appointed Counsel such trial Court errors are not being properly litigated before this Court.

(4)

In conclusion the Appellant prays that this Court will grant the such extension so as to perfect the appellate record.

Joel Bostick
GDC#1000485277

C E R T I F I C A T E O F S E R V I C E

This is to certify that I have this day served the opposing party(ies) to this action with a true and correct copy of the within and foregoing Motion For an Extension of Time by placing a copy of same in the United States Mail, with adequate postage thereon to ensure prompt delivery, and addressing it to:

Office of the District Attorney
P.O. Box 125
Lafayette, GA. 30728

Joel Bostick
GDC #1000485277
GSP
300 1st Ave S.
Reidsville, GA. 30453

This 22nd day of June, 2014.

Joe Bostick

Pro se



Court of Appeals of Georgia

June 30, 2014

TO: Mr. Charles Freeman, GDC802465, Dodge State Prison, Post Office Box 276, Chester, Georgia 31012

RE: **A14A0317 (Lower Court Case Number: 10R115). Charles James Freeman v. The State**

CHECK RETURN

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

CASE STATUS - DISPOSED

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

~~CASE STATUS - PENDING~~

- Your case is still pending before the Court. Your case was docketed in the January 2014 Term and a decision must be rendered by the Court by the end of the April 2014 Term which ends on July 31, 2014.**

APPLICATION FOR PERMISSION TO APPEAL A PROBATION REVOCATION

- To appeal a probation revocation, you will need to file a Discretionary Application with this Court. Rule 31 of the Rules of the Court of Appeals of Georgia describes a Discretionary Application and the items you would need to include with your application. A Discretionary Application must be filed within 30 days of the stamped filed date on the order that you are appealing and the application must be accompanied by a proper Certificate of Service and a pauper's affidavit or the \$80.00 filing fee. You must also comply with all the other applicable rules of Court regarding filing with the Court of Appeals of Georgia.

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

From: Charles Freeman 602-802-160
Dodge State Prison #3
P.O. Box 276
Chester, Georgia 31012

Date: June 24th, 2014

Re: Ga. Ct. of App. Case No. #
A14A0317

On Appeal from The Sup. Ct. of

Mitchell County, Case No. #
15A115

Good day Madam,

Please be advised that I am in pri-

soning as to the status of the above cited Criminal Case
that is presently being considered by this court. I'd
certainly appreciate any information that you would
be kind enough to provide me at this juncture. Care

you tell me whether my specific case is being decided
by the court right now. Please Reply... Thank you,
Good day, And Blessings of The Most High to your family
and yourself.

Respectfully,

Charles Freeman

602-802-160 #3

Dodge State Prison

Chester, Georgia

31012

To: Clerk of Appeals Court
Georgia Court of Appeals
Suite 501
47 Trinity Ave.
Atlanta, Georgia
30303

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JUN 26 PM 03:30

COURT ADMINISTRATION
Clerk of Appeals of GA

