

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

November 3, 2014

Mr. Baker Edman Clark
GDC388790
Augusta State Medical Prison
3001 Gordon Highway
Grovetown, Georgia 30813

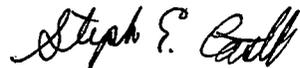
RE: A14A1221 and A14A1227. Baker Edman Clark v. The State

Dear Mr. Clark:

I am in receipt of the Notice of Intent to File a Petition for Writ of Certiorari in the Supreme Court of Georgia. We cannot accept the Notice of Intent because no Certificate of Service accompanied your document(s).

You should provide a copy of your filing to the District Attorney and include his/her name and address on your Certificate of Service. I am returning the Notice of Intent to you.

Sincerely,



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

SEC/ld
Enclosure

In The Court of Appeals of Georgia

Baker Edman Clark, |
Appellant Pro Se. | Case No. A14A1221
v. | Case No. A14A1227
State of Georgia, |
Appellee. |

RECEIVED IN OFFICE
2014 OCT 30 PM 3:56
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Notice of Intention to File a Petition
For Writ of Certiorari in The
Supreme Court of Georgia

Appellant pro se pursuant to the Rules of the Court of Appeals of Georgia, Rule 38. Hereby notify this Court with his notice of intention to file for a Writ of Certiorari in the Supreme Court of Georgia. Seeking a review of this Court opinion issued in the above stated cases.

This the 27th day of October, 2014.

Baker Edman Clark
GDC # 388790
Augusta State Medical Prison
3001 Gordon Hwy
Grovetown, Ga. 30813

Respectfully Submitted,
Baker Edman Clark
Baker Edman Clark
Appellant Pro Se

In The Court of Appeals of Georgia

Baker Edman Clark, ¶

Appellant Pro Se, | Case No. A14A1221

v. |

Case No. A14A1227

State of Georgia, |

Appellee. |

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Baker Edman Clark
Appellant Pro Se

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

November 3, 2014

Mr. Baker Edman Clark
GDC388790
Augusta State Medical Prison
3001 Gordon Highway
Grovetown, Georgia 30813

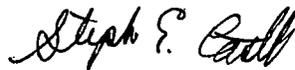
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Sincerely,



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

SEC/ld
Enclosure

In The Court of Appeals of Georgia

Baker Edman Clark, |
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State of Georgia, |
Appellee. |

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GDC #388790
Augusta State Medical Prison
3001 Gordon Hwy
Grovetown, Ga. 30813

Respectfully Submitted,
Baker Edman Clark
Baker Edman Clark
Appellant Pro Se

In The Court of Appeals of Georgia

Baker Edman Clark, /

Appellant Pro Se, / Case No. A14A1221

v. /

Case No. A14A1227

State of Georgia, /

Appellee. /

Notice of Intention to File a Petition
For Writ of Certiorari In The
Supreme Court of Georgia

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CLERK/COURT REPORTER
COURT OF APPEALS OF GA

Appellant pro se pursuant to the Rules of the Court of Appeals of Georgia, Rule 38. Hereby notify this Court with his notice of intention to file for a Writ of Certiorari in the Supreme Court of Georgia. Seeking a review of this Court opinion issued in the above stated cases.

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Baker Edman Clark
GDC #388790
Augusta State Medical Prison
3001 Gordon Hwy
Grouetown, Ga. 30813

Respectfully Submitted,
Baker Edman Clark
Baker Edman Clark
Appellant Pro Se

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

November 4, 2014

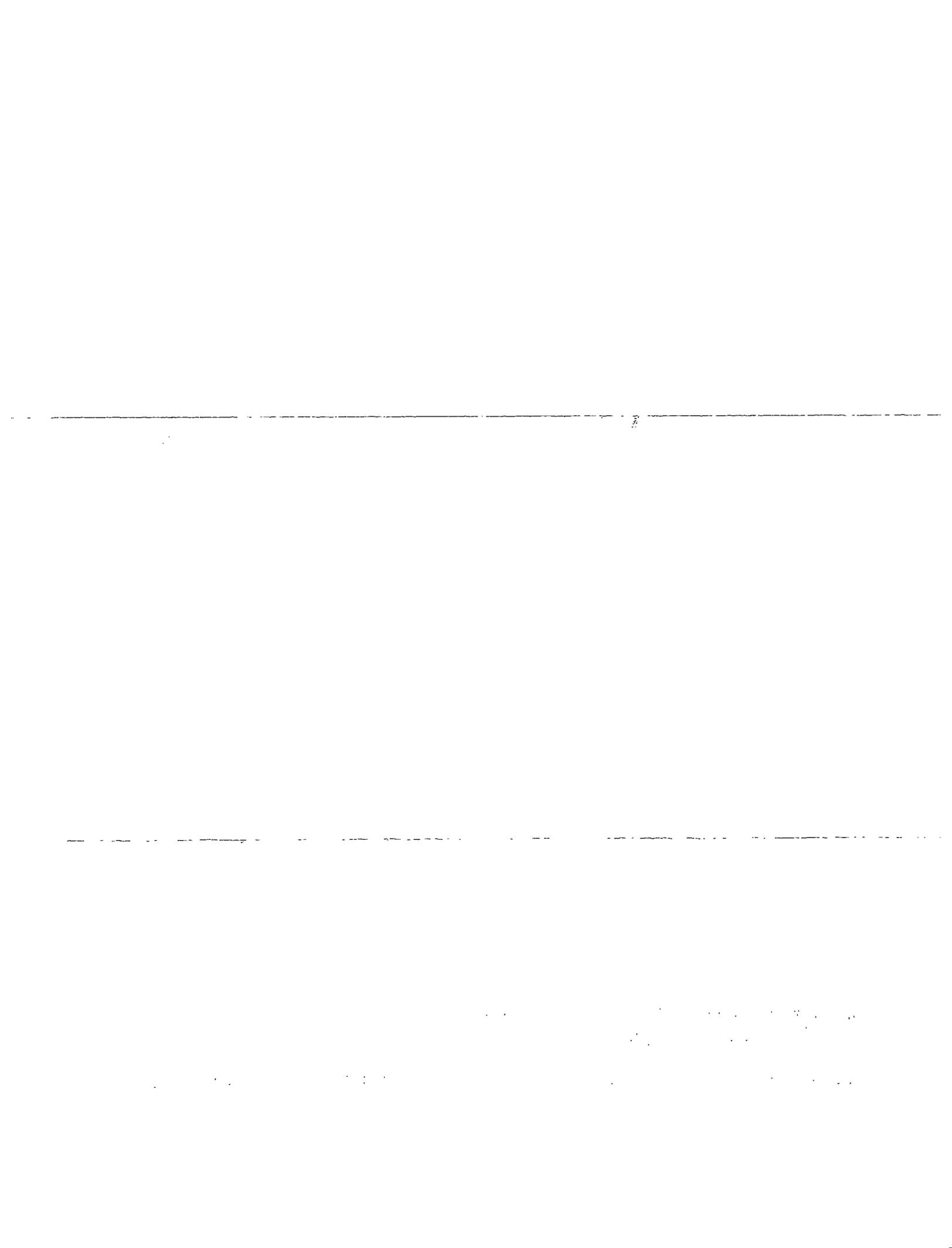
To: Mr. Harold D. Battle, GDC1422003 1-N-405, Fulton County Jail, 901 Rice Street,
N.W., Atlanta, Georgia 30318

Case Number: _____ Lower Court: _____ County Superior Court

Court of Appeals Case Number and Style: _____

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

- There is no case pending in the Court of Appeals of Georgia under your name. Please note: there were no copies/exhibits attached to your communication.**
- A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37.** Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.
- The Notice of Appeal must include a proper Certificate of Service.** A Certificate of Service must show service to the opposing counsel/District Attorney and contain the counsel's full name and complete mailing addresses. The opposing counsel/District Attorney must actually be served with a copy of your filing.
- An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____ The remittitur issued on _____ divesting this Court of jurisdiction. The case decision is therefore final.
- Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the _____ is: _____
- If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.
- A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.



Will the Clerk please return stamped
fixed copy

Thank you

Baker Clark

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

November 3, 2014

Mr. Trent Clemens
GDC734876
Dooly State Prison
Post Office Box 750
Unadilla, Georgia 31091

Dear Mr. Clemens:

You will need to contact the lower court for answers to your questions regarding your appeal. The appeal must be sent to our Court from the lower court with the clerk's certification. I am returning your documents to you.

Sincerely,



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

SEC/ld
Enclosures

Trent Clemens
#734876
Dooly S.P.
P.O. Box 750
Unadilla, GA 31091

October 24, 2014

Office of the Clerk
Court of Appeals of Georgia
40 Mitchell Street
Atlanta, GA 30334

RECEIVED IN OFFICE
2014 OCT 31 AM 10:50
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Subj: Docket Status,
Re: Appeal of Motion to Void Illegal Sentence

Dear Honorable Clerk:

Please will you look into the above-mentioned matter and notify me of anything that may be the cause of why I haven't received any notice of the docketing of said appeal.

I did properly and timely serve notice of my intent to appeal the issue upon the opposing party and filed the same in the Superior Court Clerk's office so I am at a loss as to why the matter has not been acknowledged by your court.

Any assistance you can offer in this endeavor will be greatly appreciated.

Most Respectfully, I am



Trent Clemens

Encl: Notice of Appeal

C: file

Trent D. Clemens
#734876
Dooly State Prison
P.O. Box 750
Unadilla, GA 31091

Oct. 05, 2014

FILED & RECORDED
SUPERIOR COURT CLERK'S OFFICE
UPSON COUNTY, GA 30286
Date/Time: _____

Teresa Harper, Clerk
Upson County Superior Court
P.O. Box 469
Thomaston, GA 30286

TERESA HARPER, CSC

Re: Certified Document Request / Case No. 2006R-105

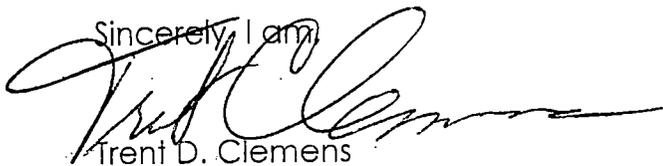
Dear Honorable Clerk:

Please will you send me a '**FILED**' stamped copy of my recently
~~submitted (to your office)~~ Please will you send me a '**FILED**' stamped copy of my ^{T.C.}
~~recently submitted (to your office)~~ notice of appeal regarding the denial
of my motion to void illegal sentence (see enclosed).

I desire the 'Filed' stamped copy for my records.

Thank you so much for **ALL** of your assistance thus far.

Sincerely, I am,



Trent D. Clemens

Cc: file;
Encl: Notice of appeal, dated 09/18/14

IN THE SUPERIOR COURT OF UPSON COUNTY

STATE OF GEORGIA

FILED & RECORDED
SUPERIOR COURT CLERK'S OFFICE
UPSON COUNTY, GA 30286
Date/Time: 9-29-14 @ 11:44 AM
TERESA HARPER, CSC

Trent Clemens
(Appellant)

Vs.

STATE OF GEORGIA
(Appellee)

*
*
*
*
*
*

* Case No: 2006-R-105
*(Re:Motion to Void Illegal Sentence)

NOTICE OF APPEAL

Comes now Trent Clemens, the appellant in the above styled matter, and hereby gives notice of his intent to appeal from the order entered into the record of the case on September 8, 2014, denying his MOTION TO VOID ILLEGAL SENTENCE.

The Court of Appeals of Georgia, rather than the Supreme Court of Georgia, has proper jurisdiction over this matter as this is an appeal from the final judgment of a Georgia Superior Court in a non-capitol felony case. Jurisdiction of this category of appeal is conferred upon the State Court of Appeals under Article VI, Section V, Paragraph III of the Georgia Constitution of 1983.

Will the clerk properly prepare and transmit the entire case file and transcript to the appropriate official so that he may proceed on appeal. Please be advised that Mr. Clemens' status and authorization to travel as an indigent defendant is on record with this court.

Respectfully Submitted This 18 day of SEPT., 2014.

By 

Trent Clemens, Pro Se
#0000734876
Dooly State Prison
P.O. Box 750
Unadilla, GA 31091

IN THE SUPERIOR COURT OF UPSON COUNTY
STATE OF GEORGIA

Trent Clemens
(Appellant)
Vs.
STATE OF GEORGIA
(Appellee)

*
*
*
* Case No: 2006-R-105
*(Re: Motion to Void Illegal Sentence)
*

CERTIFICATE OF SERVICE

I, the undersigned individual, under the penalty of perjury, hereby attest and certify that I have served copies of the copies foregoing and attached NOTICE OF APPEAL by depositing said copies into the custody of the U.S. Postal Service in properly addressed envelopes, with sufficient postage affixed thereon for 1st class service, for delivery on:

1. OFFICE OF THE DISTRICT ATTORNEY, Upson County, P.O. Box 871, Thomaston, GA 30286.
- *2. OFFICE OF THE CLERK OF SUPERIOR COURT, Upson County, P.O. Box 469, Thomaston, GA 30286.

Properly Served This 19 day of SEPT., 2014.

By: 
Brent Clemens
3844 Lower Tanners Bridge Road
Monroe, GA 30656

GA Court of Appeals

Nov. 3, 2014

47 Trinity Ave, S.W.

Suite 501

Atlanta, GA 30334

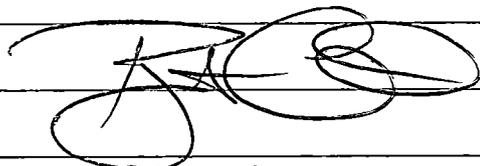
RE: APPELLANT'S BRIEF A14A0692 (Clark v. State)

Dear Mr./Madam Clerk:

May I please have a copy of the Appellant's Brief for the case styled Clark v. State (A14A0692). I was quoted a price of \$57⁰⁰ for the 38 pages — a check is enclosed.

Thank you.

Sincerely,



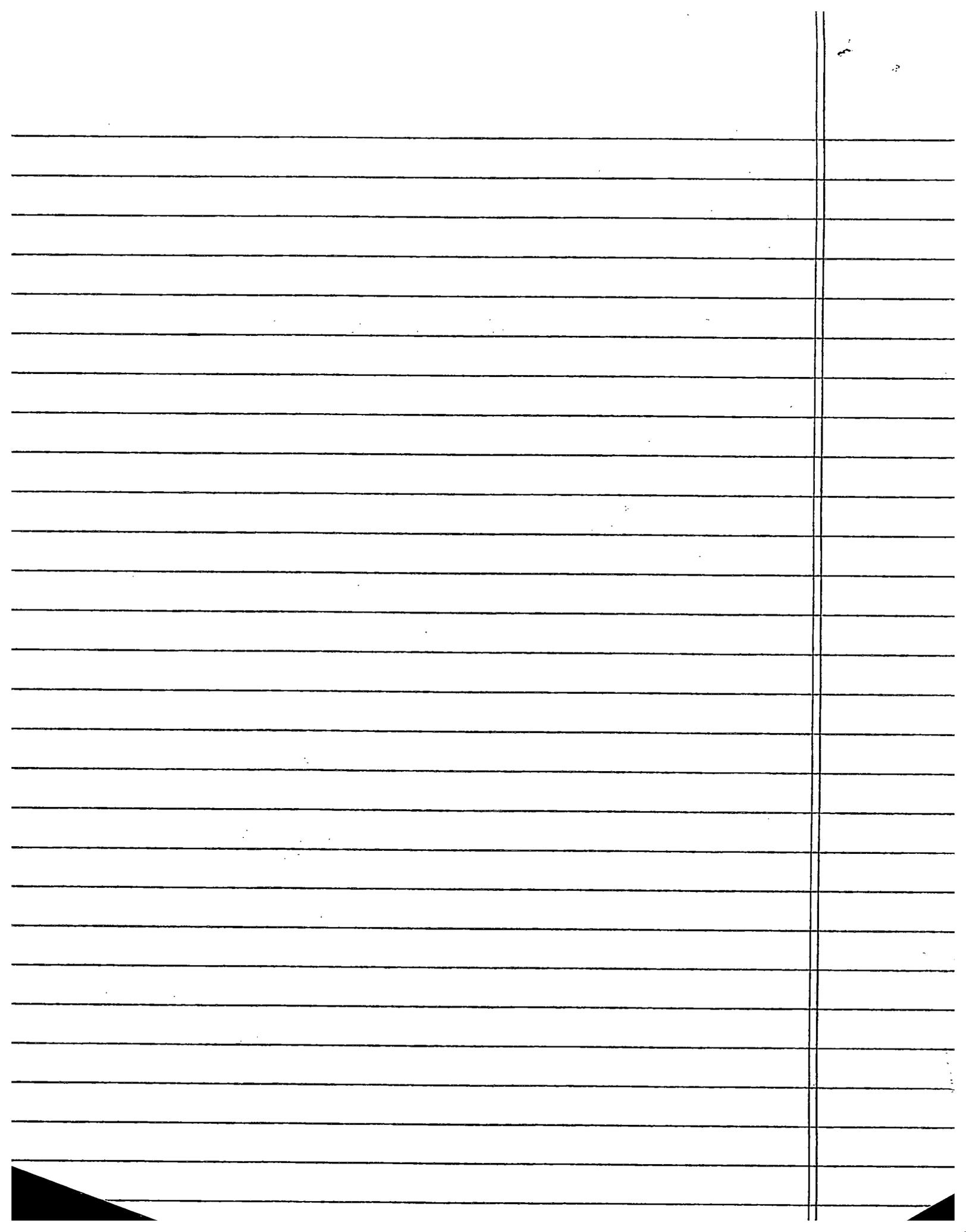
RYAN CASTANEIRA

#1000114830

Charles D. Hudson Trans. Center

100 Jim Hester Rd

Atlanta, GA 30241



IN THE SUPREME COURT
STATE OF GEORGIA

FILED IN OFFICE

DEC 11 2013

COURT CLERK
CLERK COURT OF APPEALS OF GA

KIRVIN CLARK
(APPELLANT)
VS.
STATE OF GEORGIA
(APPELLEE)

CASE No: ~~514A0256~~
A14A0692

BRIEF OF APPELLANT

RECEIVED IN OFFICE
2013 DEC 11 PM 3:50
CLERK COURT OF APPEALS OF GA

KIRVIN CLARK, PRO PER
#662888

Johnson State Prison

P.O. Box 344

Wrightsville, GA 31096-0344

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

November 3, 2014

CT
8020 Excelsior Drive • Suite 200
Madison, Wisconsin 53717

RE: A14A2331. Fred L. Murray, Jr. v. U-Haul Company, Inc.

Dear Sir or Madam:

Mr. Fred Murray, Jr. served you with the enclosed Appellant's Brief. If the attached correspondence is being returned, it must be returned by you to Mr. Fred Murray, 89 Ellis Street, N.E., Atlanta, Georgia 30303. This Court cannot accept the mailing nor return it for you.

Sincerely,



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

SEC/ld
Enclosures

CT

October 27, 2014

Court of Appeals of Georgia
Suite 501,
47 Crimith Avenue,
Atlanta, GA 30334

Re: Fred L. Murray, Jr., Pltf. vs. U-Haul Company Incorporated, Dft.

Case No. A14A2331

Dear Sir/Madam:

The U-Haul Company is not listed on our records or on the records of the State of GA.

CT was unable to forward.

Very truly yours,

C T Corporation System

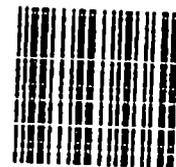
Log# 525952694

Sent By Regular Mail

Fred Murray
89 Ellis Street NE
Atlanta, GA 30303



1000



30361

U.S. POSTAGE
PAID
ATLANTA, GA
30303
OCT 23, 14
AMOUNT

\$1.12
00053356-20

U-Haul Company Inc. (Peters Street, Atlanta GA 30313)
c/o CT Corporation System (Registered Agent)
1201 Peachtree Street NE
Atlanta, Georgia 30361

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

Fred L. Murray, Jr. (Pro Se))	
Appellant)	
)	
vs.)	Case Number: A14A2331
)	
U-Haul Company Incorporated)	
Appellee)	

Murray Jr.'s Brief

Murray Jr. objects that he is without sufficient knowledge, sufficient time, sufficient economic resources, or sufficient legal counseling to submit this document. Notwithstanding the objection Murray Jr. states the following:

I. Statement of the Proceedings Below

Type of Case

This brief is based on “Murray Jr.'s Emergency Petition for Restraining Order, Injunctive and Declaratory Relief”, which Fulton County Georgia Superior Court refused to allow Murray Jr. to file *In Forma Pauperis* on 05/13/2013. Georgia Court of Appeals granted “Murray Jr.'s Emergency Motion for Temporary

Injunctive Relief” on 05/16/2013. (R. 3-43, 53)

Judgments

Case Number	Date	Document	Record
2013cv231351	05/14/2013	Fulton County Georgia Superior Court's “Order Denying Plaintiff’s Request to Proceed <i>In Forma Pauperis</i> ”	3

Facts

1. On 05/17/2013, U-Haul Company Incorporated scheduled the auctioning off of Murray Jr.'s property, which is stored in a U-Haul self-storage unit. U-Haul locked Murray Jr. out of Murray Jr.'s unit on 02/04/2013, prior to non-payment of rent. Murray Jr. has been withholding payment since 02/14/2013.
2. On 05/13/2013, in reference to Fulton County Georgia Superior Court injunction and declaratory relief case #2013cv231351, Murray Jr. vs. U-Haul Company Incorporated, Murray Jr. submitted “Murray Jr.'s Emergency Petition for Restraining Order, Injunctive and Declaratory Relief”. (R. 4-43)

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

November 3, 2014

Mr. L. Alan Carlton
GDC000864836
Cobb County Adult Detention Center
Post Office Box 100110
Marietta, Georgia 30061

Dear Mr. Carlton:

I am in receipt of your correspondence received in this office on October 31, 2014, in which you attached your "Motion for Court to Appoint Appeal Counsel." 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. I am returning your communication to you.

Sincerely,



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

SEC/ld
Enclosures

RECEIVED IN OFFICE
2014 OCT 31 PM 3:11
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA



Edgar Bigby III
10.11.14

Respectfully,
Lewis Alan Carlton
Lewis Alan Carlton

PLEASE - I beg you, how do I get assistance?

I am incarcerated on the non-offense of impecuniation of a public employee, and because of this false imprisonment my rights are terminated.

PLEASE! provide me with ALL information concerning how I can be get appointment of counsel to assist me in my appeal from termination of parental rights, ② if I am not allowed counsel, even though I was ruled indigent by the Juvenile Court on July 27, 2014, how do I receive a copy of the record, transcripts and exhibits tabbed? ③ what format does the court have that I may get a copy to help me file the proper appeal?

Clerk of Appeals Court,

Case #: 12-CV-5161-04
12-CV-5160-04
12-CV-5159-04

JUVENILE COURT OF COBB COUNTY
STATE OF GEORGIA

RECEIVED IN OFFICE
2016 OCT 31 PM 3:11
CLERK/COURT REPORTER
COURT OF APPEALS OF GEORGIA

IN THE INTEREST OF:

ALEXIS ALANA CARLTON (F) D.O.B.: 10-25-05

CASE No: 12-CV-5160-04

ALAN FRANCIS CARLTON (M) D.O.B.: 3/21/07

CASE No: 12-CV-5160-04

AVA ANGELIA CARLTON (F) D.O.B.: 3/18/04

CASE No: 12-CV-5159-04

MOTION FOR COURT TO APPOINT
APPEAL COUNSEL

Comes Now, Lewis Alan Carlton and ask this Court to provide an Appellant attorney to represent the legal and biological father of the above named children during his appeal from this Court's order terminating the parental rights.

On October 9, 2014 this Court entered an order terminating the father's parental rights.

Pursuant to O.C.G.A. 15-11-98 (b) the court shall provide an indigent parent with effective assistance of counsel at all stages of proceeding involving termination of parental rights, see: OCGA 15-11-262.

Interest of A.M.A. 270 Ga App 769, 601 SE 2d 976 (2004) 15-11-98.

On March 10 2014, this Court found Petitioner indigent.

CERTIFICATE OF SERVICE

A copy of "Motion for Court to Appoint Appeal Counsel" was sent by regular U.S. Mail the 12th day of Oct. 2014 to :

GA Court of Appeals
477 Trinity Ave SW
Suite 501
Atlanta, GA 30334

Scaders Deen
262 Washington Ave
Marietta, GA 30090

1000935146
P.O. Box 466
Alamo, GA 30017
Wheeler C.F.

Respectfully,
Louis Alan Carlson
Lewis Alan Carlson

Rule Nisi

Judge Hamby, you granted the court reporter and clerk to provide me my records, transcripts and exhibits of t.p.s. hearing for appeal, but they have still not provide.
Is this court preventing me from due process? I only have 30 days from 9th. Please help!

FORMA PAUPERS AFFIDAVIT

Now Comes Lewis Allyn Carlton and files this forma Paupers Affidavit in Case Nos: 12-CV-5161-04 12-CV-5160-04, and 5159 12-CV-5159-04 and shows that on March 10 2014 the juvenile court, Judge Hamby, found father/petitioner to be indigent issuing a certificate of Indigency, and ordering him to proceed pro-se.

Per Rule 21.2, Uniform of Juvenile Court Rules, this request to have all hearing transcripts transcribed for the following dates: November 2013, March 2014, July & June 2014, September 26, 2014, October 7th & 8th 2014, specifically all hearings pertaining to the termination of parental rights case in above case Nos need transcript transcribed for Lewis Allyn Carlton.

This is to be transcribed for the appeal taken from courts findings.

I am indigent, as court found, and unable to pay for needed transcripts.

Sworn before me, a notary, this 31 day of September 2014.

Lewis Allyn Carlton
Lewis Allyn Carlton

Notary Public
Notary Public, Paulding County, Georgia
My Commission Expires

Madam Pam Mvutuku,

October 9, 2014

My name is Lewis Alan Carlton and you were the court reporter on the dates of September 26th and October 7th and 8th, 2014 for a termination of parental rights proceeding.

On Oct. 8th Judge Hamby granted my filed forma pauper's affidavit in case Nos: 12-CV-5161-04, 12-CV-5160-04, and 12-CV-5159-04.

Please provide me with the transcripts from September 26th, October 7th and 8th hearing dates first - PLEASE.

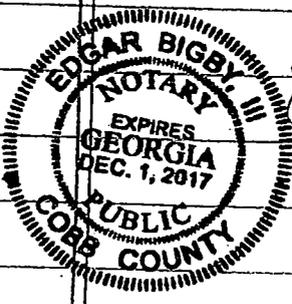
At your leisure, the July transcript could follow, and the others are not as important.

I do not believe there was a hearing for June, so there would not be a transcript.

I have only 30 days to file an appeal, thus, the urgency on the September and October transcripts.

Whatever you can do is GREATLY Appreciated.

My address is Lewis Alan Carlton, #1000935140, P.O. Box 466 Alamo, GA 30411, Wheeler C.F.



~~Edgar Bigby, III~~
10.9.14

Respectfully,

Lewis Alan Carlton

c.c: P.M.
Ct of App.
File

STATE of Georgia

v. S

Harold Dean Battle

RECEIVED IN OFFICE

2014 NOV -3 AM 10:36

CLERK/COURT ADMINISTRATION

COURT OF APPEALS OF GA

Case No # 14CP147828

IN The Superior Court/Court of Appeals) State of Georgia
Harold Dean Battle/Applicant applies to this court as follows.

(1) To issue an order granting the applicant an appeal from the
Judgment of the Superior Court of Fulton County, Honorable
Newkirk, presiding in the case styled State of Georgia vs. Harold
Dean Battle Defendant 14CP147828, this Judgment Having Held:

(2) Applicant shows that the jurisdiction is properly in this court because
this is where sentence was giving. (3) This Application of Appeal is
filed within 10 days of granting and filing of the certificate
of Immediate Review. (3) This Application of Appeal is filed
within 30 days of the entry of the order decision or
Judgment complained of (3) This application for Appeal is
filed within (30) days after the entry of the order granting
overruling/ finally disposing of the motion.

(4) Copies of all pertinent documents have been attached
to this application as exhibits including a copy of the
Judgment being Appealed, as well as copy of any
petition or motion which led directly to the Judgment
being Appealed and a copy of Any responses
to such petition or motion.

Wanda S Murray
Notary Public
DeKalb County, Georgia
My Commission Expires
March 7, 2019

Harold Dean Battle

Respectfully Submitted

to prove my Innocence.

(5) The need Interlocutory appellate review is
Because I was misled by my Attorney and
because when I asked my Attorney to explain
to me what could happen prior to being sentenced
my Attorney set there in silence and did not
represent me to the full extent of the law.
(6) Applicant submits that and Appeal should
be granted because of excuse explained in
number 5 sentence also before taking time to
explain to me the law and the consequences
of my charges I feel like I was misinformed
Before I took the 1st plea and I ask the court
to please bring me before the court so I can

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

November 4, 2014

To: Valerie E. Cochran, Esq., Tifton Circuit Public Defender, 1212 Chestnut Avenue, Tifton, Georgia 31794

Docket Number: **Style: Broderick Green 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: The Discretionary Application was granted on January 9, 2014. There is no pending appeal with the Court as of November 11, 2014. No direct appeal has been docketed.**

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

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS

KA

11/04/14

To: Valerie E. Cochran

Docket Number: Style: Broderick Green v. The State

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

1. Your Application was not accompanied by the statutory filing fee, \$300.00 civil; \$80.00 criminal, or a sufficient pauper's affidavit. OCGA§5-6-4 and Rule 5 **Please be advised that your pauper's affidavit should be notarized by a notary public.**
2. Portions of the record included were not tabbed and indexed. Rules 30 (e) and 31 (c).
3. A stamped "filed" copy of the trial court's order to be appealed was not attached to your Application. Rules 30 (b) and 31 (e)
4. A stamped "filed" copy of the Certificate of Immediate Review was not attached to your Interlocutory Application. Rule 30(b)
5. Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)
6. There were an insufficient number of copies of your document. Rule 6
7. No Certificate of Service accompanied your document(s). Rule 6 You should provide a copy of your filing to the District Attorney and include his/her name and address on your Certificate of Service.
8. Your Certificate of Service did not include the complete name and /or mailing address of each opposing counsel and pro se party. Rule 1(a) and 6
9. Your document exceeds page limits. Rules 24(f) , 30(e) and 31(c)
10. Your request for court action must be submitted in motion form. Rule 41 (a)
11. No extension of time for filing an interlocutory application will be granted . Rule 30 (g) . No extension of time will be granted for filing a discretionary application unless the motion for extension is filed on or before the due date of the discretionary application.
12. The type font was smaller than 10 characters per inch; type was not double-spaced or/and type was on both sides of the paper. Rules 1(c), 24(b), 37(a) and 41(b).
13. Your motions were submitted in an improper form (joint, compound, or alternative motions in one document). Rule 41 (b)
14. Margins were too small or paper size was incorrect. Rules 1(c), 24(c), 30(e), 31(c) and 41(b).
15. Your document(s) was (were) not securely bound at the top with staples or round head fasteners. Rules 1(c), 30 (e) and 31 (c)
16. Your document was submitted for filing more than 30 days after the date of the order granting, denying or dismissing the application or the order granting, denying or dismissing the Motion for Reconsideration. Rules 30(j) and 31(j).

Discretionary application Granted 01/09/14 - No pending case with the Court

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

as of 11/04/14
No direct appeal
docketed!

FILED IN OFFICE
NOV -3 2014
COURT CLERK
CLERK COURT OF APPEALS OF GA

IN THE COURT OF APPEALS
STATE OF GEORGIA

STATE OF GEORGIA, : Tift County
 : Superior Court
 Plaintiff/Respondent, : Docket No. 1996-CR-053
 :
 v. : Probation Revocation
 :
 BRODERICK GREEN, :
 :
 Defendant/Applicant. :
 :

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2014 NOV -3 PM 3:44
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

MOTION TO WITHDRAW APPLICATION
FOR DISCRETIONARY REVIEW

COMES NOW, the Appellant, BRODERICK GREEN, through his appointed counsel of record, Valerie Eileen Cochran, and he files this Motion to Withdraw Application for Discretionary Review under Rule 41(g), and in support of this motion, the Defendant shows this Honorable Court, the following:

1.

In the June Term of Tift County Superior Court, Mr. Green entered a plea of guilty to the offense of Robbery by Intimidation in case number 1996CR053. Mr.

Green was sentenced to twenty (20) years in the State Penitentiary. He was allowed to serve that sentence on probation.

2.

On or about February 27, 2013, the State filed a Petition for Revocation of Probation, alleging that Mr. Green violated six conditions of his probation. After a contested hearing, the Court revoked three years of Mr. Green's probation to the State Penitentiary on paragraph 2, and revoked twenty-four months concurrent on paragraphs 3, 4 and 5. The State was unable to prove violations on paragraphs 1, 5 and 6.

3.

On June 12, 2013, Appellant's trial counsel filed a Motion for a New Trial/Motion for Reconsideration. After a contested hearing, the Court denied Appellant's Motion for Reconsideration on August 22, 2013.

4.

On December 19, 2013, the Appellant's trial counsel filed an Application and Brief In Support of Grant of Discretionary Appeal with this Court.

5.

On January 2, 2014, this Court did grant the Appellant's Application for Discretionary Appeal. Appellant's Notice of Appeal was filed with the Superior Court of Tift County January 17, 2014.

6.

To date the record has not been transmitted to this Court by the Clerk of Superior Court for Tift County and the case has not been docketed. The Appellant is about to parole out on the probation revocation sentence and would prefer to withdraw his appeal and put the matter behind him. The Appellant has signed an Affidavit stating this. See attached Exhibit 1.

WHEREFORE, the Appellant respectfully requests that this Honorable Court grant his request to withdraw his Application for Discretionary Review and Notice of Appeal.

This 28 day of October, 2014.

Respectfully submitted,

Tifton Circuit Public Defender's Office

A handwritten signature in cursive script that reads "Valerie Eileen Cochran".

Valerie E. Cochran

Attorney for Defendant

Georgia Bar No. 215013

Tifton Circuit Public Defender
1212 Chestnut Avenue
Tifton, Georgia 31794
(229) 387-6488
vcochran.law@gmail.com

IN THE COURT OF APPEALS
STATE OF GEORGIA

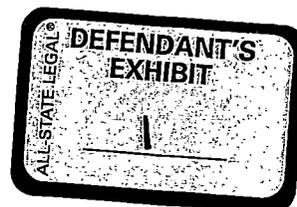
STATE OF GEORGIA, :
 : Tift County
 : Superior Court
 Plaintiff/Respondent, : Docket No. 1996-CR-053
 :
 :
 v. : Probation Revocation
 :
 BRODERICK GREEN, :
 :
 :
 Defendant/Applicant. :
 :
 :

APPELLANT AFFIDAVIT

COMES NOW, BRODERICK GREEN, Appellant herein and respectfully requests this Court allow him to withdraw his Application for Discretionary Review and Notice of Appeal in the above-captioned case. In support of his motion he shows the Court the following:

1. Applicant has discussed his discretionary review case with Counsel;
2. Applicant understands he is giving up the right to have the Court review his probation revocation sentence;
3. Applicant is close to finishing his revocation sentence and being released on parole or probation and prefers to put this matter behind him.

This the 17th day of October, 2014.



Broderick Green

Broderick Green
Appellant

GDC #0000763003
Carroll County CI
Carrollton, GA 30112

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

W O Shackleford
Notary Public

My Commission Expires: July 11, 2018



CERTIFICATE OF SERVICE

This is to certify that I have this day served the office of the District Attorney of Tift County, Paul Bowden, with a true and correct copy of the within and foregoing MOTION TO WITHDRAW APPLICATION FOR DISCRETIONARY REVIEW and NOTICE OF APPEAL by personal service or placing same in the United States Mail postage prepaid, or via hand delivery addressed to counsel of record as follows:

Hon. Bill Reinhardt
Judge, Superior Court of Tift County
PO Box 806
Tifton, GA 31793

Paul Bowden
Kevin Hutto
Kim Schwalls
Robert A. Rogers
District Attorney's Office
PO Box 1252
Tifton, GA 31793

This 28 day of October, 2014.

Respectfully submitted,

Tifton Circuit Public Defender's Office

A handwritten signature in cursive script that reads "Valerie E. Cochran". The signature is written in black ink and is positioned above the printed name.

Valerie E. Cochran

Attorney for Defendant

Georgia Bar No. 215013

Tifton Circuit Public Defender
1212 Chestnut Avenue
Tifton, Georgia 31794
(229) 387-6488
vcochran.law@gmail.com



TIFTON JUDICIAL CIRCUIT PUBLIC DEFENDER OFFICE

1212 Chestnut Avenue • Tifton, Georgia 31794 • Telephone 229-387-6488 • Facsimile 229-387-6234
FILED IN OFFICE

NOV - 3 2014

COURT CLERK
CLERK COURT OF APPEALS OF GA

RECEIVED IN OFFICE
2014 NOV - 3 PM 3:44
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

John R. Mobley II
Circuit Public Defender

October 24, 2014

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

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7002 3150 0004 0185 1593

RE: State of Georgia v. Broderick Green
Motion to Withdraw Application for Discretionary Review

Dear Mr. Castlen:

Please find enclosed for filing an original and three copies of a Motion to Withdraw Application for Discretionary Review in the above-referenced matter. Please file the original Petition and return one of the copies to me file-stamped in the enclosed self-addressed, stamped envelope.

If you have any questions, please do not hesitate to call.

Sincerely,

Valerie Cochran
Assistant Public Defender

VC:sas
Enclosures

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

November 4, 2014

To: Mr. Harold D. Battle, GDC1422003 1-N-405, Fulton County Jail, 901 Rice Street,
N.W., Atlanta, Georgia 30318

Case Number: _____ Lower Court: _____ County Superior Court

Court of Appeals Case Number and Style: _____

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

- There is no case pending in the Court of Appeals of Georgia under your name. Please note: there were no copies/exhibits attached to your communication.**
- A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37.** Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.
- The Notice of Appeal must include a proper Certificate of Service.** A Certificate of Service must show service to the opposing counsel/District Attorney and contain the counsel's full name and complete mailing addresses. The opposing counsel/District Attorney must actually be served with a copy of your filing.
- An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____
_____ The remittitur issued on _____
divesting this Court of jurisdiction. The case decision is therefore final.
- Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the _____ is: _____
- If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.
- A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

STATE of Georgia
v.s

Harold Dean Battle

RECEIVED IN OFFICE

2014 NOV -3 AM 10:56

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Case No # 14CP147828

IN The Superior Court/Court of Appeals) State of Georgia
Harold Dean Battle/Applicant applies to this court as follows.

(1) To issue an order granting the applicant an appeal from the

Judgment of the Superior Court of Fulton County, Honorable

Newkirk) residing in the case styled State of Georgia vs. Harold

Dean Battle Defendant #14CP147828, his Judgment Having Held:

(2) Applicant shows that the Jurisdiction is properly in this court because

this is where sentence was giving. (3) This Application of Appeal is

filed within 10 days of granting and filing of the certificate

of Immediate Review. (3) This Application of Appeal is filed

with in 30 days of the entry of the order decision or

Judgment complained of (3) This application for Appeal is

filed within (30) days after the entry of the order granting

overruling / finally disposing of the motion.

(4) Copies of all pertinent documents have been attached

to this application as exhibits including a copy of the

Judgment being Appealed, as well as copy of any

petition or motion which led directly to the Judgment

being Appealed and a copy of Any responses

to such petition or motion.

Warada S Murray
Notary Public
DeKalb County, Georgia
My Commission Expires
March 7, 2018

Harold Dean Battle

Respectfully submitted

to prove my INNOCENCE.

Because I was misled by my Attorney and
because when I asked my Attorney to explain
to me what could happen prior to being sentenced
my Attorney set there in silence and did not
reperesent me to the full extent of the law.
(6) Applicant submits that and Appeal should
be granted because of excuse explained in
number 5 sentence also before taking time to
explain to me the law and the consequences
of my charges I feel like I was misinformed
Before I took the 1st plea and I ask the court
to please bring me before the court so I can

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

November 4, 2014

To: Mr. Brian Bretzing, GDC719396, Valdosta State Prison, PO Box 310, Valdosta,
Georgia 31603

Case Number: _____ Lower Court: _____ County Superior Court

Court of Appeals Case Number and Style: _____

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

- There is no case pending in the Court of Appeals of Georgia under your name.**
- A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37.** Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.
- The Notice of Appeal must include a proper Certificate of Service.** A Certificate of Service must show service to the opposing counsel/District Attorney and contain the counsel's full name and complete mailing addresses. The opposing counsel/District Attorney must actually be served with a copy of your filing.
- An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____
_____ The remittitur issued on _____
divesting this Court of jurisdiction. The case decision is therefore final.
- Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the _____ is: _____
- If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.
- A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

COURT OF APPEALS OF GEORGIA

BRIAN BRETZING
719396
V

RECEIVED IN OFFICE
2014 OCT 31 PM 3:07
CLERK OF COURT ADMINISTRATION
COURT OF APPEALS OF GA

OFFICER PEAK,
WARDEN ALLEN,
VICKY BARROW (MED ADM)

DELIBERATE INDIFFERENCE
TO MEDICAL NEEDS.

CIVIL ACTION NO
2014 CV-1476

PETITIONER APPEALS FROM
LOWER COURT.

COMES NOW THAT THE ABOVE PETITIONER APPEALS
THE DISMIAL OF THE LOWER COURTS, THE LOWER
COURT BASED ITS DISMISSAL WITH "ABSENCE OF ANY
JUSTIFIABLE ISSUE OF LAW OR FACT,"
I HAVE SENT A COPY OF THE PETITION WITH EXHIBITS

OF EVIDENCE TO THE GEORGIA COURT OF APPEALS, AS THE
COURT CAN READ, PETITIONER HAS GIVEN FACTS OF
DELIBERATE INDIFFERENCE TO HIS MEDICAL NEEDS.

IF THE LOWER COURT WOULD HAVE READ MY LEGAL
ARGUMENT (PAGE 6, 11, 12, AND 13) PETITIONER GIVES

THE STANDARD OPERATING PROCEDURES OF THE PETITIONER
OF CORRECTIONS AND THREE FEDERAL CASE LAWS IN

WHICH THE 7TH CIRCUIT COURT OF APPEALS AND THE
U.S. SUPREME COURT ADDRESS THE ISSUES OF DELIBERATE
INDIFFERENCE, THE COURTS STATE THAT PETITIONER HAS
TO ALLEGE DELIBERATE INDIFFERENCE AND THE PETITION
IS ACCEPTED.

IN MY PETITION, I ALLEGE MANY TIMES THAT I
DID NOT RECEIVE MEDICINE FROM (DUE) TO OFFICERS
OR VALPOSTA MEDICAL DEPARTMENT, DUE TO NOT RECEIVING
MY MEDICINE, I ALLEGE THAT MY SYMPTOMS FLARED
UP AND THAT I ENDURED PAIN FROM SINUS HEADACHES
AND HEART BURN, THEREFORE THE LOWER COURTS ERRORED
IN THEIR JUDGMENT BY DISMISSING THE CASE.

THEREFORE PETITIONER WOULD LIKE THE COURT
OF APPEALS OF GEORGIA TO REMAND THE CASE
BACK THE THE SUPERIOR COURT OF LOWWODES
COUNTY FOR A MORE APPROPRIATE RULING.

RESPECTFULLY YOURS
BRIAN BREZINA
Brian Brezina

JUL 17 2014
3:19PM

IN THE SUPERIOR COURT OF LOWNDES COUNTY Clk Superior Court/State Court/
Juvenile Court
STATE OF GEORGIA

BRIAN BRETZING,
Plaintiff
719396,
Inmate Number

Civil Action No. 2014CV1476

vs.
OFFICER PEAK,
WARDEN ALLEN,
VICKY BARROW (MED ADM),
Defendant(s)

Nature of Action:
DELIBERATE INDIFFERENCE
TO MEDICAL NEEDS



PART I: BACKGROUND INFORMATION ON YOUR CONVICTION

- Name and location of prison in which you are now confined: VALDOSTA STATE PRISON, P.O. BOX 310, VALDOSTA, GA 31603
- Sentence you are now serving: 15 YEARS

Name and location of court which imposed sentence: DEKALB COUNTY SUPERIOR COURT, DEKALB COUNTY (ATLANTA AREA)
Approximate date your sentence will be completed: SEPT 30, 2017

- The indictment number or numbers (if known) upon which, and the offense or offenses for which sentence was imposed:
 - UNKNOWN
 -
 -

- Give the approximate date upon which sentence was imposed and the terms of the sentence:
 - NOVEMBER 2003 (15 YEARS) PRISON RECIVITENCE
 -

c.

5. Check whether a finding of guilty was made after a plea of:

- Guilty
- Guilty but mentally ill
- Nolo contendere
- Not guilty

6. If you were found guilty after a plea of not guilty, check whether the finding was made by:

- Jury
- Judge only

7. Did you appeal from the judgment of conviction or the imposition of sentence?

- Yes
- No

8. If you did appeal, answer the following:

a. The name of each court to which you appealed:

1. LOWNDES COUNTY SUPERIOR (HABEAS)
2. STATE COURT OF APPEALS (GEORGIA)
3. SUPREME COURT OF GEORGIA

b. The result in each such court to which you appealed:

1. DENIED
2. DENIED
3. DENIED

c. The approximate date of each such result:

1. UNKNOWN
2. UNKNOWN
3. UNKNOWN

d. If known, citations of any written opinion orders entered pursuant to such results:

1. UNKNOWN
2. UNKNOWN
3. UNKNOWN

PART II: OTHER LAWSUITS

9. OTHER THAN LAWSUITS ALREADY LISTED in questions 3 through 8, have you ever begun or are you now beginning other lawsuits in federal or state courts dealing with the same facts involved in this action or relating to your imprisonment?

- Yes
- No

10. If your answer to number 9 is "Yes," describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline for each lawsuit.)

a. Parties to the previous lawsuit:

Plaintiffs: _____

Defendants: _____

b. Court (If federal court, name the district. If state court, name the court and county):

c. Docket Number: _____

d. Name of judge to whom case was assigned: _____

e. Date on which you filed lawsuit: _____

f. Date of disposition, if any, of lawsuit: _____

g. What was the lawsuit about? _____

h. What was the outcome of the lawsuit? (For example, was the case dismissed? Was it appealed? Is it still pending?) _____

i. Citations, if known, to any written opinions or orders in the lawsuit: _____

PART III: GRIEVANCE PROCEDURES

11. Is there a prisoner grievance procedure at the institution in which you are presently confined?

Yes No

12. If your answer to number 11 is "Yes," please answer the following:

a. Did you present the facts relating to your complaint in the institution's prisoner grievance procedures? Yes No

b. If your answer to (a) above is "Yes,"

What steps did you take? I FILED 4 GRIEVANCES FOR
4 DIFFERENT INCIDENTS.

What was the result? 2 WERE IN MY FAVOR, 2 WERE
DENIED

c. If your answer to (a) above is "No," explain why not: _____

13. Tell what you have done, other than what you have described in question 12, to bring your complaints to the attention of prison officials. In doing so, give dates, places, and names of persons talked to.
ON THE LAST GRIEVANCE, I APPEALED TO THE DEPARTMENT OF CORRECTIONS. THEY SENT A REPRESENTATIVE DOWN TO THE PRISON TO TALK TO ME PERSONALLY. I EXPLAINED THE SITUATION TO HIM AND HE SAID HE WOULD TALK TO MEDICAL. I TOLD HIM TO PULL MY FILE TO GET A PRESCRIPTION FOR EVIDENCE TO TAKE BACK TO ATLANTA FOR THEIR MEDICAL STAFF TO REVIEW. I DONT REMEMBER THE GUYS NAME OR THE DATE IT TOOK PLACE ON.

14. Names and approximate dates of entry and exit, and locations of all prisons and jails in which you have been incarcerated:
JUST VALDOSTA STATE PRISON

15. As to your present confinement, please state:

a. Which part of the penitentiary or jail are you held in : G-2-55

b. How long have you been in this part of the penitentiary or jail? 3 1/2 YEARS

c. Please list the full name of every prisoner now confined in the same general area: THERES ABOUT 47 INMATES HOUSED IN HERE

PART IV: STATEMENT OF CLAIMS

16. List the name and address of each plaintiff in this lawsuit: OFFICER PEAK, WARDEN MARTY ALLEN, AND VICKY BARROW (MED ADM) ALL AT 3259 VAL-TECH RD, VALDOSTA, GA 31603

17. List below for each defendant, the defendant's full name, official position, and place of employment. Attach additional paper if necessary.

Full Name	Official Position	Place of Employment
<u>OFFICER PEAK</u>	<u>C.O. II</u>	<u>VALDOSTA STATE PRISON</u>
<u>MARTY ALLEN</u>	<u>WARDEN</u>	<u>VALDOSTA STATE PRISON</u>
<u>VICKY BARROW</u>	<u>MEDICAL ADM</u>	<u>VALDOSTA STATE PRISON</u>

STATEMENT OF CLAIM

- 18. Describe each and every FACT—no opinions or views, only the actual events—supporting and explaining the basis for the lawsuit you have filed. DESCRIBE HOW EACH DEFENDANT IS INVOLVED. Include also the names of other persons involved, dates and places. If you intend to allege a number of related claims, you should number and set forth each claim separately. DO NOT GIVE ANY LEGAL ARGUMENT OR CITE ANY CASES OR STATUTES. (You may attach additional sheets of paper if necessary.)

I HAVE GRIEVANCES TO DESCRIBE THE INCIDENTS, THE FIRST STATES, ^{EXHIBIT A} ON GOOD FRIDAY, MARCH 29, 2013. OFFICER PEAK CALLED BREAKFAST AT ABOUT 6:30 A.M. SHE ONLY GAVE ABOUT 1-1/2 MINUTES FOR US TO GET OUT THE DOOR, INSTEAD OF THE CUSTOMARY 5 MINUTES, WHEN I HEARD THE CALL, I GOT UP RIGHT AWAY. I PUT ON MY SHOES AND SOCKS, TOOK A LEAK, THEN PUT ON MY SWEATSHIRT AND JACKET. THIS PROCESS TAKES ME ABOUT 3 MINUTES EVERY DAY. WHEN I GOT DOWN TO THE DOOR, INMATES (HARRIS, HALL, AND BELL, MY WITNESS) WERE TRYING TO GET OFFICER PEAK TO CALL A SUPERVISOR, TO ARGUE THEIR CASE, BUT SHE WOULDN'T CALL ONE. WHEN I TALKED TO HER, I ASKED IF SHE WAS GOING TO LET ME GO TO BREAKFAST. SHE SAID, "NO". I STATED THAT I NEEDED TO GO TO PILL CALL, SHE REFUSED TO LET ME GO. → BECAUSE OF OFFICER PEAK'S INACTIONS I WAS IN PAIN ALL MORNING AND AFTERNOON UNTIL I GOT SOMETHING TO EAT AND MY EVENING CONTINUED ON PAGE 8 →

I REPLIED "I GET MEDICINE FOR A REASON," SHE STILL REFUSED TO LET ME GO TO PILL CALL,

- 19. List the name and present address of every person who you believe was a witness to the facts set forth in number 18 and BRIEFLY state what each person knows (from having seen, heard, etc.) concerning what happened.

THE WITNESS THAT I HAVE ARE THE PEOPLE I STATED IN THE GRIEVANCES.

20. Please describe any legal argument you wish to make. You may add separate sheets of paper if necessary. It is not necessary that you present legal argument in order to obtain the relief to which you are entitled.

THE STANDARD OPERATING PROCEDURES (S.O.P.S) ARE THE RULES AND REGULATIONS OF THE GEORGIA DEPARTMENT OF CORRECTIONS THAT THEY IMPLEMENT FOR ALL THEIR PRISONS. S.O.P. VHOI-0001(I) STATES, 'POLICY-ADEQUATE HEALTH CARE IS A BASIC RIGHT TO WHICH EVERY INMATE/PROBATIONER IS ENTITLED. INMATES/PROBATIONERS WHO ARE RECIPIENTS OF HEALTH CARE WITHIN CORRECTIONAL FACILITIES WILL BE TREATED WITH DIGNITY AND WITH RESPECT. VHOI-0001(VI-A)' IT IS THE INTENTION OF THE GEORGIA DEPARTMENT OF CORRECTIONS TO DELIVER HEALTH CARE TO INMATES/PROBATIONERS IN A MANNER THAT MEETS CONTEMPORARY STANDARDS IN THE COMMUNITY. VHOI-0001(VI-C) CONTINUED ON PAGE 11 →

21. Briefly state the specific relief requested against each party. This means to state exactly what you want the court to do for you. DO NOT MAKE ANY LEGAL ARGUMENTS. DO NOT CITE CASES OR STATUTES:

WHAT I WOULD REALLY LIKE IS FOR THE DEFENDANTS TO SUFFER THE PAIN FROM HEARTBURN AND SINUS HEADACHES LIKE I DID FROM THEIR ACTIONS. BUT SINCE THEY PROBABLY DON'T SUFFER THE SAME MEDICAL PROBLEMS THAT I DO, THIS IS IMPOSSIBLE. SO MONETARY VALUE WILL HAVE TO SUFFICE. I WOULD LIKE THE COURT TO ORDER DEFENDANT PEAK TO PAY \$500, U.S. SAVINGS BOND, FOR PUNITIVE DAMAGES FOR PAIN & SUFFERING SHE ALLOWED ME TO GO THROUGH. I WOULD LIKE THE COURT TO ORDER DEFENDANT WARDEN ALLEN TO PAY \$500, U.S. SAVINGS BOND (IN MY NAME) TO ME, FOR BLAMING MY PAIN & SUFFERING ON ME, INSTEAD OF DISCIPLINING CONTINUED ON PAGE 7 →

I declare (or certify, verify, or state) under penalty of perjury that the foregoing statements made in this Inmate Form for Civil Action are true and correct.

Executed on 5-7-14 Date


Signature of Plaintiff

Sworn to and subscribed before me this
day of _____, 20____.

Notary Public or Other Person Authorized to Administer Oaths

CONTINUED FROM PAGE 6; MEDICAL AND DEFENDANT PEAK,
I WOULD LIKE THE COURT TO ORDER DEFENDANT VICKY
BARRDW (MED ADM) TO PAY PUNITIVE DAMAGES OF \$2,000,
US, SAVINGS BOND TO ME, FOR 4 DAYS OF PAIN & SUFFERING
FOR MEDICINE NOT RECEIVED BY MEDICAL.

MEDICINE, BECAUSE I DIDNT GET NO NURTRISIDN (NORIOUSMENT) (I DIDNT HAVE NO FOOD FOR 24 HOVRS) THIS CAUSED MY HEARTBURN TO FLARE UP, I HAVE CRONIC HEARTBURN, BECAUSE I DIDNT GET MY ZANTAC, I WAS IN PAIN IN MY STOMACH ALL MORNING AND AFTERNOON, UNTIL I GOT MY MEDICINE 24 HOURS LATER.

BECAUSE I DIDNT GET MY CHLOR - TRIMETON (CITM) FOR MY CRONIC ALLERGIES, MY ALLERGIES FLARED UP AND I SNEEZED AND BLEW MY NOSE ALL MORNING AND AFTERNOON. THIS CAUSED MY SINUS TO FLARE UP AND I WAS IN PAIN FROM SINUS HEADACHES ALL MORNING AND AFTERNOON, UNTIL I GOT MY C.I.M. 24 HOURS LATER."

EXHIBIT-B

THEIR RESPONSE TO MY GRIEVANCE WAS, "A MEMBER OF MY STAFF HAS REVIEWED YOUR GRIEVANCE. YOU ALLEGE THAT ON 3/29/13 OFFICER PEAK REFUSED TO ALLOW YOU OUT OF THE DORM TO EAT BREAKFAST OR GET YOUR MEDICATION. OFFICER PEAK DENIED THIS ALLEGATION AND REPORTED THAT YOU FAILED TO LEAVE DURING THE ALLOTTED TIME, BASED ON THIS INFORMATION, YOUR GRIEVANCE IS DENIED."

EXHIBIT-C WARDEN ALLENS RESPONSE WAS, "OFFICER PEAK DENIES REFUSING TO LET YOU OUT TO CHOW OR PILL CALL. SHE STATES YOU DID NOT LEAVE IN THE ALLOTTED TIME BUT YOU APPROACHED HER AFTER THE BUILDING WAS LOCKED DOWN AND CHOW WAS OVER, SHE DID NOT LET YOU GO THEN BECAUSE SHE WAS NOT AUTHORIZED TO. I CAN FIND NOTHING TO SUPPORT YOUR CLAIM."

I WROTE THIS NEXT GRIEVANCE TO SHOW HOW OFFICER PEAK DID HAVE AUTHORIZATION TO LET ME GO TO PILL CALL, IT STATES, EXHIBIT-D "ON JUNE 25, 2013 INMATE STEVEN JOHNSON CALLED OUT 'CHOW CALL', AT THIS TIME, OFFICER JOHNSON MUST HAVE OPENED THE DOOR TO LET US OUT. I GOT UP AND PUT MY SHOES AND SOCKS ON AND WAS RELIEVING MYSELF WHEN OFFICER JOHNSON CLOSED THE DORM DOOR, THE DORM WAS JUST LEAVING THE YARD TO GO TO BREAKFAST. I STATED TO JOHNSON, 'CAN I PLEASE GO TO CHOW, I CAN STILL GO WITH MY DORM, SHE REFUSED TO LET ME GO. I THEN STATED, 'I HAVE TO GO TO PILL CALL ALSO'. WHEN SHE STILL WOULDNT LET ME GO, I ASKED FOR THIS GRIEVANCE. ABOUT 5 MINUTES LATER, KENDRICK CAME UP AND STATED THAT MEDICAL WANTED ME UP THERE. SO I GIVE CREDIT TO OFFICER JOHNSON FOR CALLING MEDICAL AND LETTING ME GO GET MY MEDICINE!"

SO I ASK YOU? HOW CAN OFFICER PEAK NOT HAVE AUTHORITY TO LET ME GET MY MEDICINE, BUT OFFICER JOHNSON CALLED MEDICAL AND HAD THE AUTHORITY BY MEDICAL TO LET ME GET MY MEDICINE? AS YOU CAN SEE THEY WERE THE SAME INCIDENTS,

EXHIBIT-E MY THIRD GRIEVANCE STATES, "FROM 11:00AM PILL CALL ON NOVEMBER 24, 2013 (SUNDAY) UNTIL 7:00AM PILL CALL NOVEMBER 25 (MONDAY)

I DID NOT RECEIVE MY PRESCRIBED MEDICINE FOR MY ALLERGIES FROM MEDICAL, ON SATURDAY, AT EVENING PILL CALL, NURSE NALL TOLD ME THAT SHE ONLY HAVE TWO O.T.M. PILLS TO GIVE ME. I TOOK ONE SATURDAY AND ONE SUNDAY MORNING, AT ABOUT 2:00 P.M. MY ALLERGIES STARTED TO KICK IN. CONSTANT SNEEZING AND BLOWING MY NOSE CAUSED SINUS HEADACHES. I WAS IN PAIN UNTIL I WENT TO BED. AT 4:30 A.M. MY ALLERGIES KICKED IN AGAIN. I GOT SINUS HEADACHES AGAIN UNTIL 11:00 A.M. PILL CALL.

EXHIBIT F

THEIR RESPONSE WAS, "THE MEDICAL ADMINISTRATOR REPORTS THAT AN ERROR WAS MADE REGARDING YOUR ALLERGY MEDICATION IN THAT A SUPPLY OF THIS MEDICATION WAS NOT OBTAINED FROM PHARMACY, CAUSING YOU TO MISS TWO DOSES, THIS WAS CORRECTED AND YOU ARE AGAIN RECEIVING APPROPRIATE AMOUNTS OF MEDICATION."

THE PROBLEM ACCURED WHEN THE NURSES THAT WORKED THAT WEEK, DIDNT PAY ATTENTION AS TO HOW MANY PILLS WERE LEFT TO GET BY THE WEEKEND, AND FAILED TO REORDER MY MEDICINE BY WENS DAY SO THAT I WOULD GET A NEW SUPPLY ON THURSDAY, BEFORE THE WEEKEND STARTED ON FRIDAY, WHEN THE PHARMACY WAS CLOSED. SINCE MANY NURSES WORKED THAT WEEK, AND NONE REDORDERED MY MEDICINE ON TIME, I HAVE LABELED VICKY BARROW, VALDOSTA STATE PRISONS MEDICAL ADMINISTRATOR AS A DEFENDANT, BECAUSE SHE WAS IN CHARGE OF THE NURSES AT THE TIME.

EXHIBIT G

IN MY LAST GRIEVANCE, I STATE, "ON JANUARY 8, 2014, WENS DAY, I DID NOT RECEIVE MY EVENING ALLERGY MEDICINE. THE NURSES WAITED UNTIL THE MEDICINE RAN OUT BEFORE REORDERING IT, THIS CAUSED ME SNEEZING AND BLOWING MY NOSE FOR ABOUT 2 HOURS THAT NIGHT. I HAD SINUS HEADACHES FOR 2 HOURS, ON THURSDAY, JANUARY 9, 2014, I DID NOT RECEIVE MY EVENING ALLERGY MEDICINE, THIS CAUSED SNEEZING AND BLOWING MY NOSE THAT NIGHT, WHICH CAUSED SINUS HEADACHES. ON FRIDAY, JANUARY 10, 2014, I DID NOT RECEIVE MY ALLERGY MEDICINE IN THE MORNING, OR AT 11:00 AM PILL CALL, AGAIN, THIS CAUSED ME TO BLOW MY NOSE, SNEEZING, AND SINUS HEADACHES ALL DAY FRIDAY. IT WAS 24 HOURS BEFORE I GOT MY MEDICINE FRIDAY EVENING, MY SINUS' SUBSIDED AFTER I TOOK IT, AND THATS WHEN MY HEADACHES SUBSIDED. ON SATURDAY JANUARY 11, 2014 AT MORNING PILL CALL, NURSE NALL STATED THAT SHE DID NOT KNOW WHY THE NURSES DIDNT GET MY ^{ALLERGY} MEDICINE FROM THEIR STOCK PILE. SHE STATES THAT I HAVE A PRESCRIPTION FOR IT, SHE SAID SHE REDORDERED IT AGAIN ON THURSDAY, THIS IS THE SECOND TIME IN ABOUT 2-3 MONTHS, THAT THE NURSES WAITED UNTIL I RAN OUT OF MEDICINE TO REDORDER IT, I GUESS VICKY BARROW DID TAKE MY GRIEVANCE AND MEDICAL NEEDS SERIOUSLY ENOUGH,

I PLACED A POST SCRIPT TO THIS GRIEVANCE. IT STATES,
"ON TUESDAY, JANUARY 14, 2014, I SEEN MRS FRYE ABOUT MY
METAMUCIL, AND THAT I HAD TROUBLE GETTING MY C.I.M.S. SHE
TOLD ME THAT SHE ORDERED IT IN DECEMBER. SHE CALLED THE
PHARMACY AND THEY SAID THEY FILLED IT YESTERDAY, SO THE PHARMACY
WAS AT FAULT FOR ME NOT GETTING MY MEDICINE."

EXHIBIT
G-A

AGAIN, THE PHARMACY HAD A PRESCRIPTION THAT WAS ORDERED IN
DECEMBER, BUT THEY DID NOT FILL IT UNTILL THE 13TH OF JANUARY.
ALSO, THE NURSES ARE AT FAULT TOO, BECAUSE THEY SHOULD HAVE
SEEN THAT THE PRESCRIPTION WASNT BEING FULL FILLED AND SHOULD
HAVE REORDERED THE MEDICINE OR CALLED THEM TO SEE WHAT WAS
UP. AGAIN, PHARMACY AND THE NURSES ARE UNDER VICKY BARRON'S
SUPERVISION, SO THATS WHY I HAVE NAMED HER A DEFENDANT IN THIS CASE.

EXHIBIT-

H WARDEN ALLEN'S REPLY TO THIS GRIEVANCE WAS, "YOUR PRESCRIPTION
FOR CHLOR-TRIMETON RAN OUT 18-14. IT IS YOUR RESPONSIBILITY TO
SUBMIT A MEDICATION REFILL REQUEST BEFORE THE PRESCRIPTION
RUNS OUT OR SIGN UP FOR SICK CALL TO GET THE ORDER RENEWED.
YOUR MEDICATION ADMINISTRATION RECORD SHOWS THAT YOU WERE ISSUED
A NEW ORDER AND THE ONLY DAY YOU MISSED THIS MEDICATION WAS 1-10-14.
THIS IS NOT THE RESPONSIBILITY OF THE NURSES TO ADDRESS YOUR
PRESCRIPTIONS SO IF YOU HAD SYMPTOMS, IT WAS YOUR OWN FAULT.

NOW, WARDEN ALLEN STATES THAT I GOT A "NEW ORDER" WHICH MEANS
I DID WHAT I WAS RESPONSIBLE TO DO TO TRY AND OBTAIN MY MEDICINE,
BUT THEN HE TRIES TO PLACE THE RESPONSIBILITY ON ME, INSTEAD OF
THE NURSES OR THE PHARMACY, FOR MY NOT GETTING MY MEDICINE, WHEN
I HAD A PRESCRIPTION TO GET IT, IT'S NOT MY RESPONSIBILITY TO GET ME
THE MEDICINE, BUT IS MEDICALS RESPONSIBILITY TO MAKE SURE I GET IT.

THIS IS WHY I HAVE PLACED WARDEN ALLEN AS A DEFENDANT
IN THIS SUITE, BECAUSE HE TRIED TO PUT THE BLAME ON ME FOR
MY PAIN AND SUFFERING.

EXHIBIT-

I I APPEALED THIS LAST GRIEVANCE TO THE DEPARTMENT OF
CORRECTIONS. THEIR REPLY WAS, "THE OFFICE OF HEALTH SERVICES
CLINICAL STAFF HAS REVIEWED YOUR GRIEVANCE APPEAL, IT IS
CONCLUDED THAT MEDICAL PERSONEL HANDLED THIS CASE
APPROPRIATELY AND NO FURTHER ACTION IS WARRANTED. YOUR
GRIEVANCE APPEAL IS DENIED."

NOW HOW CAN MEDICAL HAVE APPROPRIATELY HANDLED
MY MEDICINE NOT BEING GIVEN TO ME, WHEN I HAD A PRE-
SCRIPTION TO RECEIVE IT, BUT I DIDNT GET ANY FOR THREE
DAYS? HOW CAN THAT BE APPROPRIATE? IT CANT!

A PRISONER MUST ALLEGE ACTS OR OMISSIONS SUFFICIENTLY HARMFUL TO EVIDENCE DELIBERATE INDIFFERENCE TO SERIOUS MEDICAL NEEDS."

IN BOARD V FARNHAM, 394 F.3RD 469, THE FEDERAL COURT OF APPEALS, THE 7TH CIRCUIT RULED, "DELIBERATE INDIFFERENCE, 'WHEN THE OFFICIAL HAS ACTED IN ANO INTENTIONAL OR CRIMINALLY RECKLESS MANNER, HE MUST HAVE KNOWN THAT THE PRISONER WAS AT SERIOUS RISK OF BEING HARMED AND DECIDED NOT TO DO ANYTHING TO PREVENT THAT HARM FROM OCCURRING EVEN THOUGH HE COULD HAVE EASILY DONE SO. UNDER THE CONSTITUTIONAL PROVISIONS SUCH AS THE 14TH AMENOMENT THE STANOARD OF DELIBERATE INDIFFERENCE APPEARS CLOSER TO TORT RECKLESSNESS."

FURTHERMORE, "DENIAL OF MEDICAL TREATMENT SATISFIES THE DELIBERATE INDIFFERENCE STANOARD ONLY IF SIGNIFICANT HARM OR INJURY IS SHOWN."

IN THIS CASE THE PETITIONER WAS DENIED HIS PRESCRIBED ASTHMA INHALER AND HAD TO BE PUT ON A BREATHING MACHINE, THIS CASE IS SIMULIAR TO MINE BECAUSE I WAS DENIED MY PRE SCRIBED MEDICINE FOR HEARTBURN AND ALLERGIES. BECAUSE OF THIS I SUFFERED PAIN IN MY STOMACH AND SINUS HEADACHES.

IN MURPHY V WALKER, 51 F.3RD 714, AGAIN THE 7TH CIRCUIT COURT OF APPEALS HEARD THIS CASE AFTER THE DISTRICT COURT OF ILLINIOS DENIED CASE FOR FAILURE TO STATE A CLAIM. THE COURT "HELD" THAT THE DETAINEES CLAIM WAS SUFFICIENT TO ALLEGE THAT THE CORRECTION OFFICERS WERE DELIBERATELY INDIFFERENT TO HIS NEEDS TO RECEIVE ADEQUATE MEDICAL TREATMENT, AMOUNTING TO UNNECESSARY AND WONTON INFLICTION OF PAIN BY INTENTIONALLY DENYING OR DELAYING ACCESS TO MEDICAL CARE....., THE COURT CONCLUDED THAT THE DISTRICT COURT IN PROPERLY DISMISSED THE DETAINEES CLAIM THAT HE WAS SUBJECTED TO UNCONSTITUTIONAL CONOITIONS OF CONFINEMENT.

THE COURT FURTHER STATES, "PRETRIAL DETAINEES, WHO ARE PROTECTED BY THE DUE PROCESS CLAUSE, WILL STATE A CLAIM FOR INADEQUATE MEDICAL TREATMENT IF THEY ALLEGE DELIBERATE INDIFFERENCE TO THEIR SERIOUS MEDICAL NEEDS." "DELIBERATE INDIFFERENCE INCLUDES INTENTIONAL OR RECKLESS CONOUCT, AND RECKLESS IS USED IN THE CONSTITUTIONAL SENCE, THAT IS, CONOUCT THAT IS SO DANGEROUS THAT THE DEFENDANT'S KNOWLEDGE OF RISK CAN BE INFERRED"

MURPHY STATED THAT HE STILL EXPERIENCANG "EYCRUCIATING PAIN IN HIS HEAD & BACK THAT HE COULD NOT SIT OR STAND OR WALK FOR ANY LENGTH OF TIME, AND THAT HE WOULD GET 'VERY BAD HEADACHES WHEN HE TRIED TO READ AND/OR WRITE A LETTER OR WHEN HE WAS UNDER ANY TYPE OF LIGHT FOR ANY LENGTH OF TIME."

THE COURT STATED THAT, "MURPHY'S ALLEGATION THAT TAZWELL COUNTY OFFICIALS FAILED TO PROVIDE HIM WITH PRESCRIBED EXTRA-STRENGTH TYLENOL TABLET, FOUR TIMES DAILY ALSO STATES CLAIM UNDER THE DUE PROCESS CLAUSE, MURPHY ASSERTS THAT THE CORRECTIONS OFFICERS INTENTIONALLY WITHHELD THE MEDICATION FROM HIM AND WE CERTAINLY DO NOT AND WILL NOT COUNTERMANCE THE 'UNNECESSARY AND UNWONTON INFLECTION OF PAIN. SEE ESTELLE 429 U.S. 104 THAT MAY BE CAUSE BY INTENTIONALLY WITH HOLDING OF PRESCRIBED MEDICATION, THUS WE REMAND THE TYLENOL CLAIM."

THE MURPHY CASE IS ALSO SIMILAR TO MY CASE, ONLY MORE SO BECAUSE THE PLAINTIFF SUFFERED HEADACHES WHEN HE DIDNT GET HIS PRESCRIBED TYLENOL, I ALSO ENJOURED HEADACHES WHEN I DIDNT GET MY PRESCRIBED C.I.M. FOR MY ALLERGIES, ALSO NO ZANTAC FOR MY HEARTBURN.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE SUBMITTED COMPLETE AND CORRECT COPY(S) OF THE FOREGOING DOCUMENTS (S) UPON THE PARTIES LISTED BELOW BY PLACING SAME IN THE UNITED STATES MAIL WITH SUFFICIENT POSTAGE AFFIXED.

THIS 7TH DAY OF MAY 2014

BY Brian Burt

PRO SE

PARTIES SERVED:

BETH C GREEN

CLERK OF COURTS LOWNDOS COUNTY
SUPERIOR COURTS
P.O. BOX 1349
VALDOSTA, GA 31603

OFFICER PEAK
VALDOSTA STATE PRISON
3259 VAL-TECH RD
VALDOSTA, GA 31603

MARTY ALLEN
VALDOSTA STATE PRISON
3259 VAL-TECH RD
VALDOSTA, GA 31603

VICKY BARROW (MED ADM)
VALDOSTA STATE PRISON
3259 VAL-TECH RD
VALDOSTA, GA 31603

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

Date: November 4, 2014

To: Mr. Spencer Giles, PO Box 2711, Covington, Georgia 30015

Docket Number: A15A0411 **Style:** Spencer Giles v. Daniel Giles

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. **The Certificate of Service must include the complete name and mailing address of each opposing party. Rules 1(a) and 6. You should provide a copy of your filing to the opposing party 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 not double-spaced. Rules 1(c), 37(a) and 41(b).**
13. The pages were not sequentially numbered with arabic numerals. Rule 24 (e)
14. Case and/or record citations were not made in the proper form. Rules 24 (d) and 25 (c) (2)
15. Margins were too small or paper size incorrect. Rules 1(c), 24(c), 37 (a) and 41(b)
16. Your document(s) was (were) not securely bound at the top with staples or round head fasteners. Rule 1 (c)
17. The Motion to Supplement has not been granted.
18. Other

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

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

10.31.14

To: *Spencer Giles*
Docket Number: *A1540411*

Style: *Spencer Giles v Daniel Giles*

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: _____

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

IN THE MAGISTRATE COURT OF ROCKDALE COUNTY

STATE OF GEORGIA

RECEIVED IN OFFICE
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COUNTY OF APPEALS OF GA

Plaintiff: Daniel Giles

vs.

Appeal case #. A15A0411

Defendant: Spencer Giles

APPELATE BRIEF

Defendant moves the court to set aside the judgment returned herein on July , 16 , 2014, September 8th 2014 and the order entered thereon on July , 16 , 2014, September 8th and to grant a appeal on the following grounds:

(1) The judgment is contrary to law. In accordance to the procedure for a lawful appeal the Magistrate Court form for appeals states to make reference to Ga. Code Section 44-7-56 which states," The tenant shall also be required to pay all future rent as it becomes due into the registry of the trial court pursuant to paragraph (1) of subsection (a) of Code Section 44-7-54. until the issue has been finally determined on appeal." Ga. Code Section states," If the amount of rent is in controversy and no written rental agreement exists between the tenant and landlord, the court shall require the amount of rent to be a sum equal to the last previous rental payment made by the tenant and accepted by the landlord without written objection;" The amount of rent that I've been ordered to pay is not equal to the total sum equal to the last month of rent which was \$0. The judgment was made at \$1000 a month, which is not only questionable, but also an amount that is to be considered far above fair market value.

Furthermore, Ga. Code Section 44-7-55 states," (a) If, on the trial of the case, the judgment is against the tenant, judgment shall be entered against the tenant for all rents due and for any other claim relating to the dispute. The court shall issue a writ of possession, both of execution for the judgment amount and a writ

to be effective at the expiration of ten days after the date such judgment was entered, except as otherwise provided in Code Section 44-7-56." The judgment that has been entered in this case only allowed for there to be seven days before the writ was issued, which is contrary to Ga. Code Section 44-7-55 which states that there is to be a mandatory 10 days before the judgment and writ can be affective.

(2) The verdict is contrary to the evidence. In determining the Fair Market Value for the home the court was been led to believe that I am in sole possession of the residence and I am not. Daniel Giles has stated on the original affidavit for dispossessory that his address is 1921 Ebenezer Rd. Conyers, Ga. 30094. His possessions are in this house and he comes and goes from the residence on a regular basis. Not only is Daniel Giles still a resident at 1921 Ebenezer Rd but Reginald Giles also lives at this residence as has his possessions here. He also come and goes as he pleases. They both receive mail here and have utilities in their name here. In an earlier dispossessory filing Daniel Giles stated under oath in Case # 2014 -Mag -1249 that he asked for \$450 knowing that \$450 wasn't fair market value for the space, not the property and that he had come to that number in an attempt to force me to have to move. This can also be found in the written letter in which I have included. I am not trying to freeload of off Daniel and have been trying to work with him towards coming up with a fair rent amount.

(3) The verdict is strongly contributes to the hardship of the defendant. The defendant was injured on March 31st by the plaintiff and has been unable to work since. I the defendant, moved in around September of last year after my mother Carolyn Giles past of ovarian cancer. I have to explain that Daniel Giles went through this process back several years ago and I moved voluntarily because he was being cruel and abusive. When I moved out I found myself in Phenix City, Alabama and my life was threaten when I was shot during a home invasion. I was diagnosed with PTSD just last year which herein is defined as," : a psychological reaction that occurs after experiencing a highly stressing event (as wartime combat, physical violence, or a natural disaster) outside the range of normal human experience and that is usually characterized by depression, anxiety, flashbacks, recurrent nightmares, and avoidance of reminders of the event—abbreviation PTSD; called also delayed-stress disorder, delayed-stress syndrome, post-traumatic stress syndrome;" but the bullet didn't exit but is on my spine and is affecting the sciatica which is herein defined as," Sciatica is a condition that causes pain along your sciatic nerve. The sciatic nerve runs from your spine through your buttocks. It then runs down the back of your thigh, into your lower leg and foot. Your sciatic nerve may be compressed, inflamed, irritated or stretched." The bullet itself was shifted when I was attacked by Daniel Giles on March 31st and since that time I have been in constant pain, stiffness and my PTSD has gotten worse. I am on bed rest and have been prescribed a wheel chair. (SEE MEDICAL RECORDS) It is because of the injuries that were caused by the attack of Daniel Giles that I'm at sufferance physically, emotionally and mentally. I have lost work due to these injuries as well. PTSD is difficult because I can only do roughly 2/3 of what I used to be able

to do mentally and because of the sciatica I can only do roughly $\frac{3}{4}$ of what I used to be able to do physically. Daniel has further stated in Case # 2014 -Mag -1249 that he was doing things to make my life miserable during that trial. This in itself is a violation of Human Right Declaration Article 5 that, "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." There have been several acts of cruelty against me that I do not have evidence of but Daniel Giles has admitted to these things. Daniel Giles was awaiting trial for assault in State court and is seeking to retaliate against me because he was taken to jail. Daniel has, however, attempted to place me not just in servitude by saying that he gets to make all of the rules. Verbally the day of the assault he was screaming a yelling, "You're going to do whatever I tell you to do!" (SEE WRITTEN CONTRACT) He telling me, and not asking me at the time that this was written, that I had to leave my car keys on the seat with the door unlocked if I parked in the driveway. These demands don't make sense and when I tried to explain to him about this bullet on my spine and how I needed to be closer to the door because I should be doing much walking at all. Daniel acted very inconsiderately and said, "I make all the rules!" This is literally forcing a lamb man to walk, which is in reference to the violation of Human Right Declaration Article 5 that, "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment." Daniel is obsessed with being controlling to the point that Daniel finds it acceptable to threaten me, pick up a weapon and come running at me with it. Nevertheless I was injured by this person and the first thing he does is try to throw me in the streets. These are acts of cruelty and the hardship that I'm facing.

(4) The plaintiff is confused about his situation. In an answer to a pending civil action (see additional files) Daniel states that he had to move to, "avoid any type of contact that may cause a problem with Spencer." From what I'm being told by Reginald Giles, Daniel is being told by the police that he has a restraining order that prevents him from being able to live at this residence while I'm here and that is the basis for Daniel pursuing the dispossessory. I do not have the restraining order but I have called about it and the only thing this basically says is that he can't put his hands on me. If needed you may be able to contact Reginald to get the specifics but if Daniel is staying somewhere thinking that he has to then someone is pulling his chain. That is what I suspect and have been told is going on. I am physically defenseless with these injuries and I couldn't hurt Daniel even if I wanted, nor was I the aggressor in the attack that started all of these proceedings. After speaking to Daniel by phone his situation is simply he can't act civil enough to live in the same house, so he left. Daniel has also made claims that he was ordered by the judge not to return to the home.

(5.) The Plaintiff isn't credible. He's lied about his address and he has lied in terms of me being in sole possession of the house. In all three dispossessory hearings he stated that his address is 1921 Ebenezer Rd. In his written agreement he also addresses everyone and not just me which shows that I was in no way, shape form or how in sole possession of the residence. (SEE WRITTEN CONTRACT)

(6.) This was not due process. While on the stand in court case 2014 – Mag. - 2577 Judge Aten states, "I was not here and have not had time to review your request for a continuance." The Request for Continuance was not considered, I was denied the right to appeal according to Ga. Code Section 44-7-56 and I was not given the mandatory 10 days before the judgment and writ can be affective. This has not been due process. Due to trying to move in the time that I had given I was involved in an auto accident. On July 24th while trying to move I involved in a car accident on Salem Rd. here in Conyers. It was not my fault but these things could have been avoided if I had have been given a fair chance. I was injured and am still undergoing treatment. (SEE ACCIDENT REPORT)

Furthermore, I was illegally set-out by officers by order of Robert Mumford to the sheriff's office before the appeals process was up.

(7.) The judge has shown bias; do to making an unlawful judgment and having ex parte conversations with her friends that were sitting with the plaintiff in this case. While on the stand in case # 2014 – Mag. -2577 Judge Phenias Aten did acknowledge two females who she called, "My friends!" she asked if they were witnesses in the case but did ask if they were with the plaintiff and his friend. They said that they were not but, however, they were sitting in the company of the plaintiff and were involved in casual conversation with them. After the case she invited the two women up to the bench and began having conversation with them herself as the plaintiff, Daniel Giles, and his friend William Head waited on the two women. I have sat in the courtroom of Judge Aten on quite a few occasions and I she never made this type of judgment towards anyone that I can recall. I find that she has been biased in this case because the plaintiff and his friend were in the company of her friends. Judge Aten has made several decisions that were contrary to the law. I can not see her previous cases to see if this case is an exception to her normal judgment, but I can say that she made a judgment based on who she knew in the courtroom and that was contrary to the law.

Robert Mumford knew that it took a writ of possession for a set out and because of his bias against me; he has ordered a set-out without a writ of possession. Robert has done this enough to know that this is an illegal eviction and it is his bias that has driven him to illegally evicting me from a home that I've inherited.

(8.) Daniel Giles is not the legal owner of the residence. I am the son of Carolyn Giles who was Daniel's first wife. My mother died of ovarian cancer Aug. 22nd of last year. In the divorce agreement it states that my mother Carolyn Giles would transfer her right to the house in return for \$2710 which was to be paid starting on Dec. 1st with a \$100. (SEE DIVORCE AGREEMENT) To the best of my knowledge and research at this point, Daniel has not met those requirements. A quit claim is on file in the Rockdale County records office file pursuant to the amendment to their divorce decree but my other Carolyn Giles did not get paid for her equity nor was she paid on time. By interpretation it appears to be that the judge gave all the rights, instead of right, to Carolyn Giles but she chose to transfer those rights to the house to Daniel Giles in exchange for \$2710.



Rockdale
Medical Center

Main: 770-918-3000

Date:
Account Num: V01094883
Med Rec Num: M0168006
Patient: GILES, SPENCER
Location: ED
Physician: HOWELL, KEITH M. M.D.

-
- You have questions or concerns about your condition or care.

Seek care immediately or call 911 if:

- You have trouble holding back your urine or bowel movements.
- You have weakness in both legs.
- You have numbness in your groin or buttocks.

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The above information is an educational aid only. It is not intended as medical advice for individual conditions or treatments. Talk to your doctor, nurse or pharmacist before following any medical regimen to see if it is safe and effective for you.

DANIEL W. GILES
PH. 483-5989
1921 EBENEZER RD.
CONYERS, GA 30207

Dec 3, 1982 136

PAY TO THE ORDER OF

Carolyn Giles

One hundred 00/100

TRUST CO. BANK OF ROCKDALE
DEC X 6 '82
TELLER 41

\$100.00

DOLLAR

T Trust Company Bank of Rockdale
Conyers, Georgia 30207

FOR *Carolyn Giles* SIGNED *Daniel W. Giles*

⑆061102811⑆ 11 27905 6⑈ 0136 60⑆00000010000⑆

DANIEL W. GILES
PH. 483-5989
1921 EBENEZER RD.
CONYERS, GA 30207

Jan 3, 1983 148

PAY TO THE ORDER OF

Carolyn Giles

One hundred 00/100

TRUST CO. BANK OF ROCKDALE
DEC 10 '82
TELLER 41

\$100.00

DOLLAR

T Trust Company Bank of Rockdale
Conyers, Georgia 30207

FOR *Home Equity \$610,000* SIGNED *Daniel W. Giles*

⑆061102811⑆ 11 27905 6⑈ 0148 60⑆00000010000⑆

DANIEL W. GILES
1921 EBENEZER RD. 929-1663
CONYERS, GA 30207

Jan 20, 1984 0312

PAY TO THE ORDER OF

Carolyn Giles

Two hundred 00/100

\$200.00

DOLLAR

T Trust Company Bank of Rockdale
Conyers, Georgia 30207

FOR *Home Equity \$410.00* SIGNED *Daniel W. Giles*

⑆061102811⑆ 5111279054⑈ 0312 ⑆00000020000⑆

DANIEL W. GILES
PH. 483-5989
1921 EBENEZER RD.
CONYERS, GA 30207

Feb. 7, 1983 161

PAY TO THE ORDER OF

Carolyn Giles

One hundred 00/100

\$100.00

DOLLARS

T Trust Company Bank of Rockdale
Conyers, Georgia 30207

FOR *Equity* SIGNED *Daniel W. Giles*

⑆061102811⑆ 11 27905 6⑈ 0161 60⑆00000010000⑆

DANIEL W. GILES
1921 EBENEZER RD. 929-1663
CONYERS, GA 30207

Feb. 25, 1983 0326

64-281
611

PAY TO THE
ORDER OF

Carolyn Giles

\$ 210.00

Two hundred ten 00/100

DOLLAR

T Trust Company Bank
of Rockdale
Conyers, Georgia 30207

FOR HOME EQUITY 37 SIGNED Daniel W. Giles

⑆06110281⑆ ⑆⑆ 27905 6⑆ 0326 60⑆0000021000⑆

DANIEL W. GILES
PH. 483-5989
1921 EBENEZER RD.
CONYERS, GA 30207

MARCH 7, 1983 174

64-281
611

PAY TO THE
ORDER OF

Carolyn

\$ 200.00

Two hundred 00/100

DOLLARS

T Trust Company Bank
of Rockdale
Conyers, Georgia 30207

FOR HOME EQUITY SIGNED Daniel W. Giles

⑆06110281⑆ ⑆⑆ 27905 6⑆ 0174 60⑆0000020000⑆

BAL. 40,210.00

DANIEL W. GILES
PH. 483-5989
1921 EBENEZER RD.
CONYERS, GA 30207

APR 2, 1983 190

64-281
611

PAY TO THE
ORDER OF

Carolyn Giles

\$ 190.00

One hundred ninety 00/100

DOLLARS

T Trust Company Bank
of Rockdale
Conyers, Georgia 30207

FOR HOME EQUITY SIGNED Daniel W. Giles

⑆06110281⑆ ⑆⑆ 27905 6⑆ 0190 60⑆0000019000⑆

BAL. 42,010.00

DANIEL W. GILES
PH. 483-5989
1921 EBENEZER RD.
CONYERS, GA 30207

MAY 2, 1983 204

64-281
611

PAY TO THE
ORDER OF

Carolyn Giles

\$ 200.00

Two hundred 00/100

DOLLARS

T Trust Company Bank
of Rockdale
Conyers, Georgia 30207

FOR HOME EQUITY SIGNED Daniel W. Giles

⑆06110281⑆ ⑆⑆ 27905 6⑆ 0204 ⑆0000020000⑆

BAL. 43,010.00

DANIEL W. GILES

PH. 483-5989
1921 EBENEZER RD.
CONYERS, GA 30207

July 4, 1983 224

64-281
611

PAY TO THE
ORDER OF

CAROLYN GILES

\$200.00

Two hundred 00/100

DOLLARS

T Trust Company Bank
of Rockdale

Conyers, Georgia 30207

FOR

Home Equity

SIGNED

Daniel W. Giles

⑆06110281⑆ 11 27905 6⑈ 0224 ⑈0000020000⑈

DANIEL W. GILES

PH. 483-5989
1921 EBENEZER RD.
CONYERS, GA 30207

July 5, 1983 234

64-281
611

PAY TO THE
ORDER OF

CAROLYN GILES

\$200.00

Two hundred 00/100

DOLLARS

T Trust Company Bank
of Rockdale

Conyers, Georgia 30207

FOR

Home Equity

SIGNED

Daniel W. Giles

⑆06110281⑆ 11 27905 6⑈ 0234 ⑈0000020000⑈

DANIEL W. GILES

PH. 483-5989
1921 EBENEZER RD.
CONYERS, GA 30207

Aug. 5, 1983 251

64-281
611

PAY TO THE
ORDER OF

CAROLYN GILES

\$200.00

Two hundred 00/100

DOLLARS

T Trust Company Bank
of Rockdale

Conyers, Georgia 30207

FOR

Home Equity

SIGNED

Daniel W. Giles

⑆06110281⑆ 11 27905 6⑈ 0251 ⑈0000020000⑈

DANIEL W. GILES

PH. 483-5989
1921 EBENEZER RD.
CONYERS, GA 30207

Sept. 15, 1983 265

64-281
611

PAY TO THE
ORDER OF

CAROLYN GILES

\$200.00

Two hundred 00/100

DOLLARS

T Trust Company Bank
of Rockdale

Conyers, Georgia 30207

FOR

Home Equity

SIGNED

Daniel W. Giles

⑆06110281⑆ 11 27905 6⑈ 0265 ⑈0000020000⑈

acquaintance and has had increased LBP since that time. He was seen at Rockdale Medical Center last week and was prescribed Norco and Valium which helped. Had been referred to orthopaedics at Grady who referred pt to Neurology with appointment in septemeber. Continue to Have ongoing pain. At this time will refer to Pain management to better manage chronic symptoms. Will refill Norcp # 30 with no refills and will refill Valium # 15 with no refills and have dicsussed in detail with patient that MUST F/U WITH PAIN MANAGEMENT FOR CHRONIC PAIN. Pt verbalizes an understanding. Must F/U with Neurology as scheduled.

DEC 6, 2013

2010

January

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19	20	21	22	23	24
25	26	27	28	29	30
31					

February

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25	26	27	28	29	

March

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25	26	27	28	29	30
31					

April

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4	5	6	7	8	9
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28	29	30			

May

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14	15	16	17	18	19
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June

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July

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August

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31					

September

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28	29	30			

October

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9	10	11	12	13	14
15	16	17	18	19	20
21	22	23	24	25	26
27	28	29	30	31	

November

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December

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4	5	6	7	8	9
10	11	12	13	14	15
16	17	18	19	20	21
22	23	24	25	26	27
28	29	30	31		

THE REASON FOR THIS LETTER IS TO LET EVERYONE KNOW THE RULES OF THIS HOUSE.

EVERY MAN SHOULD HAVE HIS OWN HOME AND MAKE HIS OWN RULES, SINCE THIS ONE IS MINE, ~~WE GET TO MAKE~~ ~~THE RULES~~

NEXT, I NEED YOUR EXIT PLAN BY JANUARY 1, 2014 OR YOU WILL HAVE TO PAY RENT AT A RATE \$450.00 AND EACH MONTH THERE AFTER. EVERYONE MUST HAVE THEIR OWN PLACE TO STAY BY APRIL 1, 2014 OR SIGN A LEASE WHICH I WILL SET RENT RATE AT THAT TIME.

THE ELECTRIC BILL THIS MONTH WAS \$215.00 BUT SHOULD HAVE BEEN AROUND \$65.00. SO FROM NOW ON, ALL ELECTRICAL APPLIANCES, HEATER, COMPUTER, TV'S & LIGHTS MUST BE TURNED OFF WHEN NO ONE IS IN THAT ROOM.

~~THE DRIVEWAY MUST BE LEFT CLEAR AT ALL TIME OR LEAVE CAR UNLOCKED WITH KEYS ON SEAT~~

NO COOKING OF FRIED FOOD AFTER 10PM.

LAST, NO, NO CHANGES CAN BE MADE WITHOUT MY APPROVAL.

P.S. EXIT PLAN MUST BE WRITTEN. SIGN: SIGN:



Rockdale
Medical Center

Main: 770-918-3000

Date:
Account Num: V01094883
Med Rec Num: M0168006
Patient: GILES, SPENCER
Location: ED
Physician: HOWELL, KEITH M. M.D.

Sciatica

WHAT YOU SHOULD KNOW:

Sciatica is a condition that causes pain along your sciatic nerve. The sciatic nerve runs from your spine through both sides of your buttocks. It then runs down the back of your thigh, into your lower leg and foot. Your sciatic nerve may be compressed, inflamed, irritated, or stretched.

AFTER YOU LEAVE:

Medicines:

- **NSAIDs:** These medicines decrease swelling and pain. NSAIDs are available without a doctor's order. Ask your primary healthcare provider which medicine is right for you. Ask how much to take and when to take it. Take as directed. NSAIDs can cause stomach bleeding or kidney problems if not taken correctly.
- **Acetaminophen:** This medicine decreases pain. Acetaminophen is available without a doctor's order. Ask how much to take and when to take it. Follow directions. Acetaminophen can cause liver damage if not taken correctly.
- **Muscle relaxers:** This medicine helps relax your muscles. It is also given to decrease pain and muscle spasms.
- **Take your medicine as directed.** Call your primary healthcare provider if you think your medicine is not helping or if you have side effects. Tell him if you are allergic to any medicine. Keep a list of the medicines, vitamins, and herbs you take. Include the amounts, and when and why you take them. Bring the list or the pill bottles to follow-up visits. Carry your medicine list with you in case of an emergency.

Follow up with your primary healthcare provider as directed: Write down your questions so you remember to ask them during your visits.

Manage your symptoms:

- **Activity:** Decrease your activity. Do not lift heavy objects or twist your back for at least 6 weeks. Slowly return to your usual activity.



Rockdale
Medical Center

Main: 770-918-3000

Date:
Account Num: V01094883
Med Rec Num: M0168006
Patient: GILES, SPENCER
Location: ED
Physician: HOWELL, KEITH M. M.D.

-
- **Ice:** Ice helps decrease swelling and pain. Ice may also help prevent tissue damage. Use an ice pack, or put crushed ice in a plastic bag. Cover it with a towel and place it on your low back or leg for 15 to 20 minutes every hour or as directed.
 - **Heat:** Heat helps decrease pain and muscle spasms. Apply heat on the area for 20 to 30 minutes every 2 hours for as many days as directed.
 - **Physical therapy:** You may need to see a physical therapist to teach you exercises to help improve movement and strength, and to decrease pain. An occupational therapist teaches you skills to help with your daily activities.
 - **Use assistive devices if directed:** You may need to wear back support, such as a back brace. You may need crutches, a cane, or a walker to decrease stress on your lower back and leg muscles. Ask your primary healthcare provider for more information about assistive devices and how to use them correctly.

Self-care:

- **Avoid pressure on your back and legs:** Do **not** lift heavy objects, or stand or sit for long periods of time.
- **Lift objects safely:** Keep your back straight and bend your knees when you pick up an object. Do **not** bend or twist your back when you lift.



Rockdale
Medical Center

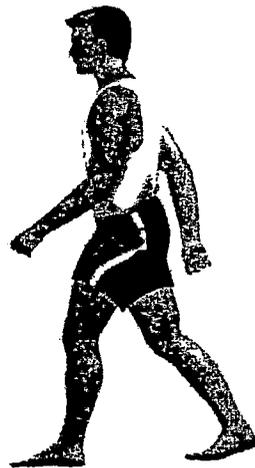
Main: 770-918-3000

Date:

Account Num: V01094883
Med Rec Num: M0168006
Patient: GILES, SPENCER
Location: ED
Physician: HOWELL, KEITH M. M.D.



Standing



Walking



Lifting

- **Maintain a healthy weight:** Ask your primary healthcare provider how much you should weigh. Ask him to help you create a weight loss plan if you are overweight.
- **Exercise:** Ask your primary healthcare provider about the best stretching, warmup, and exercise plan for you.

Contact your primary healthcare provider if:

- You have pain in your lower back at night or when resting.
- You have pain in your lower back with numbness below the knee.
- You have weakness in one leg only.

STATE OF GEORGIA

2014 JUN 30 PM 3:05

Magistrate Court of Rockdale County

SPENCER G. GILES

(Plaintiff)

Case No. 2014 MAG 1952

vs.

DANIEL W. GILES

1921 EBENEZER RD

CONYERS, GA. 30094

(Defendant & Mailing Address)

ANSWER

THIS IS MY HOME AND I AM THE ONLY OWNER BECAUSE
OF AN INCIDENT THAT HAPPENED ON MARCH 31, 2014, I HAVE
BEEN LIVING WITH MY BROTHER SINCE APRIL 2, 2014 TO
AVOID ANY TYPE OF CONTACT THAT MAY CAUSE A
PROBLEM WITH SPENCER.

ALL I CAN MAKE OF THIS CLAIM IS THAT IT
IS A WASTE OF MY TIME, YOUR TIME, COURT TIME AND
ALL THAT IS INVOLVED.

Daniel W. Giles
(Signature)

JUNE 26, 2014
(Date)

Daniel W. Giles
(Print name)

404-219-2364
(Telephone Number)

This is to certify that I have this day served the opposing party with a copy of the enclosed answer by mailing same.

Daniel W. Giles
Defendant/Clerk Signature

Date

Client Demographics

Client Name	Giles, Spencer (120047) 12/8/1977	NO IMAGE AVAILABLE
Status	Active	
Location	Newton Center 6/3/2013 1:00 PM - Currently Active	
Gender	Male	
DOB	12/8/1977	
Age	35 years, 8 months	
Phone	259-43-8269	

Diagnosis

ICD-9-CM	309.81 - Posttraumatic Stress Disorder (I)
ICD-10	V71.09 - No Diagnosis on Axis II (E)
ICD-9-CM	799.9 - Consumer was shot in the stomach. The bullet lodged in his back. He was hit in the head which causes headaches. He has frequent pain in his hip and he walks with a cane. (III)
Severity	Mod. Primary Support Problems.
Age	54
Date	7/17/2013
Physician	Waggoner, Lynda Lee (101780)

Risks

Tx plan expires 08/31/2013

Contact Information

Primary	
Primary Address	P.O. BOX 2711, Covington, GA 30015 [OK to Send Mail]
Physical Address	P.O. BOX 2711, Covington, GA 30015 [OK to Send Mail]
Home Phone	(770) 786-0166 [OK to ID]
Cell Phone	(678) 451-0008 [OK to ID]

Financial Information

Self Pay Balance	\$0.00
Payer	State Contracted Services(SCS)

Guarantors

No records found

Message Board

Tx plan expires 08/31/2013

Payer Authorizations

State Part	ICD-9-CM Date	ICD-10 Date	Procedure Code	Units	Remaining
State Contracted Services (SCS)	6/3/2013	8/31/2013	H0031:U3:U6, H0031:U3:U7, H0031:U2:U6, H0031:U2:U7, H0031:U4:U6, H0031:U4:U7, H0031:U5:U6, H0031:U5:U7, H0032:U3:U6, H0032:U3:U7, H0032:U2:U6, H0032:U2:U7, H0032:U4:U6, H0032:U4:U7, H0032:U5:U6, H0032:U5:U7	32	26
State Contracted Services (SCS)	6/3/2013	8/31/2013	96101:U2:U6, 96101:U2:U7, 96102:U3:U6, 96102:U3:U7, 96102:U4:U6, 96102:U4:U7	5	5
State Contracted Services (SCS)	6/3/2013	8/31/2013	90801:HA:U3:U6, 90801:HA:U3:U7, 90801:HA:U1:U6, 90801:HA:U1:U7, 90801:HA:U2:U6, 90801:HA:U2:U7, 90801:GT:HA:U3, 90801:GT:HA:U1, 90801:GT:HA:U2, 90801:GT:U3, 90801:GT:U1, 90801:GT:U2, 90801:U3:U6, 90801:U3:U7, 90801:U1:U6, 90801:U1:U7, 90801:U2:U6, 90801:U2:U7 (more)	2	1
State Contracted Services (SCS)	6/3/2013	8/31/2013	90785:TG, 90785	24	24
State Contracted Services (SCS)	6/3/2013	8/31/2013	H2011:U3:U6, H2011:U3:U7, H2011:U1:U6, H2011:U1:U7, H2011:U2:U6, H2011:U2:U7, H2011:U4:U6, H2011:U4:U7, H2011:U5:U6, H2011:U5:U7, H2011:ET:U7, 90839:U3:U6,	20	20

			90839:U3:U7, 90839:U1:U6, 90839:U1:U7, 90839:U2:U6, 90839:U2:U7, 90840:U3:U6, 90840:U3:U7, 90840:U1:U6 (more)		
State Contracted Services (SCS)	6/3/2013	8/31/2013	90805:HA:U1:U6, 90805:HA:U1:U7, 90805:HA:U2:U6, 90805:HA:U2:U7, 90805:U1:U6, 90805:U1:U7, 90805:U2:U6, 90805:U2:U7, 90807:HA:U1:U6, 90807:HA:U1:U7, 90807:HA:U2:U6, 90807:HA:U2:U7, 90807:U1:U6, 90807:U1:U7, 90807:U2:U6, 90807:U2:U7, 90862:HA:U1:U6, 90862:HA:U1:U7 (more)	6	6
State Contracted Services (SCS)	6/3/2013	8/31/2013	T1001:U3:U6, T1001:U3:U7, T1001:U2:U6, T1001:U2:U7, T1001:U4:U6, T1001:U4:U7, T1002:U3:U6, T1002:U3:U7, T1002:U2:U6, T1002:U2:U7, T1003:U4:U6, T1003:U4:U7	12	12
State Contracted Services (SCS)	6/3/2013	8/31/2013	96372:U3:U6, 96372:U3:U7, 96372:U2:U6, 96372:U2:U7, 96372:U4:U6, 96372:U4:U7, H2010:U3:U6, H2010:U3:U7, H2010:U2:U6, H2010:U2:U7, H2010:U4:U6, H2010:U4:U7, H2010:U5:U6	6	6
State Contracted Services (SCS)	6/3/2013	8/31/2013	H2015:U4:U6, H2015:U4:U7, H2015:U5:U6, H2015:U5:U7, H2015:UK:U4:U6, H2015:UK:U4:U7, H2015:UK:U5:U6, H2015:UK:U5:U7	68	68
State Contracted Services (SCS)	6/3/2013	8/31/2013	H2017:HE:U4:U6, H2017:HE:U4:U7, H2017:HE:U5:U6, H2017:HE:U5:U7	52	52
State Contracted Services (SCS)	6/3/2013	8/31/2013	H2017:HF:U4:U6, H2017:HF:U4:U7, H2017:HF:U5:U6, H2017:HF:U5:U7	100	100
State			90804:U3:U6, 90804:U3:U7, 90804:U2:U6, 90804:U2:U7, 90804:U4:U6, 90804:U4:U7, 90804:U5:U6, 90804:U5:U7, 90806:U3:U6,		

Contracted Services (SCS)	6/3/2013	8/31/2013	90806:U3:U7, 90806:U2:U6, 90806:U2:U7, 90806:U4:U6, 90806:U4:U7, 90806:U5:U6, 90806:U5:U7, 90808:U3:U6, 90808:U3:U7, 90808:U2:U6, 90808:U2:U7 (more)	8	8
State Contracted Services (SCS)	6/3/2013	8/31/2013	90853:U3:U6, 90853:U3:U7, 90853:U2:U6, 90853:U2:U7, 90853:U4:U6, 90853:U4:U7, 90853:U5:U6, 90853:U5:U7, H0004:HQ:HR:U3:U6, H0004:HQ:HR:U3:U7, H0004:HQ:HR:U2:U6, H0004:HQ:HR:U2:U7, H0004:HQ:HR:U4:U6, H0004:HQ:HR:U4:U7, H0004:HQ:HR:U5:U6, H0004:HQ:HR:U5:U7, H0004:HQ:HS:U3:U6 (more)	480	480
State Contracted Services (SCS)	6/3/2013	8/31/2013	90847:U3:U6, 90847:U3:U7, 90847:U2:U6, 90847:U2:U7, 90847:U4:U6, 90847:U4:U7, 90847:U5:U6, 90847:U5:U7, H0004:HR:U3:U6, H0004:HR:U3:U7, H0004:HR:U2:U6, H0004:HR:U2:U7, H0004:HR:U4:U6, H0004:HR:U4:U7, H0004:HR:U5:U6, H0004:HR:U5:U7, H0004:HS:U3:U6, H0004:HS:U3:U7 (more)	32	32
State Contracted Services (SCS)	6/3/2013	8/31/2013	T2038:ZH, T2038:ZC, T2038:ZP, T2038:ZI, T2038:ZO	24	24
State Contracted Services (SCS)	6/3/2013	8/31/2013	S9445:H9, S9446:H9	200	200
State Contracted Services (SCS)	6/3/2013	8/31/2013	T1016:U4:U6, T1016:U4:U7, T1016:U5:U6, T1016:U5:U7, T1016:UK:U4:U6, T1016:UK:U4:U7, T1016:UK:U5:U6, T1016:UK:U5:U7	68	68

Scheduled Appointments

Appointment Date/Time	Service	Staff	Organization	Status
7/17/2013 11:30 AM	Diagnostic Assessment with Medical Services In Clinic (DIAGWMEDIN)	Waggoner, Lynda Lee (101780)	Newton Center	Kept
6/11/2013 3:00 PM	Individual Counseling (In Clinic)	Pope, Monica Janine	Newton Center	DNS



Referral Communication Form

Patient Information

Spencer G Giles
1921 Ebenezer Rd
Conyers, GA 30094

DOB: 12/08/1977
Phone: (404)729-7910

Order

✓ Referral: Adult - Pain Medicine. Evaluate and treat.

Insurance/Authorization Information

Date ordered: 07/03/2014

Insurance:

Policy#:

Ordering Provider:

Nirag Nagada
977 - A Taylor St
340B00559400OH
Conyers, GA 30012
Phone: (404)298-8998
Fax: (404)298-7688

Referral Information

Primary / Billing Diagnosis: Chronic back pain 724.5

Other Assessments at Time of Order:

Sciatic pain (724.3)

Appointment timeframe: in 1 Week

Current Medications:

Medication Name

Sig Desc

Valium 5 mg tablet

Take 1 tab po twice daily as needed for muscle spasm

hydrocodone 5 mg-acetaminophen 325 mg tablet

take 1 tablet by oral route every 6 - 8 hours as needed for pain

Chronic Conditions:

Sciatic pain

Anxiety

Posttraumatic stress disorder

Additional Information

Clinical Information / Comments: 36 yo male with hx of GSW to his back at L4-5? in 2008 or 09 has low back pain and weakness/numbness in his right leg. He walks with a cane. Pt states that he was assaulted 3 months ago by an

My mother Carolyn didn't give Daniel the estate nor has Daniel met his requirement to have all of the rights to the home. Daniel had defiled the home by having adulteress relationships in it. In my mother's passing on last year I became her administrator and her only heir. At this point, it does appear that I've inherited this same estate that I'm being evicted from. Daniel Giles is not believed to be the legal owner of the residence.

Still to this day, Daniel Giles has not paid for the full equity in the home as the order states. He did not pay on time and he withheld child support payments which to precedence over the equity payments. To make a long story short Daniel short changed his kids by not paying child support so that he could pay off the equity and the child support that he hadn't paid offset the amount of equity that had been paid for. Daniel Giles never paid for this house in full. (SEE CHECKS) My mother couldn't afford another attorney to handle the matter or the court fees to get all of these things taken care along with the responsibility of taking care of two kids when Daniel was half paying child support. So, these things were left as they were.

(9.) No relevant information has been considered. In the original case, when I present my evidence to the court, Phinia Aten ripped to commentary from the top of the pictures and tried to say that I was in sole possession of the house. If she hadn't have ripped those pages she would have had relevant enough information to see that I was not in sole possession of the house. When the case was transferred to Superior Court, from what I understand, there was no case transcript sent with the case. Without any case transcript having been sent, how does Robert Mumford make a decision in this case? I also notice that when the case is transferred to the Court of Appeals, there is no case transcript, but if one is needed I have one. I did not send it because I have to watch the page limits on the appellate brief. I study law and know this to be the way to botch a case. The two oldest tricks in the book towards messing up a case are sending no case transcript or mistakenly loosing a court case file.

(10.) The case is frivolous. Daniel Giles asserts in the original case that I did not pay rent in the amount of \$0. Seeing that plaintiff caused the eviction on the basis of non-payment of rent, it is construed that the case is frivolous because he then states that \$0 dollars were owed. (SEE ORIGINAL CASE FILING)

(11.) I've been coned. I was told that was to be going to trial to see if I was a pauper by Phinia Aten . It didn't make sense to me upfront but when I got to court Mumford had already made a decision on the case when we were supposed to be in court to decide whether the pauper's affidavit accepted and I was not given an opportunity to present a case. The original pauper's affidavit shows that it was not accepted or denied, but set for trial 9/08/2014 at 2pm. (SEE AFFIDAVIT OF POVERTY FOR APPEALS COST)

(12.) I've been illegally set-out without a writ of possession. My privacy was invaded when Daniel Giles had me illegally set-out by Rockdale County sheriffs. They explained that they got a call from Robert Mumford and he told them to set me out. They broke in with a crow bar and allowed stole the quit claim paperwork and several other belongings. There was no writ of possession issued

to do so and for that reason this has been an illegal eviction and an illegal search and seizure. (SEE WARRANTS AND CIVIL DIVISION FORM)

(13.) I was not being required to pay rent upfront and had no obligation to have to pay rent. I was not in sole possession of the residence upfront but Aten expected to put me in Daniel Giles's debt when he moved out of a residence because of something that he thought was a TPO and left me with it. The law doesn't allow for a person force a person into their rental or mortgage debt by moving out on them. If I and friend got an apartment together and we're both on the lease; if my friend were to move out he is still liable for his portion of the lease. Likewise when Daniel moves out and leaves the house to me and we have no lease; it does not mean that I am now indebted to him. He still has to pay for his own debt. That's something that both Aten and Mumford both expect to pull on me. Aten wanted to cover these facts for Daniel and say that the mess and damages that were shown in the pictures were mine by asserting that I was in full possession of the home. Robert Mumford took up for her on this.

(14.) This eviction was filed in retaliation for an incident in which Daniel Giles was taken to jail for. (SEE INCIDENT REPORT)

Dated: Oct. 30th, 2014

Person Filing: Spencer Giles

Phone # and Address: P.O. Box 2711 Covington, Ga. 30015 (770) 929 -1663

Sign: _____

A handwritten signature in black ink, appearing to be 'Spencer Giles', written over a horizontal line.

COPY

IN THE SUPERIOR COURT OF ROCKDALE COUNTY
STATE OF GEORGIA

Affidavit of Poverty for Appeal Costs

Name: SPENCER GILES Phone: (770) 929-1663

Address: 1921 ESPINEZOR RD. CONNEX, GA. 30097 Marital Status: S

Number of dependent children: 0

Do you contribute to the support of anyone else (elderly/disabled parents or other family members)?

Yes ___ No Explain: _____

I am filing this affidavit, per Georgia law, requesting a waiver of my outstanding appeal costs because I am unable to pay the costs on appeal due to my indigence as shown below.

INCOME

Source of Income: Job _____ Alimony/Child Support _____ Pension: _____

Disability: _____ Social Security: _____ Welfare:

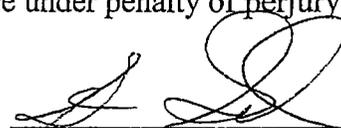
Total Income Weekly: (Weekly _____; Bi-weekly _____; Monthly 129.00)

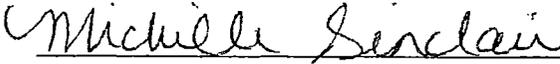
MONTHLY EXPENSES

Rent	\$ <u>0</u>
Mortgage Payment	\$ <u>0</u>
Amount of Home Equity	\$ <u>0</u>
Utilities/Phone	\$ <u>112.00</u>
Food	\$ <u>189.00</u>
Transportation	\$ <u>70.00</u>
Regular Medical	\$ <u>100.00</u>
Other	\$ <u>0</u>
TOTAL EXPENSES:	\$ <u>461.00</u>

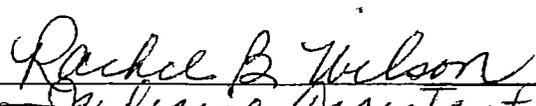
I SPENCER GILES hereby declare under penalty of perjury that the above information is true and correct.

Sworn to and subscribed before me
This 5th day of September, 2014


Affiant


Clerk/Notary Public

Upon review of the within affidavit, the affidavit is :
~~Approved~~ _____ ~~Disapproved~~ _____ : To be set for a hearing 9/8/14 at 2:00 p.m.


Judge Judicial Assistant
Rockdale County Superior Court

IN THE MAGISTRATE COURT OF ROCKDALE COUNTY
STATE OF GEORGIA

Filed in the Office

2014 JUL 23 PM 3:28



Magistrate Court of
Rockdale County

DANIEL GILES (404) 219-2364

Plaintiff/Name/Address/Telephone

VS.

Civil Action# 2014-1746-2577

SPENCER GILES (770) 928-1663

Defendant/Name/Address/Telephone

NOTICE OF APPEAL

A CORPORATION IS REQUIRED TO BE REPRESENTED BY AN ATTORNEY IN SUPERIOR/STATE COURTS

(Check applicable sections.) Notice is hereby given that the [] Plaintiff(s) [] Defendant(s) hereby appeal(s) a judgment entered in the Magistrate Court of Rockdale County to the [] State Court; [] Superior Court; of Rockdale County.

[] CIVIL CASES

The Judgment of the civil case appealed herein was entered on the _____ day of _____ 2004. (This appeal **MUST BE** filed within **thirty (30) days** of the foregoing date of judgment.

[] DISPOSSESSORY CASES

The Judgment of the dispossessory case appealed herein was entered on the 16 day of JULY 2004. (This appeal **MUST BE** filed within **seven (7) days** of the date of judgment set forth above.

APPEALS BY THE TENANT PAST DUE & FUTURE RENT REQUIRED TO BE PAID INTO THE REGISTRY OF THE COURT(S) IN ORDER TO REMAIN IN POSSESSION OF PREMISES:

I/We [] have; [] have not; paid into the registry of the Magistrate Court the sum(s) found by the Magistrate Court to be due as past due rent, to-wit, the sum of \$ 0. This sum of past due rent **MUST** be paid into the registry of the trial court in order for a tenant who is appealing a dispossessory judgment to remain in possession of the property. Furthermore, after the case is appealed, the tenant is required to pay all future rent as it becomes due into the registry of the trial court, which, on appeal, will then be either State or Superior Court depending on which court the appealing party selected the appeal to be filed. **Failure to abide by these provisions shall cause a writ of possession to be issued instantler.** (See O.C.G.A. 44-7-56.)

General Information

Computing times for appeal: O.C.G.A. 1-1-1(d) (3). The day the judgment was entered shall not be counted, but the last day shall be counted. If the last day falls on a Saturday, Sunday or public and legal holiday, the appeal shall be considered timely filed if filed on the next business day.

It is hereby certified, that the above judgment is **not** a default judgment for which no appeal can be made. Appellate review of a default judgment shall be certiorari to the State Court of Rockdale County or the Superior Court of Rockdale County. (See O.C.G.A. 15-10-41).

This 23rd day of JULY, 2004.


[] Plaintiff(s) [] Defendant(s)

CERTIFICATE OF SERVICE

A copy of this Notice Appeal shall be served on all parties. If an opposing party is represented by an attorney, the service shall be made upon the attorney. I hereby certify that I have served the opposing party with a copy of this appeal by mailing a copy of this document to the opposing party at the address set forth above.

This 23rd day of JULY, 2004


[] Plaintiff(s) [] Defendant(s)

IN THE SUPERIOR COURT OF ROCKDALE COUNTY
STATE OF GEORGIA

DANIEL GILES,

Plaintiff

v.

SPENCER GILES,

Defendant

*
*
*
*
*
*
*
*
*

CIVIL ACTION
FILE NO.

2014-CV-2018-M

2014 SEP -8 PM 2:07
CLERK A. W. JONES
SUPERIOR COURT
ROCKDALE COUNTY, GA

ORDER

The above referenced case is an appeal filed by Spencer Giles from a July 16, 2014 judgment entered in the Magistrate Court of Rockdale Court in favor of Daniel Giles and ordering Spencer Giles to vacate the subject property by July 23, 2014 or a Writ of Possession would issue on July 24, 2014. Spencer Giles seeks to proceed in forma pauperis on appeal. Having considered Spencer Giles' request, it is hereby

ORDERED that he be allowed to proceed on appeal in forma pauperis.

The July 16, 2014 magistrate court judgment required Spencer Giles to pay \$1,000.00 per month rent into the registry of the Court as a condition of appeal if he wanted to retain possession of the premises. The first payment was due on July 23, 2014, for the month of July and payments were to be made each month thereafter on the 23rd of the month in order for Spencer Giles to remain in the property. Spencer Giles has failed to make the July and August rent payments. When a tenant at sufferance fails to make a payment as it becomes due, "the court shall issue a writ of possession and the landlord shall be placed in full possession of the premises by the sheriff, the deputy, or the constable." *Burnett v. Reeves*,

258 Ga. App. 846 (2002). Therefore, it is hereby

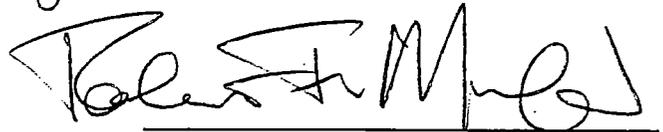
ORDERED that pursuant to O.C.G.A. §§ 44-7-56 and 44-7-54 (b), a Writ of Possession issue.

GEORGIA, ROCKDALE COUNTY

IT IS HEREBY ORDERED AND ADJUDGED that the Sheriff of Rockdale County or his designee remove said Defendants and all occupants, together with their property from said premises located at **1921 Ebenezer Road, Conyers, Rockdale County, Georgia 30094** and to deliver full and quite possession of the same to the Plaintiff herein.

Since there are no other issues to be determined by this Court it is **FURTHER ORDERED** that Spencer Giles' appeal to Superior Court is **DISMISSED**.

SO ORDERED this 8th day of Sept, 2014, at Conyers, Georgia.



**Robert F. Mumford, Judge,
Rockdale County Superior Court,
Rockdale Judicial Circuit**

2014 JUL 16 AM 11:58

IN THE MAGISTRATE COURT OF ROCKDALE COUNTY
STATE OF GEORGIA

of the
Magistrate Court of
Rockdale County

Daniel Giles,
Plaintiff,

DISPOSSESSORY ACTION NO.

2014-MAG-2577

v.

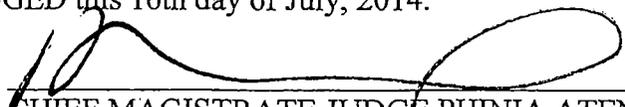
Spencer Giles,
Defendant.

JUDGMENT

The above-styled action came before the Court on July 16, 2014, for trial on the Plaintiff's dispossession action. The Plaintiff Daniel Giles appeared for trial. The Defendant Spencer Giles, who filed an answer, appeared for trial. After consideration of the competent evidence presented by the Plaintiff and Defendant, the Court finds, by a preponderance of the evidence, in favor of the Plaintiff for possession only. The Court finds the Defendant was a tenant at will and he was provided with notice that he was to vacate the property on March 31, 2014. The Defendant has failed to vacate the property after the requisite sixty days. Accordingly, the Court finds the Defendant is a tenant at sufferance at this time. The Defendant shall have until July 23, 2014, to vacate the property. A Writ of Possession shall issue July 24, 2014. The Court further finds fair market value of rent for the property is \$1, 000.00 per month. Therefore, in the event of an appeal by the Defendant, the Defendant shall pay rent into the registry of the Court, the amount of \$1, 000.00 every month, with July 2014 rent, due and payable on July 23, 2014, and every month thereafter on the 23rd day of the month to remain in possession of the property.

Upon appeal, which must be filed within seven (7) days of judgment, all appeal costs, court-ordered rent found by the trial court and all future rent, as it becomes due must be paid into the registry of the trial court, in order for the Defendant to remain in possession of the premises.

SO ORDERED and ADJUDGED this 16th day of July, 2014.



CHIEF MAGISTRATE JUDGE PHINIA ATEN
ROCKDALE COUNTY MAGISTRATE COURT
ROCKDALE JUDICIAL CIRCUIT

2014 JUN 25 PM 3:38

COPY

PLAINTIFF(S): DANIEL W. GILES

AGENT (IF ANY):

ADDRESS: 1921 EBENEZER RD.

CITY/STATE/ZIP CODE: CONYERS, GA. 30094

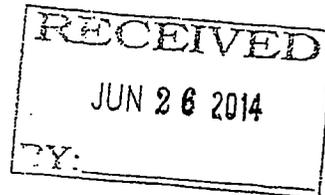
Magistrate Court of Rockdale County 2577

DEFENDANT(S): SPENCER G. GILES

ADDRESS: 1921 EBENEZER RD

CITY/STATE/ZIP CODE: CONYERS, GA. 30094

TELEPHONE NO.:



AFFIDAVIT FOR SUMMONS OF DISPOSSESSORY

Personally appeared DANIEL W. GILES, who upon oath says that he/she/they is/are owner(s) or attorney, agent or lessee for the owner(s) of said premises, and that Defendant(s) is/are in possession as tenant(s) of premises at the above address in Rockdale County.

Further Tenant(s):

- (a) Failed to pay rent which is now past due.
(b) Holds the premises over and beyond the term of his/her/their lease agreement; or
(c) and that

Plaintiff(s) is/are entitled to recover any and all rent that may come due until this action is finally concluded. Further, Plaintiff(s) has/have demanded possession of the premises and Defendant(s) has/have failed and refused to deliver said possession.

WHEREFORE, Plaintiff (s) DEMANDS:

(a) Possession of the premises; (b) Past due rent of \$ 0; (c) rent accruing up to the date of judgment of vacancy at the rate of \$ 0 per month; and (d) 0

(Signing Plaintiff/Plaintiff's Agent is required to provide ALL of the below contact information.)

Signature of Plaintiff or Agent: Daniel W. Giles

(Please Print) Name of Signing Plaintiff or Plaintiff's Agent: DANIEL W. GILES

Address of Plaintiff or Agent: 1921 EBENEZER RD.

City, State and Zip Code: CONYERS, GA. 30094

Telephone Number: 404-219-2364

Email Address: gilesdaniel72@gmail.com

Sworn to and subscribed before me, This 25th day of June, 2014

Clerk/Magistrate/Notary Public: Lewis J Brown

SUMMONS

TO: The Constable of the Magistrate Court or Sheriff or his Deputies of said County.

Defendant(s) herein is/are commanded and required personally or by attorney to answer orally or in writing, to the Judge or Clerk of Rockdale County Magistrate Court, 945 Court Street, Conyers, Georgia, between the hours of 8:30 a.m. and 4:30 p.m. on or before the SEVENTH day from the date of service of the within affidavit and summons (or on the first business day thereafter IF the seventh day falls on Saturday, Sunday or legal holiday). Answers by telephone or fax are not permitted. If the answer is NOT made, a Writ of Possession shall issue instant, and judgment may be granted as demanded by the Plaintiff named herein when appropriate. The last day to answer shall be July 7, 2014.

Witness the Presiding Judge of said Court.

This 25th day of June, 2014. Clerk/Magistrate: Lewis J Brown

IN THE MAGISTRATE COURT OF ROCKDALE COUNTY
STATE OF GEORGIA

COPY

Case No. 2014-MAG- 2207

PLAINTIFF(S): DANIEL W. GILES

AGENT (IF ANY): _____

ADDRESS: 1921 EBENEZER RD

CITY/STATE/ZIP CODE: CONYERS, GA 30094

DEFENDANT(S): SPENCER G. GILES

ADDRESS: 1921 EBENEZER RD

CITY/STATE/ZIP CODE: CONYERS, GA 30094

TELEPHONE NO.: _____

Filed in the Office
of the
Magistrate Court of
Rockdale County
2014 JUN -2 PM 4: 10

AFFIDAVIT FOR SUMMONS OF DISPOSSESSORY

Personally appeared DANIEL W. GILES, who upon oath says that he/she/they is/are owner(s) or attorney, agent or lessee for the owner(s) of said premises, and that Defendant(s) is/are in possession as tenant(s) of premises at the above address in Rockdale County.

Further Tenant(s):
(a) Failed to pay rent which is now past due.
(b) Holds the premises over and beyond the term of his/her/their lease agreement; or
(c) _____, and that Plaintiff(s) is/are entitled to recover any and all rent that may come due until this action is finally concluded. Further, Plaintiff(s) has/have demanded possession of the premises and Defendant(s) has/have failed and refused to deliver said possession.

WHEREFORE, Plaintiff (s) DEMANDS:
(a) Possession of the premises; (b) Past due rent of \$ _____; (c) rent accruing up to the date of judgment of vacancy at the rate of \$ _____ per month; and (d) \$140.00 + \$65.00 + \$195.00 FOR FOR FEES & EXPENSES. TO BRING THIS TO JUDGEMENT AND \$250.00 FOR PROPERTY DAMAGE.
(Signing Plaintiff/Plaintiff's Agent is required to provide ALL of the below contact information.)

Daniel W. Giles
(Signature of Plaintiff or Agent)

DANIEL W. GILES
(Please Print) Name of Signing Plaintiff or Plaintiff's Agent

1921 EBENEZER RD.
Address of Plaintiff or Agent

CONYERS, GA. 30094
City, State and Zip Code

404-219-2364
Telephone Number

GILES DANIEL72@GMAIL.COM
Email Address

Sworn to and subscribed before me,
This 2nd day of May, 2014

Daniel Rodriguez
Clerk/Magistrate/Notary Public

SUMMONS

TO: The Constable of the Magistrate Court or Sheriff or his Deputies of said County.
Defendant(s) herein is/are commanded and required personally or by attorney to answer orally or in writing, to the Judge or Clerk of Rockdale County Magistrate Court, 945 Court Street, Conyers, Georgia, between the hours of 8:30 a.m. and 4:30 p.m. on or before the SEVENTH day from the date of service of the within affidavit and summons (or on the first business day thereafter IF the seventh day falls on Saturday, Sunday or legal holiday). Answers by telephone or fax are not permitted. If the answer is NOT made, a Writ of Possession shall issue instantler, and judgment may be granted as demanded by the Plaintiff named herein when appropriate. The last day to answer shall be June 16, 2014.

Witness the Presiding Judge of said Court.
This 2nd day of June, 2014. Daniel Rodriguez
Clerk/Magistrate

DANIEL W. GILES

PH. 483-5989
1921 EBENEZER RD.
CONYERS, GA 30207

Oct 1, 1983 272

64-281
611

PAY TO THE ORDER OF

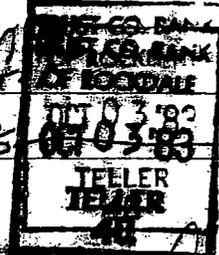
CAROLYN GILES

\$200.00

Two hundred 00/100

DOLLARS

T Trust Company Bank
of Rockdale
Conyers, Georgia 30207



FOR Home Equity ~~for \$200.00~~ SIGNED Daniel W. Giles

⑆06⑆1⑆1028⑆1⑆1⑆ 27905 6⑆ 0272 60⑆0000020000⑆

DANIEL W. GILES

PH. 483-5989
1921 EBENEZER RD.
CONYERS, GA 30207

Nov. 5, 1983 280

64-281
611

PAY TO THE ORDER OF

CAROLYN GILES

\$200.00

Two hundred 00/100

DOLLARS

T Trust Company Bank
of Rockdale
Conyers, Georgia 30207

FOR Home Equity SIGNED Daniel W. Giles

⑆06⑆1⑆1028⑆1⑆1⑆ 27905 6⑆ 0280 ⑆0000020000⑆

DANIEL W. GILES
1921 EBENEZER RD. 929-1663
CONYERS, GA 30207

Handwritten: How 2:27

Dec. 16, 1983 0301

64-281
611

PAY TO THE ORDER OF

CAROLYN GILES

\$200.00

Two hundred 00/100

DOLLARS

T Trust Company Bank
of Rockdale
Conyers, Georgia 30207

FOR Home Equity = BAL = \$410.00 SIGNED Daniel W. Giles

⑆06⑆1⑆1028⑆1⑆1⑆ 5111279054⑆ 0301 ⑆0000020000⑆

DANIEL W. GILES
1921 EBENEZER RD. 929-1663
CONYERS, GA 30207

Handwritten: 1000
Handwritten: 415
Handwritten: 100
JAN. 23, 1984 ⁰³¹⁶

64-281
611

PAY TO THE ORDER OF

Handwritten: Carolyn Giles

\$165⁰⁰/₁₀₀

One - hundred sixty - five ⁰⁰/₁₀₀

DOLLAR

T Trust Company Bank
of Rockdale
Conyers, Georgia 30207

FOR *C/S* JAN 1-15, 84

SIGNED *Daniel W. Giles*

⑆06⑆⑆1028⑆⑆⑆⑆ 5⑆⑆⑆279054⑆⑆ 0316 ⑆⑆00000⑆⑆500⑆⑆

DANIEL W. GILES
1921 EBENEZER RD. 929-1663
CONYERS, GA 30207

Handwritten: 1000
Handwritten: 415
Handwritten: 100
Feb. 10, 1984 ⁰³²¹

64-281
611

PAY TO THE ORDER OF

Handwritten: Carolyn Giles

\$165⁰⁰/₁₀₀

One - hundred sixty - five ⁰⁰/₁₀₀

DOLLAR

T Trust Company Bank
of Rockdale
Conyers, Georgia 30207

FOR *C/S* JAN. 15-31, 1984

SIGNED *Daniel W. Giles*

⑆06⑆⑆1028⑆⑆⑆⑆ 5⑆⑆⑆279054⑆⑆ 0321 ⑆⑆00000⑆⑆500⑆⑆

DANIEL W. GILES
1921 EBENEZER RD. 929-1663
CONYERS, GA 30207

Handwritten: 1000
Handwritten: 415
Handwritten: 100
March 2, 1984 ⁰³³⁷

64-281
611

PAY TO THE ORDER OF

Handwritten: Carolyn Giles
Stamp: TRUST COMPANY BANK OF ROCKDALE CONYERS GA MAR 25 1984

\$165⁰⁰/₁₀₀

One - hundred sixty - five ⁰⁰/₁₀₀

DOLLAR

T Trust Company Bank
of Rockdale
Conyers, Georgia 30207

FOR *C/S* FEB. 1-15, 1984

SIGNED *Daniel W. Giles*

⑆06⑆⑆1028⑆⑆⑆⑆ 5⑆⑆⑆279054⑆⑆ 0337 ⑆⑆00000⑆⑆500⑆⑆

DANIEL W. GILES
1921 EBENEZER RD. 929-1663
CONYERS, GA 30207

Handwritten: 1000
Handwritten: 415
Handwritten: 100
March 10, 1984 ⁰³⁴¹

64-281
611

PAY TO THE ORDER OF

Handwritten: Carolyn Giles

\$165⁰⁰/₁₀₀

One - hundred sixty - five ⁰⁰/₁₀₀

DOLLARS

T Trust Company Bank
of Rockdale
Conyers, Georgia 30207

FOR *C/S* FEB. 15-28, 84

SIGNED *Daniel W. Giles*

⑆06⑆⑆1028⑆⑆⑆⑆ 5⑆⑆⑆279054⑆⑆ 0341 ⑆⑆00000⑆⑆500⑆⑆

DANIEL W. GILES
1921 EBENEZER RD. 929-1663
CONYERS, GA 30207

March 22, 1984 0346

TRUST COMPANY BANK
OF ROCKDALE
GA 30207
MAR 22 1984

64-281
611

PAY TO THE ORDER OF

Carolyn Giles

\$165⁰⁰/₁₀₀

One - hundred sixty five ⁰⁰/₁₀₀ DOLLAR

T Trust Company Bank
of Rockdale
Conyers, Georgia 30207

FOR C/S 3/1-15/84

SIGNED Daniel W. Giles

⑆06⑆⑆028⑆⑆⑆⑆ 5⑆⑆⑆279054⑆⑆ 0346 60⑆00000⑆6500⑆

DANIEL W. GILES
1921 EBENEZER RD. 929-1663
CONYERS, GA 30207

MARCH 30, 1984 0351

Handwritten initials/signature

64-281
611

PAY TO THE ORDER OF

CAROLYN TOBRI 39

\$165⁰⁰/₁₀₀

One - hundred sixty three ⁰⁰/₁₀₀ DOLLAR
1984 APR 13 PM 12:22

T Trust Company Bank
of Rockdale
Conyers, Georgia 30207

FOR C/S 3/15-31/84

SIGNED Daniel W. Giles

⑆06⑆⑆028⑆⑆⑆⑆ 5⑆⑆⑆279054⑆⑆ 0351 60⑆00000⑆6500⑆

INCIDENT/OFFENSE REPORT

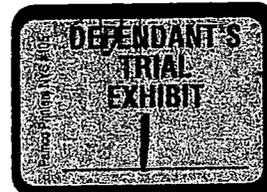
911 Chambers Dr.

Conyers, GA 30012

**Rockdale County
Sheriff's Office**

Case Number

1432725

**Incident Report
03/31/2014 5:26 PM**

Officer: FORT, JOHN ALLEN

I was dispatched to 1921 Ebenezer Road in Conyers, Georgia, in reference to an Assault type call. The caller had stated that his father had attacked him, and struck him over his face with a cane, and that he was bleeding from his head. He stated that he used pepper spray to defend himself from his father approaching him.

Upon arrival I met with the caller Spencer G. Giles. Spencer had a huge knot over his left eye. He was bleeding from the knot over his left eye, and there was a cut on his neck. He stated that during an altercation with his father (Daniel) he fell down and cut his neck on a gold colored lamp.

When asked what really happened, he stated that he and his father had a verbal altercation, which elevated into a physical altercation. His father was downstairs and he was upstairs. His father threatened to 'Beat his Ass.' His father then proceeded to pick up a walking cane and started up the stairs where he (Spencer) was at. He stated that when his father started moving towards him, he grabbed his pepper spray and sprayed his father. His father then swing the cane and struck him over his eye.

He stated that his brother Reginald separated them. He also declared that he was not the aggressor.

I then proceeded to locate his father (Daniel) on the back porch. He was holding his ankle. He commented that his son was not going to disrespect him in his own house. He stated that he (Spencer) have to leave. He first stated that Spencer hit his ankle, but later changed his comment to say that he was not sure how he hurt his ankle.

I then spoke with the only witness (Reginald Alexander Giles). Reginald stated that he was outside and heard yelling between his father (Daniel) and his brother (Spencer). His father was telling Spencer to respect his house and not to be yelling in his house. They both started telling each other what not to tell the other to do. His father then went to the bottom of the stairwell and repeated his statements to Spencer again. The next thing he noticed was that his father headed upstairs. He (Reginald) then ran up stairs to prevent the altercation, but he was too late to stop the altercation.

INCIDENT/OFFENSE REPORT

911 Chambers Dr.

Conyers, GA 30012

**Rockdale County
Sheriff's Office**

Case Number

1432725

He stated that while trying to separate the two, he was incidentally sprayed in one eye with the pepper spray. He grabbed the two of them and they then fell to the floor.

Daniel was taken to Rockdale Medical. Spencer was bandaged up, but would not submit to going with the paramedics. Reginald stated that he and his brother Spencer would be going later to the hospital, so that Spencer could be seen medically.

I asked the father to write a statement, but he did not. I then gave the paramedics the form to give to him once he was settled at the hospital. There is eight stairs from the bottom floor to the upstairs section of the house. I collected statement forms from Reginald and Spencer, which was filed in records. The broken cane was located upstairs. Part of the cane was in the hallway and the other part was inside the entrance to another room. End of report. Deputy Fort#2450.

ROCKDALE COUNTY SHERIFF'S DEPARTMENT
Warrants & Civil Division

DATE: 7-22-14

TIME: 1430

CASE #: 2-11 PV 2011 m

COURT: Superior

SET OUT:

LEVY:

PLAINTIFF: Daniel Webster Giles

ADDRESS: 1921 Ebenezer Rd Complex (a 3094

PHONE: 708 411 1111

SIGNATURE: Daniel W. Giles

DEFENDANT: Spencer Giles

ADDRESS: 1921 Ebenezer Rd Complex

PHONE: _____

SIGNATURE: Daniel W. Giles

PERSON DOING SET OUT: Daniel Giles

PERSON DOING LEVY: _____

ADDRESS: 1921 Ebenezer Rd

PHONE: _____

SIGNATURE: Daniel W. Giles

CONDITION OF ITEMS: Excellent Good Fair Poor

HOW ENTRY WAS MADE: Garage Door CRACK WALL

ARTICLES IN POSSESSION OF SHERIFF'S DEPT.

Dep Wade 2351
Officer's Signature

Dep Douglas 2315

IN THE PROBATE COURT
COUNTY OF NEWTON
STATE OF GEORGIA

IN RE: ESTATE OF)

CAROLYN GILES)
DECEASED)

ESTATE NO. 2013-373

LETTERS OF ADMINISTRATION

(Bond Waived and/or Certain Powers Granted at Time of Appointment)

WHEREAS, CAROLYN GILES died intestate
(Initial one)

 x domiciled in this County;
 not domiciled in this State, but owning property in this County;

and this Court granted an order appointing Spencer Gabriel Giles
as Administrator(s) of the estate of said decedent, on condition that said Administrator(s) give(s)
oath as required by law; and the said Administrator(s) having complied with said condition; the
Court hereby grants unto said Administrator(s) full power to collect the assets of said decedent,
and to pay the debts of said estate, so far as such assets will extend, according to law, and then to
pay over the balance, if any, to the heirs of said decedent, and to do and perform all other duties
as such Administrator(s), according to the laws of this State. In addition, this Court:

(Initial all which apply)

- (a) **REPORTS WAIVED:** Grants to the Administrator(s) the power to serve without making and filing inventory, and without filing any annual or other returns or reports to any court; but the fiduciary(ies) shall furnish to the heirs, at least annually, a statement of receipts and disbursements.
- (b) **BOND WAIVED:** Waives the requirement to post bond.
- (c) **POWERS GRANTED:** Grants to the Administrator(s) the powers contained in O.C.G.A. §53-12-261 not included in (a) above.

IN TESTIMONY WHEREOF, I have hereunto affixed my signature as Judge of the Probate Court of said County and the seal of this office this 22nd day of August, 2013.

Henry A. Baker
Henry A. Baker, Judge

NOTE: The following must be signed if the judge does not sign the original of this document:

Issued by:
[Signature]
Clerk/Deputy Clerk Probate Court



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

Date: November 6, 2014

To: Mr. Samuel L. Fowler, GDC925683, Phillips State Prison, 2989 West Rock Quarry Road,
Buford, Georgia 30543

Docket Number: A15A0437 **Style:** Samuel Lewis Fowler v. The State

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

1. Your Appellant's Brief, was not accompanied by the statutory filing fee (\$300.00 civil; \$80.00 criminal *Effective July 1, 2009) or a sufficient pauper's affidavit. OCGA§5-6-4 and Rule **Your pauper's affidavit should be notarized by a notary public.**
2. A Request for Oral Argument must be filed as a separate document. Rule 28 (a) (3)
3. Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)
4. No Certificate of Service or an improper Certificate of Service accompanied your document(s). Rule 6
5. Your Certificate of Service did not include the complete name and mailing address of each opposing party. Rules 1(a) and 6. You should provide a copy of your filing to the District Attorney and include his/her name and address on your Certificate of Service.
6. There were an insufficient number of copies of your document. Rule 6.
7. **Your document exceeds page limits. Rules 24 (f) and 27 (a)**
8. Your document was submitted without permission to file (supplemental brief or second motion for reconsideration). Rules 27 (a) and 37 (d)
9. Letter briefs and letter cites are not permitted. Rule 27 (b)
10. Your request for court action must be submitted in motion form. Rule 41 (a)
11. **Your motions were submitted in an improper form (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

This 3rd day of November 2017.

Appellant needs time extension because he has limited access to the law library and is constantly delayed due to detail, counts, lockdown, inspections and show calls.

2.

Appellant needs page expansion because he is attaching violations resulting from a (51) count indictment.

1.

Comes Now Samuel Lewis Fowler, Rose Appellant in above styled case and request the court to grant Appellant's Motion for leave to: (A) expand the number of pages in appellant's brief to 65; (B) extend the days to so far reply to be filed and; (C) expand the number of pages in reply to 25 and states the following:

- (A) expand the number of pages in appellant's brief to 65;
 - (B) extend the days to so far reply to be filed and;
 - (C) expand the number of pages in reply to 25.
- MOTION FOR LEAVE TO:

IN THE COURT OF APPEALS
STATE OF MISSISSIPPI

SAMUEL LEWIS FOWLER
DEFENDANT/APPELLANT
v.
THE STATE OF MISSISSIPPI
PLAINTIFF/APPELLEE

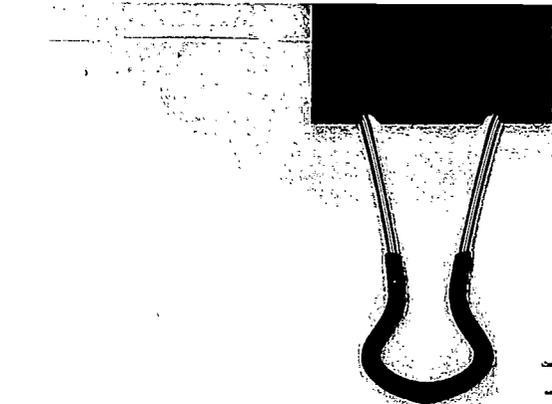
DOCKET #
A15AD437

Please find original & 2 copies enclosed.

Requesting return stamped copy -
find copy & return envelope enclosed.

Thank you

FILED IN OFFICE
NOV 03 2014
COURT CLERK
CLERK COURT OF APPEALS OF GA
RECEIVED IN OFFICE
NOV 03 2014
PM 2:50
COURT CLERK
CLERK COURT OF APPEALS OF GA



IN THE COURT OF APPEALS
STATE OF GEORGIA

SAMUEL LEWIS FOWLER
DEFENDANT/APPELLANT,

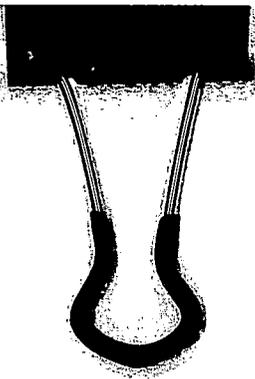
v.

THE STATE OF GEORGIA
PLAINTIFF/APELLEE

DECKET #
A15A0437

BRIEF OF APPELLANT

Samuel Lewis Fowler
Pro Se Appellant
G.O.C. # 925683
Phillips State Prison
2989 West Rock Quarry Road
Belford, Georgia 30519



FILED IN OFFICE
 NOV 03 2014
 COURT CLERK
 CLERK COURT OF APPEALS OF GA

IN THE COURT OF APPEALS
 STATE OF GEORGIA

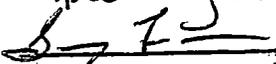
SAMUEL LEWIS FOWLER
 DEFENDANT/ APPELLANT
 v.
 THE STATE OF GEORGIA
 PLAINTIFF/ APPELLEE

DOCKET #
 A15A0437

PAUPER'S AFFIDAVIT

Comes Now, Samuel Lewis Fowler, Pro se Appellant, and states because of my indigence I am financially unable to pay the required \$80.00 Filing Fee in the Georgia Court of Appeals, and request I be permitted to file without having to pay Filing Fees.

This 3rd day of November, 2014

Respectfully submitted by:

 Samuel Lewis Fowler
 Pro se Appellant
 G.D.C. # 925683
 Phillips State Prison
 2989 West Rock Quarry Road
 Buford, Ga. 30519

RECEIVED IN OFFICE
 2014 NOV -4 PM 2:58
 COURT OF APPEALS OF GA

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

November 7, 2014

To: Mr. Saleegan Adan, GDC100439372, Georgia State Prison, 300 First Avenue, South, Reidsville, Georgia 30453

Case Number: _____ Lower Court: _____ County Superior Court

Court of Appeals Case Number and Style: _____

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

- There is no case pending in the Court of Appeals of Georgia under your name.
- A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37. Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.
- The Notice of Appeal must include a proper Certificate of Service. A Certificate of Service must show service to the district attorney and contain the district attorney's full name and complete mailing address. The district attorney must actually be served with a copy of your filing.
- An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained. An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate. An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- Your appeal was disposed by opinion (order) on _____. The Court of Appeals _____ The remittitur issued on _____ divesting this Court of jurisdiction. The case decision is therefore final.
- Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia. The address of the Clerk of the _____ is: _____
- If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court. As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.
- A request for an out-of-time appeal should be made to the trial court from which you are appealing. If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

IN THE SUPERIOR COURT OF DeKalb COUNTY
IN THE STATE OF GEORGIA

Saleeban Adan
Appellant, Prose

Criminal Case No: 01 CR 5128

V.

Debra DeLong
Appellee

DeKalb District Attorney Office

NOTICE OF APPEAL

COMES NOW the appellant above-named and hereby submits this NOTICE to this Court in order to challenge the ORDER or JUDGMENT of this Court filed in this Court on DeKalb in the above-styled matter.

THE SUPREME COURT OF GEORGIA, and not the Court of Appeals of Georgia, has the appellate jurisdiction in this matter under the Constitution of Georgia of 1983, Article VI, Section V, Paragraph III.

The Clerk of this Court will forward a true and exact photocopy of all documents filed in the docket of this matter; NOTHING OMITTED.

Respectfully submitted,

CERTIFICATE OF SERVICE

I certify, verify, and declare under penalty of perjury that I have served a copy of the within and foregoing NOTICE OF APPEAL through internal mail system of the prison and/or via United States Postal Service, adequate first-class postage affixed thereto, on this 11 Day of 15, 20 14, to cause its prompt delivery to the following:--

Mr./Ms. _____ Esq., District Attorney, DeKalb County,

Respectfully,

Saleeban Adan
Address: 1025 Raintree
Georgia Bank
300 1st ave south

Roadsville Georgia 30605

RECEIVED IN OFFICE
2014 NOV 17 PM 2:35
CLERK OF COURT ADMINISTRATOR
COURT OF APPEALS OF GA

IN THE SUPERIOR COURT OF DeKalb COUNTY
IN THE STATE OF GEORGIA

Saleeban adan
Appellant, Prose

Criminal Case No: 10 CR 3931-9

V.

Debra Deberry
Appellee

DeKalb DISTRICT ATTORNEYS OFFICE

NOTICE OF APPEAL

COMES NOW the appellant above-named and hereby submits this NOTICE to this Court in order to challenge the ORDER or JUDGMENT of this Court filed in this Court on DeKalb in the above-styled matter.

THE SUPREME COURT OF GEORGIA, and not the Court of Appeals of Georgia, has the appellate jurisdiction in this matter under the Constitution of Georgia of 1983, Article VI, Section V, Paragraph III.

The Clerk of this Court will forward a true and exact photocopy of all documents filed in the docket of this matter; NOTHING OMITTED.

Respectfully submitted,

Saleeban adan

CERTIFICATE OF SERVICE

I certify, verify, and declare under penalty of perjury that I have served a copy of the within and foregoing NOTICE OF APPEAL through internal mail system of the prison and/or via United States Postal Service, adequate first-class postage affixed thereto, on this 19 Day of 05, 20 11, to cause its prompt delivery to the following:--

Mr./Ms. _____ Esq., District Attorney, DeKalb County,

Respectfully,

Saleeban adan
Address: DeKalb County
1000 ...
...
...

300 1st ave South
Reidsville Georgia 30455

IN THE SUPERIOR COURT OF Baldwin COUNTY
IN THE STATE OF GEORGIA

Saleeban Adan
Appellant, Prose

Criminal Case No: don't know

V.

District Attorney
Appellee

Baldwin District Attorney office

NOTICE OF APPEAL

COMES NOW the appellant above-named and hereby submits this NOTICE to this Court in order to challenge the ORDER or JUDGMENT of this Court filed in this Court on Baldwin in the above-styled matter.

THE SUPREME COURT OF GEORGIA, and not the Court of Appeals of Georgia, has the appellate jurisdiction in this matter under the Constitution of Georgia of 1983, Article VI, Section V, Paragraph III.

The Clerk of this Court will forward a true and exact photocopy of all documents filed in the docket of this matter; NOTHING OMITTED.

Respectfully submitted,

Saleeban Adan

CERTIFICATE OF SERVICE

I certify, verify, and declare under penalty of perjury that I have served a copy of the within and foregoing NOTICE OF APPEAL through internal mail system of the prison and/or via United States Postal Service, adequate first-class postage affixed thereto, on this VI Day of 05, 2014, to cause its prompt delivery to the following:--

Mr./Ms.

Esq., District Attorney, Baldwin County,

Respectfully,

Saleeban Adan

Address: ~~215 West...~~

~~...~~

~~...~~

300 1st AVE SOUTH

Reidsville, GA 30453

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

November 7, 2014

Mr. Allen A. Adams
GDC534697 2-216
Hays State Prison
Post Office Box 668
Trion, Georgia 30753

RE: A14A0810. Allen Alphonzo Adams v. The State

Dear Mr. Adams:

The GDC number on our docket has been changed as listed in your mailing address. I have enclosed a copy of the Court's opinion in the above appeal.

Sincerely,



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

SEC/ld
Enclosure

DATE

11-3-2014

PRESIDENT ADMINISTRATOR
CLERK OFFICE MR. STEPHEN E.
CASTLE 47 TRINITY AND TRINITY
AVE SUITE 301 ATLANTA GA
30334

RECEIVED IN OFFICE
2014 NOV -6 PM 4:00
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GEORGIA

DEAR MR. CASTLE, I AM IN COMMUNICATION FOR A RECEIPT UNTO THIS LETTER REGARDING A TIMELY SPECIAL DEMURRER WAS FILED IN CASE ADAMS VS THE STATE A14 A0810 SIR I HAVE NOT RECEIVED [NO.] ACKNOWLEDGE OF PROCESS FROM YOUR DEPOSITIONS BEEN DELETED IN A TIMELY MANNER AFTER THE FOURTH DIVISION RENDERED THERE DECISION, MR. ~~CASTLE~~ CASTLE SIR I ALSO NOTE ONE OF YOUR CLERK ~~HAS~~ CONTINUE PLACE THE INCORRECT C.D.C. NUMBER ON MY LETTERS, SO I COULDN'T RECEIVE THEM IN A TIME MATTER. SIR YOUR ASSISTANCE IN THIS MATTER IS VERY

WELL APPRECIATE
RESPECT FULLY SUBMITTED
MR. ALLEN A ADAMS G.D.C. 334697, H-2 ROOM 216A
HAYS STATE PRISON, 777 UNDERWOOD DR. P.O. BOX 668 TRION GA 30753
This 3rd day of November
ADD MR. ALLEN A ADAMS
(SIGNATURE)

CERTIFICATE OF SERVICE
I, MR. ALLEN A ADAMS, HAS DECLARE HE HAS ATTACHED THIS CERTIFICATE IN SERVICE THERETO THIS LETTER before depositing in the U.S. MAIL BOX ON THIS 3RD DAY OF NOVEMBER 2014, WITH SUFFICIENT MAIL POSTAGE ATTACHED TO ENVELOPE ADDRESSED FOR DELIVER TO PERSON(S) WHO WAS LISTED - PRESIDENT ADMINISTRATOR OFFICER MR. STEPHEN E CASTLE 47 TRINITY AVE SUITE 301 ATLANTA GA, 30334 AS REQUIRE BY LAW.
PLACE OF SERVICE
MR. ALLEN A ADAMS G.D.C. 334697 H-2 ROOM 216A
H-2 ROOM 216A HAYS STATE PRISON, 777 UNDERWOOD
DR. P.O. BOX 668 TRION GA 30753
MR. ALLEN A ADAMS
(SIGNATURE)

**FOURTH DIVISION
DOYLE, P. J.,
MILLER and DILLARD, JJ.**

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

October 8, 2014

**NOT TO BE OFFICIALLY
REPORTED**

In the Court of Appeals of Georgia

A14A0810. ADAMS v. THE STATE.

DO-030 C

DOYLE, Presiding Judge.

Allen Alphonzo Adams appeals the denial of his out-of-time motion to withdraw his guilty plea. For the following reasons, we affirm.

Approximately 20 years ago, Adams was charged with two counts of selling cocaine to an undercover officer of the Ocmulgee Drug Task Force. It is unclear from the record what Adams's previous offenses may have been, but according to the sentencing sheet, he was on probation at the time of these offenses. With regard to the charges at issue, Adams entered a guilty plea on August 26, 1992, and the trial court sentenced him to concurrent sentences of life imprisonment for the two cocaine sales (the amounts of the drugs in question were not provided in the accusations). This sentence was entered in the June 1992 term of court in Putnam County.

On September 24, 2013, well outside the June 1992 term of court, Adams filed an “Out of Time Motion [to] Withdraw Guilty Plea in Count (1) an[d] Count (2).” The trial court denied the motion, and this appeal followed.¹

Although Adams articulates a number of substantive arguments in his appellate brief, including that his trial counsel was ineffective, the conviction was a nullity, and the accusation was deficient,

[a] motion to withdraw a guilty plea is subject to the term-of-court rule, which bars a trial court from consideration of such a motion once the term of court in which the subject plea was entered has expired. The fact that a defendant raises a claim of the ineffective assistance of trial counsel in the motion does not bring it outside the term-of-court rule. Indeed, under those circumstances, the defendant must seek to withdraw the guilty plea through habeas corpus proceedings.²

Accordingly, the trial court’s denial of Adams’s motion is affirmed.

¹ Adams initially filed a discretionary application with the Supreme Court of Georgia, which transferred the case to this Court. Because the trial court’s order denying the motion to withdraw the guilty plea was directly appealable, this Court granted the application.

² (Citations omitted.) *Stokes v. State*, 287 Ga. 182, 183-184 (695 SE2d 206) (2010).

We do not authorize the publication of this opinion because it does not announce a new rule or policy or involve an interpretation of law that is not already precedent.³

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

³ See Court of Appeals Rule 33 (b).



Court of Appeals of Georgia

November 7, 2014

TO: Mr. Lawrence L. Eaddie, GDC1140404 F-A-119, Coastal State Prison, Post Office Box 7150, Garden City, Georgia 31418

RE: **A14A0072. Lawrence Latrey Eaddie 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 on May 5, 2014. The Court of Appeals affirmed the judgment of the trial court. The remittitur issued on May 21, 2014, divesting this Court of any further jurisdiction of your case. The case is therefore, final.**

CASE STATUS - PENDING

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

APPLICATION FOR PERMISSION TO APPEAL A PROBATION REVOCATION

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

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

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

10/14/14

Case # A14A00072

To whom it may concern:

I received a copy of the denial of my appeal on 9/29/2014. However my lawyer has filed incorrect briefings and appeals and motions throughout my entire case without my knowledge nor approval. I begged and pleaded for years for him to be removed/relieved from my case but was ignored by the judge herself, "Adele Gubbi", the State Bar of GA, the circuit defenders office as to the unethical conduct and ineffectiveness of this attorney. However, to prove and confirm that what I received from his office pertaining to my denial of appeal and the grounds as to why it was denied, I'm requesting if there is any way possible that a copy of that paperwork regarding my denial can be sent to me, I would very, very much appreciate it.

Thank you for your time,

Lawrence L. Eddie GDC 11104011

Case # A14A00072

RECEIVED IN OFFICE

2014 NOV -7 PM 2:28

CLEMSON COURT ADMINISTRATOR
COURT OF APPEALS OF GA

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

November 7, 2014

To: Mr. Clifford Conner, GDC170686, Wheeler Correctional Facility, Post Office Box 466,
Alamo, Georgia 30411

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

Court of Appeals Case Number and Style: _____

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

- There is no case pending in the Court of Appeals of Georgia under your name.
- A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37. Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.
- The Notice of Appeal must include a proper Certificate of Service. A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.
- An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained. An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate. An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- Your appeal was disposed by opinion (order) on _____. The Court of Appeals _____ The remittitur issued on _____ divesting this Court of jurisdiction. The case decision is therefore final.
- Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia. The address of the Clerk of the _____ is: _____
- If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court. As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.
- A request for an out-of-time appeal should be made to the trial court from which you are appealing. If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

IN THE STATE COURT OF APPEAL OF GEORGIA

STATE OF GEORGIA Copy

Clifford Conner,

GDC # 170686

Petitioner

Pro. Se.

Case No: CRO61820 AB

2007, Superior Court

OF CHATHAM COUNTY

v.

THE STATE OF GEORGIA

~~████~~ Respondents

RECEIVED IN OFFICE
2014 NOV -5 PM 3:09
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Petitioner's Notice OF Appeal TO

REQUEST TO PROCEED WITH THE

ABOVE CASE AND STYLE TO THE

STATE COURT OF APPEAL OF GEORGIA

2.

Comes Now Petitioner, Clifford Conner,
with notice of appeal to proceed with said case
No. CR06-1820 AB, denied from Superior Court
of Chatham County, on the 8th, day of September,
2014.

Petitioner's now proceed with said case
to the STATE COURT OF APPEAL OF GEORGIA

STATE COURT OF APPEAL OF GEORGIA

Suite 501

47 Trinity, Avenue. S.W.

Atlanta, Ga. 30334

~~Petitioner's~~
Petitioner's Address:

Clifford Conner,

GDC#170686

Wheeler Correctional Facility

P.O. Box 466

Alamo, Ga. 30411

Sincerely,

Clifford Conner

CERTIFICATE OF SERVICE

I Hereby certify that I have this day served the Respondent(s) with a copy of the foregoing, by placing the same in the United STATES mail in a proper envelope with adequate attach, properly addressed to:

Oct. 7th, 2014

STATE COURT OF APPEAL OF

GEORGIA

Suite 501

47 Trinity Avenue, S.W.

Atlanta, Ga. 30334

This 7th day of Oct. 2014

Clifford Conner

Pro. Se.

Petitioner's Address:

Clifford Conner,

GDC#170686

Wheeler Correctional Facility

P.O. Box 466

Alamo, Ga. 30411

CERTIFICATE OF SERVICE

I Hereby certify that I have this day served the Respondent(s) with a copy of the foregoing, by placing the same in the United STATES mail in a proper envelope with adequate attach, properly addressed to:

District Attorney
Mr. McConnell Greg
133 Montgomery, Street
Savannah, Georgia. 31401

This Oct. day of 27th 2014

Clifford Conner

Pro. Se.

Petitioner's Address:
Clifford Conner,
GDC #170686
Wheeler Correctional Facility
P.O. Box 466
Alamo, Ga. 30411

Georgia Court Of Appeal
47 Trinity, Avenue. S.W.
Suite 501
Atlanta, Georgia. 30334

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

November 10, 2014

To: Mr. Clifford Conner, GDC170686, Wheeler Correctional Facility, Post Office Box 466,
Alamo, Georgia 30411

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

Court of Appeals Case Number and Style: _____

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

- There is no case pending in the Court of Appeals of Georgia under your name.**
- A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37.** Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.
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- An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____ The remittitur issued on _____ divesting this Court of jurisdiction. The case decision is therefore final.
- Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the _____ is: _____
- If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.
- A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.
- You must combine all the parts returned to you and forward the entire record to this Court for filing.**

Oct. 28, 2014

Clifford Conner
GDC# 170686
Case No: CR06-1820AB

RECEIVED IN OFFICE

2014 NOV -7 PM 2:27

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Dear Sir,

On October 28th, 2014,

I received a notice from you stating for me to combine my pauper's affidavit with my Certificate Of Service and forward the applications to said Court for filing.

However, I had yesterday, October 27th, 2014, already mailed my Certificate Of Service to Court of Appeals of Georgia, for filing. So I am now sending my pauper's affidavit "along with necessary corrections of said Certificate of Service."

I humbly and respectfully pray that this Court will accept this?!.

2.

I sincerely, respectfully remain,

Clifford Conner,

GDC# 170686

Clifford Conner

Petitioner's Address: _____

Clifford Conner, _____

GDC# 170686

Wheeler Correctional Facility

Alamo, Georgia. 30411

IN THE COURT OF APPEALS OF GEORGIA
STATE OF GEORGIA

Clifford Conner,
GDC#170686
Pro. Se.

Case No: CRO6-1820AB

2007, Superior Court

OF CHATHAM COUNTY

v.

THE STATE OF GEORGIA
Respondents

Petitioner's Notice OF APPEAL TO

REQUEST TO PROCEED WITH THE

ABOVE CASE AND STYLE TO THE STATE

COURT OF APPEALS OF GEORGIA

2.

Comes Now Petitioner, Clifford Conner,
with notice of appeal to proceed with said
case No: CR06-1820AB & denied from
Superior Court of Chatham, on the
8th day of September & 2014

Petitioner now proceed with said
case to the COURT OF APPEALS OF
GEORGIA

COURT OF APPEALS OF GEORGIA
Suite 501
47 Trinity, Avenue S.W.
Atlanta, Georgia. 30334

Petitioner's Address:

Clifford Conner,

GDC#170686

Wheeler Correctional Facility

P.O. Box 466

Alamo, Ga. 30411

Sincerely
Clifford Conner

CERTIFICATE OF SERVICE

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

Court Of Appeals Of Georgia.

Suite 501

47 Trinity, Avenue. S.W.

Atlanta, Georgia, 30334

This 28th day of Oct. 2014

Clifford Conner

Pro. Se.

Petitioner's Address:

Clifford Conner,

GDC #170686

Wheeler Correctional Facility

P.O. Box 466

Alamo, Georgia, 30411

CERTIFICATE OF SERVICE

I Hereby certify that I have this day served the Respondent(s) with a copy of the foregoing, by placing the same in the United States mail in a proper envelope with adequate attach, proper addressed to:

District Attorney
Mr. Greg McConnell
133 Montgomery, Street.
Savannah, Georgia. 31401

This 28th day of Oct. 2014
Clifford Conner
Pro. Se.

Petitioner's Address:

Clifford Conner,

GDC#170686

P.O. Box 466

Alamo, Georgia. 30411

VERIFICATION

I Clifford Conner, do swear and affirm under penalty of law that the statements contained this affidavit are true. I further attest that this application for in forma pauperis status is not present 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.

Clifford Conner

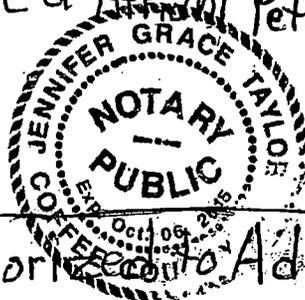
10/1/14

sworn to and subscribed
before me this

Signature of Affiant Petitioner

Date

1st day of October, 2014.



Jennifer Grace Taylor
Notary Public or Other Person Authorized to Administer Oaths

Account Statement

CONNER, CLIFFORD

Printed By: CHAPMAN, GREGORY

GDC ID: 170686

Spendable Amount	Reserved Amount	Receipts On Hold	Funds Balance	Obligations/Court Charges
\$0.00	\$10.00	\$0.00	\$10.00	\$505.63

RECEIPTS

Receipt Date	Transaction ID	Receipt Type	Receipt Details	Receipt Amount
02/04/2014	12572432	BANK OF AMERICA RECEIPT	BOA-39015672 - 3143835	\$65.25
08/03/2012	10557772	RELEASE GRATUITIES RECEIPT	EFT -	\$25.00
06/08/2012	10353307	BANK OF AMERICA RECEIPT	BOA-40746733 - 2226024	\$49.25
05/22/2012	10293844	BANK OF AMERICA RECEIPT	BOA-21630460 - 2196127	\$24.25
02/10/2012	9876873	BANK OF AMERICA RECEIPT	BOA-17459961 - 2021568	\$9.25
02/07/2012	9864227	BANK OF AMERICA RECEIPT	BOA-17459880 - 2014490	\$39.25
01/07/2012	9748867	BANK OF AMERICA RECEIPT	BOA-16270387 - 1965722	\$29.25
11/14/2011	9550437	BANK OF AMERICA RECEIPT	BOA-15031386 - 1873229	\$34.25
10/25/2011	9478552	TOUCHPAY DEPOSIT RECEIPT	TOUCHPAY - CONNER, ALFRED - 4862458	\$55.00
09/29/2011	9379312	TOUCHPAY DEPOSIT RECEIPT	TOUCHPAY - NULL, NULL - 4772746	\$45.00
07/27/2011	9145128	BANK OF AMERICA RECEIPT	BOA-00002484 - 1688687	\$49.25
06/07/2011	8962102	BANK OF AMERICA RECEIPT	BOA-09617610 - 1606444	\$14.25
06/07/2011	8962101	BANK OF AMERICA RECEIPT	BOA-09617609 - 1606443	\$49.25
05/10/2011	8867005	BANK OF AMERICA RECEIPT	BOA-08303310 - 1567138	\$49.25
02/08/2011	8515921	BANK OF AMERICA RECEIPT	BOA-05779257 - 1413911	\$9.25
02/08/2011	8515920	BANK OF AMERICA RECEIPT	BOA-05779254 - 1413910	\$59.25
11/22/2010	8248074	BANK OF AMERICA RECEIPT	BOA-00002484 - 1295334	\$9.25
11/08/2010	8195022	BANK OF AMERICA RECEIPT	BOA-00002484 - 1268841	\$24.25
11/08/2010	8195019	BANK OF AMERICA RECEIPT	BOA-00002484 - 1268842	\$49.25
10/15/2010	8113475	BANK OF AMERICA RECEIPT	BOA-01290049 - 1221458	\$49.25
08/29/2010	7936644	JPAY DEPOSIT RECEIPT	JPAY - MAXWELL, CLAUDIA - 9954139	\$10.00
08/16/2010	7897896	BANK OF AMERICA RECEIPT	BOA-00001310 - 1139270	\$59.25
07/27/2010	7822936	BANK OF AMERICA RECEIPT	BOA-00001126 - 1104372	\$9.25
07/08/2010	7754489	BANK OF AMERICA RECEIPT	BOA-28375020 - 1071672	\$69.25
06/07/2010	7644098	BANK OF AMERICA RECEIPT	BOA-98354167 - 1021562	\$49.25
05/17/2010	7566571	BANK OF AMERICA RECEIPT	BOA-98353845 - 975696	\$39.25
04/07/2010	7423349	BANK OF AMERICA RECEIPT	BOA-94573556 - 917975	\$49.25
01/19/2010	7113016	BANK OF AMERICA RECEIPT	BOA-00002484 - 767836	\$49.25
12/11/2009	6981591	BANK OF AMERICA RECEIPT	BOA-92053510 - 703292	\$29.25
11/04/2009	6844806	BANK OF AMERICA RECEIPT	BOA-88727229 - 632418	\$59.25
10/09/2009	6757237	BANK OF AMERICA RECEIPT	BOA-98349932 - 588633	\$24.25
08/20/2009	6577957	BANK OF AMERICA RECEIPT	BOA-15819784 - 423205	\$49.25

Account Statement

28 Total Pages

Account Statement

CONNER, CLIFFORD

Printed By: CHAPMAN, GREGORY

GDC ID: 170686

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10/09/2009	6757237	BANK OF AMERICA RECEIPT	BOA-98349932 - 588633	\$24.25
08/20/2009	6577957	BANK OF AMERICA RECEIPT	BOA-15819784 - 423205	\$49.25



TIFTON JUDICIAL CIRCUIT PUBLIC DEFENDER OFFICE

1212 Chestnut Avenue • Tifton, Georgia 31794 • Telephone 229-387-6488 • Facsimile 229-387-6234

John R. Mobley II
Circuit Public Defender

November 10, 2014

RECEIVED IN OFFICE
2014 NOV 12 AM 10:49
CLERK COURT ADMINISTRATOR
COURT OF APPEALS OF GA

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

VIA FedEx Overnight
8019 4293 9677

RE: State of Georgia v. Barton Lee Coleman
Petition for Supersedeas Bond

Dear Mr. Castlen:

Please find enclosed for filing an original and three copies of a Petition for Supersedeas Bond in the above-referenced matter. Please file the original Petition and return one of the copies to me file-stamped in the enclosed self-addressed, stamped envelope.

If you have any questions, please do not hesitate to call.

Sincerely,

Valerie Cochran
Assistant Public Defender

VC:sas
Enclosures

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

November 12, 2014

To: Valerie Cochran, Esq., Tift Circuit Public Defender Office, 1212 Chestnut Avenue,
Tifton, Georgia 31794

Case Number: 2008-CR-142 Lower Court: Tift County Superior Court

Court of Appeals Case Number and Style: _____

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

- There is no case pending in the Court of Appeals of Georgia under your name.**
- A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37.** Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.
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- Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____
_____ The remittitur issued on _____
divesting this Court of jurisdiction. The case decision is therefore final.
- Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the _____ is: _____
- If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.
- A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.
- Per your request to Chief Deputy Clerk, Patty Bender, the attached Petition for Supersedeas Bond is being returned for corrections.**

Patty Bender - Trial court case 2008CR142

From: Valerie Cochran <vcochran.law@gmail.com>
To: <benderp@gaappeals.us>, Robbie Rogers <rrogers@pacga.org>
Date: 11/12/2014 11:39 AM
Subject: Trial court case 2008CR142

Ms. Bender,

Pursuant to our conversation please do not file the new Petition for Supersedeas Bond in case 2008CR142 from the Tift County Superior Court. I will file one with the necessary corrections.

Thank you,
Valerie Cochran
Ass't Public Defender, Tifton Judicial Circuit
(850) 692-9502 (google voice)

RECEIVED IN OFFICE
 2014 NOV 12 AM 10:49
 CLERK OF SUPERIOR COURT
 COUNTY OF APPEALS OF GA

IN THE COURT OF APPEALS
 STATE OF GEORGIA

STATE OF GEORGIA,	:	Tift County
	:	
	:	Superior Court
	:	
Plaintiff/Respondent,	:	Docket No. 2008-CR-142
	:	
v.	:	HOMICIDE BY VEHICLE IN THE FIRST
	:	DEGREE, DRIVING UNDER THE
BARTON LEE COLEMAN,	:	INFLUENCE (PER SE), DRIVING
	:	UNDER THE INFLUENCE (LESS SAFE)
	:	(ALCOHOL), DRIVING UNDER THE
Defendant/Applicant.	:	INFLUENCE (CONTROLLED
	:	SUBSTANCE), DRIVING UNDER THE
	:	INFLUENCE (LESS SAFE)(COMBINED
	:	INFLUENCE)

PETITION FOR SUPERSEDEAS BOND

Submitted by:

VALERIE COCHRAN
 Attorney for Petitioner
 Georgia Bar No. 215013
 Tift Circuit Public Defender Office
 1212 Chestnut Avenue
 Tifton, GA 31794
 (229) 387-6488

Barton Lee Coleman
 3000 Schatulga Road
 Columbus, GA 31907
 (706) 568-5000

IN THE COURT OF APPEALS
STATE OF GEORGIA

STATE OF GEORGIA,	:	Tift County
	:	
	:	Superior Court
	:	
Plaintiff/Respondent,	:	Docket No. 2008-CR-142
	:	
v.	:	HOMICIDE BY VEHICLE IN THE FIRST
	:	DEGREE, DRIVING UNDER THE
BARTON LEE COLEMAN,:	:	INFLUENCE (PER SE), DRIVING
	:	UNDER THE INFLUENCE (LESS SAFE)
	:	(ALCOHOL), DRIVING UNDER THE
Defendant/Applicant.	:	INFLUENCE (CONTROLLED
	:	SUBSTANCE), DRIVING UNDER THE
	:	INFLUENCE (LESS SAFE)(COMBINED
	:	INFLUENCE)

Tab No.	INDEX	Page No.
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3	Exhibits	
A	Petition for Supersedeas Bond	

IN THE COURT OF APPEALS
STATE OF GEORGIA

STATE OF GEORGIA, :
 : Tift County
 : Superior Court
 Plaintiff/Respondent, : Docket No. 2008-CR-142
 :
 :
 v. : HOMICIDE BY VEHICLE IN THE FIRST
 : DEGREE, DRIVING UNDER THE
 BARTON LEE COLEMAN, : INFLUENCE (PER SE), DRIVING
 : UNDER THE INFLUENCE (LESS SAFE)
 : (ALCOHOL), DRIVING UNDER THE
 Defendant/Applicant. : INFLUENCE (CONTROLLED
 : SUBSTANCE), DRIVING UNDER THE
 : INFLUENCE (LESS SAFE)(COMBINED
 : INFLUENCE)
 :

PETITION FOR SUPERSEDEAS BOND

Defendant/Applicant, by and through counsel, pursuant to OCGA §§ 9-11-62(b), 5-6-46(a), and Rule 40(b) of the Rules of the Court of Appeals of the State of Georgia, submits his second petition for supersedeas bond due to changed

circumstances as follows:

1. A previous Petition for Supersedeas Bond was filed with this Court October 27, 2014, a copy of which is attached as Exhibit A. This Court denied the petition October 27, 2014.

2. That same day Coleman was admitted for inpatient treatment pursuant to Judge Porter's Inpatient Civil Commitment Order on October 27, 2014 to West Central Regional Hospital in Columbus, Georgia.

3. This Court docketed this case October 27, 2014. The twenty day timeframe for Appellant's brief ends November 16, 2014, a Sunday. Appellees then have another twenty days to file a response. This deadline would be December 6, 2014, a Saturday. If Appellant chooses to file a Response Brief the deadline for that would be another twenty days from Appellee's due date, December 19, 2014, sixty days from the docketing.

4. Though this Court has docketed the appeal in this case Defendant's 90-day inpatient treatment time has begun and two-thirds of it will be completed by the time all the briefs are due to this Court. All that would remain of Appellant's mandatory inpatient treatment would be thirty days.

5. It is very likely the issue in this case would become moot prior to a decision being rendered. Alternatively, by the time a decision is rendered it would be of little practical benefit to Appellant.

WHEREFORE, for the reasons set forth in this Petition, the Petitioner prays that:

- (a) This Honorable Court set bond in an amount, with any conditions, that it deems reasonable and proper; and
- (b) Such other relief as the Court shall deem just and proper.

This the 10th day of November, 2014.

Respectfully submitted,

Tifton Circuit Public Defender's Office



Valerie Eileen Cochran

Attorney for Defendant

Georgia Bar No. 215013

Tifton Circuit Public Defender
1212 Chestnut Avenue
Tifton, Georgia 31794
(229) 387-6488

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the within and foregoing PETITION FOR SUPERSEDEAS BOND on all parties by depositing a true and correct copy of same in the United States Mail, postage prepaid, or via hand delivery addressed to counsel of record as follows:

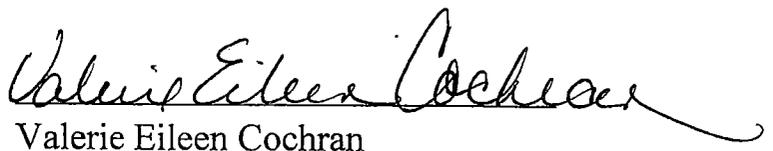
Hon. J. Richard Porter, III
Senior Judge, Superior Courts of Georgia
250 N. Broad Street, Box 4
Third Floor
Cairo, GA 39828

Kevin Hutto
Robert A. Rogers
District Attorney's Office
PO Box 1252
Tifton, GA 31793

This 10th day of November, 2014.

Respectfully submitted,

Tifton Circuit Public Defender's Office


Valerie Eileen Cochran

Attorney for Defendant
Georgia Bar No. 215013

Tifton Circuit Public Defender
1212 Chestnut Avenue
Tifton, Georgia 31794
(229) 387-6488

FILED IN OFFICE

OCT 27 2014

CLERK, COURT OF APPEALS OF GEORGIA

IN THE COURT OF APPEALS
STATE OF GEORGIA

STATE OF GEORGIA,	:	Tift County
	:	
	:	Superior Court
	:	
Plaintiff/Respondent,	:	Docket No. 2008-CR-142
	:	
v.	:	HOMICIDE BY VEHICLE IN THE FIRST
	:	DEGREE, DRIVING UNDER THE
BARTON LEE COLEMAN,	:	INFLUENCE (PER SE), DRIVING
	:	UNDER THE INFLUENCE (LESS SAFE)
	:	(ALCOHOL), DRIVING UNDER THE
Defendant/Applicant.	:	INFLUENCE (CONTROLLED
	:	SUBSTANCE), DRIVING UNDER THE
	:	INFLUENCE (LESS SAFE)(COMBINED
	:	INFLUENCE)

PETITION FOR SUPERSEDEAS BOND

Submitted by:

VALERIE COCHRAN
 Attorney for Petitioner
 Georgia Bar No. 215013
 Tift Circuit Public Defender Office
 1212 Chestnut Avenue
 Tifton, GA 31794
 (229) 387-6488

Barton Lee Coleman
 1217 N College Ave
 Tifton, GA 31794
 (229) 821-1174

CLERK/REGISTRAR
 COURT OF APPEALS OF GA

2014 OCT 27 PM 1:01

RECEIVED IN OFFICE



IN THE COURT OF APPEALS
STATE OF GEORGIA

STATE OF GEORGIA,	:	Tift County
	:	
	:	Superior Court
	:	
Plaintiff/Respondent,	:	Docket No. 2008-CR-142
	:	
v.	:	HOMICIDE BY VEHICLE IN THE FIRST
	:	DEGREE, DRIVING UNDER THE
BARTON LEE COLEMAN,:	:	INFLUENCE (PER SE), DRIVING
	:	UNDER THE INFLUENCE (LESS SAFE)
	:	(ALCOHOL), DRIVING UNDER THE
Defendant/Applicant.	:	INFLUENCE (CONTROLLED
	:	SUBSTANCE), DRIVING UNDER THE
	:	INFLUENCE (LESS SAFE)(COMBINED
	:	INFLUENCE)

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4	Exhibits	
4a	Inpatient Civil Commitment Order (Amended).....	3, 4
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4c	Appearance Bond to Sheriff	4

IN THE COURT OF APPEALS
STATE OF GEORGIA

STATE OF GEORGIA,	:	Tift County
	:	
	:	Superior Court
	:	
Plaintiff/Respondent,	:	Docket No. 2008-CR-142
	:	
v.	:	HOMICIDE BY VEHICLE IN THE FIRST
	:	DEGREE, DRIVING UNDER THE
BARTON LEE COLEMAN,;	:	INFLUENCE (PER SE), DRIVING
	:	UNDER THE INFLUENCE (LESS SAFE)
	:	(ALCOHOL), DRIVING UNDER THE
Defendant/Applicant.	:	INFLUENCE (CONTROLLED
	:	SUBSTANCE), DRIVING UNDER THE
	:	INFLUENCE (LESS SAFE)(COMBINED
	:	INFLUENCE)

PETITION FOR SUPERSEDEAS BOND

Defendant/Applicant, by and through counsel, pursuant to OCGA §§ 9-11-62(b), 5-6-46(a), and Rule 40(b) of the Rules of the Court of Appeals of the State of Georgia, submits his petition for supersedeas bond; as follows:

1. Presently pending before the Court is Mr. Coleman's Appeal from an order of Inpatient Civil Commitment Order(Amended), signed October 15, 2014, nunc pro tunc September 23, 2014, attached hereto as Applicant's Exhibit 4a.

2. The filing of Mr. Coleman's Notice of Appeal acts as a supersedeas in this

action, unless otherwise ordered by the Court; or the Court may condition supersedeas on the giving of bond in good security in such an amount as the Court may order. OCGA §§ 9-11-62(b) and 5-6-46(a). A true and correct copy of Applicant's Notice of Appeal is attached hereto as Applicant's Exhibit 4b.

3. Mr. Coleman was given a bond of \$11,500 on February 8, 2007, without any special restrictions. A copy of Mr. Coleman's Appearance Bond to Sheriff is attached hereto as Applicant's Exhibit 4c. Mr. Coleman remained out on bond, with no evidence of any incidents, until the bench trial on Mr. Coleman's Special Plea of Incompetency to Stand Trial and Motion for Transfer of Defendant to the Department of Human Resources was heard September 23, 2014.

4. Mr. Coleman was found incompetent to stand trial and unlikely to be restored to competency in the foreseeable future on September 23, 2014. The Honorable Judge J. Richard Porter, III then ordered Mr. Coleman to Inpatient Civil Commitment and modified Mr. Coleman's bond conditions. Judge Porter ordered Mr. Coleman to live with his parents, be under the constant supervision of a competent adult at all times, not partake in any alcohol or any illegal substances, take all medications as prescribed, and not operate any motor vehicle or bicycle of any kind.

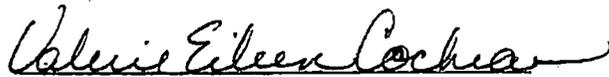
5. Absent a supersedeas bond under this Court's Rule 40(b) if Mr. Coleman is transported to a Department of Behavioral Health and Developmental Disabilities facility for the 90 day period in the trial court's order prior to the issue before the Court being decided, the issue would become moot. Alternatively, if after the 90 day inpatient period, Mr. Coleman is released prior to the issue being decided, the issue before the Court would also be moot.

WHEREFORE, for the reasons set forth in this Petition, the Petitioner prays that:

- (a) This Honorable Court set bond in an amount, with any conditions, that it deems reasonable and proper; and
- (b) Such other relief as the Court shall deem just and proper.

This the 24 day of October, 2014.

Respectfully submitted,
Tifton Circuit Public Defender's Office



Valerie Eileen Cochran
Attorney for Defendant
Georgia Bar No. 215013

Tifton Circuit Public Defender
1212 Chestnut Avenue
Tifton, Georgia 31794
(229) 387-6488

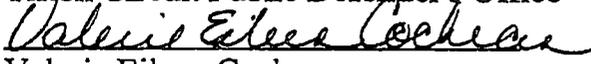
CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the within and foregoing PETITION FOR SUPERSEDEAS BOND on all parties by depositing a true and correct copy of same in the United States Mail, postage prepaid, or via hand delivery addressed to counsel of record as follows:

Hon. J. Richard Porter, III
Senior Judge, Superior Courts of Georgia
250 N. Broad Street, Box 4
Third Floor
Cairo, GA 39828

Kevin Hutto
Robert A. Rogers
District Attorney's Office
PO Box 1252
Tifton, GA 31793

This 24 day of October, 2014.

Respectfully submitted,
Tifton Circuit Public Defender's Office

Valerie Eileen Cochran
Attorney for Defendant
Georgia Bar No. 215013

Tifton Circuit Public Defender
1212 Chestnut Avenue
Tifton, Georgia 31794
(229) 387-6488

AFFIDAVIT OF INDIGENCE

STATE OF GEORGIA

COUNTY OF TIFT

PERSONALLY COMES VALERIE EILEEN COCHRAN, Attorney
at Law, who deposes and says that he was appointed to represent the
Appellant/Applicant, BARTON LEE COLEMAN by the trial court because
of the Applicant's indigency and that he is seeking the Appeal in good faith.

This Affidavit is made in compliance with Rule 5 of the Rules of the
Court of Appeals of the State of Georgia and O.C.G.A. § 5-6-4.

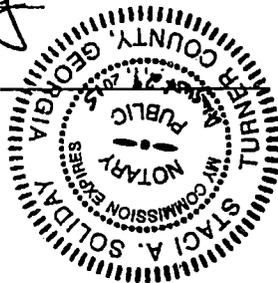


Valerie Eileen Cochran
Attorney for Appellant/Applicant Barton Lee Coleman
Georgia Bar No. 215013
Tifton Circuit Public Defender's Office
1212 Chesnutt Avenue
Tifton, GA 31794
(229) 387-6488

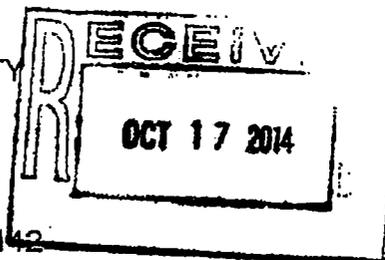
Sworn to and subscribed before me,
this 9th day of October, 2014.


Notary Public

My Commission Expires:



IN THE SUPERIOR COURT OF TIFT COUNTY
STATE OF GEORGIA



STATE OF GEORGIA

Versus

Case No 2008CR-142

BARTON LEE COLEMAN,
Defendant

INPATIENT CIVIL COMMITMENT ORDER (AMENDED)

The Court requested the Department of Behavioral Health and Developmental Disabilities (DBHDD) Forensic Services staff evaluate the defendant per a Court Order signed on 08/28/2013. As a result of that evaluation, the defendant filed a Special Plea of Incompetency to Stand Trial on April 23, 2014, thus joining the issue.

A bench trial as to the issue of competency was held on September 23, 2014, in the Tift County Administrative Building 3rd floor hearing room. The only witness to testify was Dr. Robin Perkins of the Georgia Department of Behavioral Health and Developmental Disabilities. Dr. Perkins performed an extensive forensic mental evaluation of the defendant.

When the defendant was evaluated by Robin Perkins, Ph.D., Licensed Psychologist, and DBHDD Forensic Services staff, on 11/25/2013, her finding was that the defendant is unable to communicate effectively with his counsel and is also unable to understand all of the proceedings or, at the very least, to adequately comprehend enough to assist with his defense. As a result, the opinion of the State's expert was that the defendant is Incompetent to Stand Trial and that it is extremely unlikely the defendant can be restored to competency in the foreseeable future.

She further found that the defendant's primary barriers to attaining competency to stand trial are directly related to a Traumatic Brain Injury, received as a result of an automobile accident that is the subject of the underlying criminal charges. It is the opinion of the forensic psychologist that the defendant's condition is not likely to improve over time. **Therefore, relying on this evidence presented by the Defense, in conjunction with the admissions of the defendant during the evaluation, this Court finds by clear and convincing evidence that the defendant in this case is Incompetent to Stand Trial and unlikely to be restored to competency in the foreseeable future.**

The court further finds as follows pursuant to O.C.G.A. § 37-3-1 et seq.:

(a) The defendant is charged with the non-violent offense of homicide by vehicle in the first degree, driving under the influence per se, driving under

Georgia, Tift County
I certify that this is a true and correct
copy of the original which is on file in
the Clerk Superior Courts office this
22 day of October, 2014

BL

(Clerk) (Deputy Clerk) Superior Court

FILED IN OFFICE

OCT 22 2014

GWEN FATE, CLERK OF COURT

BL DC

- the influence less safe, driving under the influence of a controlled substance, and driving under the influence less safe (combined influence)
- (b) That BARTON LEE COLEMAN is currently incompetent to stand trial.
 - (c) The defendant is brain damaged as a result of the automobile crash involved in this case and has been diagnosed with Aphasia,
 - (d) That he does present an imminent danger to himself or others,
 - (e) That he is unable to care for his own physical health and safety so as to create an imminently life-endangering crisis, and
 - (f) That therefore the Defendant, BARTON LEE COLEMAN, meets the criteria for INPATIENT CIVIL COMMITMENT OF O.C.G.A.37-3-1 et.seq. as the least restrictive environment for treatment of the defendant,

IT IS FURTHER HEREBY ORDERED AND ADJUDGED that the Defendant, BARTON LEE COLEMAN, be committed to the Georgia Department of Behavioral Health and Developmental Disabilities (hereinafter, DBHDD) to receive involuntary inpatient treatment pursuant to O.C.G.A. 37-3-1 *et seq.* as provided by O.C.G.A. 17-7-130. Additionally, DBHDD is to be provided a copy of the order and DBHDD shall make arrangements for a bed and for pick-up of Defendant as soon as reasonably possible after the signing of this order.

The conditions and terms of the Defendant, BARTON LEE COLEMAN'S involuntary inpatient treatment includes, but are not necessarily limited to, that:

1. The defendant shall be notified by the DBHDD to report to the Sheriff of Tift County when a bed space at the appropriate facility becomes available,
2. The defendant shall then be transported to the appropriate state hospital for the mentally ill, to be selected by DBHDD, along with (2) copies of this order,
3. The accused shall be reevaluated annually for civil commitment to the DBHDD. However, pursuant to O.C.G.A. § 17-7-130(e)(2)(B)(iii), the accused shall not be civilly committed beyond the maximum period of 5 years.

IT IS FURTHER ORDERED that an application for release of Mr. COLEMAN upon the grounds that he does not meet the civil commitment criteria of O.C.G.A. 37-3-1 *et seq.* may be made to the Superior Court of Tift County, whether by Mr. COLEMAN or the Regional Hospital Administrator or the Forensic Director of the state mental hospital from which he is released or a designated Department of Behavioral Health and Developmental Disabilities official.

IT IS FURTHER ORDERED that at such time as DBHDD is of the opinion that BARTON LEE COLEMAN no longer meets the civil inpatient commitment criteria, the hospital administrator or their designee of said state hospital for the mentally ill shall return a written report of the hospital's evaluation, disposition, and recommendation to this Court and to the Office of the District Attorney, and to Mr. COLEMAN'S attorney, as provided by law. Upon receipt of the written report of said State Hospital, the Court will schedule a prompt hearing on Mr. COLEMAN'S release no later than thirty (30) days

after receipt of the written report by the Court, and during the interim, Mr. COLEMAN should not be transported back to the County Jail, but shall remain in the State Hospital and shall be brought directly to the detention facilities at the Court on the day of the hearing on Mr. COLEMAN'S proposed release.

IT IS FURTHER ORDERED that pending the availability of a bed space at the appropriate state hospital, the defendant is directed to live with his parents and is to be constantly supervised by a competent adult at all times. Further, the defendant may not partake of any alcohol or other illegal substances. The defendant must take all meds as prescribed by his doctor. Defendant shall not operate a motor vehicle or bicycle of any kind. The Sheriff of Tift County, upon notice of the defendant's violation of any of these pre-hospitalization conditions, shall take custody of the defendant until such time as a bed space becomes available. The defendant shall abide by all other terms and conditions of the original bond in this case and shall not violate the laws of this state or any other governmental unit.

SO ORDERED this Oct 15, 2014, *in presence 9-23-14*



Judge Superior Court
Tifton Judicial Circuit

Consented as to form:


/s/ Robert A. Rogers
Robert A. Rogers
Assistant District Attorney
GA Bar Number 613333
P.O. Box 1252
Tifton, GA 31793
229-386-7900
Fax 229-386-7957
Email: rrogers@pacga.org


Valerie Cochran
Attorney for the Defendant
GA Bar Number 215013
1212 Chestnut Ave.
Tifton, GA 31794
229-387-6488
Fax 229-387-6234

COPY

IN THE SUPERIOR COURT OF TIFT COUNTY

STATE OF GEORGIA

STATE OF GEORGIA,

*

V

*

INDICTMENT NO.: 2008CR142

BARTON LEE COLEMAN,

*

Defendant.

*

NOTICE OF APPEAL

Notice is hereby given that Barton Lee Coleman, Defendant above-named, hereby appeals to the Court of Appeals from the Inpatient Civil Commitment Order entered October 15, 2014, nunc pro tunc September 23, 2014.

The offenses for which the Defendant was indicted are: Homicide by Vehicle in the First Degree; Driving Under the Influence (Per Se); Driving Under the Influence (Less Safe) (Alcohol); Driving Under the Influence (Controlled Substance); and Driving Under the Influence (Less Safe) (Combined Influence).

Barton Coleman was given a bond of \$11,500 on February 8, 2007. A Petition for Psychiatric Examination was filed on August 26, 2013 by trial counsel and the Order for Mental Evaluation Re: Degree of Criminal Responsibility or Sanity at the Time of the Act and Competency to Stand Trial was filed September 6, 2013. The report from the Georgia Department of Behavioral Health and Development was completed December 30, 2013. Mr. Coleman's Special Plea of

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OCT 22 2014

GWEN PATE, CLERK OF COURT
BL DC

Incompetency to Stand Trial and Motion for Transfer of Defendant to the Department of Human Resources was filed April 23, 2014. The bench trial on Mr. Coleman's special plea and motion for transfer was held September 23, 2014. After the trial the Honorable Senior Judge J. Richard Porter, III found Defendant Incompetent to Stand Trial and Unlikely to be Restored to Competency in the Foreseeable Future and ordered Defendant to Inpatient Civil Commitment.

The Clerk will please not omit anything from the record on appeal.

Transcript of evidence and proceedings in its entirety will be filed for inclusion in the record on appeal.

This Court, rather than the Supreme Court, has jurisdiction of this case on appeal for the reason that the Inpatient Civil Commitment Order in this criminal case was entered on a non-capital felony.

This the 21 day of October, 2014.

Respectfully submitted,

Tifton Circuit Public Defender's Office



Valerie Eileen Cochran
Attorney for Defendant
Georgia Bar No. 215013

Tifton Circuit Public Defender
1212 Chestnut Avenue
Tifton, Georgia 31794
(229) 387-6488

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the within and foregoing NOTICE OF APPEAL on all parties by depositing a true and correct copy of same in the United States Mail, postage prepaid, or via hand delivery addressed to counsel of record as follows:

Hon. J. Richard Porter, III
Senior Judge, Superior Courts of Georgia
250 N. Broad Street, Box 4
Third Floor
Cairo, GA 39828

Kevin Hutto
Robert A. Rogers
District Attorney's Office
PO Box 1252
Tifton, GA 31793

This 21 day of October, 2014.

Respectfully submitted,

Tifton Circuit Public Defender's Office



Valerie Eileen Cochran
Attorney for Defendant
Georgia Bar No. 215013

Tifton Circuit Public Defender
1212 Chestnut Avenue
Tifton, Georgia 31794
(229) 387-6488

APPEARANCE BOND TO SHERIFF

THE STATE OF GEORGIA, TIFT COUNTY.

Know All Men by these Presents:

That we, BARTON LEE COLEMAN, Principal, and

JAMES & DWANA COLEMAN, Securities, are held and firmly bound unto

HON SONNY PERDUE, Governor of said State, and his successors

in office, in the perial sum of ELEVEN THOUSAND FIVE HUNDRED DOLLARS & 00/100 Dollars for the true payment whereof we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents.

Signed with our hands, sealed with our seals, and dated this 8 day of FEBRUARY, 2007

The Condition of the Above Obligation is such:

That if the above bound BARTON LEE COLEMAN

shall personally be and appear at the SUPERIOR Court of said County at the time fixed by the Court for his or her arraignment and form day to day and form term to term, then and there to answer the offense of

40-6-393 HOMICIDE BY VEHICLE

40-6-391 DUI

and shall not depart thence without the leave of said Court, then the above obligation to be null and void; else to remain in full force and virtue.

Signed, sealed and acknowledged in presence of

MAJOR WOOLARD

CPL CASEY WILLIAMSON

Defendant's Name Lee Coleman

Address 1217 N COLLEGE AVE

TIFTON GA 31794

Phone No. 229-821-1174

Bondsman's Name DWANA COLEMAN

Address 1217 N COLLEGE AVE

TIFTON GA 31794

Phone No. 229-821-1174

Bondsman's Name JAMES ROBERT COLEMAN

Address 1712 N COLLEGE AVE

TIFTON GA 31794

Phone No. 229-821-1176

I do solemnly swear that I have the amount of this bond in Cash in the bank plus realty property to pay off this bond when called upon by the Court.

Bondsman Dwana Coleman

Bondsman James Robert Coleman

to clerk of Georgia court of Appeals

From Daniel Eric Cobble 7585 72 GDEH
Riverbend private prison 198 Laying Farm Rd
Milledgeville, Georgia 31061
today is 10-17-14

① I send you a discrimination appeal for Cherokee
superior court registered on 10-3-14 but I sent
you appeal I dated on 10-16-14 from Hancock State
prison but they shipped me same day same mail instead
going to you, came to Riverbend, I then sent it to you
again, but prison didn't know what 1980s yrs. states
Frankness made a law allowing mail without stamp
as long as frankness is on it, so Riverbend refused to send
it to you, but I finally got it to you, but I can't seem
to let court # yet, it against Stephanie Lockhart
so what is court #?

- ② please put court # in enclosure as per to you
③ this is also a notice of address change to
you, that I'm now at Riverbend prison address - our

by Daniel Eric Cobble
please refer to

RECEIVED IN OFFICE
2014 NOV 12 PM 3:28
CLERK OF COURT
JUDICIAL APPEALS OF GA

Ms 177 Box 8 of Oct. 2014 David G. Little
1st Edition

Stephanie Anne Lockhart
108 Little Creek Drive
Woodstock Georgia 30188

Ms 177 Box 8 David G. Little
1st Edition
Stephanie Anne Lockhart
108 Little Creek Drive
Woodstock Georgia 30188
Little G. Little put there, to P
with myself

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

Date: November 14, 2014

To: Mr. Michael Black, GDC1000503810 M3, Macon Correctional Institution, Post Office Box 426,
Oglethorpe, Georgia 31068

Docket Number: A14A0776 **Style:** Michael Black 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 must include the complete name and mailing address of each opposing party. Rules 1(a) and 6. You should provide a copy of your filing to the District Attorney and include his/her name and address on your Certificate of Service.**
6. There were an insufficient number of copies of your document. Rule 6.
7. Your document exceeds page limits. Rules 24 (f) and 27 (a)
8. Your document was submitted without permission to file (supplemental brief or second motion for reconsideration). Rules 27 (a) and 37 (d)
9. Letter briefs and letter cites are not permitted. Rule 27 (b)
10. Your request for court action must be submitted in motion form. Rule 41 (a)
11. Your motions were submitted in an improper form (joint, compound or alternative motions in one document). Rule 41 (b)
12. Type was on both sides of the paper; type font was smaller than 10 characters per inch; and/or the type was not double-spaced. Rules 1(c), 37(a) and 41(b).
13. The pages were not sequentially numbered with arabic numerals. Rule 24 (e)
14. Case and/or record citations were not made in the proper form. Rules 24 (d) and 25 (c) (2)
15. Margins were too small or paper size incorrect. Rules 1(c), 24(c), 37 (a) and 41(b)
16. Your document(s) was (were) not securely bound at the top with staples or round head fasteners. Rule 1 (c)
17. The Motion to Supplement has not been granted.
18. Other

IN THE COURT OF APPEALS OF GEORGIA

BLACK

v.

THE STATE OF GEORGIA.

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CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

CASE NO.

A14A0776

CERTIFIED
MOTION FOR RECONSIDERATION

Now comes the defendant Michael D. Black proceeding pro se moving the Court to reconsider the Court's ruling issued on October 30, 2014. Movant ~~averts~~ avers that he received the ruling on November 4, 2014 via the Macon State Prison mail room.

Movant is relying upon the mailbox rule mandated by Masonline v. Williams, 554 SE 2d 720 (2001), Houston v. Lack, ~~100 S. Ct.~~ 487 U.S. 266 (1988). Movant avers that he placed a copy of this pleading in the Macon State Prison mail box on November 5th, 2014.

Movant also relies upon the case Haines v. Kerner, 404 U.S. 519 (1972). Movant contends that there is no opportunity, no access to the Court of Appeals of Georgia for pro se petitioners, particularly prisoners. Georgia's prison system doesn't process mail on Fridays. This pleading is placed in the prison mail box on Thursday, Nov. 6, 2014. Movant avers that the post date on

overwhelming in the support of the appellant's mental competency. The trial court is lost in the handling of this.

and U.S. v. Evans, 478 F.3d 1332 (2017). The record is overwhelming, by recent 11th Circuit cases: Gill v. McCook, 633 F.3d 1272 (2011)

representation has a solid history. This issue is supported by the ramifications of representing himself. The issue of self-representation is not properly before the court. The appellant did not object, thereby waiving the possible error. Appellant I. The Court finds no merit in movant's claims because he

will attempt to bring two.

in formulating a well supported cognizable claim the movant but because of movant's access to nothing that would help

There are several questions the Court should consider, can't just jump in the car and hand deliver anything.

or won't recognize the absurdity of his advice. If prisoner

the court/judicial system is. If well educated lawyers can't

Motion for Reconsideration. This is indicative of just how warped

counsel directed the movant to have his family hand deliver his not consider this pleading, ruling it untimely. Movant's appointed

this pleading will be the tenth of November and that the Court will

The trial court isn't aware of its authority to order a mental health evaluation of a defendant. There can be no plain error. Appellant prays for reconsideration.

II. Did the Court's failure to see that "controlling others" was in no way ever introduced by any testimony except that of the prosecutor. The same prosecutor that called the appellant a fake and a nut case. The appellant was not informed that he would have to defend against "controlling others." This broadened the means upon which the appellant could be convicted and evidently was. This Court infers that the trial court's note that force was not relevant was one more instance where the charged crime is altered by the trial court, not the grand jury. Once more an error that is plain and easy to see. U.S. v. Olano, 1135 Ct. 1770 (1993).

This pleading is respectfully submitted via the poison mail box with ample pre paid postage, 1st class addressed to the Clerk of Court, 334 STATE JUDICIAL BLDG., Atlanta, GA 30334 on this the 6th day of November, 2014.


MICHAEL D. BLACK, pro se
#1000 503 810, M3, PO Box 426
Oglethorpe, GA 31068

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

Date: November 14, 2014

To: Mr. Edward Lamar Bloodworth, 3916 Davis Circle, N.W., Duluth, Georgia 30096

Docket Number: A15A0282 **Style:** Edward Bloodworth v. Marc Treadwell

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 must include the complete name and mailing address of each opposing party and provide them with a copy of your filing. Rules 1(a) and 6.**
6. There were an insufficient number of copies of your document. Rule 6.
7. Your document exceeds page limits. Rules 24 (f) and 27 (a)
8. Your document was submitted without permission to file (supplemental brief or second motion for reconsideration). Rules 27 (a) and 37 (d)
9. Letter briefs and letter cites are not permitted. Rule 27 (b)
10. Your request for court action must be submitted in motion form. Rule 41 (a)
11. Your motions were submitted in an improper form (joint, compound or alternative motions in one document). Rule 41 (b)
12. Type was on both sides of the paper; type font was smaller than 10 characters per inch; and/or the type was not double-spaced. Rules 1(c), 37(a) and 41(b).
13. The pages were not sequentially numbered with arabic numerals. Rule 24 (e)
14. Case and/or record citations were not made in the proper form. Rules 24 (d) and 25 (c) (2)
15. Margins were too small or paper size incorrect. Rules 1(c), 24(c), 37 (a) and 41(b)
16. Your document(s) was (were) not securely bound at the top with staples or round head fasteners. Rule 1 (c)
17. The Motion to Supplement has not been granted.
18. Other

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

IN THE COURT OF APPEALS OF GEORGIA
ATLANTA GEORGIA

APPEAL NUMBER: A15A0282 83212

RECEIVED IN OFFICE
2014 NOV 12 PM 2:46
GENERAL COURT ADMINISTRATOR
COURT OF APPEALS OF GA

EDWARD LAMAR BLOODWORTH

PLAINTIFF:

VS

APPEAL NO. 15A0282 83212

MARC THOMAS TREADWELL

DEFENDANT:

PLAINTIFF'S MOTION TO WITHDRAW APPEAL

COMES NOW, plaintiff in the above styled and numbered appeal and respectfully requests that the plaintiff's application for appeal in this case be withdrawn.

The plaintiff has discovered issues at law in this matter that require allegations and proof which are not in possession of the plaintiff at this time.

Therefore the plaintiff cannot in good faith pursue this matter on appeal.

Finally the plaintiff respectfully requests that the application for appeal in this case be withdrawn and the plaintiff's Motion for Withdrawal of the application be GRANTED.

Respectfully Submitted!

Edward Lamar Bloodworth

Edward Lamar Bloodworth
3916 Davis Circle N.W.
Duluth, Georgia 30096

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

November 20, 2014

To: Mr. Darrell Brown, GDC1165484 700AA-38-B, Wheeler Correctional Facility, 195 Broad Street,
Alamo, Georgia 30411

Docket Number: Style: Darrell Brown 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

DARRELL BROWN
DEFENDANT,

VS.

THE STATE OF GEORGIA
RESPONDENT,

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*
*

CASE NO. 03-B-2003-03

DOCKET NO.

RECEIVED IN OFFICE
2004 NOV 19 PM 3:41
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

DEFENDANT'S APPLICATION, WITH PRAYER
FOR LEAVE TO APPEAL ORDER
PURSUANT TO O.C.G.A. § 5-6-35 (a)

Comes Now DARRELL BROWN, DEFENDANT, PRO-SE
AND RESPECTFULLY SUBMITS THIS APPLICATION, WITH
PRAYER, FOR LEAVE TO APPEAL ORDER, PURSUANT TO O.C.G.A. §
5-6-35(a); Rule 31(a)(1) AND (2). IN KEEPING WITH THIS
RULE 31(b), THE ORDER HAS BEEN ANNEXED TO THIS APPLI-
CATION. AND IN FURTHER KEEPING WITH RULE 31(c), THE
DEFENDANT, BROWN, ("HERE-IN-AFTER, DEFENDANT"), SUBMITS THIS
MATERIAL TO SUFFICIENTLY APPRISE THE HONORABLE COURT OF
THE APPELLATE ISSUES, IN CONTEXT, AND TO SUPPORT THE
ARGUMENTS ADVANCED BY SHOWING THE FOLLOWING AS
DRAWN HERE-IN:

PART I, [A].

STATEMENT OF THE CASE

DEFENDANT WAS FOUND NOT GUILTY OF COUNT 7, KIDNAPPING WITH AGGRAVATED BATTERY BY A GWINNETT COUNTY JURY ON MAY 2004. THIS VERDICT WAS A FINALITY OF THE CASE AS TO THIS OFFENSE, AND YET LACKS A CONSISTENT JUDGMENT OF ACQUITTAL AS TO THE ONLY ESSENTIAL ELEMENT OF "WITH" BODILY INJURY.

[B].

STATEMENT OF FACTS (RELEVANT)

IN THIS INSTANT APPEAL, DEFENDANT BROWN, IS SHOWING THAT RULE 17, IS RELEVANT. THE CLERK OF GWINNETT COUNTY MUST BE GIVEN A WRITTEN ORDER TO TRANSMIT THE RECORD OF THE ORIGINAL TRANSCRIPTS AND RECORD PROOF OF THE INDICTMENT AND VERDICT FORM, INCLUDING RELEVANT JURY NOTES, JURY INSTRUCTIONS, AND THE SENTENCING DISPOSITION SHEET.

"TRANSMITTAL BY THE PARTY DEFENDANT, DARRELL BROWN IS PROHIBITED, UNDER RULE 17."

[C].

ARGUMENT AND CITATION OF AUTHORITIES

KIDNAPPING with AGGRAVATED BATTERY CARRIES A CAPITAL Punishment ONLY Because of the WITH BOODILY INJURY. O.C.G.A. § 16-5-40; § 17-10-30(b)(2)(7).

IN THIS CASE, THE EVIDENCE WAS INSUFFICIENT TO CONVICT IN COUNT 7, THEREFORE A VERDICT OF NOT GUILTY WAS RENDERED. THIS NOT GUILTY VERDICT HAS A REASONABLE INTENDMENT THAT SHOULD NOT BE DISTURBED. THE ATTEMPT-CONDUCT TO CAUSE AGGRAVATED BATTERY WAS THE COMMISSION CRIME ALSO USED TO ESTABLISH THE ASPORTATION AND THE ACT INCLUDED WITHIN THE CRIME OF AGGRAVATED BATTERY IN WHICH A SINGLE CUT OCCURED. AGGRAVATED ASSAULT BY [A]TTEMPT AS SPECIFIED, IT WAS CONDUCT THAT CONTINUED AND WAS AN INTEGRAL PART OF THE SPECIFIC CHARGED OFFENSE OF "KIDNAPPING WITH AGGRAVATED BATTERY". THE AGGRAVATED FACTOR WAS USED UP TO PROVE ALL OFFENSES AS A MATTER OF FACT, AND AGGRAVATION ALONE... BY THE ALLEGED "USE OF" A SWORD IS WHAT CAUSED THE 'AGGRAVATED' ASSAULT IN COUNT 2, AND THE 'AGGRAVATED' BATTERIES AS CHARGED MULTIPLY IN COUNTS 4 AND 5.

This same 'AGGRAVATION' element IS THE SAME FACT UNDER O.C.G.A. §16-1-6(2), AND THUS THE ONLY FACT "USED AGAIN" TO SHOW THE DEFENDANT COMMITTED ONE CRIME OF ATTEMPTING A 'VIOLENT INJURY' IN ESTABLISHING ANOTHER CRIME OF ACTUAL BATTERY, THUS THE STATE USED UP ALL THE EVIDENCE, SHOWING THAT THE FORMER CRIME IS INCLUDED IN THE LATER AS A MATTER OF FACT UNDER O.C.G.A. §16-1-6(1). FETTY V. STATE, 268 GA. 365, 366 (489 S.E.2D 813) (1997). JUDICIAL NOTICE OF THIS SAME ESSENTIAL ELEMENT ISSUE, CAN BE VIEWED IN THE CASE OF GUILLEN V. THE STATE, 258 GA. APP. 465, 574 S.E.2D 598 (2002). AS TO HOW GWINNETT COUNTY ERRORED IN FAILING TO FURTHER MERGE (OR DIRECT) THE AGGRAVATED BATTERY TO THE KIDNAPPING WITH BODILY INJURY OFFENSE. FURTHER JUDICIAL NOTICE CAN BE VIEWED IN THE CASE OF BAILEY V. THE STATE, 269 GA. APP. 262, 603 S.E.2D 786 (2004), WHEN GWINNETT COUNTY SUPERIOR COURT ERRORED AGAIN WHEN THE COURT ALSO FAILED TO MERGE THE AGGRAVATED ASSAULT WITH THE OFFENSE OF KIDNAPPING WITH BODILY INJURY. THESE ARE PRE-GARZA CASES, CITING GARZA V. STATE, 284 GA. 696, 670 S.E.2D 73 (2008), AS IS THIS INSTANT CASE.

REVERSIBLE ERROR OF THE CONTINUED "ASSAULT SPREE"
AS WAS SHOWN TO THIS COURT IN (2005) IN THE
STATES APPELLATE BRIEF IS NOW DESIRED. THIS
RECORD PROOF HELD ERRONEOUSLY THAT, "A SINGLE CHARGED
ACT OF ATTEMPT," AND THE COMPLETED OFFENSE OF A
VISIBLE INJURY DID IN FACT MERGE COUNTS 2, 4 AND
5, BUT FAILED TO FURTHER MERGE THIS ACT, AND THE
AGGRAVATED BATTERY WITH THE CHARGED OFFENSE OF
KIDNAPPING WITH BODILY INJURY IN COUNT 7. A SINGLE
ACT OF ASSAULT AND THE SAME SINGLE CUT OF BATTERY
IS THE SAME ESSENTIAL ELEMENT THAT MAKES UP THE
SPECIFIC OFFENSE IN COUNT 7'S NOT GUILTY VERDICT.
WHEN THE COURT AND TRIAL COUNSEL CIRCUMVENTED
THE PROPER PROCEDURE TO REVIEW THE VERDICT IN
OPEN COURT, PRIOR TO IT BEING PUBLISHED IN OPEN
COURT, THE STATE WAS ALLOWED TO PROCEED INTO
FURTHER PROSECUTION AND A SENTENCING PHASE ON A NOT
GUILTY VERDICT AND SENTENCE DEFENDANT FOR THE SAME
ACT AND INJURY, AS IF NOT GUILTY HAD NO RELEVANCE
AT ALL! THEN THE PRECEDENT AUTHORITY CHANGED!
COMPARE SELLARS V. EVANS, 293 GA. 346, 745 S.E.2D 643 (2013).

LDJ.
CONCLUSION

Wherefore Defendant prays that this Honorable

Court Apply the New precedent case law Authority
ON INTERVENING SUBSTANTIVE-CRIMINAL LAW changes,
AND Decide this issue of How NOT Guilty of the

offense of kidnapping with Bodily Injury concluded

Any further prosecution into the sentencing phase

on the same essential element of Aggravated BATTERY

where the charge on lesser to be included were devised

By the trial court prior to the Verdict, AND NOT Guilty

on simple kidnapping but guilty on the Bodily Injury

is Repugnant AND even without direction, the law

Demands that the Bodily Injury (no matter how narrow-

ly defined) must be directed towards the kidnapping with this

one AND the same act, as any other direction must be

Set aside.

Further Relief is to Have this Honorable Court

Please fail not to Address this Issue:

OR GRANT Relief as this Court Deems Appropriate.

This 12th Day of November, 2014.

Respectfully submitted,

~~Darrell Brown~~
Darrell Brown

IN THE COURT OF APPEALS
STATE OF GEORGIA

DARRELL BROWN
DEFENDANT,
VS.
THE STATE OF GEORGIA
RESPONDENT.

*
*
*
*
*

CASE NO. 03-B-2003-03

DOCKET NO.

DEFENDANT'S APPLICATION, WITH PRAYER,
FOR LEAVE TO APPEAL ORDER
PURSUANT TO O.C.G.A. § 5-6-35 (a)

Comes Now DARRELL BROWN, DEFENDANT, PRO-se
AND Respectfully submits THIS APPLICATION, WITH
PRAYER, FOR LEAVE TO APPEAL ORDER, PURSUANT TO O.C.G.A. §
5-6-35(a); RULE 31(a)(1) AND (2). IN KEEPING WITH THIS
RULE 31(b), THE ORDER HAS BEEN ANNEXED TO THIS APPLI-
CATION. AND IN FURTHER KEEPING WITH RULE 31(c), THE
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DRAWN HERE-IN:

PART I. [A].

STATEMENT OF THE CASE

DEFENDANT WAS FOUND NOT GUILTY OF COUNT 7, KIDNAPPING WITH AGGRAVATED BATTERY BY A GWINNETT COUNTY JURY ON MAY 2004. THIS VERDICT WAS A FINALITY OF THE CASE AS TO THIS OFFENSE, AND YET LACKS A CONSISTENT JUDGMENT OF ACQUITTAL AS TO THE ONLY ESSENTIAL ELEMENT OF "WITH" BODILY INJURY.

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"TRANSMITTAL BY THE PARTY DEFENDANT, DARRELL BROWN IS PROHIBITED, UNDER RULE 17."

[C].

ARGUMENT AND CITATION OF AUTHORITIES

KIDNAPPING WITH AGGRAVATED BATTERY CARRIES A CAPITAL PUNISHMENT ONLY BECAUSE OF THE WITH BODILY INJURY, O.C.G.A. § 16-5-40; § 17-10-30(b)(2)(7).

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WHEN THE COURT AND TRIAL COUNSEL CIRCUMVENTED
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OPEN COURT, PRIOR TO IT BEING PUBLISHED IN OPEN
COURT, THE STATE WAS ALLOWED TO PROCEED INTO
FURTHER PROSECUTION AND A SENTENCING PHASE ON A NOT
GUILTY VERDICT AND SENTENCE DEFENDANT FOR THE SAME
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AT ALL! THEN THE PRECEDENT AUTHORITY CHANGED!
COMPARE SELLARS V. EVANS, 293 GA. 346, 745 S.E.2D 643 (2013).

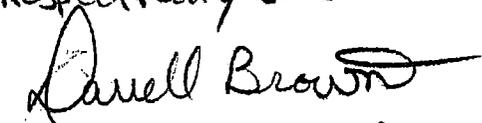
[D].
CONCLUSION

Wherefore DEFENDANT PRAYS THAT THIS HONORABLE COURT APPLY THE NEW PRECEDENT CASE LAW AUTHORITY ON INTERVENING SUBSTANTIVE-CRIMINAL LAW CHANGES, AND DECIDE THIS ISSUE OF HOW NOT GUILTY OF THE OFFENSE OF KIDNAPPING WITH BODILY INJURY CONCLUDED ANY FURTHER PROSECUTION INTO THE SENTENCING PHASE ON THE SAME ESSENTIAL ELEMENT OF AGGRAVATED BATTERY WHERE THE CHARGE ON LESSERS TO BE INCLUDED WERE DENIED BY THE TRIAL COURT PRIOR TO THE VERDICT, AND NOT GUILTY ON SIMPLE KIDNAPPING BUT GUILTY ON THE BODILY INJURY IS REPUGNANT AND EVEN WITHOUT DIRECTION, THE LAW DEMANDS THAT THE BODILY INJURY (NO MATTER HOW NOMENCLATED), MUST BE DIRECTED TOWARDS THE KIDNAPPING WITH THIS ONE AND THE SAME CUT, AS ANY OTHER DIRECTION MUST BE SET ASIDE.

FURTHER RELIEF IS TO HAVE THIS HONORABLE COURT PLEASE FAIL NOT TO ADDRESS THIS ISSUE;
OR GRANT RELIEF AS THIS COURT DEEMS APPROPRIATE.

THIS 12th DAY OF NOVEMBER, 2014.

Respectfully submitted,


DARRELL BROWN

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

November 26, 2014

To: Mr. Brian Bretzing, GDC719396, Valdosta State Prison, PO Box 310, Valdosta, Georgia 31603

Docket Number: Style:

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)
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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: This Court is unsure about what you are attempting to file. If you intend your documents to be an application, please indicate that in your document.**

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

IN THE SUPERIOR COURT OF COURT OF APPEALS
STATE OF GEORGIA

BRIAN BRETZING
Plaintiff

719396
Inmate Number

Civil Action No. 2014 CV-1476

vs.
OFFICER PEAK
WARDEN ALLEN
VICKY BARROW (MED ADM)
Defendant(s)

Nature of Action:
DELIBERATE INDIFFERENCE
TO MEDICAL NEEDS

REQUEST TO PROCEED IN FORMA PAUPERIS

I, BRIAN BRETZING, depose and say that I am the plaintiff in the above entitled case; that in support of my request to proceed without being required to prepay fees, costs or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to redress. I further swear that the responses which I have made to questions and instructions below are true.

1. List any and all aliases by which you are known: NONE

2. Are you presently employed? Yes No
If the answer is "Yes", state the amount of your salary or wages per month, and give the name and address of your employer : _____

If the answer is "No", state the date of last employment and the amount of the salary and wages per month which you received : 1990

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
Gifts or inheritances? Yes No
Any other sources? Yes No

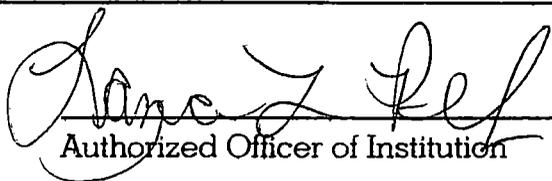
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2014 NOV 24 AM 10:44
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA
Form-CA-2

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, Brian Bretzing,
has an average monthly balance for the last twelve (12) months of \$ 0 on
account at the Valdosta State Prison institution where confined. (If not
confined for a full twelve (12) months, specify the number of months confined. Then compute average
monthly balance on that number of months.)

I further certify that Plaintiff likewise has the following securities according to the records of said
institution : _____


Authorized Officer of Institution

Received
NOV 12 2014
Date _____
Valdosta State Prison
Business Office

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

02-55

Account Statement

BRETZING, BRIAN

Printed By:

POLK, LAZONA

GDC ID: 719396

Spendable Amount	Reserved Amount	Receipts On Hold	Funds Balance	Obligations/Court Charges
\$0.00	\$0.00	\$0.00	\$0.00	\$1,230.53

RECEIPTS

Receipt Date	Transaction ID	Receipt Type	Receipt Details	Receipt Amount
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WITHDRAWALS

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

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

Date	Location Incurred	Obligation Type	Payable To	Obligation Detail	Amount	Paid
11/12/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	VALDOSTA STATE PRISON	RECORD ID = 18288934. 11/12/2014 NLM1	\$0.70	
11/07/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	VALDOSTA STATE PRISON	RECORD ID = 18281904. 11/07/14 INDSUPP	\$0.81	
11/03/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	VALDOSTA STATE PRISON	RECORD ID = 18270524. 11/3/14 NLM-2	\$0.98	
10/31/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	VALDOSTA STATE PRISON	RECORD ID = 18169009. 10/30/14 INDSUPP	\$1.00	
10/27/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	VALDOSTA STATE PRISON	RECORD ID = 18157717. 10/27/2014 NLM2 SP1	\$3.40	
10/24/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	VALDOSTA STATE PRISON	RECORD ID = 18153201. 10/24/14 INDSUPP	\$0.15	
10/20/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	VALDOSTA STATE PRISON	RECORD ID = 18141181. 10/20/14 NLM2	\$1.19	
10/17/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	VALDOSTA STATE PRISON	RECORD ID = 18137810. 10/17/14 INDSUPP	\$0.32	
10/15/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	VALDOSTA STATE PRISON	RECORD ID = 18130945. 10/15/14 NLM1	\$0.70	
10/10/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	VALDOSTA STATE PRISON	RECORD ID = 18124470. 10/10/14 INDSUPP	\$0.15	
10/08/2014	CENTRAL ACCT-OFFENDER TRUST	RX-COPAY	GEORGIA DEPARTMENT OF CORRECTIONS	RECORD ID = 18118728. 10/02/14 RX1	\$5.00	
10/08/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	VALDOSTA STATE PRISON	RECORD ID = 18117916. 10/8/2014 NLM-2;LM-1	\$1.68	
10/07/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	VALDOSTA STATE PRISON	RECORD ID = 18114793. 10/03/14 INDSUPP	\$1.15	
09/29/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	VALDOSTA STATE PRISON	RECORD ID = 17998784. 9/29/2014 NLM-1	\$0.90	
09/29/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	VALDOSTA STATE PRISON	RECORD ID = 17996599. 09/29/14 INDSUPP	\$1.00	
09/25/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	VALDOSTA STATE PRISON	RECORD ID = 17991920. 09/24/14 NLM2	\$1.19	
09/19/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	VALDOSTA STATE PRISON	RECORD ID = 17979791. 09/19/14 INDSUPP	\$1.00	
09/18/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	VALDOSTA STATE PRISON	RECORD ID = 17977474. 9/18/14 NLM3	\$1.47	
09/18/2014	CENTRAL ACCT-OFFENDER TRUST	RX-COPAY	GEORGIA DEPARTMENT OF CORRECTIONS	RECORD ID = 17977154. 9/16/14 RX COPAY2	\$10.00	

IN THE SUPERIOR COURT OF LOWNDES COUNTY

LOWNDES COUNTY CLERK
FILED

STATE OF GEORGIA

2014 OCT 13 AM 10:20

BRIAN BRETZING, Inmate #719396,
Plaintiff,

*

*

vs.

Civil Action

*

File No. 2014-CV-1476

OFFICER PEAK,
WARDEN ALLEN, and
VICKY BARROW (MED ADM),
Defendants.

*

*

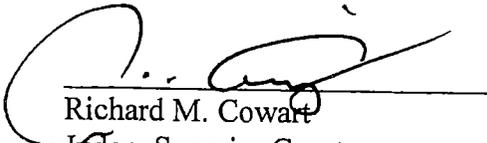
ORDER OF DISMISSAL

The Plaintiff is an inmate within the Georgia Department of Corrections, and he is currently housed at the Valdosta State Prison. He is attempting to proceed pro se this action. He has filed a Request to Proceed in Forma Pauperis along with a Certificate of Service. After reviewing the filings, applicable law, and it appearing that oral argument is neither necessary nor required, this court finds and orders as follows:

Because the court finds that the pleading shows on its face a complete absence of any justiciable issue of law or fact that it cannot be reasonably believed that the court could grant any relief against any party named in the pleading, IT IS ORDERED that the above-styled action be DISMISSED without prejudice. See O.C.G.A. § 9-15-2(d).

It is FURTHER ORDERED that the Clerk of Superior Court of Lowndes County, Georgia, shall mail a copy of this order to the plaintiff and the defendants.

SO ORDERED, this 9th day of October, 2014.


Richard M. Cowart
Judge, Superior Courts
Southern Judicial Circuit

COURT OF APPEALS OF GEORGIA

BRIAN BRETZING

719396

V

RECEIVED IN OFFICE

2014 OCT 31 PM 3:07

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

OFFICER PEAK,

WARDEN ALLEN,

VICKY BARROW (MED ADM)

PETITIONER APPEALS FROM

LOWER COURT,

COMES NOW THAT THE ABOVE PETITIONER APPEALS THE DISMAY OF THE LOWER COURTS, THE LOWER COURT BASED ITS DISMISSAL WITH "ABSENCE OF ANY JUSTIFIABLE ISSUE OF LAW OR FACT,"

I HAVE SENT A COPY OF THE PETITION WITH EXHIBITS

OF EVIDENCE TO THE GEORGIA COURT OF APPEALS, AS THE COURT CAN READ, PETITIONER HAS GIVEN FACTS OF DELIBERATE INDIFFERENCE TO HIS MEDICAL NEEDS.

IF THE LOWER COURT WOULD HAVE READ MY LEGAL

ARGUMENT (PAGE 6, 11, 12, AND 13) PETITIONER GIVES

THE STANDARD OPERATING PROCEDURES OF THE PETITIONER OF CORRECTIONS AND THREE FEDERAL CASE LAWS IN WHICH THE 7TH CIRCUIT COURT OF APPEALS AND THE U.S. SUPREME COURT ADDRESS THE ISSUES OF DELIBERATE INDIFFERENCE, THE COURTS STATE THAT PETITIONER HAS TO ALLEGE DELIBERATE INDIFFERENCE AND THE PETITION IS ACCEPTED.

IN MY PETITION, I ALLEGE MANY TIMES THAT I DID NOT RECEIVE MEDICINE FROM (DUE) TO OFFICERS OR VALPOSTA MEDICAL DEPARTMENT, DUE TO NOT RECEIVING UP AND THAT I ENDURED PAIN FROM SINUS HEADACHES AND HEART BURN, THEREFORE THE LOWER COURTS ERRORED IN THEIR JUDGMENT BY DISMISSING THE CASE.

CIVIL ACTION NO
2014 CV-1476

DELIBERATE INDIFFERENCE
TO MEDICAL NEEDS.

THEREFORE PETITIONER WOULD LIKE THE COURT
OF APPEALS OF GEORGIA TO REMAND THE CASE
BACK TO THE SUPERIOR COURT OF LOWWODES
COUNTY FOR A MORE APPROPRIATE RULING.

RESPECTFULLY YOURS
BRIAN BREZING
Brian Brezing

JUL 17 2014
3:19 PM

IN THE SUPERIOR COURT OF LOWNDÉS COUNTY Clerk Richard C. Greene
STATE OF GEORGIA Superior Court/State Court/
Juvenile Court

BRIAN BRETZING,
Plaintiff
719396,
Inmate Number

Civil Action No. 2014CV1476

vs.
OFFICER PEAK,
WARDEN ALLEN,
VICKY BARROW (MED ADM),
Defendant(s)

Nature of Action:
DELIBERATE INDIFFERENCE
TO MEDICAL NEEDS



PART I: BACKGROUND INFORMATION ON YOUR CONVICTION

1. Name and location of prison in which you are now confined: VALDOSTA STATE PRISON, P.O. BOX 310, VALDOSTA, GA 31603
2. Sentence you are now serving: 15 YEARS

Name and location of court which imposed sentence: DEKALB COUNTY SUPERIOR COURT, DEKALB COUNTY (ATLANTA AREA)
Approximate date your sentence will be completed: SEPT 30, 2017

3. The indictment number or numbers (if known) upon which, and the offense or offenses for which sentence was imposed:
 - a. UNKNOWN
 - b.
 - c.

4. Give the approximate date upon which sentence was imposed and the terms of the sentence:
 - a. NOVEMBER 2003 (15 YEARS) PRISON RECIVITENCE
 - b.

c. _____

5. Check whether a finding of guilty was made after a plea of:

- Guilty
- Guilty but mentally ill
- Nolo contendere
- Not guilty

6. If you were found guilty after a plea of not guilty, check whether the finding was made by:

- Jury
- Judge only

7. Did you appeal from the judgment of conviction or the imposition of sentence?

- Yes
- No

8. If you did appeal, answer the following:

a. The name of each court to which you appealed:

1. LOWNDRES COUNTY SUPERIOR (HABEAS)
2. STATE COURT OF APPEALS (GEORGIA)
3. SUPREME COURT OF GEORGIA

b. The result in each such court to which you appealed:

1. DENIED
2. DENIED
3. DENIED

c. The approximate date of each such result:

1. UNKNOWN
2. UNKNOWN
3. UNKNOWN

d. If known, citations of any written opinion orders entered pursuant to such results:

1. UNKNOWN
2. UNKNOWN
3. UNKNOWN

PART II: OTHER LAWSUITS

9. OTHER THAN LAWSUITS ALREADY LISTED in questions 3 through 8, have you ever begun or are you now beginning other lawsuits in federal or state courts dealing with the same facts involved in this action or relating to your imprisonment?

- Yes
- No

10. If your answer to number 9 is "Yes," describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline for each lawsuit.)

a. Parties to the previous lawsuit:

Plaintiffs: _____

Defendants: _____

b. Court (If federal court, name the district. If state court, name the court and county):

c. Docket Number: _____

d. Name of judge to whom case was assigned: _____

e. Date on which you filed lawsuit: _____

f. Date of disposition, if any, of lawsuit: _____

g. What was the lawsuit about? _____

h. What was the outcome of the lawsuit? (For example, was the case dismissed? Was it appealed? Is it still pending?) _____

i. Citations, if known, to any written opinions or orders in the lawsuit: _____

PART III: GRIEVANCE PROCEDURES

11. Is there a prisoner grievance procedure at the institution in which you are presently confined?

Yes No

12. If your answer to number 11 is "Yes," please answer the following:

a. Did you present the facts relating to your complaint in the institution's prisoner grievance procedures? Yes No

b. If your answer to (a) above is "Yes,"

What steps did you take? I FILED 4 GRIEVANCES FOR
4 DIFFERENT INCIDENTS.

What was the result? 2 WERE IN MY FAVOR, 2 WERE
DENIED

c. If your answer to (a) above is "No," explain why not: _____

13. Tell what you have done, other than what you have described in question 12, to bring your complaints to the attention of prison officials. In doing so, give dates, places, and names of persons talked to.

ON THE LAST GRIEVANCE, I APPEALED TO THE DEPARTMENT OF CORRECTIONS. THEY SENT A REPRESENTATIVE DOWN TO THE PRISON TO TALK TO ME PERSONALLY. I EXPLAINED THE SITUATION TO HIM AND HE SAID HE WOULD TALK TO MEDICAL. I TOLD HIM TO PULL MY FILE TO GET A PRESCRIPTION FOR EVIDENCE TO TAKE BACK TO ATLANTA FOR THEIR MEDICAL STAFF TO REVIEW. I DON'T REMEMBER THE GUYS NAME OR THE DATE IT TOOK PLACE ON.

14. Names and approximate dates of entry and exit, and locations of all prisons and jails in which you have been incarcerated:

JUST VALDOSTA STATE PRISON

15. As to your present confinement, please state:

- a. Which part of the penitentiary or jail are you held in : G-2-55
- b. How long have you been in this part of the penitentiary or jail? 3 1/2 YEARS
- c. Please list the full name of every prisoner now confined in the same general area: THERES ABOUT 47 INMATES HOUSED IN HERE

PART IV: STATEMENT OF CLAIMS

16. List the name and address of each plaintiff in this lawsuit: OFFICER PEAK, WARDEN MARTY ALLEN, AND VICKY BARROW (MED ADM) ALL AT 3259 VAL-TECH RD, VALDOSTA, GA 31603

17. List below for each defendant, the defendant's full name, official position, and place of employment. Attach additional paper if necessary.

Full Name	Official Position	Place of Employment
<u>OFFICER PEAK</u>	<u>C.I.O. II</u>	<u>VALDOSTA STATE PRISON</u>
<u>MARTY ALLEN</u>	<u>WARDEN</u>	<u>VALDOSTA STATE PRISON</u>
<u>VICKY BARROW</u>	<u>MEDICAL ADM</u>	<u>VALDOSTA STATE PRISON</u>

STATEMENT OF CLAIM

- 18. Describe each and every FACT—no opinions or views, only the actual events—supporting and explaining the basis for the lawsuit you have filed. DESCRIBE HOW EACH DEFENDANT IS INVOLVED. Include also the names of other persons involved, dates and places. If you intend to allege a number of related claims, you should number and set forth each claim separately. DO NOT GIVE ANY LEGAL ARGUMENT OR CITE ANY CASES OR STATUTES. (You may attach additional sheets of paper if necessary.)

I HAVE GRIEVANCES TO DESCRIBE THE INCIDENTS, THE FIRST STATES, ^{EXHIBIT "A"} ON GOOD FRIDAY, MARCH 29, 2013. OFFICER PEAK CALLED BREAKFAST AT ABOUT 6:30 A.M. SHE ONLY GAVE ABOUT 1-1/2 MINUTES FOR US TO GET OUT THE DOOR, INSTEAD OF THE CUSTOMARY 5 MINUTES, WHEN I HEARD THE CALL, I GOT UP RIGHT AWAY. I PUT ON MY SHOES AND SOCKS, TOOK A LEAK, THEN PUT ON MY SWEATSHIRT AND JACKET. THIS PROCESS TAKES ME ABOUT 3 MINUTES EVERY DAY. WHEN I GOT DOWN TO THE DOOR, INMATES (HARRIS, HALL, AND BELL, MY WITNESS) WERE TRYING TO GET OFFICER PEAK TO CALL A SUPERVISOR, TO ARGUE THEIR CASE, BUT SHE WOULDN'T CALL ONE. WHEN I TALKED TO HER, I ASKED IF SHE WAS GOING TO LET ME GO TO BREAKFAST, SHE SAID, "NO". I STATED THAT I NEEDED TO GO TO PILL CALL, SHE REFUSED TO LET ME GO. → BECAUSE OF OFFICER PEAK'S INACTIONS I WAS IN PAIN ALL MORNING AND AFTERNOON UNTIL I GOT SOMETHING TO EAT AND MY EVENING CONTINUED ON PAGE 8 →

I REPLIED "I GET MEDICINE FOR A REASON," SHE STILL REFUSED TO LET ME GO TO PILL CALL,

- 19. List the name and present address of every person who you believe was a witness to the facts set forth in number 18 and BRIEFLY state what each person knows (from having seen, heard, etc.) concerning what happened.

THE WITNESS' THAT I HAVE ARE THE PEOPLE I STATED IN THE GRIEVANCES.

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

November 26, 2014

To: Mr. Michael D. Black, GDC1000503810 M3, Macon Correctional Institution, PO Box 426, Oglethorpe, Georgia 31068

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

Court of Appeals Case Number and Style: _____

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

- There is no case pending in the Court of Appeals of Georgia under your name.**
- A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37.** Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.
- The Notice of Appeal must include a proper Certificate of Service.** A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.
- An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____
_____ The remittitur issued on _____
divesting this Court of jurisdiction. The case decision is therefore final.
- Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the _____ is: _____
- As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.**
- A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

IN THE COURT OF APPEALS OF GEORGIA

BLACK

v.

THE STATE OF GEORGIA.

RECEIVED IN OFFICE
2014 NOV 12 PM 2:52
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

CASE NO.

A14A0776

FILED IN OFFICE

NOV 24 2014

CLERK, COURT OF
APPEALS OF GEORGIA

CERTIFIED
MOTION FOR RECONSIDERATION

Now comes the defendant Michael D. Black proceeding pro se moving the Court to reconsider the Court's ruling issued on October 30, 2014. Movant ~~avere~~ avers that he received the ruling on November 4, 2014 via the Macon State Prison mail room.

Movant is relying upon the mailbox rule mandated by Maschline v. Williams, 554 SE 2d 720 (2001), Houston v. Lack, ~~100 S. Ct.~~ 487 U.S. 266 (1988). Movant avers that he placed a copy of this pleading in the Macon State Prison mail box on November 5th, 2014.

Movant also relies upon the case Haines v. Kerner, 404 U.S. 519 (1972). Movant contends that there is no opportunity, no access to the Court of Appeals of Georgia for pro se petitioners, particularly prisoners. Georgia's prison system doesn't process mail on Fridays. This pleading is placed in the prison mail box on Thursday, Nov. 6, 2014. Movant avers that the post date on

this pleading will be the Truth of November and that the Court will not consider this pleading, ruling it untimely. Movant's appointed counsel directed the movant to have his family hand deliver his Motion for Reconsideration. This is indicative of just how warped the court/judicial system is. A well educated lawyer can't or won't recognize the absurdity of his advice. If prisoner can't just jump in the car and hand deliver anything. There are several questions the Court should reconsider, but because of movant's access to nothing that would help in formulating a well supported cognizable claim the movant will attempt to bring two.

I. The Court finds no merit in movant's claims because he did not object, thereby waiving the possible error. Appellant contends the trial court never properly informed the appellant of the ramifications of representing himself. The issue is supported by recent 11th Circuit cases: Gill v. McCook, 633 F3d 1272 (2011) and U.S. v. Evans, 478 F3d 1332 (2007). The record is overwhelming, overwhelming in the support of the appellant's mental competency. The trial court is lost in the handling of this.

The total court isn't aware of the authority to order a mental health evaluation of a defendant. There can be no planer on error. Appellate pays for reasonable ration.

It. Did the court's failure to see that "controlling others" was in no way ever introduced by any testimony except that of the prosecutor. The same prosecutor that called the appellant a fake and a nut case. The appellant was not informed that he would have to defend against "controlling others." This broadened the means open which the appellant could be convicted and evidently was.

This court in fact that the trial court's note that force was not relevant was one more instance where the charged crime is defined by the trial court, not the grand jury. Once more an error that is plain and easy to see. U.S. v. Clare, 185 Ct. 1720 (1993).

This pleading is reportedly submitted via the prison mailbox with ample pre paid postage, 1st class addressed to the clerk of court, 334 STATE JUDICIAL Bldg., Atlanta, GA 30334 on this the 6th day of November, 2014.

MICHAEL D. BALK, JR.
#1000503810, M3, PO BOX 426
ogdenma, GA 31068

CERTIFICATE OF SERVICE

I, Michael Black, swear under penalty of perjury that I have placed the original of my Motion for reconsideration in the prison mail box addressed to the Clerk of the GA Court of Appeals as well as a copy to the Office of the District Attorney on this the 18th day of November, 2014 with ample prepaid 1st Class postage.



MICHAEL D. BLACK, PRO SE
#1000503810, MS, PO Box 426
OGLETHORPE, GA 31068

I. Court of Appeals of GA, Ste 501, 47 Trinity Ave, ATL, GA 30339;

II. Office of District Attorney, 700 DeKalb County Courthouse, 556 N. McDonough St., Decatur, GA 30030.



Court of Appeals of Georgia

November 13, 2014

TO: Mr. Alander Crapps, GDC1053671, Riverbend Correctional Facility, 196 Laying Farm Road, Milledgeville, Georgia 31061

RE: **A14A1097. Alander Crapps v. The State**

CHECK RETURN

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

CASE STATUS - DISPOSED

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

CASE STATUS - PENDING

- The above referenced appeal is pending in your name before this Court. The 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.**

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.

Dear:

RECEIVED IN OFFICE
2014 NOV 12 PM 3:19
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

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

RE: STATE SUPERIOR COURT CASE#-

12.B-3867-9, State of Georgia v. Olander -
Crapps / Court of Appeals docket # A141097

I'm writing concerning case # A141097 the State of Georgia v. Olander Crapps. My case was filed by Attorney Pamela T. Britt and submitted on February 20, 2014, which my brief was filed on February 11, 2014 by my attorney Ms. Pamela T. Britt, bar # 083239, address 2047 Grayson Hwy 20, Grayson, GA 30017. I haven't heard anything from my attorney but notice that my appeal was docketed with this court. I pray with the utmost respect that I'm put on notice of where my case stands with this court.

Respectfully



Alana C. Crapp #15071371



COURT OF APPEALS OF GEORGIA

RETURN NOTICE

November 13, 2014

To: Ms. Pamela D. Green, GDC29695 E-3, Pulaski State Prison, Post Office Box 839,
Hawkinsville, Georgia 31036

Case Number: _____ Lower Court: _____ County Superior Court

Court of Appeals Case Number and Style: _____

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

- There is no case pending in the Court of Appeals of Georgia under your name.
- A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37. Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.
- The Notice of Appeal must include a proper Certificate of Service. A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.
- An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained. An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate. An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- Your appeal was disposed by opinion (order) on _____. The Court of Appeals _____ The remittitur issued on _____ divesting this Court of jurisdiction. The case decision is therefore final.
- Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia. The address of the Clerk of the _____ is: _____
- If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court. As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.
- A request for an out-of-time appeal should be made to the trial court from which you are appealing. If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

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

RECEIVED IN OFFICE
2014 NOV 12 PM 3:29
CLERK COURT ADMINISTRATOR
COURT OF APPEALS OF GA

NOTICE OF APPEAL

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

STATE OF GEORGIA

PLAINTIFF

*

CASE NUMBER

STATE OF GEORGIA,

*

08-CR-83

vs.

*

DEFENDANT

PAMELA D. Green

*

NOTICE OF APPEAL

Notice is given that Pamela Delores Green, (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 30th day of October, 2014.

The clerk shall not omit any portion (omit nothing from the record on appeal/will omit from the record on appeal the following: transcript, Motions, including Pleas.) A transcript of evidence and proceedings shall (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 Category of Case 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 the within ORDER (opposing party or attorney) with a copy of this Notice of Appeal by Mailing (hand delivery/ mailing a copy first class mail postage prepaid) to him/her at: S. Hayward Altman District (complete address of party served).

Attorney P.O. Box 390 Swainsboro GA 30401

This the 6th day of NOVEMBER, 2014.

Pamela D. Green (Sign your name.)

IN THE SUPERIOR COURT OF EMANUEL COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

vs.

PAMELA DELORES GREEN,
GDC#0000029695
Defendant.

§
§
§
§
§
§
§

CASE NO. 08-CR-83

Motion to Vacate
Motion to Modify

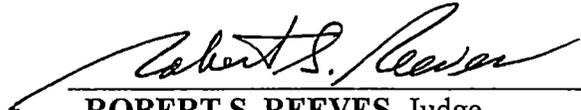
ORDER DENYING MOTION TO VACATE AND ATTACHED MOTION TO MODIFY

Defendant, Pamela Greene, files instant "Motion for conviction to be void & vacate, sentence vacate void conviction" with a Motion to Reduce/Modify Sentence attached. Since the denial of Defendant's Motion for New Trial by this Court on August 5, 2009, which was subsequently affirmed by the opinion of the Court of Appeals in Green v. State, 301 Ga. App. 866, 689 S.E.2d 132 (2010), the Defendant has inundated this Court with unsupported and frivolous motions. Defendant has previously filed a Motion for Modification of Sentence, an Order to Dismiss, a Motion for Out of Time Evidentiary Hearing, a Motion for Appointment of Counsel, an Out of Time Motion to Reduce/Modify Sentence, a Motion to Merge Charges, another Out of Time Motion to Reduce/Modify Sentence, yet another Motion to Reduce Sentence, a Motion for Out of Time Appeal, an Extraordinary Motion for New Trial, a Motion to Compel Production of Plea Agreement, and a Motion for Reconsideration of Extraordinary Motion for New Trial. All of these motions have been denied by this Court. Defendant is now before this Court contending that her sentence is void and that it should be vacated or that it should be reduced.

"When the sentence imposed falls within the statutory range of punishment, the sentence is not void." Jones v. State, 278 Ga. 669, 670, 604 S.E.2d 483 (2004). Defendant's sentence indeed falls within the permissible statutory range of punishment for a recidivist convicted of Burglary and Theft by Deception.

Accordingly, Defendant's motion to vacate is **Denied**. Defendant's Motion to Modify is also **Denied** for the same reasons named in this Court's prior orders.

SO ORDERED this 30th day of October 2014.



ROBERT S. REEVES, Judge
Emanuel County Superior Court
Middle Judicial Circuit

CERTIFICATE OF SERVICE

I, Malissa Hancock, Judicial Assistant to Judge Robert S. Reeves, do hereby certify that I have this day served the within ORDER upon the individuals listed below by mailing a true copy of said notice to them by placing same in envelopes having sufficient postage thereon to insure delivery and sending via U. S. Mail addressed as follows:

S. Hayward Altman
District Attorney
Middle Judicial Circuit
P. O. Box 590
Swainsboro, GA 30401-0590

Pamela Green, #29695
Pulaski State Prison
P.O. Box 839
Hawkinsville, GA 31036

This 30TH day of October, 2014.



Malissa Hancock
P. O. Box 1347
Swainsboro, GA 30401
(478) 237-6191

In support of this Motion to Vacate Void Conviction, the Defendant shows the Court the following:

(1) Multiple prosecutions for substantially the same conduct, action or transaction when the counts involve the same victim, connected by a common criminal objective or constituting part of a common scheme or plan, may be prosecuted for those offenses; but may not be sentenced multiple times for the same act. Therefore, the sentence for theft by deception should have been merged with the sentence for burglary, as a matter of fact. Curtis v. State, 575 S.E. 2d 376, 275 Ga. 576 (2002); U.S. v. Diaz, 245 F. 3d 294, 300 (3d Cir. 2001); U.S. v. DeSantis, 237 F. 3d 607, 610 (6th Cir. 2001).

(2) Conviction of Burglary and Theft by deception should have merged under Georgia law. Thomas v. State, 257 Ga. 24 354 S.E. 2d 148 (1987). 16-1-7

two offenses several crimes arose from the same conduct it was stipulated that all of these acts arose "out of an occurrence of the same date."

2014 Ga. App. Lexis 503: Culbreath v. State, July 10, 2014.

Criminal Law & Procedure. Sentencing Merger
Since the victim's age was not a separate element of the crime of aggravated assault, convictions must merge where the two crimes occurred against the same victim as part of the same act or transaction. they must merge for sentencing.
Lexis 503: 2014 Ga. App.

(1).

To Complete the Crime of Burglary, it is not Necessary that a defendant actually commit a theft. It is sufficient if defendant enters without authority and with the intent to commit a theft or felony. Roberts v. State, 252 Ga 227, 314 S.E. 2d 83, Cert. (1984). DeFrancis v. Manning, 246 Ga. 307 (1980).

OR Burglary involves Placing Self within Structure or building dwelling of another.

Williamson v. State 134 Ga App 583. 215 S.E. 2d 518 (1975).

The defendant contends that D.C.G.A. § 16-7-1 provides in relevant part, that (a) Person commits the offense of burglary when without authority and with the intent to commit a felony or theft there in, he enters _____ the dwelling house or building of another. . . . without proof of the essential element of unauthorized entry, a burglary conviction cannot stand. Wells v. State; 214 Ga. App 659 (1994).

Mere Present Can not provide a charge of Burglary. The Sentence of 20 Years exceeds the Elements of the Crime. The Conviction of burglary should be set aside. Corrected. Court should consider each element of the findings. Green did not enter the dwelling's nor the property of Mr. Moore's, Green Co-defendants did not enter house of Mr. Moore with Green present. T. 62. 63. Defendant went to the property twice, no time did she get out of Truck. At Trial no evidence was shown where the truck green was in - where it was parked, Watson, 274 Ga. 689 (2002); Balbosa, 275 Ga. 574 (2002).

INSUFFICIENT EVIDENCE;

Burglary of "dwelling" place

Jenkins v. State, 259 Ga. App. 47 (2002).

The Court reversed Jenkins' conviction for burglary of a camper, finding that there was insufficient evidence that the camper was... "a vehicle.. designed for use as [a] dwelling," as charged in the indictment. The state simply showed that clothing and a stereo was stolen from the camper. The Court held that a vehicle designed for use as a dwelling is not necessarily the same as a vehicle which affords shelter and sleeping accommodations, and - in any event, the evidence did not even contain a bare description of the camper. D.C.G.A. § 16-7-1; DeFrancis v. Manning, 246 Ga. 307 (1988).

Floyd v. State, 186 Ga. App. 777, 368 S.E. 2d 541 (1988).
Williams v. State 134 Ga. App. 583, 215 S.E. 2d 518 (1975).
Wells v. State, 214 Ga. App. 659 (1994).

Watson v. State, 274 Ga. 689 (2002). Balbosa, 275 Ga. 574 (2002).

COFFER V. Hawthorne Court of Appeals of Ga.
154 Ga. App. 875; 270 S.E. 2d 84; (1980)
Ga. App. Lexis 2426 No. 59293
June 16, 1980 Decided.

Multiple Convictions Because v. C.G.H. § 16-1-1(b).
Provides a specific Sentencing Scheme for defendants
Convicted More than Once of Burglary. the general recidivist
Scheme of D.C.G.A. § 17-10-7 does not apply.
Newbold v. State, 249 Ga. App. 507, 548 S.E.2d 478
(2001).

(1). NOTICE OF APPEAL

Defendant's Attorney Made Error when Submitting
Notice of Appeal. 14th day of August, 2009,
Attorney Marnique W. Oliver, Bar No. 141305.

(a) Defendant's Husband Ricky Green, was Never Charge with
Theft by Deception. Only Pamela Green was charge with the
felony.

Defendant Prays that this Court reverse her conviction, and
Remand this case back to the lower Court.
this November 6th 2014.

Respectfully

Pamela D. Green.

Pamela D. Green
Pro-Se

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

November 14, 2014

To: Glinton R. Darien, Jr., Esq., Atlanta Public Schools, Office of General Counsel, 130 Trinity Avenue,
S.W., Atlanta, Georgia 30303

Docket Number: A14D0415 **Style:** **Atlanta Independent School System, et al. v. Michael Rogers**

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

ORIGINAL

IN THE COURT OF APPEALS
STATE OF GEORGIA

ATLANTA INDEPENDENT SCHOOL
SYSTEM, et al,

Appellants,

v.

MICHAEL ROGERS

Appellee.

Court of Appeals

Application No.: A14D0415

Superior Court of Fulton County

Civil Action File No.:

2012-CV-222513

APPELLANTS, ATLANTA INDEPENDENT SCHOOL SYSTEM, ET AL.,

MOTION TO WITHDRAW

DISCRETIONARY APPEAL APPLICATION

Application No.: _____

Glinton R. Darien, Jr. Georgia Bar No.: 684676
Attorney for Appellants

Atlanta Public Schools
Office of General Counsel
130 Trinity Avenue, S.W.
Atlanta, Georgia 30303
404-802-2802 (Telephone)
404-802-1801 (Telecopier)
gdarien@atlantapublicschools.us

FILED IN OFFICE

NOV 17 2014

CLERK, COURT OF
APPEALS OF GEORGIA

RECEIVED IN OFFICE
2014 NOV 12 PM 2:52
CLERK, COURT OF APPEALS OF GA

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

November 14, 2014

To: Mr. Frank Gillis, Sumter County Jail, 352 McMath Mill Road, Americus, Georgia
31719

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

Court of Appeals Case Number and Style: _____

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

- There is no case pending in the Court of Appeals of Georgia under your name.
- A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37. Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.
- The Notice of Appeal must include a proper Certificate of Service. A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.
- An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained. An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate. An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- Your appeal was disposed by opinion (order) on _____. The Court of Appeals _____ The remittitur issued on _____ divesting this Court of jurisdiction. The case decision is therefore final.
- Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia. The address of the Clerk of the _____ is:
- If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court. As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.
- A request for an out-of-time appeal should be made to the trial court from which you are appealing. If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

The Clerk will please omit the following from the record on Appeal

1. State failed to meet the six Amendment U.S. Constitution and O.C.G.A. § 17-7-71 provision of Statutory Law Violating Appellate's right to speedy trial
2. State fail to meet the claim analyzed under the four factors set forth in *Barber vs Wingo* in which to deny Appellate's rights to that Constitutional and Statutory Right to speedy trial

Barber vs Wingo 407 U.S. 514 (92 S.Ct. 2182, 33 S.Ct. 109) (1972)

The offense(s) for which defendant was convicted is (are) Armed Robbery, Aggravated Assault(s) and the sentence(s) imposed is (are) as follows: Life Sentence, 5 years, 30 year probation Motion for New trial (or Motion in arrest of Judgment, etc.) was filed and overruled on 20

Notice is hereby given that Frank Gillis, defendant (Court of Appeals or Supreme Court) from the Judgment of Conviction and sentence entered herein on October 20th, 2014

Notice of Appeal

IN THE Superior Court of Sumter County
 State of Georgia
 Defendant Frank Gillis
 vs
 The State of Georgia

RECEIVED IN OFFICE
 2014 NOV 12 PM 2:54
 CLERK/COURT ADMINISTRATOR
 COURT OF APPEALS OF GA
 13CR00388
 Criminal case number

3. The effective assistance of counsel, Counsel's performance was totally deficient by failing to raise the speedy trial claim, such failure did prejudice the Defense and deprive appellate his rights to fair trial

Transcript of evidence and proceedings will ~~with~~ Be filed for inclusion in the record on appeal

This Court, rather than the (Court of Appeals or Supreme Court) has jurisdiction of this case on appeal for the reason that, Due to the excessive time and prejudicial suffered by Appellant during All prior proceedings App feels he will again be deprived of that fair and impartial decision to be heard again

Dated November 8th 2014

Attorney for appellant

Address

Frank Gillis
Appellant



Ann Masters
Notary 11-5-14

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

November 17, 2014

To: Mr. David N. Graham, GDC5111957, Calhoun State Prison, Post Office Box 249, Morgan, Georgia 39866

Docket Number: **Style:** **David N. Graham 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.**

Your application was transferred from the Supreme Court to this Court.

8. Your Certificate of Service did not include the complete name and /or mailing address of each opposing counsel and pro se party. Rule 1(a) and 6
9. Your document exceeds page limits. Rules 24(f) , 30(e) and 31(c)
10. Your request for court action must be submitted in motion form. Rule 41 (a)
11. No extension of time for filing an interlocutory application will be granted . Rule 30 (g) . No extension of time will be granted for filing a discretionary application unless the motion for extension is filed on or before the due date of the discretionary application.
12. The type font was smaller than 10 characters per inch; type was not double-spaced or/and type was on both sides of the paper. Rules 1(c), 24(b), 37(a) and 41(b).
13. Your motions were submitted in an improper form (joint, compound, or alternative motions in one document). Rule 41 (b)
14. Margins were too small or paper size was incorrect. Rules 1(c), 24(c), 30(e), 31(c) and 41(b).
15. Your document was submitted for filing more than 30 days after the date of the order granting, denying or dismissing the application or the order granting, denying or dismissing the Motion for Reconsideration. Rules 30(j) and 31(j).
16. Other:

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

Supreme Court of Georgia Case Transfer Form

Docket Date: October 3, 2014

Case Number: S15D0196. David N. Graham v. The State

Date of Transfer: November 14, 2014

Briefs/Motions Filed Before Transfer:

<u>Filing Date:</u>	<u>Description</u>	<u>Attached?</u>
<u>10/3/14</u>	<u>Discretionary Application</u>	<input checked="" type="checkbox"/>
<u>10/20/14</u>	<u>Application - Supplement</u>	<input checked="" type="checkbox"/>
<u>11/12/14</u>	<u>Application - Supplement</u>	<input checked="" type="checkbox"/>
<u> </u>	<u> </u>	<input type="checkbox"/>
<u> </u>	<u> </u>	<input type="checkbox"/>
<u> </u>	<u> </u>	<input type="checkbox"/>

Briefs/Motions Filed After Transfer:

<u>Filing Date:</u>	<u>Description</u>	<u>Attached?</u>
<u> </u>	<u> </u>	<input type="checkbox"/>
<u> </u>	<u> </u>	<input type="checkbox"/>

Costs Paid Date: _____

Payer: _____

Payment Type: Credit Card Check Cash

Transaction Number (if applicable): _____

Receipt Number: _____

Costs Not Paid: Indigent

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2014 NOV 14 PM 4:20
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA



SUPREME COURT OF GEORGIA
Case No. S15D0196

Atlanta, October 29, 2014

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

DAVID N. GRAHAM v. THE STATE

From the Superior Court of Ben Hill County.

Applicant filed this application for discretionary appeal seeking review of the trial court's denial of his extraordinary motion for new trial. Applicant stated no basis for this Court's jurisdiction, however, and none appears from the record, see Ga. Const. of 1983, Art. VI, Sec. VI, Para. II and III. Accordingly, this application hereby is transferred to the Court of Appeals.

All the Justices concur.

RECEIVED IN OFFICE
2014 NOV 14 PM 4:20
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I certify that the above is a true extract from the Minutes of the Supreme Court of Georgia.

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

Suzanne C. Fulton, Chief Deputy Clerk



SUPREME COURT OF GEORGIA

Case No. S15D0196

Atlanta, October 29, 2014

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

DAVID N. GRAHAM v. THE STATE

From the Superior Court of Ben Hill County.

Applicant filed this application for discretionary appeal seeking review of the trial court's denial of his extraordinary motion for new trial. Applicant stated no basis for this Court's jurisdiction, however, and none appears from the record, see Ga. Const. of 1983, Art. VI, Sec. VI, Para. II and III. Accordingly, this application hereby is transferred to the Court of Appeals.

All the Justices concur.

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CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I certify that the above is a true extract from the Minutes of the Supreme Court of Georgia.

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

Suzanne C. Fulton, Chief Deputy Clerk

IN THE SUPREME COURT OF GEORGIA
STATE OF GEORGIA

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2014 NOV 14 PM 4:20
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

DAVID GRAHAM #511957)
)
 APPELLANT)
)
 VS.)
)
 STATE OF GEORGIA)
)
 RESPONDENT)

CASE NUMBER
94CR-260

APPLICATION TO APPEAL

PURSUANT TO O.C.G.A. §5-6-35 (G.C.A. §6-701.1)

Come Now! the Petitioner in the above style case and files this application to appeal to the Georgia Supreme Court after being denied an Extraordinary Motion for New Trial in the Superior Court of Ben Hill County, pursuant to O.C.G.A. §5-6-35 (G.C.A. §6-701.1); Pitts v. State, 254 GA 298 (1985); McDonald v. State, 180 GA APP. 713 (1986). This Honorable Court now has jurisdiction, since Superior Court's denial entered on 26 day of September, 2014. Appellant prays that this Honorable Court entertains Appellant's Application to Appeal pursuant to O.C.G.A. §5-6-35 (G.C.A. §6-701.1); Appellant states he has served notice to the

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

November 17, 2014

To: Mr. Eugene French, GDC1222808 D1-117, Wilcox State Prison, PO Box 397, Abbeville, Georgia 31001

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

Court of Appeals Case Number and Style: _____

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

- There is no case pending in the Court of Appeals of Georgia under your name.
- A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37. Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.
- The Notice of Appeal must include a proper Certificate of Service. A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.
- An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained. An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate. An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- Your appeal was disposed by opinion (order) on _____. The Court of Appeals _____ The remittitur issued on _____ divesting this Court of jurisdiction. The case decision is therefore final.
- Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia. The address of the Clerk of the _____ is: _____
- If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court. As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.
- A request for an out-of-time appeal should be made to the trial court from which you are appealing. If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.



IN THE SUPERIOR COURT OF LIBERTY COUNTY
STATE OF GEORGIA

EUGENE FRENCH
APPELLANT

v.

STATE
APPELLEE

|
|
|
|
|

CASE/INDICTMENT NO
10640

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT EUGENE FRENCH, APPELLANT PRO SE HEREBY APPEAL TO THE COURT OF APPEALS OF GEORGIA FROM THE "ORDER" OF THE SUPERIOR COURT OF LIBERTY COUNTY ENTERED OCTOBER 23, 2014, DISMISSING MOTION TO VALATE VOID JUDGMENT: SENTENCE, STATING THE CLAIM SHOULD BE LITIGATED IN A HABEAS CORPUS CASE.

THE CLERK WILL PLEASE OMIT NOTHING FROM THE RECORD ON APPEAL.

THE COURT OF APPEALS OF GEORGIA HAS JURISDICTION OF THIS APPEAL SINCE IS FROM THE FINAL ORDER OF THE TRIAL COURT. GA CONST. ART. VI, SEC V, PARA III.

DATED NOVEMBER 1, 2014

RESPECTFULLY SUBMITTED

Eugene French
EUGENE FRENCH PRO SE

CLERK/CORRECTOR
COURT OF APPEALS OF GA

2014 NOV 14 PM 4:29

RECEIVED IN OFFICE

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY THAT I HAVE THIS DAY SERVED A TRUE AND CORRECT COPY OF THE NOTICE OF APPEAL UPON THE FOLLOWING VIA FIRST CLASS MAIL ADDRESSED AS FOLLOWS:

CLERK OF COURT
F. BARRY WILKES
201 SOUTH MAIN ST
HINESVILLE, GA 31313

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

MARK HENDRIX
DISTRICT ATTORNEYS OFFICE
945 E. G. MILLS PKWY
HINESVILLE, GA 31313

APPELLANT REQUEST A COPY BE RETURNED TO HIM DATE FILED, STAMPED
FOR HIS RECORD

Eugene French, PRO SE
EUGENE FRENCH GDC 1222808
WILLOX STATE PRISON P.O. BOX 397
ABBEVILLE, GA 31001

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

November 17, 2014

To: Ms. Anita Costner, 385 East Main Street, Dahlonega, Georgia 30533

Case Number: _____ Lower Court: _____ County Superior Court

Court of Appeals Case Number and Style: _____

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

- There is no case pending in the Court of Appeals of Georgia under your name.**
- A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37.** Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.
- The Notice of Appeal must include a proper Certificate of Service.** A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.
- An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____
divesting this Court of jurisdiction. The case decision is therefore final.
- Your mailing/documents indicate that you intended your papers to go to James Deal, Esq. The envelope was addressed to the Georgia Court of Appeals but crossed out and addressed to Mr. Deal at 3953 Holcomb Bridge Road, Suite 206, Norcross, Georgia. Postal markings on the envelope made it difficult to see the mailing address for Mr. Deal. I am returning your correspondence to you.**
- If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.
- A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

- 019 - Plus (21 Copies)

- James Deal

12-CV-487

11-5-14

State of Georgia
Court of Appeals

Dear Sir (s)

Please accept this as a title letter detailing the following enclosed information on a pending case.

The enclosed are exact copies that have been filed with the appropriate Court Clerks here in Lumpkin County.

This is a very distressing Civil Matter which has resulted as incineration for unlawful fees imposed by a judge.

Please accept these documents to be filed with Court Clerk and forward to me the docket info for further correspondence or any legal responses concerning the disposition of the first filings.

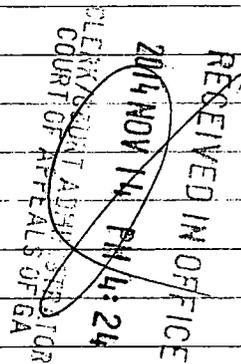
Sincerely,

Amira "Kim" Costner
Pro-Se

385 East Main Street
Dahlonega GA 30533

Notary
[Signature]

~~Amira Kim Costner~~
Amira Kim Costner
Pro-Se



Written
is
12-cv-487
Written

Pouper's Affidavit

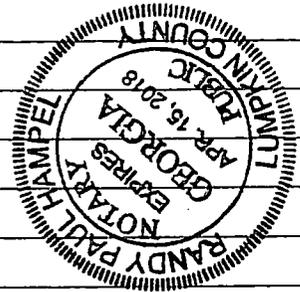
Now comes Anita Kim Costner humbly before
this Court asking that I Anita Kim Costner be allowed
by law to file the following motions/appeals without
cost to self (due to my current financial status).
Inmate at the Lumpkin County Detention Center.
Current amount available to use at this time.

\$ 0.00

Signed this 6th day of November, 2017

X Anita Kim Costner

Notary [Signature]



Anita Kim Costner
385 East Main Street
Dahlonega GA 30533
PRD - SE

Whitten
vs 12-CR-487

- James Deal -

4 copies plus letter

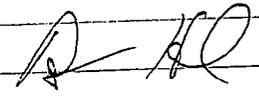
Whitten

Certificate of Service

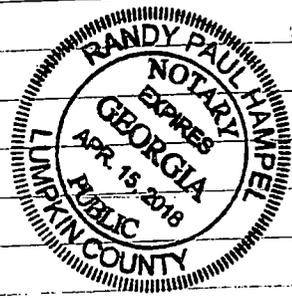
Now comes Anita Kim Costner before this Court Lumpkin County Superior Court to formally file the enclosed Motion (s). This filing is being done by U.S. Postal Service.

The enclosed filing has also been sent to the Parties listed below:

1. Clerk of Court of Appeals of Georgia
Suite 501
47 Trinity Ave Atlanta, GA 30334
2. Jeff Langley or District Attorney
325 Riley Road, Rm 108
Dahlonega, GA 30533-0820
3. Opposing Counsel James Deal
3953 Holcomb Bridge Rd
Suite 200
Norcross, GA 30092

Notary 

x Anita Kim Costner
Pro-se



- Motions:
- Motion to Appeal (out of time Appeal)
 - Motion for Emergency Relief
 - Motion for free transcript
 - Motion to Dismiss the Judge
 - Motion to Nullify / Reconsider

Plaintiff's Affidavit attached.

Shitten
vs. 12-CV-487
Shitten

State of Lumpkin County

Motion to Modify / Reconsider

Now Comes Andra Kim Costner in the above name case
Petitioning this Court to grant this request for
Modification / Reconsideration in the above name case.

Below are listed legal / factual reasing to grant this Motion:

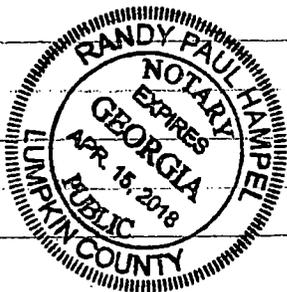
1. Sentence was given without Court date and proper legal defense on behalf.
2. Sentence is Cruel and Unusual / Violation of My Amendment Rights
3. Petitioner be released for health reasons Cyst / Lump in Breast.

We hereby pray this motion be now granted:

Filed this 5th day of November 2014.

Notary - 

x Andra Kim Costner
Andra Kim Costner
Pro-se
585 East Main St
Dahlonega, GA 30533



Shelton
vs
Shelton

State of GA

Lumpkin County

Action to Receive Free Transcript

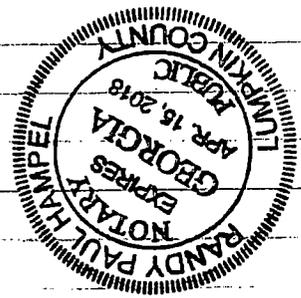
New James Anita "Kim" Costner in the above name case petitioning this Court to grant this request for Motion to receive free transcript in the above name case.

1. Petitioner is incarcerated in the Lumpkin County Jail

2. Petitioner has been denied access from previous Counsel to obtain transcript of case or cases.

3. Petitioner paid for legal transcript in July 2013 and was denied a copy

 Notary



James Kim Costner
385 East Main Street
Dahlgren, GA 30533

State of GA Lumpkin County

Motion to dismiss Judge

Now comes Anita "Kum" Costner in the above name case Petitioner
this Court to grant this request for Motion to dismiss Judge
in the above name case.

Below are listed legal / factual reasoning to grant this Motion

1. Rejudicial / due to personal interest in case

2. September 2012 Motion, Attorney Lynn Alkerman requested
Judge Stanley Grant to recuse himself and he denied the Motion

3. Petitioner filed two complaints with the Judicial Qualifications
Commission Court for Violation of Overtment Rights and Ethics

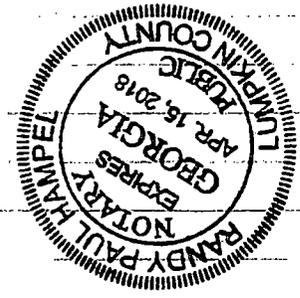
4. Petitioner filed Complaint to Chief Judge George Miller and
Complaint documented on case

5. May, 2014 Editorial Weeks - Private Investigator (?) Stated
he was hired by the opposing Counsel James Deal, and
Judge Grant to locate Petitioner so that she may be
served with the Civil Warrant for arrest. Incident and
Witness Doug Mauldin, Louisville, Kentucky will testify
to fact.

We hereby pray this Motion be now granted.
Notary filed this 5th Day of November 2014.

Anita Kum Costner
Anita Kum Costner
Pr. se

385 East Main Street
Dekalbga GA 30533



[Signature]

State of Lumpkin County

Motion to Appeal / Out of Time Appeal O.C.G.A. 5-6-04

Now come Anita K Custer in the above name
Case Petitioning this Court to grant this request
for Modification / Reconsideration in the above name
Case. Below are listed legal / factual reasoning to grant
this Motion.

1. Counsel failed to inform and explain proper time limits
and information to file these.

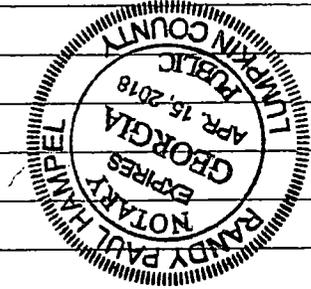
2. Petitioner was unlawfully removed by the landlord
from the marital home by eviction.

3. Income of husband above standard for paying own
Attorney fees. Mr. Whitten earned \$175,000.00 in 2012 vs
Mrs. Whitten earned \$80,000.00 and was a full time student.

4. Attorney fees were stated over \$50,000.00 for a Full
Month marriage. Mr. Deal, Mr. Whitten stated in Court
July 2013 Motion.

5. Mr. Whitten contacted third party Johnny Jones which violates
the protection order. Mr. Whitten continues to harass
Petitioner with frivolous Motion filed in Lumpkin County
Superior Court.

6. Petitioner can show of Cause two witnesses:
Hope Brown and Dery Nunnally that items listed on the
final divorce agree were given to Mrs. Brown by Mr. Whitten.



Notary *[Signature]*

X *[Signature]* Kim Center
Amika "Kim" Costner
Pro-Se
385 East Main Street
Dahlonega GA 30533

We hereby pray this motion be now granted
filed this 14th day of November, 2014

11. Petitioner had gained employment, home, recent license
as Georgia Baker, 51 years, volunteer with US Forest Service,
helped women to establish better lives without being victims
through the Batter Woman Shelter through-out GA, and a
mother of (3) children. Oldest daughter requires 24 hour
supervision.

10. Petitioner request Judge bunker be recalled from
Any civil case pending.

9. Private Investigator (?) Eduard Weeks, stated he was
hired by Judge bunker to locate Petitioner whereabouts.
Doug Abouider, Louisville, Kentucky witnessed and was
with meeting May 22, 2014.

8 Georgia law states 20 days for contempt.
Petitioner was given six days to pay \$20,000

7. Petitioner was sentenced to 10 days plus 20 days
for frivolous items. Eg Razor, frying pan, Beta Filter,
cook books, and glass baking pans. The total sentence issued

Winkler
vs. 12-cv-487
Winkler

State of Lumpkin County

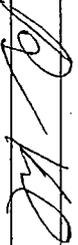
Motion for Emergency Relief

Now come Anita Kim Custer in the above name case
Petitioner this Court to grant this request for
Emergency Relief in the above name case.

Below are listed legal factual reasoning to grant
Motion:

1. Petitioner has been incarcerated since September 3, 2014
for Civil or Criminal Contempt
2. Petitioner has health related issues involving lung yeast
in breast
3. Petitioner is a single mother of three children.
The oldest, Mentally disabled is living in homeless Shelter
and requires 24 hour supervision.
4. Petitioner has property, home and vehicle.

We hereby pray this motion be now granted filed this
4th day of November, 2014

Notary 

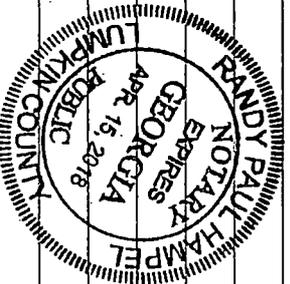
X

Anita Kim Custer

Anita "Kim" Custer

Pr- Se

385 East Main Street
Dahlonega, GA 30533



Whitten
VS
Whitten
Civil Case
1405239

Lumpkin County, GA
Judge Stan Gunter

9:22-14

To Whom it May Concern;

ON September 3, 2014 I was arrested for Civil Contempt in Lumpkin County, GA. Judge Stan Gunter sentenced me to 150 days for failing to pay \$ 20,000 in 6 days attorney fees to Mr. Whitten, My ex-husband.

ON July 2012, My attorney Mr. O'Marra and I was told to appear in Lumpkin County for an emergency Motion of relief. This same hearing the Judge stated we can hear the divorce, "Since this was a four month marriage and no children." Mr. O'Marra traveled 4 hours unprepared and neither party was served regarding a divorce hearing. My Ex-husband grossed \$ 180,000 and I 20,000 as nurse and full time student. I was sentenced to pay all attorney fees and the order set me up to pay all attorney fees when a Motion was filed.

IN August 2012 Lynn Alderman, my attorney answered a Motion of Contempt. The Motion was filed because I couldn't pay \$ 5500.00 from the previous Motion. During this hearing my attorney asked the Judge to recuse himself from my case, and the previous ordered violated my rights. The Judge refused to recuse himself from my case. I was ordered to pay more attorney fees.

RECEIVED IN OFFICE
2014 SEP 26 PM 04:16
CLERK COURT ADMINISTRATION
COURT OF APPEALS OF GA

IN November 2012, Another Motion was filed, I was protected under habeas corpus and I was never served regarding this hearing. Final attorney fees were ordered for me to pay

IN July 2013, Another motion was filed. This hearing Judge Gunter ordered my ex-husband to come to my home in Blairsville, GA and remove any items that Mr. Whitten believed belong to him. Mr. Whitten entered my home and removed family heirlooms that belonged to my Grand-father.

ON August 2013, Judge Gunter ordered me to pay \$ 20,000 or turn myself into the Lumpkin County Jail. I was given 6 days to pay.

✓ over

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

November 17, 2014

To: Ms. Anita Costner, 385 East Main Street, Dahlonega, Georgia 30533

Case Number: _____ Lower Court: _____ County Superior Court

Court of Appeals Case Number and Style: _____

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

- There is no case pending in the Court of Appeals of Georgia under your name.**
- A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37.** Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.
- The Notice of Appeal must include a proper Certificate of Service.** A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.
- An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____
divesting this Court of jurisdiction. The case decision is therefore final.
- Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the _____ is:
- If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.
- A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

3 Stamps -
legal ev -

To Whom it may Concern,

Please accept these motions and filings
on this paper. This paper was all I had that
is provided at the Lumpkin County Jail.

Sincerely,

Arista Kim Carter

RECEIVED IN OFFICE
2014 NOV 14 PM 4:50
CLERK/COURT AFFAIRS SECTION
COURT OF APPEALS OF GA

- Orig - Plus (21 Copies)
- James Deal

12-CV-487
11-5-14

State of Georgia
Court of Appeals

Dear Sir (s)

Please accept this as a title letter detailing the following enclosed information on a pending case.

The enclosed are exact copies that have been filed with the appropriate Court Clerks here in Lumpkin County. This is a very distressing civil matter which has resulted as incarceration for unlawful fees imposed by a judge.

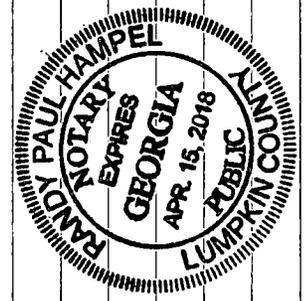
Please accept these documents to be filed with Court Clerk and forward to me the docket info for further correspondence or any legal responses concerning the disposition of the first filings.

Sincerely,
Auntie "Kim" Costner
Pr-Se

385 East Main Street
Dahlonega GA 30533

Notary
[Signature]

[Signature]
Auntie Kim Costner
Pr-Se



Whitten
vs
Whitten 12-CV-487

- Urg - Plus (2) Copies
- James Deal -

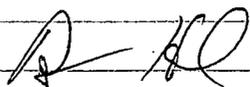
4 Copies plus letter

Certificate of Service

Now comes Anita Kim Costner before this Court Lumpkin County Superior Court to formally file the enclosed Motion (s). This filing is being done by U.S. Postal Service.

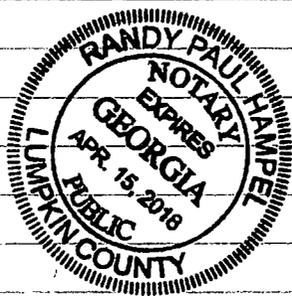
The enclosed filing has also been sent to the Parties listed below:

1. Clerk of Court of Appeals of Georgia
Suite 501
47 Trinity Ave Atlanta, GA 30334
2. Jeff Langley or District Attorney
325 Riley Road, Rm 108
Dahlonega, GA 30533-0820
3. Opposing Counsel James Deal
3953 Holcomb Bridge Rd
Suite 200
Norcross, GA 30092
4. Lumpkin County Superior
325 Riley Road
Dahlonega, GA 30533

Notary 

x

Anita Kim Costner
Pro-se



Motions:

- Motion to Appeal (out of time Appeal)
- Motion for Emergency Relief
- Motion for free transcript
- Motion to Dismiss the Judge
- Motion to Qualify / Reconsider

Peppers Affidavit attached.

State of Lumpkin County

Motion to Appeal / Out of time Appeal O.C.G.A 5-6-4

Now Come Anita K Costner in the above name case Petitioning this Court to grant this request for Modification / Reconsideration in the above name case. Below are listed legal / factual reasoning to grant this motion.

1. Counsel failed to inform and explain proper time limits and information to file these.
2. Petitioner was unlawfully removed by the landlord from the marital home by eviction.
3. Income of husband above standard for paying own Attorney fees. Mr. Whitten earned \$175,000.00 in 2012 vs Mrs Whitten earned \$20,000.00 and was a Full time student.
4. Attorney fees were stated over \$50,000.00 for a Four Month marriage. Mr. Deal, Mr. Whitten stated in Court July 2013 Motion.
5. Mr. Whitten contacted third party Johnny Jones which violates the protection order. Mr. Whitten continues to harass Petitioner with frivolous motion filed in Lumpkin County Superior Court.
6. Petitioner can show of Cause two witnesses: Hope Brown and Doug Nunnally that items listed on the final divorce decree were given to Mrs. Brown by Mr. Whitten.

7. Petitioner was sentenced to 10 days plus 20 days for frivolous items, Eg Roast, frying pan, Brita Filter, Cook Books, and glass baking pans. The total sentence is 50 days

8 Georgia law statute states 20 days for contempt. Petitioner was given six days to pay \$ 20,000

9. Private Investigator (?) Edward Weeks, stated he was hired by Judge Bunker to locate Petitioner whereabouts. Doug Abulder, Louisville, Kentucky witnessed and was with meeting May 22, 2014.

10. Petitioner request Judge Bunker be removed from any civil case pending.

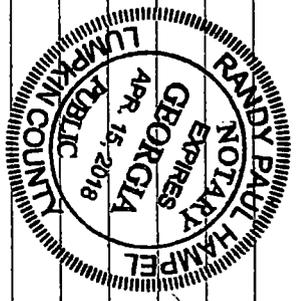
11. Petitioner had gainful employment, home, recent license as Georgia Broker, six years, volunteer with US forest service, helped women to establish better lives without being victims through the Batter women shelter through-out GA, and a mother of (3) children. Oldest daughter requires 24 hour supervision.

We hereby pray this motion be now granted filed this 10th day of November, 2014

Notary *[Signature]*

X Amber Kim Carter
Amber "Kim" Carter
Pro-Se

385 East Main Street
Dahlonega GA 30533



COURT OF APPEALS OF GEORGIA

RETURN NOTICE

November 17, 2014

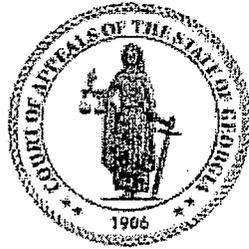
To: Ms. Deborah D. Drayton, 206 Stafford Avenue, Brunswick, Georgia 31525

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

Court of Appeals Case Number and Style: _____

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

- There is no case pending in the Court of Appeals of Georgia under your name.
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- The Notice of Appeal must include a proper Certificate of Service. A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.
- An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained. An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate. An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- Your appeal was disposed by opinion (order) on _____. The Court of Appeals _____ The remittitur issued on _____ divesting this Court of jurisdiction. The case decision is therefore final.
- Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia. The address of the Clerk of the _____ is: _____
- If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court. As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.
- A request for an out-of-time appeal should be made to the trial court from which you are appealing. If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.
- I am enclosing a copy of the Rules of the Court of Appeals of Georgia for your review.



2014

Georgia Court of Appeals

R U L E S

Last Update: May 15, 2014

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

NOTICE OF APPEAL
IN THE JUVENILE COURT
OF GEORGIA COUNTY
STATE OF GEORGIA

PLAINTIFF	*	CASE NUMBER
DEBORAH D DRAYTON	*	JUV140240
vs.	*	
DEFENDANT		
LIA LATWAIN SANDS		
JA'LEAH DENISE SANDS		
KATHY DENISE SANDS	*	

NOTICE OF APPEAL

Notice is given that DEBORAH D DRAYTON, Plaintiff in the above matter hereby appeals to the Court of Appeals of Georgia from the judgment of the trial court entered on the 16 day of OCTOBER, 2014.

The clerk shall (omit nothing from the record on appeal that will omit from the record on appeal the following: A transcript of evidence and proceedings that 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 COURT ORDER and appeals of such cases are not reserved to the Supreme Court of Georgia pursuant to Article VI, Section VI, Paragraphs II and III of the Constitution of the State of Georgia.

CERTIFICATE OF SERVICE

I certify that I have this day served _____ (opposing party or attorney) with a copy of this Notice of Appeal by _____ (hand delivery/ mailing a copy first class mail postage prepaid) to him/her at: _____ (complete address of party served).

This the _____ day of _____, _____
Deborah Drayton (Sign your name.)

CERTIFICATE OF SERVICE

I certify that I have this day served all the (opposing party or attorney) with a copy of this Notice of Filing Petition of Certiorari by (hand delivery/ mailing a copy first class mail postage prepaid) to him/her at:

Frances W. Dyal

frances@dyalfamilylaw.com

Fax # (912)-264-3685

Jim Chamberlin

2219 Gloucester st

Brunswick, Ga 31520-6210

Phone: (912) 264-5927

Fax: (912) 264-3959

Juvenile Court

Phone: (912) 554-7039

11 Judicial Ln,

Brunswick, Ga 31520

(complete address of party served).

This the 13th day of November , 2014.

Deborah Arayton (Sign your name.)

COURT OF APPEALS OF GEORGIA

Deborah D Drayton

APPELLANT

vs.

CASE NUMBER
JUV 1402240

JA'Leah Denise Sands
Lia Latwain Sands
Kathy Denise Sands

Appellee

NOTICE OF FILING PETITION OF CERTIORARI

Comes now Deborah Denise Drayton Appellant in the above appeal and shows he/she this day filed an direct appeal for certiorari with the Supreme Court of Georgia.

This the 13th day of November , 2014.

Deborah Denise Drayton

206 Stafford Ave

Brunswick, Ga 31525

(Your complete address.)

CERTIFICATE OF SERVICE

I certify that I have this day served all (opposing party or attorney) with a copy of this Notice of Intent by hand delivery/ mailing a copy first class mail postage prepaid) to him/her at:

Frances W. Dyal

frances@dyaifamilylaw.com

Fax # (912)-264-3685

Jim Chamberlin

2219 Gloucester st

Brunswick, Ga 31520-6210

Phone: (912) 264-5927

Fax: (912) 264-3959

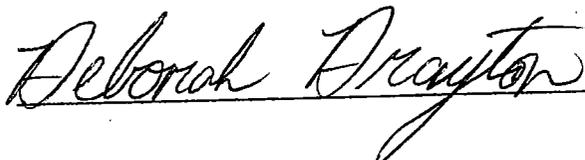
Juvenile Court

Phone: (912) 554-7039

11 Judicial Ln,

Brunswick, Ga 31520

This the 13 day of November , 2014.



(Sign your name.)

PATIENT NAME: Sands, Eli
MEDICAL RECORD #: 00860392
BILLING #: 001013500697
DICTATING PHYSICIAN: Andrew Coble, M.D.
CO-SIGNING PHYSICIAN: William J. Bromberg, M.D.
ROOM AND BED: EME
DATE OF BIRTH: 05/01/2010

HISTORY AND PHYSICAL

intact.

NEUROLOGIC: He was alert for age. Unable to evaluate for judgement or insight.

DIAGNOSTIC TESTING

FAST exam ultrasound was performed meticulously and was found to be negative times all views. He had a babygram chest and pelvis x-ray which were negative for acute findings. The patient also had a CT scan performed of his head, C-spine, chest, abdomen and pelvis to look for any internal injury. There were no signs of pneumothorax. No head or cervical spine injury. There was no free air. No free fluid in the patient's abdomen, although he came with a negative 9.0 base deficit.

In summation, this was a 2-week-old African-American male who was apparently assaulted by a dog. He arrived in transfer with multiple puncture wounds over his entire body including a partial avulsion of the right ear. The patient was consolable and hemodynamically stable with a metabolic acidosis. He was pan-scanned with no obvious internal findings. He was resuscitated with intravenous fluids. He was admitted to the Pediatric Intensive Care Unit and will require extensive repair of his multiple lacerations, which will be performed by myself. The patient was also consulted to the Pediatric Intensive Care Unit Team as well as to Pediatric Surgery, Dr. David Carney.

Andrew Coble, M.D.

William J. Bromberg, M.D.

AC/ver

D: 07/09/2010 10:50 A

PATIENT NAME: Sands, Eli
MEDICAL RECORD #: 00860392
BILLING #: 001013500697
DICTATING PHYSICIAN: Andrew Coble, M.D.
CO-SIGNING PHYSICIAN: William J. Bromberg, M.D.
ROOM AND BED: EME
DATE OF BIRTH: 05/01/2010

HISTORY AND PHYSICAL

DATE OF ADMISSION: 05/15/2010

The patient was seen as a transfer from Brunswick Hospital, brought to Memorial Health University Medical Center by ambulance.

TRAUMA TEAM

ATTENDING PHYSICIAN: William Bromberg, M.D.
CHIEF RESIDENT: Miller Hamrick, M.D.
RESIDENT: Andrew Coble, M.D.

CHIEF COMPLAINT

Multiple dog bites.

PRE-HOSPITAL MECHANISM

The patient was in foster care, was being watched over by another individual known to his foster provider and was attacked by the family dog. The patient was transferred secondary to multiple dog bites, although he was also noted to have other scratches and bruises which appeared to be in various states of healing and was also suffering from florid oral thrush.

ALLERGIES

The patient had no known drug allergies.

We were unable to obtain any past medical history or past surgical history, family history or review of systems. The patient was in foster care, as previously described, but was not under the direct supervision of his foster provider when this incident occurred.

PRIMARY EVALUATION

GENERAL: He is awake and alert.
AIRWAY: Normal with normal work of breathing, spontaneous.
CIRCULATION: Pulses are 2+ radial, femoral, carotid. Capillary refill was less than two seconds. The patient was warm to touch.
DISABILITY: His Glasgow Coma Scale was 15, adjusted for age. He was

PATIENT NAME: Sands, Eli
MEDICAL RECORD #: 00860392
BILLING #: 001013500697
DICTATING PHYSICIAN: Andrew Coble, M.D.
CO-SIGNING PHYSICIAN: William J. Bromberg, M.D.
ROOM AND BED: EME
DATE OF BIRTH: 05/01/2010

HISTORY AND PHYSICAL

T: 07/09/2010 3:03 P
Job #000770306/Document #1983277
cc: William J. Bromberg, M.D.
David E. Carney, M.D.
Andrew Coble, M.D.

HISTORY AND PHYSICAL- Page 4 of 4

Authenticated and Edited by Andrew Coble, M.D. On 7/14/10 12:44:04 PM
Authenticated by William J. Bromberg, M.D. On 08/19/2010 03:59:14 PM

PATIENT NAME: Sands, Eli
MEDICAL RECORD #: 00860392
BILLING #: 001013500697
DICTATING PHYSICIAN: Andrew Coble, M.D.
CO-SIGNING PHYSICIAN: William J. Bromberg, M.D.
ROOM AND BED: EME
DATE OF BIRTH: 05/01/2010

HISTORY AND PHYSICAL

consolable.

SECONDARY SURVEY

VITAL SIGNS: Heart rate was 160 with a temperature of 101.7, 98% saturation on room air.

GENERAL: The patient was alert for his age. He was consolable but crying on the first evaluation.

HEENT: He has a large right ear laceration, basically avulsion of the pinna. Tympanic membranes were negative for hemotympanum. His nasal mucosa was moist. His lips were somewhat edematous. There was obvious florid oral thrush on evaluation of the oropharynx. Occlusion was within normal limits. Pupil irises were equal and reactive to light with accommodation. There was facial, truncal and extremity lacerations, puncture wounds and bruises from the scalp all the way down to the patient's knees, including the perineal, perianal, scrotal, bilateral upper and lower extremities, truncal area, and the head and right ear as previously described.

NECK: His trachea was midline. The thyroid was nonpalpable. There was no tenderness. There was obvious bruising around the throat and the head. The patient's C-spine was secured and not cleared clinically initially.

CHEST: The patient's respiratory effort was within normal limits. He was clear to auscultation bilaterally. His chest was tender secondary to bruises, abrasions and punctures. The trachea was not deviated.

HEART: He had a tachycardic heart rate but a regular rhythm with a nondisplaced point of maximum impulse.

PULSES: Pulses were 2+ radial, carotid, femoral, posterior tibial, dorsalis pedis.

ABDOMEN: The abdomen was moderately tender secondary to multiple abrasions, contusions and small punctures. There was no obvious subcutaneous discoloration of the abdomen and it was not rigid and did not elicit a great deal of tenderness to palpation. The liver and spleen showed no hepatosplenomegaly and wounds were as previously described. There were deep puncture lacerations to the bilateral perineal areas. There was no obvious drainage or spillage of intraabdominal content. Although there were perineal wounds, there was no direct injury to the patient's rectum.

EXTREMITIES: There were no deformities or instabilities or sensory or motor deficits x4 extremities. The patient deep tendon reflexes were

IN THE APPEAL COURT OF GEORGIA

STATE OF GEORGIA

DEBORAH DENISE DRAYTON

APPELLANT

CASE NO. JUV 140240

Vs.

JA'Leah Denise Sands

Lia Latwain Sands

Kathy Denise Sands

APPELLEE

BRIEF

COME now Deborah Denise Drayton, APPELLANT in the above- captioned cause,
Moves the Court of Appeal on the matter that the Juvenile did in error of disallowing the family to
Testify on her behalf MS. ELIZABETH Sands was told not to say nothing during her TPR HEARING
Ms. ELIZABETH SANDS who is the mother of the of the above Appellee had her Parental Rights
Terminated, Before the Terminating the Rights Mrs. Deborah Denise Drayton who name was
Deborah Denise Kirksey before marriage wasn't giving the proper opportunity along with her twin
Sister Lisa Kirksey Teddy Maxwell and the grandmother of the father Ms. Diane Stroud the, Department
Of Family Children Service has error in finding placement for the kids has also place the kids with
unknown Family and refuse to allow the Elizabeth Sands family to have their nieces nephew the
Department of Human Service/ Department of Family Children Service has also put the above Appellee
in (Harms Way .

As to allowing Eli Sands who was severely bitten by an oversize doge while in the custody of the
Department of Family Children Service. As the case manager who was on the case has misled the
The Juvenile Court as well the Department of Human Service in thinking that she couldn't find any family
Members that would take the kids in their home. Ms. Brittany Turner who no longer a DFC for the
Department of Human Services has enter a falsified document to show that she was unable as Georgia
Law required her in O.C.G.A. § 15-11-211 to do (a) A diligent search shall be initiated at the outset of a
case under this article and shall be conducted throughout the duration of a case, when appropriate.

(b) A diligent search shall include at a minimum:

(1) Interviews with the child's parent during the course of an investigation, while child protective services are provided, and while such child is in care;

(2) Interviews with the child;

(3) Interviews with identified relatives throughout the case;

(4) Interviews with any other person who is likely to have information about the identity or location of the person being sought;

(5) Comprehensive searches of data bases available to DFCS including, but not limited to, searches of employment, residence, utilities, vehicle registration, child support enforcement, law enforcement, corrections records, and any other records likely to result in identifying and locating the person being sought;

(6) Appropriate inquiry during the course of hearings in the case; and

(7) Any other reasonable means that are likely to identify relatives or other persons who have demonstrated an ongoing commitment to the child.

(c) All adult relatives of the alleged dependent child identified in a diligent search required by this Code section, subject to exceptions due to family or domestic violence, shall be provided with notice:

(1) Specifying that an alleged dependent child has been or is being removed from his or her parental custody;

(2) Explaining the options a relative has to participate in the care and placement of the alleged dependent child and any options that may be lost by failing to respond to the notice;

(3) Describing the process for becoming an approved foster family home and the additional services and supports available for children placed in approved foster homes; and

(4) Describing any financial assistance for which a relative may be eligible.

(d) The diligent search required by this Code section and the notification required by subsection (c) of this Code section shall be completed, documented in writing, and filed with the court within 30 days from the date on which the alleged dependent child was removed from his or her home.

(e) After the completion of the diligent search required by this Code section, DFCS shall have a continuing duty to search for relatives or other persons who have demonstrated an ongoing commitment to a child and with whom it may be appropriate to place the alleged dependent child until such relatives or persons are found or until such child is placed for adoption unless the court excuses DFCS from conducting a diligent search.

Ms. Brittany Tuner who was the case manager did made contact with three of the and had them to move to bigger places where she was supposed to recommend them to the Juvenile Court in April Of year 2010 while the TPA order was in process, After May 1st 2010 just after Eli Sands was born. Eli Sands was place in a Foster home while he and his other brother and sister wait for placement to go back home with the mother Elizabeth Sands and father Walter Sands. After May 15th 2010 while Eli Sands who was only 2 weeks old was severely bitten by an oversize dog and was place in the Care of Savannah Memorial Hospital where he stayed for three months. After the incident with the baby boy (ELI Sands) and his release on August 19th 2010 Ms. Brittany Turner Case Manager (DFC) then place the baby boy ELI Sands with a Foster Parent in Savannah Ga. The DFC in Griffin Ga try to contact Ms. Brittany Tuner to discuss the arrangement for the kids on May 22nd 2010 and she refuse contact the back on any occasion for the father Walter Sands his mother Diane Stroud. Mrs. Deborah Drayton who is the auntie for the kids was also considered a placement for the kids she was also giving no response from DFC Case Manager Ms. Brittany Tuner in 2010, Ms. Brittany Turner didn't inform the Juvenile Courts of the placement for the kids she also misleading the Juvenile Court in that Mrs. Deborah Denise Drayton didn't want her nieces and nephew. Mrs. Deborah Drayton has follow all the guide line that was told to her to do by the DFC. Ms. Lisa Kirksey who is the other auntie for the Sands kids was also told that she lived too far to have her nieces and nephew and the law don't permitted or say how far a placement can go or can't go as long their a family member who is willing to get them or is qualified .The Trail Court has error in disallowing the family member to testify or even giving them the opportunity to reunite them with family. Deborah Drayton request that the Courts of Appeal grant her appeal. .

Wherefore Deborah Drayton Appellant pray that her MOTION TO INTERVEN granted

This 13 day of November 2014

Deborah Denis Drayton
206 Stafford AVE
Brunswick, Ga 31525

COURT OF APPEALS OF GEORGIA

Deborah Denise Drayton,

APPELLANT *

Case No. JUV 140240

vs

Ja' Leah Denise Sands

Kathy Denise Sands

Lia Latwain Sands

APPELLEE

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2014 NOV 17 AM 11:06
CLERK/COUNT ADMINISTRATOR
COURT OF APPEALS OF GA

PAUPER'S AFFIDAVIT

Comes now Deborah Drayton (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 (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: \$9.00 wages

McDonalds Hwy 17

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

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

Business, profession or form of self-employment?

G Yes

No

Pensions, annuities or life insurance payments?

G Yes

No

Rent payments, interest or dividends?

G Yes

No

Gifts or inheritances?

G Yes

No

COURT OF APPEALS OF GEORGIA

DEBORAH DENISE DRAYTON

*

APPELLANT

*

vs.

JA'LEAH DENISE SANDS

LIA LATWAIN SANDS

KATHY Denise Sands

CASE NUMBER

JUV 140240

APPELLEE

NOTICE OF INTENT

Comes now Deborah Denise Drayton, Appellant in the above appeal and files this Notice of Intent to apply for certiorari to the Supreme Court of Georgia.

This the 12th day of November, 2014.

Deborah Denise Drayton

206 STAFFORD

BRUNSWICK, GA 31525

RECEIVED IN OFFICE
2014 NOV 17 AM 11:06
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

(Your name printed or typed)

Deborah Denise Drayton

(Sign your name.)

Deborah Drayton

2016 Stafford Ave Brunswick GA 31525 912-242-0003

(Your complete address and telephone number)

Sworn to and subscribed before me

this the 13 day of Nov, 2014.

Carol Jenell Embrey Notary Public

FORM 3 - NOTICE OF INTENT

SEAL



Any other sources?

G Yes

G No

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

FORM 2 - PAUPER'S AFFIDAVIT page 2

3. Do you own any cash, or do you have money in a checking or savings account? (Include any funds in prison accounts) G Yes G No

If the answer is "Yes", state the total value of the items owned: _____

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

If the answer is "Yes", describe the property and state its approximate value: _____

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

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, Deborah Denise Drayton, 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 13th day of November, 2014.

Deborah Denise Drayton

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

November 18, 2014

To: Mr. Henry Givens, GDC822255, Coffee Correctional Facility, 1153 North Liberty Street, Nicholls, Georgia 31554

Case Number: _____ Lower Court: _____ County Superior Court

Court of Appeals Case Number and Style: _____

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

- There is no case pending in the Court of Appeals of Georgia under your name.**
- A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37.** Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.
- The Notice of Appeal must include a proper Certificate of Service.** A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.
- An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____
divesting this Court of jurisdiction. The remittitur issued on _____
is therefore final.
- Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the _____ is: _____
- If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.
- A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

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2014 NOV 17 PM 3:37

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

IN THE SUPERIOR COURT OF Richmond
COUNTY STATE OF GEORGIA

O.C.G. 822255

HENRY EDWARD GIVENS
VS

CASE 2007-1291
2007-1194

Judge JAMES
G. BLANCHARD JR.

THE PETITIONER STATES A CLAIM THAT, HE SHOULD BE GIVEN FULL CREDIT FOR THE TIME SERVED BEGINNING ON 6-2-13 TO 10-23-13 ACCORDING TO O.C.G. A 17-10-11 O.C.G. A 17-10-12 THE RECORDS WILL FULLY STATE HAS BEEN STATED WITH THIS CREDIT IS FOR THE FOLLOWING CASES 2007-RCCR-1291 AND 2007-RCCR-1194 FILING MOTIONS AND OTHER DOCUMENTS THAT HAVE NOT BEEN RULED UPON NOR ANSWERED, ACCORDING TO THE LAW OF THE STATE IN THAT RESPONDENT DOES HAVE JURISDICTION OVER SAID STATE CASE, I WILL BE SERVING MORE TIME THAN REQUIRED ACCORDING TO THE LAWS WITHIN THE STATE, REQUIRE THE RESPONDENT TO CREDIT / GRANT THE TIME SERVED FROM 6-2-13 TO 10-23-13, I AM LISTING PRISONERS PERSONAL HISTORY SHEET HIGH LIGHTED, AND GEORGIA - DEPARTMENT OF CORRECTIONS, SENTENCE COMPUTATION REPORT SHEET.

This 10th day of November, 2014.

Notary Public, Coffee County, Georgia
My Commission Expires Dec. 8, 2015

Henry Murrens

PRISONERS PERSONAL HISTORY SHEET

To be furnished to the Georgia Department of Corrections, Atlanta, Ga, by Clerks of the Superior Court of the State of Georgia at the same time notice of sentence is furnished.

SENTENCE DATA:

From Superior Court of Richmond County JULY / JULY Term 192007 / 2007

Name of Prisoner HENRY EDWARD GIVENS

IDENTITY OF PRISONER NOTE: BOXED AREA MUST BE COMPLETED

Form with fields: Race: BLACK, Sex: MALE, DOB: 09/30/1966, SSN: 260-23-5488, OTN: 128612142 / 134388671. Includes questions about defects, medication, and custody.

FBI No. 857387MA7 S.I.D. No. 1662241T Finger Print # _____

Eye Color BROWN Hair Color BALD Height 5'8 Weight 200

Place of Birth _____ Distinguishing marks and scars _____

Last home address? 1162 NORTH GRASS BLVD. FAYETTEVILLE, NORTH CAROLINA 28932

Marital Status _____ Spouse's Name _____

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

AFFIDAVIT OF CUSTODIAN

I, the undersigned custodian of the defendant, do swear and affirm that the following is true and correct to the best of my knowledge.

HENRY EDWARD GIVENS

Name of defendant

was confined on case number(s) 2007RCCR1194 & 2007RCCR1291 on the following dates-

Entered 03/17/2007 Departed 05/02/2007 Reason _____

Entered 07/22/2007 Departed 06/26/2008 Reason _____

Entered 11/18/2008 Departed 01/27/2009 Reason _____

COMMENTS: Arr: 07/13/2009 Rel: 09/29/2009, Arr: 02/27/2011 Rel: 05/03/2011, Arr: 06/02/2013 Sent: 10/23/2013

Vertical stamp: EVANEO JOHNSON, CLERK RICHMOND COUNTY, GA. 2013 NOV -5 AM 9:05. Includes a circular seal of the Superior State Court.

Major William E. Johnson Richmond Georgia Custodian _____ County

I, the undersigned (Deputy) Clerk of the Superior State Court, in and for said county, do hereby certify that the above is a true and correct copy of the affidavit of custodian, a part of the official record of the trial of said defendant, as appears of record and from the minutes of said court.

Given under my official signature and the seal of said court this 8 day of Nov 2013. Signature: Debra Ingram (Deputy) Clerk





Court of Appeals of Georgia

November 18, 2014

TO: Mr. Michael Ray Coffey, GDC1017866, Valdosta State Prison, Post Office Box 310, Valdosta, Georgia 31603

RE: **A14A1460. Randall Sanders 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 on October 23, 2014. The Court of Appeals affirmed the trial court decision. The remittitur issued on November 7, 2014, divesting this Court of any further jurisdiction of your case. The case is therefore, final.**

CASE STATUS - PENDING

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

APPLICATION FOR PERMISSION TO APPEAL A PROBATION REVOCATION

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

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

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

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TUE. 05 NOV. 2014

App. Case No. A14A1460

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA.
Appeals Court of Georgia,
office of the Clerk,

An opinion was issued in the above case number on 23 OCT. 2014. The appointed appellate counsel mailed a copy out on 27 OCT. 2014. The prison stamped the envelope on 03 NOV. 2014. However, I did not receive it until 04 NOV. 2014; (12) days of the issuance of the opinion. [see: Exhibit "A" and "B"]

I explained to this appointed appellate attorney several months prior to the opinion, that if there was an adverse ruling, that I wanted her to file a motion for reconsideration and a petition for Certiorari. She has ignored my request to further the appeal.

There are only certain days I am allowed to use the notary service in the law library; (1x per week).

I want to appeal the opinion issued in this case because it is erroneous. I am diligently compiling a brief and other documentations for this case.

Enclosed is an extension of time motion and other basic forms for appealing for a writ of Certiorari and a motion for reconsideration in this Court. I will be submitting the documentations not enclosed as soon as the prison allows me to go to the law library, get research information, and utilize notary services.

Appellate counsel has abandoned my case. The cause of this motion for extension of time is of good cause, faith, and is necessary to stop a miscarriage of justice. Please return a filed stamped copy and index for my records.

Thank you,
Sincerely,
Mukul Raj Coffey
60 West 101-7506
APPELLANT -

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COURT OF APPEALS OF GA

IN THE COURT OF APPEALS
STATE OF GEORGIA

MICHAEL RAY COFFEY
Appellant,

v.

STATE OF GEORGIA,
Appellee.

*
*
*
*
*

Appeals Case No. A14A1460

MOTION FOR AN EXTENSION OF TIME

COMES NOW, Appellant, MICHAEL RAY COFFEY, by and through pro se and moves this Court to grant an extension of time to submit his motion for reconsideration and petition for Certiorari in the above-styled case number. In support of this Motion, Appellant hereby states the following:

1. In August of 2009 the appellant was convinced by his appointed trial counsel to plead guilty to several felonies.¹

2. The same day as the hearing the appellant advised his attorney and the clerks office that he wished to withdraw the plea.² Appellant made numerous attempts to have the plea withdrawn; However, he was ignored by appointed trial counsel, and the Clerk's office did not respond to the appellant until the term of court had expired.³

1. The specific charges was simple battery and rape under (FVA). Later the charges were indicted as: Ct. 1 - Rape, Ct. 2 - Aggravated Assault, Ct. 3 - Aggravated Assault w/inlet to Rape, and Ct. 4 - False Imprisonment.

2. Appellant was misadvised as to parole eligibility by trial counsel; Trial counsel never advised the appellant as to the requirements of registration as a sex offender "prior" to having him plead guilty; and trial counsel did not advise the appellant that the statute of limitations had expired on Counts: II, III, and IV.

3. The appellant was brought to the State of Georgia for court here in this state, while he was serving a sentence in the North Carolina Dept. of Corr. Appellant was sent back to (NCDCC) within (3) weeks of his plea hearing in this State and before his time-frame to appeal had expired. Appellants first appellate counsel was: H. Maddox Kilgore. 4. The appellant remained in the North Carolina prison system for (3) years before being returned to the State of Georgia to serve the imposed sentence here in this State.

5. North Carolina prisons do not have law libraries and if they did there would not be Georgia materials in them. The appellant was denied adequate access to the courts.

6. Appointed appellant counsel: H. Maddox Kilgore, was contacted by the court and in return re-filed a motion for out-of-time appeal and second motion to withdraw as counsel. A hearing was set for 12 DEC 2012, and the motion was denied without a review of the record or adequate hearing. [See: John v. THE STATE, 284 Ga. 74, 663 S.E.2d 262, (2008); also: Brown v. State, 280 Ga. 658 (2006).]

5. After returning to the State of Georgia, the appellant was allowed to access a law library at (Georgia Diagnostic Prison). 5. He then filed a motion for out-of-time appeal and withdrawal of guilty plea, which was denied, because his first appellant counsel was still appointed to the case.

3. Appellants first appeal attorney was appointed after the appellant had been sent back to the North Carolina Dept. of Corrections.

4. The appellants pleadings were ignored by the Cherokee County clerks office. Appellant counsel, H. Maddox Kilgore, sent the appellant a letter stating that there was nothing he could do to help him and that he was withdrawing from the case. 4.

6. The appellant advised his second appointed appellate counsel, Amanda R. Gaddis several months prior to the opinion issued by the appeals court, that if there was an adverse ruling by the appeals court, that he wanted her to perfect the appeal by filing a motion for reconsideration and to petition for Certiorari, by which she ignored and never responded.

11. The opinion issued by the Court of Appeals is erroneous

10. The appellants second appointed appellate counsel has failed to perfect the appeal and has abandoned his case. The appellant should be allowed an extension of time to perfect his appeal. [see Massaline v. Williams, 274 Ga. 552, 554 S.E.2d 700; (2001).]

9. An opinion was issued from the Court of Appeals on 23 OCT 2014. The appellant was mailed a copy from his appellant counsel, postmarked on 27 OCT 2014. The prison in which the appellant is incarcerated stamped the envelope, dated 03 NOV. 2014; however, the appellant was not allowed to receive the mail until 04 NOV. 2014; (12) days after the opinion from the court of appeals was issued.

8. Second appointed appellate counsel waited (7) months before contact was initiated, even though the appellant had made numerous attempts to contact her. Ms. Gaddis's appeal was (9) months late and was dismissed. [see: Case No. A114A0199]. A second attempt was successful; however, Ms. Gaddis refused to argue some of the grounds presented by the appellant.

7. An appeal was entered through H. Maddox Kilgore and the appellants second appointed appellate counsel, Amanda R. Gaddis was appointed.

and further adjudication must be performed to prevent a miscarriage of justice. ¶

12. An extension of time in this case is in good faith and cause. Further adjudication is necessary.

13. The matters preventing a timely filing are out of the control of the appellant. [see: Exhibits A, "B"]

14. Matters within this appeal, not being argued on the trial court level, were not because the appellant waived them, but were due to ineffective assistance of trial counsel, for not arguing them. The appellant can not be held liable for trial counsel's deficient performance. [see: US v. Hensel, 70 Fed 6, 8 (and c/n, 1995); Rompilla v. Beard, 545 US 374, 377 (2005).]

¶ The opinion by the court of Appeals erroneously states that the record doesn't reflect any factors relevant to an appeal; The record clearly displays that the statute of limitations expired on counts: II, III, and IV of the appellants indictment, and a guilty plea does not waive a statute of limitations defense. [see: Vaughn v. State, 304 Ga. App. 259, 505 S.E2d 375, (2013). Any other documentations in the record, other than the indictment, explicitly seeking tolling on the statute of limitations is hearsay. The State not explicitly seeking tolling in the indictment means they were incapable of proving an exception to toll the applicable four-year statute of limitations, which made tolling "inadmissible". [see: Moss v. THE STATE, 200 Ga. App. 150, 469 S.E2d 325, (1996).]; Jenkins v. State, 278 Ga. 598, 604 (1) (8) 604 S.E2d 789 (2004).]; Tannuzzo v. State, 302 Ga. App. 760, 763 (1) 746 S.E2d 238 (2013).]

15. An erroneous adjudication being upheld by the Court of Appeals of Georgia will serve no important Federal interest. Esslinger v. Davis, 44 F3d 1515, 1529-30 (11th Cir. 1995).

16. The Court may enlarge the time to make a motion for amend findings and judgment beyond the limit expressly fixed. Leishman v. Associated Wholesale Electric Co., 1943 63 S.Ct. 543, 318 US 203, 87 LED 714.

WHEREFORE, for all of the above and foregoing reasons, the appellant prays the Court of Appeals of Georgia to allow an extension of time for him to pursue and provide the appropriate documentations necessary to file for Certiorari and reconsideration in this Court; Further the appellant respectfully requests (10) - ten days from the day this motion is file-stamped by the Court of Appeals; to be allowed to submit documentations to further perfect his appeal.

This 10th day of NOVEMBER, 2014

Respectfully Submitted,

Michael Ray Coffey

Appellant PRO SE

MICHAEL RAY COFFEY #1017866

Valdosta State Prison

PO Box 310

3259 Val Tech Road

Valdosta, Georgia 31603-0310

Lonja Williams
11/10/14

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2014 NOV 17 PM 3:49

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

IN THE COURT OF APPEALS
STATE OF GEORGIA

MICHAEL RAY COFFEY,
Appellant,

v.

STATE OF GEORGIA,
Appellee

case No. A14A1460

CERTIFICATE OF SERVICE

I hereby certify that the above and foregoing MOTION FOR AN EXTENSION OF TIME, was served upon the appropriate parties involved by depositing a true copy of the same into the mail system provided by the prison, and addressed to the following recipients:

This 10th day of NOVEMBER, 2014.

cc:

Court of Appeals of Georgia
47 Trinity Ave, STE 501
Atlanta, Georgia ~~30303~~

Michael Ray Coffey
Appellant - PRO SE
MICHAEL RAY COFFEY #1017866

Supreme Court of Georgia
244 Washington Street, SW
572 State Office Annex
Atlanta, Georgia 30334

Blue Ridge Judicial Circuit
OFFICE OF THE DISTRICT ATTORNEY
CLIFFTON HEAD
90 North Street
Canton, Georgia 30114

Jonja Wilkin
11/14/14

EXHIBIT "A"

Appeals Court Case No. A14A1460

Case No. 07-CR-0823

Motion for Reconsideration
Petition for Certiorari

Law Office of
Gregory A. Hicks

Attorneys at Law
1501 Regency Way, Suite 102
Woodstock, GA 30189

Gregory A. Hicks, Esq.
Amanda R. Gaddis, Esq.

Telephone: (770)516-5996
Fax: (770)516-1557
Toll Free: (866)516-5996
agaddis@gregoryhicks.com

October 24, 2014

Michael Ray Coffey GDC ID: 0001017866
Valdosta State Prison
3259 VALTECH ROAD
VALDOSTA GA 31601

RE: Sanders v. State
Georgia Court of Appeals
Case No. A14A1460

Dear Ms. Sanders,

The Court of Appeals issued an opinion today and denied your appeal. As the enclosed opinion indicated, the order denying your Motion for Out of Time Appeal in the trial court was affirmed by the Court of Appeals. I was appointed to represent you only on the appeal from denial of the Motion for an Out of Time Appeal. Because this appeal is now complete, my representation of you is also complete. I previously sent you a copy of your transcripts and file.

Sincerely,



Amanda R. Gaddis

Encl.

EXHIBIT "B"

Appeals Court Case No. 1441460

Case No. 07-CR-0823

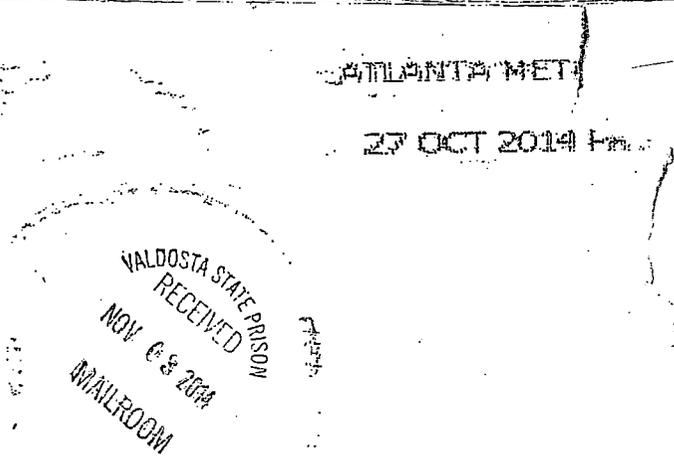
motion for reconsideration
petition for certiorari?

Offender Name: COFFEY, MICHAEL RAY GDC ID: 1017866
 House: B-1 Bed: 71-B Age: 44 Security Level: MEDIUM

Date	Activity Name	Start Time	End Time	Report To	Activity Location
11/04/2014	MAIL/PACKAGE CALL-OUT	13:00	14:00	GATE 72	PILL CALL CAGE
Comments:	LEGAL MAIL				

A. Hicks
 Firm
 s at Law
 Way, Suite 102
 eorgia 30189

Handwritten: 01-71



Michael Ray Coffey GDC ID: 0001017866
 Valdosta State Prison
 3259 VALTECH ROAD
 VALDOSTA GA 31601

31602930959

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

RECEIVED IN OFFICE
2014 NOV 17 PM 3:49
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

NOTICE OF APPEAL

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

STATE OF GEORGIA

PLAINTIFF

Michael Ray Coffey

vs.

DEFENDANT

STATE OF GEORGIA

*
*
*
*

CASE NUMBER

07-CR-0823

A14A1460

Appeals case No.

NOTICE OF APPEAL

Notice is given that MICHAEL RAY COFFEY (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 23rd day of OCTOBER, 2014.

The clerk shall _____ (omit nothing from the record on appeal/will omit from the record on appeal the following: _____.)

A transcript of evidence and proceedings _____ (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 _____ and appeals of such cases are not reserved to the Supreme Court of Georgia pursuant to Article VI, Section VI, Paragraphs II and III of the Constitution of the State of Georgia.

CERTIFICATE OF SERVICE

I certify that I have this day served _____ (opposing party or attorney) with a copy of this Notice of Appeal by _____ (hand delivery/ mailing a copy first class mail postage prepaid) to him/her at: 47 Trinity Ave; STE 501 (complete address of party served).

This the 05 day of NOVEMBER, 2014.

Michael Ray Coffey (Sign your name.)

Janja Williams
11/5/14

FORM 2 - PAUPER'S AFFIDAVIT

COURT OF APPEALS OF GEORGIA

MICHAEL RAY COFFEY

*

APPELLANT

*

VS

*

CASE NUMBER

STATE OF GEORGIA

*

A14A1460
Appeals Case No.

APPELLEE

PAUPER'S AFFIDAVIT

Comes now MICHAEL COFFEY (Appellant's name) first being duly sworn, deposes and states I am financially unable to pay the \$80.00 filing fee required for filing costs in the Court of Appeals of Georgia, and I request I be permitted to file CERTIORARI (Appellant's brief or Appellant's application) without having to pay filing fees.

This the 05 day of NOVEMBER, 2014.

MICHAEL RAY COFFEY

(Your name printed or typed.)

Michael Ray Coffey

(Sign your name.)

Valdosta State Prison, PO Box 310;
3259 ValTech Road; Valdosta, Georgia 31603
(Your complete address and telephone number.)

Sworn to and subscribed before me

this the 5th day of November, 2014.

Jonja Miller Notary Public

SEAL

FORM 3 - NOTICE OF INTENT

COURT OF APPEALS OF GEORGIA

MICHAEL RAY COPPEY

*

APPELLANT

*

vs.

STATE OF GEORGIA

*

CASE NUMBER

*

A14A1460

APPELLEE

Appellate Case No.

NOTICE OF INTENT

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

This the 05 day of NOVEMBER, 2014.

Michael Ray Coppey (Sign your name.)
Valdosta State Prison
PO Box 310 3259 Val Toek Rd

Valdosta, Georgia 31603
(Your complete address.)

CERTIFICATE OF SERVICE

I certify that I have this day served _____ (opposing party or attorney)
with a copy of this Notice of Intent by _____ (hand delivery/ mailing a copy first
class mail postage prepaid) to him/her at: 47 TRINITY Ave; STE 501
Atlanta, Georgia 31603

(complete address of party served).

This the 05 day of NOVEMBER, 2014.

Michael Ray Coppey (Sign your name.)

Lonje William
11/11/14

FORM 4 - NOTICE OF FILING CERTIORARI

COURT OF APPEALS OF GEORGIA

MICHAEL RAY COPPEY

*

APPELLANT

*

vs.

*

CASE NUMBER

STATE OF GEORGIA

*

1441460
Appeals Case No.

APPELLEE

NOTICE OF FILING PETITION OF CERTIORARI

Comes now Michael Coppey (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 05 day of NOVEMBER, 2014

Michael Ray Coppey (Sign your name.)

Vadosta State Prison, PO Box 310, 3259 Vol
Tech Road, Vadosta, Georgia 31603

(Your complete address.)

CERTIFICATE OF SERVICE

I certify that I have this day served _____ (opposing party or attorney)

with a copy of this Notice of Filing Petition of Certiorari by _____

(hand delivery/ mailing a copy first class mail postage prepaid) to him/her

at: 47 Trinity Ave; STE. 501 Atlanta, GA 31603

(complete address of party served).

This the 05 day of NOVEMBER, 2014.

Michael Ray Coppey (Sign your name.)

Sonja Williams
11/21/14

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

November 18, 2014

To: Ms. Deborah D. Drayton, 206 Stafford Avenue, Brunswick, Georgia 31525

Case Number: _____ Lower Court: _____ County Superior Court

Court of Appeals Case Number and Style: _____

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

- There is no case pending in the Court of Appeals of Georgia under your name.**
- A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia.** See OCGA §5-6-37. Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.
- The Notice of Appeal must include a proper Certificate of Service.** A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.
- An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____
divesting this Court of jurisdiction. The case decision is therefore final.
- Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the _____ is: _____
- If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.
- A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

IN THE JUVENILE COURT OF GLYNN COUNTY
STATE OF GEORGIA

IN THE INTEREST OF:

Lia Latwain Sands
A Child Under 18 Years of Age

Sex: Male

DOB: 10/03/00
Case# JUV140130

Ja'leah Denise Sands
A Child Under 18 Years of Age

Sex: Female

DOB: 02/08/06
Case# JUV140130

Kathy Denise Sands
A Child Under 18 Years of Age

Sex: Female

DOB: 05/18/07
Case# JUV140130

FILED
GLYNN COUNTY JUVENILE COURT
2014 OCT 16 A 8:17
Dorinda G. D.
JUV 140240
JUV 140240
JUV 140240

RECEIVED IN OFFICE
2014 NOV 17 PM 3:03
CLERK OF APPEALS OF GEORGIA

ORDER DENYING MOTION TO INTERVENE

The court has before it a motion to intervene in the above-entitled matter by the maternal aunt of the above-named children, Deborah Drayton, nee Kirksey. The motion to intervene was filed on August 21, 2014.

Pertinent Procedural and Factual History

On August 14, 2009, the above-named children were removed from the home of their mother and putative father and subsequently adjudicated to be deprived children and placed in the temporary custody of Glynn County DFCS. The causes of deprivation were the toxic condition of the home and drug and alcohol abuse of the parents.

When children are removed from their parents and adjudicated deprived (now dependent), this court requires the parents to submit affidavits identifying, inter alia, the relatives of the children, the primary purpose of

which is to aid DFCS and the court in identifying potential relative placements for the children. In this case, neither parent identified the movant, who is the sister of the mother of said children, as being a relative of the children. (Department's Exhibits 1 and 2)

However, the foregoing notwithstanding, the Department conducted a diligent search for fit and willing relatives of the children and, on June 1, 2010, it filed a diligent search report with the court which identified the Movant as an aunt of the children. However the report further disclosed that, upon contact, the Movant indicated she was "not interested" in being a placement resource for the children. (GAI's Exhibit A)

The parents of the children failed to make any progress on their reunification case plans. Consequently, the Department filed a termination of parental rights petition, which was heard on October 21, 2010. Subsequently, on October 22, 2010, the court entered an order terminating the parental rights of the children and placing the children in the permanent custody of Glynn County DFCS for the purpose of adoption. In the TPR order, the court expressly found as follows:

"9.

An exhaustive and thorough search for a suitable family member or members with whom the children could be placed has been made. No such family member could be located.

Based on the evidence presented, the court finds that harm will come to the children absent the implementation of the department's proposed permanency plan of adoption."

In its conclusions of law in the TPR order, the court again found that reasonable efforts had been made to find a suitable family member with whom the children could be placed, without success, and that the children should, therefore, be placed with DFCS. The court also concluded that placement of the children with DFCS was the most appropriate placement for and was in the best interest of the children.

It is significant that, as early as the spring of 2010, the Movant knew that the children were in DFCS custody and that the Department was seeking to identify fit and willing relative placements for them. Yet, the Movant failed to: come forward to be evaluated as a relative placement for the children; move for intervention in the TPR proceeding, or appear at the TPR hearing and offer to be a relative placement for the children.

After the TPR order was entered on October 22, 2010, the Department placed the children in several foster to adopt homes which did not work out. Eventually the Movant and her husband, Jermaine Drayton, sought to be evaluated as foster to adopt parents by Glynn County DFCS. It is not known if the Draytons did that with a view to becoming placement resources for the above-named children. In any event, DFCS denied that application on March

20, 2012, due to Mr. Drayton's criminal history. (See DFCS Exhibit 3)

In spite of the earlier unsuccessful post-TPR foster to adopt placements, **the children have now been in their current foster to adopt placements for approximately one year and it is anticipated that, in the near future, they will be released by the Department to those foster parents for adoption.** This will finally provide these children with long-awaited permanency.

Now, more than five (5) years after the children entered foster care and nearly four (4) years after the TPR order was entered, Ms. Drayton wants to intervene in this case for the purpose of being considered as a relative placement for these children!

It is noted that the Draytons filed a pro se petition to adopt the children in the Superior Court of Glynn County on July 10, 2014. On July 25, 2014, that petition was dismissed as being defective, primarily because Glynn County DFCS had not consented to the adoption of the children by the Draytons.

Conclusions of Law

In O.C.G.A. §15-11-321(a), the new Juvenile Code, which became effective January 1, 2014, gives the court the following directives with regard to custody of a child following termination of parental rights, to-wit:

“When a court enters an order terminating the parental rights of a parent ..., a placement may be made only if the court finds that such placement is in the best interests of the child and in accordance with such child’s court approved permanency plan created pursuant to Code §§15-11-231 and 15-11-232. In determining which placement is in a child’s best interests, the court shall enter findings of fact reflecting its consideration of the following (1) such child’s need for a placement that offers the greatest degree of legal permanence and security; (2) the least disruptive placement for such child; (3) such child’s sense of attachment and need for continuity of relationships; (4) the value of biological and familial connections; and (5) any other factors the court deems relevant to its determination.”

The above-quoted provisions of O.C.G.A. §15-11-321 are virtually identical to the provisions of former O.C.G.A. §15-11-103 which became effective on July 1, 2010. (Ga. L. 2010, p. 286, §11/SB 244). The 2010 version of this Code Section was in effect when the TPR order was entered in this case. Therefore, Movant’s reliance upon an earlier version of this Code Section, which was replaced by the 2010 amendment, is misplaced.

Nevertheless, it is noteworthy that the Court of Appeals of Georgia expressly held that the version relied on by Movant did not require trial courts to give preference to family members in making a placement of a child following TPR. *In re: B.R.W.*, 242 Ga. App. 232, 530 S.E.2nd 5 (2000).

Succinctly stated, it is the Movant’s position on this matter that this court must grant her incredibly belated motion to intervene in this

proceeding in order to allow her to be evaluated or reevaluated as a potential relative placement for the children, notwithstanding that: she expressly declined to be so evaluated in the spring of 2010 and, more recently, the Draytons were evaluated for and denied approval as foster to adopt parents by Glynn County DFCS. **That argument is without merit.**

See *In the Interest of G.B.*, 263 Ga. App. 577, 588 S.E.2d 779 (2003), holding, inter alia, that "[a]lthough the [relative] search was conducted approximately 2 years before the termination proceeding, some evidence nevertheless exists showing that the Department complied with the dictate of O.C.G.A. §15-11-103(a) (1), and we therefore find no basis for reversal based on failure to conduct a search for a suitable relative with whom to place G.B." See also *In the Interest of A. M.*, 275 Ga. App. 630, 621 S.E. 2nd 567 (2005) and *In the Interest of D.D.*, 273 Ga. App. 839, 616 S.E.2d 179 (2005).

O.C.G.A. §9-11-24(a) permits intervention in a civil action, as a matter of right: "(1) when a statute confers an unconditional right to intervene; or (2) when the applicant claims an interest relating to the property or transaction which is the subject matter of the action and he is so situated that the disposition of the action may as a practical matter impair or impede his ability to protect that interest, unless the applicant's interest is

adequately represented by existing parties.” Under the circumstances of this case, the Movant has no intervention of right in this proceeding.

O.C.G.A. §9-11-24(b) provides for permissive intervention in civil actions: “(1) when a statute confers a conditional right to intervene; or (2) when an applicant’s claim or defense and the main action have a question of law or fact in common.” There is no statute which confers a conditional right upon the Movant to intervene in this proceeding. Further, it is doubtful that the Movant’s custody claim has a common question of law or fact with the main action in this case which, at this point in time, is simply to provide permanency for the children. However, assuming, without deciding, that the Movant’s custody claim falls within the purview of O.C.G.A. §9-11-24(b)(2), the court must look to the totality of the circumstances in this case.

O.C.G.A. §9-11-24 expressly requires that an application, whether it is for intervention as a matter of right or permissive intervention, must be “timely.” And, O.C.G.A. §9-11-24(b) expressly provides that “[i]n exercising its discretion the court shall consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties.”

In this case, the rights of the original parties were adjudicated nearly four (4) years ago. The real question is whether, at this point in time, the

intervention of the Movant into this proceeding will unduly delay or prejudice the ability of the court, the department and the GAL to provide permanency for the children and, if so, whether this will be harmful to the children. The court finds that the answer to both of these questions is in the affirmative.

Accordingly, it is hereby

ORDERED that the motion of Deborah Drayton to intervene in this proceeding for the purpose of being considered as a relative placement for the above-named children should be and it is hereby **DENIED**.

SO ORDERED on this the 16th day of October, 2014.



GEORGE M. ROUNTREE

JUDGE

Glynn County Juvenile Court

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

Date: November 18, 2014

To: Mr. Steve Eagleton, 1203 Town Creek Circle, Greensboro, Georgia 30642

Docket Number: A15A0560, 0561, 0562 **Style:** Steve Eagleton v. Malibu Boats, Inc.
Michigan Motorz
Athens Marine, Inc.

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

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

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

STEVE EAGLETON,)
)
 Plaintiff,)
)
 v.)
)
)
 MALIBU BOATS, INC.)
 Defendant,)
)
 MICHIGAN MOTORZ)
 Defendant,)
)
 ATHENS MARINE, INC.)
 Defendant.)

CASE NO.: A15A0560, A15A0561,
A15A0562

~~RECEIVED IN OFFICE
2014 NOV 17 PM 3:40
CLERK'S COURT ADMINISTRATOR
COURT OF APPEALS OF GA~~

**PLAINTIFF'S MOTION FOR AN EXTENSION OF TIME
TO FILE APPELLANT BRIEFS**

This motion is submitted by the pro-se Plaintiff Steve Eagleton. This case is a direct appeal from the Superior Court of Greene County Georgia, as such the Georgia Court of Appeals has jurisdiction over these cases.

REQUEST FOR EXTENSION OF TIME

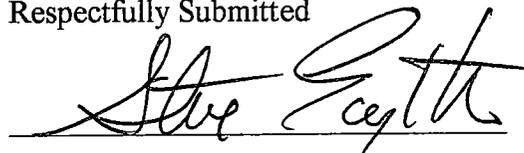
Comes now, the Plaintiff in this cause of action to respectfully request that he be granted an additional 10 days to submit his appellant brief. There are six total defendants in this case which has made this a complex case for the Plaintiff. Additionally, the Plaintiff is not being sent copies of the various motions that the Defendants have filed in the Superior Court of Greene

County, which in turn has caused continuous delays in the Plaintiffs ability to properly bring this cause of action.

The Plaintiff has to physically go to the Greene County Courthouse on a monthly basis and go through the file to look for additional filings brought by the various Defendants. This bad faith behavior by the Defendants has put the Plaintiff in a very compromised position. In addition to the above mentioned issues, there are currently numerous motions before the Greene County Superior Court that have yet to be ruled on with regards to the other three (3) defendants who are still in the case in Greene County.

Additionally, the Plaintiff did not physically receive the Notice of Docketing until November 7, 2014 because it came in the mail and was not sent electronically as might be the case if the Plaintiff were an attorney. As such the Plaintiff respectfully asks the court to grant the plaintiff an additional ten (10) days to file his briefs.

Respectfully Submitted

A handwritten signature in black ink that reads "Steve Eagleton". The signature is written in a cursive style and is positioned above a horizontal line.

Steve Eagleton

Pro-Se Plaintiff

seagle08@gmail.com

(404) 909-3624

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

November 18, 2014

To: Dr. Sterling-Trent:Fuller, GDC001021639, Cobb County Adult Detention Center, P.O. Box 100110, Marietta, Georgia 30062

Case Number: _____ Lower Court: _____ County Superior Court

Court of Appeals Case Number and Style: _____

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

- There is no case pending in the Court of Appeals of Georgia under your name.**
- A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37.** Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.
- The Notice of Appeal must include a proper Certificate of Service.** A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.
- An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____
_____ The remittitur issued on _____
divesting this Court of jurisdiction. The case decision is therefore final.
- Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the _____ is: _____
- If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.
- A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.
- I have enclosed a copy of the Rules of the Court of Appeals of Georgia for your review.**

In THE COURT OF APPEALS

State of Georgia

RECEIVED IN OFFICE
2014 NOV 17 PM 3:40
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

THE STATE OF GEORGIA

Unknown Indictment #

Warrant No. H-W-2846

v

Dr. Sterling-Trent; Fuller

FORGERY - 3RD DEGREE

DEMAND FOR RELEASE AND/OR BOND

Comes now, Dr. Sterling-Trent; Fuller, Pro Se, ~~Att~~^{S-T-F} pursuant to O.C.G.A. § 5-6-35, O.C.G.A. § 17-4-26 and O.C.G.A. § 17-7-50 and *Burke v. State* 234 Ga. 512, 56 S.E. 2d 812 and prays upon this Honorable Court to order the trial court to release the Defendant forthwith for failure to inform the defendant of the time, place, and date of defendant's commitment hearing, failure to hold a timely commitment hearing and/or failure to indict within 90 days as required by O.C.G.A. § 17-7-50.

As Evidence in further support, Defendant Asserts:

1. Defendant was arrested Aug. 03, 2014, and charged with Forgery - 3RD Degree. Defendant was given a preset bond of \$5,720.
2. Defendant was given a first appearance hearing where the presiding Magistrate revoked the existing bond on August 04, 2014. Also the presiding Magistrate failed to notify Defendant of time, date and place of commitment hearing as required by O.C.G.A. § 17-4-26. This hearing occurred on Aug. 4, 2014 by video at the Cobb County Adult Detention Center.

FOOTNOTES

1. Magistrate revoked Defendant's ~~pr~~^{S-T-F} bond for being on Misdemeanor probation in City of Alpharetta, Ga.

3. Defendant has been incarcerated for 102+ days, without being indicted or accused and pursuant to O.C.G.A. § 17-7-50, Defendant is entitled to be released on a reasonable, makeable bond.

4. Due to Defendant's indigence, as evidenced by the attached pauper's affidavit, Defendant would be unable to meet any reasonable bond unless an O.R. / Signature bond.

5. There is legal precedent set by this Honorable Court in *Git State v. Gilstrap*, 230 Ga. App. 281, 282, 495 S.E. 2d 835 (1998) "the remedy for failure to hold a probable cause hearing within the statutory period is a release from custody."

Wherefore, based on the above defendant prays upon this Honorable ^{S-T.F.} Court for a release order or bond order from the trial court.

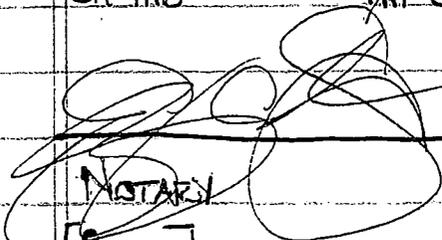
THIS 13th DAY OF NOV.

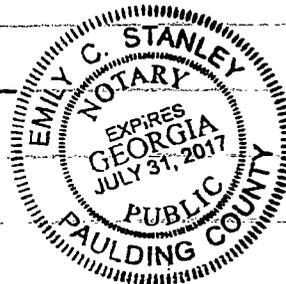
2014

Dr. Sterling-Trent: Fuller
Dr. Sterling-Trent: Fuller, 021021639
COBB COUNTY A.D.C. 412942B
P.O. Box 10010
Marietta, Ga. 30062

SWORN AND SUBSCRIBED BEFORE ME

ON THIS 13th DAY OF NOVEMBER 2014.


NOTARY
SEAL





2014

Georgia Court of Appeals

R U L E S

Last Update: May 15, 2014

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

HOLLY K. O. SPARROW
CLERK/COURT ADMINISTRATOR

(404) 656-3450
sparrowh@gaappeals.us

November 20, 2012

Mr. Carl M. Drury, III
2221 Peachtree Road, N.E.
Suite D165
Atlanta, Georgia 30309

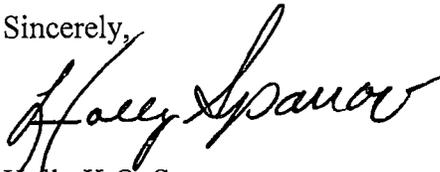
RE: A13A0493. Carl M. Drury, III, et al. v. Security State Bank

Dear Mr. Drury:

I am in receipt of your Motion for an Extension of Time received in this office on November 19, 2012. Please be advised that your attorney filed a Motion to Withdraw and a Motion for an Extension of Time. Both were granted. Please see the enclosed orders. You have until December 11, 2012 to file your Appellant's Brief.

I am returning your Motion for Extension since an extension has already been granted by the Court.

Sincerely,



Holly K.O. Sparrow
Clerk/Court Administrator
Court of Appeals of Georgia

HKOS/ld
Enclosures

Court of Appeals of the State of Georgia

ATLANTA, November 20, 2012

The Court of Appeals hereby passes the following order

A13A0493. CARL M. DRURY III et al v. THE SECURITY STATE BANK.

The APPELLANT'S motion for AN EXTENSION OF TIME in which to file an enumeration of errors and brief in the above-styled case is hereby GRANTED until 12/11/2012.

The appellee's brief shall be filed within 20 days after the filing of the appellant's brief.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, November 20, 2012.

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.

Hally K. O. Sparrow

, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, November 20, 2012

The Court of Appeals hereby passes the following order:

A13A0493. CARL M. DRURY III et al. v. THE SECURITY STATE BANK.

Upon consideration of counsel for Appellant's Motion to Withdraw as Counsel, said motion is hereby GRANTED.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 11/20/2012

*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.*

Hally F. O. Spencer, Clerk.

IN THE COURT OF APPEALS
STATE OF GEORGIA

CARL M. DRURY, III, KATHY DRURY,)
AND ALL OTHERS RESIDING OR)
STAYING AT: 376 PEACHTREE BATTLE)
AVENUE, ATLANTA, GA 30305)

Appellants)

v.)

SECURITY STATE BANK)

Appellees)

Civil Action File No.: A13A0493

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

2012 NOV 19 PM 4: 17

RECEIVED IN OFFICE

MOTION FOR EXTENSION TIME OF APPELLANTS

"CHIP" CARL M. DRURY III
2221 Peachtree Rd, NE, Ste. D165
Atlanta, GA 30309
Filing Pro Se for Appellants

MOTION FOR EXTENSION OF TIME OF APPELLANTS

COME NOW the Appellants herein and file this, a Motion for Extension of Time of Appellants (the "Motion") seeking an extension of time for the filing of their reply brief (the "Reply") in regard to their appeal (the "Appeal") of the order (the "Order") granted in the underlying Fulton County Superior Court action (the "Action").

Therefore, Appellants hereby showing the Court the following:

- (1) On April 13, 2012, Jonathan D. Crumly, Sr., ("Crumly") filed the Appeal.
- (2) On or about August 10, 2012, Crumly filed a Motion for Withdrawal (the "Motion") from the Action in the Fulton County Superior Court of Georgia (the "Trial Court"), with such Motion attached hereto as Exhibit A.

- (3) On or about November 10, 2012, Appellants received a Notice of Docketing (the "Notice") from this Court that notified Appellants they had until November 20, 2012 to file their brief (the "Brief") related to the Appeal.
- (4) On November 12, 2012, Appellant "Chip" Carl M. Drury III ("Drury") contacted Patty Bender ("Ms. Bender") in the office of this Court inquiring of procedure for the filing of the Brief pro se.
- (5) Ms. Bender informed Drury that the Court showed Crumly as being counsel of record in this matter and that neither Drury or any other counsel he was to hire would therefore be able to file the Brief until Crumly was allowed by the Trial Court to withdraw as counsel in this matter.
- (6) In reply, Drury informed Ms. Bender that Crumly had relayed to him that he had filed the Motion in early August.
- (7) In reply, Ms. Bender relayed to Drury that she would contact the Clerk of the Trial Court to determine the status of Crumly's withdrawal.
- (8) On November 13, 2012, Ms. Bender contacted Drury and informed him that Fulton County Superior Court still listed Crumly as the attorney of record in this matter.
- (9) Drury informs the Court that he has contacted Crumly about this obstacle to filing the Brief, with Crumly relaying to Drury that (i) he filed the Motion months ago, (ii) he is unable to file the Brief himself, and (iii) he will file a motion with this Court requesting more time for Drury to file the Brief subsequent to the Motion being granted.
- (10) On November 15, 2012, Drury forwarded an email (the "Email") to Crumly requesting that Crumly (i) file a motion with the Court asking for more time in light of this circumstance, and (ii) physically go with him to the Fulton Superior Court an effort to have them grant his Motion for Withdrawal so that Drury could get then get the Brief filed on or before November 20, 2012. The Email is attached hereto as Exhibit C. In reply, Crumly forwarded Drury an email (the "Crumly Email") on that same day. The Second Email is attached as Exhibit C.
- (11) On the morning of November 16, 2012, Drury called Crumly and left him a voice message asking him to give him a return call. At 11:23 AM on that same morning, Drury forwarded Crumly a second email (the "Second Email") asking Crumly to call him. The Second Email is attached as Exhibit D.
- (12) Drury states to the Court that Appellant has been diligent in working to overcome this obstacle in filing the Brief by November 20, 2012, notwithstanding, obstacles beyond Appellants reasonable control have prevented Appellants from doing this.

(13) Therefore, in light of the above described circumstances, Drury prays that the Court grants an extension of time in this matter so that Drury may file the Brief Pro Se or find an attorney to file such Brief on Appellants' behalf.

Respectfully submitted this 16th day of November, 2012.



"CHIP" CARL M. DRURY III on behalf of Appellants

2221 Peachtree Rd, NE, Ste. D165

Atlanta, GA 30309

Filing Pro Se for Appellants

2221 Peachtree Rd, NE

Suite D165

Atlanta, GA 30309

404-784-0058

Exhibit A

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

CARL M. DRURY, III, and
KATHY B. DRURY,

Plaintiffs,

v.

THE SECURITY STATE BANK,

Defendant.

CIVIL ACTION

FILE NO. 2011-CV-206101

MOTION FOR WITHDRAWAL

COMES NOW, Jonathan D. Crumly, Sr. and the law firm of Maner Crumly Chambliss LLP, counsel for Kathy Drury and Carl M. Drury, III in the above styled matter, and moves this Court for an Order permitting their withdrawal as counsel for the above named Plaintiffs, Kathy Drury and Carl M. Drury, III. In support of this Motion, counsel shows the Court as follows:

1.

The named Plaintiffs are notified of the following:

- (a) That the undersigned counsel is filing this Motion for Withdrawal;
- (b) That the Court retains jurisdiction of this action;
- (c) That the named Plaintiffs have the burden of keeping the Court informed respecting where notices, pleadings, or other papers may be served;
- (d) That the named Plaintiffs' representative has the obligation to prepare for trial;
- (e) That if the named Plaintiffs fail or refuse to meet these burdens, they may suffer adverse consequences;

(f) That the dates of any scheduled proceedings, including trial, and the holding of such proceedings will not be affected by the withdrawal of counsel;

(g) That service of notices may be made upon the named Plaintiffs at their last known address: 376 Peachtree Battle Avenue, Atlanta, Georgia 30305;

(h) That if a named Plaintiff is a corporation, that a corporation may only be represented in court by an attorney, that an attorney must sign all pleadings submitted to the court, and that a corporate officer may not represent the corporation in court unless that officer is also an attorney licensed to practice law in the state of Georgia;

(i) That, unless the withdrawal is with the named Plaintiffs' consent, the named Plaintiffs have the right to object to this Motion for Withdrawal within ten (10) days of the date of this notice.

2.

All future notices may be sent to the Defendants at their last known address: 376 Peachtree Battle Avenue, Atlanta, Georgia 30305. The undersigned counsel Jonathan D. Crumly, Sr., hereby certifies that he has met the notification requirements of Rule 4.3 of the Uniform State Court Rules and gave notice to said Plaintiffs by emailing a draft of this Motion for Withdrawal on July 31, 2012.

Respectfully submitted this 10th day of August, 2012.

MANER CRUMLY CHAMBLISS LLP

2900 Paces Ferry Road
Suite B-101
Atlanta, Georgia 30339
(770) 434-0310 (telephone)
(404) 549-4666 (facsimile)



Jonathan D. Crumly, Sr.
Georgia Bar No. 199466
Attorneys for Plaintiffs

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

CARL M. DRURY, III, and)	
KATHY B. DRURY,)	
)	CIVIL ACTION
Plaintiffs,)	
)	FILE NO. 2011-CV-206101
v.)	
)	
THE SECURITY STATE BANK,)	
)	
Defendant.)	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the **MOTION FOR WITHDRAWAL** upon opposing counsel of record, by regular United States Mail addressed as follows:

Mark W. Staughan, Esq.
Staughan & Staughan
P.O. Box 567
McRae, Georgia 31055

Carol Clark, Esq.
James B. McClung, Esq.
Carol Clark Law
6075 Lake Forrest Drive, Suite 200
Atlanta, Georgia 30328

Carl M. Drury, III
Kathy Drury
376 Peachtree Battle Avenue
Atlanta, Georgia 30305-4065

This 10th day of August, 2012.


Jonathan D. Crumly, Sr.

Exhibit B

Chip Drury

From: Chip Drury <chip@chipdrury.com>
Sent: Thursday, November 15, 2012 11:50 AM
To: jcrumly@manercc.com
Subject: Filing of Fulton County Superior Court appeal in Security State Bank matter
Attachments: Security State Bank - November 1, 2012 Notice of Docketing of Georgia Superior Court Appeal.pdf

Jonathan:

As I relayed to you, the Georgia Court of Appeals won't let me file an answer to this appeal, due to the fact that you are still listed as the attorney of record with the Fulton Superior Court in this matter. I think the prudent course would be for you to file a motion with the appellate court explaining, (i) you provided Fulton County Superior Court with a notice of your withdrawal over 3 months ago, (ii) that court has yet to grant your withdrawal, (iii) you are not inclined and/or are not able to file this answer, (iv) under their rules (this was relayed to me by one of the clerks there, Patty Bender), your client is not allowed to file this answer pro se or with other counsel until this withdrawal is granted, and (v) therefore, your client would like to get an extension of time in filing this answer.

Can you file this motion for an extension?

Also, can you go down to Fulton County Superior Court with me today to try to get your withdrawal granted so that I can file this appeal myself?

Thanks,

Chip

Exhibit C

Chip Drury

From: Jonathan Crumly <jcrumly@manercc.com>
Sent: Thursday, November 15, 2012 11:53 AM
To: Chip Drury
Subject: Re: Filing of Fulton County Superior Court appeal in Security State Bank matter

Chip,

I am not available today. I will be filing the motion to extend time on your appeal and to withdraw from the appeal so you can file the brief yourself. You will likely get another 20 days from the current appellate deadline.

Sent from my iPhone

Jonathan D. Crumly, Sr.
Maner Crumly Chambliss LLP
Vinings Square, Suite B-101
2900 Paces Ferry Road
Atlanta, GA 30339
(770) 434-0310 (Direct)
(770) 883-6344 (Cell)
(404) 549-4666 (Fax)
jcrumly@ManerCc.com
www.ManerCC.com

On Nov 15, 2012, at 11:49 AM, "Chip Drury" <chip@chipdrury.com> wrote:

Jonathan:

As I relayed to you, the Georgia Court of Appeals won't let me file an answer to this appeal, due to the fact that you are still listed as the attorney of record with the Fulton Superior Court in this matter. I think the prudent course would be for you to file a motion with the appellate court explaining, (i) you provided Fulton County Superior Court with a notice of your withdrawal over 3 months ago, (ii) that court has yet to grant your withdrawal, (iii) you are not inclined and/or are not able to file this answer, (iv) under their rules (this was relayed to me by one of the clerks there, Patty Bender), your client is not allowed to file this answer pro se or with other counsel until this withdrawal is granted, and (v) therefore, your client would like to get an extension of time in filing this answer.

Can you file this motion for an extension?

Also, can you go down to Fulton County Superior Court with me today to try to get your withdrawal granted so that I can file this appeal myself?

Thanks,

Chip

<Security State Bank - November 1, 2012 Notice of Docketing of Georgia Superior Court Appeal.pdf>

Exhibit D

Chip Drury

From: Chip Drury <chip@chipdrury.com>
Sent: Friday, November 16, 2012 11:23 AM
To: 'Jonathan Crumly'
Subject: RE: Filing of Fulton County Superior Court appeal in Security State Bank matter

Jonathan, I tried to call you earlier today. Can you talk? Chip

From: Jonathan Crumly [<mailto:jcrumly@manercc.com>]
Sent: Thursday, November 15, 2012 11:53 AM
To: Chip Drury
Subject: Re: Filing of Fulton County Superior Court appeal in Security State Bank matter

Chip,

I am not available today. I will be filing the motion to extend time on your appeal and to withdraw from the appeal so you can file the brief yourself. You will likely get another 20 days from the current appellate deadline.

Sent from my iPhone

Jonathan D. Crumly, Sr.
Maner Crumly Chambliss LLP
Vinings Square, Suite B-101
2900 Paces Ferry Road
Atlanta, GA 30339
(770) 434-0310 (Direct)
(770) 883-6344 (Cell)
(404) 549-4666 (Fax)
jcrumly@ManerCc.com
www.ManerCC.com

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Can you file this motion for an extension?

Also, can you go down to Fulton County Superior Court with me today to try to get your withdrawal granted so that I can file this appeal myself?

Thanks,

Chip

<Security State Bank - November 1, 2012 Notice of Docketing of Georgia Superior Court Appeal.pdf>

IN THE COURT OF APPEALS
STATE OF GEORGIA

CARL M. DRURY, III, KATHY DRURY,)
AND ALL OTHERS RESIDING OR)
STAYING AT: 376 PEACHTREE BATTLE)
AVENUE, ATLANTA, GA 30305)
Appellants)
v.)
SECURITY STATE BANK)
Appellees)

Civil Action File No.: A13A0493

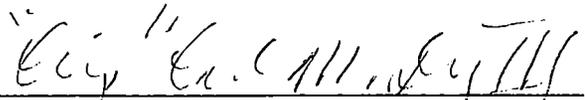
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have served a copy of the foregoing Motion for Extension of Time of Appellants upon all counsel listed below by placing a copy of same in the United States Mail, in an envelope with adequate postage affixed thereon to ensure delivery, and via email, as follows:

Carol Clark
Carol Clark Law Firm
6075 Lake Forest Drive
Suite 200
Atlanta GA 30328

Mark Straughan
Straughan & Straughan
P.O. Box 567
McRae, GA 31055

Submitted this 16th day of November, 2012.


"CHIP" CARL M. DRURY III on behalf of Appellants
2221 Peachtree Rd, NE, Ste. D165
Atlanta, GA 30309
Filing Pro Se for Appellants

2221 Peachtree Rd, NE
Suite D165
Atlanta, GA 30309
404-784-0058

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

Date: November 21, 2014

To: Mr. Samuel L. Fowler, GDC925683, Phillips State Prison, 2989 West Rock Quarry Road,
Buford, Georgia 30543

Docket Number: A15A0437 **Style:** Samuel Lewis Fowler v. The State

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

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

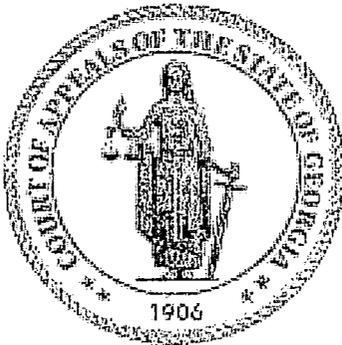
Court of Appeals of the State of Georgia

ATLANTA, November 17, 2014

The Court of Appeals hereby passes the following order

A15A0437. SAMUEL LEWIS FOWLER v. THE STATE.

The appellant's motion FOR PERMISSION TO FILE BRIEFS IN EXCESS OF FIFTY (50) PAGES in the above-styled case is hereby DENIED.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, November 17, 2014.

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

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

Stephen E. Castle, Clerk.

original

IN THE COURT OF APPEALS
STATE OF GEORGIA

SAMUEL LEWIS FOWLER
DEFENDANT/APPELLANT,

v.

THE STATE OF GEORGIA
PLANTIFF/APELLEE

DOCKET #
A15A0437

BRIEF OF APPELLANT

Samuel Lewis Fowler
Pro Se Appellant
G.O.C. # 925683
Phillips state Prison
2989 West Rock Quarry Road
Buford, Georgia 30519

RECEIVED IN OFFICE
2014 NOV 14 PM 4:27
CLERK OF SUPERIOR COURT
COURT OF APPEALS OF GEORGIA

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

November 25, 2014

To: Mark J. Devine, Esq., Law Office of Mark J. Devine, PO Box 21283, Charleston, South Carolina 29413

Docket Number: **Style:** **In the Matter of: Saqueo Perez Lopez**

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: Admittance of a *Pro Hac Vice* attorney needs to show current Certificate of Good Standing from the highest court of the out-of-state lawyer's jurisdiction. Please see Rule 9(c).**

We are returning your check payable to the Clerk of the Court of Appeals of Georgia in the amount of \$300.00 drawn on First Citizens' Bank #2688.

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

THE LAW OFFICE OF MARK JOHN DEVINE
PO BOX 21283
CHARLESTON, SC 29413-1283

2688
67-604/539
211

11/25/2014.

DATE

PAY TO THE
ORDER OF

Clerk of the Court of Appeals of Georgia \$ 300.00
Three hundred dollars

DOLLARS



Security
Features
Details on
Back.

First Citizens
First Citizens Bank and Trust Company, Inc.

FOR Filing Fee - Appeal

[Signature]

MP

⑆05390604⑆⑆09000794760⑆⑆ 02688

Harland Clarke



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

In the Matter of:)
)
Saqueo Perez Lopez)
)
)
)
_____)

Application for Discretionary Appeal

Docket Number _____

**Application for Discretionary Appeal:
Cover Page**

**On appeal from the Juvenile Court of Chatham County
Case number: 1401810**

**FILED IN OFFICE
NOV 25 2014
CLERK, COURT OF
APPEALS OF GEORGIA**

**RECEIVED IN OFFICE
2014 NOV 25 AM 9:35
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA**

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

November 26, 2014

To: Mr. Tory Fowler, GDC879335, Wheeler Correctional Facility, PO Box 466, Alamo, Georgia 30411

Case Number: _____ Lower Court: _____ County Superior Court

Court of Appeals Case Number and Style: A15A0624. Torey M. Fowler v. The State

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

- There is no case pending in the Court of Appeals of Georgia under your name.**
- A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37.** Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.
- The Notice of Appeal must include a proper Certificate of Service.** A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.
- An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____ The remittitur issued on _____ divesting this Court of jurisdiction. The case decision is therefore final.
- Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the _____ is: _____
- If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.
- A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.
- 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. Your communication addressed to the Honorable Herbert Phipps, Chief Judge of this Court, is being returned to you.**

Joseph Fowler
JOSEY FOWLER # 879335
APPELLANT PLS SE

Sincerely,

Your assistance would be greatly appreciated.
Court. I also requested that she omit nothing.
to the notice of appeal, transmit the record and transcript in this
the records of the appellant record and request that the clerk, pursuant
enclosed is a copy of the letter I wrote the clerk, wherein I encourage
local deficiencies.
appeals and to request your Honor's assistance in ensuring that clerk
clerk transmitted a deficient appellant record in the Georgia Court of
this is to cause your Honor to be aware that the Dyerberry County Superior

Herbert Phipps, Chief Judge Phipps:

Case No. 2006-54-E-001.

RE: Transmittal of Deficient Appellant Record by Superior Court Clerk under

HERBERT PHIPPS, CHIEF JUDGE
COURT OF APPEALS OF GEORGIA
SUITE 501
47 TRINITY AVE.
ATLANTA, GA 30334

RECEIVED IN OFFICE
NOV 24 AM 10:14
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS
ROTATOR

November 13, 2014

JOSEY FOWLER # 879335
WHEELER CORR. FACILITY
PO BOX 466
ALAMO, GA 30411

AS 11/24

2012, when it met with the committee on October 20, 2012.

2. Index indicates that the application was filed on December 2, 2012. The index also indicates that the application was filed on December 2, 2012.

3. Index indicates that the application was filed on December 2, 2012. The index also indicates that the application was filed on December 2, 2012.

4. Index shows that the application was filed on August 29, 2012. The index also indicates that the application was filed on August 29, 2012.

5. Index indicates that the application was filed on August 29, 2012. The index also indicates that the application was filed on August 29, 2012.

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18. Index indicates that the application was filed on July 29, 2014. The index also indicates that the application was filed on July 29, 2014.

RE: Case No. 2006-CV-R-001: Transmittal of Petition for Relief from Debt

ALBANY, NY 12001-2561

355 PARK AVE., ROOM 126

CITIZEN'S UNION, INC.

ALBANY, NY 12001

NOVEMBER 13, 2014

ALBANY, NY 12001

P.O. BOX 466

WATERLOO, ONT. N2L 2G5

1044 W. GERRARD ST. E. #899335

- 8. INDEX SHOWS THAT THE CLERK OMITTED THE SEPTEMBER 27, 2013 "FILED" ORDER FROM THE RECORD TRANSMITTED TO THE COURT OF APPEALS.
- 9. INDEX SHOWS THAT CLERK POSSIBLY OMITTED "ADVISE AND WAIVER RIGHTS" FORM AND "VIEW OF DEFENDANT" FORM, DATED MARCH 20, 2007 FROM RECORD TRANSMITTED TO THE COURT OF APPEALS.
- 10. FINALLY, CLERK OMITTED THE NOVEMBER 4, 2013 HEARING TRANSCRIPT FROM RECORD TRANSMITTED TO THE COURT OF APPEALS.

FOR THE FOREGOING REASONS, I, THE APPELLANT REQUEST THAT CLERK, AS APPELLANT REQUESTED, IN BOTH HIS NOTICE OF APPEAL AND AMENDED NOTICE OF APPEAL (FILED AUGUST 1, 2014 AND OCTOBER 23, 2014, RESPECTIVELY) TRANSMIT THE RECORD AND TRANSCRIPTS, EXCLUDING NOTHING TO THE COURT OF APPEALS AND CERTIFY THAT THE ABOVE ENUMERATED ERRORS AND OMISSIONS HAS BEEN REVIEWED AND CORRECTED AND APPELLANT BE FURNISHED A COPY OF SAID CERTIFICATION OF CORRECTNESS OF THE TRANSMITTED APPELLANT RECORDS.

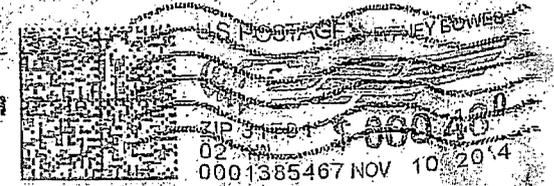
SINCERELY,

151 Torey Fowler
 TOREY FOWLER # 899335
 APPELLANT PRO SE

cc:
 CHIEF JUDGE HERBERT HARRIS

EVONNE S. MULL
CLERK OF SUPERIOR AND STATE COURTS
225 PINE AVENUE ROOM 126
ALBANY, DOUGHERTY COUNTY, GEORGIA 31701-2561
(229) 431-2198

TALLAHASSEE FL
10 NOV 2014 PM



AC

TOREY FOWLER
OCA 879335
WHEELER STATE FACILITY
P.O. BOX 466
ALAMO, GEORGIA 30411

NOV 13 2014

30411\$0466



IN THE GEORGIA COURT OF APPEALS
FROM
DOUGHERTY COUNTY SUPERIOR COURT

TOREY MAURICO FOWLER
APPELLANT

VS.

STATE OF GEORGIA
APPELLEE

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IN THE SUPERIOR COURTS OF GEORGIA
COUNTY OF DOUGHERTY

FILED
2013 NOV -1 PM 2:26
EYONNE S. MULL
DOUGHERTY COUNTY
CLERK OF COURTS

STATE OF GEORGIA

Vs.

Indictment/Case #95R1513; 98R639; 06R601; 12R861S

(** Note: Clerk of Court- please file a copy of this order in each file listed)

TOREY FOWLER

Defendant

ORDER

This judge filed a written order on September 27, 2013 in order to set a hearing today on several pro se motions filed by Mr. Fowler. The court had requested a transport order. Mr. Fowler was serving a prison term on probation revocation on some of the older cases (95R1513 and 06R601). According to Mr. Fowler today, the sentence in case number 98R639 has now expired by its own terms and there are no issues to be addressed in that case.

The court learned that Mr. Fowler was actually on the jury trial calendar called by Senior Judge Loring Gray the week of October 21, 2013 in case number 12R861. The 12R861 case was an open case with felony drug charges when undersigned sent out the scheduling order September 27. According to the prosecutor Mr. Tabarrok, the 12R861 case was called on October 21 and a jury selected. On the second day of trial (October 22), Mr. Fowler entered a written guilty plea in open court and was sentenced in open court by Judge Gray. As such, the written pro se motions in that case were addressed in court last week by Judge Gray and are no longer pending. Undersigned judge told Mr. Fowler in open court today if he had any further motions, appeals or issues with the 12R861 case, he would need to file those in writing with the Clerk of Court, send a copy to the prosecuting attorney and address those to Judge Gray who heard that case and took the plea and sentenced Mr. Fowler. He expressed in open court today that he understood.

The court held a hearing in courtroom 211 this morning with the proceedings taken down by Melissa Griffin, CCR. Mr. Fowler was present and heard. DA Greg Edwards and ADA Mike Tabarrok were present and heard.

As noted, there is nothing for undersigned to hear in 12R861 because Mr. Fowler went to trial last week and entered a guilty plea before Judge Gray on October 22, 2013. Mr. Fowler advised the court that case number 98R639 had expired and there was nothing for the court to hear.

The court reviewed the other two Clerk of Court files in case number 95R1513 and 06R601.

Mr. Tabarrok argued that these issues were moot because they had been abandoned by Mr. Fowler. Mr. Tabarrok advised that last week in case 12R861, the prior convictions in 95R1513, 98R639 and 06R601 were addressed in the courtroom because the State sought recidivist punishment and had to address the prior convictions. He argued today that Judge Gray had ruled that Mr. Fowler 'abandoned' pro se challenges to the prior convictions because Mr. Fowler

misdemeanor driving offenses. There is a signed Clerk of Court worksheet noting the sentence announced which was filed by deputy Clerk of Court William Monroe. There is a typewritten and signed sentencing order. There is a written plea and sentence recommendation form signed by Mr. Fowler and his lawyer. Most significantly, there is the original two page typewritten "Advice and Waiver of Rights" form. This form contains 20 numbered paragraphs outlining the defendant's age, education, US citizenship, his charges, his appeal and habeas corpus rights, the maximum sentence for the charges, his legal rights he is waiving by pleading guilty (presumption of innocence; jury trial; right to confront witnesses; right to remain silent and not incriminate self; right to testify and present witnesses and evidence; right to assistance of counsel at trial; right to subpoena witnesses), his right to withdraw his plea before sentencing, his satisfaction with defense counsel and the voluntariness of his plea. Not only are these issues and questions listed on the form, the defendant Fowler had to answer them in writing on the form. He did so. He also signed his name which was sworn and subscribed in the presence of deputy Clerk of Court Monroe. Defense attorney Bray also signed a certificate on the form that he had explained the "Advice and Waiver of Rights" form to Mr. Fowler, that he had gone over the plea recommendation with Mr. Fowler, and had answered all of defendant's questions; who appeared to fully understand. Finally, at the bottom of the form, undersigned trial judge signed an order certifying that the judge had reviewed the "Advice and Waiver of Rights" form with defendant under oath and found that his plea of guilty was factually based and voluntarily entered.

While there is no court reporter transcript, this situation is almost identical to the legal and factual issues in the recent Georgia Supreme Court case of *Lewis vs. State*, 293 Ga. 544 (2013). In *Lewis*, the defendant entered a guilty plea in a murder case and was sentenced to Life in prison. Years later, he filed a motion for an out of time appeal arguing non-compliance with Uniform Superior Court Rule 33.11 because there was no verbatim court reporter transcript of his plea and sentence hearing. The court reporter at the time had a problem with the equipment and the disc was damaged. The Supreme Court noted (as here) the Clerk of Court file had a signed multiple page certificate form showing the defendant had been made aware of his *Boykin* rights and voluntarily waived them and entered a knowing and voluntary plea. The Supreme Court noted the form (as here) was sworn and signed by the defendant, witnessed by the deputy Clerk of Court and certified and signed by the trial judge. The Supreme Court affirmed the decision of the trial judge which denied the motion for an out of time appeal.

Here, Mr. Fowler entered a knowing and voluntary guilty plea and was sentenced according to his plea in March 2007. All of his rights were covered in the courtroom both verbally and in writing. He was represented by counsel. His guilty plea and waiver of rights were done knowingly and voluntarily. This is documented by the paperwork Mr. Fowler filled out, signed and filed under oath in the presence of the deputy Clerk of Court, this trial judge, his defense attorney and the prosecuting attorney. His motion for an out of time appeal is denied.

He has also moved to withdraw his guilty plea from March 20, 2007 by written pro se motion filed herein on May 15, 2013, more than six years later. He plead guilty and was sentenced on March 20, 2007 during the March 2007 Term of Dougherty Superior Court. Once the next term (May 2007) of court started on the second Monday of May 2007, this court no longer had jurisdiction to consider a motion to withdraw his plea. If he has any legal remedy on this issue,

declined to respond to questions or make any presentations relative to those motions. Undersigned instructed Mr. Tabarrok to obtain from the court reporter in that case a transcript of the discussion in question and Judge Gray's ruling on these same pending challenges. He is to file a copy of the transcript and serve a copy on undersigned and Mr. Fowler.

It appears that the issues still pending (unless the court rules that they were already addressed in front of Judge Gray as noted above) would be Mr. Fowler's pro se motions in case 06R601. Mr. Fowler has previously been sent copies of the plea paperwork and sentence order in that case. (transmittal letter of March 12, 2013 is in the file). Furthermore, another photocopy of the written sentence order was handed to Mr. Fowler in the courtroom today.

Review of the Clerk of Court file in case number 06R601 indicates that he was indicted for several felony charges, including possession of cocaine with intent to distribute. The prosecutor was Brumby Montgerard, ADA and defense counsel was assistant Public Defender Agis Bray.

The case was set for jury trial in March 2007. On March 20, 2007 this judge presided over a Jackson- Denno hearing on the voluntariness of a videotape statement. Mr. Fowler was present and the court heard from the lawyers. Mary Vines CCR took down that motion hearing and filed the transcript with the Clerk of Court.

Later the same day (March 20, 2007), Mr. Fowler, represented by attorney Bray, entered a negotiated guilty plea in case 06R601. The written sentence recommendation (including a 4th Amendment waiver) was signed by Mr. Fowler and counsel and is in the Clerk of Court file. His written guilty plea and the written advice and waiver of rights form (signed by Mr. Fowler, counsel, deputy Clerk of Court and undersigned judge) are on file with the Clerk of Superior Court. The written Clerk of Court worksheet on file indicates the Paul Alexander CCR took down the plea but there is no verbatim court reporter transcript in the file.

Undersigned notes that Mr. Alexander had to retire in that time frame due to a health crisis. This office has had no contact with him in several years. Undersigned judge will inquire of both of the other court reporters at the time (Ms. Vines and Mr. Hardee) to see if they possibly actually took down the plea. If not, Mr. Hardee several years ago obtained what recordings and case notes Mr. Alexander had. The court will make inquiry to Mr. Hardee to see if this March 20, 2007 plea hearing can be transcribed.

Today, undersigned judge asked Mr. Fowler to outline for the court what pro se grounds for relief he now seeks in case number 06R601. Mr. Fowler advised the court he seeks an order granting an out of time motion to withdraw his guilty plea in 06R601 citing OCGA 17-7-93. He also advised that he seeks an order allowing him to file an out of time appeal in case number 06R601 arguing "USCR 33.12". He contends he had ineffective assistance of counsel. When undersigned inquired today, Mr. Fowler indicated that he first filed these motions/issues with the court in calendar year 2013, six years after his plea and sentence in March 2007. ADA Tabarrok argues that the court has no jurisdiction to enter such orders, that the issues are untimely and that Mr. Fowler abandoned these claims in front of Senior Judge Gray two weeks ago in case #12R861.

Undersigned announced the following at the conclusion of today's hearing:

1. Ms. Griffin will transcribe today's hearing. Undersigned judge will mail a copy of the transcript to Mr. Fowler and Mr. Tabarrok upon receipt. At such time, each will then have 30 days to file any further briefs after they review the transcript. The court will then rule on the pro se motions in case #06R601 to withdraw the plea and/or file an out of time appeal.
2. Undersigned will inquire from court reporters Hardee and Vines to determine if a copy of the March 20, 2007 court reporter transcript of Mr. Fowler's 06R601 plea is available. Undersigned will file any such information in writing and transmit to Mr. Fowler and Mr. Tabarrok.
3. There was nothing pending in case number 95R1513 or 98R369 to rule upon.
4. Because Mr. Fowler went to trial last week on 12R861 and entered a plea and was sentenced by Judge Gray last week, any further issues, motions or challenges he may file on that case will need to be served on ADA Tabarrok and addressed to Judge Gray for ruling.

So ordered, November 1, 2013.



Stephen S. Goss, Judge
Dougherty Judicial Circuit

Copy of this order sent November 1, 2013:

Via building delivery:

Mike Tabarrok Asst. DA

Via US Mail, postage prepaid:

Mr. Torey Fowler
GDC 879335
Wheeler Correctional Facility
PO Box 466
Alamo GA 30411

IN THE SUPERIOR COURTS OF GEORGIA
COUNTY OF DOUGHERTY

FILED
2014 JUL 14 AM 11:00
EVONNE S. MULL
DOUGHERTY COUNTY
CLERK OF COURTS

STATE OF GEORGIA
Plaintiff

Vs

INDICTMENT/CASE # 95R1513; 98R639; 06R601; 12R861

TOREY M. FOWLER
Defendant

(*** Note to Clerk of Court: Please file a copy of this order in each above listed case file)

ORDER ON PRO SE MOTIONS

Defendant is currently in the custody of the Georgia Department of Corrections serving a prison sentence in case 12R861 following a 2013 guilty plea on the second day of trial. He is also serving a prison sentence for probation revocation in cases 95R1513 and 06R601 following a 2012 probation revocation hearing which was based in large part on the felony charges outlined in 12R861. He filed pro se motions in these various case files. On November 1, 2013, undersigned judge held a hearing in the courtroom on these various issues. Mr. Fowler was present and heard. DA Greg Edwards and Assistant DA Mike Tabarrok were heard for the State. Following that hearing, undersigned filed a written order in each case file dated November 1, 2013 and served a copy on Mr. Fowler and Mr. Tabarrok. In such order, the court noted that it had confirmed with Mr. Fowler that his sentence in case 98R639 had expired and there was nothing further for undersigned judge to rule upon. The court also noted that Mr. Fowler had gone to jury trial in front of Senior Judge Loring Gray in case number 12R861 in October 2013. On day two of his trial, he entered a guilty plea and was sentenced by Judge Gray on October 22, 2013. A court reporter transcript of that hearing was filed with the Clerk of Court on June 25, 2014. A copy of the transcript is being mailed with this order to Mr. Fowler.

In the November 1, 2013 order, undersigned noted to Mr. Fowler that any issues or motions he wanted to raise or file in case 12R861 would need to be addressed to Judge Gray, copied to the prosecuting attorney.

In the November 1, 2013 order, the court noted that it would have to inquire whether there had been a court reporter transcript filed in case 06R601 of his plea and sentence hearing before undersigned on March 20, 2007. As noted, the official court reporter at the time, Mr. Alexander, had to retire due to a health crisis. Subsequently, on February 6, 2014 undersigned wrote a letter to Mr. Fowler and Mr. Tabarrok (copy filed with Clerk of Court in the case file) advising that after inquiry to the other court reporters in 2007 (Ms. Vines and Mr. Hardee) it appeared that indeed Mr. Alexander took down that particular March 20, 2007 plea/sentence hearing in case 06R601 but never filed a transcript with the Clerk of Superior Court before having to stop working due to a health crisis. As noted, Mr. Hardee had years ago retrieved electronic notes of Mr. Alexander and was able to transcribe some other cases and matters. He even sent the discs to

the equipment vendor to assist in transcription. However, this March 20, 2007 plea/sentence hearing in case 06R601 was not one that was able to be recovered. In that February 6, 2014 letter, undersigned transmitted a copy of the November 1, 2013 hearing transcript to Mr. Fowler and Mr. Tabarrok. The court further instructed both that if they wished to file anything else in writing, to do so in 30 days copied to each other and the court would rule on the pro se motions to withdraw plea/out of time appeal in case 06R601. Undersigned reviewed the Clerk of Court file (06R601) today. Nothing else has been filed since undersigned's February 6, 2014 letter. Undersigned also reviewed Clerk of Court case file 95R1513 and nothing else has been filed since the copy of undersigned's February 6, 2014 letter to Mr. Tabarrok and Mr. Fowler.

Undersigned notes that on February 14, 2014 Judge Gray filed a written order in case number 12R861 denying Mr. Fowler's motion to withdraw guilty plea. Mr. Fowler filed with the Clerk of Superior Court on March 7, 2014 a pro se "notice of appeal" of Judge Gray's order.

Accordingly, it appears the only pro se motions for undersigned to rule upon are Mr. Fowler's motion to withdraw guilty plea and motion for out of time appeal in case 06R601.

In case number 06R601, Mr. Fowler was represented by assistant Public Defender Agis Bray. March 20, 2007 was during a jury trial term week in Dougherty Superior Court. Earlier that date, this judge held a Jackson-Denno motion hearing in the case after reviewing his DVD statement to police. Mr. Fowler was present along with defense counsel Bray and ADA Montgerard. Mary Vines CCR took down that hearing and filed a transcript with the Clerk of Court. The court ruled the statement voluntary and noted in the transcript the case would be called for jury selection later that same date. Later in the same day (March 20, 2007), Mr. Fowler entered a negotiated guilty plea before undersigned. As noted, Paul Alexander CCR took down the plea/sentence hearing. This is verified by the Clerk's worksheet in the file. However, Mr. Alexander never filed a verbatim transcript of the hearing. It is noted that in this same general window of time (early to mid-2007) Mr. Alexander had a health crisis and could no longer serve as the official court reporter. One of the other official reporters (Mr. Hardee) did retrieve some of Mr. Alexander's electronic notes/discs several years ago. He even went so far as to ship them to the software company/vendor that sold Mr. Alexander's equipment to aid in transcription. Mr. Hardee was able to transcribe some matters/ hearings in other cases. However, this Fowler 2007 plea/sentence hearing was not able to be located and transcribed. After the November 2013 motions hearing herein, undersigned judge verified all of this information with both CCR Vines and CCR Hardee. Back in March 2007, Ms. Vines and Mr. Hardee were the other two official Dougherty Superior Court reporters for Judges Gray and Lockette. These court reporters and court staff have tried unsuccessfully in the last 2-3 years to learn if Mr. Alexander is still living and, if so, his whereabouts. He has not lived in Albany in several years. In sum, there is no verbatim court reporter transcript for the March 20, 2007 plea and sentence hearing and there is no reasonable likelihood one is forthcoming.

Undersigned has reviewed the Clerk of Court file in 06R601. There is a signed guilty plea from Mr. Fowler, Mr. Bray and ADA Montgerard. He plead guilty to one felony count of Possession of Cocaine WID, four counts of felony Possession of Cocaine WID within 1000 feet of a housing project, two counts of felony Possession of Cocaine within a 1000 feet of a school, and two

misdemeanor driving offenses. There is a signed Clerk of Court worksheet noting the sentence announced which was filed by deputy Clerk of Court William Monroe. There is a typewritten and signed sentencing order. There is a written plea and sentence recommendation form signed by Mr. Fowler and his lawyer. Most significantly, there is the original two page typewritten "Advice and Waiver of Rights" form. This form contains 20 numbered paragraphs outlining the defendant's age, education, US citizenship, his charges, his appeal and habeas corpus rights, the maximum sentence for the charges, his legal rights he is waiving by pleading guilty (presumption of innocence; jury trial; right to confront witnesses; right to remain silent and not incriminate self; right to testify and present witnesses and evidence; right to assistance of counsel at trial; right to subpoena witnesses), his right to withdraw his plea before sentencing, his satisfaction with defense counsel and the voluntariness of his plea. Not only are these issues and questions listed on the form, the defendant Fowler had to answer them in writing on the form. He did so. He also signed his name which was sworn and subscribed in the presence of deputy Clerk of Court Monroe. Defense attorney Bray also signed a certificate on the form that he had explained the "Advice and Waiver of Rights" form to Mr. Fowler, that he had gone over the plea recommendation with Mr. Fowler, and had answered all of defendant's questions, who appeared to fully understand. Finally, at the bottom of the form, undersigned trial judge signed an order certifying that the judge had reviewed the "Advice and Waiver of Rights" form with defendant under oath and found that his plea of guilty was factually based and voluntarily entered.

While there is no court reporter transcript, this situation is almost identical to the legal and factual issues in the recent Georgia Supreme Court case of *Lewis vs. State*, 293 Ga. 544 (2013). In *Lewis*, the defendant entered a guilty plea in a murder case and was sentenced to Life in prison. Years later, he filed a motion for an out of time appeal arguing non-compliance with Uniform Superior Court Rule 33.11 because there was no verbatim court reporter transcript of his plea and sentence hearing. The court reporter at the time had a problem with the equipment and the disc was damaged. The Supreme Court noted (as here) the Clerk of Court file had a signed multiple page certificate form showing the defendant had been made aware of his *Boykin* rights and voluntarily waived them and entered a knowing and voluntary plea. The Supreme Court noted the form (as here) was sworn and signed by the defendant, witnessed by the deputy Clerk of Court and certified and signed by the trial judge. The Supreme Court affirmed the decision of the trial judge which denied the motion for an out of time appeal.

Here, Mr. Fowler entered a knowing and voluntary guilty plea and was sentenced according to his plea in March 2007. All of his rights were covered in the courtroom both verbally and in writing. He was represented by counsel. His guilty plea and waiver of rights were done knowingly and voluntarily. This is documented by the paperwork Mr. Fowler filled out, signed and filed under oath in the presence of the deputy Clerk of Court, this trial judge, his defense attorney and the prosecuting attorney. His motion for an out of time appeal is denied.

He has also moved to withdraw his guilty plea from March 20, 2007 by written pro se motion filed herein on May 15, 2013, more than six years later. He plead guilty and was sentenced on March 20, 2007 during the March 2007 Term of Dougherty Superior Court. Once the next term (May 2007) of court started on the second Monday of May 2007, this court no longer had jurisdiction to consider a motion to withdraw his plea. If he has any legal remedy on this issue,

by state law it has to be in the form of a habeas corpus petition. *See, Nhek vs. State, 285 Ga. App. 186 (2007)*. The motion to withdraw guilty plea is denied.

To summarize the rulings herein on the various pro se motions filed by Mr. Fowler:

Case Number 95R1513: No motions pending in that case file;

Case Number 98R639: According to Mr. Fowler at the November 1, 2013 hearing herein, that case has expired and there are no issues to be ruled upon by undersigned;

Case number 06R601: The motion to withdraw guilty plea is denied. The motion for an out of time appeal is denied. ;

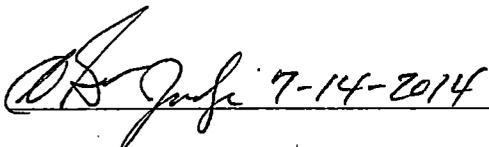
Case number 12R861: Mr. Fowler entered a guilty plea and was sentenced before Senior Judge Gray in 2013. He filed a motion to withdraw plea, which Judge Gray denied in writing. He has filed a notice of appeal with the Clerk of Court. There is nothing in that file for undersigned to rule upon herein.

So ordered, July 14, 2014.



Stephen S. Goss, Judge
Dougherty Judicial Circuit

Certificate of Service:



I have served a copy of this order on interested persons on July 14, 2014 as follows. I have also transmitted to Mr. Fowler by US Mail addressed below a photocopy of the court reporter transcript of his plea and sentence before Judge Gray in case 12R861 on October 22, 2013:

Via courthouse courier to DA Greg Edwards/ADA Mike Tabarrok, DA's Office

Via US Mail, postage prepaid:

Mr. Torey Fowler 879335
Wheeler Correctional Facility
PO Box 466
Alamo GA 30411

STATE OF GEORGIA

CRIMINAL ACTION NO. 06-R-601

vs. Offense(s) CT.1: POSSESSION COCAINE WID

TOREY MAURICO FOWLER CT.2-5: POSSESSION COCAINE WID HSNP PROJECT

Race B Sex M DOB APRIL 27TH,1970 SSN 255-29-7939 CTS.6-7: POSSESSION COCAINE WID SCHOOL

SID# 2221297H FINAL DISPOSITION OBTN# 130786353

[X] PLEA [X] Negotiated [] Non-negotiated [] Alford Plea

Term of Court: MARCH [] VERDICT Jury Nonjury

OTHER DISPOSITION

[] Nolle Prosequi Ct(s)

[X] Guilty Ct(s) CTS. 1 -9 But Mentally Ill

[] Guilty Ct(s) But Mentally Ill

[] Dead Docket Ct(s)

[] Nolo Cont. Ct(s)

[] Not Guilty Ct(s)

[] Suspended Sentence Ct(s)

[] Guilty/Lesser Included Offense(s)

[] Guilty/Lesser Included Offense(s)

[X] The Court advised defendant of his/her rights to have this sentence reviewed by the Superior Court Sentence Review Panel.

[X] Felony [] Misdemeanor

It is ORDERED AND ADJUDGED that Defendant be confined for a period of CT .1: 10 YEARS

CT.2: 1 YEAR PROBATION C/S CT.1: CTS.3,4,5,6 & 7, 1 YEAR PROBATION EACH CT/CC ANC CC/CT.2 SEE BELOW the State Penal System or such institution as the Commissioner, State Department of Corrections or Courts may direct.

- [] 1) the above sentence may be served on probation.
[X] 2) upon service of 5 YEARS prison Defendant may serve the remainder of 6 YEARS on probation...
[] 3) as a RECIDIVIST under OCGA 17-10-7 (C) (3 prior felonies), Defendant shall serve the above prison sentence without parole.
[X] 4) submit to a search of your person, houses, papers, and/or effects...
[X] 5) the above sentence shall be served [X] Concurrent with 98-R-639 [] Consecutive to

FIRST OFFENDER TREATMENT

[] Defendant has not previously been convicted of a felony nor availed him/herself of the First Offender Act, and has consented hereto. Therefore, no judgment of guilt shall be imposed at this time. Defendant is sentenced as stated above. PROVIDED defendant complies with the following general and other conditions of probation imposed by the Court in this sentence. PROVIDED further, that upon violation of the terms of probation, the Court may enter an adjudication of guilt and proceed to sentence defendant to the maximum sentence provided by law. Upon fulfillment of the terms of probation, or upon release of the defendant by the Court prior to the termination of the period of this sentence, the defendant shall stand discharged of the offense(s) charged and shall be completely exonerated of guilt of the offense(s) charged.

Let a copy of this order be forwarded to the Office of the State Probation and the Identification Division of the Federal Bureau of Investigation.

GENERAL CONDITIONS OF PROBATION

Defendant is hereby sentenced to the following conditions of probation, all of which conditions shall begin immediately upon return or release from parole or otherwise from any period of confinement imposed:

- (1) Do no violate the criminal law of any governmental unit.
(2) Avoid injurious and vicious habits - especially alcoholic intoxication and other dangerous drugs unless prescribed lawfully.
(3) Avoid persons or places of disreputable or harmful character.
(4) Report to Probation Supervisor and permit Supervisor to visit you at home or elsewhere, and participate in programs as directed.
(5) Work faithfully at suitable employment insofar as possible, and participate in job training and educational programs as directed
(6) Do no change your place or abode, move outside the jurisdiction of the Court, or leave the state without permission of the Probation Supervisor.
(7) Support your legal dependents to the best of your ability.
(8) From time to time, upon oral or written request by any law enforcement officer, produce a breath, urine, spittle, hair and/or blood specimen for analysis for the possible presence of a substance prohibited by any law of the State of Georgia or the United States.

Unavailable for signature Probationer TOREY MAURICO FOWLER

CT.8: DIRVING WHILE LICENSE SUSPENDED CT.9: OPERATING MOTOR VEHICLE WITHOUT VALID LICENSE PLATE

CTS. 8-9: TIME SERVED 03-14-06-03-20-07: TOTAL 11 YEARS

ON COMPUTER

FINAL DISPOSITION & ADDITIONAL CONDITIONS OF PROBATION

- Attend Boot Camp 120 days from date of confinement in unit, or transfer to detention Center if not medically qualified for Boot Camp, and abide by all Center rules and regulations. [Attached]
- Attend Detention Center _____ days and abide by all Center rules and regulations. [Attached]
- Attend Diversion Center for a minimum of _____ days and abide by all Center rules and regulations until discharged.
- Defendant shall remain free until or serve _____ days jail suspended upon report to Boot Camp/Detention/Diversion Center.
- Defendant shall serve _____ weekends in the Dougherty County Jail, from 6:00 PM Friday until 6:00 PM Sunday each weekend.
- Perform Community Service for _____ days _____ hours as directed by Probation Supervisor.
- Submit to EMIT (urinalysis) testing by Dougherty Sheriff's Office 2 times per _____ week X month for _____ months 2 years at defendant's expense, and pay the EMIT test fee at the time of testing.
- Stay away, absolutely, directly or indirectly, by person, telephone, or other means whatsoever without limitation, from the home, person or job of SEE BELOW, have no contact or communication of any kind or character with that person or members of that person's household, and do not follow, place under surveillance or contact that person or member's of that household for the purpose of harassment, or intimidation and shall not otherwise violate the Georgia stalking Laws.
- Not visit, enter or go to any place or establishment where alcoholic beverages are sold for consumption on the premises.
- Not ingest any alcoholic beverages or intoxicating substances whatsoever.
- Serve _____ days Electronic House Arrest, obey all EHAP rules, and pay participation fees in the amount of _____, (@ _____ per day) plus \$25 hook up fee to Probation Supervisor OR BI/Community Corrections.
- Participate in _____ Substance Abuse Treatment/Counseling, _____ Mental Health Treatment/Counseling, _____ Domestic Violence Counseling, _____ Anger Management Counseling, as directed by Probation Supervisor.
- Within 10 days of release, register with Sheriff and fully comply with the Sexual Offender Registry Law. OCGA 42-1-12.
- Other (specify) DEPT TO STAY AWAY FROM OBHINES, THORNATEESKA, MCINTOSH AND GOLDEN AGE HOUSING PROJECT OAKTREE LEARNING CENTER, ALBANY HIGH SCHOOL AND THE 600 BLOCK WEST SOCIETY AVE.

- (2nd DUI conviction) not drive for 6 months unless vehicle has functioning ignition interlock device; pay fees. OCGA 42-8-111.
- (2nd DUI Conviction within 5 years), pay \$25.00 to Probation Supervisor to publish conviction in legal organ. OCGA 401-6-391(j)(1).
- (DUI Conviction) defendant's driver's license is hereby suspended for _____ years, subject to reinstatement under OCGA 40-5-63.
- For conviction of Possession of Controlled Substances or Marijuana, defendant's driver's license is hereby suspended as follows:
 (first conviction within 5 years) for 180 days, subject to reinstatement by Department of Public Safety. OCGA 40-5-75(a)(1).
 (second conviction within 5 years), for 3 years, subject to reinstatement after 1 year by DPS. OCGA 40-5-75(a)(1).
 (third conviction within 5 years), for 5 years, subject to right to apply to DPS for a 3-year driving permit. OCGA 40-5-75(a)(1).

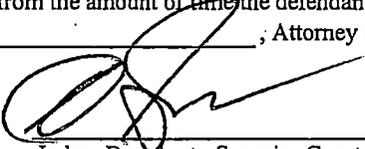
FINES, SURCHARGES, FEES, RESTITUTION, ETC.

- Defendant shall pay the fines, fees, surcharges, restitution and other costs specified and itemized on the attached "STATEMENT OF FINES, FEES, SURCHARGES, ETC." in the total amount of \$436.00.
- Defendant shall pay attorney's fees for appointed attorney.
- Defendant shall pay the above total of \$ 436.00, at the rate of \$ 20.00 per week, month, beginning 04/01/11. Defendant must also pay a probation supervision fee of \$ 32.00 per month.

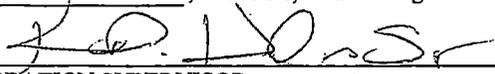
IT IS THE FURTHER ORDER OF THE COURT, and the defendant is hereby advised that the Court may, at any time, revoke, or modify any conditions, of this probation and/or discharge the defendant from probation. The Probationer shall be subject to arrest for violation of any conditions of probation herein granted. If such probation is revoked, the Court may order the execution of the sentence which was originally imposed or any 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 AGIS BRAY, Attorney at Law, Dougherty County, Georgia by court appointment employment.

SO ORDERED, the MARCH 20TH, 2007.

Retroactive to MARCH 14TH, 2006


Judge, Dougherty Superior Court (Sign Name Above)
STEPHEN S. GOSS

Copy received and instructions by _____, Probation Supervisor, on all conditions of this sentence ending _____, or sooner, acknowledged and understood, the _____.


PROBATION SUPERVISOR

unavailable for signature
PROBATIONER **TOREY MAURICO FOWLER**

STATE VS. TOREY MAURICO FOWLER

Criminal Action No. 06-R-601

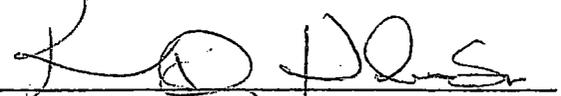
SID # 2221297H

STATEMENT OF FINES, FEES, SURCHARGES, ETC.

_____	Fine	_____	\$0.00	
_____	Surcharge (POP/IDF #1)	_____	\$0.00	(10% of Fine/\$50 cap)
_____	surcharge (POP/IDF #2)	_____	\$0.00	(\$10% of Fine)
X	Law Library Fee	_____	\$36.00	(\$4 ea. Ct. Fined)
_____	Jail Surcharge	_____	\$0.00	(10% of Fine)
_____	Victim Assistance Surcharge	_____	\$0.00	(5% of Fine)
X	Crime Lab Fee (felony)	_____	\$350.00	(\$50 ea. Count)
_____	Drug Surcharge	_____	\$0.00	(50% of Fine)
_____	Crime Lab (misd. DUI/Marij)	_____	\$0.00	(\$25 ea. Count)
_____	DUI Surcharge	_____	\$0.00	(10% of Fine/\$25 cap)
_____	Spinal Injury Trust/DUI	_____	\$0.00	(10% of Fine)
_____	Publication Fee	_____	\$0.00	
_____	Restitution	_____	\$0.00	
X	PublicDefenderFees	_____	\$50.00	
_____	Electronic House Arrest Fees	_____	\$0.00	
_____	Joshua'sLaw	_____	\$0.00	
_____	Other (specify below)	_____	\$0.00	

TOTAL \$436.00

Copy received and instructions by _____, Probation Supervisor, on all conditions or this sentence ending _____, or sooner, acknowledged and understood, the _____


PROBATION SUPERVISOR


PROBATIONER

** See payment schedule located on Page 2 of the FINAL DISPOSITION

WHITE: Clerk of Court; CANARY: Probation Office; PINK: Community Corrections; GOLDENROD: Probationer

FILED

2014 MAR -7 AM 10:55

EYONNE S. MULL
DOUGHERTY COUNTY CLERK OF COURTS
CASE NO. DBR601

STATE OF GEORGIA

v.

TORRY FOWLER

MOTION TO COMPEL DISCLOSURE TO
PROVIDE TRANSCRIPTS AS ORDERED

Comes now the above-named Torry Fowler [hereinafter Defendant],
requesting that the trial court compel Asst. District Attorney M. Tabback to provide the
Defendant with a copy of the guilty plea hearing transcript from case No. 12R861 as ordered
by the trial court on Nov 1, 2013.

RESPECTFULLY SUBMITTED,

Torry M. Fowler
TORRY M. FOWLER #879335
800-2 W.C.F. P.O. BOX 4166
ALAMO, GA 30411

THIS FILED OR FILED 2014

FILED

TORY FOWLER

2014 MAR -7 AM 10:55

V.

EVONNE S. MULL
DOUGHERTY COUNTY
CLERK OF COURTS

CASE NO. 06R601

STATE OF GEORGIA.

BRIEF IN SUPPORT OF DEFENDANT'S OUT-OF-TIME
MOTION TO WITHDRAW HIS GUILTY PLEA

COMES NOW THE ABOVE-NAMED TORY FOWLER [HEREINAFTER DEFENDANT], FILING THIS BRIEF IN SUPPORT OF HIS OUT-OF-TIME MOTION TO WITHDRAW HIS GUILTY PLEA BASED UPON THE FOLLOWING:

1.
THERE IS NO GUILTY PLEA TRANSCRIPT AVAILABLE IN CASE NO. 06R601 SHOWING THAT THE DEFENDANT KNOWINGLY AND VOLUNTARILY ON MARCH 20, 2007.

STANDARD OF REVIEW

GENERALLY A GUILTY PLEA MAY BE WITHDRAWN IF THE DEFENDANT ESTABLISHES THAT SUCH A WITHDRAWAL IS NECESSARY TO CORRECT A MANIFEST INJUSTICE, EITHER INEFFECTIVE ASSISTANCE OF COUNSEL OR AN INVOLUNTARY OR UNKNOWNLY ENTERED GUILTY PLEA. HUBBARD V. STATE, 301 Ga. App. 388 (2009). THE STATE MUST SHOW THAT THE PLEA WAS KNOWINGLY AND VOLUNTARILY, AND INTELLIGENTLY ENTERED INTO BY SHOWING THROUGH THE RECORD OF THE GUILTY PLEA HEARING THAT (1) THE DEFENDANT WAS FREELY AND VOLUNTARILY ENTERED THE PLEA WITH (2) AN UNDERSTANDING OF THE NATURE OF THE CHARGES AGAINST HIM AND (3) AN UNDERSTANDING OF THE CONSEQUENCES OF HIS PLEA. WILSON V. STATE, 302 Ga. App. 433 (2010).

THE STATE HAS ATTEMPTED TO MEET ITS BURDEN BY WAY OF A WAIVER OF RIGHTS FORM, A PLEA AGREEMENT, AND THE FINAL DISPOSITION IN CASE NO. 06R601. IN KING V. STATE, 270 Ga. 367 (1998), THE COURT HELD THAT THE PRE-PRINTED PLEA FORM STANDING ALONE FAILS TO CONSTITUTE AN ADEQUATE RECORD OF THE GUILTY PLEA HEARING, AND THAT PERMITTING A WITHDRAWAL OF [THE DEFENDANT'S] GUILTY PLEA [WAS] NECESSARY TO CORRECT A MANIFEST INJUSTICE.

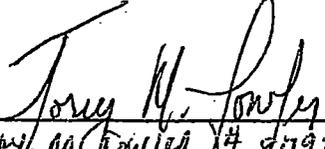
IN DAVID v. STATE, 279 Ga. App. 582 (2006), THE COURT OF APPEALS HELD THAT A PLEA STATEMENT FORM SIGNED BY A DEFENDANT... CAN BE USED TO SHOW THAT A GUILTY PLEA IS KNOWINGLY AND VOLUNTARILY ENTERED, WHEN THE PLEA STATEMENT IS PLACED INTO THE RECORD AND COMBINED WITH A COLLOQUY [CONCERNING THE DEFENDANT'S UNDERSTANDING OF THE FORM ETC.], WHERE PRE-PRINTED FORM RECITING RIGHTS WHICH DEFENDANT WAIVED BY HIS SIGNATURE WAS NOT ADEQUATE RECORD TO SHOW THAT PLEA WAS INTELLIGENTLY AND VOLUNTARY. FOSKEL V. BATTLE, 277 Ga. 480, 481 (2004).

BECAUSE RECORD FAILED TO CONTAIN SOME AFFIRMATIVE EVIDENCE THAT EITHER THE TRIAL COURT OR TRIAL COUNSEL ENTERED INTO A COLLOQUY WITH AN INMATE AND EXPLAINED THE INMATE'S BOYKIN RIGHTS, BUT MERELY PROVIDED THE STATE'S SPECULATION THAT TRIAL COUNSEL MIGHT HAVE POSSIBLY DISCUSSED THE INMATE'S BOYKIN RIGHTS BASED ON COUNSEL'S ACT OF SIGNING THE PLEA AGREEMENT, THE RECORD FAILED TO SHOW THAT THE INMATE'S PLEA WAS KNOWINGLY, VOLUNTARILY, AND INTELLIGENTLY MADE AND SUPPORTED THE GRANT OF HABEAS RELIEF. STATE V. HENDRICK, 281 Ga. 511 (2007).

CONCLUSION

BASED UPON THE FACTS CONTAINED IN THIS INSTANT BRIEF THE DEFENDANT PRAYS THAT THE COURT TO CORRECT A MANIFEST INJUSTICE ALLOW THE DEFENDANT TO WITHDRAW HIS GUILTY PLEA.

RESPECTFULLY SUBMITTED,



TONY M. FOWLER # 879335
800-2 W. C. P. P.O. BOX 466
ALAMO, GA 30411

THIS 24 OF Feb 2014.

CERTIFICATE OF SERVICE

A COPY OF THE ATTACHED BRIEF IN SUPPORT OF DEFENDANT'S
OUT-OF-TIME MOTION TO WITHDRAW HIS GUILTY PLEA HAS BEEN SERVED BY U.S. MAIL UPON:

MIKE TABBAROK
ASST. DISTRICT ATTORNEY
DOUGHERTY COUNTY
P.O. BOX 1827
ALBANY, GA 31702

THIS 24 OF Feb 2014.

Jeremy M. Lawler
TERRY (M. FENNER # B79335
800-2 W.C.F. P.O. BOX 466
ALAMO, CA 94501

IN THE SUPERIOR COURT OF DOUGHERTY COUNTY
STATE OF GEORGIA

TORRY FOWLER, # 879335,
DEFENDANT,

V.

STATE OF GEORGIA.

FILED

2013 AUG 29 AM 11:08

EVONNE S. MULL
DOUGHERTY COUNTY
CLERK OF COURTS

MOTION SEEKING PERMISSION TO FILE AN OUT-
OF-TIME MOTION TO WITHDRAW A GUILTY
PLEA

Comes now the above-named Torry Fowler, [hereinafter defendant],
by way of D.C.G.A. 17-9-93, U.S.C.R. 33.12, seeking to be able to file an out-of-time
motion to withdraw his guilty plea which was entered on March 20, 2007, in the Superior
Court of Dougherty County upon case no. 06 R 601, based upon the following grounds:

1.

Plea Counsel, Agus Bray, provided ineffective assistance when he failed to inform the
defendant that he was waiving his 4th Amendment rights;

2.

Plea Counsel, Agus Bray, provided ineffective assistance, when he failed to inform
the defendant that he had been sentenced to intensive probation;

3.

Plea Counsel, Agus Bray, provided ineffective assistance, when he allowed the trial
judge to intervene in the plea negotiations which caused the defendant to enter a
guilty plea rather than going to trial as originally planned;

6.

4.

PLEA COUNSEL, Agus Brau, PROVIDED INEFFECTIVE ASSISTANCE, WHEN AFTER BEING INFORMED BY THE DEFENDANT ON MARCH 20, 2007, THAT HE WANTED TO WITHDRAW HIS GUILTY PLEA BASED UPON THE TRIAL COURT STATING "THAT EITHER YOU TAKE THE PLEA OR PICK A JURY" WHICH IN FACT CAUSED THE DEFENDANT TO ENTER A PLEA THAT HE WAS NOT COMFORTABLE WITH, PLEA COUNSEL DISREGARDED THE DEFENDANT'S WISH AND CAUSED THE DEFENDANT TO FAIL TO FILE HIS MOTION TO WITHDRAW HIS GUILTY PLEA IN A TIMELY MANNER,

5.

DUE TO PLEA COUNSEL'S INEFFECTIVE ASSISTANCE, A MANIFEST INJUSTICE RESULTED FROM THE DEFENDANT'S GUILTY PLEA ON MARCH 20, 2007; AND

6.

PLEA COUNSEL'S INEFFECTIVENESS IS QUITE EVIDENT FROM THE RECORD OF THE GUILTY PLEA HEARING HELD ON MARCH 20, 2007, IN THE SUPERIOR COURT OF DOUGHERTY COUNTY.

CONCLUSION

BASED UPON THE FACT THE PLEA COUNSEL CAUSE THE DEFENDANT TO PROPERLY AND TIMELY FILE HIS MOTION TO WITHDRAW HIS GUILTY PLEA, THE DEFENDANT PRAYS THAT THE HONORABLE SUPERIOR COURT OF DOUGHERTY COUNTY GRANT THIS MOTION TO FILE AN OUT-OF-TIME MOTION TO WITHDRAW AND TO GRANT ANY OTHER RELIEF THE COURT DEEMS PROPER.

RESPECTFULLY SUBMITTED,

Torey Fowler

TOREY FOWLER # 879395

100-H-33T W.C.F. P.O. BOX 466

ALAMO, GA 30411

THIS 8 OF 28th 2013.

2.

This 8 of 28th 2019.

ALAMO, GA 30411
100-H-33T W.C.F. P.O. BOX 466
TERRY FOWLER # 879335
JERRY S. STEVENS

ALAMO, GA 317 02
P.O. BOX 1827
225 PINE AVE. Room # 231
DOUGHERTY COUNTY
DISTRICT ATTORNEY
GREGORY EDWARDS

COPY OF THE ATTACHED MOTION SEEKING PERMISSION TO FILE AN OUT-OF-TIME MOTION TO WITHDRAW
A GUILTY PLEA BY PLACING IN THE U.S. MAIL UPON:
THIS IS TO CERTIFY THAT ON THIS DAY I HAVE SERVED A

CERTIFICATE OF SERVICE

IN THE SUPERIOR COURT OF DOUGHERTY COUNTY
STATE OF GEORGIA

FILED
2013 MAY 15 PM 1:29
EVONNE S. MULL
DOUGHERTY COUNTY
CLERK OF COURTS

STATE OF GEORGIA

VERSUS

TORY FOWLER,
DEFENDANT

CASE NO. 06-R-601

MOTION TO WITHDRAW GUILTY PLEA

COMES NOW, the defendant, pursuant to Atkinson v. State 219 Ga. App. 366, 466 S.E. 2d. 32 (1995) and moves this Court for an order to withdraw plea based on specifically "facts appearing in the record" of Defendant's plea hearing, In The Superior Court of Dougherty County on March 20, 2007 and support avers the following:

- 1) The defendant entered a guilty plea to possession of Cocain W/D; Three (3) counts of possession of Cocain W/D 1000 ft. of a housing project; Two (2) of possession of Cocain 1,000 ft of a school; Operating a motor vehicle without a license plate; Driving while license suspended.
- 2) In case no. 06-R-601 it was ordered and adjudged that defendant be confined for a period of 10 years upon service of 5 years prison and serve remainder of 6 years probation.
- 3) A requirement for a "record of the proceedings" set forth under Rule 33.11 of the Uniform Rules for the State Courts (G.C.A. §24-2-133b) requires a "verbatim" record of the guilty plea hearing if a defendant is sentence to a term of imprisonment.
- 4) Dated March 12, 2013 an answer to Petition of case Records of guilty plea hearing Case no. 06-R-601, reveals that there is no court reporter transcript in the clerk of court file for the plea hearing, that Paul Alexander (CCR) took it down.

- and retired due to health reasons.
- 5) The Defendant unknowingly and involuntarily waived his Fourth Amendment Right in case no. 06-R-601 and is currently pending indictment (12-R-861)
 - 6) The Defendant on or about March 16, 2012, was in Dougherty County, Georgia, when Inv. Victor Camp (A.P.D.U.) and other law enforcement officers searched Defendant, his persons, his effects and 904 N. Van Buren St. Apt #A.
 - 7) The officers in this case lacked reasonable and articulable suspicion to effect a search and seizure of 904 N. Van Buren St. Apt #A. Furthermore, the officers lacked the requisite probable cause to effect a search when a defendant clearly did not agree to a waiver of his Fourth Amendment Right as a condition of probation, Fox v. State, 272 Ga. 163, 166 (2) 527 S.E. 2d 847 (2000).
 - 8) THIS MOTION TO WITHDRAW GUILTY PLEA is specifically based upon the following grounds, in addition to those stated above:
 - a. When a "verbatim" record of a plea hearing is not retained the court should declare the record "inadequate," King v. State, 270 Ga. 367, 509 S.E. 2d 32 (1998)
 - b. Defendant's Fourth Amendment waiver is to be defective because the condition of probation was not discussed with defendant during plea bargaining, even if the waiver is evident from sentencing form.

WHEREFORE, DEFENDANT MOVES THIS COURT pursuant to Foskey v. State, 232 Ga. App. 303, 304, 501 S.E. 2d 856 (1998) enter judgment in a dismissal for lack of jurisdiction, this MOTION TO WITHDRAW GUILTY PLEA, to the defendant herein and respectfully requests that he be relieved from paying all costs which would otherwise be required of him.

Respectfully submitted this 10th day of May 2013

Torey Fowler
Torey Fowler #879335
W.C.F. / P.O. Box 466
Alamo, Ga. 30411

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 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:

Evonne Mull
Clerk of Superior Court
P.O. Box 1827
Albany, Georgia 31702

District Attorney Office
Dougherty Judicial Circuit
225 Pine Avenue, Room 231
P.O. Box 1827
Albany, Georgia 31702

This the 10th day of May, 20 13.

Torey Fowler
W.C.F.
P.O. Box 466
Alamo, Georgia 30411



IN THE SUPERIOR COURTS OF GEORGIA
COUNTY OF DOUGHERTY

FILED
2013 SEP 27 PM 3:40
EVONNE S. MULL
DOUGHERTY COUNTY
CLERK OF COURTS

STATE OF GEORGIA

Vs.

INDICTMENT CASE #98R639; #06R601;
12R861

TOREY FOWLER
Defendant

(*** Clerk of Court note: please file a copy of this order in each of the listed case files***)

ORDER

On September 26, undersigned judge saw a pro se letter dated September 22, 2013 postmarked September 24, 2013 from Mr. Fowler addressed to "Evonne Mull /c/o Judge Stephen Goss, Clerk of Superior Court, PO Box 1827 Albany GA 31702". In such letter (filed with the Clerk of Court in file # 12R861), Mr. Fowler indicates he has filed a Judicial Grievance for failure of the court to rule on "pending briefs". This is the first time undersigned was made aware of any such pending matters. Review of the Clerk of Court's files reveals that Mr. Fowler has filed several pro se motions in July and August with the Clerk of Court and served them on the District Attorney's office. However, there is no indication he ever requested a hearing or notified the judge's office that matters were filed that were to be heard. In case number 12R861 (indictment true billed August 15, 2012 for felony drug charges with a recidivist notice), he filed motions including discovery issues, motion to quash, demurrer, and motion to suppress. Additionally, in case 06R601 (probation revoked to prison on a prior felony drug case sentence), Mr. Fowler filed a pro se "motion to withdraw guilty plea" on May 15, 2013. He filed it with the Clerk of Court and served it on the DA's office but never notified the judge's office that he had filed such a motion and did not request a hearing.

Undersigned judge presided over a full evidentiary probation revocation hearing in case numbers 98R639 and 06R601 on August 7, 2012. Mr. Fowler was present. He was represented by assistant Public Defender Charles Arnold. ADA Norris Lewis presented the state's case. The State alleged technical probation violations (drug test issues) plus the fact Mr. Fowler had the new felony charges outlined in indictment 12R861. After hearing from state and defense witnesses, the court revoked Mr. Fowler's probation to prison. The felony charges in case 12R861 are still open and pending.

On August 30, 2012, Mr. Fowler was in court for a status conference hearing in case number 12R861. He expressed a desire to discharge Mr. Arnold as his lawyer. By written order signed August 31 and filed September 5, 2012 Mr. Arnold and the Public Defender's Office were allowed to withdraw as counsel.

On February 5, 2013 the court held an arraignment hearing in case number 12R861. Mr. Fowler, pro se, was in the courtroom. The court read the indictment and the attached recidivist notice. Because Mr. Fowler indicated that date he wanted an appointed attorney, the court did not conclude the arraignment hearing and did not take any plea from Mr. Fowler. It served a copy of a hearing order on assistant Public Defender Satchell and ADA Lewis and the deputy sheriff handed Mr. Fowler a copy of the February 5 order in the courtroom. The court rescheduled the matter for February 14, 2013 and put notice of same in the written order.

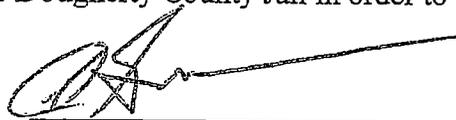
On February 14, 2013, the court held another hearing. Mr. Fowler was present. Leisa Johnson, Circuit Public Defender, presented a written brief of legal authorities noting that if Mr. Fowler discharged Mr. Arnold, he was discharging the Dougherty Public Defender's office and that Mr. Fowler could not pick and choose which lawyer in her office handled his case. In order to fully hear Mr. Fowler's concerns, the court held an in camera hearing without the state's attorney present allowing Mr. Fowler to outline his reasons for wanting to discharge Mr. Arnold (assistant PD) but still requesting the Dougherty Public Defender to appoint a different attorney to his case. By a written order filed February 15, 2013, the court found there was no showing of ineffective assistance of counsel by Mr. Arnold.

A few days later, undersigned judge was advised by the Clerk of Court that Mr. Fowler had requested certain records from the case files numbered 95R1513, 06R601 and 12R861. On March 12, 2013 undersigned transmitted a letter to Mr. Fowler with certain documents requested and placed a copy of the letter in the Clerk of Court case files.

At this point, it now appears Mr. Fowler is pro se and has filed several written motions. The court will schedule a hearing in order that the court can hear the pending matters in case #12R861 as well as the motion to withdraw a plea in case # 06R601.

1. The court will hear all pending motions in these cases in courtroom 211 of the Dougherty County Courthouse **on Friday November 1, 2013 at 10:00 A.M.;**
2. **The District Attorney's Office shall prepare and submit the appropriate transport/production order** so that Mr. Fowler will be transported by the Department of Corrections from its facility to the Dougherty County Jail in order to be present for these hearings.

So ordered, September 27, 2013.



Stephen S. Goss, Judge
Dougherty Judicial Circuit

CERTIFICATE OF SERVICE

A copy of this order has been served September 27, 2013 on interested persons/pro se parties/counsel of record as follows:

Via hand delivery to the office of the Dougherty DA : Attn: DA Greg Edwards and ADA Norris Lewis

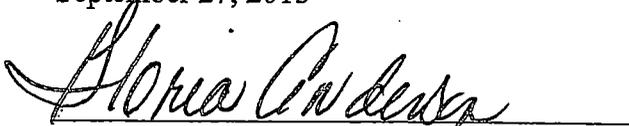
Via hand delivery to Dougherty SO: Attn. Lt. Miller and Deputy Cosby

Via fax: attn. Sgt Rick Windham Dougherty County SO-Jail facility

Via US Mail, postage prepaid:

Mr. Torey Fowler
GDC 879335
Wheeler Correctional Facility
PO Box 466
Alamo GA 30411

September 27, 2013


Judicial Asst. to Judge Goss

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

November 26, 2014

To: Mr. Hong Seop Chae, GDC1000209474, Macon State Prison, PO 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

WONG SEOP CHAE,
PETITIONER,
VS.
STATE OF GEORGIA,
RESPONDENT.

JUDICEMENT: NO. 13

RECEIVED IN OFFICE
2014 NOV 25 PM 2:02
CLERK/REGISTRAR
COURT OF APPEALS OF GA

MOTION FOR LEAVE TO APPEAL A FINAL JUDGEMENT

O.C.G.A. 5-6-35, CHALLENGING A FINAL ORDER IN THE SUPERIOR COURT OF GWINNETT COUNTY, GEORGIA WHICH DENIED PETITIONER'S MOTION ON OCTOBER 28th, 2014:

JURISDICTION

15-33, PURSUANT TO ARTICLE VI, SECTION V, PARAGRAPH III, OF THE CONSTITUTION OF THIS STATE, THE COURT OF APPEALS SHALL HAVE JURISDICTION OF THE TRIAL AND CORRECTION OF ERRORS OF LAW. THE COURT OF APPEALS HAS JURISDICTION WHEN THE CONSTITUTIONALITY OF A STATE LAW IS QUESTIONED, SEE ENTIRE REMITTOR FROM TRIAL COURT, IF THE LAW HAS BEEN HELD TO BE CONSTITUTIONAL AGAINST THE SAME ATTACK BEEN MADE, AS SUCH A LAW "REQUIRES MERELY AN APPLICATION OF UNQUESTIONED AND UNAMBIGUOUS CONSTITUTIONAL PROVISIONS". SEE WATSON-V-STALE, 383 GA. APP. 635 (2), 643 S.E. 2d 328 (2007); ZIPP-V-MAYOR & COUNCIL OF CITY OF ALABAMA, 355, GA. 499, 451

HONG SEAN CHAE, PRO-SE
GDC # 1006209474
I SWEAR UNDER PENALTY OF PERJURY,

THIS DAY OF NOVEMBER 2014.

I CERTIFY THAT I HAVE THIS DAY FILED WITH THE COURT OF APPEALS OF GEORGIA, AND ORIGINAL OF THE ABOVE TITLED MOTION, AND HAVE PLACED A COPY OF SAME TO THE UNITED STATES MAIL WITH POSTAGE PAID AFFIXED THEREIN, KOREN SEELEY - WEST, ASSISTANT DISTRICT ATTORNEY'S OFFICE GOVERNMENT COUNTY COURTHOUSE.

CERTIFICATE OF SERVICE

ON NOVEMBER 5TH 2014, I HAVE REQUESTED TO A SIMILAR MOTION TO THE SUPERIOR COURT OF GOVERNMENT COUNTY, GEORGIA, TO FORWARD THE ENTIRE REMITTANCE TO THIS COURT, BUT WAS INFORMED ON NOVEMBER 18TH, 2014, SAYING I MUST SPECIFY WHAT ORDER IS BEING APPEALED.

VIA FEDERAL EXPRESS
TRACKING NUMBER 7719 8714 3508

November 25, 2014

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

RE: Fletcher Cross vs Geraldine Hollis, et al.
Case No. [unassigned]

Dear Ms. Sparrow:

With regard to the referenced matter, enclosed herewith are the following documents:

1. The original *Brief of Appellees*;
2. Copy of an Order from the Supreme Court of the State of Georgia transferring this matter to the Georgia Court of Appeals.

Appellant filed its initial brief on or about November 10, 2014, making Appellees' brief due on or about November 30, 2014. However, on November 17, 2014, the Supreme Court of Georgia transferred this matter to the Georgia Court of Appeals.

I attempted to contact your office in an effort to determine if this matter had been docketed with the Georgia Court of Appeal; however, it appears it has not yet been docketed. Because it has not been assigned a case number, I am unable to file this brief through the Court's electronic filing system, therefore I am submitting this brief to you in paper form.

In an abundance of caution, I have filed Appellees' Brief with both the Supreme Court of Georgia and the Georgia Court of Appeals.

RECEIVED IN OFFICE
2014 NOV 26 AM 9:46
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Holly K.O. Sparrow, Clerk
Georgia Court of Appeals
November 25, 2014
Page 2 of 2

If you have any questions or comments with regard to this matter, please do not hesitate to contact me. Thank you for your assistance with this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "R. L. Coleman", followed by a horizontal line.

Richard L. Coleman

RLC/tmp
Enclosures

cc/enc: Robert L. Walker

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

To: Richard Coleman
Docket Number: N/A

Style: Hetcher Cross v. Geraldine Hollis, 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: Case not transferred yet

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

November 26, 2014

To: Mr. Donald Colton, GDC128059, Calhoun State Prison, Post Office Box 249, Morgan, Georgia 39866

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

Court of Appeals Case Number and Style: _____

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

- There is no case pending in the Court of Appeals of Georgia under your name.
- You must file a Notice of Appeal with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37. Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.
- The Notice of Appeal must include a proper Certificate of Service. A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.
- An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained. An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate. An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- Your appeal was disposed by opinion (order) on _____. The Court of Appeals _____ The remittitur issued on _____ divesting this Court of jurisdiction. The case decision is therefore final.
- Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia. The address of the Clerk of the _____ is: _____
- If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court. As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.
- A request for an out-of-time appeal should be made to the trial court from which you are appealing. If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

G.D.C # 1280509

To The Georgia Court of Appeals Clerk office

My Name is Donald Colton my GDC Number is 1280509

I would like for you to file a Appeal on my behalf

Because I was falsely accused of my charges.

and I was represented right by my lawyer.

There was NO Evidence, They found me to be

Guilty and convicted. There was NO DNA Test

given. The Party lied on The Stand. She

confessed that I did not have sex with her
any kind or way. She did not go to a doctor

so if she confessed to all of that how was I

charged with a sexual assault. When I did touch

her, no she laughed and joked about it. Now

my lawyer did nothing to help me he never object

to anything I ask for my motion of discovery

I did receive it so I went in court blind

so I'm asking you to check in to this. and help

me with a appeal. now I have spent 6 years in

Prison for nothing and every thing to do to

try to help myself it get blocked. now I am

Innocent of my charges. I clearly think with

The right representation I can be acquitted and

and set free. now you can look me up at

Cobb County State Prison in Morgan Ga. I wish you

would help me. so let me know if you take or

if you need more information write me or come

by to see me. now if you look at my file you

Donald Colton

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2014 NOV 25 PM 2:03
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

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

Date: November 26, 2014

To: Richard L. Coleman, Esq., Coleman Talley, LLP, 910 North Patterson Street, Valdosta, Georgia 31601

Docket Number: **Style:** Fletcher Cross v. Geraldine Hollis, et al.

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

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

Ms. Holly K.O. Sparrow retired as Clerk of the Court in August, 2013. The new clerk is Stephen E. Castlen, Clerk/Court Administrator.

RECEIVED IN OFFICE
2014 NOV 26 AM 9:46
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

IN THE COURT OF APPEALS OF THE
STATE OF GEORGIA

CASE NO.: _____

FLETCHER CROSS,
Appellant/Petitioner,

v.

GERALDINE HOLLIS and ELMER WILLIAMS, and all other persons
Known or unknown who may claim adversely to Petitioner's title,
Appellees/Respondents,

BRIEF OF APPELLEES

Transferred by Order of the Supreme Court of Georgia
Appeal No. S15A0255

Richard L. Coleman
Georgia Bar No. 177647
COLEMAN TALLEY LLP
910 N. Patterson Street
Valdosta, GA 31601
(229) 242-7562 – Telephone
(229) 333-0885 – Facsimile
Attorneys for Appellees/Respondents

I. INTRODUCTION AND STATEMENT OF CASE.

Appellant argues incorrectly that the Hogan Survey absolutely establishes that the width of Macedonia Church Road as 20' rather than 40' (*See* Appellant's Brief, page 2). Appellee is unable to find a reference on the Hogan Survey relating to a 20' wide easement. However, the Hogan Survey does list the road as County Road #106 (*See* R-163).

II. STATEMENT OF FACTS.

Appellant properly indicates that a dirt road known as Macedonia Church Road runs between the property of Mr. Cross and the property of Appellees (*See* Appellant's Brief, page 4); however, the next claim of Appellant that the majority of the dirt road was originally used solely to serve the property of Mr. Cross's predecessor in title is incorrect. The predecessors in title of the property are the family members of Appellees and the road was utilized by all parties to access the properties. Further, Appellant states incorrectly that the only evidence in the record regarding the actual width and use of the road is contained in the Hogan Survey (*See* Appellant's Brief, page 4). This is incorrect. The Hogan Survey provides no width for the road, but does indicate Macedonia Church Road as

County Road #106. The record further contains the Folsom Survey indicating that the road is a 40' prescriptive easement (*See R-164*).

Appellant indicates further that Appellees directed the preparation of a new self serving survey, and then attempted to unilaterally change the long-standing boundary property lines between their properties and the properties of Mr. Cross (*See R-5*). There is absolutely no evidence whatsoever in the record of this case to support that contention. In fact, if anyone was attempting to manipulate the boundary line, it was Appellant who employed Harris Surveying Company to survey the property and simply pointed out to Harris the corners and then Harris surveyed and platted a line from one corner to the other corner. Harris so indicated on the plat, "Note: All corners are as shown to us by Fletcher Cross, 5-6-93." (*See R-162*). Further, please note the absence of any Affidavit submitted by Hogan or Harris relating to their respective surveys.

Appellant further references the Affidavit of Joseph Godwin (*See R-140*). Mr. Godwin submitted an Affidavit, but did not appear at the hearing and offer testimony as claimed by Appellant (*See Appellant's Brief, Page 6*). Additionally, implicit in Mr. Godwin's Affidavit is his failure to address whether or not the Hogan Survey ran along Macedonia Church Road. Also, his assertion that Lamar

Copeland's father did not contribute any acreage towards the building of the road provides no evidence or assistance relating to the location of the boundary line.

Appellant further claims that the fence is the line (*See* Appellant's Brief, Page 7). The fence is shown as running the entire length of the boundary line at issue on the Hogan Survey only (*See* R-163). The fence is not shown at all on the Harris Survey and only a portion of the fence was shown on the Folsom Survey and the Miller Survey (*See* R-162 and R-4; R-164; R-140).

III. RESPONSE TO ENUMERATIONS OF ERROR.

1. The Trial Court correctly adopted the Folsom Survey as the best evidence of the description of the property.
2. The Trial Court properly considered evidence contained in past deeds contained in the parties' chains of title, as well as evidence submitted by Mr. Cross regarding the "agreed" property line described in the deeds between Mr. Cross and Appellees' predecessors in title.
3. The Trial Court properly adopted the special master's correct description of the property actually subject to this proceeding and thereafter property relied upon the same in granting fee simple title to the Appellees to the disputed tract of real property.
4. The Trial Court properly considered the Cook County's tax maps along with highway and road maps, as evidence of Appellees'

ownership of the disputed tract of land in granting fee simple title to the Appellees to the disputed tract of real property.

IV. ARGUMENT AND CITATION OF AUTHORITY.

A. The Trial Court properly relied upon the fact that Cook County had acquired rights to a 40' prescriptive right-of-way.

Appellant indicates that, "There is absolutely no evidence whatsoever by the Appellees that the southernmost property line actually extends to the northern edge of the roadway known as Macedonia Church Road" (*See* Appellant's Brief, Page 9). However, the Folsom survey along with the Folsom Affidavit is evidence in this case and indicates that the agreed line between the properties is located within the 40' Prescriptive Right of Way of Macedonia Church Road (*See* R-164).

Appellant further argues extensively that the Folsom Survey is erroneous simply because Mr. Folsom's opinion (as provided on the face of the Survey) (*See* R-164) and his Affidavit (*See* R-134) is that the agreed line is located someplace within the right of way of Macedonia Church Road. (*See* Appellant's Brief, Page 11). Appellant further says that the only evidence of the width and use of the road is the Hogan Survey (*See* Appellant's Brief, Page 11). However, this is incorrect. The Hogan Survey indicates that Macedonia Church Road is County Road #106

and makes no reference whatsoever to the width of the road. The Hogan Survey also makes no reference to the use of the road. (*See* R-163). The Harris Survey is the survey that indicates Macedonia Church Road as a 20' private road. (*See* R-4 and R-162). The Harris Survey is also the survey that indicated on the face of the plat that the corners were shown to Harris Surveying by Appellant. Appellant likely also told Harris Surveying that it was a 20' private road and Harris simply placed that notation on the plat in the face of evidence that there are residences located along the road that the road is used by the public.

Also, please note that the Folsom Survey located a 1" x 3" Iron Pin buried in the middle of Macedonia Church Road near the end of the road. This pin was located 23.69 feet from an iron pin located on the northerly right of way of the road providing further evidence of a 40' prescriptive right of way (*See* R-134).

Appellant further states that, "the law is clear that any such prescriptive acquisition would be limited to actual width of roadway – in this case 20 feet." (*See* Appellant's Brief, Page 12). However, the only evidence of a prescriptive easement of 20' is shown in the Harris Survey (*See* R-4) and this is the survey that Appellant has apparently abandoned by failing to make any reference to the Harris Survey in its brief. Additionally, there is competent evidence of a prescriptive

easement of 40' set forth in the Folsom Survey (*See* R-164) and in the Folsom Affidavit (*See* R-134).

Appellees do not disagree with Appellant that the case of Clark v. Henry Co., 261 Ga. 623 (1991) and Harbor Co. v. Copelan, 256 Ga.App. 79 (2002) hold that the County would be limited to actual use of the roadway (*See* Appellant's Brief, Page 12). However, these cases are inapplicable to the case, sub judice. There is no evidence either in the form of a survey or any other evidence presented in this case to show the actual width of the right of way. The Hogan Survey provides no measurements or other indices providing the width of the road. Since there is no such evidence regarding the width of the use of the roadway by vehicles, or the width of the ditches and other areas, there is no error of law. (*See* Turner et al v. City of Tallapoosa et al, 289 Ga. 138 (2011)), ("Based on the absence of any transcript and the state of the record which contains almost no information or evidence regarding the easement, we must assume the regularity of the proceedings below, and, as such, we cannot say that the trial court erred in this matter"). Also see Vaughn v. Buice et al 253 Ga. 540 (1984). ("Where as here, there is no transcript (none having been requested) and no agreed statement of facts [is] furnished, the Appellate Court is bound to assume that the trial court's findings

are supported by sufficient competent evidence for there is a presumption in favor of the regularity in a court of competent jurisdiction.”)

Additionally, the ruling in this case does not depend absolutely and exclusively on the width of the prescriptive easement. (*See* Appellant’s Brief, Pages 11 and 12). The Folsom Survey relied upon by Appellees indicates that the boundary line lies someplace in the roadway of Macedonia Church Road (*See* R-164). Additionally, the Folsom Survey located an iron pin buried in the middle of the roadway at its end.

Appellant further asserts, “that any prescriptive rights of the County would be limited to 20 feet.” (*See* Appellant’s Brief, Page 12). Any such finding of fact by the trial court would have required the Court to reject the Folsom Survey indicating a 40’ prescriptive easement and reject the Hogan Survey indicating no width for the road, and accept the Harris Survey indicating that the road from its beginning at Cox Still Road to its end is a 20’ private road.

B. The Trial Court properly considered critical evidence contained in past deeds in the parties’ chains of title, as well as evidence submitted by Mr. Cross regarding the “agreed” property line

described in the deeds between Mr. Cross and Appellees' predecessors in title.

1. The Special Master and Trial Court Considered All Evidence Submitted in the Case.

Appellant argues again that the “sole and direct evidence is the Affidavit of Joseph Godwin” (*See Appellant’s Brief, Page 15*). Obviously, this is not the only evidence submitted in the case. Additionally, Appellant refers to the evidence provided as testimony (*See Appellant’s Brief, Page 15*); however, Mr. Godwin did not appear and testify in the proceeding. Appellant proceeds to ignore the fact that the Affidavit fails to indicate whether or not the line ran along Macedonia Church Road. Further, the fact that Mr. Godwin’s Affidavit indicates that Mr. Lamar Copeland’s father did not contribute any of his acreage toward building of the road offers no evidence of the location of the agreed line. However, the Affidavit does state that the acreage was contributed toward the building of the road (*See R-140*). This would certainly imply that the property was contributed to Cook County in exchange for construction of the road by Cook County (*See R-140*).

Additionally, Appellant argues that, “Mr. Folsom’s opinions that the agreed line fell within this 40’ area was clear error.” (*See Appellant’s Brief, Page 14*).

However, the Folsom Survey provides notes on the face of the survey explaining the research that he conducted to arrive at his conclusion (*See* R-164). Neither the Hogan Survey or the Harris Survey provide notes on their plats indicating their research relating to the boundary line (*See* R-162 – R-164).

2. The Deeds Submitted as Evidence Showing Title Histories of the Parties' Properties Do Not Support the Conclusion that Appellees' Southern Property Line does not Extend to Macedonia Church Road.

Appellant further argues that since prior deeds identified a public road as a portion of the northerly line of the property, then the legal description would have also referenced the southern boundary line as Macedonia Church Road (*See* Appellant's Brief, Page 17). First, the Appellant fails to inform the Court that the deeds indicate that the property is bordered northerly by lands of Jim Hood, formerly J.C. Dismuke and a public road (*See* R-63). The Hogan Survey relied upon so heavily by Appellant indicates the northerly line of Jim Hood is in excess of 2,543.91 feet and the line along Cox Still Road as only 83.64 feet. Additionally, drafters of legal descriptions often use references to actual lines with metes and

bounds, when available, over roadways to indicate the location of a boundary line especially where the prior deeds do not reference a road.

Appellant further cites the cases of Rodgers v. General Motor Corp., 277 Ga.App. 547 550 (2006) and Reid v. Standard Oil Co. of Ky., 107 Ga.App. 497, 500 (1963) as authority for his argument that the reference to the 83.65 feet along Cox Still Road is evidence that the southern line cannot be along Macedonia Church Road (*See* Appellant's Brief, Page 17). However, neither of these cases are authority for this proposition. The Rodgers case involved the interpretation of motor vehicle waiver forms and the Reid case relates to restrictive covenants for adjacent parcels of land. The courts in these cases never intended the principal of inclusion *unis est exclusion alterius* to be applied in all cases.

C. The Trial Court did not err in adopting the Special Master's description of the property and granting fee simple title to Appellees.

Appellant asserts further that the Trial Court impermissibly granted Quiet Title to the legal description of the Appellees' property as described the finds of the Special Master (*See* Appellant's Brief, Page 18). However, I would submit to the Court that Appellant filed the Original Petition to Quiet Title and requested that

the Trial Court, “make a determination as to the legal title and vest title in accordance with the boundary lines set forth in Exhibit “A” (*See* R-4). Exhibit “A” is the Harris Survey.” There was never any demand or request made by the Plaintiff/Appellant requesting that the Court simply rule on the location of one boundary line. (*See* R-4).

D. The Trial Court permissibly relied upon certain evidence, namely Cook County’s tax maps, as evidence of Appellees’ ownership of the disputed tract of land in granting fee simple title to the Appellees to the disputed tract of real property which was the subject of Mr. Cross’ Petition to Quiet Title.

Appellant argues that the Special Master and Trial Court may not rely upon evidence of tax maps (*See* Appellant’s Brief, Page 19). Mr. Daniel Connell of Bennett and Connell Law Firm representing the Plaintiff in this matter stipulated in the presence of the Special Master that the Special Master may consider tax maps along with road and highway maps as evidenced in this case in an effort to reach a final and joint decision in this matter.

V. CONCLUSION.

Appellant is unable to produce a survey or other evidence that the Special Master and Trial Court could conclude as competent evidence of the legal description and boundary line. Appellant paid for three (3) surveys, the Harris Survey (*See* R-4 and 162), the Hogan Survey (*See* R-163) and the Miller Affidavit and Survey (*See* R-140). Although the Harris Survey was attached to the Complaint as Exhibit "A", Appellant abandoned this survey and the most likely reason would be that Harris noted on the survey that Appellant simply pointed out the corners of the property. Appellant then relies solely on the Hogan Survey after he further abandons the Miller Survey and Affidavit.

The Special Master and Trial Court found correctly that the Folsom Survey was the only competent evidence and accurately depicted the legal description of Appellees' property.

This 25th day of November, 2014.

(Signature on following page)

Respectfully submitted,

COLEMAN TALLEY LLP



RICHARD L. COLEMAN

Georgia Bar No. 177647

Attorney for Appellees

910 North Patterson St.
Valdosta, Georgia 31601
(229) 242-7562 – Telephone
(229) 333-0885 – Facsimile
richard.coleman@colemantalley.com

CERTIFICATE OF SERVICE

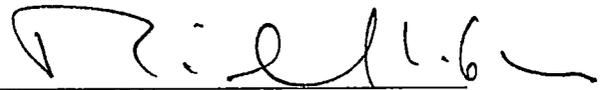
I hereby certify that I have this day served a copy of the within and foregoing **Brief of Appellees** upon all parties to this matter by depositing a true copy of same in the United States Mail, proper postage prepaid, addressed to counsel of record as follows:

Frank E. Jenkins, III
Robert L. Walker
Jenkins & Bowen, P.C.
15 South Public Square
Cartersville, Georgia 30120

This 25th day of November, 2014.

Respectfully submitted,

COLEMAN TALLEY LLP



Richard L. Coleman
Georgia Bar No. 177647
Attorney for Appellees



SUPREME COURT OF GEORGIA
Case No. S15A0255

Atlanta, November 17, 2014

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

FLETCHER CROSS v. GERALDINE HOLLIS et al.

From the Superior Court of Cook County.

This action arises from a dispute over a tract of land that each party claimed was contained within the legal description of their respective titles to adjoining pieces of property. Appellant filed a petition to quiet title under OCGA § 23-3-60 et seq., asserting that he had legal title to the disputed tract, identifying the appellees as persons who may have “concurrent competing claims to title,” and requesting that the court make a determination as to legal title and vest title in him in accordance with the boundary lines shown on his plat. The appellees filed an answer and counterclaim asserting that they owned the disputed tract, or alternatively that they acquired title thereto by prescription, and seeking to recover damages for appellant’s alleged trespass. The special master found that the deeds lacked a definite description of the location of the line between appellant’s and appellees’ land, and concluded, based on other evidence, that the appellees were the owners of the land in question, but that they had not proven trespass. Thus, the special master recommended awarding fee simple title to the appellees, but denying them any damages for trespass. The superior court adopted the special master’s recommendation, and conclusively established fee simple title to the disputed land in the appellees. Appellant appealed, asserting that this Court has jurisdiction pursuant to Ga. Const. of 1983, Art. VI, Sec. VI, Para. III.

Although appellant filed a statutory petition to quiet title, the action, at its core, seeks a determination of the true and correct location of the boundary line

between the parties' adjoining property, and Graham v. Tallent, 235 Ga. 47 (218 SE2d 799) (1975), makes clear that a suit to determine the location of a boundary line is not within this Court's title to land jurisdiction, see id., at 48-49. Therefore, this action does not qualify as a title to land case for jurisdiction purposes and it hereby is transferred to the Court of Appeals, see Taylor v. Murray, 215 Ga. 628 (112 SE2d 583) (1960) (where case "only involves the proper location of a boundary between coterminous landowners" it is not a case "respecting title to land," and C/A has jurisdiction); Henson v. Tucker, 278 Ga. App. 859, 861 (630 SE2d 64) (2006) (noting transfer of quiet title action seeking to establish boundary line where title to the disputed land vested in defendants by prescription).

All the Justices concur.

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I certify that the above is a true extract from the
Minutes of the Supreme Court of Georgia.

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

Lee C. Bullock, Chief Deputy Clerk

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

December 2, 2014

To: Mr. Robert D. Glover, GDC 813029, Dodge State Prison, Post Office Box 276, Chester, Georgia 31012

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

Court of Appeals Case Number and Style: _____

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

- There is no case pending in the Court of Appeals of Georgia under your name.
- A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37. Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.
- The Notice of Appeal must include a proper Certificate of Service. A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.
- An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained. An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate. An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- Your appeal was disposed by opinion (order) on _____. The Court of Appeals _____ The remittitur issued on _____ divesting this Court of jurisdiction. The case decision is therefore final.
- Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia. The address of the Clerk of the _____ is: _____
- If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court. As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.
- A request for an out-of-time appeal should be made to the trial court from which you are appealing. If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

GEORGIA COURT OF APPEALS

IN THE SUPERIOR COURT OF PAULDING COUNTY
STATE OF GEORGIA

Heather M. Glover
Petitioner / Appellee

Civil Action
No.: 13CV4416TB

v.
Robert D. Glover
Respondent / Appellant

NOTICE OF APPEAL

Comes now Robert D. Glover, the Respondent/Appellant in the above named action and hereby gives notice of his appeal to the Georgia Court of Appeals of the decision by the Superior Court of Paulding County awarding the Petitioner, Heather M. Glover, a Temporary Protective Order on December 16, 2013. The Clerk of this Court will please forward the entire record on appeal of the above named action to the Georgia Court of Appeals to include all answers, motions, requests and letter denying my ability to serve papers on the above named Petitioner. Nothing should be omitted from record of case on appeal.

The Court of Appeals, rather than the Supreme Court, has jurisdiction of this case under Georgia State Statute 5-6-35(a); appeals from orders granting or denying temporary restraining orders and Georgia Constitution Article VI, Statute V paragraph III because jurisdiction over this case is not reserved to the Supreme Court under Georgia Constitution Article VI, Statute VI, paragraphs II and III.

Dated: 11-24-2014

Respectfully Submitted



Robert D. Glover

Return Address:
Dodge State Prison
P.O. Box 276
Chester, GA 31012

Michael [Signature]
11-24-14

CERTIFICATE OF SERVICE

This is to certify that I have this day served the opposing party to this action with a true and correct copy of the within and foregoing Notice of Appeal by placing a copy of the same in the United States Mail, with adequate postage thereon to ensure prompt delivery and addressing it to:

Raulding County Clerk of Court
Trevia W. Shelton
11 Courthouse Square
Dallas, GA 30132

Heather M. Glover
Pro-Se Petitioner/Appellee
4928 Mt Tabor Rd.
Dallas, GA 30132

Clerk of the Court of Appeals of Georgia
Suite 501
47 Trinity Avenue, S.W.
Atlanta, GA 30334

Respectfully Submitted

Robert D. Glover
Respondent/Appellant

Return Address:
Dodge State Prison
P.O. Box 276
Chester, GA 31012



Court of Appeals of Georgia

December 2, 2014

TO: Mr. Allen A. Adams, GDC534697 H-2-216, Hays State Prison, PO Box 668, Trion, Georgia 30753

RE: **A14A0810. Allen Alphonzo Adams 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 on October 8, 2014. The Court of Appeals affirmed the judgment of the trial court. The remittitur issued on October 24, 2014, divesting this Court of any further jurisdiction of your case. The case is therefore, final.**

CASE STATUS - PENDING

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

APPLICATION FOR PERMISSION TO APPEAL A PROBATION REVOCATION

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

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

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

RECEIVED IN OFFICE DATE

Adminis TRATOR Clear 2014 DEC -2 PM 2:43 10-24-2014

CLERK/COURT ADMINISTRATOR
MR. STEPHEN E. CASTLES
COURT OF APPEALS OF GA

47 TRINITY AVE STE 301
ATLANTA GA. 30334

Mr Dear Mr Stephen E. Castles, I am in communication for A. Receipt into this letter, ~~Refer~~ Refers A Special Deurrer that file to case 14140810. That was submitted upon your deposition on DATE October 12 2014. Mr. Castles I did not receive a Notice of docket in this court,

Your process my Petition within a timely manner ~~to~~ compliance to date October 8-24 order in case 14140810. Bear in mind a officer of the court is not allow to deprive me of any rights, to prosecute or nor defend my case for my court, when it does that officer is held liable for ~~cont~~ contempt in court, seeking to. UNITS STATES AND GEORGIA CONSTITUTIONAL CONST ART. 1, SEC. 1, PAR 1X,
You or assistance in this matter is very well appreciate

Respectfully submitted,

MARSHALL HOBBS, G.D.C. 539097
H-2 Room 216 WY 50 STATE PRISON
P.O. BOX 603 TRIN GA 30753

CERTIFICATE OF SERVICE

I MARSHALL HOBBS HIS ATTACHED THIS CERTIFICATE IN SERVICE THEREBY THIS LETTER BEFORE DEPOSITED IN THE U.S. MAIL BOX ON THIS 24 DAY OF AUGUSTER 2014 WITH SUFFICIENT MAIL POSTAGE ATTACHED TO ENVELOPE ADDRESS FOR DELIVER TO REASONS AS LISTED BELOW WITHIN
Laws Required ~~to~~ Adminis TRATOR Clear
MR. STEPHEN E. CASTLES, 47 TRINITY AVE STE 301
ATLANTA GA. 30334

MARSHALL HOBBS
C51601970X

MARSHALL HOBBS
C51601970X

COMMUNICATIONS SECTION

NOV 20 1963

DEPARTMENT OF POLICE

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

December 2, 2014

To: Mr. Cardell J. Abrams, GDC847793, Wheeler Correctional Facility, Post Office Box 466, Alamo, Georgia 30411

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

Court of Appeals Case Number and Style: _____

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

- There is no case pending in the Court of Appeals of Georgia under your name.**
- A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37.** Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.
- The Notice of Appeal must include a proper Certificate of Service.** A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.
- An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____
_____ The remittitur issued on _____
divesting this Court of jurisdiction. The case decision is therefore final.
- Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the _____ is:
- If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.
- A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

CARDELL JEROME ABRAMS
847793
WHEELER CORRECTIONAL FACILITY
P.O. BOX 466
ALAMO, GEORGIA 30411

RECEIVED IN OFFICE
2014 DEC - 1 PM 3:22
CLERK/COUNT ADMINISTRATOR
COURT OF APPEALS OF GEORGIA
NOVEMBER 22, 2014

COURT of APPEALS of GEORGIA
SUITE 501
47 TRINITY AVENUE
ATLANTA, GEORGIA 30334

RE: Appeal of TRIAL COURT'S ORDER DENYING
MOTION FOR RELIEF OF JUDGMENT AND REQUEST
FOR ORAL ARGUMENT. CRIMINAL ACTION NO. 04-B-03904-2
STATE OF GEORGIA v CARDELL JEROME ABRAMS AS
SO ORDERED OCTOBER 30, 2014. GWINNETT COUNTY
SUPERIOR COURT, LAWRENCEVILLE, GEORGIA.

DEAR CLERK

PLEASE find enclosed five copies of
BRIEF OF APPELLANT along with a REQUEST TO
PROCEED IN FORMA PAUPERIS. A print-out of my
INMATE ACCOUNT is attached along with a signed
CERTIFICATION sheet. If anything has been
left out please advise me.

PIS: A NOTICE OF APPEAL has
already been submitted to
the TRIAL COURT OR RATHER
GWINNETT COUNTY CLERKS OFFICE
REQUESTING the APPROPRIATE documents
to substantiate this Appeal.

Sincerely

Cardell Jerome Abrams
847793

CASE NUMBER

IN THE COURT OF APPEALS OF THE STATE OF GEORGIA

CARDELL JEROME ABRAMS V. STATE OF GEORGIA

APPELLANTS BRIEF

CARDELL JEROME ABRAMS #847793
APPELLANT PRO SE
WHEELER CORRECTIONAL FACILITY
P.O. BOX 466
ALATTO, GEORGIA 30411

NOVEMBER 22, 2014

RECEIVED IN OFFICE
2014 DEC -1 PM 3:29
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

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IN THE COURT OF APPEALS
STATE OF GEORGIA

CARDELL JEROME ABRAMS,
APPELLANT PROSE,

V

CASE NUMBER

STATE OF GEORGIA

BRIEF OF APPELLANT

COMES NOW THE APPELLANT CARDELL JEROME ABRAMS PROSE AND FILES THIS BRIEF OF APPELLANT. AND SHOWS THIS COURT THE FOLLOWING. IN HIS APPEAL OF THE DENIAL OF HIS MOTION FOR RELIEF OF JUDGMENT AND REQUEST FOR ORAL ARGUMENT MOTION AS TO SAID AFOREMENTIONED MOTION.

JURISDICTION

THE COURT OF APPEALS OF GEORGIA HAS JURISDICTION TO ENTERTAIN THIS APPEAL IN THAT, IT IS AN APPEAL OF THE DENIAL OF A MOTION TO THE TRIAL COURT. A NOTICE OF APPEAL HAS BEEN FILED WITH THE TRIAL COURT AND THE ORDER OF DENIAL BY TRIAL COURT, IS AN APPEALABLE ORDER TO THE COURT OF APPEALS OF GEORGIA PURSUANT TO O.G.C.A. 5-6-38(A).

PART ONE

STATEMENT OF FACTS

REFERENCES TO INDICTMENT WILL BE CITED AS (I-) REFERENCE TO LETTERS FROM CLERK OF GWINNETT COUNTY SUPERIOR COURT WILL BE CITED AS (C-) AND DATED IN SEQUENCE. REFERENCES AS TO APPELLANT'S MOTION FOR RELIEF OF JUDGMENT AND SUBSEQUENT MOTION REQUESTING ORAL ARGUMENT WILL BE CITED AS (M-).

ON OCTOBER 13, 2004 A GWINNETT COUNTY GRAND JURY ALLEGEDLY INDICTED APPELLANT FOR THE FOLLOWING OFFENSES: COUNTS 1-5, ARMED ROBBERY; COUNTS 6-9 KIDNAPPING; COUNT 10, BURGLARY; COUNTS 11-15, AGGRAVATED ASSAULT; COUNT 16, KIDNAPPING WITH BODILY INJURY; COUNT 17, AGGRAVATED SODOMY; COUNT 18, RAPE; COUNT 19, AGGRAVATED SEXUAL BATTERY; COUNTS 20-24, POSSESSION OF A FIREARM DURING THE COMMISSION OF A FELONY. INDICTMENT NO. 04-03904-2 (I-1-10).

IN REFERENCE TO THE INDICTMENT IN QUESTION APPELLANT CORRESPONDED WITH THE CLERK OF GWINNETT COUNTY, REQUESTING THE TRANSCRIBED RECORD OF THE INDICTMENT BEING RETURNED INTO "OPEN-COURT". BUT WAS MERELY SENT A COPY OF THE INDICTMENT. (C-JUNE 20, 2014).

SO APPELLANT ONCE AGAIN SUBMITTED A LETTER TO THE CLERK OF GWINNETT COUNTY SUPERIOR COURT GIVING CLARIFICATION AS TO HIS PREVIOUS REQUEST. (C-SEPTEMBER 17, 2014). THIS LETTER BY APPELLANT WAS FILED IN OFFICE SEPTEMBER 23, 2014. IN A RESPONSE LETTER DATED SEPTEMBER 24, 2014 (C-1-2). CLERK ADVISED APPELLANT, THAT GRAND JURY TRANSCRIPTS AND MINUTES ARE NOT FILED WITH THE CLERK OF THE SUPERIOR COURTS.

IN RESPONSE APPELLANT FILED A MOTION FOR RELIEF OF JUDGMENT WITH A MOTION REQUEST FOR ORAL ARGUMENT (ATTACHED) (M-1-5) AND (M-1-2). WHICH WAS STAMP-FILED IN OFFICE OCTOBER 29, 2014.

This initial MOTION AND ITS ATTACHED MOTION REQUESTING ORAL ARGUMENT, DENIED by GWINNETT COUNTY SUPERIOR COURT JUDGE DEBRA K. TURNER ON OCTOBER 30, 2014, stamp-filed in office OCTOBER 31, 2014

This APPEAL before the COURT OF APPEALS OF GEORGIA is in REFERENCE to the DENIAL of the AFOREMENTIONED MOTION'S.

ENUMERATION OF ERROR

THE TRIAL COURT ERRED IN DENYING APPELLANT'S MOTION FOR RELIEF OF JUDGMENT AND APPELLANT'S MOTION REQUEST FOR ORAL ARGUMENT.

ARGUMENT AND CITATION OF AUTHORITY

TRIAL COURT ERRED IN ITS DENYING OF APPELLANT'S MOTION FOR RELIEF OF JUDGMENT AND REQUEST FOR ORAL ARGUMENT, CONCERNING APPELLANT'S INDICTMENT. AND THE FAILURE OF THE STATE TO SHOW THAT THE INDICTMENT IN QUESTION WAS RETURNED INTO OPEN-COURT. (SEE STATE V BROWN, 293 GA. 493 (2013)). WHERE THE COURT HELD, THE TERM "OPEN COURT" AS FAR AS RETURNING THE INDICTMENT IS CONCERNED, MEANS THAT THE INDICTMENT IS RETURNED IN A PLACE WHERE COURT IS BEING HELD OPEN TO THE PUBLIC WITH THE JUDGE AND THE CLERK PRESENT. THIS PROCEDURAL REQUIREMENT

- is mandatory in that for over a century. The "RULE" in GEORGIA has been that a GRAND JURY indictment must be returned into "OPEN-COURT." It is a fundamental part of the GEORGIA judicial system that the general public be able to obtain a record, of witnessed proceedings sufficiently to guarantee that there may never be practiced in this state secret or star chamber proceedings.

And the court further held that "a failure to return the indictment in open-court is per-se injurious to the defendant."

Here Appellant asserts that the trial court's denial of the aforementioned motion challenging the validity of his indictment, prejudiced him in that it denied him due process of law concerning the indictment. And the manner in which the overall procedure of the indictment being returned was handled by the trial court. see GEORGIA RULES OF COURT ANNOTATED, UNIFORM RULES FOR THE SUPERIOR COURTS (RULE 21). "All court records are public and are to be available for public inspection. Unless public access is limited by law or by procedure."

Appellant contends that was not the case here and he was merely denied without regards to procedure. This is supported by uncontroverted evidence, see correspondence from Clerk of Court. (C-September 24, 2014).

ALSO see ORDER of the COURT AS SO ORDERED
(C - OCTOBER 30, 2014 stamp - filed OCTOBER 31, 2014.

HERE APPELLANT contends that the TRIAL COURT by its ruling, denied him the right to JUDICIAL procedure see, GARDNER v PEOPLE 20. III. 430. WHERE the COURT held "BEFORE A PARTY CAN BE TRIED ON AN INDICTMENT, IT MUST APPEAR FROM THE RECORD THAT IT WAS RETURNED IN OPEN-COURT

APPELLANT asserts that the TRIAL COURT failed to adhere to this mandated requirement. see SAMPSON v STATE, 124 GA. 779 (1906). This requirement is proper for the protection of the citizen against being forced to defend himself (124 GA. 779) AGAINST CHARGES NEVER ACTED UPON OR PRESENTED BY A GRAND JURY.

It is the assumption of APPELLANT that he was CONVICTED UNDER AN INDICTMENT THAT WAS NEVER RETURNED IN OPEN-COURT. AN INDICTMENT WHICH WAS "SURREPTITIOUSLY FILED WITH THE CLERK IN HIS OFFICE. POSSIBLY MANUFACTURED BY THE JURY-FOREMAN HISSELF WITH OUT HIS FELLOW GRAND-JURORS HAVING TAKEN NO PART. see, CLINKSCALES v STATE 102 GA. App 670-672 (1) 117 S.E.2d 229 (1960).

THIS IS APPELLANT'S POSITION, BECAUSE THE STATE NEVER PROVED THAT THE INDICTMENT WAS EVER FILED IN THE SUPERIOR COURT OF GWINNETT COUNTY GEORGIA AND ENTERED AND RECORDED ON THE MINUTES OF THE COURT, IN OPEN-COURT, AS REQUIRED BY LAW. see.

- GOODSON v STATE, 29, FIA. 511, 10. 50. 738. where the COURT held that the ONLY RECOGNIZED MANNER. IN WHICH THE FINDINGS OF A GRAND JURY CAN BE AUTHORITATIVELY PRESENTED IS IN OPEN-COURT.

THE REASON IN THIS PRACTICE REQUIRING THIS TO BE DONE IS SO THAT THERE MAY BE SUFFICIENT RECORDED EVIDENCE. THAT THE INDICTMENT HAS BEEN DULY FOUND RETURNED. SEE. NUN V STATE, 1. GA. 243 (1846).

AS TO THIS APPEAL BEFORE THE COURT IT IS APPELLANT'S CONTENTION, THAT THE TRIAL COURT. FAILED TO ADHERE TO LEGISLATIVE INTENT CONCERNING PROCEDURAL REQUIREMENT OF AN INDICTMENT. AND THE IMPORTANCE OF IT BEING RETURNED INTO OPEN-COURT. THIS IS AFTER ALL A REQUIREMENT IN EVERY CASE, THAT IS PRESENTED BEFORE THE COURT. SEE. CADLE V STATE. 101. GA. APP. 175, 180 (1) 1135 E. 2d. 180 (1960).

AND FAILURE TO COMPLY TO THIS STRICT "RULE" OF COURT WILL "NULLIFY" AN OTHERWISE VALID INDICTMENT. SEE ZUGAR V STATE, 194. GA. APP. 285, 289-290. 21. S.E. 2d 647 (1945).

APPELLANT ASSERTS HERE THAT HE WAS DENIED THE RIGHTS OF DUE PROCESS UNDER THE PROVISIONS OF THE 5th AND 14th AMENDMENT OF THE UNITED STATES CONSTITUTION. AND SIMILAR PROVISIONS OF THE GEORGIA CONSTITUTION, DUE TO TRIAL COURTS ERROR. OF FAILING TO GRANT HIS MOTION BASED UPON ITS MERIT.

Sherry Travis
11/25/14



Carroll Jerome Abrams
CARDELL JEROME ABRAMS
APPELLANT PRO SE

This 22 day of November 2014.

Respectfully submitted

IN COLLISION AS RELIEF APPELLANT REQUEST
that this APPEAL before the COURT will be GRANTED
based upon the MERIT presented herein. And that
the ruling of the COURT will be the NULLIFYING
of APPELLANTS INDICTMENT. Due to its failure
of not being returned into OPEN-COURT AS REQUIRED
by LAW. And that this HONORABLE COURT will also
due to the ERROR, VACATE APPELLANTS CONVICTIONS
AND SENTENCES AS IMPOSED. IN THAT they ARE the
RESULT of an invalid indictment, MAY this be
IN PRAYER the ruling of the COURT.

CONCLUSION

IN THE COURT OF APPEALS
STATE OF GEORGIA

CARDELL JEROME ABRAMS
APPELLANT PRO SE

v.

CASE NUMBER

STATE OF GEORGIA

CERTIFICATE OF SERVICE

I hereby certify that I have served APPELLEE with a copy of the foregoing BRIEF OF APPELLANT by depositing an exact copy in the UNITED STATES MAIL with proper postage attached and properly addressed to ensure delivery to;

DISTRICT ATTORNEY DANIEL PORTER
GWINNETT COUNTY DISTRICT ATTORNEYS OFFICE
75 LANGLEY DRIVE
LAWRENCEVILLE, GEORGIA 30046

This 22 day of November 2014,



Sherry Travis
11/25/14

Cardell Jerome Abrams
CARDPELL JEROME ABRAMS
APPELLANT PRO SE
WHEELER CORRECTIONAL FACILITY
P.O. BOX 466
ALAMO, GEORGIA 30411

VERIFICATION

I, CARDELL JEROME ABRAMS, 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.

Cardell Jerome Abrams
Signature of Affiant Plaintiff

11-22-14
Date

Sworn to and subscribed before me this
25 day of November 2014.
Sherry Travis
Notary Public or Other Person Authorized to Administer Oaths



Please note that under O.G.C.A. § 42-12-5 service of an affidavit in forma pauperis, including all attachments, shall be made upon the court and all named defendants. Failure by the prisoner to comply with this code section shall result in dismissal without prejudice of the prisoner's action.

THIS FORM IS TO BE COMPLETED ONLY BY AN AUTHORIZED INDIVIDUAL AT THE INSTITUTION WHERE THE INMATE PLAINTIFF IS PRESENTLY INCARCERATED, OR HIS/HER DESIGNEE

CERTIFICATION

I hereby certify that the Plaintiff herein, ABRAMS, CARDELL 847793, has an average monthly balance for the last twelve (12) months of \$ 0 on account at the WHEELER CORRECTIONAL FACILITY 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: NONE

JM Janell
Authorized Officer of Institution

11-22-14
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).

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

December 2, 2014

To: Mr. Kenneth Clark, GDC653504, Wilcox State Prison, PO Box 561, Abbeville, Georgia 31001

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

Court of Appeals Case Number and Style: _____

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

- There is no case pending in the Court of Appeals of Georgia under your name.
- A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37. Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.
- The Notice of Appeal must include a proper Certificate of Service. A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.
- An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained. An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate. An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- Your appeal was disposed by opinion (order) on _____. The Court of Appeals _____ The remittitur issued on _____ divesting this Court of jurisdiction. The case decision is therefore final.
- Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia. The address of the Clerk of the _____ is: _____
- If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court. As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.
- A request for an out-of-time appeal should be made to the trial court from which you are appealing. If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

A Grievance, of the manifest Injustice, and my Actual Innocence of a unlawful act.

I appeal under Cite, O.C.G.A. § 5-6-37.

I request That The Plea Proceeding Transcript of March 16, 1999 in the Case # 98-CR-000319, THE State OF Georgia -V- KENNETH CLARK, as well as The November 16, 1998 Indictment Contract beforwarded, along with:

1) Petition Filed April 14, 2014 At 11:20 AM By Kyemeshia T. Gibson Clerk of Superior Court Meriwether County, "To wit"

I, me, my, myself Kenneth Clark, The living soul -V- The State of GEORGIA Case # 98-CR-000319. Extraordinary Motion for a New Proceeding under a manifest Injustice, and Actual Innocence. with Entry of Appearance,

1) Rule NISI, and Certificate of Service,

2) ON MAY 9 2014 At 11:00 AM File and Recorded, by Kyemeshia T. Gibson Meriwether County Superior Court, Clerk

Case # 98-CR-000319 Kenneth Clark I, me, my, myself the living soul -VS- The State of GEORGIA. Extraordinary Motion for New Proceeding under Actual Innocence, and a Manifest Injustice, (1) Truth Affidavit.

3) ON July 7, 2014 In the Case of Kenneth Clark I, me, my, myself, the living soul -VS- The State of Georgia, And Judge Baldwin Jr, Case # 98-CA-000319

Extra ordinary Motion for a NEW Proceeding under A Manifest Injustice and Actual Innocence, (1) Motion to Impeach Judge Quillian Baldwin Jr

(1) Truth Affidavit, (1) Rule NISI, (1) Entry of Appearance (1) Certificate of Service, Filed by Kyemeshia T. Gibson and Recorded At 11:32 A.M.

It is that the Transcripts and PETITION Requested is a matter of OPEN Records , and is OF UNDER Public Law (P.L. 73.16) Held in The SUPERIOR COURT OF MERLWETHER state of GEORGIA.

I ASK OF THE HONORABLE SUPERIOR COURT Clerk To Return COPY OF THIS PETITION Stamped Recorded and File by Court;

As well as Date All Requested is Transferred To The Court of Appeals OF GEORGIA ;

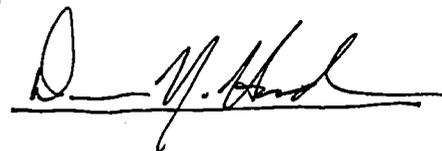
And, OR IF the Records Requested was Transferred From the August 22, 2014 Notice of Appeal ;

It is that, I Kenneth Clark is power of Attorney in fact and should be made aware of each step of the Proceeding by this Honorable Clerk ,

Please Return a Copy of the August Petition of Notice of Appeal Also , - Kenneth Clark Grantor - Secured Party In fact.

Thank you



X 

Kenneth Clark The living -
Soul, I, me, my, myself.
X Kenneth Clark

Kenneth Clark 653504
Wilcox State Prison
P.O. Box 397- J-2
Abbeville Ga. 31601

This 24 day November mo 2014

Certification of Service:

I do hereby Certify That I have this day served the within and fore going Petition, Prior to filing the same, by deposition of Copies thereof, Then Prepaid Postage, In the UNITED State Mail Properly Addressed, up on:

Kymeshia T. Gibson Clerk of Superior Court
100, Court Square
P.O. Box 160
Greenville GA. 30222

Attorney General Office
Samual Olen's
40 Capital Square S.W
Atlanta GA. 30334.

Court of Appeal of Georgia.
Suite 501
47 Trinity Avenue
Atl. GA. 30334.



X D. Henderson

Kenneth Clark I, me, my,
myself, The living soul
X Kenneth Clark

Kenneth Clark 653504
Wilcox State Prison
P.O. Box 397 - J-2
Abbeville GA. 31001

This 24 day November 2014

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

Date: December 2, 2014

To: Mr. David R. Cromer and Ms. Patricia L. Cromer, 3231 Porter's Corner Road, Sylvester, Georgia 31791

Docket Number: A14A0826 **Style:** In the Interest of: B.C. and L.C., Children

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

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

RECEIVED IN OFFICE

DEC - 1 2014

CLERK, COURT OF APPEALS OF GEORGIA

IN THE COURT OF APPEALS OF GEORGIA

IN THE INTEREST OF: B.C. AND
L.C., CHILDREN

Appellants

APPEAL CASE

NUMBER: A14A0826

SCANNED

12/2/14

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

2014 DEC - 1 PM 4: 15

RECEIVED IN OFFICE

APPELLANTS' MOTION FOR RECONSIDERATION

David R. Cromer and Patricia L. Cromer
Appellants *Pro Se*
3231 Porter's Corner Road
Sylvester, GA 31791

Basis for Reconsideration

Appellants show that precedential case law does not support removal of the children without affording parents a minimum of one year to comply with a case plan. Appellants also show that there is no evidence or reasonable inference from the totality of the evidence presented to justify the decision as there was no testimony or evidence regarding abuse with any specificity against which Appellants can defend themselves. Appellee's claims are refuted by direct testimony of several of adult and minor children of Appellants and other witnesses.

Arguments

A. Precedential case law does not support non-reunification in Appellants' case

On the contrary, the case law used by Appellee do not fit Appellants' case as these cases involve families who have been involved with child Department of Family and Children Services (DFCS), whose children had been removed previously, parents were afforded a minimum of one year to complete a case plan and many had failed to comply with their case plans. Appellant can find no precedent for removing children from the home, moving for non-

reunification in less than one year with no previous involvement with DFCS.

Appellant offers the following:

1. In *In the Interest of J.J.*, 287 Ga. App. 746, 748, the Department worked with the mother for two years though the mother failed to complete her case plan, had failed to complete drug treatment, did not make child support payments, admitted she had not completed the case plan due to incarceration for several weeks. In *In the Interest of J.A.*, 298 Ga. App. 11, 13-15 (2009), the agency worked with parents for over 3 years and the parents repeatedly failed to comply with the case plan. In the Appellants case, DFCS discontinued services after 9 sessions over 9 weeks. (T4- 42, T4-190). A Request for Hearing on non-reunification was made on March 8, 2013, less than 4 months after beginning to work with Appellants. (R262-268)
2. In *In the Interest of T.R.*, 248 Ga. App. 310, the mother unjustifiably failed to comply with the case plan. Mother had been arrested and had been found by law enforcement to “smell of alcohol” in violation of her case plan. Additionally, two other children born after the removal of the three older children was clear and convincing evidence that mother was

unlikely to change. That two additional children were born while the Department worked with this mother also highlights the length of the time the Department was willing to afford mother to rectify the issues in her home. In the case at bar, DFCS caseworker Quandula Wright testified Appellants were complying with case plan even as DFCS sought an order for non-reunification. (T4-187)

3. In *In the Interest of U.B.*, 246 Ga. App. 328, 540 SE2d 278 (2000), the children had been removed twice from the parents' home and returned after receiving reunification services; there were medically verifiable, longstanding deficiencies in the father's health, imprisonment and egregious conduct toward the children. In Appellants' case, the family has not previously been involved with DFCS and their children have never been previously removed.
4. In *In the Interest of J.S.*, the Department worked with the mother at issue for two years though she failed to comply with the case plan for reunification, the child was born addicted to cocaine, the mother continued to use drugs, did not complete parenting classes as required by her case plan, saw the child only twice in the two years said child was in

custody of the Department and relinquished the care of another child to her grandmother. Much of the “past conduct” in this case occurred during the time her child was in the custody of the Department and not behavior prior to the intervention of DFCS. Appellee uses this case to support claims of “past conduct” indicating Appellants are unlikely to change; said behavior occurred prior to the intervention of DFCS. (T4-53, 72; T5-46)

B. Efforts of Appellants to remedy issues

1. Complied fully with each and every case plan. (T4-187, R-255-257)
2. Sought additional counseling to support reunification services with Dr. Ellen Womack (T3-190) and Good Samaritan Counseling (T4-191).
3. Sought out and completed parenting, anger management and domestic violence classes. ~~(R)~~. (T4-D10, D11)
4. Sought reconciliation with older children. (T4-169).
5. Requested opportunity to work with another counselor and the children to rectify issues even though they had been advised DFCS was seeking an order for non-reunification. (T4-191).

6. Working with Dr. Womack as a family therapist to work on the issues that brought the children into care and asked to do so at their own expense so the children could see Dr. Womack. (T4-193)
7. Committed to a “no corporal punishment” policy (T3-202)
8. Appellant mother testifies to willingness for DFCS to “make any intrusions”, “any type of counseling”, “report to the court”. (T5-128)
9. Followed all of Mr. Derrick Pickup’s recommendations which included individual and couple’s therapy and parenting and domestic violence classes. (T4-59, 60)

C. Appellee’s claims are controverted by direct testimony under oath.

Appellee provides no evidence of current abuse of any kind. There are no police reports, emergency room reports, physician reports or photographic evidence. To the contrary, there was direct testimony controverting Appellee’s claims and the evidence referenced in this decision:

1. The parents’ adult children reported incidents of sexual abuse and inappropriate sexual behavior by the father

- a. Alicia Shick testified no behavior of a sexual nature occurred with her father. She was the only witness questioned under oath with regard to this allegation. (T4-168)
 - b. Mr. Derrick Pickup, social worker assigned by Department of Family and Children Services (DFCS) to provide services to the family, stated that nothing of a sexual nature or sexual abuse was disclosed to him. (T4-162)
2. Adult child of the parents had witnessed violence between the parents and the physical abuse of the children, and did not allow her children to be in the parents' home due to quick escalation of the father's anger
 - a. Alicia Shick testified to trusting her children with Appellant mother. (T4-164)
3. Appellee's claims of routine beatings consisting of 60-70 licks and beatings with pipes, rods and brooms were contradicted by sworn testimony by adult children of Appellants that physical discipline generally consisted of 3-10 links. (T4-139; T5- 179).

4. Children wrote letters to the court requesting that they not be returned to their parents' home due to fighting between the parents, which fighting continued during visitation
 - a. Testimony of several witnesses shows a pattern of coaching and manipulation by Moriah Wise to achieve Appellee's claim:
 - i. I.C. stated under oath Moriah Wise discouraged the children in her care from engaging with Appellant Mother, citing a specific instance when A.C. requested permission of the caseworker for Appellant Mother to assist with his homework as it "was ruining – she would - they were trying to get it where we weren't going to go back to Mom and Dad and that made it look like Aaron wanted to have something to do with mom." (T5-71,72)
 - ii. Jodi Knight testified to witnessing Moriah Wise instructing the children what to say before meeting with the judge (T5-26, 27).
 - iii. Dr. Womack testified, regarding her interviews with the four minor children, she was concerned that "four separate interviews, they all answer the same questions the same way." (T3-215)

D. Parents did not show remorse

1. As remorse is evidenced by change in behavior, the record includes at least two adult children testifying under oath to the changes in Appellant father and/or mother:

- a. Caleb Cromer testified affirmatively to observing “notable improvement” and “very good progress” with regard to Appellants’ behavior. (T5-83)
- b. Alicia Shick testified to changes she has observed as well as discussions with Appellant mother acknowledging issues and apologizing. (T4-156, 157, 169, 170)
- c. Caleb Cromer testified Appellant mother’s discipline changed, more controlled, more reserved (T5-92)

E. Appellee claims there was fighting between the parents at the visits.

1. It should be noted Appellants, none of the children nor supervisors at visitations were questioned under oath about events at visitations.
2. Alicia Shick testified to an incident of Appellant mother “bumping” the foot of Appellant father under the table to gain Appellant father’s attention during a visit. She accidentally bumped B.C. instead of Appellant father. (T4-152)

3. Testimony by the Appellant Mother characterized their supervised visits as “wonderful” with the children. (T5-146)

F. No Evidence of Physical, Mental or Emotional Abuse

1. There are no specific allegations of abuse with dates and times upon which the Appellant(s) can mount a defense. (R)
2. There are no police reports, emergency room reports, individual report or other documentation of the alleged 20+ years of abuse of nine children who were actively participating in their community including church activities, Boy Scouts, Southwest Georgia Homeschool Association, Liberty University, Classical Conversations and Byne Memorial Church soccer team. (T5-98-103).
3. DFCS failed to have the children examined for physical abuse alleged as required by Child Abuse Protocol (CAP). This omission is particularly troublesome as adherence to CAP is not optional; it is mandatory. (R)
4. The minor children were examined by their pediatrician, Southwest Georgia Pediatrics, P.C., on October 4, 2012, the day following the initial hearing. “The reports state upon inspection of the children, “no rashes or lesions indurations, obvious subcutaneous nodules or tightening. No

bruising or other marks that would raise concern for the physical abuse noted on skin exam.” (R 53-68).

5. Caleb Cromer testified he had never witnessed “times there were closed fists” or “just outright hitting, punching.” (T5-90)
6. Caleb Cromer was asked if the spankings were “bruising you up or beating you up or bloodying you?” to which he replied “No.” (T5-92)
7. Caleb Cromer testified he had not seen evidence of physical abuse on A.C. or B.C. from his parents. (T5-93)

G. Adult Sibling testify Children should be returned home

1. Caleb Cromer testified children should be returned home to the Appellants. (T5-83).
2. Chesley Cromer testified children should be returned to Appellants. (T5-178).
3. Alicia Shick testified she would like to see children returned home with Appellant mother. (T4-156, 170).

H. Children want to come home

1. I.C. testifies he wants to go home with his parents. (T5-63).
2. A.C. testified he “[would] like to go ahead and go home.” (T5-76).

3. Ms. Maple Davis, foster mother for I.C. and A.C., testified they tell her they want to go home (T5-54).
4. Ms. Davis testified “they told me if you let me speak, to ask you could they go home.” (T5-59).
5. A.C. chooses home with parents over the homes of Moriah Wise and Ms. Davis. (T5-78)

I. Appellants Complied with Each and Every Court-Ordered Case Plan

1. Quandula Wright, testified that Appellants had done everything the DFCS had asked of them and were complying with the court ordered case plan. (T4-187).
2. Ms. Wright also testified to the fact that Appellants had sought additional counseling services to supplement the services provided by the DFCS and was working with Dr. Ellen Womack. (T4-195).
3. Dr. Womack stated her credentials and certification by state of Georgia and was accepted by all parties as a certified clinical psychologist and expert witness. Dr. Womack testified to the positive changes already observed and her confidence in the Appellants to change the behavior which precipitated the concerns.

4. Dr. Womack also stated these Appellants “are both going above and beyond what I usually see in cases where children have been removed from the home. I rarely see people going to this extent to work a case plan.” (T3-196).

J. Parents have personality disorders

Dr. Ellen Womack testified she has read all of Dr. Schenk’s reports (T3-220), acknowledges Dr. Schenk’s diagnosis of “personality disorder, not otherwise specified” and testifies she does not see those characteristics in Appellants during their counseling sessions. (T3-194). Dr. Womack further testified:

- Appellants do not have sufficient symptoms to be diagnosed. “They don’t meet the criteria for a personality disorder”. (T3-220).
- “very, very strong words are being used that don’t have a lot of meaning.” (T3-220).
- even assuming hypothetically that everything Dr. Connie Schenk reported is true, she testified Appellants are making good progress and believes strongly Appellants can be rehabilitated. (T3-224).
- Dr. Schenk’s diagnosis “personality disorder not otherwise specified” is a “trash can” diagnosis. (T3-220)

Conclusion

Because precedential case law does not support the removal of children without affording parents multiple opportunities and/or a minimum of one year to comply with case plans and the totality of the record of Appellee's evidence in light of Appellants' evidence does not present a clear and convincing case for removal of the children with no contact, Appellants respectfully request this Court reconsider its opinion.

This 1st day of December, 2014.



David R. Cromer
Pro Se Appellant Father
3231 Porter's Corner Road
Sylvester, GA 31791
229-776-1210



Patricia L. Cromer
Pro Se Appellant Mother

CERTIFICATE OF SERVICE

We, David R. Cromer and Patricia L. Cromer, hereby certify that we have served a copy of the within and foregoing Motion for Reconsideration upon Erika S. Johnson, Esq., Special Assistant Attorney General, Attorney of Record for Appellee, and upon Bonnie R. Spears, Esq., Court Appointed Guardian Ad Litem for the minor children, by mailing a copy of same to them at their respective office of record, to wit:

Erika S. Johnson, Esq.
Special Assistant Attorney General
State of Georgia
Law Office of Erika S. Johnson
P.O. Box 248
Tifton, GA 31793

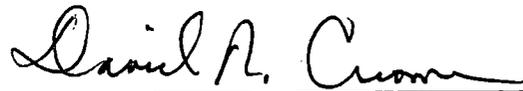
AND

Bonnie R. Spears, Esq.
Attorney at Law
Guardian Ad Litem
1 N. Main Street
Moultrie, GA 31776

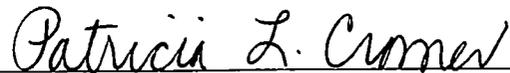
with adequate postage thereon.

This 1st day of December, 2014.

Respectfully submitted,
Pro Se Appellants



David R. Cromer



Patricia L. Cromer
3231 Porter's Corner Road
Sylvester, GA 31791
229-776-1210
patticromer@msn.com



Court of Appeals of Georgia

December 3, 2014

TO: Mr. Robert D. Glover, GDC813029, Dodge State Prison, Post Office Box 276, Chester, Georgia 31012

RE: **Discretionary Application Inquiry**

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. Costs for copies you indicated you would like are:

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

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

REQUEST FOR FORMS

- This Court does not have the forms you requested.

COURT RULES

- In response to your letter dated November 15, 2014, 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. This Court cannot appoint counsel for you.

Robert D. Glover



Thank you,

I would appreciate any direction or advice you may be able to provide to make this process move forward as smoothly and quickly as possible.

1) I am filing to correct a sentence Am I first required to file a Notice of Appeal with the sentencing court?
2) I will be filing Pro-se and under Forma Pauperis do you have a list of the process and forms that will be required?

3) I will be filing Pro-se and under Forma Pauperis do you have a list of the process and forms that will be required?
4) Is there a form required? If so do you have any available?

I need to file a Discretionary Appeal and I request the following:

Clerk,

Re: Discretionary Appeal Form,

Chester, GA 31012

P.O. Box 2716

Dodge State Prison

Robert D. Glover 813029

November 25, 2014

RECEIVED III OFFICE

2014 DEC -2 PM 3:09

CLERK OF APPEALS OF GA
SECURITY ADMINISTRATOR



Court of Appeals of Georgia

December 3, 2014

TO: Mr. Robert A. Broady, GDC429340 3D4B, Jenkins Correctional Center, 3404 Kent Farm Road, Millen, Georgia 30442

RE: **A15A0496. Robert A. Broady 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

- The Court of Appeals dismissed your appeal by order on November 7, 2014. The remittitur issued on November 24, 2014, divesting this Court of any further jurisdiction of your case. The case is therefore, final.**

CASE STATUS - PENDING

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

APPLICATION FOR PERMISSION TO APPEAL A PROBATION REVOCATION

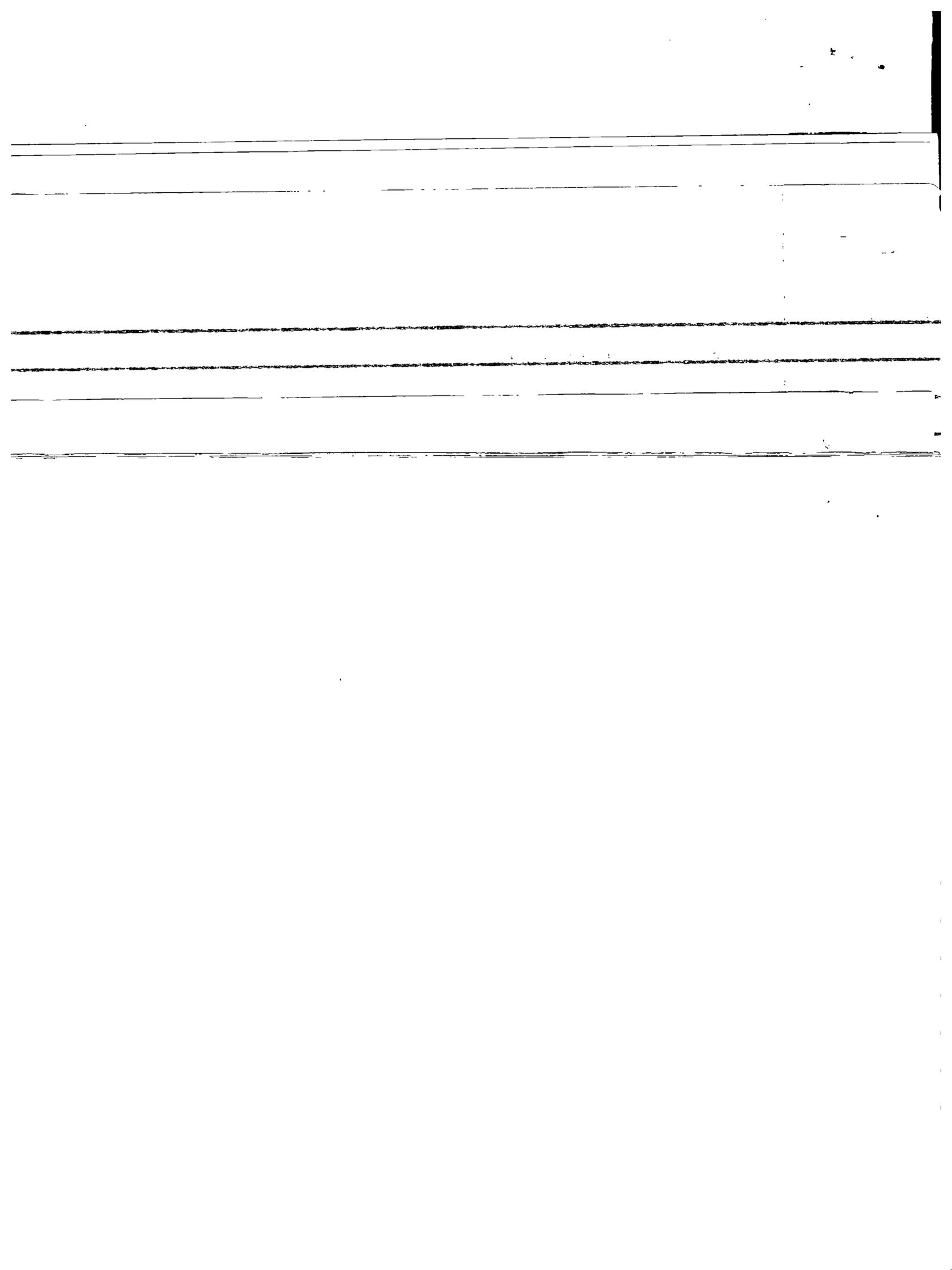
- To appeal a probation revocation, you will need to file a Discretionary Application with this Court. Rule 31 of the Rules of the Court of Appeals of Georgia describes a Discretionary Application and the items you would need to include with your application.

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

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

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

*DON RECORDS HAS IS GA LAW. THEREFORE PLEASE
GIVE ME ADDITIONAL TIME TO FILE AN APPEAL IN*



**IN THE SUPERIOR COURT OF BARTOW COUNTY
STATE OF GEORGIA**

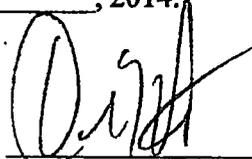
STATE OF GEORGIA	:	
	:	CASE NO. 12CR784
VS.	:	12CR785
	:	
NELSON FAIN CARVER,	:	CHARGES: Aggravated Assault,
	:	Firearm During Felony, Reckless
DEFENDANT.	:	Conduct, Open Container
	:	
	:	False Imprisonment, Battery, Hindering
	:	911 Call, Cruelty to Children 3rd Degree
	:	

ORDER DENYING MOTION TO MODIFY SENTENCE

The above-styled matter came before the Court on August 19, 2014, for a hearing on the Defendant's Amended Motion for Reconsideration of his sentence, with the Defendant being represented by his counsel, Jason Johnson, and the State of Georgia being represented by Assistant District Attorney Jana Allen. After hearing evidence and the arguments of counsel and considering the written motion, the Court hereby finds that the sentence originally imposed was an appropriate sentence in the case.

Therefore, the Defendant's Amended Motion for Reconsideration of his sentence is hereby **DENIED**.

SO ORDERED, this 13 day of November, 2014.



David K. Smith, Chief Judge
Bartow County Superior Court
Cherokee Judicial Circuit

Order prepared by:
Jana Allen, Assistant District Attorney
Georgia Bar No. 765947

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

December 4, 2014

To: Mr. Reginald K. Carson, GDC94782 L1, Macon State Prison, Post Office Box 426, Oglethorpe, Georgia 31068

Docket Number: Style: Reginald K. Carson v. The State

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

1. Your Application was not accompanied by the statutory filing fee, \$300.00 civil; \$80.00 criminal, or a sufficient pauper's affidavit. OCGA§5-6-4 and Rule 5 Please be advised that your pauper's affidavit should be notarized by a notary public.
2. Portions of the record included were not tabbed and indexed. Rules 30 (e) and 31 (c).
3. **A stamped "filed" copy of the trial court's order to be appealed was not attached to your Application. Rules 30 (b) and 31 (e)**
4. A stamped "filed" copy of the Certificate of Immediate Review was not attached to your Interlocutory Application. Rule 30(b)
5. Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)
6. **There were an insufficient number of copies of your document. Rule 6**
7. You should provide a copy of your filing to the District Attorney and include his/her name and address on your Certificate of Service. Rule 6
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
47 TRINITY AVENUE, S.W. SUITE
ATLANTA, GEORGIA 30334

RECEIVED IN OFFICE
2014 DEC 3 PM 3:19
CLERK
COURT ADMINISTRATOR
COURT OF APPEALS OF GA

REGINALD K. CARSON,
PETITIONER,
-VS-

CASE NO: 01 9 28 46 52
CRIMINAL INDICTMENT NO:
01 28 46

STATE OF GEORGIA,
RESPONDENT.

MOTION FOR INTERLOCUTORY APPEAL RULE 30,
TO ADDRESS A CORAM NOBIS ISSUE.
E.G., MIRASLIA-V-BRYSON, 152 GA. 828 (3) (b), 111
S.E. 655 (1922); SOUTH-V-STATE, 72 GA. APP. 79 (1) 33
S.E. 2d 23 (1945). TO ASSIST IN OBTAINING RULING

JURISDICTION

15-3-3, PURSUANT TO ARTICLE VI, SEC. V, PARAGRAPH
III OF THE CONSTITUTION OF THE STATE OF GEORGIA,
THE COURT OF APPEALS SHALL HAVE JURISDICTION OF THE
TRIAL AND CORRECTION OF ERRORS OF LAW IN CASES
INVOLVING THE CRIMES OF ARMED ROBBERY.

STATEMENT OF FACTS

CARSON, COMES BEFORE THIS COURT WITH GRAVE CONCERN
INVOLVING PREJUDICIAL DELAY, RULE 9 (a), STRAHAN-V-
BLACKBURN, 750 F.2d 438, 441, 5th Cir., 471 U.S. 1138 (1985).

TO INQUIRE INTO THE STATE RESPONSE, AND PROVE THROUGH DOCUMENTARY OR OTHER EVIDENCE THAT THE PETITIONER HAD DELAYED INITIATING STATE EXHAUSTION PROCEEDINGS AND HAD DELAYED FILING THE MOTION THAT THE TRIAL COURT SHOULD READ AND PROVE, AND THIS COURT SHOULD ADDRESS AND FIND EXPLICITLY THAT THE PETITIONER'S DELAY PREJUDICED THE GOVERNMENT IN SOME PARTICULARIZED WAY THAT PREVENTED THE TRIAL COURT FROM DEFENDING AGAINST THE CLAIMS RAISED IN THE PETITION. AND THAT CARSON HAD TO FAIL EITHER TO ASSERT OR, HAVING ASSERTED, TO PROVE THAT THE GROUNDS FOR RELIEF IN THE PETITION DID NOT ARISE OR "COULD NOT" HAVE BEEN DISCOVERED "BY THE EXERCISE OF REASONABLE DILIGENCE BEFORE THE CIRCUMSTANCES PREJUDICED TO THE GOVERNMENT OCCURRED". RULE 9(a) *RIDEAU-V-WHITELEY*, 237 F.3d 472, 477 (5th Cir. 2000), 533 U.S. 924 (2001).

CARSON, FILED IN THE TRIAL COURT OVER A YEAR AND MONTHS AGO, AN EXTRA ORDINARY MOTION FOR A NEW TRIAL IN WHICH HE AMENDED BY SUPPLEMENTAL OF ADDITIONAL GROUND IN MOTION'S, INVOLVING A "NEW RULE OF SUBSTANTIVE LAW". *HOPPER-V-HAMPTON*, 244 GA. 361, 260 S.E. 2d 73 (1979), WHERE THERE WAS A SUBSTANTIVE DEFECT IN THE JUDGMENT, WHICH THE RECORD REFLECTS, WAS QUESTIONED AND CHALLENGED BY CARSON, IN WHICH HE ALSO CHALLENGED THE EFFICIENCY OF HIS TRIAL COUNSEL'S INABILITY TO INVESTIGATE WHAT NEW CHARGES WHICH THE STATE HAD ADDED TO HIS CHARGED OFFENSE, QUESTIONED BY THE COURT ON THE RECORD PRIOR TO

372 S.E. 2d 426 (1988).
 Yet, those records at trial, Carlson questioned
 the court's subject matter jurisdiction, and authority,
 when she asked why trial counsel during the
 trial admitted to two separate incidents, where
 one was based on reckless conduct involving a
 knife which the court dismissed those counts,
 the very same case Carlson questioned the court
 on, yet the testimony, of substance was allowed to
 remain. When the actual alleged victim of the
 armed robbery testified he never saw a weapon ^{knife}
 the inferred dismissed count was subverted for the
 court necessarily so charge a crime, Smith v.
Hardwick, 464 S.E. 2d 198 (1995); See Taylor v. State,
 262 Ga. 584, 422 S.E. 2d 430 (1992), "Carlson" demonstrate
 be qualify for Appellate Review under the "rite line rule",
 because the record established it was reviewed. It should
 also be left in mind that regardless of whether or not
 the record in such a situation, the sufficiency of the
 evidence may be reviewed in a Federal habeas corpus
 action if the point has been raised in a state proceeding.
Jackson v. Virginia, 49 Columbia L. Rev. 1571 (1979).

trial, and the record reflect the court never
 ruled on the substantial issue of Carlson rights
 being violated, see State v. Trimmer, 258 Ga. 605,
 372 S.E. 2d 426 (1988).



✓

Marcus Wright

Case # 94782

This 26 day of November 2014: Regina D.H. Cannon

Perdella, GA 30090-7849 West

Cobb Judicial Circuit

D. Victor Reynolds

District Attorney Office

Room 3376 Marietta, GA 30061

Cobb Superior Court Division

REBECCA KEATON, Clerk

CLERK OF SUPERIOR COURT OF COBB

Where to:

I certify that I have filed with the clerk of the court of appeals of Georgia the above motion, and I have placed an original in the United States mail with adequate postage affixed

CERTIFICATE OF SERVICE

The Georgia Supreme Court has applied the doctrine of "finality" to habeas corpus cases. 259 Ga. 299, 300 (1), 379 S.E.2d 780 (1989). This court allows him to appeal, where a right to pursue and unavailability of address is being denied him by the trial court, or order that the trial court issue a ruling on the petition.

viewed and shall not be obtained to a trial, habeas charges which are fundamentally unfair may be re-

However, in 1977, the Georgia Supreme Court held that r-latter, 238 Ga. 418 (1), 233 S.E.2d 161 (1977).

COURT OF APPEALS
~~IN THE SUPERIOR COURT OF~~ _____ COUNTY

STATE OF GEORGIA

REGINALD CARSON
PETITIONER,

CIVIL NO. 01-9-2846-52

VS

STATE OF GEORGIA
RESPONDENT.

AFFIDAVIT OF POVERTY

REGINALD CARSON, being first duly sworn, identifies himself as the Petitioner in the above-styled action and states upon his oath that he is an indigent state prisoner and that on account of his poverty cannot pay the fees and cost normally required to file and proceed in an action of this nature.

He executes this oath in order that he may proceed in forma pauperis.

Reginald K. Carson
Petitioner Pro Se
Macon State Prison
P.O. Box 426
Oglethorpe, GA 31668

Sworn to and subscribed before me this

26 day of November, 2014

Marcus Wright
NOTARY PUBLIC

(My commission expires: _____)



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

December 4, 2014

To: Mr. Darren Earl Britt, GDC91060191, Gwinnett County Detention Center, 2900 University Parkway,
Lawrenceville, Georgia 30043

Docket Number: A15D0149 **Style:** **Darrin Earl Britt v. The State**

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

1. Your Application was not accompanied by the statutory filing fee, \$300.00 civil; \$80.00 criminal, or a sufficient pauper's affidavit. OCGA§5-6-4 and Rule 5 Please be advised that your pauper's affidavit should be notarized by a notary public.
2. Portions of the record included were not tabbed and indexed. Rules 30 (e) and 31 (c).
3. A stamped "filed" copy of the trial court's order to be appealed was not attached to your Application. Rules 30 (b) and 31 (e)
4. A stamped "filed" copy of the Certificate of Immediate Review was not attached to your Interlocutory Application. Rule 30(b)
5. Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)
6. There were an insufficient number of copies of your document. Rule 6
7. **You should provide a copy of your filing to the District Attorney and include his/her name and address on your Certificate of Service. Rule 6**
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

RECEIVED IN OFFICE EARL Britt Prose vs The State A15D0149

2014 DEC -2 PM 3:25

Application for Discretionary Appeal

Transcript July 18th 2014 Probation Hearing

Page 2 The Trial Judge Debra Turner has refused herself of All Case^s referencing this Applicant in the Superior Court of Owinett County, Applicant had the notice served on Case 07-B-4802-2 and 05-B-4010-2 on November 26th 2014, Case 14-A-02909-2 was served earlier this month Rule 25.7 voluntarily.

Sentence on 07-B-4802-2 being made known as exceeding the max. Penalty to Judge Turner Officially on Page 4 - Judge Turner who was aware of this Habeas Corpus wherein sentenced on 3 Charge^s in 2009 is being contested acted surprised for Applicant to have brought this up at this Probation hearing, Judge Turner is the Judge who had a Habeas Corpus "Motion to Dismiss" hearing set on June 2nd 2014, wherein the State sat "Silent" Stephen Fern Applicant was ready on June 2nd 2014 with Argument^s that had been presented to the State in a Traverse - Amendment to Petition filed in this case, see WWW.OwinettCourt^s.NET 14-A-02909-2 Britt vs. Conway - No Transcript^s on these 3 Habeas Corpus Court Appearance^s to date November 5th 2014 website - No more website Accessibility due to LT. Watkins Law-library, Supreme Court of Georgia, Clerk via Telephone Conversation informed this Applicant during Conversation about Submission^s thereto and Response^s from that Court that Mail problem^s were "on this End" referring Applicant^s Situation. Grievance about Mail "Already been filed before this Conversation concerning this matter, Mail being opened outgoing and incoming. Line 2 thru page 5 line 8 MR Fern made Allegation^s of Applicant of Supreme Court Submission by Applicant of Brief^s filed by "Appellee" were not by this Applicant.

This Court can Access those Motion^s and Applicant^s Submission^s to that Court. No response was made by MR. Fern until after this hearing where MR. Fern, AND DAWAY Porter Appellee^s had a Motion to Dismiss filed in the Supreme Court without service, August 8th 2014. Applicant therein filed a Notice of Appeal and Application for Certificate of Probable Cause to appeal in both Court^s Superior Court of Owinett County and Supreme Court of Georgia as

required, O.C.G.A. 9-14-52, Fullwood v. Sivilly, 271 Ga. 248, 517 S.E.2d 511; 1999 Ga. Lexis 516 599 Ho240 June 1, 1999. In this same case citing A Final Order Addressing the Merit of the Claim is NOT required for invoking Jurisdiction on the Supreme Court. ART. 6, SECT. 6, Para 6 (II). This is Err on behalf of the State's Allegations. Mr. Fean goes on to state on page 5- that Respondent didn't provide that Court the Opportunity to Address the Habeas, motion to Dismiss hearing for the State was held on June 2nd 2014 2 Month' after filing with Mr. Fean sitting with his Back Turned to this Applicant and the Judge Debra Turner stating "The State's not ready" nothing spoken at all by Mr. Fean on that day silent. Mr. Fean goes on to say on page 5 that they were divested of Jurisdiction.

This hearing July 18th 2014 was set so that a witness (page 6- Mr. Piper Blake; (Ex-Roommate @-Pod), could testify to something that he may have read or etc. that was stored in Applicant's Bin while Applicant was away at the time. Many times Applicant would leave the unit and return to find that his Storage Bin had been entered. Mr. Piper began to make store "commissary" use phone frequently and was released shortly after this hearing. This was a very dangerous episode, Encouragement by the State for Mr. Blake to do this while Victim of Alleged Crime's personal information was in Transcript's, record's, etc. in this Bin. This Applicant is being retaliated against daily in this facility. See U.S. District Court Atlanta Britt v. Defendant's 1:14-CV-3440 42 USC 1983. See ALSO Supreme Court of Georgia 114 H 1622, Cost for Habeas Corpus and Appeal therefrom being main issue to have that case Decreted and the Conviction, sentence, Ineffective Counsel etc. being presented in that Application, Pleading.

This Application is due to a couple of witness's who testify under Oath of Applicant moving from resident where he was registered - Barrow County. Applicant today November 26th 2014 still has clothing, Court document's etc. at the said resident.

Mr. Steve Morgan who was said Probation Officer over Mr. Blake also testified under Oath, that he was also Applicant's P.O. in 2008 April 10th 2014 Transcript. Applicant was incarcerated on these Original Charge's from 2007 August 1st until release July 30th 2012 without any period of release, 5 year's.

Barth (and Pastor), to leave before Applicant even knew of his presence. Unusual and retaliatory. Applicant herein due to poverty, material etc. has made note on these transcripts if this is NOT allowed please disregard. Anything that may be used as disrespectful please disregard. Applicant has a spirit of anger present during some review of document instilled upon him (by God). The sentencing form Final Disposition and Probation Pardon Petition form are in need of revision. They are NOT in compliance with 42-8-34 and 42-8-38 as stated on form. No hearing before approx 2 months, and special conditions and regular conditions NOT fully explained. No sentence form was attached. (Superior Court of District County has a problem with separation of power issue). The A.D.A. and Attorney have close relationship that interferes with prosecution of Indict inmate herein. Mr. Greenwald who once worked for County Solicitor's Office was twice appointed to this Applicant after conflict was made known to Judge Turner on this original charged offense. 07-3-04802-2.

Mrs. Dawson, Mr. McClung, Steve Morgan together never presented or established by a procedure of the evidence that Probation had been violated at date alleged. Mr. Blake (Ex-roommate) was brought in 3 months after this hearing. July 18th 2014 after contacting Steve Morgan or Steve Morgan contacting him? Mr. Morgan's testimony and records and the evidence presented in this case was insufficient (argued) for a Judgment or Probation Revocation if sentence was NOT void (argued). 17-10-1. And 16-6-5 are Ambiguous when read into this sentence due to Max. term. 42-1-12 violation had not happened at the time of Allegations therein. Violation 1 day range October 9th 2014, October 9th 2014 1700.

Again there is no code section for a violation that doesn't exist. 42-1-12 has no such mechanism, Count No. 1 last page of Judgment, State's being required to register pursuant to the provisions of O.C.G.A. 42-1-12(e) the code section (F) refers to a place of residence a manufactured home etc. and that is O.C.G.A. 42-1-12 (A)(16)(E) - O.C.G.A. 42-1-12 (F) from (1) thru (6) but not listed on Indictment. (1) thru (5) (F) refers to Home. less is appropriate. This Applicant cannot find a definite Blank that was initialed except on page listed 3 of 5 B.B. CC. DD. EE.

(3)

O.C.G.A. 42-1-16 That Specifically refer^s to 2006-2008, being Charges in 2007.

O.C.G.A. 42-1-16 Current through 2013 Regular Georgia Session (F) (1) thru (5) (5) Documentation provided pursuant to this Subsection may be required to be date specific etc. 42-1-12 (F) (6) Continue to Comply with the registration requirement^s of this Code for the entire life etc.

According to SGT. Dawson Registrant^s MUST initial and sign regardless if the Section refer^s to them or not. This is No where in this Applicant^s Sentence. Loya vs. State is Another Example of this Sentence being Void. 14th Amendment Equal Protection, Georgia Constitution Equal Protection, Taylor vs. The State, Consequence^s Such as this must be made known before A Knowing Plea etc.

Applicant Contest the Validity of Indictment, Sentence, Conviction or Denial^s in Judge Moter^s Order^s.

Judge Moter^s Order^s partially did not even require his Authority and were "headed" as to The Supreme Court of Georgia, Judge Moter^s had no Authority to Rule on these.

Applicant did not "move" as alleged by P.O. Steve Morgan, P.O. Paul Guest; (if that was Mr. Guest^s testimony). SGT. Dawson on Uncle Bud who was Exploited into a Unreliable Statement^s. No where in the proceeding^s from Arrest 2007 thru present 2014 November has there been a Legal Avenue taken by the State for Charging etc. any Prosecution^s Made or being Made herein.

Herein Applicant Submitt^s Transcript^s of some of proceeding^s referred to. UNAWARE still of what was Transmitted to this Court from the Supreme Court of Georgia. Applicant Pray^s this Honorable Court for Favorable ruling^s on All Decision^s to be Made by this Court and Any other relief deemed Appropriate at this time.

Respectfully Submitted,
Dad Bill Pro-se

Certificate of Service
Service Made on this Court Only. Court of Appeals of Georgia per NO response

IN THE SUPERIOR COURT OF GWINNETT COUNTY, STATE OF GEORGIA

STATE OF GEORGIA
VERSUS
DAVID EARL BRITT

CRIMINAL ACTION #: 07-B-4802-2
DECEMBER TERM

Race: White
Gender: Male
DOB: 5/12/1957
SSN: 253-98-2649
OTN: 136241902

Offense Date 7-07
Date - 12-11-2009

FINAL DISPOSITION
NEGOTIATED PLEA
FELONY SENTENCE

FILED IN OFFICE
CLERK SUPERIOR COURT
GWINNETT COUNTY, GA
2009 DEC 14 PM 3:12
TOM LAWLER, CLERK

Date of Form Revised 07-2010

Count	CTN	Charge	Warrant	Disposition
1	***	CHILD MOLESTATION (O.C.G.A. 16-6-4[a])	07w16228	Felony - guilty as charged
2	***	CHILD MOLESTATION (O.C.G.A. 16-6-4[a])		Felony - guilty as charged
3	***	ENTICING A CHILD FOR INDECENT PURPOSES (O.C.G.A. 16-6-5)		Felony - guilty as charged

AGGREGATE SENTENCE: FIFTEEN YEARS WITH THE FIRST FIVE YEARS TO BE SERVED IN CUSTODY

COUNT(S) 1, 2, 3 THE DEFENDANT IS SENTENCED AS FOLLOWS: ^{10 years MAX.} 5 YEARS PRISON TERM: It is ordered that the defendant is hereby sentenced to confinement for a period of 5 years to be computed as provided by law. 10 YEARS PROBATION TERM: It is further ordered that the defendant is hereby sentenced to a period of 10 years following any period of confinement set out above. However, this period may be served on probation provided the defendant meets all terms and conditions of probation. Counts 2 & 3 are concurrent with Count 1.

ALFORD PLEA: The court accepts the Defendant's plea of Guilty under the provisions of North Carolina v. Alford. ^{What Term? What Consequences of Terms?} Not Given Explanation why? ONLY on a SPECIAL COND. or of Consequences?

GENERAL PROBATION TERMS: It is ordered, and the defendant is hereby advised, that the defendant shall be subject to arrest for violation of any condition of probation herein imposed. If probation is revoked, the Court may order incarceration for the entire sentence or any portion thereof in the manner provided by law after deducting there from the time the defendant has served on probation. Probation revocation shall be compliant with O.C.G.A. 42-8-34.1. The defendant must comply with the following 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 supervisor as directed and permit said supervisor to visit you at home or elsewhere. 5) Work faithfully at suitable employment insofar as may be possible. 6) Do not change your place of abode, move outside the jurisdiction of the Court, or leave Georgia without permission of the probation supervisor. 7) Support your legal dependents to the best of your ability. 8) Submit to evaluations and testing relating to rehabilitation and participate in and successfully complete rehabilitative programming as directed by the probation department. **WARNING:** The above noted conditions of probation are hereby incorporated into this sentence and may result in a violation of probation which could revoke to balance of your sentence pursuant to O.C.G.A. 42-8-34.1. ^{And Viol. 42-8-38 / 42-1-12 / 42-1-16}

SPECIAL PROBATION TERMS: The defendant is advised that a violation of any special condition of probation may subject the defendant to a revocation of probation and be required to serve up to the balance of the sentence in confinement. The following special conditions of probation are imposed:

\$ 34 SUPERVISION FEE: The defendant must pay a probation supervision fee of \$ 34 per month. ^{How is Felony Charge Listed here}

REIMBURSEMENT FOR APPOINTED ATTORNEY: The defendant shall reimburse Gwinnett County for court appointed attorney fees. The defendant shall pay a \$50.00 indigent application fee. ^{Ambiguous 42-8-34.1(A)}

CREDIT FOR TIME SERVED: It is ordered that the defendant is to be given credit toward this sentence for time already served. ^{See Transcript of hearing}

\$50.00 CRIME LAB FEE: The defendant shall pay a Crime Lab Fee of \$50.00. ^{Also}

\$100.00 COURT COST FEE: The defendant shall pay a Court Cost Fee of \$100.00. ^{Violated 42-8-34.1(A)}

What were the conditions and consequences of... 07-11-2009

Which one...

... Double ...

NO CONTACT WITH Jessi Hoofner or her family: The defendant must have no contact whatsoever, either directly or indirectly with Jessi Hoofner or her family. *AND consequences after plea see trans.*

SEX OFFENDER REGISTRATION: The defendant must register as a sex offender as required by O.C.G.A. 42-01-12. The defendant is required to review the requirements of this statute with the Probation Department. *2012*

HABEAS CORPUS NOTICE: Should the defendant seek to challenge this legal proceeding, a Petition for Habeas Corpus must be filed within four years from today's date, the defendant has so been advised. *Being Challenged*

SO ORDERED this 11th day of December, 2009. *3* *Did NOT receive*

Court reporter: Beth Capell
Appointed counsel: Stacy Levy
Code sect. left blank

42-1-12 on 42-1-16
Consequences
see transcript
Honorable Debra K Turner
Judge, Gwinnett Superior Court

Not giving warning of

the consequences of

Special Cond. by the

Trial Court in plea

hearing on this sentence

Order. Viol. O.C.G.A. 17-10-1. (4) Term Requirement

Viol. O.C.G.A. 42-8-34.1 (4)

sex offender Reg. Req. plus

consequences subject

in this def. to

Double Jeopardy

When Added as a

Special Cond. of Sentence.

When is Requirement of 2001 Not Statute in 2000-2008 Ambiguous

which defendant is entitled

County, Gwinnett County
This is to certify this is a true and correct copy
of *sentences* as the same appears of record
in Gwinnett County Superior Court.
Given under my official signature and seal of
the Court this 27 day of *Jan* 2010
Debra K Turner
Deputy Clerk Superior Court, Gwinnett County, Georgia



Barrow County GA Sheriff's Office

GEORGIA SEX OFFENDER REGISTRATION FORM

SECTION I: IDENTIFYING INFORMATION

FULL NAME*: **BRITT, DAVID EARL**

List other names you have used (nicknames): **DONALD E BRITT, GARRY FOX, MELVIN ANTHONY BRITT, ROGER GLENN BRITT, TROY BAUGHAM, TROY T BAUGCUM, TROY THOMAS BAUGCUM,**

DATE OF BIRTH*: **05/12/1957**

SOCIAL SECURITY NUMBER *: **253-98-2649**

SEX*: **Male**

RACE*: **Caucasian**

HEIGHT*: **6'0"**

WEIGHT*: **165**

EYE COLOR*: **Blue**

HAIR COLOR*: **White**

CURRENT AGE*: **55**

DRIVER'S LICENSE #:

STATE:

SCARS/MARKS:

TATTOOS: **TATTOO on Chest LIL BIT, TATTOO on Back REBEL FLAG AND A BIRTH SIGN, TATTOO on Upper_R_Arm LOCA L/S DAVID, TATTOO on Upper_L_Arm ROAD RUNNER,**

TELEPHONE #:

CELL #:

PAGER #

DO YOU USE ALCOHOL?:

YES

NO

BRAND(S):

DO YOU USE TOBACCO?:

YES

NO

BRAND(S):

Optional

ADDRESSES:

PHYSICAL ADDRESS*: **915 TURK ROAD LOT 3**

CITY*: **BETHLEHEM**

STATE*: **GA**

ZIP*: **30620**

TEMPORARY ADDRESS*:

CITY*:

STATE*:

ZIP*:

SLEEPING LOCATION*:

CITY*:

STATE*:

ZIP*:

MAILING ADDRESS*:

CITY*:

STATE*:

ZIP*:

If mobile home, permit number

Color scheme*:

If house boat, hull number*:

Vessel name*:

Vessel color scheme*:

Registration

VEHICLE INFORMATION:

VEHICLE MAKE/MODEL*:

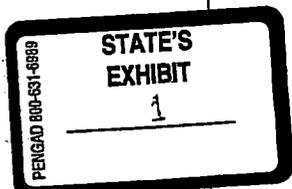
COLOR*:

YEAR*:

TAG*:

STATE*:

*Probation Revocation
Hearing April 10th 2014*



SECTION II EMPLOYMENT

PRIMARY PLACE OF EMPLOYMENT*: **UNEMPLOYED**

ADDRESS*:

CITY*:

STATE*:

COUNTY*:

ZIP*:

DATE OF EMPLOYMENT:

8/2/12 -

WORK HOURS:

EMPLOYER
TELEPHONE #:

JOB DESCRIPTION:

SECTION III INSTITUTE OF HIGHER LEARNING

NAME OF SCHOOL*:

DATE OF ENROLLMENT: -

ADDRESS*:

CITY*:

STATE*:

COUNTY*:

ZIP*:

SCHOOL PHONE:

ENROLLED:

FULL-TIME

PART-TIME

Which campus are you attending:

SECTION IV SPOUSE AND FAMILY INFORMATION

CIRCLE ONE:

MARRIED

SINGLE

SEPARATED

DIVORCED

SPOUSE/SIGNIFICANT OTHER:

DOB:

ADDRESS:

CITY:

STATE:

PHONE:

MOTHER'S NAME:

DOB:

ADDRESS:

CITY:

STATE:

PHONE:

FATHER'S NAME:

DOB:

ADDRESS:

CITY:

STATE:

PHONE:

NEAREST RELATIVE/FRIEND:

BUD MCCLUNG

DOB:

RELATIONSHIP:

ADDRESS:

915 TURK ROAD

CITY:

BETHLEHEM

STATE:

GA

PHONE:

6782233009

SECTION V CHARGES

Crime(s) convicted that places you on the registry*: Child Molestation	
AGE OF VICTIM: 10	SEX OF VICTIM: Female RELATIONSHIP: Neighbor
DATE OF OFFENSE*: 07/01/2007	COUNTY/STATE OF CONVICTION: Gwinnett/GA
DATE OF CONVICTION*: 12/11/2009	
Date Released from Prison, Placed on Probation, Parole or Supervised Release*:	
Risk Assessment Classification:	Level I Level II Predator Not Assessed
Are you on Probation: <input type="checkbox"/> YES <input type="checkbox"/> NO	Are you on Parole: YES <input type="checkbox"/> NO
Name of Probation/Parole Officer:	CITY:
TELEPHONE NUMBER: (678) 377-3754	Were you convicted under the First Offender Act?

SECTION VI NOTIFICATIONS

Notice to Offender

You must re-register with the sheriff's office within 72 hours before your birthday; you must notify the sheriff's office 72 hours prior to any change of address, phone number, employment or school status.	Initial: D. B.
Attached is a copy of the Georgia Sex Offender Registration Notification Form advising of your responsibilities. Review and initial.	Initial: D. B.
By signing this, you understand that failure to comply with these or any other requirements of the Georgia Sexual Offender Registry, may result in your arrest and prosecution. Any person who knowingly <i>provides false information or fails to comply with the above requirements</i> shall be guilty of a felony punishable by one to thirty years in prison on the first offense.	Initial: D. B.
Attached is a copy of the Sex Offender Registration Law. Initial to the right to acknowledge receipt of this law.	Initial: D. B.

Offender's Signature*: <i>David Britt</i>	Date: 8-13-12
Deputy's Signature*: <i>Sgt. Shirley Dawson</i>	Date: 8-13-12
Remarks:	

SECTION VII SHERIFF'S OFFICE PERSONNEL

DATE OF REGISTRATION*: 08/02/2012	FINGERPRINTS TAKEN*: Yes
PHOTO TAKEN*: Yes	SRN NUMBER*: GA00481864
Offense date places offender in the following proximity restriction time period (circle one):	
Prior to June 4, 2003	<u>June 5, 2003 - June 30, 2006</u>
<u>July 1, 2006 - June 30, 2008</u>	July 1, 2008 and thereafter

*MY
Code
42-1-14*



REGISTRATION INFORMATION FOR ALL SEX OFFENDERS

Pursuant to O.C.G.A § 42-1-12(a) (16), "Required registration information" means:

- (A) Name; social security number; age; race; sex; date of birth; height; weight; hair color; eye color; fingerprints; and photograph;
- (B) Address within this state or out of state, and, if applicable in addition to the address, a rural route address and a post office box;
- (C) If the place of residence is a motor vehicle or trailer, the vehicle identification number, the license tag number, and a description, including color scheme, of the motor vehicle or trailer;
- (D) If the place of residence is a mobile home, the mobile home location permit number; the name and address of the owner of the home; a description, including the color scheme of the mobile home; and, if applicable, a description of where the mobile home is located on the property;
- (E) If the place of residence is a manufactured home, the name and address of the owner of the home; a description, including the color scheme of the manufactured home; and, if applicable, a description of where the manufactured home is located on the property;
- (F) If the place of residence is a vessel, live-aboard vessel, or houseboat, the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat;
- (F.1) If the place of residence is the status of homelessness, information as provided under paragraph (2.1) of subsection (f) of this Code section;
- (G) Date of employment, place of any employment, and address of employer;
- (H) Place of vocation and address of the place of vocation;
- (I) Vehicle make, model, color, and license tag number;
- (J) If enrolled, employed, or carrying on a vocation at an institution of higher education in this state, the name, address, and county of each institution, including each campus attended, and enrollment or employment status; and
- (K) The name of the crime or crimes for which the sexual offender is registering and the date released from prison or placed on probation, parole, or supervised release.

Pursuant to O.C.G.A § 42-1-12(f), Any sexual offender required to register under this Code section shall:

- (1) Provide the required registration information to the appropriate official before being released from prison or placed on parole, supervised release, or probation;
- (2) Register in person with the sheriff of the county in which the sexual offender resides within 72 hours after the sexual offender's release from prison or placement on parole, supervised release, probation, or entry into this state;
- (2.1) In the case of a sexual offender whose place of residence is the status of homelessness, in lieu of the requirements of paragraph (2) of this subsection, register in person with the sheriff of the county in which the sexual offender sleeps within 72 hours after the sexual offender's release from prison or placement on parole, supervised release, probation, or entry into this state and provide the location where he or she sleeps;
- (3) Maintain the required registration information with the sheriff of each county in which the sexual offender resides or sleeps;
- (4) Renew the required registration information with the sheriff of the county in which the sexual offender resides or sleeps by reporting in person to the sheriff within 72 hours prior to such offender's birthday each year to be photographed and fingerprinted;
- (5) Update the required registration information with the sheriff of the county in which the sexual offender resides within 72 hours of any change to the required registration information, other than where he or she resides or sleeps if such person is homeless. If the information is the sexual offender's new address, the sexual offender shall give the information regarding the sexual offender's new address to the sheriff of the county in which the sexual offender last registered within 72 hours prior to any change of address and to the sheriff of the county to which the sexual offender is moving within 72 hours prior to establishing such new address. If the sexual offender is homeless and the information is the sexual offender's new sleeping location, within 72 hours of changing sleeping locations, the sexual offender shall give the information regarding the sexual offender's new sleeping location to the sheriff of the county in which the sexual offender last registered, and if the county has changed, to the sheriff of the county to which the sexual offender has moved; and
- (6) Continue to comply with the registration requirements of this Code section for the entire life of the sexual offender, excluding ensuing periods of incarceration.

Revised July 2010

GEORGIA SEX OFFENDER REGISTRATION NOTIFICATION FORM

INITIAL	PROVISION	
D. B.	A.	According to the provisions of O.C.G.A § 42-1-12, you are hereby notified that you must register in person as a sex offender in the State of Georgia for life unless relieved of that requirement by a court of competent jurisdiction.
D. B.	B.	To comply with your initial registration requirements, you must report within 72 hours of your release from prison, placement on probation, parole or supervised release or entry into the State of Georgia to the appropriate Sheriff's Office of the county where you reside.
D. B.	C.	If you are released from prison for another offense during the time that you are required to register for a sex offense, then you must notify the Sheriff of the county where you last registered within 72 hours after such release.
D. B.	D.	You must provide street or route address for your place of residence. A post office box does not constitute an address. If you are homeless, you must provide a description of the place you sleep.
D. B.	E.	If the place of residence is a motor vehicle or trailer, provide the vehicle identification number, the license tag number, and a description, including color/ color scheme, of the motor vehicle or trailer, and where the motor vehicle or trailer is located.
D. B.	F.	If the place of residence is a mobile home, provide the mobile home location permit number, the name and address of the owner of the home, a description including the color scheme of the mobile home and if applicable, a description of where the mobile home is located on the property.
D. B.	G.	If the place of residence is a manufactured home, provide the name and address of the owner of the home, a description including the color scheme of the manufactured home, and if applicable, a description of where the manufactured home is located on the property.
D. B.	H.	If the place of residence is a vessel, live-aboard vessel, or houseboat, provide the hull identification number, the manufacturer's serial number, the name of the vessel, live-aboard vessel, or houseboat, the registration number, and a description including color scheme of the vessel, or houseboat.
D. B.	I.	You must register all addresses.
D. B.	J.	You are required to register with the sheriff's office of the county where you reside within 72 hours prior to your birthday each year to be photographed and fingerprinted.
D. B.	K.	If you have been determined to be a sexually dangerous predator, you will remain on the registry for life and you must register with the sheriff of the county of residence 72 hours prior to your birthday each year and 6 months following your birthday to update your registration information.
D. B.	L.	You shall not intentionally photograph a minor without the consent of the minor's parent or guardian.
D. B.	M.	If you have been determined to be a sexually dangerous predator, you will be required to wear an electronic monitoring system for the remainder of your life as well as pay for the monitoring fee.
D. B.	N.	If you are enrolled, employed or practice a vocation at an institution of higher education in this state, you must provide the name, address, and county of each institution including each campus attended and your position or enrollment status, as well as any change in enrollment, employment, or vocation status to the sheriff.
D. B.	O.	If you are homeless, you must register in person to the sheriff of the county where you sleep within 72 hours after release from prison or placement on parole, supervised release probation or entry into this state and provide the location where you are sleeping.
D. B.	P.	If you are homeless, you must report in person to the sheriff of the county where you sleep within 72 hours of changing your sleeping location.

GEORGIA SEX OFFENDER REGISTRATION NOTIFICATION FORM

INITIAL	PROVISION
D. B.	Q. If you are homeless, you must report in person to the sheriff of the county where you are registered within 72 hours of changing your sleeping location, and to the sheriff of the county where you moved your sleeping location within 72 hours of moving.
D. B.	R. If you change any of the required registration information, other than residence address, you must give the new information to the sheriff of the county with whom you are registered <u>within 72 hours of the change of information.</u>
D. B.	S. Regardless if your new residence address is within your county or outside your county (even temporary), you must give the new address to the sheriff of the county with whom you last registered <u>within 72 hours prior to moving</u> and to the sheriff of the county to which you are moving <u>72 hours prior to moving.</u>
D. B.	T. You must register in any state where you are employed, volunteer, practice a vocation, or are a student
D. B.	U. If you move to another state, you are required to report to the sheriff's office you last registered with in the State of Georgia within 72 hours prior to moving and to the designated law enforcement agency in your new state of residence within 72 hours.
D. B.	V. You are subject to all registration requirements if you move to Georgia from any other place and are required to register as a sex offender in another jurisdiction.
D. B.	W. Persons who are sentenced under the first offender act are subject to the registration requirements until the offender successfully completes the requirements as set forth by the court.
D. B.	X. At this time, the laws concerning registration of sex offenders can be found in the Official Code of Georgia Annotated, Section 42-1-12 through 42-1-19.
D. B.	Y. You must meet certain criteria to petition the court for release from registration and/or residency/employment restrictions. See O.C.G.A. § 42-1-19.
Residency / Employment / Loitering Restrictions	
D. B.	Z. If your date of offense was committed prior to June 4, 2003, there are no residency or employment restrictions, however, you must adhere to all registration requirements. {O.C.G.A. § 42-1-17}
D. B.	AA. If your date of offense was committed between June 4, 2003 – June 30, 2006, you cannot reside within 1,000 feet of any child care facility, school, or areas where minors congregate (public & private parks, recreation facilities, playgrounds, skating rinks, neighborhood centers, gymnasiums, and similar facilities providing programs or services directed towards persons under 18 years of age). {O.C.G.A. 42-1-17}
D. B.	BB. If your date of offense was committed between July 1, 2006 – June 30, 2008, you cannot reside within 1,000 feet of any child care facility, church, school, areas where minors congregate (public & private parks, recreation facilities, playgrounds, skating rinks, neighborhood centers, gymnasium, school bus stops, and public & community swimming pools). {O.C.G.A. § 42-1-16}
D. B.	CC. If your date of offense was committed between July 1, 2006 – June 30, 2008, you cannot be employed at any child care facility, church, school, or any business or entity that is located within 1,000 feet of said location. {O.C.G.A. § 42-1-16}
D. B.	DD. If your date of offense was committed between July 1, 2006 – June 30, 2008, and you are a sexually dangerous predator, you cannot be employed at any child care facility, church, school, area where minors congregate (public & private parks, recreation facilities, playgrounds, skating rinks, neighborhood centers, gymnasium, school bus stops, and public & community swimming pools) or at business or entity that is located within 1,000 feet of said location. {O.C.G.A. § 42-1-16}
D. B.	EE. If your date of offense was committed between July 1, 2006 – June 30, 2008, you cannot loiter at any child care facility, school, or areas where minors congregate (public & private parks, recreation facilities, playgrounds, skating rinks, neighborhood centers, gymnasium, school bus stops, and public community swimming pools). {O.C.G.A. § 42-1-16}
D. B.	FF. If your date of offense was committed on July 1, 2008 or after, you cannot reside within 1,000 feet of any child care facility, church, school, areas where minors congregate (public & private parks, recreation facilities, playgrounds, skating rinks, neighborhood centers, gymnasium, school bus stops, public libraries, and public & community swimming pools). {O.C.G.A. § 42-1-15}

ONLY 4 Code Section
 42-1-16
 Nothing to do with hearing
 Give notice of moving

2007
 [Signature]

Where did
 we No. 1
 come from?

GEORGIA SEX OFFENDER REGISTRATION NOTIFICATION FORM

INITIAL	PROVISION	
D. B.	GG.	If your date of offense was committed on July 1, 2008 or after, you cannot be employed/volunteer at any child care facility, church, school, or any business or entity that is located within 1,000 feet of said location. {O.C.G.A. § 42-1-15} A volunteer is defined at O.C.G.A § 42-1-15 (a) (4).
D. B.	HH.	If your date of offense was committed on July 1, 2008 or after, and you are a sexually dangerous predator, you cannot be employed/volunteer at any child care facility, church, school, area where minors congregate (public & private parks, recreation facilities, playgrounds, skating rinks, neighborhood centers, gymnasium, school bus stops, public libraries, and public & community swimming pools) or any business or entity that is located within 1,000 feet of said location. {O.C.G.A. § 42-1-15}
D. B.	II.	If your date of offense was committed on July 1, 2008 or after, loitering is prohibited at any child care facility, school, or areas where minors congregate (public & private parks, recreation facilities, playgrounds, skating rinks, neighborhood centers, gymnasium, school bus stops, public libraries, and public & community swimming pools). {O.C.G.A. § 42-1-15}
Additional Information		
D. B.	JJ.	If you violate a sex offender statute, you may be found guilty of a felony and may be punished by imprisonment for up to 30 years.
D. B.	KK.	The current laws concerning sex offender registration can be found on the Georgia Secretary of State's website (www.legis.state.ga.us), the District Attorney's Office, and many other places.
D. B.	LL.	The Georgia legislature meets at least once each year, usually beginning in January, and each time the legislature meets the laws concerning sex offender registration in Georgia can be changed. Most of those changes take effect July 1; however, some changes take effect as soon as the legislation is signed by the Governor.
D. B.	MM.	It is <i>my duty</i> to always be aware of the current law concerning my duty to register as a sex offender and I understand that ignorance of the law is no excuse for my failure to abide by the laws concerning the registration of sex offenders.
D. B.	NN.	Every state in the United States has a sex offender registry; however, each state's laws are different. Should I ever leave the State of Georgia, it is my duty to familiarize myself with the laws of the state where I live. Ignorance of the law is no excuse for my failure to abide by the laws concerning the registration of sex offenders in any state where I live.
D. B.	OO.	If you are arrested on any charges, you must report in person to the sheriff's office which you were last registered immediately upon release to update your registration.
D. B.	PP.	Under the Adam Walsh Child Protection and Safety Act of 2006, 18 United States Code § 2250, if you fail to comply with registration requirements and are involved in interstate travel, you may be subject to federal prosecution.

I have read, or had read to me, this registration notification form and understand its contents.

David Britt
Offender's Name (Print)

David Britt
Offender's Signature

Sgt. Shirley Dawson
Witness Name (Print)

Sgt. Shirley Dawson
Witness Signature

Barrow County S.O.
Name of Witnessing Agency (Print)

(770) 307-3084 ext. 3133
Telephone Number for Witnessing Agency

The purpose of this form is to provide the necessary information for the registration of sexual offenders in the State of Georgia. The information contained within this form is not intended to provide legal advice to any person required to register as a sexual offender.

Georgia Sex Offender Registration Notification Form



NEW
NOT REQUIRED TO SIGN
NOTICE TO MOVE
H2-1-16
2007
Crime
4 SECT. 5

THE PENALTY

O.C.G.A. § 42-1-12

(n) Any individual who:

- (1) Is required to register under this Code section and who fails to comply with the requirements of this Code section;
- (2) Provides false information; or
- (3) Fails to respond directly to the sheriff of the county where he or she resides or sleeps within 72 hours prior to such individual's birthday shall be guilty of a felony and shall be punished by imprisonment for not less than one nor more than 30 years; provided, however, that upon the conviction of the second offense under this subsection, the defendant shall be punished by imprisonment for not less than five nor more than 30 years.

I have read, or had read to me, this registration notification form and understand its contents.

8-13-2012
Date

DAVID BRITT
Offender's Name (Print)

David Britt
Offender's Signature

5/12/57
Offender's Date of Birth

Sgt. Shirley Dawson
Witness Name (Print)

Sgt. Shirley Dawson
Witness Signature

Barrow County S.O.
Name of Witnessing Agency (Print)

(770) 307-3084 ext. 3133
Telephone Number for Witnessing Agency

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

HOLLY K. O. SPARROW
CLERK/COURT ADMINISTRATOR

(404) 656-3450
sparrowh@gaappeals.us

December 5, 2012

Mr. David Eric Cobble
GDC758572 J-1-110
Smith State Prison
Post Office Box 726
Glennville, Georgia 30427

RE: A12D0423. Daniel Eric Cobble v. Anne Lockhart
A13D0013. Daniel Eric Cobble v. Stanley Williams, Warden, et al.
A13D0139. Daniel Eric Cobble v. Clay Tatum
A13A0415. Daniel Eric Cobble v. Stanley Williams, Warden, et al.

Dear Mr. Cobble:

I am in receipt of your correspondence of postmark date November 27, 2012 regarding the above cases. The information you are requesting is listed below.

In A12D0423. Daniel Eric Cobble v. Anne Lockhart, we dismissed your application on July 13, 2012 and you filed a Petition for a Writ of Certiorari in the Supreme Court of Georgia. The case S12C1954 is pending in the Supreme Court. This application arises from Cherokee County Superior Court case 11CV2272.

In A13D0013. Daniel Eric Cobble v. Stanley Williams, Warden, et al., we received your application postmarked August 21, 2012. The Court of Appeals denied this application on September 12, 2012, and you filed a Petition for a Writ of Certiorari in the Supreme Court of Georgia. The case S13C0139 is pending in the Supreme Court.

Your application, A13D0139 Daniel Eric Cobble v. Clay Tatum, was docketed on November 14, 2012. We received several documents from you postmarked November 20, 2012 (that you had dated November 19, 2012) which we have docketed to this application as a supplement to the application. The application is pending.

In A13A0415. Daniel Eric Cobble v. Stanley Williams, Warden, et al., your Motion for Contempt was docketed on November 16, 2012 in this case and the motion is pending.

We cannot contact the postmaster for you.

Sincerely,



Holly K.O. Sparrow
Clerk/Court Administrator
Court of Appeals of Georgia

HKOS/lid

To clerk of court of Georgia court of Appeals

From Daniel Eric Cobb 758572
South State Prison P.O. Box 726 Genville
Georgia 30427 of prison Daniel Eric Cobb

Today's 11-26-12 4pm

Please answer below questions on multiple
different suits below in your court

① Did you get the mail I sent you postdated
on 11-9-12? It was discredited by appeal application
of a Chatham County Superior for lawsuit against
High State Prison Warden Clay Tatham Super: can?
2011CA37668 / Did you get my appeal of costs \$2,700
I also sent you another piece of mail

postdated 11-19-12 too! Did you get it? If cost 90¢
It was on same circuit above I think, or it might have been
on different court # A1340415 a direct appeal so to trail
county superior that sit on same state prison warden Stanley
Williams and 3 other defendant

③ Have you received any of the notices of the court
notions I sent you over past couple of months
they were postdated on different dates than other of a month
later because

④ Is there anyway you can get post notes
Georgia to do a trace on the other appeal I sent you?
on 8-6-12 against Stephanie Lockhart Cherokee Superior
circuit court lawsuit # 11-CV-2272 - EM 54 is
a citation, it was for doctoring appeal of a notice on a
default motion denial, I sent it to you about a week after court
I also sent Superior court a motion for certificate of appealability
too, all notices on time, but notice of 71 great for prison sent
they put stamps in from, too photocopies of envelope addresses and took it to

RECEIVED IN OFFICE

2012 NOV 29 PM 2:01

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

NOV 29 2012 2:01 PM

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

Date: December 27, 2013

To: Mr. Douglas L. Brooks, Douglas L. Brooks, P.C, Post Office Box 8477, Atlanta, Georgia 31106

Docket Number: A14A0414

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

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

FILED IN OFFICE

DEC 23 2013

CLERK, COURT OF
APPEALS OF GEORGIA

APPEAL CASE No.:

A14A0414

IN THE COURT of APPEALS of GEORGIA
ATLANTA, GEORGIA

2013 DEC 28 PM 1:36

RECEIVED IN OFFICE

WILLIAM EBERHARDT

Appellant,

-versus-

AMERICAN EXPRESS BANK FSB

Appellee.

On Appeal from the State Court of Gwinnett County

CIVIL ACTION FILE No.:

11-C-06721-3

BRIEF OF APPELLEE

ATTORNEY FOR APPELLEE:

Douglas L. Brooks

DOUGLAS L. BROOKS, P.C.

Georgia Bar No. 084725

Post Office Box 8477

Atlanta, Georgia 31106-0477

PHONE: (404) 442-9101

FAX: (404) 442-9102

E-MAIL: doug@douglasbrookslaw.com

ORIGINAL

IN THE COURT *of* APPEALS *of* GEORGIA
ATLANTA, GEORGIA

WILLIAM EBERHARDT)	
)	APPEAL CASE NO.:
<i>Appellant,</i>)	
)	<u>A14A0414</u>
<i>-versus-</i>)	
)	
AMERICAN EXPRESS BANK, FSB)	
)	
<i>Appellee.</i>)	
)	
)	

BRIEF OF APPELLEE

COMES NOW Appellee, AMERICAN EXPRESS BANK FSB (“American Express”) and files this Brief of Appellee, and respectfully requests that this Court AFFIRM the ruling of the State Court of Gwinnett County.

I. POSTURE AND FACTUAL BACKGROUND

American Express filed this suit in the State Court of Gwinnett County seeking judgment against Appellant WILLIAM EBERHARDT (“Eberhardt”) for

amounts due under credit card agreement between the parties. Eberhardt failed to make payments on credit card, and American Express filed suit to recover the balance.

Eberhardt filed an Answer, the parties filed Motions for Summary Judgment, which were denied, and the case was tried to the court without a jury on May 20, 2013. Eberhardt objected to the proffer of certain evidence as it had not been produced during discovery. The trial court continued its ruling on the case to allow Eberhardt to review and dispute the evidence to which Eberhardt objected. After briefing on the evidentiary issues, the trial court entered judgment on July 12, 2013 in favor of American Express. This appeal followed.

The evidence proffered at trial supports the judgment. American Express proffered evidence that Eberhardt is individually liable on the credit card under the terms of the governing credit card agreement (R.57; 87-97; 611-620). Further, the credit card itself bore Mr. Eberhardt's name in his individual capacity, not as a corporate officer. (T.11-12). Moreover, the credit card statements sent to Mr. Eberhardt during the entire term of the credit card agreement bore Mr. Eberhardt's name in his individual capacity, not as a corporate officer (R. 99-629; T.11-12).

All evidence at trial was properly admitted, in compliance with Georgia law

and procedure. At trial, American Express proffered all credit card statements on the account from the initiation of the account in 2005 through the date the account was closed. There was a dispute regarding whether these statement had been produced during discovery. Counsel for American Express stated that they had been produced via email. Counsel for Eberhardt contended he had never received them. Also at trial, American Express proffered the original credit card agreement governing the account. It is undisputed that the original agreement had not been produced during discovery, although American Express did produce the agreement governing the account from 2009 to the closing of the account. American Express's representative at trial testified that there was not operative difference between the two (2) agreements, and that both agreements made Eberhardt personally liable.

As a result of the dispute regarding evidence, the trial court continued the case, allowing the parties to brief the issues regarding the disputed evidence. After briefs were filed and reviewed, the trial court entered judgment.

II. ARGUMENT AND CITATION TO AUTHORITY

A. Standard of Review

The standard of review on an appeal from a bench trial is the “any evidence”

standard. “The court is the trier of fact in a bench trial, and its findings will be held on appeal if there is any evidence to support them.” McRae, LLP v. Georgia Farm Bureau Mutual Insurance, 316 Ga. App. 526 (2012). To the extent that the question is one of law, not fact, “[t]he plain legal error standard of review applies . . .” Id.

This standard applies to Enumerations of Error Numbers 1 and 3. The “abuse of discretion” standard applies to Enumeration of Error Number 2, as correctly contended by Appellant. This Court should AFFIRM the ruling of the trial court because the evidence proffered at trial supports the judgment, and the trial court did not make a plain legal error.

B. The Court Should Affirm the Trial Court Because the Evidence Supports the Judgment (Enumeration of Error 1).

The evidence establishes that Eberhardt is personally liable for the debt in this case, and for that reason the Court should AFFIRM the trial court.

The credit card agreement states in its initial provisions that the obligor is Mr. Eberhardt. “[Y]ou agree to the terms of this Agreement. ‘You,’ ‘your,’ and ‘yours’ mean *the person named on the Business Card . . .*” (R.611-620 [2005 Agreement]; and 87-97 [2009 Agreement]). The evidence established that the

name “William Eberhardt” appeared on the card itself. (T.11-12). This alone makes Eberhardt liable.

Further, other provisions of the credit card agreement establish Eberhardt’s personal liability. The credit card agreement provides:

The Basic Cardmember is the authorizing officer of the Company who authorized [American Express] to issue the Business Card to you by signing the Company’s application for the Card Account. The term “Company” means the company, corporation or firm in whose name the Business Card Account is established. The Company [and the] Basic Cardmember agree, both jointly and individually to be bound by the terms of this Agreement.

(R. 611-620 [2005 Agreement]; and 87-97 [2009 Agreement]). The evidence proffered at trial established that Eberhardt was the authorizing officer of the company he owned. (T.61-63 (testimony of Appellant, himself, obtained this and other credit cards on behalf of his business)). Therefore, a plain reading of the credit card agreement shows Eberhardt is liable.

A signature is not necessary to bind someone to the terms of a credit card agreement. The credit card agreement in this case states that use of the card

establishes agreement with the terms of the credit card agreement. “When you keep, sign, or use the Business Card issued to you (including any renewal or replacement Business Cards), or you use the account associated with this Agreement . . . , you agree to the terms of this Agreement.” (R. 611 [2005 Agreement]; and R. 87 [2009 Agreement]). As set forth above, the same provisions define “you” as Eberhardt.

Under Georgia law, use of a credit card with these terms establishes assent to the terms of the credit card agreement, and no signed agreement is required.

[A] contract was effected in this case when the plaintiff issued its credit card to the defendant to be accepted by [him] in accordance with the terms and conditions herein set forth, or at [his] option to be rejected by [him]. Such rejection need take the form of returning the card, or simply its nonuse. The issuance of the card to the defendant amounted to a mere offer on plaintiff's part, and the contract became entire when defendant retained the card and thereafter made use of it.

The card itself then constituted a formal and binding contract.

Discover Card v. Davis, 277 Ga. App. 864, 865 (2006), citing, Read v. Gulf Oil Corp., 114 Ga. App. 21, 22 (1966).

Because the evidence proffered at trial established Eberhardt's liability under the credit card agreement, the Court should AFFIRM the judgment of the trial court.

C. The Trial Court Did Not Abuse Discretion in Admitting Evidence

The trial court did not abuse its discretion in admitting the credit card statements (Exhibit 2) and the 2005 credit card agreement (Exhibit 3) in this case. The Court should therefore AFFIRM the judgment of the trial court.

Exhibit 2 was a large stack of credit card statements. American Express's representative, Paul Carey, testified that Exhibit 2 was the entire history of the credit card, from the opening, "zero balance," statement through the date when the card was terminated. (R. 99-610). Eberhardt objected to Exhibit 2 on the grounds that it had not been produced in discovery.

Exhibit 3 was the 2005 credit card agreement ("2005 Agreement") (R. 6111-620). Mr. Carey testified that the 2005 Agreement governed Eberhardt's use of the American Express card from the date of its inception until the 2009 Agreement took effect. (T. 17-19). Eberhardt objected to admission of Exhibit 3 on the grounds that it had not been produced during discovery.

Under settled Georgia procedure and law, as well as the facts of this case,

the trial court properly overruled Eberhardt's objections to Exhibits 2 and 3.

Under Georgia law and procedure, it is error *to exclude* probative evidence at trial based on a claim that the evidence was withheld during discovery.

The trial court properly overruled Eberhardt's objection to Exhibit 2 for three reasons. First, it is error to exclude probative evidence at trial that was not produced during discovery. Second, Eberhardt is not prejudiced by Exhibit 2, because Eberhardt does not dispute any of the entries on Exhibit 2. Eberhardt's sole contention is that under the 2005 and 2009 Agreements, Eberhardt is not individually liable. Third, although the complete version of Exhibit 2 was not produced during discovery, American Express did produce most of the statements included in Exhibit 2 prior to trial.

Under Georgia law, "[e]xclusion of probative trial evidence is not an appropriate remedy for curing an alleged discovery omission." Tench v. Galaxy Appliance and Furniture Sales, 255 Ga. App. 829, 831 (2002), *citing*, Nathan v. Duncan, 113 Ga.App. 630, 638-641 (1966). "[P]ostponement, recess, continuance, and mistrial, constitute proper remedies." Id.

Here, the trial court exercised one of the proper remedies, in continuing the trial until the parties could brief the issue.

Moreover, Eberhardt was not be prejudiced by admission of Exhibit 2. Nothing in Exhibit 2 contradicts Eberhardt's defenses. Eberhardt's contention is that he is not liable for the amounts sought by American Express because, Eberhardt claims, the credit card at issue was exclusively a corporate credit card, and that Eberhardt is not personally liable. Eberhardt has never disputed the charges made on the credit card, and Eberhardt admitted on cross-examination that Exhibit 2 appeared to be an accurate reflection of the charges made to the credit card. (R. 67). Exhibit 2 does not prejudice Eberhardt's case, and was properly admitted at trial.

Defendant's objection to Exhibit 3, the 2005 Agreement, was properly overruled for two (2) reasons. First, and as noted above, it is error to exclude probative evidence at trial that was not produced during discovery. Second, Eberhardt was not prejudiced by Exhibit 3, because the terms of 2005 agreement are no different from those in Exhibit 1, the 2009 Agreement.

Under Georgia law, "[e]xclusion of probative trial evidence is not an appropriate remedy for curing an alleged discovery omission." Tench v. Galaxy Appliance and Furniture Sales, 255 Ga. App. 829, 831 (2002), *citing*, Nathan v. Duncan, 113 Ga.App. 630, 638-641 (1966). "[P]ostponement, recess,

continuance, and mistrial, constitute proper remedies.” Id. Here, American Express did not provide the 2005 Agreement to its attorney during the discovery period. The Court exercised one of the proper remedies by continuing the trial until the parties could brief the issue.

Finally, Eberhardt was not prejudiced by the admission of Exhibit 3, the 2005 Agreement. American Express proffered the 2005 and 2009 Agreements (Exhibits 1 and 3) to show that they contain terms for personal liability of the principal (that is, of Eberhardt) of the small business. The language of the 2009 Agreement (Exhibit 1) is identical in all relevant respects to the 2005 Agreement (Exhibit 3). (R. 87-97 [2009 Agreement, Exhibit 1]; and r. 611-620 [2005 Agreement, Exhibit 3]). Mr. Carey testified that ALL agreements for American Express’s Small Business Cards contain language making the principal of that business liable for the debt; that all cards bear the name of the principal; and that all statements bear the name of the principal. (T. 11 (statements bear the Appellant’s name, individually); and T. 12 (the credit card bore Appellant’s name, individually)).

For these reasons this Court should AFFIRM the judgment of the trial court.

D. The Evidence Supports the Judgment

The standard of review on an appeal from a bench trial is the “any evidence” standard. “The court is the trier of fact in a bench trial, and its findings will be held on appeal if there is any evidence to support them.” McRae, LLP v. Georgia Farm Bureau Mutual Insurance, 316 Ga. App. 526 (2012).

For the reasons set forth above, the evidence proffered and admitted at trial supports the judgment of the trial court. The trial court is not required to make detailed findings of fact, nor conclusions of law. To the contrary, the Appellant has the burden of pointing to the record and showing that the trial court’s findings are not supported by the evidence, and Appellant has failed to do that.

Appellant points to no authority requiring a trial court to enter findings of fact on a non-jury trial, and under Georgia law, no such findings are required. “[I]n all nonjury trials in courts of record, the court *shall upon request of any party made prior to such ruling*, find the facts specially and shall state separately its conclusions of law.” O.C.G.A. §9-11-52(a). Here, neither party made such a request, and Appellant has not pointed to any place in the record where Appellant made such a request. Further, Appellant made no Motion for New Trial, nor Motion to Amend Judgment under O.C.G.A. §9-11-52(c), and even if Appellant

had done so, that provision makes the findings permissive, not mandatory.

Sevostiyanova v. Tempest Recovery Services, Inc., 307 Ga. App. 868, 875 (2011).

The trial court's judgment should be AFFIRMED.

IV. CONCLUSION

For the foregoing reasons, the Court should AFFIRM the ruling of the trial court.

Respectfully submitted this 23rd day of December, 2013.

DOUGLAS L. BROOKS, P.C.

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IN THE COURT *of* APPEALS *of* GEORGIA
ATLANTA, GEORGIA

WILLIAM EBERHARDT)	
)	APPEAL CASE NO.:
<i>Appellant,</i>)	
)	<u>A14A0414</u>
<i>-versus-</i>)	
)	
AMERICAN EXPRESS BANK, FSB)	
)	
<i>Appellee.</i>)	
)	
)	

CERTIFICATE OF SERVICE

This will certify that counsel for Appellee has on this date served a copy of the foregoing **BRIEF OF APPELLEE** via United States Mail, with adequate postage affixed as follows to Appellant's Counsel:

Walter W. Furlong
WALTER W. FURLONG, P.C.
305 Lawrence Street
Marietta, Georgia 30060

Respectfully submitted this 23rd day of December, 2013.

DOUGLAS L. BROOKS, P.C.

DOUGLAS L. BROOKS

Georgia Bar No. 084725

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COURT OF APPEALS OF GEORGIA

RETURN NOTICE

December 10, 2014

To: Mr. Michael Bishop, GDC01022761, Cobb County Adult Detention Facility, Post Office Box 100110, Marietta, Georgia 30061

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

Court of Appeals Case Number and Style: _____

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

- There is no case pending in the Court of Appeals of Georgia under your name.**
- A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37.** Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.
- The Notice of Appeal must include a proper Certificate of Service.** A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.
- An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____
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.
- 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 have enclosed a copy of the Rules of the Court of Appeals of Georgia for your review.**

COURT OF APPEALS
OF Georgia

RECEIVED IN OFFICE

2014 DEC 10 PM 3:59

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

State of Georgia

Nadine Bellinger

Petitioner,

VS

Michael Bishop

Defendant,

APPELLATE Review 28:7

Petition to appeal

Warrant # 14-W-4032

Case # 14037064

Civil # 14-1-1615

T.P.O # 14-1-1615-99

Rule 30:6 APPEAL

Your Honorable Judge Cox, Procuting Attorney,
APPelette Judge and officer's of the Court's.

I, michael Bishop comes before you prayfully
To appeal, modify and dismiss current status and
Activity of case.

ON 10-24-14 I WAS scoulded by Judge Cox
(FOR NOT) filing for a modification to AN Phila Pa.
Cooustady Agreement between A ex-wife AND my self,
ON whom AN 2-8-14 abducted OUT children From
my Physical AND Primary CustidUAL CARE. UPON
Searching for more clarity of such opposite
Law VS Phila. courts, I am sure AN ERA has
been made.

Rule 24:11 Change of Condition ° NON CooustadIAL Parent
must file / modification of Residence of Custodial Parent
UNDER (UCCJEA) Act

Rule 32:411 GA. Courts did not/may not modify
32:9 A custody order of another state unless
it has Jurisdiction (Jurisdiction was awarded by
Perjured T.P.O. with officer help)

Said state of case, unfortunately the manipulation
of the courts in PA. AND GA. WAS enhanced by Tutolige
(of Sgt. Byrum). (Retaliation for formal Complaint)

Rule 22:3 Jurisdiction rule 19:10

Rule 32:4 which clearly points out qualifications
of Jurisdiction/modification + Home State issue,
which GA + Ex-wife are violating

19:20 change of Residence + who's Responsibility's

32:2 Jurisdiction

32:3

32:7 Enforcement of these Rights + Law's has

32:8 been denied to me by authorities of Cobb Co.
whom subsequently created my changes

32:11 UNDER UCCJEA: DEALS with enforcement of
child abduction

32:10 CLEAR guide line forenforcement if child/children
to be removed from state by NON custodial. WAS NOT
followed by officer of court VOR ex.

30:4 SANCTIONS → are just being ignored or swept.

30:2 Requirements UNDER JUDICIAL RUG:

31:2.7 COOPERATION OF NATIVE, PURPOSE, scope violated

20:7 violated

20:5 Jurisdiction over person/ILLEGALLY obtained

20:2 Discretion of this court has been null

Rule 32:3.30 Ga. Court must examine court documents

and other info. supplied by parties: 32:3.4 Foot Note

(I've supplied court documented and other evidence of fact,

and evidence of the willful, malicious, prosecution charge of

abuse from me to obtain children illegally with Cobb present

4 assisting with crime)

Rule 27:10.2 Clearly states change/modification to order must be New

action in county of Residence of the Custodial Parent (Leads me to imply

New action must be filed by Non Custodial Parent in Custodial

Parent Jurisdiction)

Foot note Mrs. Bellingren filed for New action in form of

Another fraudulent PFA, which Evidence from Court Documents

shows vacated next day. Then filed to Ga. again with help/

guidance of officers obtained which was denied a month

131:0 Prior in photo.

Rule 27:9, 28:6 Violation, 27:1

25:1 NO consideration/with supporting evidence, of harm to

children by mother has been recognized to date.

24: my parental Rights have been terminated in Ga. still though

Active in Jurisdiction state of Pa. for purpose of ex-wife

motive with New PVA mach

Rule 19:11 child welfare with Discretion (un Biased) of Judge

27:8 Despite my Initial engaging of present U, Cobb County

in Attempt to mediate violation/comtempt actions of ex-wife

I was retaliated upon

19:18 Every form of access to my children was/is Terminated by ex-wife I was, cell phones I purchased for such purpose, ex-wife, cell phones I purchased for such purpose, ex-wife, cell block my # and instructed kid's to hang up on me, also emails, text all communications from my protest to finding out from calling child school I was not listed as contact, parent etc. in event of emergency

19:15 Fam Violence: My EX. is ALWAYS Aggressor of conflicts then cry's victim from failed goal and fact that, ex-wife attempted to obtain an Fam Protection Order & Emer. Custody from Phila PA. (Jurisdiction venue) which was vacated by next day. Cobb Police refused to assist with verifying health/welfare of children where they were illegally abducted to by EX.

Lastly your HONOR'S

It was within the procedure guidelines for the courts of GA. (NON Jurisdiction Court) info = Evidence to determine on going procedures,

IF this happens, with proof in P.A. Fam. court records of attempted protection orders being vacated AND Police Det. determination of Perjured statement of fact. that GA. would have Issued T.P.O.

Markus Rhy
12-8-19

Defendant; Michael D. Bishop
Prays that with this motion
ALL CHARGES will be DISMISSED
AGAINST him within the
STATE of Georgia, Cobb County.

I Michael D. Bishop would
like to thank the Clerk
of Court AND the honorable
Judge with his/her time
with the filing of my
motion.

Pro Se
w/stby
counsel

THANK YOU
Michael D. Bishop

Michael Bishop
DATE: 10-13-14

x Treasure Blackmon
October 13 2014



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

December 10, 2014

To: Mr. David Earl Britt, GDC91060191, Gwinnett County Detention Center, 2900 University Parkway,
Lawrenceville, Georgia 30043

Docket Number: Style:

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

1. Your Application was not accompanied by the statutory filing fee, \$300.00 civil; \$80.00 criminal, or a sufficient pauper's affidavit. OCGA§5-6-4 and Rule 5 Please be advised that your pauper's affidavit should be notarized by a notary public.
2. Portions of the record included were not tabbed and indexed. Rules 30 (e) and 31 (c).
3. A stamped "filed" copy of the trial court's order to be appealed was not attached to your Application. Rules 30 (b) and 31 (e)
4. A stamped "filed" copy of the Certificate of Immediate Review was not attached to your Interlocutory Application. Rule 30(b)
5. Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)
6. There were an insufficient number of copies of your document. Rule 6
7. **You should provide a copy of your filing to the District Attorney and include his/her name and address on your Certificate of Service.**
8. **Your Certificate of Service did not include the complete name and /or mailing address of each opposing counsel and/or pro se party. Rule 1(a) and 6 The opposing counsel must actually be served with a copy of your filing.**
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

Count of Appeals of Georgia
David Earl Bait
The State
A15 D0149
Application for Discretionary Appeal
Brief and Enumeration of Issues

Trial Court, Barrow County refused appointment of counsel for
Assistance Only even after A.D.A. stated to the Judge, T. David
Note: it was for Assistance Only.
ART. I, SECT. 9 OF THE UNITED STATES CONSTITUTION 2:
The Privilege of the Writ of Habeas Corpus shall not be suspended, etc.
2: No Money shall be drawn from the Treasury. ART. III, SECT. 1
The Judicial Power of the United States shall be vested in one Supreme
Court etc. ART. 6, SECT. 2 The Supreme Law of the Land and the
Judges in every State shall be Bound Thereby, etc.

The United States Constitution ART. 1 The Right to Petition the
Government for a Redress of Grievances. ART. IV. NO WARRANTS
shall issue except upon Probable Cause. ART. V, Twice put in
jeopardy, etc.; deprived of life, liberty or property, without due pro-
cess. ART. VI, right to speedy trial, public trial, impartial jury,
Assistance of Counsel, ART. VII, Cruel and Unusual Punishment, influence
ART. IX Certain Rights shall not be construed to deny or disparage
others retained etc. ART. XII Neither Slavery or involuntary servitude
except as a Punishment for Crime whereof the Party shall have
been duly convicted etc. ART. XIV: No State shall make or en-
force any Law which shall abridge the Privileges or Immunities
of Citizens. The Process, The Equal Protection, 5: The Congress
shall have power to enforce, by appropriate Legislation, the
provision of this Article

14th Amendment to The United States Constitution and Clause
herein.
The Process Clause prohibits State and Local Governments
from depriving person of life, liberty or property without
Certain steps being taken to ensure fairness, IT'S EQUAL
Protection Clause requires each state to provide Equal
protection under the Law to All people within it Jurisdiction.
(1)

Brief and Enumeration of Error

14th Amendment and Clause therein
TEXT Section 5.

The Congress shall have power to enforce, by Appropriate Legislation, the provisions of this Article.
Meyer v. Nebraska (1923) The Liberty "protected" by the Due Process Clause without doubt denote not merely freedom from bodily restraint but also etc. In Plessy v. Ferguson (1896) The Supreme Court held that state could impose segregation so long as they provided similar facilities - The formation of the "separate but equal" doctrine segregation by itself was harmful to Black students and so was unconstitutional, Bill of Rights The 14th Amendment, incorporation doctrine 1st 2nd 4th 5th 6th 8th
In 1878 The Congress enacted a "General" removal of Section 3rd limitation; Participants in Rebellion, any person who held any certain office etc.

Any suggestion that Congress has a substantive, non-remedial power under the 14th is NOT supported by our case law. Georgia ratified the Amendment July 21st 1868

Georgia Constitution, "Relying upon the protection and guidance of Almighty God (Jesus Christ). ART. VI, Sect. 1, Parag. 11 All Courts of the State shall comprise a unified judicial system. Webster's Dictionary Unify: TO Unite.

10 = X Legislation enacted pursuant to this parag. shall not deny Equal Protection of the Law etc. Enact Legislation providing for, "Pilot Program", Courts which are not uniform within their classes in jurisdiction. ART. VI, Sect. V, Parag. 11 Jurisdiction, of The Court of Appeals of Georgia; Decisions Binding. ART. VI, Section VI J. Q. C. After Applicant submitted a complaint to The Commission Judge Debra Turner received herself from 2-pending cases and a 2005-2006 case maxed out 2010, response pending in The J. Q. C. 2 more Official reported since this initial report Judge T. David Mote this case Superior Court of Bullock County 14-CR-995-X and The Clerk of The Superior Court of Cowdett County. ART. I, Sect. 1, Parag. XXIV Cost of Transcript from the

Brief and Enumeration of Errors

Barrow County Superior Court for Transcript Will be expected from this Applicant if Application Granted.

Appeal Status herein The Supreme Court of Georgia, Barrow County Superior Court, The United States District Court has COST that are invisible to some but to this Indigent Inmate Postage is A privilege when Fund are available, but a Transcript is going to be a Problem. Parog. 22111 would be the result. Funding for Assistance has been requested from Barrow County Superior Court with "Silent" response, NO Appeal.

O.C.G.A. 5-6-46 - 5-6-47 in 5-6-46(A) in Civil Case the Notice of Appeal filed shall serve as Supersedeas and it shall not be necessary that a Supersedeas Bond or other form of Security be filed. O.C.G.A. 5-6-135 (H) The Application shall serve as Supersedeas; In The Gwinnett County Superior Court A Petition for the Writ of Habeas Corpus was filed on April 2nd 2014 with a silent hearing on June 2nd 2014, Applicant filed a timely notice of Appeal and Application for Certificate of Probable Cause to Appeal being Docketed in The Supreme Court of Georgia July 2nd 2014 - S14-H162.

14-A-02909-2 in The Superior Court of Gwinnett County. Ineffective Assistance of Counsel in Pre-Trial, Trial, Mistrial, Sentencing 07-B-482-2 August 1st 2007, sentenced December 11th 2009. This Charge indictment was from that sentence as to Register as a Sex Offender was combined (merged) into the sentence as a Special Condition. That sentence and conviction by plea; not The Plea agreed upon, is under review in the Supreme Court. Suspend the sentence on July 2nd 2014, before this indictment. In *Florez v The State*, 311 Ga. App. 378, 715 S.E.2d 782 (2011) this is Automatic Supersedeas depriving Action by the Trial Court 5-6-46(A) Cent. Dismissed 2012 Ga. Lexis 64 (Ga. 2012). *Vowell v Carmichael*, 235 Ga. 387, 219 S.E.2d 732 (1975) Supersedeas was from time of filing. This indictment occurring as a consequence and part of that sentence should be held as Suspended also; (1975) Op. Att'y. Gen. NO. 75-30, due to the Notice of Appeal depriving the Trial Court of Jurisdiction to proceed. See Transcript submitted herein November 26th 2014 from Probation hearing on July 18th 2014. *Tyree v Jackson* 226 Ga. 642, 177 S.E.2d 159 (1970); *Walker v Walker*, 239 Ga. 175, 236 S.E.2d 263 (1977).

Brief and Enumeration of Error

State did not properly inform of consequences and relevant circumstances was not cognizant of rights waived State failed to carry States burden to have transcript prepared and the Trial Court Erred by accepting a Guilty Plea. *Agerton v The State*, 191 Ga. App. 633, 382 S.E.2d 417 (1989)

The Trial Court in Barrow County in this Applicant's only appearance in that Court on September 11th 2014 read the indictment herein; (demerces Argued), A 30-year sentence, Punishment for such a violation can be given if proven Guilty Beyond A Reasonable Doubt; (A Void Warrant), Also Argued, Cannot be used as evidence against Applicant but the same Swearing Deputy testified before the Grand Jury with the same Allegation used to take the Warrant. (Without probable Cause, Argued)

The Habeas Corpus Action was suspended in the Trial Court without Authority. The Cost of the Habeas Petition upon filing is being deducted from Davis Britt Inmate Account. 91060191 Gwinnett County Jail at 20% of All deposits until the 20% filing fee is paid and the 50% per service (Summons), 2 herein 1 Gwinnett County Jail, Corporation 1 Sheriff Butch Conway Corporation 304.⁰⁰ Total. See O.C.G.A. 42-12-3, O.C.G.A. 9-14-53 There is NO Authority for these Charges to be, The Clerk of the Superior Court of Gwinnett County refused to Transmitt Records until; "All Cost Are paid in Full" for Appeal.

Argument in the Supreme Court of Georgia Also, see Constitution of The State of Georgia ART. VI, Sect. VI, Parag 11 (1), and Parag. 15. Wherein this Application was first Docketed S15 D0187. O.C.G.A. 9-14-53 United States Constitution ART. III Sect. 1-7

ART. VI, Sect. 11; see page 1 herein. ART. XIII Applies not only to the Above Argument but also to the consequence of the (Void), sentence O.C.G.A. 42-1-12 herein if this Applicant can be Duly Convicted upon this indictment then this mechanism has punishment and a sentence of 1 to 30 years. Registration Requirement. (see sentence "Final Disposition" Special Conditions therein).

14th Amendment a Due Process and Equal Protection Violation has been committed, NO Attorney; for Assistance ONLY, to be Appointed before the Trial, NO Appointed ASST. in Arrest, Miranda, Committal, Preliminary because there was none of the Above listed given before the Indictment that Occurred

Brief and Enumeration of Error

While Suspended Sentence was and is being reviewed, Equal Protection, Applicant would rely on Barrow County Superior Court Judge and District Attorney's Office and Public Defender's Office for this Argument of Equal Protection. Applicant is a United States Citizen, Native of Georgia, Guinness Resident for Life, A person within these Courts Jurisdiction. Applicant's Consequences of this Sentence Segregates Applicant without providing Similar Facilities, Housing, Job, Resources etc. Freedom of Religion is UNAVAILABLE, The Only Religion Allowed and to Applicant, The Only One Needed is Fellowship with my God Jesus Christ, but this However does NOT Justify this Sentence. The Congress shall have Power to enforce, by appropriate legislation, The Provisions of this Article.

O.C.G.A. 5-6-47 Because of Indigence, 1 year served from 2005 to 2006, 5 years served on this Charge^(S) 07-B-4802-2, 10 month's Appax. on this same Charge^(S) 07-B-4802-2 (Illegal) Argued and following Case^s cited Due to Poverty stated in each Motion for Bond without Contest from Respondent, Appellee Automatic Supervisors in the Habeas Corpus Application in the Supreme Court of Georgia was due upon Docketing and Notice of Appeal in the Superior Court of Guinnett County, see Web-Site of Both Courts. No Respondent (Appellee) in either Court, August 8th 2014 Stephen Ferrell B.D.A. had a motion to Dismiss Docketed (filed) in the Supreme Court of Georgia, without service being made on this Applicant thus date November 28th 2014. NO Service being forwarded by this Applicant since last date showing on website for the Supreme Court on Case S14H1622, Respondent Appellee was served All Submissions to the Supreme Court S15D0187 herein A15D0149 until November 24th 2014, last submission herein made on November 26th 2014, no copy on Respondent, (service), however a Notice of Appeal was served on Superior Court of Barrow County Clerk on the same day. (See Certificate of Service and Copy of Notice). Stephens vs. Bibb County Mfg. Co., 45 GA. App. 282, 164 S.E. 221 (1932). Pauper's affidavit submitted in All Courts by Applicant. Rule 6 Frivolous Appeal Supreme Court of Georgia, Applicant herein and therein, filed and Docket S14H1622 Motion for Sanctions. O.C.G.A. 5-6-48 (D) Munday vs. Brissette, 113 GA. App. 147, 148 S.E. 2d 55, rev. on other grounds 222 Ga. 162, 149 S.E. 2d 110 (1966).

Brief and Enumeration of Error

Exactly what judgement was appealed from and what errors were asserted, and a liberal construction of the Appellate Practice ACT, O.C.G.A. 5-6-30 et seq., required the Court to exercise the Court's discretion to reach the merits of the case. *Leslie v. Williams*, 235 Ga. App. 657, 510 S.E.2d 130 (1998); *Reeder v. Gmac*, 235 Ga. App. 617, 510 S.E.2d 337 (1998). Failure to file Transcript is no longer ground for Dismissal of Appeals by Appellate Court: *Jackson v. Fincher*, 128 Ga. App. 148, 195 S.E.2d 762 (1973); *State v. Jackson*, 188 Ga. App. 259, 372 S.E.2d 823 (1988); Constitution of The State of Georgia ART. VI, Sect. 10, Parag. 11 *Cox Enter's, Inc. v. Southland, Inc.* 226 Ga. 794, 177 S.E.2d 653 (1970), Cert. denied, 401 U.S. 993, 91 S. Ct. 1231, 28 L. Ed. 2d 531 (1971), Defendant's Motion to Dismiss denied when the plaintiff had filed affidavit of Indigency. *Carter v. Fulton - DeKalb County Hosp. Auth.*, 209 Ga. App. 384, 433 S.E.2d 433 (1993); *Carter v. Fayette County*, 287 Ga. App. 175, 651 S.E.2d 108 (2007). See *Wiggins v. State*, 288 Ga. 169, 702 S.E.2d 865 (2010), Cert. denied, 131 S. Ct. 2906, 179 L. Ed. 2d 1251, 2011 U.S. Lexis 4005 (U.S. 2011). *Sotter v. Stephens*, 291 Ga. 79, 727 S.E.2d 484 (2012), Judge did not have the discretion to deny permission. O.C.G.A. 9-14-11 This Applicant was not before the Court when the Respondent filed a Answer and motion to Dismiss and June 2nd 2014, 2 months after the Petition was filed was the 1st hearing date and "State wasn't ready". This Original Case in The Barrow County Superior Court was due to a Sentence from 2009 where Applicant completed in 5 years (mandatory) prison term before entering the probated term of 10 years. The Trial Court by exceeding the max. Punishment on O.C.G.A. 16-6-5, had the discretion to rule on the issue in the State Habeas Petition 14-A-02909-2 by reviewing the Petition, the Answer and The Traverse but instead ignored Applicant's Constitutional rights and continued hearing of Probation proceedings and Habeas proceedings even afterocketing July 2nd 2014. A hearing for Probation Revocation proceedings were continued on several occasions (date), up until October 31st 2014 when no hearing were given. November Judge Turner Under 2 Separate Order recused her-self on 3 Separate Cases. Voluntarily USCR 25.33

Brief and Enumeration of Error

Under O.C.G.A. 5-6-30 et seq. This Court and the Supreme Court of Georgia 9-14-52, have jurisdiction, Evidence, Argument from before this sentence in 2009, to consider the violations, to liberally construe Appellate Case's being presented pro-se, (illicit in law, given might guide etc. All things by God), to properly make a favorable ruling for Applicant (and Marking), and a decision on the merits. *Pharo v. Bank of Am. N.A.*, 321 Ga App. 465, 740 S.E. 2d 882 (2013).

Herein Applicant's Prayers for relief by The Honorable Judge in *Ex Expedite*, (respectfully), Mayor will be gratefully Acceptable and any other relief Available herein.

Respectfully Submitted,
David Britt No. 8-
91060191

2900 University Pkwy.
Lawrenceville, GA.
30043

David Britt pro-se Applicant in the Enclosed ADD's this Brief and Enumeration of Error to the records in this Court with Court permission herein on this Court, Court of Appeals of Georgia only, NO SERVICE OR RESPONDENT APPEALS. NO ANSWERS THEREFROM.

David Britt

Please Submit to Record's herein with Request for Leave, (Permission), of this Court's Judges. (Respectfully)

Luke 9:1

December 7th 2019

Court of Appeals of Georgia

Davis Britt Rose

Application for
Discretionary Appeal
#15D0149

Final Arguments

Due indicted and tried under an Unconstitutional Statute
may, even after final conviction, obtain his discharge from custody
on a writ of Habeas Corpus. Hamrick v Cant, 293 Ga. 259,
253 S.E.2d 227, 1979 Ga. Lexis 876 No. 34508 March 6,
1979. Bunn v Bunn, 237 Ga. 439 (228 S.E.2d 830 (1976))
a nullity which confers no subject matter jurisdiction
on a court to convict and sentence under its provision.
Riley v. Garrett, 219 Ga. 345 (138 S.E.2d 367 (1963)). This
indictment 14-CR-995-X could not even have happened if appli-
cant would have refused to initial and sign blanks presented
on form from Sgt Dawson on other party's where applicant was
threatened with the same threat, "Sign or go to Jail". A
void sentence imposed according to sentencing code O.C.G. #. 17-
10-1. 10 years was Max. (Sentencing Transcript), Page 7 1 to
10 O.C.G. #. 16-6-5. 15 years concurrent with CT's 1 and 2.
CT 3 should never have even occurred, as 1 on 2 fact of
law. Pro-se defendant contested evidence filed on as Tam-
pered with and poisonous fruit, perjured statements by
Detective Ashby, Nothing recorded - statements by alleged
victim, victim's mother, or defendant, upon questioning by Det
ective. Coerced waiver consent to search. Suggestion
hearing never held. To many inconsistencies in Trial, Jury's
Grand Juror Adversary, Clerk, Petit Jury, Equivalents (Not from
my neighborhood or side of town). Known by A.D.A. Selections
process objected to by defendant, (Disregarded by Judge Turner)
ext. Jury selection, Pre-Trial, Mockery of Justice by Officials.
mistrial called and counters to state, no new trial date
set 10 months later, 2 years 4 months with speedy trial
pending. Guinnett County has 4 terms yearly, 5 years
mandatory requirement, spoken by Stecy Levy, prison term
Judge Turner could have probed entire sentence 17-10-1

FINAL Argument

This Indictment Comes as a result of consequence of a questionable conviction (Illegal, Unconstitutional, Argued, AND Void) (Argued) Sentence, where a "Special Condition" of Probation § - 9, 10 A.D.A. General Conditions Waived without Any Consultation; Ms. Levy. Special Conditions here mentioned for the 1st time, NO Code given, NO explanation etc. of Sex Offender Status, and merge; the most important NO Contact provision page 10 - Lines 8 thru 19 this did not seem to be a Probation or Special Conditions still not giving consequences of a "Felony" Charge if this "Special Condition" NOT met. The General Assembly, The Supreme Court of Georgia and This Court have all made known that Trial Courts, (Judges Specific- All) referred to, are to make known the consequences of a Special Condition. Not stated during entire prosecution, Pre-Trial - MISTRIAL, Sentencing, Post-Trial etc. Until having to go over these requirements with Probation Officer M-Lendon after release 2 years 8 months later. Page 11 line 16 - 21. This centering with Counsel was about a 5 year mandatory prison term, not a consequence of a 1 to 30 year possible sentence that could merge from this sentence or a lifetime report or any of the consequences, 1" Amend., Exposure, 1000 ft., etc. to by A.D.A., Ms. Levy and Judge Turner page 11-12, Lines 20 thru 25 talk about competency to enter plea, no plea as such as this stated nowhere during oral sentencing or on sentence form "Final Disposition". A Factual Basis is NOT all that Alford v. Carolina State, Judge Turner cut statement therefrom short. Facts herein listed on page 3-4, nothing was recorded by Detective Ashley. Page 14 very important and very specific, Lines 21 - thru page 15 give Trial Judge Debra Turner's recitation of consequences and requirements. "While you are on probation", strict confinement of sentence have always been required in applicant's long criminal history, there was NO Code section spoken or put into writing etc. Applicant thought this to be a definite sentence of 15 years MAX. and nothing else.

Final Argument

provided Any Reason for thinking otherwise - Nothing

Until "Sign and Initial or go to Jail" 5 year was

Just completed less than a week before being given this

Alternative (Threat). Loya vs State Max requirements

Explained therein. O.C.G.A. 42-1-12 et seq. if violated, Indis-

threat herein; (without sufficient evidence). (void warrant not

shown to Grand Jury Indicting Charge), no mittimus, no

Commital, no Preliminary, No Notice, no Attorney, for-

actions exist beyond reason. 14 Penn. Doc Pass. Life Liberty etc

In Taylor vs. The State, 304 Ga. App. 878, 698 S.E.2d

384 - 2010 Ga. App. Lexis 673, A10P0026 July 8, 2010

decided by this Court, already listed in Submissions in this

Case, this Court reversed the holding that Counsel was not

deficient in failing to advise defendant that pleading Guilty

subjected him to Sex Offender Registration, Trial Counsel Stacy

Levy and Robert Greenwald (Respectively) barely able to say

this sold defendant out no witness were called to

dispute Detective Ashley's Allegations of initial Outcry inves-

tigation, more corroboration to this Outcry was made, witness

child defendant that this same child had done this before (made

false statements - similar Transcripts), no suppression hearing

was investigated, investigation for defendant could not get

statement known said witness 1-in-1000 when questioned

The other on Crack-Rock, high 1000, paid for not over 1 hour

work) DA, with Criminal History to testify. (To what? for

offendant paid, 1500, 2 Attorney combined paid 2 amounts

All Approved by Trial Judge Debra Turner, who Along

with A.D.A. Alston M'earney And Stacy Levy, Tampered

with Evidence disregarded Applicant's Concerns of Juror

Clerk Linda Rice Grand Juror, disregarded Applicant's Right

for Assisting Attorney with Jury Selection, made Jurors

Change their mind about views initially spoken, made Unprofit-

Stacy remarks to Juror, spoke to Juror as if she knew

them as neighbors, let sentence be given that Exceeded

Max Punishment and required a lifetime of Outrageous

Protection? (Questionable as legality to this

Specific Part of Sentence also) Loya - herein Prejudice shown

by Attorney Stacy Levy, Rob Greenwald, Alston M'earney,

Final Argument

Petitioner see Judge Turner, Turner v Grand Jury and Mistrial transcripts sub-

mitted to the Supreme Court of Georgia and possibly trans-

ferred to this Court (?) In Taylor, this Court noted that

that Court Error, that would be putting it lightly herein.

This Applicant begged for a Trial and was willing to

go with the Jury selected by these Officials, to no avail.

motion filed as Pro-se were disregarded - Attorney Stacy

levy was Judge's Choice regardless of Applicant's objections

or request, speedy Demand put to side - no avail. As in

this case as stated, this Court in Taylor plainly states

that a direct consequence of a guilty plea is one that

lengthens or alters the pronounced sentence, herein a

definite immediate, and largely automatic effect on the

range of the defendant's punishment. If indictment stands

and process as given, Pratt v O.C.G.A. 42-1-12 carries a

penalty of 1 to 30 years. Not a mechanism or an

imaginary way of saying don't do again but 30 years of

possible prison term. (Respectfully, trying). Nothing

collateral about these consequences. This Applicant had no need

to report to a Probation Officer in Guinnett County while

Probation had been transferred to Barrow County, Worcutt or

something taken against Applicant (October 1, 2012. This

Applicant had no need to report a change of address to SGT.

Turner when all of requirements had been met for residence

to be approved on August 13, 2012 according to SGT. Dawson

Probation transcript April 10, 2014. This Court November 12, 2014

submitted. Reliance on a testimony from a 86 year old who

was scared to death. (Not of Applicant) but exploited in

some manner, not only once but also twice? (Questioned

if Uncle Ray was personally present for Grand Jury indictment

in Barrow County? False statement made by Probation

Officer Steve Morgan several times while Under Oath

Applicant's Cross-Exam, but short a time by Trial Judge

April 10, 2014 Probation hearing. July 18, 2014, Probation

hearing false statement made by Stephen Fern as Applicant

had not submitted anything for Respondent Appellate

Final Argument

to The Supreme Court of Georgia, Proof would be in that Court's records, Living, Working, Volunteering, Worshipping to The Dictate of One's desire. My God is The Only Desire I have for Fellowship, Praising Him and Him Only Jesus Christ. 14th Amend. Due Process Life, Liberty, Property. Cost being deducted UNAUTHORIZED from filing fee to Contest this (Illegal Detainment), (False Imprisonment), etc. by The Clerk's Office of Gwinnett County 14-A-02909-2, Denying Access to The Court for Appeal and Defense in this proceeding in Barrow County and herein O.C.C.A. 42-12-4 does NOT pertain to Habeas Corpus proceedings or appeal. O.C.G.A. 5-6-35 et seq. O.C.G.A. 9-14-52 - 53, 9-14-11 and 9-14-48 NOT followed by State. Applicant was to be taken before The Habeas Court when Answer was given, NOT by U.S. Mail. Ambiguities or inconsistencies in proceedings or both herein this Applicant's entire Criminal History are being exposed by My God John 3:20 2-Peter 3:10: In Gwinnett County Registration Department The Deputy's Come Out and Check-up on Registrants on A Regular basis, in Barrow County SGT. Dawson said they're required to do this at least Once A year. These are new developments to Applicant since Contesting this "Consequence" Punishment; (9 months since arrest date incarcerated, which would had to be dealt with if Applicant refused to initial and sign right after release although no indictment in Barrow County would have had to be contested but possible one may have been sought in Gwinnett? Questionable. Public dissemination of name and other information doesn't stop at Applicant, but involves family and associates. Website worldwide. In Taylor, The negotiation of A Plea bargain is a critical phase to Amendment etc. This is NOT The Only Argument here, this case is one where this is NOT The Plea Agreed to. Taylor was given 10 years for 2 CT's of Child molestation to serve 1?, 9 remaining on Probation. Liberty County. (Presumably with 2 paid attorneys) Circumstances not available in case cited. Questionable. Herein this same facility A Associate Inmate Mark Messner was given a waiver to sign for 6 months, Numerous times violating this Sex Offender

Final Argument

Registration in this same Circuit Probation Officer - Steve Morgan; Released, and is now back again same charges. Same P.O. Approx. same sentence recommendation as for this plaintiff 3 years for plaintiff, Applicant to serve for the Probation department to agree waiver, this indictment would still need to be dealt with afterward. Possible 30 years.

Mark Morgan 4 years recommended charge O.C.G.A. 16-1-12 plus Probation. Outrageous. Steve Morgan P.O. both inmates P.O. and Andy Piper Blake's ABO. In Taylor Deportation is stated as a nearly automatic result following certain criminal convictions, in sex offender status of this Applicant has led to a charge and indictment with a penalty of possible 30 years punishment, not a mechanism, not Deportation. Service of a maximum prison term of whatever number of years given between 1 to 30 would require the maximum term. Homeless status no parole, see Winn v. Swannett Court, NET State vs David Britt 05-B-4802-2. Parole and declined (recall; too many uncertainties) no job etc. sex off. status. Parole is unavailable to this Applicant.

The case at hand; indictment, motion denied for squashing indict. Speedy viol. Dismiss charges, Jurisdiction, Const. viol. etc. filed by this Applicant in the Superior Court of Barrow County if not granted rights by this Court to appeal or any relief herein available will be contested until exhausted or favorable ruling is made available in the Courts of the United States and etc. This Court stated in Taylor that it is the responsibility of this Court under the Constitution^(s) to ensure that no "Criminal" (argued) defendant... is left to the mercies of Incompetent Counsel. This pro-se Applicant may be Incompetent but is very persistent.

Pray Applicant Pray this Honorable Court to notify this Applicant as expeditiously as time allows and for a favorable ruling on issues available this Court.

Respectfully Submitted,
David Britt

Home Back to Search State Vs Britt

State Vs Britt

Case Information

Case Number: 07-B-04802-2

Filing Date: Tuesday, October 23, 2007

Case Type: Indictment

Disposition: Sentenced

Category:

Disposition Date: Monday, December 14, 2009

Courts: Superior Court Criminal

Disposition Manner:

Filing Type: Sexual Offense

Official: Judge Debra Turner

Scheduled Events

Date	Time	Location	Event	Party	Status
12/13/2007	9:00AM	3F	Arraignment	David Earl Britt	
05/29/2008	1:30PM	3E	Motion Hearing	David Earl Britt	Withdrawn
08/29/2008	8:30AM	3C	Status Hearing	David Earl Britt	
09/11/2008	9:00AM	3F	Motion Hearing	David Earl Britt	Granted
04/28/2009	9:00AM	3E	Status Hearing	David Earl Britt	Unscheduled
12/11/2009	9:00AM	3F	Plea Hearing	David Earl Britt	Plea Entered
03/14/2014	1:00PM	3G	Status Hearing	David Earl Britt	
04/10/2014	1:00PM	3F	Probation Revocation Hearing	David Earl Britt	
06/13/2014	9:00AM	1D	Probation Revocation Hearing	David Earl Britt	Continued
07/18/2014	1:00PM	1D	Probation Revocation Hearing	David Earl Britt	
08/28/2014	1:00PM	3E	Probation Revocation Hearing	David Earl Britt	Continued
10/31/2014	9:00AM	3E	Probation Revocation Hearing	David Earl Britt	

TRANSCRIPT NO ALIEN

Suppose to be Probation Revocation but Applicant wasn't taken to court see Petition for Revocation 3-3-14

Party Information

- David Earl Britt (Defendant)
P.o. Box 3877 Ga Diagnostic & Classification Prison 1221293, Jackson, GA 30233 DOB Year: 1957, Race: White/hispanic, Sex: Male
- Stacy S Levy (Attorney For Defendant)
Bar #: 449465, Tel: (770) 682-3006
- Robert Greenwald (Attorney For Defendant)
Bar #: 309168, Tel: (770) 513-3173
- Michael M White (Attorney For Defendant)
Bar #: 753630, Tel: (770) 378-4856
- Gina M Grady (Attorney For Defendant)
Bar #: 304014, Tel: (404) 479-5353

Why keep setting calendar - IF Determined by Judge Lewis AND Judge Turner TRIAL COURT don't have Jurisdiction?

AND IF TRIAL COURT don't have Jurisdiction due to Docket 5/14/16 22 July 2, 2014 in the Supreme Court of Georgia How can Barron Co. have Jurisdiction to indict Under a Suspended Sentence?

Charges

David Earl Britt

Also BENCH Demand Speedy Trial Time Expired 2-6-17 Accepted by Judge notes 17-7-17-590-11-2014

Child Molestation on 07/01/2007. Code 16-6-4(A), Child Molestation. Sentenced Under Alford Plea on 12/11/2009. Sentenced on 12/11/2009: Probated-Time To Serve. Fines and surcharges of \$200.00. Probation of 10 Years. Confinement of 5 years. CFTS.

COUNT 2

Child Molestation on 07/01/2007. Code 16-6-4(A), Child Molestation. Sentenced Under Alford Plea on 12/11/2009. Sentenced on 12/11/2009: Probated-Time To Serve. Fines and surcharges of \$0.00. Probation of 10 Years. Confinement of 5 years. CFTS, CONC W/ 1,3.

COUNT 3

Enticing a Child on 07/01/2007. Code 16-6-5, Enticing A Child For Indecent Purposes. Sentenced Under Alford Plea on 12/11/2009. Sentenced on 12/11/2009: Probated-Time To Serve. Fines and surcharges of \$0.00. Probation of 10 Years. Confinement of 5 years. CFTS, CONC W/ CT 1,2.

17-10-1 - violation

Exceeded MAX 10 year Penalty

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

December 12, 2014

To: Mr. Robert D. Glover, GDC813029, Dodge State Prison, Post Office Box 276, Chester, Georgia 31012

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

Court of Appeals Case Number and Style: _____

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

- There is no case pending in the Court of Appeals of Georgia under your name.**
- A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37.** Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.
- The Notice of Appeal must include a proper Certificate of Service.** A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.
- An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____ The remittitur issued on _____ divesting this Court of jurisdiction. The case decision is therefore final.
- Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the _____ is: _____
- If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.
- A request for an out-of-time appeal should be made to the trial court from which you are appealing. If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.**

* FILE COPY AND RETURN *

IN THE COURT OF APPEALS OF GEORGIA

Heather M. Glover
Petitioner / Appellee

Paulding County Civil
Case No.: 13CV4416TB

v.

Robert D. Glover
Respondent / Appellant

MOTION FOR AN OUT-OF-TIME APPEAL

Comes now the Respondent/Appellant, Robert D. Glover, in the above styled matter, and moves this Court to grant him leave to file an out-of-time appeal from the order granting a temporary restraining order on December 16, 2013. In support of this motion, the Respondent/Appellant shows the following:

Procedural History

Respondent/Appellant was served with the Sheriff's Entry of Service on December 16, 2013. A hearing was held and the Petitioner's/Appellee's Petition for Stalking Temporary Protective Order was granted on the same date of December 16, 2013.

Basis of Appeal

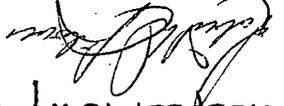
The Respondent/Appellant makes this his application for an out-of-time appeal on the basis he was not given reasonable notice and opportunity to prepare for and be heard sufficient to protect his due process rights.

Exhibit 1

The attached Sheriff's Entry of Service Shows Respondent/Appellant was served on the 16th day of December at Dodge State Prison by a Deputy of Dodge County Sheriff's Office.

12-8-14 

Robert D. Glover, Pro-Sc


Respectfully Submitted,

Return Address:
Dodge State Prison
P.O. Box 276
Chester, GA 31012

Dated: 12-8-2014

Wherefore, the Respondent/Appellant prays that this motion be inquired into and granted.

The Court of Appeals, rather than the Supreme Court, has jurisdiction of this case, granting or denying temporary restraining orders, Georgia State Statute 5-6-35(a) and Georgia Constitution Article VI, Statute V paragraph III because jurisdiction over this case is not reserved to the Supreme Court under Georgia Constitution Article VI, Statute VI, paragraphs II and III, and a constitutional due process violation exists therefore a reversible error appears to exist.

See attached Stalking Ex Parte Temporary Protective Order, number (B), "... the Court ordered that the Respondent be given reasonable notice and opportunity to be heard sufficient to protect the Respondents due process rights..." As is evidenced by exhibits 1 and 2, Respondent/Appellant was not given an opportunity to be heard contrary to number (B) of this exhibit and his due process rights.

Exhibit 3

The attached Stalking Ex Parte Temporary Protective Order, number (4), orders, "That the Respondent appear before presiding Judge, on the 16th day of Dec. 2013 at 1:30 p.m. in courtroom 2 of the Paulding County court house at Dallas, GA, show why the demands of the Petitioner should not be granted." The Respondent/Appellant was served with the Sheriff's Entry of Service on the same day as the hearing.

Exhibit 2

CERTIFICATE OF SERVICE

This is to certify that I have this day served the opposing party to this action with a true and correct copy of the within and foregoing Motion For An Out-of-Time Appeal

The following have been served by placing the same in the United States Mail with adequate postage thereon to ensure prompt delivery and addressing it to:

Clerk of the Court of Appeals of Georgia

Suite 501

47 Trinity Avenue, S.W.

Atlanta, GA 30334

Raiding County Clerk of Court

Treva W. Shelton

11 Courthouse Square

Dallas, GA 30132

Heather M. Glover Appellee Pro-Se

4928 Mt. Taber Rd.

Dallas, GA 30132

Dated: 12-8-14

Respectfully Submitted,



Robert D. Glover

Respondent/Appellant Pro-Se

Return Address:

Dodge State Prison

P.O. Box 276

Chester, GA 31012

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

December 12, 2014

To: Mr. Hong Seop Chae, GDC1000209474, Macon State Prison, PO 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: Please return all materials returned to you with form dated November 26, 2014 along with the order denying the Motion for an Out-of-Time Appeal to this Court for filing.**

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

COURT OF APPEALS OF GEORGIA

DECEMBER 7th 2014

RECEIVED IN OFFICE
2014 DEC 10 PM 3:54
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

HONG SEOP CHAE,
GDC # 1000209474

-YS -
STATE OF GEORGIA,

DOCKET NO: A1420442

MOTION TO INCLUDE COPY OF COURT'S ORDER
RULE 30 (b) AND 31 (c)

DEAR CLERK,

I AM RESPONDING TO YOUR REQUEST THAT I
SUBMIT A STAMPED FILED COPY OF THE TRIAL
COURT'S ORDER, WHICH I AM NOW SUBMITTING
AT THIS TIME. I WAS UNDER THE IMPRESSIONS
THAT I HAD INCLUDED ONE WITH MY NOTICE
OF APPEAL, AND I ASK THE CLERK TO PLEASE
NOW ACCEPT THIS ORDER, AND HOPEFULLY THERE
WILL BE NO OTHER ERRORS ON MY PART.

Respectfully, this 7th day of December, 2014

GDC # 1000209474

MACON STATE PRISON

P.O. Box 426

ORLEANS, GA. 31068

2014 OCT 28 PM 3:44

RECEIVED
NOV 04 2014 *

STATE OF GEORGIA,

Mailroom
Macon S.P.

Indictment No. 08-B-44349
~~RICHARD ALEXANDER, CLERK~~

v.

HONG SEOP CHAE,

Defendant.

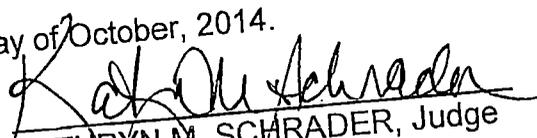
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Defendant's Motion for an Out of Time
Appeal Challenging Judge's Procedural
Order with a New Substantive Law
Governing the Unlawful Sentences on
Trial Counsel's Conflict of Interest filed
10/15/2014

ORDER DENYING DEFENDANT'S MOTION FOR AN OUT OF TIME APPEAL
CHALLENGING JUDGE'S PROCEDURAL ORDER WITH A NEW SUBSTANTIVE LAW
GOVERNING THE UNLAWFUL SENTENCES ON TRIAL COUNSEL'S CONFLICT OF
INTEREST

The foregoing Motion for Out of Time Appeal Challenging Judge's Procedural Order with a New Substantive Law Governing the Unlawful Sentences on Trial Counsel's Conflict of Interest filed *pro se* by the Defendant on October 15, 2014, having been reviewed and considered, said Motion is hereby **DENIED**. Defendant's motion did not allege that his failure to file a timely direct appeal from his 2010 conviction by guilty plea was the result of ineffective assistance of counsel. See McMullen v. State, 292 Ga. 355, 356 (2013). Nor can Defendant's motion be construed as one for habeas relief because it was not filed in the county of his detention. O.C.G.A. § 9-14-43.

IT IS SO ORDERED, this 28th day of October, 2014.


KATHRYN M. SCHRADER, Judge
Gwinnett Superior Court

Copies to:

Karen Seeley-West, Assistant District Attorney
District Attorney's Office

Hong Seop Chae, #1000209474
Macon State Prison
P.O. Box 426
Oglethorpe, Georgia 31068

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

December 12, 2014

To: Mr. David Britt, GDC91060191, Gwinnett County Detention Center, 2900 University Parkway,
Lawrenceville, Georgia 30043

Docket Number: A15D0149 **Style:** **Darrin Earl Britt v. The State**

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

1. Your Application was not accompanied by the statutory filing fee, \$300.00 civil; \$80.00 criminal, or a sufficient pauper's affidavit. OCGA§5-6-4 and Rule 5 Please be advised that your pauper's affidavit should be notarized by a notary public.
2. Portions of the record included were not tabbed and indexed. Rules 30 (e) and 31 (c).
3. A stamped "filed" copy of the trial court's order to be appealed was not attached to your Application. Rules 30 (b) and 31 (e)
4. A stamped "filed" copy of the Certificate of Immediate Review was not attached to your Interlocutory Application. Rule 30(b)
5. Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)
6. There were an insufficient number of copies of your document. Rule 6
7. You should provide a copy of your filing to the District Attorney and include his/her name and address on your Certificate of Service. Rule 6
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: The above referenced application (A15D0149) was dismissed on December 10, 2014.**

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

Superior Court of Barrow County

DAVID BIRTH
v.
The State

Notice of Appeal
14-CR-995-X
A 15 D 0149

Notice of Appeal

Come^s NOW Appellant in this Court pro-se and notifies this Honorable Court of Application for Discretionary Appeal being Docketed in the Court of Appeals of Georgia. Said Application being transferred to that Court due Jurisdiction, from the Supreme Court of Georgia S.D. 0149 therein.

The Respondent in this Circuit has not served notice of any response to either Courts - November 26th 2014.
O.C.G.A. 5-6-41 - 43 Appellate Act requires the Clerk to transmit records, Transcript etc.

Appellant herein this Court respectfully request this Clerk to have Transcript prepared and transmit said along with all records herein omitting nothing.

Trial Court Order^s etc. Order (overruling), denying a Plea in Bar; (Motion for Discharge and Acquittal), was directly Appealable - Langland^s v. State, 282 Ga. 103, 646 S.E.2d 253 (2007). Judge T. David Moter Order denying Motions O.C.G.A. 17-7-170, 5th Amendment, Hubbard v State, 176 Ga. App. 622, 337 S.E.2d 60, 1985.

Rule 31 A2 5-6-35 The Establishment of a Precedent is desirable and 5-6-35 A1 Reversible Error appears to exist.

Docketing date: November 14th 2014 Rule 13

Rule 17 Amended December 17th 2011. Then Rule 20 - see Rule 23(B) for Appellee if Application Granted by December 14th 2014 30 day^s 5-6-35 et seq. (H) also filing of Application same as filing appeal - RULE 39 See also 5-6-37 5-6-38 Superseded. Already requested, no response to date. O.C.G.A. 5-6-40.

Herein Appellant Prays this Court for Expedited response December 14th 2014 Time limit. (Respectfully). See Docket GA Appeals website - US

K-J.V.
ACTS 23:6

Respectfully Submitted,
David Birth Pro-se

Certificate of Service Court of Appeals of Georgia

Court of Appeals of Georgia

David Britt Pro-se
vs
The State

Application for
Discretionary Appeal
A15 D 0149

Notice of Transmittal

Applicant on December 9th 2014 was returned a notice of Appeal from the Superior Court of Barrow County due to "not Original". Also Court of Appeals returned notice and records to Applicant on December 9th 2014 with notice of respondent's Appeal not being served. Said are in mail being served on this Appellate Court of Appeals and (Check "Notice of Appeal" "Original" Only).

Please find enclosed a copy of the Original "Notice of Appeal". However the Court of Appeals made service of Application on November 14th 2014 to all parties. This party has not responded (Appellee James Smith) to date to Applicant David Britt.

Respectfully Submitted,
David Britt
91060191

Certificate of Service

Applicant herein David Britt pro-se have on this day December 10th 2014 placed a notice of Transmittal and copy of Notice of Appeal to Court of Appeals of Georgia James Bradley Smith Jr.

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

December 15, 2014

To: Mr. Robert Barbee, GDC1295786, Georgia State Prison, 2164 Georgia Highway 147,
Reidsville, Georgia 30499

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

Court of Appeals Case Number and Style: _____

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

- There is no case pending in the Court of Appeals of Georgia under your name.
- A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37. Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.
- The Notice of Appeal must include a proper Certificate of Service. A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.
- An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained. An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate. An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- Your appeal was disposed by opinion (order) on _____. The Court of Appeals _____
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.
- 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.

SUPREME COURT OF GEORGIA

Robert Barbee
APPELLANT

vs.

STATE OF GEORGIA
APPELLEE

*
*
*
*
*
*

CASE NUMBER
2007-SU-CR564

PAUPER'S AFFIDAVIT

Comes now, Robert Barbee
(Appellant/Appellee/Petitioner Name)

and first being duly sworn, states that because of my indigence I am financially unable to pay the required filing costs in the Supreme Court of Georgia, and I request that I be permitted to file without having to pay fees.

This 3rd day of December, 2014

Robert Barbee # 1295786

(Your name typed or printed)

Robert Barbee # 1295786

(Signature)

G.S.P.

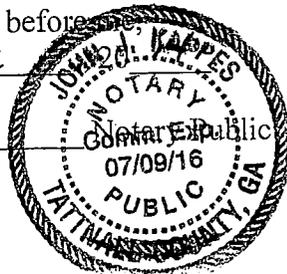
2164 Georgia Hwy. 147

Reidsville GA. 30499

(Print complete address and telephone number.)

Sworn to and subscribed before
this 3 day of Dec

JJ/K
SEAL



IN THE SUPERIOR COURT OF CATOOSA COUNTY
IN THE STATE OF GEORGIA

Robert Barbee
Appellant, Prose

Criminal Case No: 2007-SU-CR564

V.

STATE OF GEORGIA
Appellee

NOTICE OF APPEAL

COMES NOW the appellant above-named and hereby submits this NOTICE to this Court in order to challenge the ORDER or JUDGMENT of this Court filed in this Court on Nov. 20, 2014 in the above-styled matter.

THE COURT OF APPEALS OF GEORGIA, and not the Supreme Court of Georgia, has the appellate jurisdiction in this matter under the Constitution of Georgia of 1983, Article VI, Section V, Paragraph III.

The Clerk of this Court will forward a true and exact photocopy of all documents filed in the docket of this matter; **NOTHING OMITTED.**

Respectfully submitted,

Robert Barbee #1295786

CERTIFICATE OF SERVICE

I certify, verify, and declare under penalty of perjury that I have served a copy of the within and foregoing NOTICE OF APPEAL through internal mail system of the prison and/or via United States Postal Service, adequate first-class postage affixed thereto, on this 4th Day of December, 20 14, to cause its prompt delivery to the following:--

Mr./Ms. _____ Esq., District Attorney, CATOOSA County,
Buzz FRANKLIN
7694 Nashville Street, Ringgold, GA 30736

Respectfully,
Robert Barbee #1295786
Address: GSP
2164 GA Hwy 147
Reidsville, GA
30499



Court of Appeals of Georgia

December 16, 2014

TO: Mr. Michael D. Black, GDC1000503810 M3, Macon State Prison, Post Office Box 426, Oglethorpe, Georgia 31068

RE: **A14A0776. Michael Dewayne Black 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

- The referenced appeal was affirmed on October 30, 2014. The remittitur issued on November 14, 2014, divesting this Court of any further jurisdiction of your case. The case is therefore, final.**

CASE STATUS - PENDING

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

APPLICATION FOR PERMISSION TO APPEAL A PROBATION REVOCATION

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

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

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

DEC 05 2014

CLERK, COURT OF APPEALS OF GEORGIA

14140776

FILED IN OFFICE

NOV 24 2014

CLERK, COURT OF APPEALS OF GEORGIA

RECEIVED IN OFFICE

BLACK

2014 DEC 11 PM 2:46

V.

CLERK/COURT ADMINISTRATOR COURT OF APPEALS OF GA

THE STATE OF GEORGIA.

RECEIVED

DEC 04 2014

Mailroom Macon S.P.

RECEIVED IN OFFICE

2014 NOV 12 PM 2:52

CLERK/COURT ADMINISTRATOR COURT OF APPEALS OF GA

CERTIFIED

MOTION FOR RECONSIDERATION

Now comes the defendant Michael D. Black proceeding pro se moving the Court to reconsider the Court's ruling issued on October 30, 2014. Movant avers that he received the ruling on November 4, 2014 via the Macon State Prison mail room.

Movant is relying upon the mailbox rule mandated by Maschino v. Williams, 554 SE 2d 720 (2001), Houston v. Lack, ~~100 S. Ct.~~ 487 U.S. 266 (1988). Movant avers that he placed a copy of this pleading in the Macon State Prison mail box on November 5th, 2014.

Movant also relies upon the case Howes v. Kerner, 404 U.S. 519 (1972). Movant contends that there is no opportunity, no access to the Court of Appeals of Georgia for pro se petitioners, particularly prisoners. Georgia's prison system doesn't process mail on Fridays. This pleading is placed in the prison mail box on Thursday, Nov. 6, 2014. Movant avers that the post date on

this pleading will be the Tenth of November and that the Court will not consider this pleading, ruling it untimely. Movant's appointed counsel directed the movant to have his family hand deliver his Motion for Reconsideration. This is indicative of just how warped the court/judicial system is. A well educated lawyer can't or won't recognize the absurdity of his advice. A prisoner can't just jump in the car and hand deliver anything.

These are several questions the Court should reconsider, but because of movant's access to nothing that would help in formulating a well supported cognizable claim the movant will attempt to bring two.

I. The Court finds no merit in movant's claims because he did not object, thereby waiving the possible error. Appellant contends the trial court never properly informed the appellant of the ramifications of representing himself. The issue of self representation has a sordid history. This issue is supported by recent 11th Circuit cases: Gill v. McCusker, 633 F3d 1272 (2011) and U.S. v. Evans, 478 F3d 1332 (2007). The record is overwhelming, overwhelming in the support of the appellant's mental competency. The trial court is lost in its handling of this.

The trial court isn't aware of its authority to order a mental health evaluation of a defendant. There can be no planer an error. Appellate pays for reasonable ration.

It is. Did the court's failure to see that "controlling others" was in no way over introduced by any testimony except that of the prosecutor. The same prosecutor that called the appellant a fake and a nut case. The appellant was not informed that he would have to defend against

"controlling others." This broadened the means open which the appellant could be convicted and evidently was.

This court in fact that the trial court's note that force was not relevant was one more instance where the charged crime is affected by the trial court, not the grand jury.

Once more an error that is plain and easy to see. U.S. v. Clemons, 135 Ct. 1720 (1993).

This pleading is respectfully submitted via the person

mail box with ample pre paid postage, 1st class addressed to

the clerk of court, 334 STATE JUDICIAL Bldg., Atlanta, GA 30334

on this the 6th day of November, 2014.

Michael D. Black, Jr.

MICHAEL D. BLACK, JR. DE
#1000503810, M3, P3 BX 426
Ogden, GA 31068

CERTIFICATE OF SERVICE

I, Michael Black, swear under penalty of perjury that I have placed the original of my Motion for reconsideration in the prison mail box addressed to the clerk of the GA Court of Appeals as well as a copy to the Office of the District Attorney on this the 18th day of November, 2014 with ample postage.

Class postage
NOV 18 2014
GA DEPT OF CORRECTIONS

MICHAEL D. BLACK, P/A
1000 503 810, M3, PO Box 426
OGLETHERAPE, GA 31068

I, Court of Appeals of GA, Sta 501, 47 Trinity Ave, ATL, GA 30337;

II, Office of District Attorney, 700 DeKalb County Courthouse, 558 N.

McDonough St., Decatur, GA 30030.

CERTIFICATE OF SERVICE

I, Michael D. Black, swear that I have mailed a copy of pleading Supplement to the Motion for reconsideration in the prison mail box to the above parties on this the 5th day of December, 2014.

Man

IN THE GEORGIA COURT OF APPEALS

MICHAEL D. BLACK

THE STATE OF GEORGIA

v.

SUPPLEMENT TO THE

MOTION FOR RECONSIDERATION

CLERK, COURT OF APPEALS OF GEORGIA

DEC 05 2014

FILED IN OFFICE

14140776

CASE NO.

Now comes the defendant, Michael D. Black supplementing his motion for reconsideration with the original letter from appointed appellate counsel, General Kinnock. Counsel's letter is clear, he

NO LONGER REPRESENTS DEFENDANT.

Defendant objects to the clerk and the court's refusal

to grant access to the Court. The mandate of Haines v. Kerner

404 U.S. 519 (1972) is not hampered.

Defendant avers that he has placed this pleading in the prison mail box with ample prepaid postage on this the 5th

day of December, 2014.

RECEIVED IN OFFICE

2014 DEC 11 PM 3:43

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

MICHAEL D. BLACK, JR. JR

#100583181 M3, PO BOX 428

Opal Springs, GA 31068



OFFICE OF THE PUBLIC DEFENDER FOR THE
STONE MOUNTAIN JUDICIAL CIRCUIT

408 CALLAWAY BUILDING
120 WEST TRINITY PLACE
DECATUR, GA 30030
(404) 371-2222 • FAX (404) 371-2298

CLAUDIA S. SAARI
INTERIM CIRCUIT DEFENDER

October 30, 2014

Michael Dewayne Black
GDC ID: 1000503810
Macon State Prison
P.O. Box 426
Oglethorpe, GA 31068-0426

Handwritten note: closed 11-4-14

Dear Mr. Black:

I am sorry to tell you that the Court of Appeals has denied your appeal. Enclosed is a copy of the opinion; I will mail your transcripts separately.

Our involvement in this case has now ended. If you choose to pursue any further appeals, you will have to either represent yourself or retain an attorney. You have ten days from October 30, 2014, to file a motion for reconsideration with the Court of Appeals. Your motion must be **received** by the court by Monday, November 10 at the latest. You may want to have a friend or family member deliver it to the court in person. You may also file a petition for certiorari with the Georgia Supreme Court within 20 days, but if you do that, you must also file with the Court of Appeals a notice of intent to seek certiorari within 10 days (this notice, unlike a motion for reconsideration, will be deemed timely if mailed by certified mail on the due date).

Mr. Black, if you decide to pursue this matter further you need to file a motion for reconsideration (or a notice of intent to seek certiorari) immediately! You need to send a copy to the District Attorney's office, and the original and two copies to the Georgia Court of Appeals. If possible, you should read the Rules of the Court of Appeals before filing anything.

Of course, you can also continue your appeals through a certiorari petition to the U.S. Supreme Court, and/or through habeas corpus. Good luck with the rest of your appeals, should you choose to pursue this matter further.

Sincerely,

Gerard Kleinrock
Assistant Public Defender

enclosure

CLERK/COUNT ADMINISTRATOR
COURT OF APPEALS OF GA

2014 DEC 11 PM 2:46

RECEIVED IN OFFICE

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

To: Mr. Frank Colon, GDC1000414787, Johnson State Prison, Post Office Box 344, Wrightsville, Georgia 31096

Docket Number: A15A0637 **Style:** Frank Colon v. The State

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

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

COURT OF APPEALS OF GEORGIA
STATE OF GEORGIA

FRANK COLON,
GDC#1000414787,
APPELLANT,

VS.

STATE OF GEORGIA,
APPELLEE.

APPEAL CASE NUMBER,
A15A0637

BRIEF.

RECEIVED IN OFFICE
2014 DEC 17 PM 3:38
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

BRIEF

APPELLANT RESPECTFULLY CONTENDS THAT ON FEBRUARY 12TH 2010, APPELLANT WAS HOME AT 1023 OAK CHASE DRIVE, IN TUCKER, GEORGIA, WATCHING A BASKETBALL WITH FAMILY, WHEN AT ABOUT TEN TWENTY (10:20) P.M. [PLEA. TR. P. 17], (8 THROUGH 19), APPELLANT RECEIVED A TELEPHONE CALL TO COME PICK UP BRAEN UP ON DOYLE STREET, TUCKER, GEORGIA.

APPELLANT CONTENDS THAT HE ARRIVED AT THE DOYLE STREET ADDRESS AND KNOCKED ON THE DOOR AND AS THE DOOR OPENED APPELLANT WAS GRABBED, PULLED AND SNATCHED INSIDE TO

FIND AND SEE THREE (3) OR FOUR (4) PEOPLE LAYING ON THE FLOOR TIED AND GAGGED. APPELLANT CONTENDS THAT ONE (1) OF THE DEFENDANTS THREW APPELLANT A SHOTGUN AND STATED FOR APPELLANT TO WATCH THE VICTIMS, AS HE, THE DEFENDANT THAT THREW APPELLANT THE SHOTGUN, CHECKED HIS MAG 11 MACHINE GUN.

APPELLANT CONTENDS THAT IN SECONDS AFTER APPELLANT WAS PULLED INSIDE, THE POLICE WAS OUTSIDE ARRESTING PEOPLE ON THE DOYLE STREET HOME INVASION; HOWEVER, APPELLANT ARRIVED AFTER THE DOYLE STREET VICTIMS WERE TIED, ROBBED, GAGGED, ASSAULTED AND PRIVATE PROPERTY STOLEN; APPELLANT, LIKE MS. CASTILLO (PLEA-TR-P-18), WERE CALLED INTO A TRAP AND WERE NOT PART OF THE DOYLE STREET HOME INVASION PARTY.

ENUMERATION OF ERRORS

ONE

APPELLANT CONTENDS THAT THE STATE ERRORED BY ACCEPTING A JUVENILE (PLEA.TR.P8) DEFENDANT ALEX DE LA CRUZ DECIETFUL ALLEGATIONS THAT RESULTED WITH THE APPELLANT BEING UNCONSTITUTIONALLY INDICTED AND CONVICTED FOR AN OFFENSE APPELLANT HAD NO KNOWLEDGE OF UNTILL ARRIVING ABOUT TEN (10) SECONDS BEFORE THE POLICE. SEE: MEMORANDUM OF LAW. NO. 1, PAGE 6.

ERROR No. TWO.

APPELLANT CONTENDS THAT THE STATE ERRORED BY ACCEPTING THE WORD OF JUVENILE DEFENDANT DE LA CRUZ, WHO WAS NOT PRESENT DURING THE FEBRUARY 12TH 2010 ARREST OF APPELLANT OR THE OTHER HOME INVADERS; MR. DE LA CRUZ GAVE HIM-SELF UP TO THE DISTRICT ATTORNEY THE DAY AFTER THE INVASION AND WENT ALONG WITH THE STATES ALLEGATIONS, THAT ALL THAT WERE ARRESTED WERE INVOLVED AND CONTINUED TO

OUTLINE A SPECIFIC ARGUMENT THAT EVERYONE ARRESTED WAS GUILTY AND NOT HIMSELF. INDEED, THE DISTRICT ATTORNEY FAILED TO PRESENT APPRAISEL ON ISSUE OF MR. DE LA CRUZ TRUSTWORTHINESS AND ~~OR~~ WHETHER THEIR WAS ANY TRUTH TO HIS ALLEGATIONS.

THE UNITED STATES SUPREME COURT HAS HELD THAT "A MERE CONCLUSORY STATEMENT THAT AN ACCUSED WAS ENGAGED IN CRIMINAL ACTIVITY IS NOT VALID." SEE

No. 2, MEMORANDUM OF LAW, No. 2, PAGE 6.

THE COURTS HAVE ALSO HELD THAT IT WAS ERROR FOR THE COURTS TO USE HERESAY ALLEGATIONS AS EVIDENCE THAT AN ACCUSED SOLD COCAINE. SEE: MEMORANDUM OF LAW, No. 3, PAGE 6.

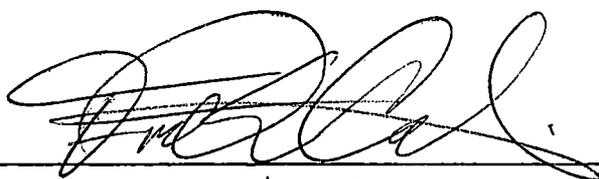
APPELLANT CONTENDS THAT THE STATE FAILED TO PRESENT ANY EVIDENCE ON MR. DE LA CRUZ CREDIBILITY, LACK OF PERSONAL KNOWLEDGE OF WHO WAS ARRESTED, AND MR. DE LA CRUZ, FAILED TO CITE JUST WHEN APPELLANT ARRIVED OR WHETHER HE EVEN KNEW APPELLANT WAS EVEN PRESENT UNTIL HE READ THE ARREST SHEET,

WHICH INCLUDED APPELLANTS NAME AND WHEREAS,
MR. DE LA CRUZ PRESUMED THAT APPELLANT WAS
ONE OF THE INVADERS AND WENT ALONG WITH
THE DISTRICT ATTORNEY TO INDICT THE
APPELLANT WITHOUT A SUFFICIENT BASIS OR
ANY INDICATION THAT PROBABLE CAUSE COULD BE
FOUND WARRANTING AN INDICTMENT BASED ON
ENTRAPMENT OF THE INNOCENT. SEE:
MEMORANDUM OF LAW, NO. 4, PAGE 6.

CONCLUSION

WHEREFORE, APPELLANT RESPECTFULLY MAKES
REQUEST THAT THIS MOST HONORABLE APPEALS
COURT GRANT APPELLANT AN AQUITTAL OR
REVERSAL OF CONVICTION AND FOR THIS
APPELLANT WILL FOREVER PRAY.

RESPECTFULLY SUBMITTED



FRANK COLON, APPELLANT, PRO SE-
GDC#1000414287.

JOHNSON STATE PRISON
POST OFFICE BOX 344,
WRIGHTSVILLE, GA 31096

MEMORANDUM OF LAW

No. 1: MATTHEWS-V-UNITED STATES, 485 U.S.
108 S. CT. 883, 99 L. ED 2D 54 (1988).

No. 2: BECK-V-OHIO, 399 U.S. 89, 97, 85 S. CT. 203,
11 L. ED. 2D 142 (1964).

No. 3: UNITED STATES-V-WEBSTER, 649 F. 2D 346
[5TH CIR. 1981]

No. 4: MATHEW-V-UNITED STATES, 485 U.S.
108 S. CT. 883, 99 L. ED. 2D 54 (1988).

SMITH-V-STYNCHCOMBE, 234 GA 780, 218
SE. 2D 63 (1975).

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

December 15, 2014

To: Mr. Kevin Trevel Fluellen, GDC2014010667 (P1208151) 4C-22, Chatham County Max Prison, Mental Health Dorm, 1050 Carl Griffin Drive, Savannah, Georgia 31425

Docket Number: **Style:**

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 UNITED STATES OF AMERICA DEPARTMENT OF JUSTICE

IN THE UNITED STATES SUPREME COURT

IN THE GEORGIA COURT OF APPEALS
IN THE GEORGIA ATTORNEY GENERAL'S OFFICE
IN THE CHATHAM COUNTY SUPERIOR COURT OF GEORGIA

IN THE CHATHAM COUNTY STATE COURT OF GEORGIA

IN THE CHATHAM RECORDERS COURT

Reviel Travel Fueler) Case no.: RA090330
DOB: 9/11/1958) Charges: False imprisonment

Plaintiff)
meant, Selective Prosecution, Obstruction of Federal and State Justice, Fictitious and Fraudulent

State of Georgia)
al and State Justice, Fictitious and Fraudulent

offences, due process violations, equal protection of the law violations, prosecutorial misconduct, judicial misconduct, public defender acts as a special prosecutor for the Chatham County District Attorney's Office, false re-

ports of three 911 emergency calls, Protection of multiple counts and multiple acts of perjured testimony under oath in two bench trials, suppression of federal evidence, theft of medical and federal documentation, withholding All discovery material and intimidation to plea guilty,

Manufacturing crimes, disannulling the guilty plea of the true defendant Detha Young and placing Ex post facto laws and conditions upon the life, liberty and prosperity of Kevin Trevel Fluellen and the total practice of "Jim Crow laws of Slavery".

Entry of Appearance

Comes now, Kevin Trevel Fluellen, prose an illegally held captive of pure racism because all black men are held guilty by any means nec in a regressive, oppressive period in America under the gray union form of the Confederate flag of Slavery. I hereby must submit to the will of God before this Honorable Superior Court of the Chatham County of Georgia, and enters his appearance as counsel for myself in the captioned proceeding because the Chatham County Public Defender's Office and Atty. Randy Schmidt are proven spies for the District Attorney Meg Daly Heap, and conspire with her office to rob God of Justice. IN CONCLUSION, I have yet been able to acquire an attorney of integrity to insure God's Judgment in TRUTH.

This 11 day of October, 2014.

Kevin Trevel Fluellen
2014010667 (P1205151) 9/11/58

CERTIFICATE OF SERVICE

This is to certify that I have this day served all parties with a copy of the foregoing by placing a true and accurate copy of the same in the United States mail with adequate postage thereon to assure delivery, or by hand delivery, addressed to:

Chatham County District Attorney's Office
133 Montgomerystreet
Savannah, Georgia 31401
Attention: ADA Graham Penny

This 11 day of October, 2014

Karen Jewel Florkon
2014010667 (P1208151) 9/11/14

Chatham County Max. Prison
Mental Health Dorm 4C-22
1050 Carl Griffin Dr.
SAV. GA. 31405

~~Consolidated motions package and Brief~~

I am the plaintiff in the above-styled case files this motion at or prior to arraignment or within the time prescribed by law and moves to exercise the option to proceed

under O.C.G.A. 17-16-1 et seq. The discovery requests (in the applicable paragraphs herein below) create for the State a continuing duty to disclose during the pretrial (including negotiations prior to a guilty plea), trial, and post-trial stages of the pretrial case, O.C.G.A. 17-16-4(c). Accordingly, the Plaintiff seeks all of the following information and relief:

1. Witness Information

a) A complete list of witnesses to be furnished prior to arraignment pursuant to O.C.G.A. 17-16-3, together with the date of birth, address, and telephone numbers of such witnesses pursuant to Uniform Superior Court Rule 30.3.

Reasoning the State court of Georgia public defender's refuse to obtain eye witnesses and all supporting witnesses to prove that their own witnesses lied in false reports and during unconstitutional bond Amendment and bond revocation bench trials.

Although no names, nor dates (except a fictitious date of Oct. 24, 2013, was given) we would like a list of verified names, dates, times, places, and telephone numbers to support all perjured testimony of Sept. 25, 2013 and Jan. 14, 2014 in Judge Herman Coolidge bias and prejudice Particle unconstitutional bench trials with fictitious offenses that led to my false imprisonment.

or recorded statement, or copies thereof, made by the witness that is signed or otherwise adopted or approved by the witness; (ii) a substantially verbatim recital of an oral statement made by the witness that is recorded contemporaneously with the making of the oral statement and is contained in a stenographic, mechanical, electrical, or other recording or a transcription thereof; or (iii) a summary of the substance of a statement made by a witness contained in a memorandum, report, or other type of written document but does not include notes or summaries made by Counsel. D.C.G.A. 17-6-1(a).

Thus, (i) we are seeking the signed plea-agreement signed by state witness Betha Young in the Chatham County Recorder's court on Sept 4th or 5th 2015, which was approved by a judge in good standing with the court and the punishment phase of her sentence and completion of the court ordered and District Attorney's order of the defendant's graduation of the Hunter management class conducted by Union Mission on Park St. in Saw. Ga. We are seeking the false protective order or peace warrant signed by plaintiff's X-wife and adulterous sex partner Isaac Gerardo on Sept. 10, 2015. Because I Kevin Travel Fullen, was told by Isaac Gerardo that he would he would

"don't make me put a hot bullet in your
but", ON Aug. 9th or early morning Aug. 10,
2013, after he and his girl friend Detha Young
drove around the neighbourhood 3 times be-
fore making a false 911 call for emergency
Police help. We also seek a transcript and
CD of this false call for help and the
2 responding policemen names, on ~~scene~~^{SP}
(Site) notes and verbal advice to both
parties. Tell me, now, I was living in East
Sav. Ga. and returned to my Church to
sleep on the streets to catch a bus to Fort
Valley after police refused to allow me to
catch the night bus to Fort Valley because
the over zealous new security guard at
the bus terminal saw me drink a beer and
I was told to catch the bus Aug 10, 2013.

Mr. Frank Miles, picked me up at the
bus station brought me to our Church and
he came back to take me to the bus station
the next day. We are seeking every bus
ticket in the name of Kevin Travel Fluellen
from Macon, Georgia to Savannah, Georgia
and from Savannah, Georgia to Macon, Ga.,
from July 1, 2013 until Jan. 14, 2014 because I
was not in town from Aug. 10, 2013 until
Sept. 21, 2013; because Rev. Henry R. Delaney, Jr.
died, I had a pre-scheduled doctor's appoint-

meat at 9:00 AM Sept 24, 2013 and A State
Court Appearance Sept 25, 2013.

Thus, we are seeking the medical records
with times, dates and statements of all
medical personnel a copy of the CD from Isaac

Gerido's 911 emergency tell phone call and the
four(4) responding ~~the~~ policemen field notes

statements and report. We seek a Transcribed
Version of the incident report or Aud Trans-

cripts and all written statements resulting
from any investigative matters because the

Courts, the DA's office, the Chatham County
Public Defender's Office, the Mayor, the Police

Chief(s) were all informed of Officer Charles
McGoy false statements or utterances on his

arrest report of my escaping a secure County
Chatham Jail on Aug. 14, 2012, Mrs. Debra Young's

Perjured testimony of Sept. 25, 2013 and Isaac
Gerido's false 911 call of Sept. 24, 2013 and his

blatant Perjured testimony at an unannounced
bond Amendment hearing of Sept 25, 2013, wherein

both Young and Gerido lied under the protective
oath of State Judge Therman Coakley.

All Federal records entered into evidence on Jan.
14, 2014 and all federal and medical records stolen on

3 Jan. 14, 2014, by Atty. Barnwell, in a 3rd un-
Constitutional bench trial by Judge Therman

Coakley Proves beyond a reasonable doubt that
the lies are all being protected by the State

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arrest report of my escaping a Secure County

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Perjured testimony of Sept. 25, 2013 and Isaac

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blatant Perjured testimony at an unannounced

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both Young and Gerido lied under the protective

Oath of State Judge Zerman Gerido.

All Federal records entered into evidence on Jan.

14, 2014 and all Federal and medical records stolen on

Jan. 14, 2014, by Atty. Baranwell, in a 3rd un-

Constitutional bench trial by Judge Herman

Collidge Proves beyond a reasonable doubt that

The lies are all being Protected by the State

Court of Georgia to Obstruct Federal and State Justice,

Fact 1) Documentation that was entered into records then suppressed were proof that on the dates given by both State witness proves false statements, false reports, fictitious and fraudulent offenses, and malicious prosecution, procedural due process violations, denial of equal protection of the law, multiple counts and acts of protective perjury and pure prejudice and judicial, prosecutorial, and public defender's Atty. Misconduct in violation of the United States Constitution of America and all infractions protected by higher authorities within the judicial system of Chatham County.

Fact 1A) The medical records proves there were no alcohol nor drugs found in my system on Aug. 11, 2014, plus witness testimony will prove I was not publicly intoxicated and former DA Harry Chisom dropped the fraudulent charge when I force Joe Cronk III to get my medical records from my arrest now officially in Court records.

Fact 1B) Wedding documentation of Detha Young and Esacc Cerido proves that they were not married on Sept. 24, 2013, when Cerido made a false 911 call for police to come to Memorial family health practice and they got married after 4:00 pm after their perjured testimony on Sept. 25, 2013, under oath protected by Herman Coolidge. The unverified events

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

December 16, 2014

To: Georgia Department of Corrections, Consolidated Banking Unit, Ponder Hall, Third Floor, PO Box 1529, Forsyth, Georgia 31029

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

Court of Appeals Case Number and Style: _____

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

- There is no case pending in the Court of Appeals of Georgia under your name.
- A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37. Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.
- The Notice of Appeal must include a proper Certificate of Service. A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.
- An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained. An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate. An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- Your appeal was disposed by opinion (order) on _____. The Court of Appeals _____, The remittitur issued on _____ divesting this Court of jurisdiction. The case decision is therefore final.
- Your mailing/documents indicate that you intended them for another court rather than the Court of Appeals of Georgia. The address of the Clerk of the Eleventh Circuit Court of Appeals is: 56 Forsyth Street, N.W., Atlanta, Georgia 30303.

Also enclosed please find your check number 126407 payable to the US District Court in the amount of \$20.00.

- If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court. As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.
- A request for an out-of-time appeal should be made to the trial court from which you are appealing. If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

Check Details Report for CENTRAL ACCT-OFFENDER TRUS

Date of Report 10/31/2014 @ 10:05

Check No.:	126407	Transaction Type:	WITHDRAWAL FOR OBLIGATION-FEDERAL COURT FIL
Check Date:	10/31/2014 06:45:54	Payable To:	US DISTRICT COURT
Check Amount:	\$20.00		

Offender Name	GDC ID	Docket No.	Location Incurred	Trans. Details	Trans. Date	Amount
WILLIAMS, MICHAEL DESHAUN	1000495809		CENTRAL ACCT-OFFENDER TRUST	RECORD ID = 15631780. NO: 3:13-CV-00033-TCB - US COURT OF APPEALS FOR THE ELEVENTH CIRCUIT	05/05/2014	\$20.00

Check Details: WITHDRAWAL FOR OBLIGATION-FEDERAL COURT FILING FEE

Offender Name	GDC ID	Docket No.	Amount
WILLIAMS, MICHAEL DESHAUN	1000495809		\$20.00

	DATE	CHECK NO.	VENDOR KEY
US DISTRICT COURT	10/31/2014	126407	
TOTALS ▶			\$20.00

OFFENDER TRUST - GEORGIA DEPARTMENT OF CORRECTIONS

ORIGINAL CHECK HAS A COLORED BACKGROUND PRINTED ON CHEMICAL REACTIVE PAPER

GEORGIA DEPARTMENT OF CORRECTIONS OFFENDER TRUST 300 PATROL ROAD PONDER HALL - 3RD FLOOR FORSYTH, GA 31029	BANK OF AMERICA ACH.R/T.061000052 64-5/610.GA 2083	126407
---	--	---------------

DATE	CHECK NO.	AMOUNT
10/31/2014	126407	\$20.00

PAY **Twenty and 0/100**
TO THE
ORDER OF **US DISTRICT COURT**

VOID AFTER 90 DAYS

Brian Owens
AUTHORIZED SIGNATURE **MP**

⑈ 126407⑈ ⑆061000052⑆ 334020780326⑈



Georgia Department of Corrections
Consolidated Banking Unit
Ponder Hall 3rd Floor
PO BOX 1529
Forsyth, GA 31029

Hasler

12/11/2014

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CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

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

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

December 17, 2014

To: Mr. Warren Fambro, GDC25832 7S508, Fulton County Jail, 901 Rice Street, N.W.,
Atlanta, Georgia 30318

Case Number: _____ Lower Court: _____ County Superior Court

Court of Appeals Case Number and Style: _____

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

- There is no case pending in the Court of Appeals of Georgia under your name.
- A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37. Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.
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- Your appeal was disposed by opinion (order) on _____. The Court of Appeals _____ The remittitur issued on _____ divesting this Court of jurisdiction. The case decision is therefore final.
- Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia. The address of the Clerk of the _____ is: _____
- If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court. As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.
- A request for an out-of-time appeal should be made to the trial court from which you are appealing. If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA.

WARREN FAMBRO
ACCUSE

WRIT OF HABEAS CORPUS
CASE NO: 11CV43560
CASE NO: 07SC 54056
CIVIL ACTION:

BRIEF... SUPPLEMENTAL COMPLAINT
ADDITON FOR ACQUITTAL AT NEW TRIAL /
ADEQUACY AND ADMISSIBILITY OF EVIDENCE...

- | | |
|---|------------------|
| A. PRESENTATION OF THE CASE.... | 1, 2, 3. |
| B. INSUFFICIENT EVIDENCE / SUSTAIN THE CONVICTION.... | 4. |
| C. ARGUMENT.... | 5. |
| D. FACTS BASED ON ALLEGATION.... | 6. |
| E. DIRECT VERDICT OF ACQUITTAL.... | 7. |
| F. ACCUSE REQUEST TO CHANGE.... | 8, 9, 10 AND 11. |
| G. DECLARATION TO THE COURT.... | 12. |

CLOSING
PRAYER....

1.
CERTIFICATE OF SERVICE....

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COURT OF APPEALS OF GA

PRESENTATION OF FACTS OF THE CASE:

ILHAAREN FRIED, THE DEFENDANT IN THIS CASE ACTING PRO SE, IS THE UNDERSTOOD COUNSEL LEAH D. SANDEN, DEF. SUBMIT TO THE COURT PROVIDED UNDER RELEVANT... THAT WHICH THE COURT IS NOT AWARE OF, AND LEGAL ISSUES NOT RAISED BY COUNSEL IN THIS QUESTION FOR NEW TRIAL / A BRIEF, THE ADEQUACY AND ADMISSIBILITY OF EVIDENCE... AND CORRECTION OF THE CHARGE WHICH HAS BEEN A MISMANAGEMENT OF JUSTICE BY THE MISTAKE OF LAW TO THE COURT BY THE OFFICIAL WHOM PRESENTED THE EVIDENCE.

DEF. SHOWS THE RIGHT AS A MATTER OF LAW WAS CLEARLY PURSUANT TO OCGA 16-6-1, (C). THE EVIDENCE OF A MEDICAL EXAMINATION OF THE VICTIM(S) WHICH WOULD HAVE ESTABLISHED INNOCENCE OF THE ACCUSED (ILHAAREN FRIED) ON APRIL 5, 2006. DUE TO THE FAILURE OF THE SUBSTANTIAL EVIDENCE BY THE OFFICIALS NEGLIGENCE AND UNLAWFUL ACT TO DO THAT WHEREBY IS REQUIRED OF A MANDATED STATE, HAS CAUSED A TORT AND A UNCONSTITUTIONAL HOLDING OF DEF. WHICH COULD HAVE BEEN PREVENTED IF PROPERLY DONE... AND NOT BY INDEFINITE DISCRETION.

NOW RAISE IN THIS BRIEF MATERIAL EVIDENCE TO HIS INNOCENCE, THAT ARGUE THE "FACTS" OF THIS CASE, AND THE APPLICABLE LAW, SUPPORTED BY CITATION OF AUTHORITY HE (THE DEF.) BELIEVES AND JUST AND FAIR FOR AN ACQUITTAL BY THE NEGLIGENCE AND VIOLATION ALSO OF THE OFFICIALS THE U.S. CONST. 5TH, 6TH, AND 8TH, AND WITH APPROPRIATE DEF. WAS TRIED BEFORE THE HONORABLE MICHAEL D. JOHNSON, FULTON SUPERIOR COURT FOR THE OFFENSES OF _____ AND _____ WAS CONVICTED BY VERDICT OF THE JURY ON THE CHARGES ON MARCH 31, 2011. NEW TRIAL APRIL 1, 2011.

THE EXCEPTION FAIL TO SATISFY THE FOUNDATION REQUIREMENT PURSUANT TO OCGA 16-6-1, (C) ALSO, FAIL TO SUBMIT ANY EVIDENCE SUFFICIENT FOR A CONVICTION... AND THE JUDGE THE CASE WHEN FAIL ALSO TO BRING-UP THE MEDICAL EXAMINATION OF THE VICTIM... NO EVIDENCE OTHER THAN WORDS OF JURY... WHEN CODE 1933 ANN. 26-2001; CITES: NO CONVICTION SHALL BE HAD FOR RAPE ON THE UNSUBMITTED TESTIMONY OF A FEMALE.

THIS CASE IS CRUEL AND UNUSUAL PUNISHMENT TO A CONVICTION OF RAPE WITHOUT ANY PROOF OF PENETRATION... WHEN PENETRATION IS THE ESSENTIAL ELEMENT OF RAPE SO WITHOUT PENETRATION THE CHARGE CAN NOT BE RAPE. ACQUITTAL SHOULD BE GRANTED IF THE EVIDENCE IS / WAS INSUFFICIENT AS A MATTER OF LAW TO AUTHORIZE AN ACQUITTAL... EVEN WHERE THERE IS A CONFLICT IN THE EVIDENCE... IT IS THE DUTY OF THE TRIAL JUDGE TO GRANT ACQUITTAL (IF) THE EVIDENCE WOULD NOT SUPPORT A CONVICTION.

THIS BRIEF IS TO GUIDE (AS A TRIAL BRIEF) THAT INCLUDES LIST OF QUESTIONS TO BE ASKED, SHOW SOME CLENAL OF THE INADEQUACY OF DOCUMENTS, POINTS TO BE COVERED, ARGUMENTS TO BE MADE... OUTLINE OF BELIEFS AND OPINION FOR THE PURPOSE OF UNDERSTANDING HOW COMPLEX / TWISTED THIS CASE BECAME... ALSO, CONTAINS DADA CONSTRUCTION OF STATUTES AND OTHER ISSUES THAT ARE OVER-LOOKS, MINDON OBJECTIONS AND TRIVIALS.

DEF.'S DESIRE CONSTITUTIONAL PROVISION AND ORDINANCE THAT CARRIES OUT ITS TRUE INTENT AND MEANS... WHICH IS LEGAL TO SAY AND SHOW (JUST) THINGS BY BELIEF AND OPINION OF HIS (DEF.'S) INNOCENCE... CONTRARY TO THE PROXIMATE RESULT OF THE UNETHICAL ASSUMPTION AND SPECULATION ARISE BY THIS CASE.

DEF. BRINGS FORTH NEWLY DISCOVERED THAT CAN BE PRESENTED TO ALL THE ESSENTIAL ELEMENT IN THIS CASE AS FOLLOWS:

FIRST. PURSUANT TO OCGA. 5-5-46 (b) ET. SEQ. APPLY TO THIS INSTANT CASE ARE NEW TRIAL AS SUPERSEDING IN CRIMINAL CASE SECT. (b)... WHEN REQUEST TO DO SO BY DEF. OR HIS COUNSEL. SUPERSEDING SENTENCE UNTIL THE MOTION FOR NEW TRIAL IS HEARD AND DECIDED.

FURTHER, THE STATUTE AND PROCEDURAL DUE PROCESS REQUIRES A OMNIBUS HEARING TO ALL THE ISSUES BEFORE A RULING IS RENDERED... ALSO, THE ACCUSE REQUEST TO CHARGE HERE IN BRIEF AS EXTRA-ORDINARY TO THE COURT THE THEORY OF THE LAW HE (DEF.) BELIEVES APPLICABLE TO THIS CASE ON / AT TRIAL.

SEAGRAVES V. AERO. MANUF. CO. 121 GA. APP. 224, 226(3), 173 SE.2D 416 (1970)

- ALSO...
(2) RULE 10.3 UNIFORM RULE FOR THE SUPERIOR COURT.
(3) RAISE FEDERAL CLAIM IN THIS NEW TRIAL / BRIEF, THE VIOLATION MENTION THE SAME RELEVANT FACTS IN EARLIER BRIEF. NOW NEW ISSUES AND THE CONTROLLING LEGAL PRINCIPLES WOULD INCLUDE IN SAID PETITION FOR FEDERAL HABEAS... IT SO BE.

DASE V. ATTORNEY GENERAL. 696 F.2D. 186, 191 NS. (2D. CIR. 1982.)

WHEN... JUDGES THE,

VIOLATIONS OF U.S. CONST. 5.6 AND 14TH AMENDMENT

AND,
GA. CONST. ART. 1, SECT. 1, PARA. 11

- (4) NEWLY DISCOVERED EVIDENCE WOULD PROBABLY PRODUCE AN ACQUITTAL... AT NEW TRIAL.

UNITED STATES V. DUKES, 727 F.2D. 34, 60 (2D. CIR. 1984.) ALSO,

- (5) ISSUE AND ORDER... DISPOSING OF THE CASE.

REMMER V. UNITED STATES, 347 U.S. 227, 74 S. CT. 450, 98 L. ED. 654 (1954.)

(6) Double Jeopardy Clause: where def. had 3 new trials, and 4th new trial findings.

(Protects Against Multiple Trials.)

MO. V. HUNTER, 459 U.S. 359, 368 (1983.) also,

same offense to be twice put in a jeopardy of life or limb.

BEUTNER V. HANAU, 395 U.S. 784 S.Ct. L.Ed. 2d (1969)

Court will look to the code section to resolve issue of double jeopardy.

DAVIDEN V. STATE, 2012, 316 Ga.App. 70, 728 S.E.2d 245

Double Jeopardy Prohibit three kinds of abuses:

(1) A second prosecution for the same offense after acquittal.

(2) A second prosecution for the same offense after conviction... and,

(3) Multiple punishment for the same offense.

ALLEN V. STATE, 2012, 314 Ga.App. 349, 742 S.E.2d 451

Included, one phrase of double jeopardy clause is to prevent state from having two second chance.

U.S. CONST. ARTICLE 5 and 14.

BAIL V. STATE, 2001, 250 Ga.App. 226, 551 S.E.2d 87

Also, at initial trial produced insufficient evidence to sustain a conviction.

SMALLS V. FLA. 476 U.S. 176, 177 (1986.)

FAYER V. DUGGER, 935 F.2d

also, second prosecution for same offense after conviction and multiple punishment

for same offense.

U.S. CA. CONST. ART. 1, SECT. 1, Para 18.

finally, first policy underlying double jeopardy bars is to prevent of defendant by successive prosecution or threat of successive prosecution. Pursuant to

DC GA. 16-1-7: and O.C.G.A. 16-1-8, (AD:§18)

the defendant carries the burden of proving double jeopardy.

U.S. V. DORICH, 5 Fed. 1056, 1060 (7th Cir. 1993)

Government must prove by the preponderance of evidence that indictment charge separate offense.

U.S. V. LAGUNA-ESTELA, 394 F.3d 54, 56 (1st Cir. 2005)

see: U.S. V. OLYBIA, 461 F.3d 271, 283 (2d Cir. 2006.)

secondly... it protects against a second prosecution for the same offense after conviction. Third, it protects against multiple punishment for the same conviction.

also... ILLIAMS V. VITALE, 417 U.S. 410, 415, 100 S.Ct. 2260, 65 L.Ed. 2d 288 (1980.)

NORTH CAROLINA V. FEARNE, 395 U.S. 711, 717, 89 S.Ct. 2072, 23 L.Ed. 2d 656 (1969)

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

December 17, 2014

To: Mr. Gary B. Duncan, GDC443805, Coffee Correctional Facility, Post Office Box 650,
Nicholls, Georgia 31554

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 was no case pending in the Court of Appeals of Georgia under your name. You may want to check with the DeKalb County Superior Court for copies of your original records filed in 1987.**
- A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37.** Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.
- The Notice of Appeal must include a proper Certificate of Service.** A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.
- An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- Your appeal was disposed by opinion (order) on _____.** The Court of Appeals divesting this Court of jurisdiction. The case decision is therefore final. The remittitur issued on _____
- Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the _____ is: _____
- If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.
- A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

Clerk Of Court Stephen E. Castlen
47 Trinity Ave. S.W. Ste 501
Atlanta, Ga 30334

Gary B. Duncan
GDC 443805
P.O. Box 650 CCF
Nicholls, GA 31554

11/26/014

RE: GARY B. DUNCAN EXTRAORDINARY MOTION FOR NEW TRIAL APPELLATE
RECORDS

Dear Clerk

I filed an extraordinary Motion for New Trial in regard to my criminal conviction of December 8, 1987. I filed an extraordinary motion for new trial, I believe the time frame was sometime in 1995-1996. The motion was filed pro se in the Superior Court of Dekalb County. Judge Hilton Fuller denied the motion. A notice of appeal was filed to the Dekalb County Clerks Office.

Subsequently, a pro se appeal was filed to the Court Of Appeals which was denied by the Court. I have lost my legal records I have no case cite numbers.

I request a copy of the attached documents be sent to me. I request only a copy of the attached documents, which should include, Motion for mental examination, Report on progress of defendant, Special plea of mental incompetency to stand trial, Court Order finding defendant incompetency to stand trial referring defendant to Central State Hospital for treatment, Central State Psychiatric report finding defendant incompetent to stand trial, Central State Report finding the defendant competent to stand trial.

These requested documents Court records filed by the defendant are significant, to an ongoing legal challenge regarding his conviction.

The defendant request that these records if possible be obtainee and copies be made of the aforementioned documents be mailed to the defendant or in the alternative the Clerk send information regarding these court documents be obtained.

Thank you for your consideration.

RESPECTFULLY

Gary B Duncan

RECEIVED IN OFFICE

2014 DEC 16 PM 1:58

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

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

HOLLY K. O. SPARROW
CLERK/COURT ADMINISTRATOR

(404) 656-3450
sparrowh@gaappeals.us

December 18, 2012

Mr. David Eric Cobble
GDC758572 J-1-110
Smith State Prison
Post Office Box 726
Glennville, Georgia 30427

RE: A13A0739. Daniel Eric Cobble v. Clay Tatum, Warden, et al.

Dear Mr. Cobble:

I am in receipt of your communication of postmark date December 14, 2012 regarding your cases filed in this Court. Your motions included in your communication have been filed in the above referenced appeal.

Sincerely,



Holly K.O. Sparrow
Clerk/Court Administrator
Court of Appeals of Georgia

HKOS/lld

Clerk, of Court of Georgia Court of Appeals

From Daniel Eric Cobble pro se petitioner
Baldwin State Prison

FILED IN OFFICE

DEC 14 2012

COURT CLERK
CLERK COURT OF APPEALS OF GA

RECEIVED IN OFFICE
2012 DEC 17 PM 12:42
CLERK COURT OF APPEALS OF GA

Today is 12-11-12

① Please Refile my original papers @ from your courts civil # A13D0139, to be my only brief for your courts other newer civil # A13A0739, because I did not send you any direct appeal, so I do not know what the heck your court filed @ in my name on 12-7-12, I assume you'll granted # A13D0139 and changed it to A13A0739. Is that true?

② can you please call this prison? and tell warden miss Dubre, that if your court deny me, that I can't physically get notice of intent to appeal to your court within 10 days from time you'll issue it. — because this prison refuses to send out my indigent mail daily like other prisons, (but instead this prison only sends out mail on thursdays). Kilder she's breaking law by denying me access to your court in timely manner and she's violating my right to send ~~mail~~ mail out 6 days a week that 8th amendment U.S. constitutional property rights guarantee

③ Please tell me when you receive this

④ Please tell me if you refiled my papers to go on other case too or not, because I don't have my own copy of anything I filed ever, so I don't remember what I filed

⑤ Please schedule me for oral argument for March 17, 2013 on case civil # A13A0739 or earlier, but I have no way of finding out what a G.O. can do, they never answer

(By Daniel Eric Cobble)
pro se petitioner

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

December 22, 2014

To: Mr. Kenneth Clark, GDC653504 Jj-2, Wilcox State Prison, Post Office Box 397, Abbeville, Georgia 31001

Case Number: _____ Lower Court: _____ County Superior Court

Court of Appeals Case Number and Style: _____

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

- There is no case pending in the Court of Appeals of Georgia under your name.
- A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37. Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.
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- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate. An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- Your appeal was disposed by opinion (order) on _____. The Court of Appeals divesting this Court of jurisdiction. The remittitur issued on _____.
- Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia. The address of the Clerk of the _____ is: _____
- If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court. As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.
- A request for an out-of-time appeal should be made to the trial court from which you are appealing. If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

IN THE SUPERIOR COURT FOR MERIWETHER COUNTY

STATE OF GEORGIA

Kenneth Clark I, me, my, myself

Case # 98-CR-000319

The living soul, a private person

Civil Action #

-VS-

Extra ordinary motion for new

The Corporation of The Superior Court

of Meriwether County.

x Injustice, and actual innocence;

The Corporation of The State of Georgia

Re: Seizing of The Amended Notice of Appeals:

Now come I, me, my, myself to let it be known, that

of this 17 day December me 2014;

I have place in the United State Mail a certified copy of

The Amended Notice of Appeal in which the same was served

UP ON:

Kymeshia T. Gibson Clerk of Superior Court Meriwether County
100 Court Square, P.O. Box 160, Greenville GA, 30222.

The Attorney General Office, Samuel Glenn 40 Capitol Square S.W.

Atlanta GA, 30334

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

Atlanta GA, 30334

NOTARY, on this 24 day, of November, 2014

By Dorree N. Henderson Comm. Exp. 08-29-2018 - Public

Wilcox County, GA.

I have served up on the Office of Peter John Skandalakis

District Attorney, Meriwether County Court House P.O. Box 520

Greenville GA, 30222.

(1)

RECEIVED IN OFFICE

2014 DEC 19 PM 3:20

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

The same Amended Notice of Appeal ; as is on file at the above mentioned offices : —

Certificate of Service :

I do hereby certify that, I have this day served the within and foregoing Notice ; Prior to filing the same, by depositing a copy thereof, then pre-paid postage, in the UNITED STATES MAIL,

Properly Addressed upon :

Peter John Skandalakis District Attorney office
Meriwether County Court House, P.O. Box 520
Greenville GA, 30222.

Kyameshia T. Gibson Clerk of SUPER COURT
100 Court Square, PO Box 160
Greenville GA, 30222

Attorney General office, Samuel Olen's
40 Capital Square S.W Atlanta GA, 30334

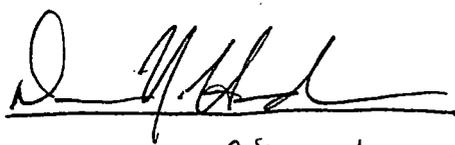
Court of Appeal of Georgia ;
Suite 501, 47 Trinity Avenue
Atlanta GA, 30334

UND# 653504.

Kenneth Clark I, me, my
myself the living soul
Kenneth Clark sovereign

Wilcox STATE Prison
P.O. Box 397 - J-2 -
Abbeville GA, 31001
Pro-SE
Kenneth Clark




ON this 17 day of December 2014.

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

December 22, 2014

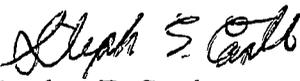
The Honorable Daphne Campbell, RN
State Representative, District 108
9999 NE Second Avenue
Miami Shores, Florida 33138

Dear Representative Campbell:

I am returning the documents that you submitted to the Court of Appeals of Georgia. You stated that the details of the matters contained in the documents falls under this Court's jurisdiction. I suspect that you sent this to this Court by mistake as we certainly do not handle such matters.

If I can be of further assistance to you, please let me know.

Sincerely,


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

SEC/ld
Enclosures

Subcommittees
Rulemaking Oversight & Repeal
Veteran & Military Affairs
Local Government Affairs

Committees
Local and Federal Affairs



Florida House of Representatives

Representative Daphne Campbell

District 108

December 15, 2014

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

RE: Harvey Young
413 NW 63rd Street
Miami, FL 33150

RECEIVED IN OFFICE
2014 DEC 19 PM 3:16
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

To whom ever this may concern,

I am contacting your office on behalf of one of my constituents, **Harvey Young**, who reached out to my office in search of assistance. He would like to see if your office could be of assistance to him.

He is currently attempting to find out information about an outstanding warrant that he has. He believes that this warrant was issue by your department on July 2, 1990. To this letter Mr. Young will attach all necessary documents.

Because the detail of this particular case falls under your jurisdiction, I am respectfully referring this matter to you, so that Mr. Young can have a resolution to this matter. He would be grateful for any assistance you can provide him. Should you have any questions, feel free to contact my office at the number listed below.

Sincerely,

A handwritten signature in cursive script that reads "Daphne Campbell".

Daphne Campbell, RN
State Representative, District 108

U.S. Department of Justice
Office of the Pardon Attorney



Requests for Assistance
Involving
Violations of State Law

THE WHITE HOUSE
WASHINGTON, DC 20500

SOUTHWEST AIR LINE
AIR MAIL REGISTERED MAIL



Mr. Harvey Young
Apartment 2
174 North East 68th Street
Miami, FL 33138

THE WHITE HOUSE
WASHINGTON

March 1, 2010

Dear Friend:

Thank you for writing. I have heard from many Americans about issues concerning people with disabilities, and I appreciate hearing from you. We must ensure that all Americans have access to opportunities without barriers and obstacles, and can live independently without discrimination.

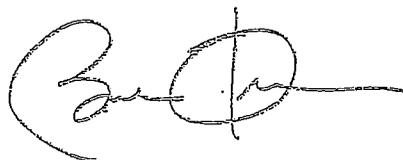
Our lifelong commitment to Americans with disabilities and their families begins with supporting early screening and intervention programs. It continues by building on the Individuals with Disabilities Education Act—a crucial law which must be properly funded and enforced. The Federal Government will also lead by example by hiring people with disabilities, and I will encourage the private sector to do the same.

My Administration has already begun to fulfill this commitment. I signed the American Recovery and Reinvestment Act (ARRA), which provides states with an additional \$12 billion for education of children with disabilities, \$540 million for vocational rehabilitation programs, and an additional \$140 million to support centers for independent living. As part of ARRA, disability recipients will also receive a one-time \$250 payment, and I have allotted \$500 million to help reduce the processing time for disability claims and appeals decisions.

As we seek to level the playing field for Americans with disabilities, we must also reshape attitudes and eliminate stereotypes. I support enforcing the Americans with Disabilities Amendments Act, increasing oversight of the Equal Employment Opportunity Commission, helping people with disabilities to live independently, and providing for parity in insurance coverage for mental health. Join me online for more information at www.whitehouse.gov/agenda/disabilities or www.disabilityinfo.gov.

Thank you again for sharing your thoughts. Together we can meet the goal of providing the best possible support, empowerment, and opportunities for all Americans.

Sincerely,



~~Statement Alert to Criminalize These Serious~~
~~Corrupted Coverup ACT No Earthly Good Red Flag Bell~~
~~Predator Clicks Complaint Matter Issues Hear Thoroughly~~
~~Throughout The Snake~~ THE WHITE HOUSE OF Florida "AS THE
State - County - City WASHINGTON OF Their Designed
Corrupted State Law SYSTEMS = OWNER
Businesses \$ ETC AS OF Violations Mr. H. Y. \$ Others ADA
Dear Friend: CIVIL \$ Constitutional Rights \$ ETC

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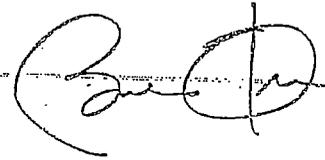
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Thank you again for sharing your thoughts. Together we can meet the goal of providing the best possible support, empowerment, and opportunities for all Americans.

Sincerely,



To Be
"Death
With
Now
The Red
Flag
Alert
Hear ^{on} _{radio}

~~Investigate~~ ~~MISDEMEANOR~~ ~~CRIMINAL~~ ~~DISCRIMINATION~~ ~~ACT~~ ~~IN~~ ~~THE~~ ~~STATE~~ ~~OF~~ ~~FLORIDA~~

Criminal Disability Discrimination Act
In The State Of Florida

THE WHITE HOUSE
WASHINGTON

March 1, 2010

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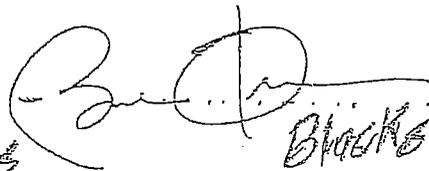
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Thank you again for sharing your thoughts. Together we can meet the goal of providing the best possible support, empowerment, and opportunities for all Americans.

Sincerely,



Also Profiling Against These No Earthly Good People's In Our Dept's Branches Throughout The State Of Florida A Doing Identity Theft - M & M Fraud & Also Falsifying

Blacks & Hate-Driven A
Mental Anguish
Others
Humanity
Heard
ETC

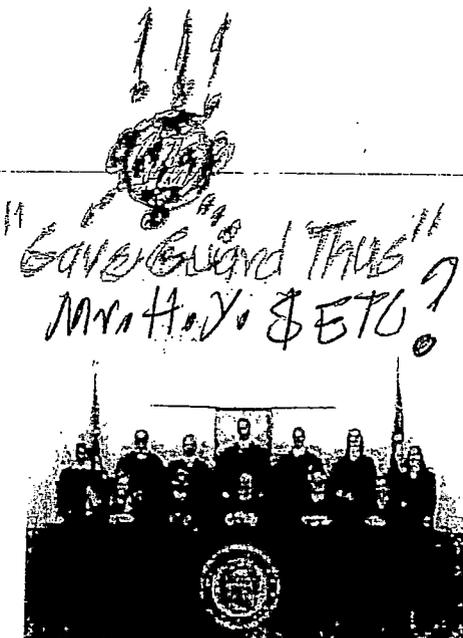
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 - Profiling
 Slander & Discrimination ACT Throughout
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 The State of Georgia

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The Georgia Court of Appeals is the intermediate appellate court in Georgia. It was established in 1906 and has twelve judges who serve in four divisions. The Court of Appeals has statewide appellate jurisdiction of all cases except those involving constitutional questions, land title disputes, the construction of wills, murder, election contests, habeas corpus, extraordinary remedies, divorce and alimony and cases where original appellate jurisdiction lies with the Supreme Court. The Court of Appeals may certify legal questions to the Supreme Court.

Justice Forth
 All
 Folks!!!

ANNOUNCEMENTS

[Click here for the latest news and information with the Court of Appeals of Georgia](#)
 New



Court of Appeals of Georgia
 47 Trinity Avenue S.W., Suite
 501 Atlanta, GA 30334
 Phone: (404) 656-3450
 Hours: 8:30AM to 4:30PM M-F

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The Court of Appeals is now eFiling. Click the links below to get detailed information and to access the eFast website!

[Instructions](#)

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Click the link below to access the Court of Appeals Docket/Case Inquiry System. You will be able to search information and status of all cases since January of 2003.

2013 Court Calendar

Click the link below to view the Court of Appeals Oral Argument Calendar.

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FIFTH AMENDMENT

[Text](#) [Learn more](#)
AMENDMENT V

[This is the text of the Fifth Amendment. For an explanatory article, [see our Wex page](#)]

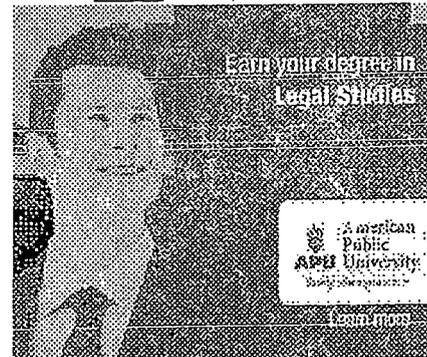
No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

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Miami Beach, FL

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Personal Injury
Hollywood, FL

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U.S. Constitution MAIN PAGE ANNOTATIONS

SIXTH AMENDMENT

Text Learn more

AMENDMENT VI

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

CONSTITUTION TOOLBOX

SEARCH CONSTITUTION: _____

Go

CRS Annotated Constitution

1

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- Right to confront witnesses
- Forfeiture by wrongdoing
- Accused

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Lawyers not listed for free!



RACHEL Y. LAO

Personal Injury, Products Liability, Workers' Co...
Miami, FL



All lawyers

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U.S. Supreme Court Bulletin

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Aloramson & Magidson, P.A. (A private law firm)
John M. Abramson
Rebecca Magidson

930 N. Krome Ave., STE
Homestead, Fl. 33030
TEL: (305) 358-4400
FAX: (305) 539-0477

May 19, 2014

1. TO:

CHIEF MIKE SUTTON
CORDELE JUDICIAL CIRCUIT
BEN HILL COUNTY
GEORGIA
(229) 426-5238
FAX: (229) 426-5238

RE: HARVEY C YOUNG
CS 1-493
SUSPENSION OF SOCIAL SECURITY BENEFIT BASED
UPON OUTSTANDING WARRANT ISSUED FOR
HARVEY C YOUNG ON 7/2/90
REQUEST FOR COURT ORDER EXPUNGING OR
RESCINDING OUTSTANDING WARRANT
FL DC 410906
SS 265 71 2244
DOB: 11/8/63
CLAIM FOR REIMBURSEMENT OF BENEFITS

2. District Office

Shoreview
9999 NE 2nd Avenue Suite 309
Miami Shores, Florida 33138
Tel: (305) 795-1210
Fax: (305) 795-1212

Tallahassee Office

The Capitol
1101 The Capitol, 402 South Monroe St. Rm. 1101 C
32399 Tallahassee, Florida
Tel: (850) 717-5108

Florida House of Representatives

Representative Daphne Campbell

RELEASE FORM

District 108 5/21/13

Thank you for contacting our office for assistance. So we may better serve you, it is our policy, and in certain circumstances may be required by Privacy Act of 1974, to obtain written consent from our constituents before we obtain information from public records or release information to a government or state agency. If you will complete and sign the following, we will proceed. If you are representing someone, it is necessary that the person represented sign this form. This is a state office and ALL services rendered are free of charge. Exchanging of money, gifts etc. is strictly prohibited.

3. Witness of Harvey Young:

IF YOU NEED TO GET IN TOUCH WITH ME, MY ADDRESS
IS ON THE LETTER.

THANK YOU!

JOYCE A. JACKSON
412 E. 6th ST.
OCILLA, GEORGIA 31774

4. Witness of Harvey Young:

JOHNNY JR. YOUNG

Tel: (786) 609-5898

NEW HORIZONS. MHC CENTER.

1469 N.W. 36TH ST.

Miami FL, 33142

5. Witness of Harvey Young:

DR. REGGIE THOMAS (NEW HORIZONS. MHC CENTER INTAKE)

Tel: "Thompson" - 786-299-1329

6. Witness of Harvey Young:

MRS. EBONY KENNEDY (NEW HORIZONS. MHC CENTER INTAKE)

Tel: (786) 433-8503

SIGNATURE:



GIVE BACK WHAT YOU TOOK!

From: Alesia Young

For: Harvey Young

Address: 413 n.w. 63rd st. 33150

Miami Fla

To: Chief Rebecca B. Bomb & Also, Others Too.

The U.S. Dept. of Justice

950 Pennsylvania Avenue

NW-Civil Rights Division & Disability

Rights Section-NYA-Washington, D.C. 20530

H/V
Statement Of Facts: Mr.Blank requested for a speedy demand Federal Entitlement Clemency Clearance & Sealed Legal Documentations Violation Restoration of Mr.Blank Civil Rights was denied to Vote and ETC, also to Reimburse...
H/V

The suspension withheld over the 13 years of being torchered by the Social Security Administrations Depts. for the Federal Entitlement Programs of 1. Supplemental Security Income (SSI). 2. Social Security Disability Insurance (SSDI). 3. Medicaid. 4. Medicare. 5. Veterans Compensation or Pension Fund...

That my father and other family members, went to "War throughout the United States of America, as being a U.S. Citizen." Civil and Constitutional Rights Liberty Laws for Justice of all Humanity as no Discrimination...

H/V
That's based upon Coming Grounds of Mr.Blank "Social Security Benefits of SSI" was ganish from this so called "-CS-1-493", as of 1990-1994 deadline to be released from Termination of Supervision of probation...

Although it turnout to be a Violation of an outstanding Warrant in the state of Fitzgerald, Georgia. 31750, as Ben Hill County issued an outstanding Warrant for Mr.Blank on the 7/2/90. As a Scape Fugitive Slave Mentality Perjury Slander, threats against innocent, as being Accused and Prosecuted. Mr.Blank injustice...
H/V

H/V
Along with attached Legal Documents of Mr.Blank torching complaint matter issues hear thoroughly "Need to be Criminalize Investigated immediately speedy demand throughout the Snake of George and Florida Corruptions Minded" of being with the Red Flag CoverUp Act Predator Clicks....

That's forever misusing- Abusing and Killing "Thus" Blacks- Immigrant- Others and ETC for the hard works of earnings as the " Red Flag CoverUp Act Bully Predator Clicks that's preying upon " Thus" ADA People's...

Throughout the United States of America, needs to be brought to Justice for, " Their unlawful Breeds of Life and ETC", so otherwise the guiding Principles of Eligibility, based upon the Coming Grounds of Mr. Blank ^{to be} legal documents has been proven and provided unto you the Violation Restoration of Mr. Blank Civil Rights to Vote. Also, his SSI benefits and ETC WAS taken from shalt to be be granted "All blacks to him with no problem of being Mental-Anguish and Badly- Harmed."...

THANK YOU FOR BEING CONCERN!

May 17, 2014

SIGNATURE BY:



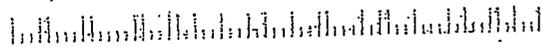


LEGAL CENTER OF HOMESTEAD
 ABRAMSON & MAGIDSON, P.A.
 930 N. KROME AVENUE, SUITE 2A
 HOMESTEAD, FLORIDA 33030



Harvey C. Young
 174 N.E. 68th Street
 Apt, 2
 Miami, Florida 33138

331385476 0008



LEGAL CENTER OF HOMESTEAD

ABRAMSON & MAGIDSON, P.A.
A Private Law Firm

JOHN M. ABRAMSON
DAVID L. MAGIDSON
REBECCA MAGIDSON

930 N. KROME AVE., STE
HOMESTEAD, FL. 33080
TEL.: (305) 358-4400
FAX: (305) 539-0477

STATEWIDE/NATIONWIDE:
(800) 433-3229

July 28, 2009

TO:

CHIEF MIKE SUTTON
CORDELE JUDICIAL CIRCUIT
BEN HILL COUNTY
GEORGIA

(229 426 5234)

✓ BY FX: 229 426 5238

RE: HARVEY C YOUNG

CS 1-493

SUSPENSION OF SOCIAL SECURITY BENEFIT BASED
UPON OUTSTANDING WARRANT ISSUED FOR
HARVEY C YOUNG ON 7/2/90

REQUEST FOR COURT ORDER EXPUNGING OR
RESCINDING OUTSTANDING WARRANT

FL DC 410906

SS-265 71 2244

DOB: 11/8/63

CLAIM FOR REIMBURSEMENT FOR SOCIAL
SECURITY REDUCTIONS OF BENEFITS

DEAR CHIEF SUTTON:

OUR office represents the above HARVEY C YOUNG, who was indicted
And convicted following a guilty plea to two felonies encompassed in the above
case, STATE OF GA. V HARVEY C YOUNG.

At sentencing by the court, he was placed on a 4 ½ yr probationary period
with banishment from the several designated counties in GA., and told never to
Return. He was never provided with any further instructions or contact
numbers for any further supervision in Florida.

Accordingly he was placed on a bus to Miami and he provided his sister's Address in Miami where he was to live, and pursuant to those instructions, never changed addresses without notice. His sister can attest to this.

When he was ultimately released after serving his probationary period and permitted to secure social security income, owing in part to his medical conditions, he did receive such benefits.

However there came a time when social security suspended one of his Benefits, based upon a Warrant for his arrest issued 7/2/90 by Judge Faye Clark, based upon his violation in Florida (presumably) in failing to report to His P.O., and a change of address without notification. The Warrant is silent As to who or what entity initiated the 'violation accusation', nor did it identify any FLORIDA probationary office that may have had any claimed contact with him.

I am fr'g a copy of the warrant herewith.

Harvey represents he has never violated the terms of probation, in that at all times he was never instructed to contact any probationary office once he arrived in FLORIDA, nor changed his address jeopardizing any agency from making contact with him should it be necessary.

His further inquiry to you directed some time ago, and my recent inquiry today in speaking with DAVID WARREN, indicates that there is no paperwork or supporting documentation in the case file from FLORIDA or any other source that would serve as grounds for issuing the subject Warrant for his arrest on 7/2/90.

Although he has explained all of this to social security, and is without any paperwork from his Florida probationary supervisors that would indicate a violation of his probation, social security remains adamant that because there Remained an "outstanding warrant" during the critical period where his benefits were paid, he was 'overpaid', and claim that HARVEY owes social security these monies. As a consequence they have now been or will be deducting from his benefits an amount over \$ 3000-.

I am requesting your efforts in reviewing the case file for any documentation that served as a basis for issuing the warrant, as locally we have found none. If in fact you have no documentation serving as grounds for its issuance, could you implement a request to the court, by the terms of this letter for an ORDER rescinding and expunging the subject attached WARRANT, which will provide an opportunity for HARVEY to escape the wrath of social security and avoid the further reduction of his benefits and allow some

Thank you for your anticipated cooperation.

By copy hereof we are directing our form 1696 to SOCIAL SECURITY at MR YOUNG'S local office submitting our representation and requesting a further review of this unfortunate interruption in his delivery of SSI and related benefits, and ask that he be restored to those amounts that have been wrongly Reduced or deducted from his rightful monthly payments.

Very truly yours,

ABRAMSON & MAGIDSON P.A.
LEGAL CTR OF HOMESTEAD
930 N. KROME AVE; STE 2A
HOMESTEAD FL 33030

By 

JOHN M ABRAMSON
(800 433 3229)
FX: 305 539 0477

Cc

HARVEY C YOUNG
174 NE 68 ST Apt #2
MIAMI, FL 33138
(786 366 9082; 786 487 4066)

SOCIAL SECURITY ADMIN.
SUPP SECURITY INCOME
3345 BISCAYNE BLVD
MIA FL 33138
(305 757 3728)
BY FX: 305 758 9812

TO WHOM IT MAY CONCERN

I AM THE SISTER OF HARVEY YOUNG MY NAME IS JOYCE A. JACKSON, MR. YOUNG HAS BEEN DENIED HIS DISABILITY CHECK FOR THE REASONS BEING THAT HE HAS A CHARGE AGAINST HIM IN THE STATE OF GEORGIA.

I WENT TO THE OFFICALS IN THE COUNTY OR BEN HILL WHICH IS FITZGERALD GEORGIA, AND RETRIEVE A PAPER STATING THAT THERE IS NO CHARGE ON MR. YOUNG.

ON JANUARY 16, 1970 I WAS TOLD TO PUT MR. YOUNG ON THE BUS FOR FLORIDA BY THE JUDGE AND HE INDICATED THAT IT WAS TO BE THE SAME DAY OF HIS RELEASE AND HE WAS PUT ON THE BUS FOR FLORIDA.

IF THERE HAS BEEN ANY CHARGES ON HIM THE JUDGE WOULD NOT HAVE TOLD ME TO DO THIS.

IF YOU NEED TO GET IN TOUCH WITH ME MY ADDRESS IS ON THE LETTER.

THANK YOU.

"WITNESS"

JOYCE A. JACKSON

412 E. 6th street

OCILLA, GEORGIA 31774

HARVEY YOUNG

786 366 9082

CLAIM FOR SS IMPROPERLY REDUCED..

8/30/89 COMMITMENT OF FELONY IN BEN HILL CO. GA

12/29/89 INDICTMENT FOR POSS OF FIREARM BY FELON; AND AGG ASSAULT/ SUPERIOR CT OF BEN HILL COUNTY GA...PLEA OF GUILTY TO COUNT 1 AND TO SIMPLE ASSAULT IN COUNT 2

1/16/90 CT NOTES PRIOR FELONY CONVICTION ON 1/9/85 OF ROBBERY BY FORCE, AND POSSESS AND TRANSPORTING FIREARM.....REP'D BY COUSEL AT SENTENCING FOR HIS ABOVE INDICTMENT....SENTENCED TO 4 ½ YRS PROBATION..ON COUNT 1..AND BANISHED FROM JURISDICTION OF CORDELE JUDICIAL CIRC AND COUNTIES IN GA;

AND AS TO COUNT 2..SIMPLE ASSAULT..CONCURRENT SENTENCE OF 12 MO SERVEED ON PROBATION W SAME BANISHMENT.

7/2/90 ARREST WARRANT BY SHERIFF OF BEN HILL GA.WHERE HE RESIDES AT 7232 NE 2 AVE; MIA FL AND TO BE RETURNED TO GA/ BEN HILL CO. TO THE CT FOR VIOL OF CONDITIONS OF PROBATION, IE RPT TO P.O. AS DIRECTED AND DO NOT CHANGE ADD W/O PRIOR PERMISSION...AS HE 'ABSCONDED PROBATION SUPERVISION IN THAT HE FAILED TO RPT TO PLO IN RFL AND MOVED PR HIS GIVEN ADD AND LEFT NO FORWARDING ADD...

AND ORDER THE PROBATION FEATURE OF THE SENTENCE IMPOSED BY THE CT IS HEREBY TOLLED UNDER GA LW ..SEC 4208-36 AND RUNNING OF SAID SENTENCE IS STAYED EFF 7/2/90

1/19/01 FL PAROLE COMMISSION / ACKNOW OF INTERVIEW..DC : 410906 BY JANE O'BERRY/ PAROLE EXAMINER...

3/14/01 LAKE CORRECTIONAL INST/ FL..SATIS F'Y GAINTIME FOR MARCH...RELEASE DATE WILL BE 4/1/01.

3/29/01 LAKE CORR INST/ MENTAL HLTH SERV...FROM JEANETTE SUAREZ MA/ PSYCH SPECIALIST/ AFTERCARE APPT, ADVISING OF SSI OFFICE AT SSA / 8345 BISCAYNE BLVD/ MIA FL..AND UPON RELEASE FOR DC CUSTODY , APPT MADE W MENTAL HLTH PROVIDER AT NEW HORIZONS 1469 NW 36 ST; MIA

4/1/01 RELEASED FROM LAKE CORR FACILITY TO MIA INTAKE 11B...AND RPT'D HIS INTENDED ADD TO BE: 310 NW 67 ST; MIA FL 33150;; HAD FILED FOR SSDB...AND TO SHOW RELEASE PAPERS AND SS WILL REINSTATE YOUR BENEFITS.

FLORIDA PAROLE COMMISSION
EXECUTIVE CLEMENCY
2601 BLAIR STONE ROAD
TALLAHASSEE, FLORIDA 32399-2450



HARVEY YOUNG
174-2 NE 68TH STREET
MIAMI, FL 33138

R

33014+4437-42 C088



FLORIDA PAROLE COMMISSION



ACKNOWLEDGMENT OF INTERVIEW

NAME: Harvey Young DC #: 410905

I UNDERSTAND I am to be interviewed for the FLORIDA PAROLE COMMISSION by:

PAROLE EXAMINER: Jayne O'Berry, 30W

I UNDERSTAND that during this interview, the Examiner will advise me verbally of his recommendation in my case, and the Commission in Tallahassee will notify me of their decision.

I UNDERSTAND that any final decision in my case is made by the Commission members in Tallahassee after their review of the facts.

MY SIGNATURE BELOW INDICATES THAT I HAVE READ AND UNDERSTOOD THE ABOVE.

Signature: Harvey E. Young Inmate Number: 410906

Date: 1/19/01

Witness: Jayne O'Berry
Florida Parole Commission Representative

IF YOU ARE ELIGIBLE FOR PAROLE AND HAVE INDIVIDUALS DESIROUS OF APPEARING BEFORE THE COMMISSION AND SPEAKING IN REGARDS TO YOUR CASE, THEY MUST REQUEST PERMISSION BY CONTACTING:

FLORIDA PAROLE COMMISSION
2601 BLAIRSTONE ROAD
BUILDING C, ROOM 412
TALLAHASSEE, FLORIDA 32399-2450
ATTENTION: REQUEST TO APPEAR

QUESTIONS RELATED TO APPEARING BEFORE THE COMMISSION MAY BE ANSWERED BY CALLING (850) 488-1293.

REQUEST MUST BE MADE WITHIN 15 DAYS AFTER DATE OF INTERVIEW.

DEPT. OF CORRECTIONS

INMATE

0-410906

D.O.B: 11/08/1963 Height: 5'08"

Hair: BLACK Weight: 199

Eyes: BROWN Race: BLACK

YOUNG, HARVEY C



Mr.
Harvey Young

STATE OF FLORIDA
DEPARTMENT OF CORRECTIONS
LAKE CORRECTIONAL INSTITUTION
INTEROFFICE MEMORANDUM

TO INMATE: Young, Harvey
DC# 410906
DORM: 432155
DATE: 3.14.01

If you earn your full gaintime rating (above satisfactory) for March
your release date will be April 1 2001



G. Anderson, Correctional Probation Sr. Officer /
Transition Assistance Officer

FLORIDA DEPARTMENT OF CORRECTIONS
 CONSENT FOR INSPECTION AND/OR RELEASE OF CONFIDENTIAL INFORMATION

I, Harvey Young, authorize Department of Corrections
 (Name or general designation of program making disclosure)

to disclose to SSA/SSI
 (Name of person or organization to which disclosure is to be made)

Purpose of disclosure authorized herein: to obtain services

The undersigned hereby authorizes the inspection and release of copies of my medical records indicated below by the above-named health care facility/medical record custodian only to the above-named company or persons or their agents. Indicate all of the records authorized to be inspected/released by initialing in the appropriate box(es) below:

DO	DO NOT
HCY	✓
HCY	X

- A. Release of all medical records except: any information relating to HIV testing, AIDS and AIDS-related syndromes; psychiatric and psychological information; or alcohol and/or substance abuse treatment information related to my condition, care, and confinement (Initial appropriate box).
- B. Release of any records regarding HIV testing, AIDS and AIDS-related syndromes relating to my condition, care, and confinement (initial appropriate box).
- C. Release of any records of psychiatric and psychological information (mental health records) relating to my condition, care and confinement (Initial appropriate box).
- D. Release of all dental records relating to my condition, care and confinement (Initial appropriate box).
- E. Release of any records regarding alcohol and/or substance abuse treatment relating to my condition, care, and confinement (initial appropriate box). I understand that my records are protected under the federal regulations governing Confidentiality of Alcohol and Drug Abuse Patient Records, 42 U.S.C. §290 (dd)(2), and cannot be disclosed without my written consent unless otherwise provided for in the regulations. As to release of alcohol/substance abuse treatment records, please state the specific information to be released as provided by 42 U.S.C. §290 (dd)(2), Fed rule 42 CFR part 2:

n/a
 Name of information - dates of treatment programs, etc., if possible

n/a
 (Specification of the date, event, or condition upon which this consent expires if less than six months)

I understand that I may revoke this consent at any time except to the extent that action has been taken in reliance on it, and that in any event, this consent shall be effective for six months unless I specify a different expiration as follows:

In furtherance of this authorization, I (we) do hereby waive all provisions of law and privileges relating to the disclosures hereby authorized. I acknowledge the extent of my authorization of release as to the records and information denoted in paragraphs A, B, C, D and E by initialing the appropriate boxes above.

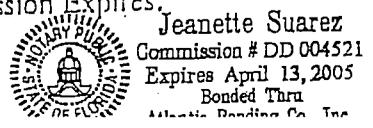
Harvey C. Young
 SIGNATURE OF PATIENT (or Next of Kin, Guardian or Authorized Representative, when required)

STATE OF FLORIDA
 COUNTY OF LAKE
 Personally Known OR Produced Identification
 Type of Identification Produced:

Inmate Name YOUNG, HARVEY
 DC# 410906
 RUS BIM
 Date of Birth 11-8-63
 SS# 265-71-2244
 Institution LAKE CI

INMATE ID
 Sworn to (or affirmed) and subscribed before me this 2nd day of MARCH 2004
Jeanette Suarez
 Notary Public Signature

Print, type, or stamp commissioned name of Notary Public JEANETTE SUAREZ
 My Commission Expires: SEAL



Social Security Administration

PO Box 491337
118 E. Main St.
Leesburg, FL 34749
Phone: (352)728-2450
FAX: (352)787-9170
Office Hours: 9:00 - 4:00

March 29, 2001
Claim Number: 265-71-2244

Mr. Harvey C. Young #410906
C/O Lake Correctional
19225 Hwy 27
Clermont, Fl. 34711

Dear Mr. Young #410906:

We received your correspondence regarding filing for Social Security disability benefits. You do not need to file a new application. Upon your release from the correctional facility, you should go to the Social Security office where you will be living and show them your release papers and they will reinstate your Social Security benefits.

PER PHONE CONTACT ELAKE CORRECTIONAL FACILITY 04/04/01
HE WAS RELEASED (CONDITIONAL RELEASE TO MIAMI INTAKE 113)
ON 04/01/01. HE REPORTED HIS INTENDED ADDRESS TO BE:
310 NW 67TH ST, MIAMI, FL 33150



Court of Appeals of Georgia

December 22, 2014

TO: Mr. John Davis, GDC1274215 H-4, Telfair State Prison, Post Office Box 549, Helena, Georgia 31037

RE: **A14A0856. John Davis v. The State**

REQUEST FOR COPIES

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

Index \$4.00

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

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

REQUEST FOR FORMS

- This Court does not have the forms you requested.

COURT RULES

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

APPOINTMENT OF COUNSEL

- You should direct an inquiry concerning appointment of counsel to the trial court from which you are appealing. This Court cannot appoint counsel for you.

Dear Clerk

Could you please send me a copy of my Case file Index

Case # A14A0856 Thank you very much

John Davis

RECEIVED IN OFFICE
2014 DEC 19 PM 3:28
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

December 22, 2014

To: Mr. Kirvin Bernard Clark, GDC662888, Johnson State Prison, Post Office Box 344,
Wrightsville, Georgia 31096

Case Number: _____ Lower Court: _____ County Superior Court

Court of Appeals Case Number and Style: A14A0692. Kirvin Clark v. The State

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

- There is no case pending in the Court of Appeals of Georgia under your name.**
- A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37.** Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.
- The Notice of Appeal must include a proper Certificate of Service.** A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.
- An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____
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: _____
- The referenced appeal was vacated and remanded to the trial court for re-sentencing on July 14, 2014. The remittitur issued on July 29, 2014, divesting this Court of any further jurisdiction of your case. The case is therefore, final.**

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 or had a case before this Court.

UNO#662888

Kirvin Benard Clark
The Living Soul
Johnson State Prison
P.O. Box 344
Wrightsville, Ga. 31096

To: The Clerk of The Court of Appeals of Georgia

For Judge Philips And Judge MacMillan

RE: ASSISTANT OF CASE# S14A-0256 - 0

Dear Honorable Court

I am the living soul The Private Person, Sovereign, Held as
a Prisoner on order of Corporation In Contract; You vacated my sentencing
Contract, around July or August 2014; A Case # 2011-CR-0465 Held
in a Proceeding, by The Corporation of, The MERIWETHER COUNTY SUPERIOR COURT

I was Return to MERIWETHER County on November 2014 for a New Proceeding
on November 11, 2014 The Corporation of The SUPERIOR COURT For MERIWETHER
COUNTY; ACTED UNDER The Foreign Jurisdiction Flag;

Violating my UNIVERSAL Declaration of Human Right's. Refusing to hear
my case "To wit" A Claim, under The American Flag, under Common Law
Jurisdiction; Violating Article, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 20 and 28 U.D.H.R.
The Judge so ordered me "That if I did not Contract with a Incorporate
Attorney that I would remain in Prison; and so ordered that The
Incorporate Sheriff Department Return me The living soul to Johnson State
Prison; which violate The 5th, 8th, 13th, and 14 Amendment U.S. Const
Amendment the rules and laws that suppose to protect me The living soul
from Act's Violating the People by Corporation's In Contract;

To wit An Attorney can only Represent me under Contract, a Corporation
and living soul can not Contract, unless Attorney Fraud me, under the
All Capital letter Name"

Please assist me from The Tyranny of Treason And Fraud.

By The Corporation In The District of MERIWETHER COUNTY,

Thank you so very much

Kirvin Benard Clark.

This 17 day of December 2014,

Please Return me a copy To The above Address

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

December 23, 2014

To: Mr. Don Faircloth, GDC577853, Augusta State Medical Prison, 3001 Gordon Highway, Grovetown, Georgia 30813

Case Number: _____ Lower Court: _____ County Superior Court

Court of Appeals Case Number and Style: A15A0320. Don Faircloth v. The State and A15D0059. Don Robert Faircloth v. The State

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

- There is no case pending in the Court of Appeals of Georgia under your name.**
- A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37.** Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.
- The Notice of Appeal must include a proper Certificate of Service.** A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.
- An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____ The remittitur issued on _____ divesting this Court of jurisdiction. The case decision is therefore final.
- Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the _____ is: _____
- 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.
- A15A0320 and A15D0059 were dismissed on October 17, 2014. The remittitur issued in the direct appeal, A15A0320, on December 3, 2014. This Court does not issue remittiturs in Discretionary Applications.**

Also, 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.

TO:

CLERK,

DECEMBER 12, 2014

COURT OF APPEALS OF GEORGIA

SUITE 501

47 TRINITY AVE.

ATLANTA, GA 30334

RECEIVED IN OFFICE
2014 DEC 17 PM 3:47

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

RE: DONFERGLOTH V. THE STATE; CASE NO. A15D0059

DONFERGLOTH V. THE STATE; CASE NO. A15A0320

DEAR CLERK,

IN REFERENCE TO CASE NO. A15D0059, PLEASE TRANSMIT THE
REMITTAL BACK TO THE TRIAL COURT AND SEND ME A NOTICE
OF REMITTAL TO THE ADDRESS BELOW,

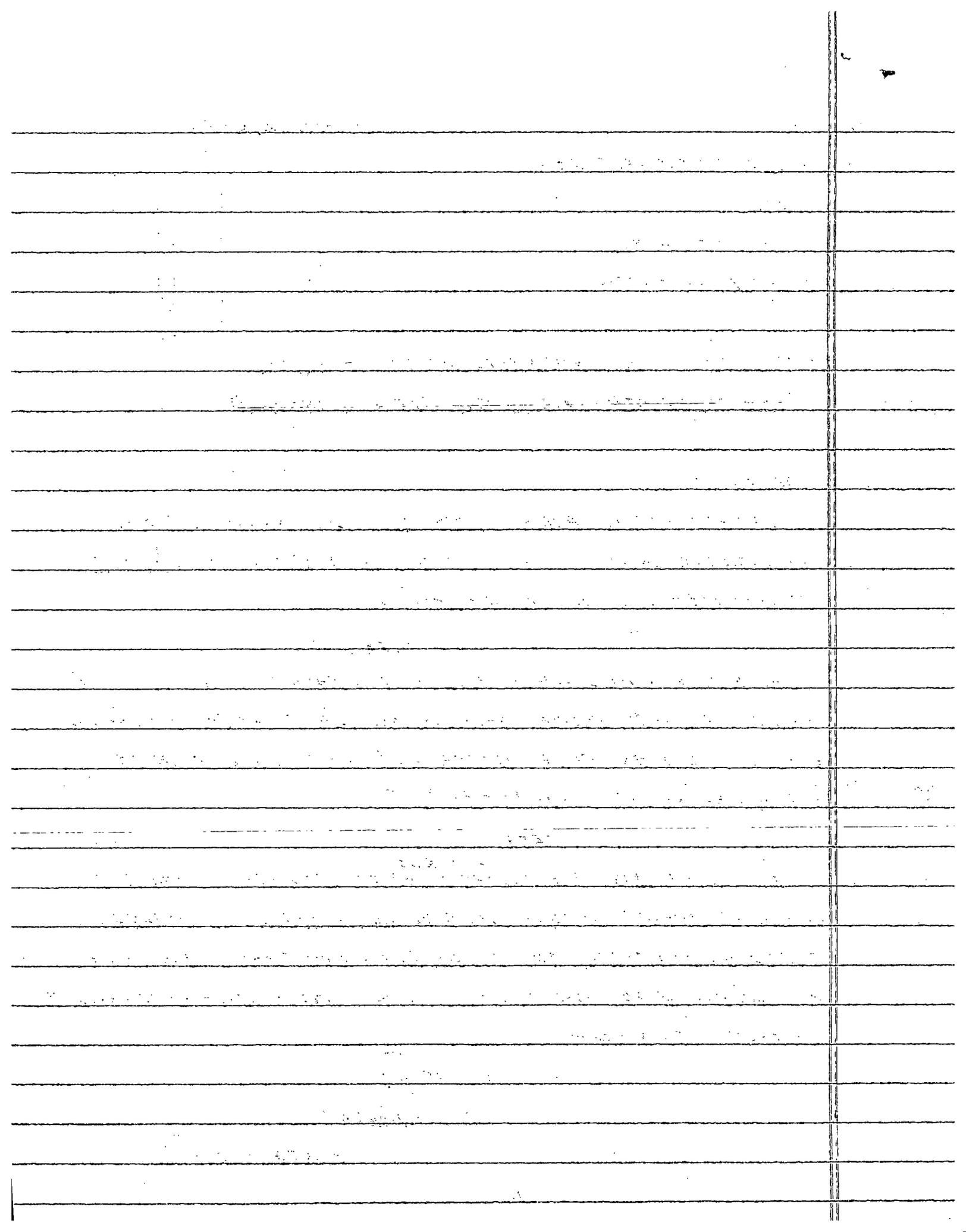
ALSO, IF YOU WILL, PLEASE SEND ME THE NAMES OF THE JUDGES
JUSTICES THAT DECIDED EACH OF THE ABOVE CASES, AS I WOULD
LIKE TO PETITION EACH JUSTICE, AND THE COURT AS A WHOLE
FOR A REHEARING.

THE ABOVE CASES ARE PROVEN TO BE IN VIOLATION OF LAW, BUT I
ALSO HAVE PROVEN MY ALLEGATIONS OF OBSTRUCTION OF JUSTICE,
CRIMINAL CONSPIRACY AND MURDER, ALL THAT I ASK IS THAT I BE
ALLOWED ACCESS TO THIS COURT TO SEEK JUSTICE, AND ACCOUNTABILITY
OF THOSE RESPONSIBLE.

SINCERELY,

DonFergloth

DONFERGLOTH



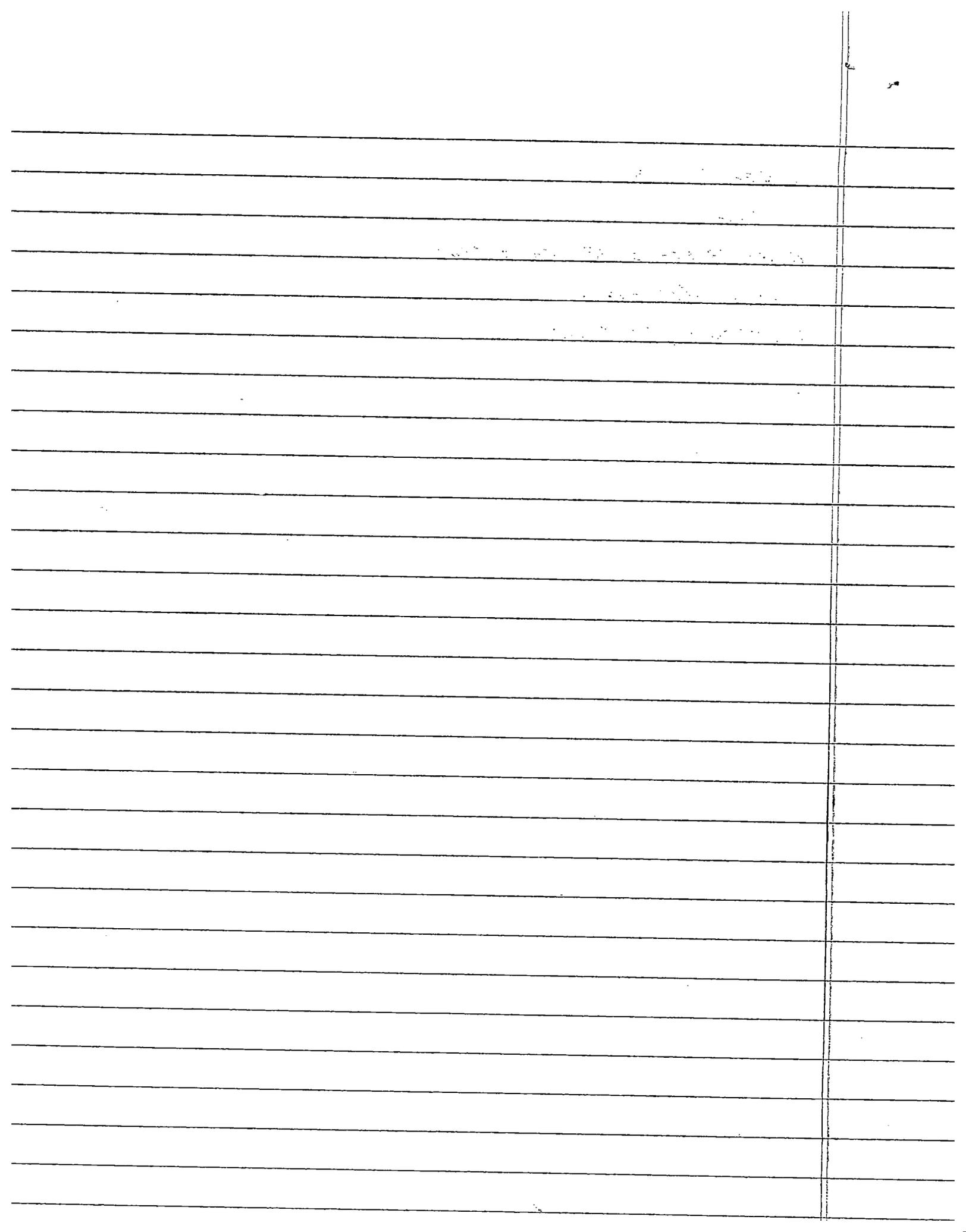
DON FAIRCLOTH

577953

AUGUSTA STATE MEDICAL PRISON

3001 GORDON HWY.

GROVETOWN, GA 30813



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

December 23, 2014

To: Ms. Pamela Delores Green, GDC29695 E-4, Pulaski State Prison, Post Office Box 839,
Hawkinsville, Georgia 31036

Docket Number: A15A0725 **Style:** Pamela Delores Green v. The State

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

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

IN THE COURT OF APPEALS
STATE OF GEORGIA

FILED IN OFFICE

DEC 17 2014

COURT CLERK
CLERK COURT OF APPEALS OF GA

PAMELA DELDRES GREEN

ORIGINAL

CASE NO. A15AD725

V.

THE STATE

BRIEF OF APPELLANT

RECEIVED IN OFFICE
2014 DEC 22 PM 4:19
CLERK COURT OF APPEALS OF GA

PAMELA DELDRES GREEN
Appellant
GDC ID # 29695 E4
Pulaski State Prison
P.O. Box 839
Hawkinsville, Georgia 31036
Pro-Se

I. ENUMERATION OF ERRORS AND JURISDICTION

A. ENUMERATION OF ERRORS

1.

The Appellant asserts the conviction of Burglary should be vacate, void. The sentence of Burglary should have been merged, with the sentence of theft by deception. Fifth Amendment violated. 16-1-7

2.

The Revisist statute D.L.G.A. § 17-10-7(c). Judge should have applied (a) and (e) statute.

3.

The conviction of Burglary should be vacate. Appellant did not enter home, which Ga. law requires a Burglary conviction.

B. STATEMENT OF JURISDICTION

The Court of Appeals of Georgia has proper jurisdiction over this case because this is an appeal from a judgment and denial of motion entered in the Superior Court of Emanuel County, Georgia and it does not fall within any area designated to be heard before the Supreme Court of Georgia under Article VI, Section VI, Paragraph II of the Georgia Constitution of 1983.

III. Argument and Citation of Authority

BRIEF OF APPELLANT

I. STATEMENT OF THE CASE

2. Factual and Procedural Background

THE APPELLANT was arrested and subsequently indicted at the July 2008 term of the Superior Court of Emanuel County, Georgia and charged with: Count One: Burglary pursuant to O.C.G.A. § 16-7-1; and Count Two: Theft By Deception pursuant to O.C.G.A. § 16-8-3. Also Recivist O.C.G.A. 317-10-7(c)

On January 12 and 13, 2009, the APPELLANT was tried on the aforementioned charges before the Honorable Robert S. Reeves, and was convicted of both counts. On January 13, 2009, the APPELLANT was sentenced to twenty years, without the possibility of parole on Count One. On Count Two, the APPELLANT was sentenced to ten years, without the possibility of parole, to serve consecutive to Count One.

On February 10, 2009, the APPELLANT filed her Motion for New Trial. An Amended Motion for New Trial and a Brief in Support of that Motion was filed on June 25, 2009. On August 5, 2009, the Honorable Robert S. Reeves entered an order denying the APPELLANT's Motion for New Trial.

Since then the APPELLANT has filed Motion to Reduce Sentence Out of Time Motions. All which have been denied. denied APPELLANT last Motion, was October 27th 2014 for conviction to be void and vacate, which was denied. 30th day of October 2014.

1. The Conviction of burglary should have merged with theft by deception,

Supporting Facts: Multiple punishments for same offenses, prosecutions

for substantially the same conduct, actions or transaction when counts involve the same victim, connected by a common criminal

objective or scheme (Curtis v. State, 575 S.E. 2d 376, 275 Ga. 576 (2002); U.S. v. Diaz, 245 F. 3d 294, 300 (3d Cir. 2001);

Williams v. State, 288 Ga. 700 (2010), Kinney v. State, supra, 275 Ga. 571

The burglary and theft by deception should have merged.

2.

The Recidivist Statute, O.C.G.A. § 17-10-7(c)

requires a fourth felony offender to serve the maximum time of the trial courts ~~discretion~~ sentence and prohibits parole, it does not dispense with trial courts discretion to probate or suspend part of a sentence. Banks v. State, 225 Ga. 754

If a Defendant has Any Prior felony Convictions O.C.G.A. § 17-10-7 (a) applies any prior felony convictions invokes the Application. no matter how the defendant was sentenced.

Webb v. State, 251 Ga. App. 414, 554 S.E. 2d 563 (2001); State v. Temple, 189 Ga. App. 284 375 S.E. 300 (1988).

Daniel's Georgia Criminal Trial Practice

West Law. Any prior Felony Convictions, O.C.G.A. § 17-10-7 (a) and (c) apply.

3.

The Burglary Conviction should vacate.

Their was not a Breaking or Entering by appellant.

4.

Judge Sentence appellant, were her attorney

INSUFFICIENT EVIDENCE; of 2.

Burglary of "dwelling" place.

Denkins v. State, 259 Ga. App. 47 (2000).

D.C.B.A. § 16-7-1;

DeFrancis v. Manning, 246 Ga. 307 (1980).

The only evidence presented by the state is that

The defendant was present when her husband attempted to sell a trailer belonging to Moore. However there was absolutely no evidence that the trailer was inside of a building, which is required for a charge of burglary.

Williamson v. State 134 Ga.

App. 583 215 S.E. 2d 518 (1945);

Roberts v. State, 252 Ga. 227, 314 S.E. 2d 83, cert.

(1984).

The state had failed to prove an essential element

apporation of the crime with which it had charged her burglary.

Sellers v. State, 124 Ga. App. 637, 298 S.E. 2d 623 (1982).

Judge Robert S. Reeves, Was appellant's attorney on ^{Three}(3) Prior Conviction's. Befor he became Judge. He Knew appellant past very well. He should have Recused himself.

Defendant was prejudiced by The Court. Also which is an Constitutional of injustic.

Defendant has a 6th Grade Education, which the Trial Court New this at time of Trial. Defendant ask the Court For justic. And to open her case closeley To Grant her justic. change of Venue. and to reversed her Conviction for Burglary. and remand For resSentencing. Defendant Pray's this Court reversed her Sentence.

this 17th Day of December.
2014.

Vanessa Debra Green

Pro. Se.

Exhibit
of 4

IN THE SUPERIOR COURT OF EMANUEL COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

vs.

PAMELA RIDDLES COLEMAN

* Accusation # 93-SPCR-14,
* January Term, 1993 P. 228
*
* Count 1: Theft by Taking
* (Shoplifting)
* Count 2: Financial
* Transaction Card
* Fraud

ACCUSATION

Based on the oath and affidavit hereinafter made, the District Attorney for the Middle Judicial Circuit, in the name of the citizens of Georgia, charges and accuses said accused with the above-listed offense(s) in the particulars stated in the affidavit below, hereby incorporating and realleging by reference herein the allegations of said affidavit, said offense(s) being contrary to the laws of this said state, the good order, peace, and dignity thereof.

This 5th day of February, 1993.

Aune L. Tolla
Assistant District Attorney

Office of the District Attorney
P.O. Drawer J
Swainsboro, GA 30401
(912) 237-7846

AFFIDAVIT

~~Count 1: Personally comes the undersigned affiant who on oath says that to the best of his knowledge and belief the above-named accused did on the on the 15th day of December, 1992, commit the offense of Theft by Taking (Shoplifting) for that the said accused at the time aforesaid, and in the county above shown, did then and there unlawfully appropriate merchandise, to-wit: T-bone steaks, of Piggly Wiggly, a retail establishment, to her own use without~~

629 363

Exhibit
of #:

IN THE SUPERIOR COURT OF Emanuel COUNTY, GEORGIA

STATE OF GEORGIA

CRIMINAL ACTION NO. 93-SPCR-14
Accusation

VS.

OFFENSE(S) Ch I: Theft by Shoplifting
Ch 2: Financial Transactions
Card Fraud

Penelope Riddles Clemon, January TERM, 19 93
DEFENDANT

FINAL DISPOSITION

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> PLEA: | <input type="checkbox"/> VERDICT: | <input checked="" type="checkbox"/> OTHER DISPOSITION |
| <input checked="" type="checkbox"/> NEGOTIATED | <input type="checkbox"/> JURY / <input type="checkbox"/> NON-JURY | <input checked="" type="checkbox"/> NOLLE PROSEQUI ORDER ON |
| <input checked="" type="checkbox"/> GUILTY ON COUNT(S) <u>2</u> | <input type="checkbox"/> GUILTY ON | COUNT(S) <u>1</u> |
| <input type="checkbox"/> NOLO CONTENDERE ON | COUNT(S) _____ | <input type="checkbox"/> DEAD DOCKET ORDER ON |
| COUNT(S) _____ | <input type="checkbox"/> NOT GUILTY ON | COUNT(S) _____ |
| <input type="checkbox"/> TO LESSER INCLUDED | COUNT(S) _____ | |
| OFFENSE(S) _____ | <input type="checkbox"/> GUILTY OF INCLUDED | |
| ON COUNT(S) _____ | OFFENSE(S) OF _____ | |
| | ON COUNT(S) _____ | |

DEFENDANT WAS ADVISED OF THE RIGHT TO REVIEW BY A SUPERIOR COURTS SENTENCE REVIEW PANEL

WHEREAS, the above-named defendant has been found guilty of the above-stated offense(s), it is hereby ORDERED AND ADJUDGED by the Court that the said defendant is hereby sentenced to confinement for a period of Count 2: 2 years in confinement concurrent with any other sentence currently serving.
The State agrees to dismiss count one.

in the State Penal System or such other institution as the Commissioner of the State Department of Corrections or the Court may direct, to be computed as provided by law.

THE DEFENDANT WAS REPRESENTED BY THE HONORABLE Robert Reeves
ATTORNEY AT LAW, OF Emanuel COUNTY, GEORGIA, BY (EMPLOYMENT) (APPOINTMENT).

IT IS SO ORDERED, this 5th day of February, 19 93.

Filed In Office This
5th Day of February, 19 93.
Shirley Robinson
Clerk, Superior Court
Deputy

William C. Tucker
Judge, Superior Court of Said County
Middle Judicial Circuit of Georgia

634 368

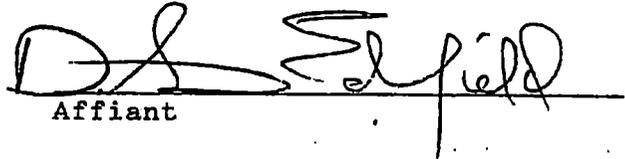
Exhibit
of 4.

93-SPCR-14

paying for said merchandise and with the intent to deprive the said owner of the value of the merchandise, to-wit: \$15.02, and did take possession of said merchandise, contrary to the laws of the state of Georgia, the good order, peace, and dignity thereof.

Count 2: Personally comes the undersigned affiant who on oath says that to the best of his knowledge and belief the above-named accused did on the on the 24th day of December, 1992, commit the offense of Financial Transaction Card Fraud for that the said accused at the time aforesaid, and in the county above shown, did then and there unlawfully, with intent to defraud Stewart's Jewelers, an organization providing goods, obtain jewelry by representing without the consent of the cardholder that accused was the holder of a specified financial transaction card, to-wit: Diamonds Unlimited, contrary to the laws of the state of Georgia, the good order, peace, and dignity thereof.

Affiant makes this affidavit that an accusation may be made against the said accused in the superior court of said county.


Affiant

Sworn to and subscribed before me, this 5th day of February, 1993.


Clerk of the Superior Court of
Said County


630 364

Exhibit of 4

FINAL DISPOSITION

SC-8

GLYDE CASTLEBERRY CO., COVINGTON, GA 302

THE SUPERIOR COURT OF Emmanuel COUNTY, GEORGIA

FINAL DISPOSITION

CRIMINAL ACTION NO. FD-CA-43

OFFENSE(S) Count 1: Forgery in the First Degree; Count 2: Reside

THE STATE VS.

Pamela Riddler Coleman

April

TERM, 19 90

Filed in Open Court, this 1st day of June 1990 by Mrs. B. Robinson Deputy Clerk

PLEA:

NEGOTIATED
 GUILTY ON COUNT(S) 1
 NOLO CONTENDERE ON COUNT(S) _____
 TO LESSER INCLUDED OFFENSE(S) _____
ON COUNT(S) _____

JURY
 NON-JURY

VERDICT:

GUILTY ON COUNT(S) _____
 NOT GUILTY ON COUNT(S) _____
 GUILTY OF INCLUDED OFFENSE(S) OF _____ ON COUNT(S) _____

OTHER DISPOSITION
 NOLLE PROSEQUI ORDER ON COUNT(S) 2
 DEAD DOCKET ORDER ON COUNT(S) _____

(SEE SEPARATE ORDER)

DEFENDANT WAS ADVISED OF HIS/HER RIGHT TO HAVE THIS SENTENCE REVIEWED BY THE SUPERIOR COURTS SENTENCE REVIEW PANEL.

FELONY SENTENCE MISDEMEANOR SENTENCE

WHEREAS, the above-named defendant has been found guilty of the above-stated offense, WHEREUPON, it is ordered and adjudged by the Court that: The said defendant is hereby sentenced to confinement for a period of four (4) years in Court 1

in the State Penal System or such other institution as the Commissioner of the State Department of Corrections or Court may direct, to be computed as provided by law. HOWEVER, it is further ordered by the Court.

1) THAT the above sentence may be served on probation

2) THAT upon service of _____ of the above sentence, the remainder of _____ may be served on probation PROVIDED that the said defendant complies with the following general and other conditions herein imposed by the Court as a part of this sentence.

GENERAL CONDITIONS OF PROBATION

The defendant, having been granted the privilege of serving all or part of the above-stated sentence on probation, hereby is sentenced to the following general conditions of probation:

- 1) Do not violate the criminal laws of any governmental unit.
- 2) Avoid 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-Parole Supervisor as directed and permit such Supervisor to visit him(her) at home or elsewhere.
- 5) Work faithfully at suitable employment insofar as may be possible.
- 6) Do not change his(her) 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 his(her) legal dependants to the best of his(her) 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.

OTHER CONDITIONS OF PROBATION

IT IS FURTHER ORDERED that the defendant pay a fine in the amount of \$ 500 in Court 1 plus \$50 or 10%, whichever is less pursuant to O.C.G.A. 15-21-70, and pay restitution in the amount of 125; 10 Probation Fee monthly Court Costs _____ Attorney's Fees _____
Payments are: to be in 10 equal consecutive monthly installment as directed by probation officer

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 any 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 Bobby Rivas Attorney at Law, Emmanuel County, by (Employment)(Appointment).

By the Court

June 1st

19 90

So ordered this 1st day of June, 19 90
[Signature]
Judge, EMMANUEL Superior Court

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this Sentence of Probation has been delivered in person to the defendant and he/she instructed regarding the conditions as set forth above.

This _____ day of _____, 19 _____

Copy received and instructions regarding conditions acknowledge.

This _____ day of _____, 19 _____

White-Clerk Canary-District Attorney Pink-Probation Office Goldcard-Defendant

Probation Officer

Probationer 33

605

Exhibit
of 4.

vs.

Pamela Riddles Colman

Superior Court

Case No. CR-43

Offense(s) Forgery

SWORN STATEMENT

The defendant, being sworn, states the following to the court (write yes or no):

1. Yes I understand that I am charged with the offense(s) of Forgery in the first degree
2. Yes I understand that conviction of this/these charge(s) could result in imprisonment for as much as 10 years
3. Yes I understand that I have a right to a trial by jury.
4. Yes I understand that I am presumed to be innocent of this/these charge(s) and that the state has to prove that I am guilty.
5. Yes I understand that I have a right to confront the witnesses against me.
6. Yes I understand that I have a right to testify in this case if I want to but that I could not be forced to testify or to incriminate myself in any way.
7. Yes I understand that I can subpoena witnesses to testify on my behalf.
8. Yes I understand that I can present other relevant evidence in my case.
9. Yes I understand that if I exercised my right to a trial by jury, I have a right to be assisted by counsel at that trial.
10. Yes I understand that if I were to plead not guilty, or, if I remained silent and entered no plea, then I would receive a jury trial.
11. Yes I understand that the state has agreed to make a recommendation to the court as to what sentence to impose in return for my plea of guilty.
12. Yes I understand that if I plead guilty to the charge(s), the state will recommend the following: four years probation, \$71 fine, \$125 restitutive, surcharge & probation fee, 18 months to pay
13. Yes I understand that the court does not have to accept this negotiated plea; but if the court rejects this plea, I will be allowed to withdraw my plea of guilty and to return to the same legal position that I was in prior to my entering my plea of guilty.
14. Yes With all of the foregoing in mind, I plead guilty.
15. Yes I am in fact guilty.
16. Yes I have had time to confer with an attorney and
 I do not want an attorney.
 I am satisfied with my attorney's services on my behalf.

I have read or heard read all of the foregoing statements. I understand the statements and swear that they are true and correct.

Sworn to and subscribed by the accused before me, this 1st day of June, 1990.

Howe Robinson
Clerk of Superior Court
Deputy

Pamela Colman
Defendant

[Signature]
Defendant's Attorney
(Privately Employed) (Court Appointed)

603 337

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

December 23, 2014

To: Mr. Donovan Castleberry, GDC577451, Johnson State Prison, Post Office Box 344, Wrightsville, Georgia 31096

Docket Number: A15A0699 **Style:** Donovan Castleberry v. The State

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

1. Your Appellant's Brief, was not accompanied by the statutory filing fee (\$300.00 civil; \$80.00 criminal *Effective July 1, 2009) or a sufficient pauper's affidavit. OCGA§5-6-4 and Rule 5 **Please be advised that your pauper's affidavit should be notarized by a notary public.**
2. A Request for Oral Argument must be filed as a separate document. Rule 28 (a) (3)
3. Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)
4. No Certificate of Service or an improper Certificate of Service accompanied your document(s). Rule 6
5. Your Certificate of Service did not include the complete name and mailing address of each opposing 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: **Enclosed, please find your MoneyGram #R204843465420 in the amount of \$80.00. There is no fee due if the pro se applicant is incarcerated. Rule 2(b).**

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

MONEY ORDER NUMBER
R204843465420

CALL 1-800-542-3590 TO VERIFY



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

96-186
1087

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



PAY TO THE ORDER OF / PAGAR A LA ORDEN DE: **Bank of Georgia**

IMPORTANT - SEE BACK BEFORE CASHING

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

ADDRESS / DIRECCION: **Box 344 W. Ashburn, VA**
Payable Through: **Bank of Georgia**
BANK NAME: **Bank of Georgia**
End: OK
ISSUER/PAYEE: **MONEYGRAM PAYMENT SYSTEMS, INC.**
AISA40/099

PAY EXACTLY

20484346542
MONEY ORDER - INTL
12/18/2014

20484346542
19360000352141542

⑆103101864⑆204843465420⑆90

FILED IN OFFICE
DONOVAN CASTLEBERRY
GDC# 577451
JOHNSON STATE PRISON
P.O. BOX-344
WRIGHTSVILLE, GEORGIA 31096
COURT CLERK
COURT OF APPEALS OF GA

December 22, 2014.

RECEIVED IN OFFICE
2014 DEC 23 AM 11:34
CLERK/COURT REPORTER/REGISTRATION
COURT OF APPEALS OF GA

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

RE: Donovan Castleberry v. The State, Court of Appeals case
NO. A15A0699 - On Appeal from Douglas County Superior
Court Case No. 12CR00893-A.

Dear Clerk,

Enclosed please find the original and seven (7) copies
of Appellant's Brief in the above-styled action for filing
with this court. Also please find the required filing fee
enclosed with Appellant's Brief.

I thank you for your time with my request in this
cause of action.

Sincerely




Court of Appeals of Georgia

December 23, 2014

TO: Mr. Walter Eugene Floyd, GDC434059 F-2-136T, Smith State Prison, Post Office
Box 726, Glennville, Georgia 30427

RE: **A10A1243. Walter Eugene Floyd 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

- The referenced appeal was affirmed on October 27, 2010. The remittitur issued on November 17, 2010, divesting this Court of any further jurisdiction of your case. The case is therefore, final.**

CASE STATUS - PENDING

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

APPLICATION FOR PERMISSION TO APPEAL A PROBATION REVOCATION

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

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

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

RECEIVED IN OFFICE
2014 DEC 22 PM 4:10
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

IN THE COURT OF
STATE OF GEORGIA

Walter Eugene Floyd
Appellant

v.
Class Number
A10A143

STATE OF GEORGIA
Appellee

Disposition Request

The above named Appellant was convicted
by The Superior Court of Floyd County,
Rome Georgia, by the Honorable Judge
Walter J. Matthews and was given a
sentence to serve in the penal institution.
Case Number A10A143 was filed on
February 11, 2010 by Attorney Seay Boykin.
I've lost contact with attorney and I would
like to know the status of my appeal.
Was it denied, affirmed or vacated.
And if you would what's the next step for
me too take. Thank You

Sincerely Yours
Walter Eugene Floyd
Dec. 16, 2014

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

December 24, 2014

To: Ms. Kelley Gamblin Dixon, 240275, Indiana Department of Corrections, Madison Correctional Facility SU3-3, 800 MSH Bus Stop Drive, Madison, Indiana 47250

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

Court of Appeals Case Number and Style: _____

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

- There is no case pending in the Court of Appeals of Georgia under your name.**
- A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37.** Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.
- The Notice of Appeal must include a proper Certificate of Service.** A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.
- An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____
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.
- 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.

Case# 12-12-649C

To Whom it May Concern; 12-17-14

I am appealing my Divorce, I feel that the way the court acted was not right or by the law, I put my Notice of Appeal in Sept 2014 to the court in Appling County, Georgia.

Unfortunately I am in prison and I am not sure what happened to my appeal. Please help me by providing me with any information you can about my case.

Thank you
Bobby Sauls

{ Kelley Bamblin Dixon }
+
{ Vedennis Dixon }

My new address

Kelley Bamblin 2402^{1/2}
I Ded/MCU 503-3
800 Bus Stop DR
Madison, IN 47250

RECEIVED IN OFFICE
2014 DEC 23 AM 11:56
SERVICES COURT ADMINISTRATOR
COURT OF APPEALS OF GA

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MAY 19 1964
FBI - MEMPHIS

The Court of Appeals
Office of the Clerk
47 Trinity Avenue
Suite 504
Atlanta, Georgia 30334

HOLLY K. O. SPARROW
CLERK/COURT ADMINISTRATOR

(404) 656-3450
sparrowh@gaappeals.us

December 27, 2012

Mr. David Eric Cobble
GDC758572
Baldwin State Prison
Post Office Box 218
Hardwick, Georgia 31034

RE: A13D0139. Daniel Eric Cobble v. Clay Tatum, Warden

Dear Mr. Cobble

I am in receipt of your Notice of Intent in the above application and correspondence of postmark date December 21, 2012. Your Notice of Intent has been docketed.

As to your questions in your correspondence:

- (1) We are unable to provide you free copies of the Superior Court orders in all your civil appeals. Copies are \$1.50 per page in this Court. Your pauper status does not excuse you from paying the copy fees in this Court.
- (2) We do not have any information about the status of your civil appeals you have sent to the U.S. Supreme Court.

Sincerely,



Holly K.O. Sparrow
Clerk/Court Administrator
Court of Appeals of Georgia

HKOS/ld

To Clerk, of Court of Georgia Court of Appeals

From DANIEL COBBLE
758572
BALDWIN STATE PRISON
P.O. BOX 218
HARDWICK, GA 31034

Daniel Cobble
prisoner petition

about # A13D0139 - civil case
~~SECRET~~

RECEIVED IN OFFICE
2012 DEC 26 PM 2:46
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

today is 12-19-12

① See enclosed evidence on envelope as proof I didn't get your courts denial of above case until 12-19-12 ~~so~~ so I couldn't file reconsideration motion or get enclosed appeal notice to you until after your courts 10 day rule, but its not my fault

② Be aware this prison refuses to send out my indigent legal mail on Mondays, Tuesdays, Wednesdays, Fridays and Saturdays!

only day they will send out my mail is on Thursdays and that's only if I turned in a request to do so on Wednesday, so your courts rules combined with prison here rules and Post Office/Prison illegal delay of getting me my mail, denied me access to your court etcetra, all not my fault

③ Be aware all Georgia Court of Appeals Justices are now in violation of Georgia Law # O.C.G.A. 15-6-21 parts (d) and (a) requiring impeachment for their failure to answer all motions I ever filed in your court under 90 days maximum

12

1. The first part of the document is a list of names and addresses of the members of the committee.

2. The second part of the document is a list of names and addresses of the members of the committee.

3. The third part of the document is a list of names and addresses of the members of the committee.

pg 2

to clerk of court of Georgia's court of Appeals

(4) can you send me free copy of each of the superior court's final rulings, that I sent Georgia's court of Appeals on all civil cases I ever filed in your court?

Because I need them back to send to U.S. Supreme ~~for review~~, and superior courts will not send me and free copy, 1st free copy I sent you, so I'll lose ability to appeal to U.S. Supreme on cases you'll deny without superior's final rulings

(5) can you tell me if U.S. Supreme received my 3 different civil suits appeals I sent them appealing ultimately your Georgia's court of Appeals rulings? (but I went thru Georgia's Supreme after you & needs) I sent 1st to U.S. Supreme on 11-1-12, and second and third appeal on 12-3-12, but U.S. Supreme never told me any civil case # and never answered any of my letters after ward

(6) please answer these questions

(7) why did your court ignore all the obvious reversible errors in this case?

Thanks
Daniel Everett

In the Georgia Court of Appeals
State of Georgia

Daniel Eric Cobble
758572 GDC
prose petitioner

v.

Clay Tatum, warden
of Hays State Prison
defendant

Civil
A13D0139

Disc. Appeal App
of monetary damage case

Notice of intent to appeal

① Petitioner hereby notifies this court that as evidence of enclosed envelope proves that I didn't receive court's denial of above case until 19th of December 2012 under certiorari, this Georgia Court of Appeals illegal denial of above case, since there are so many obvious reversible errors, yet court ignored law requiring disc. appeal app. errors reversal be done when errors exist. Set exte

certificate of service

This is to certify that I have this day served below opposing counsel Eric defendant (him) by hand delivery to below thru Baldwin S.P. warden office that got there by ~~_____~~ in house mail thru me prior to filing to:

~~_____~~ The attorney General of Georgia
Samuel S. O'Leary
Dept. of Law
40 Capitol Square S.W. Atlanta, Georgia

30334-1300

This 19th day of December 2012

by Daniel Eric Cobble
prose petitioner

Daniel End Cobble
758572
Smith S.P.
P.O. Box 218
Hardwick,
Georgia
31034

telegis 12-19-12

RECEIVED IN OFFICE
2012 DEC 26 PM 2:45
COURT OF APPEALS OF GA

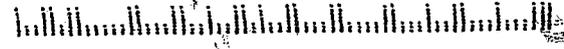
MACON GA 312

21 DEC 2012 PM 11

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

This 19th day of Dec

30334900647



COURT OF APPEALS OF GEORGIA

RETURN NOTICE

December 23, 2014

To: Mr. James Alexander, GDC653725 H-4-29B, Rogers State Prison, 1978 Georgia Highway 147, Reidsville, Georgia 30453

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

Court of Appeals Case Number and Style: _____

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

- There is no case pending in the Court of Appeals of Georgia under your name.
- A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37. Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.
- The Notice of Appeal must include a proper Certificate of Service. A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.
- An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained. An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate. An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- Your appeal was disposed by opinion (order) on _____. The Court of Appeals divesting this Court of jurisdiction. The remittitur issued on _____.
- Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia. The address of the Clerk of the _____ is: _____
- If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court. As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.
- A request for an out-of-time appeal should be made to the trial court from which you are appealing. If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

IN THE SUPERIOR COURT OF HOUSTON COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

VS

CASE NO. 205-C-35583-L

JAMES ALEXANDER
Defendant

RECEIVED IN OFFICE
2010 DEC 28 PM 4:10
CLERK/COURT REPORTERS DIVISION
COURT OF APPEALS OF GA

NOTICE OF APPEAL

Notice is hereby given that James Alexander,
defendant above-named, hereby appeals to
the Court of Appeals from the judgement of
conviction and sentence entered herein on
October 31, 2005.

The offenses for which defendant was

convicted are for One Count of each of the following: Possession of Cocaine with Intent to Distribute, Obstruction of an Officer, Failure to Use Signal, Failure to Yield, and Driving on a Suspended License, and the sentences imposed are as follows: One Count of Possession of Cocaine with Intent to Distribute: 40 years to serve 25 years in prison without the possibility of parole with the remaining 15 years on probation and for the remaining Counts of Obstruction of an Officer, Failure to Use Signal, Failure to Yield, and Driving on a Suspended License: 12 months to serve in custody, to run

concurrent with all sentences

Motion in arrest of judgment to void

and vacate illegal sentence was filed and

overruled on November 21, 2014.

The clerk will please omit the following

from the record on appeal:

1. N/A

2. N/A

3. N/A

Transcript of evidence and proceedings will

be filed for inclusion in the record on appeal.

Defendant submits this Notice of Appeal to the Superior Court of Houston County and State that the Court of Appeal of the State of Georgia, rather than the Supreme Court of Georgia has jurisdiction of this case on appeal for the reason that, as pursuant to O.C.G.A § 5-6-38, Defendant submits this Notice of Appeal within 30 days after the Trial Court denied Defendant's Motion in Arrest of Judgment to Void and Vacate Illegal Sentence, therefore Defendant is appealing the Trial Court's denial of his Motion In Arrest of Judgment to Void and Vacate Illegal Sentence, which include the

enumerated grounds that are in Defendant's Brief in Support of Judgement to Void and Vacate Illegal Sentence Procedural History, which Defendant claimed in one of the enumerated grounds that the Trial Court erred in sentencing him as a recidivist under O.C.G.A. § 17-10-7 (c), whereas there is a reasonable probability that the sentencing Judge erred by mistaking or misinterpreted Defendant's second prior felony conviction as being two separate prior felony convictions, which in connection to Defendant's first felony conviction, it appears that Defendant had three prior felony convictions previous to the conviction Defendant is now serving time for, and because of such error

the Trial Judge sentenced Defendant as a recidivist under O.C.G.A § 17-10-7(c), however, because Defendant's second prior felony conviction consisted of two different Case Numbers (Case No. 91-C-16904 and Case No. 91-C-17067-N with Defendant receiving a disposition for both cases in the same plea and sentence hearing), Defendant's second prior felony conviction is supposed to be considered as one as pursuant to O.C.G.A § 17-10-7(d), therefore Defendant should have been sentenced as a recidivist under O.C.G.A. § 17-10-7(a)(d) for having two prior felony convictions previous to Defendant's current felony conviction that he is

now serving time for, which Defendant now has

a total of three felony convictions. The trial

Court erred when the trial judge sentenced

Defendant as a recidivist under O.C.G.A. §

17-10-7(c) as if Defendant had three prior

felony convictions previous to his current felony

conviction that he is now serving time for.

Defendant is respectfully requesting for the

Honorable Court to have the recidivism part of

Defendant's sentence corrected and changed from being

sentenced as a recidivist under O.C.G.A. § 17-10-7(c)

to being sentenced as a recidivist under

O.C.G.A. § 17-10-7(c)(d). (Please review attached

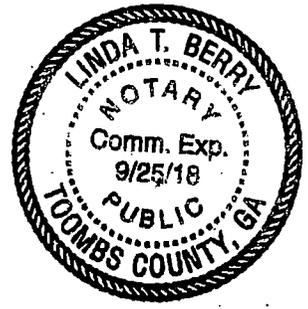
Exhibits A and B to verify Defendant's second prior
felony as being one conviction as pursuant to
O.C.G.A. § 17-10-7(d).

Respectfully Submitted this 17 day of December, 2014.

James Alexander
James Alexander, Pro Se
Defendant

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

Linda Berry
Notary Public



My commission expires: 9/25/18

THE SUPERIOR COURT OF HOUSTON COUNTY, GEORGIA FINAL DISPOSITION

CRIMINAL ACTION NO. 91-C-16904-M

THE STATE VS. 345

OFFENSE(S) POSSESSION OF COCAINE WITH INTENT TO DISTRIBUTE

JAMES ALEXANDER

JULY TERM, 19 91

Filed in Open Court, this day of JUL 26 1991, 19

PLEA: [X] GUILTY ON COUNT(S) 2 [X] NON-JURY [] JURY [] VERDICT: [] OTHER DISPOSITION [] NOLE PROSEQUI ORDER ON COUNT(S) [] DEAD DOCKET ORDER ON COUNT(S) (SEE SEPARATE ORDER) [] 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 THIRTY YEARS

in the State Penal System or such other institution as the Commissioner of the State Department of Corrections or Court may direct, to be computed as provided by law. HOWEVER, it is further ordered by the Court.

- [] 1) THAT the above sentence may be served on probation
[X] 2) THAT upon service of FIFTEEN YEARS of the above sentence, the remainder of FIFTEEN YEARS may be served on probation PROVIDED that the said defendant complies with the following general and other conditions herein imposed by the Court as a part of this sentence.

GENERAL CONDITIONS OF PROBATION Numbers 1-8

The defendant, having been granted the privilege of serving all or part of the above-stated sentence on probation, hereby is sentenced to the following general conditions of probation:

- [] 1) Do not violate the criminal laws of any governmental unit.
[] 2) Avoid 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-Parole Supervisor as directed and permit such Supervisor to visit him(her) at home or elsewhere.
[] 5) Work faithfully at suitable employment insofar as may be possible.
[] 6) Do not change his(her) 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 his(her) legal dependants to the best of his(her) 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.

OTHER CONDITIONS OF PROBATION

IT IS FURTHER ORDERED that the defendant pay a fine in the amount of \$1,000.00 plus \$50 or 10%, whichever is less pursuant to O.C.G.A. 15-21-70, and pay restitution in the amount of \$10/mo Probation Fee Court Costs Attorney's Fees.
Payments are: \$500.00 DRUG EDUCATION FUND FEE, \$100.00 JAIL FINE, THIS SENTENCE TO RUN CONCURRENT WITH ALL OTHER SENTENCES DATED THIS DATE AND WITH STATE COURT REVOCATION

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 any 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 SONYA CALHOUN Attorney at Law, HOUSTON County, by (Employment)(Appointment).

By the Court JULY 8 19 91

So ordered this 8TH day of JULY 19 91 Judge, HOUSTON Superior Court

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this Sentence of Probation has been delivered in person to the defendant and he/she instructed regarding the conditions as set forth above.

This day of 19 Probation Officer

Copy received and instructions regarding conditions acknowledge. This day of 19 Probationer

RECORDED IN CRIMINAL MINUTES 39 PAGE 345

FINAL DISPOSITION

SC-6

THE SUPERIOR COURT OF HOUSTON COUNTY, GEORGIA FINAL DISPOSITION

CRIMINAL ACTION NO. 91-C-17067-N

OFFENSE(S) SALE OF COCAINE

THE STATE VS.

348

JULY TERM, 19 91

JAMES ALEXANDER

Deputy Clerk

PLEA:

NEGOTIATED
 GUILTY ON COUNT(S)
 NOLO CONTENDERE ON COUNT(S)
 TO LESSER INCLUDED OFFENSE(S)
 ON COUNT(S)

JURY
 NON-JURY

VERDICT:
 GUILTY ON COUNT(S)
 NOT GUILTY ON COUNT(S)
 GUILTY OF INCLUDED OFFENSE(S) OF ON COUNT(S)

OTHER DISPOSITION
 NOLLE PROSEQUI ORDER ON COUNT(S)
 DEAD DOCKET ORDER ON COUNT(S)
 (SEE SEPARATE ORDER)

DEFENDANT WAS ADVISED OF HIS/HER RIGHT TO HAVE THIS SENTENCE REVIEWED BY THE SUPERIOR COURTS SENTENCE REVIEW PANEL.

FELONY SENTENCE MISDEMEANOR SENTENCE

WHEREAS, the above-named defendant has been found guilty of the above-stated offense, WHEREUPON, it is ordered and adjudged by the Court that: The said defendant is hereby sentenced to confinement for a period of THIRTY YEARS.

in the State Penal System or such other institution as the Commissioner of the State Department of Corrections or Court may direct, to be computed as provided by law. HOWEVER, it is further ordered by the Court.

- 1) THAT the above sentence may be served on probation
- 2) THAT upon service of FIFTEEN YEARS of the above sentence, the remainder of FIFTEEN YEARS may be served on probation PROVIDED that the said defendant complies with the following general and other conditions herein imposed by the Court as a part of this sentence.

GENERAL CONDITIONS OF PROBATION Numbers 1-8

The defendant, having been granted the privilege of serving all or part of the above-stated sentence on probation, hereby is sentenced to the following general conditions of probation:

- 1) Do not violate the criminal laws of any governmental unit.
- 2) Avoid 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-Parole Supervisor as directed and permit such Supervisor to visit him/her at home or elsewhere.
- 5) Work faithfully at suitable employment insofar as may be possible.
- 6) Do not change his/her 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 his/her legal dependants to the best of his/her 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.

OTHER CONDITIONS OF PROBATION

IT IS FURTHER ORDERED that the defendant pay a fine in the amount of _____ plus \$50 or 10%, whichever is less pursuant to O.C.G.A. 15-21-70, and pay restitution in the amount of _____ Probation Fee _____ Court Costs _____ Attorney's Fees.

Payments are: THIS SENTENCE TO RUN CONCURRENT WITH ALL OTHER SENTENCES DATED THIS DATE AND WITH STATE COURT REVOCATION

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 any 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 SONYA CALHOUN Attorney at Law, HOUSTON County, by (Employment)(Appointment).

By the Court JULY 8 19 91

So ordered this 8TH day of JULY 19 91 Judge HOUSTON Superior Court

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this Sentence of Probation has been delivered in person to the defendant and he/she instructed regarding the conditions as set forth above.

This _____ day of _____ 19 _____ Probation Officer

Copy received and instructions regarding conditions acknowledge. _____ day of _____ 19 _____ Probationer.

JUL 26 1991

Filed in Open Court, this _____ day of _____ 19 _____

348 PAGE 39 RECORDED IN CRIMINAL MINUTES

CERTIFICATE OF SERVICE

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

Court of Appeals

Clerk, Holly K.O.

Sparrow, Clerk and

Court Administrator

47 Trinity Avenue, Suite 501

Atlanta, GA 30334

Houston County

Superior Court,

Carolyn V. Sullivan,

Court Clerk, 201

Perry Parkway,

Perry, GA 31069

Houston Circuit

District Attorney

George Hartwig

201 Perry Parkway

Perry, GA 31069

This the 17th Day of December 2014

James Alexander

James Alexander, Pro Se
Defendant

G.D.C. #653725, Rogers State

Prison / H-4, 29 B, 1978

GA Hwy 147, Reidsville, GA 30453

IN THE SUPERIOR COURT OF HOUSTON COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

VS

CASE NO. 205-C-35583-L

JAMES ALEXANDER
Defendant

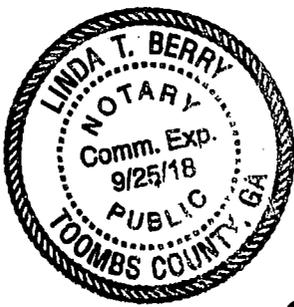
AFFIDAVIT OF INDIGENCE

COMES NOW, James Alexander, Defendant
in good cause request for the Superior
Court of Houston County, Georgia to consider
this Affidavit of Indigence, and allow it to
cover the cost of \$80.00 for appeal pursuant
to O.C.G.A. § 5-6-4. Attached with this

Affidavit of Indigence is a copy of the Defendant's inmate account record to verify his status of being indigent.

Wherefore, Defendant request for the Honorable Court to allow this Affidavit of Indigence to cover the cost for appeal.

Respectfully submitted this 17 day of December, 2014.



James Alexander
James Alexander, Pro Se
Defendant

Dec 17, 2014 Judith P. Berry

Exp. 9/25/18

IN THE SUPERIOR COURT OF HOUSTON COUNTY
STATE OF GEORGIA

STATE OF GEORGIA : No. 205-C-35583-L

Vs.

JAMES ALEXANDER

REQUEST TO PROCEED IN FORMA PAUPERIS

I, JAMES ALEXANDER, depose and say that I am the Person in the above styled case; that in support of my request to proceed without being required to prepay fees, costs or give security therefore, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefore; that I believe that 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 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 the employer: N/A

If the answer is "No", state the date of last employment and the amount of the salary and wages per month which you received: 5-26-05

\$ 15.00 A Hour - 3,000 A month

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

Business, profession or from 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: Friends & Family members

\$ 60.00 or 270.00

4. Do you own any cash, or do you have money in a checking or saving account? (Include any funds in pension accounts.) Yes No

If the answer is "Yes", state the total value of the items owned: N/A

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 dependent upon you for financial support, state your relationship to those persons and indicate how you contribute to their support: Wife & child & can't in in prison so I can't support them

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:

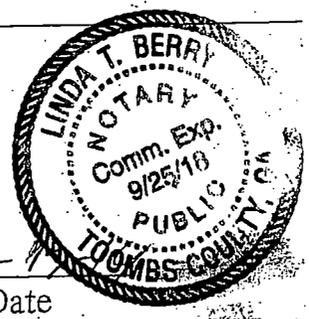
- a. A person to whom a lawful oath of affirmation has been administered commits the offense of perjury when, in a judicial proceeding, he knowingly and willfully makes a false statement material to the issue on point in question.
- b. A person convicted of the offense of perjury shall be punished by a fine of not more than \$1,000 or by imprisonment for not less than one year nor more than ten years, or both. O.C.G.A. §16-10-70.

I, JAMES ALEXANDER, 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 cost of litigation.

Sworn to and subscribed before me this _____ day of _____, 2003.

[Signature]
Notary Public

12/17/14
Exp. 9/25/14



[Signature]
Signature

12/17
Date

Please note that under O.C.G.A. § 42-12-5 service of an affidavit in forma pauperis, including all attachments, shall be made upon the court and all named defendants. Failure by the prisoner to comply with this code section shall result in dismissal without prejudice of the prisoners action.

Account Statement

ALEXANDER, JAMES

Printed By: CONNER, TRACY

GDC ID: 653725

Spendable Amount	Reserved Amount	Receipts On Hold	Funds Balance	Obligations/Court Charges
\$0.00	\$10.00	\$0.00	\$10.00	\$43.14

RECEIPTS

Receipt Date	Transaction ID	Receipt Type	Receipt Details	Receipt Amount
11/07/2014	13609412	JPAY DEPOSIT RECEIPT	JPAY - PURVIS, EBONY - 39971694	\$65.00
11/04/2014	13595146	JPAY DEPOSIT RECEIPT	JPAY - BROOKS, ALEXANDER - 39834109	\$25.00
10/12/2014	13515558	JPAY DEPOSIT RECEIPT	JPAY - BROOKS, ALEXANDER - 39210721	\$30.00
09/10/2014	13397623	JPAY DEPOSIT RECEIPT	JPAY - SPEAR, LAURA - 38256158	\$30.00
08/27/2014	13342965	JPAY DEPOSIT RECEIPT	JPAY - SOLOMON, PATRICIA - 37822209	\$25.00
08/25/2014	13333302	JPAY DEPOSIT RECEIPT	JPAY - BROOKS, ALEXANDER - 37764705	\$30.00
08/13/2014	13294533	JPAY DEPOSIT RECEIPT	JPAY - REEVES, OLIVIA - 37456074	\$40.00
08/06/2014	13268360	JPAY DEPOSIT RECEIPT	JPAY - REEVES, OLIVIA - 37262060	\$40.00
08/05/2014	13263332	JPAY DEPOSIT RECEIPT	JPAY - SOLOMON, PATRICIA - 37204350	\$25.00
07/21/2014	13204820	JPAY DEPOSIT RECEIPT	JPAY - BROOKS, ALEXANDER - 36777745	\$30.00
07/15/2014	13187920	JPAY DEPOSIT RECEIPT	JPAY - SOLOMON, PATRICIA - 36626855	\$20.00
06/26/2014	13116020	JPAY DEPOSIT RECEIPT	JPAY - REEVES, OLIVIA - 36074677	\$40.00
06/26/2014	13115690	JPAY DEPOSIT RECEIPT	JPAY - BROOKS, ALEXANDER - 36066940	\$25.00
06/19/2014	13092207	JPAY DEPOSIT RECEIPT	JPAY - SPEAR, LAURA - 35900574	\$30.00
06/12/2014	13067526	JPAY DEPOSIT RECEIPT	JPAY - REEVES, OLIVIA - 35704288	\$40.00
06/05/2014	13040402	JPAY DEPOSIT RECEIPT	JPAY - REEVES, OLIVIA - 35504784	\$40.00
05/29/2014	13010149	JPAY DEPOSIT RECEIPT	JPAY - REEVES, OLIVIA - 35265359	\$40.00
05/27/2014	12999730	JPAY DEPOSIT RECEIPT	JPAY - BROOKS, ALEXANDER - 35201575	\$20.00
05/22/2014	12989211	JPAY DEPOSIT RECEIPT	JPAY - REEVES, OLIVIA - 35095440	\$50.00
05/15/2014	12964188	JPAY DEPOSIT RECEIPT	JPAY - REEVES, OLIVIA - 34910072	\$40.00
05/08/2014	12937811	JPAY DEPOSIT RECEIPT	JPAY - REEVES, OLIVIA - 34728327	\$40.00
05/01/2014	12908305	JPAY DEPOSIT RECEIPT	JPAY - REEVES, OLIVIA - 34483147	\$50.00
04/24/2014	12883275	JPAY DEPOSIT RECEIPT	JPAY - REEVES, OLIVIA - 34305122	\$40.00
04/22/2014	12876248	JPAY DEPOSIT RECEIPT	JPAY - SOLOMON, PATRICIA - 34253122	\$22.00
04/17/2014	12858679	JPAY DEPOSIT RECEIPT	JPAY - REEVES, OLIVIA - 34127522	\$40.00
04/14/2014	12842957	JPAY DEPOSIT RECEIPT	JPAY - BROOKS, ALEXANDER - 34022944	\$20.00
04/10/2014	12833444	JPAY DEPOSIT RECEIPT	JPAY - REEVES, OLIVIA - 33937728	\$50.00
04/03/2014	12803563	JPAY DEPOSIT RECEIPT	JPAY - REEVES, OLIVIA - 33720958	\$60.00
03/27/2014	12776403	JPAY DEPOSIT RECEIPT	JPAY - REEVES, OLIVIA - 33507742	\$50.00
03/20/2014	12753191	JPAY DEPOSIT RECEIPT	JPAY - REEVES, OLIVIA - 33322946	\$60.00
03/19/2014	12748962	JPAY DEPOSIT RECEIPT	JPAY - BROOKS, ALEXANDER - 33282088	\$30.00
03/13/2014	12726909	JPAY DEPOSIT RECEIPT	JPAY - REEVES, OLIVIA - 33121653	\$60.00
03/06/2014	12697136	JPAY DEPOSIT RECEIPT	JPAY - REEVES, OLIVIA - 32913772	\$60.00

Account Statement

ALEXANDER, JAMES

Printed By:

CONNER, TRACY

GDC ID: 653725

H-A

Receipt Date	Transaction ID	Receipt Type	Receipt Details	Receipt Amount
02/27/2014	12663960	JPAY DEPOSIT RECEIPT	JPAY - REEVES, OLIVIA - 32651615	\$100.00
02/20/2014	12634456	JPAY DEPOSIT RECEIPT	JPAY - REEVES, OLIVIA - 32443333	\$70.00
02/13/2014	12609438	JPAY DEPOSIT RECEIPT	JPAY - REEVES, OLIVIA - 32230487	\$35.00
02/09/2014	12593214	JPAY DEPOSIT RECEIPT	JPAY - BROOKS, ALEXANDER - 32095367	\$20.00
02/05/2014	12578090	JPAY DEPOSIT RECEIPT	JPAY - REEVES, OLIVIA - 31990788	\$35.00
01/29/2014	12552702	JPAY DEPOSIT RECEIPT	JPAY - REEVES, OLIVIA - 31775063	\$35.00
01/23/2014	12533223	JPAY DEPOSIT RECEIPT	JPAY - REEVES, OLIVIA - 31636768	\$35.00
01/17/2014	12515125	JPAY DEPOSIT RECEIPT	JPAY - BROOKS, ALEXANDER - 31476187	\$25.00
01/08/2014	12484642	JPAY DEPOSIT RECEIPT	JPAY - REEVES, OLIVIA - 31261163	\$40.00
12/05/2013	12366759	JPAY DEPOSIT RECEIPT	JPAY - POWERS, ASIA - 30334318	\$50.00
10/24/2013	12217317	JPAY DEPOSIT RECEIPT	JPAY - POWERS, ASIA - 29205655	\$40.00
10/18/2013	12197962	JPAY DEPOSIT RECEIPT	JPAY - BROOKS, ALEXANDER - 29066130	\$20.00
09/15/2013	12077414	WESTERN UNION QUICK COLLECT RECEIPT	WESTERN UNION ELECTRONIC TRANSFER - 1325682030783851	\$60.00
09/07/2013	12052194	WESTERN UNION QUICK COLLECT RECEIPT	WESTERN UNION ELECTRONIC TRANSFER - 1324981510286047	\$60.00
08/31/2013	12022441	JPAY DEPOSIT RECEIPT	JPAY - BROOKS, ALEXANDER - 27898132	\$30.00
08/16/2013	11974624	WESTERN UNION QUICK COLLECT RECEIPT	WESTERN UNION ELECTRONIC TRANSFER - 1322781102178431	\$120.00
08/02/2013	11918739	JPAY DEPOSIT RECEIPT	JPAY - GRIFFIN, JEROME SEE NOTES - 27228758	\$120.00
07/22/2013	11878216	JPAY DEPOSIT RECEIPT	JPAY - AMAYA, FERNANDA - 27019528	\$59.00
07/15/2013	11853341	JPAY DEPOSIT RECEIPT	JPAY - CASTILLO, NORMA OSCAR - 26868844	\$60.00
06/29/2013	11795843	JPAY DEPOSIT RECEIPT	JPAY - BROOKS, ALEXANDER - 26526626	\$30.00
06/18/2013	11758548	JPAY DEPOSIT RECEIPT	JPAY - BROOKS, ALEXANDER - 26305613	\$25.00
06/17/2013	11753017	JPAY DEPOSIT RECEIPT	JPAY - BILLUE, JARON - 26299587	\$50.00
05/02/2013	11572797	JPAY DEPOSIT RECEIPT	JPAY - BROOKS, ALEXANDER - 25355714	\$25.00
04/30/2013	11563228	JPAY DEPOSIT RECEIPT	JPAY - POWERS, ASIA - 25309456	\$50.00
04/21/2013	11531019	JPAY DEPOSIT RECEIPT	JPAY - SOLOMON, PATRICIA - 25160059	\$25.00
04/14/2013	11505795	JPAY DEPOSIT RECEIPT	JPAY - BILLUE, JARON - 25028473	\$75.00
04/07/2013	11478926	JPAY DEPOSIT RECEIPT	JPAY - BROOKS, ALEXANDER - 24898976	\$20.00
03/16/2013	11396943	JPAY DEPOSIT RECEIPT	JPAY - BROOKS, ALEXANDER - 24457459	\$30.00
02/18/2013	11282536	JPAY DEPOSIT RECEIPT	JPAY - BILLUE, JARON - 23901302	\$75.00
02/15/2013	11273553	WESTERN UNION QUICK COLLECT RECEIPT	WESTERN UNION ELECTRONIC TRANSFER - 1304579591390777	\$75.00
02/10/2013	11251145	JPAY DEPOSIT RECEIPT	JPAY - BROOKS, ALEXANDER - 23731218	\$20.00
02/03/2013	11220602	JPAY DEPOSIT RECEIPT	JPAY - HICKEY, JESSIE - 23583367	\$30.00
01/28/2013	11198638	KEEFE DEPOSIT RECEIPT	KEEFE - PATRICIA, SOLOMON - 28648	\$19.99
12/31/2012	11099828	JPAY DEPOSIT RECEIPT	JPAY - BROOKS, ALEXANDER - 22970807	\$30.00
12/09/2012	11026136	JPAY DEPOSIT RECEIPT	JPAY - BILLUE, JARON - 22580981	\$75.00
12/02/2012	10995186	JPAY DEPOSIT RECEIPT	JPAY - GALLOWAY, RODNEY - 22417457	\$100.00

Account Statement

22 Total Pages

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, James Alexander # 653725
has an average monthly balance for the last twelve (12) months of \$ 138.50 on account at
the Rogers 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: Ø

Drew Connor
Authorized Officer of Institution

12.9.14
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).

CERTIFICATE OF SERVICE

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

Court of Appeals

Clerk, Holly K.O.

Sparrow, Clerk and

Court Administrator

47 Trinity Avenue, Suite 501

Atlanta, GA 30334

Houston County

Superior Court,

Carolyn V. Sullivan,

Court Clerk, 201

Perry Parkway,

Perry, GA 31069

Houston Circuit

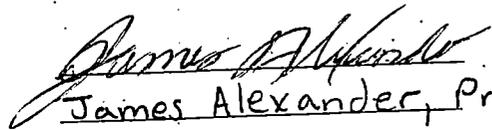
District Attorney

George Hartwig

201 Perry Parkway

Perry, GA 31069

This the 17th Day of December 2014



James Alexander, Pro Se
Defendant

G.D.C. #653725, Rogers State

Prison / H-4, 29 B, 1978

GA Hwy 147, Reidsville, GA 30453

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

December 31, 2014

To: Mr. Carl M. Drury, III, 295 West Laurel Bluff Road, Kingsland, Georgia 31548

Docket Number: A15A0718 **Style:** Carl M. Drury, III v. Atlanta Housing Authority

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 party. Rules 1(a) and 6. You should provide a copy of your filing to the District Attorney and include his/her name and address on your Certificate of Service.
6. There were an insufficient number of copies of your document. Rule 6.
7. **Your document exceeds page limits. Rules 24 (f) and 27 (a)**
8. Your document was submitted without permission to file (supplemental brief or second motion for reconsideration). Rules 27 (a) and 37 (d)
9. Letter briefs and letter cites are not permitted. Rule 27 (b)
10. Your request for court action must be submitted in motion form. Rule 41 (a)
11. Your motions were submitted in an improper form (joint, compound or alternative motions in one document). Rule 41 (b)
12. Type was on both sides of the paper; type font was smaller than 10 characters per inch; and/or the type was not double-spaced. Rules 1(c), 37(a) and 41(b).
13. The pages were not sequentially numbered with arabic numerals. Rule 24 (e)
14. Case and/or record citations were not made in the proper form. Rules 24 (d) and 25 (c) (2)
15. Margins were too small or paper size incorrect. Rules 1(c), 24(c), 37 (a) and 41(b)
16. Your document(s) was (were) not securely bound at the top with staples or round head fasteners. Rule 1 (c)
17. The Motion to Supplement has not been granted.
18. Other: _____

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

IN THE COURT OF APPEALS
STATE OF GEORGIA

FILED IN OFFICE

DEC 26 2014

COURT CLERK
CLERK COURT OF APPEALS OF GA

CARL M. DRURY, III
Appellant,

v.

Appeal No. A15A0718

ATLANTA HOUSING AUTHORITY
Appellee.

RECEIVED IN OFFICE
2014 DEC 30 AM 11 52
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

BRIEF OF APPELLANT

COME NOW Appellant Carl M. Drury, III and files this Brief pursuant to Rules 23, 24, and 25 of this Court and respectfully shows the Court the following:

PART ONE

A. Introduction

This appeal involves the trial court erroneously entering two identical O.C.G.A. § 9-15-14 attorney fee awards against Appellant for the same legal fees in the amount of \$194,000 on March 20, 2014 in both Fulton County Superior Court action 2013CV238744 (the "2013 Action"), and in Fulton County Superior Court action 2007CV134918 (the "2007 Action").¹ Out of this \$194,000 in attorney

¹ The March 20, 2014 order in the 2013 Action shall herein be referred to as the "2013 Action Sanctions Order" (R-226-340). The March 20, 2014 order in the 2007 Action shall herein be referred to as the "First 2007 Action Sanctions Order". As will be discussed at greater length herein, in spite of Appellant not being given notice of the pleadings and hearings that led to the issuance of the 2013 Action Sanctions Order and the First 2007 Action Sanctions Order, the trial court

Jon Paul Carter

VS

Court of Appeals
Judge John H. Rustin Jr
Clerk William L. Martin III
Agents of State of GA.

Factual Statement

The Plaintiff details an Organized Crime Ring that runs from the Senators, Governor, District Courts, Court of Appeals, Department of Corrections, and the local District Attorney and Government of Waycross Circuit of 6 Counties and a Hotel in Ware Co. (Waycross, GA) led by Richard E. Carriz (retired DA) and Attorney John Thigpen (Blackshere GA).

The Plaintiff will prove falsely accused and framed in prison. Plaintiff has a copy of a Video-Tape where a FBI Agent (Dody Russell) gave testimony over, and the Video-Tape purposely withheld from the Jury to frame Plaintiff.

The Plaintiff will produce copies of documents of these agents involved in Organized Crime intercepting Plaintiff's letters to Senator Hillary Clinton,

The Department of Justice and the FBI.

Plaintiff will show the Appeals Court purposely helped to illegally convict and keep in prison to try and have killed and have endure Inhumane Treatment. The Appeals Court under William Martin III as Court Administrator was contacted (3) different times, and refused any and all kind of help purposely denying Case A99A1479 Jon Paul Carter v the State and 239 GA Appeals 549 under Judge John H. Ruffin Jr.

These Agents cover up, Special Agents killing legs to set people up in Prison and protect Drug Cartels. These Agents cover up for Senators, Governor, and Mayor of Atlanta's involvement in Human Traffic.

Plaintiff detailed FBI Agent Ed Suddiff from Stafford County Office involvement in killing Fulton County to set up trial Abdullah Al Amin and was helped by former GBT Brian Owens and Commissioner over Corrections.

FBI Agent Ed Suddiff also killed former Sheriff Carlton Evans of Douglas, GA and set it up as a suicide ordered by former DA Richard Lurie of Waycross.

This FBI Agent on September 17 2014 met with Plaintiff with letter written by Plaintiff of a card in GA with orders to kill members of the

Government, and revealed one member let out of prison by a bribe taken by Commissioner Brian Owens and

Francis Spivey Austin. With targets to be killed by this card, listed Michelle Mann of East Atlanta and

A female Republican on Senate Arms
Committee with long Black Hair
and (Name) ^{Last} begins with A. This
information given weeks before (2)
Correctional Officers were assassinated
in Valdosta, GA. This given by letter
to Corrections: Brian Owens, Timothy
Ward, Vifon Walker, Bruce Chapman,
and others.

They were given information of Human
Traffic by Senators Saxby Chambliss, Johnny
Isakson, Governor Nathan Deal, and Mayor
Kasim Reed, Plus Members of Corrections.

These above thru Property owned by Kasim
Reid keep Victims of Kidnapping and Rape,
and make Child Porn and Video Tapes
of Teens and Women. These people
wear mask and are in Video-Tapes. The
latest Victims housed are a 12 yr old
and 13 yr old females taken in Atlanta.

Plaintiff was kept in lockdown units illegally for 14 years and denied to live in prison designed to house Ex-langs. These Agents tried to have Plaintiff killed by gang-members and kept Plaintiff in Disciplinary Camps. Plaintiff was fed cold food for over 10 years and malnourished down to 140 pounds. Plaintiff suffers from blown cushion between L4 & L5 back problem with severe pain and numbness. Plaintiff was mentally abused and now suffers with Post Traumatic Stress Disorder.

All of these Agents in Office and the Courts withhold Plaintiff Papers of National Security to Hillary Clinton.
Document sent to:

The Court of Appeals
William L. Martin III
334 State Judicial Building
Atlanta, GA 30334

Punitive Damages

The Plaintiff seeks 25 million
for false imprisonment, and injurious
treatment directed by Public Officials
of the State of Georgia.

12-1-14

Jon Paul Carter

912-285-5633

Jon Paul Carter

490 Double Branch Rd

Waycross, GA

31503

Official Portal for the State of Georgia
Georgia Governor Nathan Deal

Georgia Department of Corrections

• [Find an Offender](#)

• [Find a Facility](#)

• [Send Money](#)

• [Links](#)

• [About GDC](#)

• [Divisions](#)

• [Offender Information](#)

• [Community Services](#)

• [News](#)

• [Reports](#)

• [GDC Jobs](#)

• [GA Sex Offender Registry](#)

• [Help](#)

★ [Translate Search](#)

TEXT

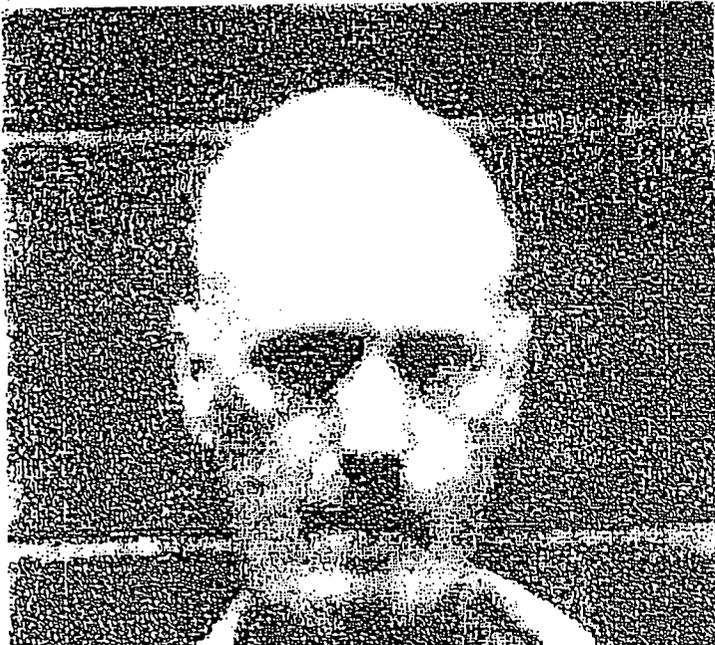
Find an Offender

[Click here to start over](#) | [Return to previous screen](#)

The following represents the most recent information for this offender in our website database. However, if information is not delivered in "real time", and there may have been recent changes that are not displayed by you have questions, or find the below information incorrect, please [contact_email_us_by_clicking_this_link](#). Or click the link, please select the category: *Information about a specific Offender/Transfers/County Jail Pic*

CARTER, JONATHAN PAUL

GDC ID: 0000987197



YOB: 1967
RACE: WHITE
GENDER: MALE
HEIGHT: 6'00"
WEIGHT: 160
EYE COLOR: BROWN
HAIR COLOR: BLACK
SCARS, MARKS, TATTOOS

INCARCERATION DETAILS

MAJOR OFFENSE: AGGRAV STALKING
MOST RECENT INSTITUTION: GA STATE PRISON
MAX POSSIBLE RELEASE DATE: 09/30/2014 Important Release Information
DATE: For parole information please go to Georgia State Board of Pardons and Paroles website.

ACTUAL RELEASE DATE: 09/30/2014
CURRENT STATUS: INACTIVE

KNOWN ALIASES

A.K.A. CARTER, J P
A.K.A. CARTER, JOE PAUL
A.K.A. CARTER, JOHN PAUL
A.K.A. CARTER, JON PAUL
A.K.A. CARTER, JONATHAN PAUL

STATE OF GEORGIA - CURRENT SENTENCES

CASE NO: 616594
OFFENSE: AGGRAV STALKING
CONVICTION COUNTY: WARE COUNTY
CRIME COMMIT DATE: 03/01/2000
SENTENCE LENGTH: 9 YEARS, 11 MONTHS, 29 DAYS

STATE OF GEORGIA - PRIOR SENTENCES

CASE NO: 444363
OFFENSE: TERRORIST THREATS & ACTS
CONVICTION COUNTY: WARE COUNTY
CRIME COMMIT DATE: N/A
SENTENCE LENGTH: 0 YEARS, 71 MONTHS, 29 DAYS
CASE NO: 444363
OFFENSE: simple assault
CONVICTION COUNTY: WARE COUNTY
CRIME COMMIT DATE: N/A
SENTENCE LENGTH: 0 YEARS, 11 MONTHS, 29 DAYS

STATE OF GEORGIA - INCARCERATION HISTORY

INCARCERATION BEGIN INCARCERATION END
 02/22/2007 09/30/2014
 05/18/2000 09/29/2004

Illegally in Jail Prison May 1998 Sept 2014

*The Court of Appeals
Office of the Clerk
334 State Judicial Building
Atlanta, Georgia 30334*

WILLIAM L. MARTIN, III
CLERK AND COURT ADMINISTRATOR

(404) 656-3450

December 4, 2000

Mr. Jon Paul Carter
EF444363, E1-50
Georgia State Prison
100 Georgia Highway 147
Reidsville, Georgia 30499

*Purposely held
illegal conviction
with video-tape
testimony (GBI)*

RE: A99A1479. Jon Paul Carter v. The State

Dear Mr. Carter:

I am in receipt of your mailing of postmark date November 29, 2000 addressed to Judge John H. Ruffin, Jr. of this Court. Enclosed please find copies of my previous correspondence to you dated October 26 and November 7.

The above appeal was docketed in this Court on March 30, 1999. The Court of Appeals affirmed the judgment of the trial court by this Court's opinion of August 8, 1999. The remittitur issued from this Court on August 26, 1999, divesting this Court of jurisdiction. The case is reported at 239 Ga. Appeals 549.

There is no other case docketed in the Court of Appeals of Georgia under the name of Jon P. Carter.

Sincerely,



William L. Martin, III
Administrator/Clerk
Court of Appeals of Georgia

WLM, III/ld
Enclosure

US Courts, Middle District
PO Box 128
Macon, GA.

31202

CASE # 5:13-CV-44
CASE # 5:13-CV-0115

Judge Marc Treadwell
Judge Louis Sands

US District Court
75 Spring St SW
Atlanta, GA

30303

Judge Linda Walker
Judge William S Duffey SR

CASE 1:13-CV-4278

All Courts Violating the Law
Cases on File Above

GBT Testimony does not match
Video-Tape Testimony was given
from perjury to frame Plaintiff

1 A Yes, he did.

2 Q All right. Did he make any statements to you
3 in regards to what he would do if he ever came across
4 Vernon again?

GBT 5 A He told me that if he came across Vernon and
6 if Vernon said the wrong thing to him, which I have no
7 idea what that could be, but if he said the wrong thing
8 to him, that he would hurt him.

9 Q All right. Do you remember exactly what he
10 said other than "hurt him"?

GBT 11 GBT A I believe he said he would kill him. He
12 thought -- he - he - his statement to me was, "I think I
13 would kill him."

14 Q Okay.

GBT 15 A Or, "I could be able to kill him if he said
16 the wrong thing to me."

17 Q Okay. The person that you interviewed at the
18 Ware County Sheriff's Office on May 22nd, 1998, is he
19 present in court today?

GBT 20 A Yes, sir, he is.

21 Q Okay. Could you point him out and describe
22 what he's wearing.

23 A Mr. Carter - right there.

24 ASST. D.A. SEREEBUTRA: May the record reflect
25 the witness has identified the Defendant Jon Paul

1 A And their child. That would be the child that
2 Mr. Carter is the father of.

3 Q All right.

4 A And that they had had, basically, an
5 altercation, and that he had confronted Mr. Chambless,
6 and he told Mr. Chambless he needed to watch himself as
7 far as what he was doing.

8 Q All right. Did he admit -- did he make any
9 sort of a statement to you in regards to killing Mr.
10 Chambless or his training pertaining to when he spoke
11 with him at Adolph's? I don't know if my question was
12 clear, but did Mr. Carter make any statement to you about
13 being trained to kill individuals and ...

14 GBT A Yeah. Mr. Carter stated to me that he had -
15 he had received training while he was in the military in
16 conjunction with special forces that he was - I believe
17 he had told me that he had been trained twenty different
18 ways to kill someone.

19 Q All right. Do you recall him -- I guess is
20 what I'm getting at -- do you recall him making the
21 statement that follows: "I am a Christian, and that's why
22 I think I did not kill him because I've been trained to
23 kill people."

24 GBT A Yes.

25 Q Did he make that statement to you?

not
on
Tape

ROBERT L. CROWE, P.C.

Attorney at law

601 "I" Street
Post Office Box 1891

Brunswick, Georgia 31521-1891
email: rlcrowe@gate.net

*Attorney
allowing letters
Intercepted*

telephone: (912) 265-8989

facsimile: (912) 262-0072

November 28, 2006

Richard Currie
District Attorney
Waycross Judicial Circuit
201 State Street
Waycross, Georgia 31501

*Violates the law and
misrepresented me, and
lied to my family to put
me back in prison.*

RE: Letters of Jon Paul Carter

Dear Rick:

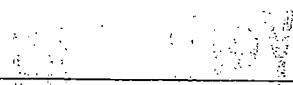
Mr. Carter asked me to get the letters which the Sheriff had withheld from the mail. Enclosed please find a copy of the letter which the Sheriff sent to me in regards to my inquiry about the letters.

It seems that the letters are in your custody.

Are you holding them as evidence? What do I need to do to get those letters? Please call me and let me know what your position is.

As always, I appreciate your assistance in this matter.

Sincerely,



Paula J. Crowe



OFFICE OF THE SHERIFF

3487 Harris Road, (912) 287-4325
WAYCROSS, GA 31503

RONNIE H. McQUAIG, SHERIFF

W.T. CADY
Chief Deputy

RANDY F. ROYAL
Major of Administration

DANNY CHRISTMAS
Capt. Jail Administrator

L.T. BRYAN ROBBINS
Patrol Commander

FRANCINE BENNETT
Office Manager

November 2, 2006

Robert L. Crowe
P. O. Box 1891
Brunswick, GA 31521-1891

*Sheriff
Attorney
D.A. Currie*

Re: Letters of John Paul Carter

Dear Mr. Crowe:

Please be advised that all letters that were intercepted by the jail staff on the above named subject have already been forwarded to the District Attorney's Office. Therefore, contact District Attorney, Richard E. Currie at his office.

Sincerely,

Ronnie H. McQuaig
Sheriff Ronnie H. McQuaig
Ware County

RHM/ib
cc: Richard E. Currie

Inhumane Treatment
with Plaintiff on Medication
due to Treatment by Public
Officials

CARTER, JONATHAN P

DISCHARGE MEDICATIONS LIST RECONCILED

Medication Reconciled during Today's Visit

Medication Reconciliation

A complete list of medications was given to the patient/surrogate.

I have reviewed and reconciled the complete list of current medications for CARTER, JONATHAN P on NOV 28, 2014.

This reconciliation included the active participation of: the patient

Yes, medications reconciled and appropriate medications ordered for discharge.

Active Outpatient Medications (including Supplies):

Active Outpatient Medications	Issue Date	
	Status	Last Fill
	Refills	Expiration

1) ATENOLOL 50MG TAB Qty: 60 for 30 days ACTIVE Issu:11-26-14
Sig: TAKE ONE TABLET BY MOUTH TWICE A Refills: 1 Last:11-28-14
DAY FOR BLOOD PRESSURE Expr:11-27-15

2) ENALAPRIL MALEATE 20MG TAB Qty: 30 for ACTIVE Issu:11-26-14

30 days Sig: TAKE ONE TABLET BY MOUTH Refills: 1 Last:11-28-14

ONE TIME EACH DAY FOR BLOOD PRESSURE Expr:11-27-15

3) GABAPENTIN 600MG TAB Qty: 60 for 30 ACTIVE Issu:11-26-14

days Sig: TAKE ONE TABLET BY MOUTH Refills: 1 Last:11-28-14

TWICE A DAY FOR NERVE PAIN Expr:11-27-15

4) MELOXICAM 7.5MG TAB Qty: 30 for 30 days ACTIVE Issu:11-26-14

Sig: TAKE ONE TABLET BY MOUTH AT Refills: 1 Last:11-28-14

BEDTIME FOR PAIN OR INFLAMMATION, TAKE Expr:11-27-15

WITH FOOD

5) MIRTAZAPINE 15MG TAB Qty: 15 for 30 ACTIVE Issu:11-26-14

days Sig: TAKE ONE-HALF TABLET BY Refills: 1 Last:11-28-14

MOUTH AT BEDTIME FOR MOOD AND SLEEP Expr:11-27-15

Comments:

The following medication changes have been made during this hospitalization:

Please pick up the highlighted medications from the outpatient pharmacy on the first floor today before you leave. Written medication information is being provided to you for any new medication(s)

Please continue to take the medications as prescribed on your medication list; do not take any medications that are not on this list unless specifically instructed to do so by your doctor. If you have questions about which medications are on this list, please clarify with your doctor.

ASK
FOR PILL
→ CUTTER
*

To: Albery Alton

National Security

I was framed in prison when Public Officials who operate a Drug Cartel, and used agents to kill people and cover it up. One agent was (FBI Gen. Bureau of Investigation) who they used to give false testimony to send me to prison from a video-tape interview we both gave. The video-tape was withheld from the jury, and his transcripts of testimony send to you, and his statements are not on the video-tape and I have copies of it. These people kept me in prison for 16 years illegally and thru corrections contacts, political subversive testimony and trial to have me killed by Gang Members.

While in prison I revealed a Rogue FBI agent who is agent of this cartel and was used to kill a former Sheriff of Arizona then orchestrated by the District Attorney in Maricopa, and was used by a District Attorney in Atlanta to kill

National Security

A Fulton Co Deputy to set up A farm
Back on the street of Abbeville ALA
in prison.

A white in prison I revealed a label
from Mexico with hits on Members
of the Justice Department, and sent
it to Commissioner Brian Owens
& Governor Nathan Deal &
Senator Johnny Isakson of Ga.

Targets by this group were given to
this FBI Agent Ed Euclid of Salisbury
Office on September 17, 2014 personally
by me at Ga State Prison. All of these
people have withheld this information
from the proper people.

Targets are Michelle Nunn of Atlanta
who runs for Senate, and A Republican Representative
on Senate Arms Committee whose last
Name ends with an A. Two Correction
Officers were assassinated (2 weeks)
after I gave this information to the
Commissioner Brian Owens who killed
his own people purposely.

National Security

Commissioner Brian Downs and Parole Share Bashir received bribes to let a member of this cartel out of prison and this was for him to carry out these hits. The two officers were assassinated outside their house in Valldorfa Ga.

Barack Obama was born in Manpessa Kenya, and was trained by Islam to infiltrate the government and destroy it. He was schooled in the government, and now it operates. His birth certificate was falsified and he has produced this document to trick congress. (Letter enclosed / Snakes and Ladders)

A hit to kill many leaders through a nerve agent and will follow after these two targets are hit by this cartel. Dimensions of rooms here been obtained by SAs thru Barack with the Muslim Brotherhood and Russian Revolutionary Guard.

National Security

Bin Laden, Saddam and sons were Doubles. All of these people had Doubles created to look like mirrors. NONE were ever found. The real ones are in a location for Barack to use to trick people and make it seem Israel was to blame for attack against America.

Nuclear spent fuel kept from being buried and other targets will be hit, and millions will be killed and suffer.

I know the location of the real ones. Hillary Clinton is the rightful President over America. These people will attack soon.

Jon Paul
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