

1001 West Fourth St.
Winston-Salem NC 27101-2400
t 336 607 7300 f 336 607 7500
www.KilpatrickStockton.com

Chris W. Haaf
direct dial 336 607 7309
direct fax 336 793 9169
CHaaf@KilpatrickTownsend.com

September 2, 2014

VIA UPS

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

Re: *Ford Motor Company v. Jacqueline Holmes et al. A15A0106*

Dear Mr. Castlen:

Enclosed please find the following documents for filing in the above referenced case:

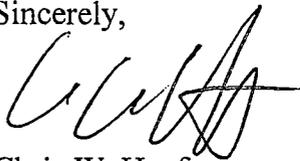
1. Motion for Admission of Adam H. Charnes Pro Hac Vice; and
2. Motion for Admission of Chris A. Haaf Pro Hac Vice.

*200. fee pd
waiting for return motion
9.4.14*

You will also find a check payable to the Clerk of Court of Appeals of Georgia in the amount of \$60.00 and a check payable to the Court of Appeals of Georgia in the amount of \$400.00 to cover the filing fees for these admissions.

Please let me know if you have any questions or if I can be of further assistance.

Sincerely,



Chris W. Haaf

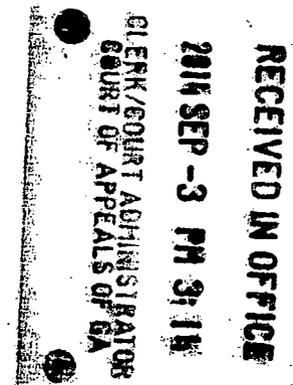
cc: Adam H. Charnes
Counsel of Record (via U.S. Mail)

CWH:lc
Enclosures

FILED IN OFFICE

SEP 02 2014

CLERK, COURT OF
APPEALS OF GEORGIA



T 3570 B3

WARNING - THIS CHECK IS PROTECTED BY SPECIAL SECURITY GUARD PROGRAM™ FEATURES

KILPATRICK TOWNSEND & STOCKTON LLP

OPERATING ACCOUNT
1100 Peachtree Street
Atlanta, GA 30309-4530

DATE
09-02-14

WELLS FARGO
Atlanta, GA 30383

NO. 561789

0422610

PAY **400 doIs 00cts**
FOUR HUNDRED AND 00/100 Dollars

TO THE ORDER OF
Court of Appeals of Georgia
47 Trinity Avenue, SW
Atlanta, GA 30334

VOID

\$*****400.00

VOID AFTER 180 DAYS



SECURE FEATURES INCLUDE INVISIBLE FIBERS • MICROPRESSING • VOID FEATURE PANTOGRAPH • ENDORSEMENT BACKER • BROWNSTAIN CHEMICAL REACTANT

561789 1210002482000131592388

FILED IN OFFICE

SEP 02 2014

CLERK, COURT OF
APPEALS OF GEORGIA

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

2014 SEP -3 PM 3:15

RECEIVED IN OFFICE

IN THE COURT OF APPEALS
FOR THE STATE OF GEORGIA

APPEAL NO. A15A0106

FORD MOTOR COMPANY,
Defendant, Cross-Appellant,

v.

JACQUELINE HOLMES, *et al.*

Plaintiff, Cross-Appellee.

MOTION FOR ADMISSION OF CHRIS W. HAAF
PRO HAC VICE

Pursuant to Rule 9(c) of the Rules of the Court of Appeals of Georgia, Chris W. Haaf, applicant herein, files this motion for admission *pro hac vice* and in support thereof, states:

1. Applicant is an attorney and member of the law firm Kilpatrick Townsend & Stockton LLP, 1001 West Fourth Street, Winston-Salem, NC 27101.
2. Applicant represents Defendant Cross-Appellant Ford Motor Company in the above captioned case.

FILED IN OFFICE

SEP 08 2014

CLERK, COURT OF
APPEALS OF GEORGIA

IN THE COURT OF APPEALS
FOR THE STATE OF GEORGIA

APPEAL NO. A15A0106

FORD MOTOR COMPANY,
Defendant, Cross-Appellant,

v.

JACQUELINE HOLMES, *et al.*

Plaintiff, Cross-Appellee.

**MOTION FOR ADMISSION OF ADAM H. CHARNES
PRO HAC VICE**

Pursuant to Rule 9(c) of the Rules of the Court of Appeals of Georgia, Adam H. Charnes, applicant herein, files this motion for admission *pro hac vice* and in support thereof, states:

1. Applicant is an attorney and member of the law firm Kilpatrick Townsend & Stockton LLP, 1001 West Fourth Street, Winston-Salem, NC 27101.
2. Applicant represents Defendant Cross-Appellant Ford Motor Company in the above captioned case.

RECEIVED IN OFFICE
2014 SEP -8 PM 1:44
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

September 5, 2014

Rupali Chitre
6115 Abbotts Bridge Rd.
Apartment 213
Duluth, GA 30097

Dear Mr. Chitre:

In response to your letter requesting information on several cases, our records show the following in the various cases:

Filing fee in Case # A13A2432: \$300.00 was paid by David A. Webster on 9/03/2013 in the amount of \$300.00 on receipt # 109190.

Filing fee in Case # A14A1414: \$315.00 was refunded to "attorney at law" (Note that Vivek Pampattiwar was pro se) on 5/09/2014. (Vivek Pampattiwar apparently paid, but the receipt did not reflect the actual payer's name.)

The Case Filing Fee in Case # A14A1731 was paid by Vivek Pampattiwar in the amount of \$300.00 on 6/19/2014 on receipt # 111154.

The Case Filing Fee in Case # A14D0445 was paid by Vivek Pampattiwar in the amount of \$300.00 on 7/16/2014 on receipt # 111323.

If we can be of further assistance, please let me know.

Sincerely,



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

SEC/br

Steve Castlen - Prep Letter as Written Below: Thanks

From: Steve Castlen
To: Benita Roberts
Subject: Prep Letter as Written Below: Thanks
CC: Lola Diamond

To:

Rupali Chitre

6115 Abbotts Bridge Road

Apartment 213

Duluth, GA 30097

Request for Information

In response to your letter requesting information on several cases, our records show the following in the various cases:

Filing fee in Case # A13A2432: \$300.00 was paid by David A. Webster on 9/03/2013 in the amount of \$300.00 on receipt # 109190.

Filing fee in Case # A14A1414: \$315.00 was refunded to "attorney at law" (Note that Vivek Pampattiwar was pro se) on 5/09/2014. (Vivek Pampattiwar apparently paid, but the receipt did not reflect the actual payer's name.)

The Case Filing Fee in Case # A14A1731 was paid by Vivek Pampattiwar in the amount of \$300.00 on 6/19/2014 on receipt # 111154.

The Case Filing Fee in Case # A14D0445 was paid by Vivek Pampattiwar in the amount of \$300.00 on 7/16/2014 on receipt # 111323.

If we can be of further assistance, please let me know.

SEC

Date: 24th Aug 2014

To,

Patty Bender,

Court of Appeals,

47 Trinity Ave SW,

Atlanta, GA 30334

From,

Rupal Chitre

Subject: Pursuit to the open records for

OC-GA&act 50-18-70

Dear Sir,

Please provide all the receipts and proof of

payments (cash, money order, checks and/or any

others) made by Vivek Rampattiwala for all the

appeals he filed since Jan 2013. Case numbers

are A13A2432, A14A1414, A14A1731, A14D0445-

My name and address are as below.

Rupal Chitre

615 abbotts bridge road,

Apt 213

Duluth, GA 30097

Phone: 678-522-6794, Email: rychitre@yahoo.com

Thanks Rupal

(Chitre)

RECEIVED IN OFFICE

2014 AUG 26 PM 2:31

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

September 8, 2014

To: Mr. Miles L. Gammage, Reg. No. 64305019, Federal Prison Camp, PMB 2000, Talladega, Alabama 35160

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 United States District Court - Northern is: 75 Spring Street, S.W., Suite 2211 in Atlanta, Georgia 30303-3361.
- 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.

8/27/14

Clerk of Court
District Court and
11th Circuit Court of Appeals

Re: USA v Hammer/Roper
Crim Action: 4:13-CR-03-RLV

Would you please file this notice of appeal in the above case and forward only the documents relating to Andrew Roper for this appeal to this garnishment.

By order of Judge Frank Hull, I was granted indigent status and provided an attorney. Hopefully the indigent status or in forma pauperis grant applies continually to these appeal fees for copying records. The status was filed on April 28, 2014.

If any amount is owed, please immediately notify.

Sincerely
Ophelia Hammett

In The United States District Court
For The Northern District Of Georgia
Rome Division

United States of America

Criminal Action No:

4:13-CR-03-RLV

Miles G. Hammy

Defendant

Andrew B. Roper

Marshall

Notice Of Appeal To Order
Of Marshment Of August 18, 2014

Comes now Miles Hammy, Defendant, and
Adeley timely files this notice of appeal from
the Order of August 18, 2014 as follows:

(1)

Plaintiff, USA, filed its motion for entry of final
order of marshment as to Defendant and Marshall
Roper. Defendant filed his answer and request
for a hearing showing showing Defendant had
previously pled \$50,000.00 for a bond to keep his
personal residence out of foreclosure. Defendant
surrendered himself to the Federal Prison in
Talladega Alabama on November 4, 2013. Defendant

exercised a Power of Attorney and assignment to his wife to pay all the loan from proceeds collected from purchase of Roper.

(5)

The Court denied Defendant's request for a hearing and thereafter denied his request to deny this special. Defendant timely filed a request to rescind the Order which order was delayed in the mail. In the Request For Reconsideration Defendant showed the previous pledge for a loan and assignment.

(3)

The Order by Judge Young denies the Request for Reconsideration was dated Aug 18, 2014 and was received by Defendant August 26, 2014. Defendant has no ability in person to scan and mail documents and must simply hand mail all documents to the clerk for filing

(4)

Defendant further was informed his mortgage policy had paid one million dollars (\$1,000,000) in claims relating to his residential debt. Defendant was further informed the State Bar of Texas had paid some claims on his residential debt.

(5)

Defendant requested the USA account for the payments and allow the assignment of the pledged funds which preceeded the request for garnishment. The Order of August 18, 2014 denied all of Defendant's request basically as not timely filed.

(6)

Defendant appeals showing the mail delayed his timely filing by one to two weeks. Defendant's appeals showing the previous pledge of the assets takes precedence over a garnishment. Defendant appeals showing the USA should have to account for money paid on restitution with credit given. USA is not allowed to simply garnish any assets desired at any time without being accountable for credits for previous amounts paid.

It is hereby requested that these issues be considered on appeal, that the records of only this garnishment issue be forwarded to the Appeals Court for consideration and thereafter that the Order of August 18, 2014 be reversed for the reasons shown.

This 27 day of August 2014

Opus Hammege
Defendant

FILED IN CHAMBERS
U.S.D.C. - Rome
AUG 18 2014

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

JAMES N. HATTEN, Clerk
J. Hatten
Deputy Clerk

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO.
4:13-CR-03-RLV

MILES L. GAMMAGE,
Defendant,

and

ANDREW B. ROPER, P.C.,
Garnishee.

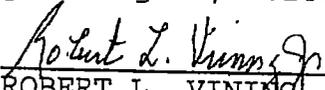
O R D E R

This matter is before the court on the defendant's motion for reconsideration [Doc. No. 72]. On June 17, 2014, the government moved for entry of a final disposition order in garnishment as to funds held by Andrew B. Roper, P.C. On July 10, 2014, this court granted the government's motion. On July 14, 2014, the defendant filed an answer to the government's request for final order in garnishment, and on July 21, 2014, the defendant filed a motion for reconsideration of the court's July 10, 2014 order. In the filings, the defendant contends garnishment of the funds is improper because: (1) the victims have already been paid through a one million dollar insurance policy; and (2) prior to his imprisonment, the defendant assigned his interests in the funds to his wife, through a power of attorney, to repay a loan to a third-party.

"[A] reconsideration motion may not be used to offer new legal theories or evidence . . . unless a reason is given for failing to

raise the issue at an earlier stage in the litigation." Adler v. Wallace Computer Servs., Inc., 202 F.R.D. 666, 675 (N.D. Ga. 2001). The defendant failed to timely file an answer to the government's application for a writ of garnishment and failed to timely respond to the government's motion for entry of a final disposition order. Moreover, the defendant has not provided any reason or justification for this failure. Accordingly, the defendant's motion for reconsideration [Doc. No. 72] is DENIED.

SO ORDERED, this 18th day of August, 2014.



ROBERT L. VINICK, JR.
Senior United States District Judge

Received 8/25/14

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

September 9, 2014

Mr. Adrian B. Gainey
477 Peachtree Street, N.E.
Atlanta, Georgia 30308

A14A0428. In Re: Estate of Zora Helen Gainey, Deceased.

Dear Mr. Gainey:

As stated in my letter dated June 13, 2014, the above appeal was dismissed on November 6, 2013 and the remittitur issued on January 3, 2014. Once the remittitur issues, our Court has no jurisdiction on the case.

Sincerely,



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

SEC/ld
Enclosure

Adrian Gainey, Son and Caveator
P.O. Box 55031
Atlanta, Ga. 30308

9/1/2014

Georgia Court of Appeals
Attn: Stephen Castlers, Clerk of Court
47 Trinity Ave. NE.
Atlanta, Ga. 30334

Re: The Last Will and Testament of Zora Helen Gainey, Deceased: GCOA# A14A0428: Fulton County Probate Court# 226125:

Dear Mr. Castlers:

I have decided to abide by the ruling of the Georgia Court of Appeals and the Fulton County Probate Court regarding my late mother's will. It has taken quite a bit of effort to accept the rulings; however, I will accept the loss.

In regards to my letter to the Remitter's Office, dated 6/8/2014, I have decided not to pursue these matters any further in the Georgia Courts. Perhaps, we can settle these matters amongst ourselves, if not I am willing to let sleeping dogs lie.

Sincerely,



Adrian Gainey, Son and Caveator

RECEIVED IN OFFICE
2014 SEP -4 PM 4:02
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

September 9, 2014

Mr. W. Randal Bryant
Bovis Kyle Burch & Medlin, LLC
200 Ashford Center, North • Suite 500
Atlanta, Georgia 30338

Dear Mr. Bryant:

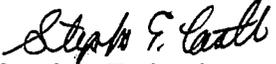
Our office is in receipt of your check made payable to the Clerk of the Court of Appeals in the amount of \$200.00. I apologize for holding your check for such a long period of time. The reason for holding and voiding - and now returning it - is that our Court's rules for Pro Hac Vice, or Courtesy Appearance, have been under review during this period and there was no firm workable rule for dealing with the funds. Our Court recently passed its final version of the rule. Based upon that rule, I am sending your check back. The new rules provide that:

- Each time an Application for Admission Pro Hac Vice is submitted under this rule, the applicant shall send a check for \$200.00 payable to "IOLTA/Georgia Bar Foundation".
- The check must be mailed directly to: The Georgia Bar Foundation, 104 Marietta Street, Suite 610, Atlanta, Georgia 30303.
- The applicant must include a certification with their application stating, "I have submitted a check for \$200.00 to the Georgia Bar Foundation."

Since you are already admitted, there is no need to send our Court a "certification" that, "I have submitted a check for \$200.00 to the Georgia Bar Foundation". Please accept my apology for this inconvenience and apparent "run around". Please reissue the check and deliver in accordance with our new rule, i.e., directly to the State Bar Foundation.

Thank you very much for your assistance and understanding.

Sincerely,


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

SEC/ld
Enclosures

BOVIS KYLE

BOVIS, KYLE, BURCH & MEDLIN

ATTORNEYS AT LAW

200 ASHFORD CENTER NORTH

SUITE 500

ATLANTA, GEORGIA 30338-2668

July 11, 2014

TEL 770.391.9100

FAX 770.668.0878

W. RANDAL BRYANT
rbryant@boviskyle.com

VIA HAND DELIVERY

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

Re: *Quality Technology Services, LLC v. Internap Network Services Corp.*
Superior Court of Fulton County
Civil Action File No.: 11-CV-201543

Appeal Case Number: A14A1452

Dear Mr. Castlen:

Enclosed is a check for \$200.00 payable to the Court of Appeals of Georgia (associated with *Appellant's Motion for Pro Hac Vice Appearance*), along with a stamped, self-addressed envelope for your convenience in sending us a receipt for this payment. Also enclosed is a copy of the motion, which was electronically filed earlier today. (We paid a \$30.00 fee at the time of e-filing.)

Thank you for your assistance with this matter.

Sincerely,

Randy Bryant

W. Randal Bryant

WRB: bml
Enclosures

RECEIVED IN OFFICE
2014 JUL 11 PM 3:12
CLERK OF SUPERIOR COURT OF GA

BOVIS, KYLE, BURCH & MEDLIN LLC

91212

INVOICE	DATE	DESCRIPTION	INV AMOUNT	NET
5097-0001-2	7/11/2014	Fee to file Pro Hac Vice Motion	200.00	200.00

Check# / Date 91212 7/11/2014 Court of Appeals

200.00

BOVIS, KYLE, BURCH & MEDLIN LLC

ATTORNEYS AT LAW
200 ASHFORD CENTER NORTH
SUITE 500
ATLANTA, GA 30338



91212

91212

Two Hundred Dollars and 00/100

DATE 07/11/2014

AMOUNT \$200.00

PAY TO THE ORDER OF

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

VOID

Robert M. [Signature]

OPERATING ACCOUNT
VOID AFTER 6 MONTHS

AUTHORIZED SIGNATURE

⑈091212⑈ ⑆061102400⑆ 012 0005913⑈

Security features. Details on back.

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

September 9, 2014

Mr. Kenneth Clark
GDC653504 J-2
Wilcox State Prison
Post Office Box 397
Abbeville, Georgia 31001

Dear Mr. Clark:

I am in receipt of the "Notice of Appeal to Void Contract of Sentence." The Notice of Appeal must be filed with the clerk at the trial court, **not** the Court of Appeals. After the clerk has prepared the record as designated by the Notice of Appeal and submitted it to this Court for docketing, this Court will send out a Docketing Notice with briefing schedule and other important information.

Again, I am returning your documents to you.

Sincerely,



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

SEC/ld
Enclosures

TO THE CLERK OF COURT.

Kenneth Clark
653504
Wilcox STATE PRISON
P.O. Box 397 J-2
Abbeville GA.
31001

I send A COPY OF what, I've Filed
IN THE MERIWETHER COUNTY SUPERIOR COURT, "TO WIT" NOTICE OF Appeal
Because, I have GOTTEN NO RESPONSE FROM THE Judge A Quillian,
Baldwin JR, NOR THE Chief. Judge ON ANY MOTION I've FILE
FROM April, 14, 2014 UNTIL NOW,
My case NEED TO be Heard, Please GRANT ME ACCESS TO THE
COURT TO Be Heard.
By Reviewing And Placing my case
ON THE Docket.

Thank you very much
IN ASSISTING me ON THE Default
and Refusal OF MERIWETHER COUNTY
CORPORATE CORPORATION & THEIR
SUPERIOR COURT.
FOR I've BEEN UNJUSTLY Held Prisoner/
Slave, FOR THE last 16 Yr.

RECEIVED IN OFFICE
2011 SEP -2 PM 01:29
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Kenneth Clark
653504.

P.S. Case No# A-14A-0692
-2011-CR-0465 VACATED BY YOUR COURT, Kirvin B. Clark
has NOT BEEN Forwarded TO THE GA. Dept. of Correction
He's Still BEEN Held BY THE GA. Dept. OF Correction! THIS HONORABLE COURT
VACATED. His sentence over a month ago.

IN THE SUPERIOR COURT OF MERIWETHER COUNTY

STATE OF GEORGIA:

Kenneth Clark I me my myself x Case NO# 98-CR-000319, Civil Action#
 THE living soul, A PRIVATE PERSON x EXTRAORDINARY MOTION For A NEW Proceeding
 - VS - x UNDER A Manifest INJUSTICE, and ACTUAL
 x Innocence,
 THE STATE OF GEORGIA and x Truth AFFIDAVIT, Rule NEST,
 THE Corporation OF THE SUPERIOR x Impeachment OF Judge A. Quillian Baldwin
 COURT OF MERIWETHER COUNTY x Jr.

RECEIVED IN OFFICE
 2011 SEP 22 PM 5:24
 CLERK OF SUPERIOR COURT
 MERIWETHER COUNTY, GA

NOTICE OF APPEAL, TO THE GEORGIA COURT OF APPEALS;

To Void Sentence, and Contract of Sentence.

Now Come Kenneth Clark I, me, my, myself, A secured party, A Private person
 Sovereign, A layman of law, To seek Due Process of law; by Appealing The
 Above MOTION'S, and MATTER'S to the GEORGIA COURT OF Appeal; under O.C.G.A.
 § 5-6-37, 'To wit', The SUPERIOR COURT OF MERIWETHER COUNTY IS IN
 Default, UNDER O.C.G.A § 15-6-21(A) and (D)

I plead to this Honorable Court From the Provision of the First, Fifth, and
 Fourteenth Amendment of The U.S. Const, Amend,

I Request Access to this Honorable COURT To Redress A Grievance to Correct
 A Manifest INJUSTICE, created by OFFICER'S OF THE COURT,

I Plead to be Granted The Fundamental Fairness of the Proceeding, I was
 Denied by The SUPERIOR COURT OF MERIWETHER COUNTY Corporation,

I seek The Equal Protection of law, IN which I was Deprived by Government
 Agent, whom Allowed me to be diverted from the Jurisdiction IN which
 my claim was to be heard IN ON March 16, 1999,

I wish To Appeal All Ground'S and MOTION File IN this Case From April 14, 2011

I pray To be Granted A NEW Proceeding, which I was -

To answer to on March 16, 1999, IN THE CASE NO# 98-CR-000319,
I Plead to this Honorable Court to uphold it oath under the UNITED
STATES; 'OF and, 'to wit' THE UNITED STATE CONSTITUTION,
IN order for me to show; ACTUAL INNOCENCE OF A UNLAWFUL, ACT MYSELF
as well as to show; TREASON, by the Corporation of the SUPERIOR COURT
OF MERIWETHER COUNTY, 'TO WIT' OFFICER'S OF THE COURTS,
'TO WIT,' ATTORNEY'S, Government Agents, Know as BAR Associate,
To commit The UNLAWFUL ACT OF Fraud; To, wit Law, unlawful ACT
Producing CONTRACT'S From Fraud; Frauding Private People's, living souls,
AS Corporation; To wit, ME, MY, MYSELF, I, Kenneth Clark as a
Corpor-Fiction, "TO THE BENCH"
Forcing me, Compelling me, Swearing me, Influencing me, by Deception of their
Position; To commit the ACT OF Forgery,
A CONTRACT THAT is UNLAWFUL, A CONTRACT Signed by a living soul, and Government
Official,

A CONTRACT THAT MUST Be void;

TRUTH AFFIDAVIT OF FACTS.

IN Commerce EVERY Thing must be stated IN Truth, I, ME, MY, MYSELF, Kenneth
Clark, a Private person; A sovereign, a creditor, a Secured Party, and not a
Statutory Person upon The land, Birth in the UNITED STATE'S OF America,
Do HEREBY Solemnly Say and STATE; (1) Secured Party is Competent for Stating
the fact's and matter's set forth here within; (2) Secured Party has Personal
Knowledge about the fact's stated here in; (3) Every thing stated in this
Truth AFFIDAVIT is the whole Truth, and nothing but the Truth, and All
Stated is True, correct, Complete and NOT misleading,
No Third party Allowed.

Plain Statement about the facts; (A) For resolving a matter it must be expressed, (B), For Commerce truth is sovereign, (C), A unrebutted Truth Affidavit become judgement in Commerce; (D). A Truth Affidavit under Commerce law can only be satisfied, by a rebuttal about the Truth Affidavit, by Payment by Resolution, by a Jury according by the Rule for ~~Commerce~~, Common Law. A lawful Contract has, (1) OFFER, (2) Consideration, (3) Acceptance by all Parties for the Contract; and, (4), The signature by all parties Involved with The Contract; only The Parties, Signing the Contract can participate in The discussion of The Contract, Full disclosure about the Contract is Imperative.,

I make these statements of Facts,

ON April 14, 2014 at 11:20 AM, MERIWETHER COUNTY GA. Filed and Recorded By Kyemeshia T. Gibson, Clerk of The SUPERIOR COURT, Case No # 98-CR-DD0319, I, ME, MY, MYSELF, The living soul, Kenneth Clark, -VS- THE STATE OF GEORGIA, Civil ACTION No: NOT Given

- 1), Extraordinary Motion For A NEW Proceeding under A Manifest Injustice, and ACTUAL INNOCENCE,
- 2), ENTRY of Appearance; By Kenneth Clark Representative of The Subject and matter,
- 3), RULE NISI,
- 4), Certificate of Service

ON MAY 9, 2014, AT 11:00 AM Filed and Recorded by MERIWETHER COUNTY GA. SUPERIOR COURT Clerk, Kyemeshia T. Gibson

CASE NO # 98-CR-DD0319, I, ME, MY, MYSELF, THE LIVING SOUL
Kenneth Clark -VS- THE STATE OF GEORGIA;

- 1) TRUTH AFFIDAVIT, CASE NO # 98-CR-DD0319, Civil ACTION.

EXTRAORDINARY ACTION For A New Proceeding, under A Manifest Injustice, And Actual Innocence,

ON July 2, 2014, IN THE CASE of, I, me, my, myself, Kenneth

Clark, The Livingston - vs- THE STATE OF GEORGIA, and Judge Baldwin Jr.

Case No# 98-CR-000319, Civil Action # No Given,

extraordinary action for a new proceeding under a manifest injustice and

Actual Innocence;

The clerk of THE SUPERIOR COURT OF MERIWETHER COUNTY GA,

Kyemeshia T Gibson Filed and Recorded AT 11:32 Am,

1) Motion To Impeachment of Judge A, Quillian Baldwin Jr,

To THE Chief Judge of Superior Court For Meriwether County, GA,

2) TRUTH AFFIDAVIT,

3) Rule Nisi,

4) Certificate of Service

5) Entry of Appearance, By Kenneth Clark, I, me, myself, my, livingston as

Representative,

FACTS,

As of Today Aug 29, 2014,

The Superior Court For Meriwether County has Refuse To Respond,

Denying what is just, Refusing me, my Constitutional Right

under The First Amendment of THE UNITED STATE Constitutional Amendments,

Access To The Court To Redress Of Grievance,

To Correct A Manifest of Injustice, Created By THE Corporation,

A Trust by, In fact Judge Baldwin Jr,

I appeal this case To THE GEORGIA Court of Appeals,

It is That This CONTRACT is unlawful; By Fraud, and Forgery a
ACTS of Government Agents; Deceiving living souls in To Contracts,
by Fraud of NAME,

ACTS of Discrimination,

Violation of Constitutional Rights, "To wit," The Fifth, The Fourteenth
and The First;

Violation of My Universal Declaration of Human Rights, From Article
2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 20 AT 2.

THE SUPERIOR COURT OF MERIWETHER COUNTY is IN Default;

By Refusing To Rebut or Answer Any Motion Filed,

I Appeal To This Court of Appeals on All Motions,

Filed in to THE SUPERIOR COURT FOR MERIWETHER COUNTY GA;

From April 14, 2014 Case No# 98-CR-DDC319, I, ME, MY, MYSELF Kenneth
Clark - VS - THE STATE OF GEORGIA;

Kenneth Clark, I, me, my, myself, The living soul - VS - THE STATE OF GEORGIA;
and Judge A, Guillian Baldwin JR, Impeachment,

EXTRAordinary Motion for A New Proceeding under A Manifest Injustice
and Actual Innocence. —

Kenneth Clark Grantor

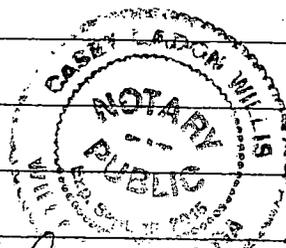
Secured Party,

This Document was

Prepared by

Kenneth Clark The Living
Soul.

X Kenneth Clark



Kenneth Clark Agent, IN Fact
Power of, ATTORNEY

Casey L. Brown Willis

X Kenneth Clark

This 28 day August MO 2014

Certificate of Service:

I do hereby certify that I have this day served the within and foregoing petition, prior to filing the same, by depositing a copy thereof with prepaid postage, in the United States mail properly addressed upon:

PETER J SKANDALIKIS
District ATTORNEY
MERTWETHER COUNTY COURT HOUSE
P.O. Box 520
Greenville Ga, 30222

COURT OF APPEALS OF GEORGIA:
SUITE 501
47 Trinity Avenue
ATL. GA, 30334
Just in case MERTWETHER
Refuse To Forward Case.

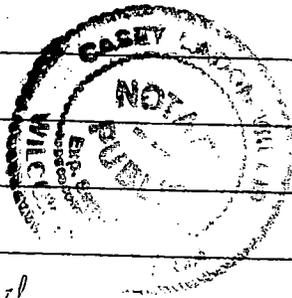
Kyemeshia T Gibson Clerk of Superior Court
100 COURT Square
P.O. Box 160
Greenville Ga, 30222.

ATTORNEY GENERAL OFFICE
Samual DIEN'S
40 Capital Square S.W
Atlanta Ga, 30334,

Please Return A Copy

x *Kenneth Clark*

Kenneth Clark, I, me, my, myself
The Living Soul, A Private Person
AT, WILCOX STATE PRISON
P.O. Box 397 - J-2
Abbeville Ga, 31001



Copy held with

This 28 day August 20 20 14 UNO # 653504

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

September 9, 2014

Ms. M. Katherine Durant
Durant Law, LLC
4426 High Howell Road • Suite B-336
Tucker, Georgia 30084

Dear Ms. Durant:

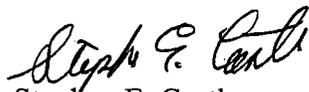
Our office is in receipt of your check made payable to the Clerk of the Court of Appeals in the amount of \$200.00. I apologize for holding your check for such a long period of time. The reason for holding and voiding - and now returning it - is that our Court's rules for Pro Hac Vice, or Courtesy Appearance, have been under review during this period and there was no firm workable rule for dealing with the funds. Our Court recently passed its final version of the rule. Based upon that rule, I am sending your check back. The new rules provide that:

- Each time an Application for Admission Pro Hac Vice is submitted under this rule, the applicant shall send a check for \$200.00 payable to "IOLTA/Georgia Bar Foundation".
- The check must be mailed directly to: The Georgia Bar Foundation, 104 Marietta Street, Suite 610, Atlanta, Georgia 30303.
- The applicant must include a certification with their application stating, "I have submitted a check for \$200.00 to the Georgia Bar Foundation."

Since you are already admitted, there is no need to send our Court a "certification" that, "I have submitted a check for \$200.00 to the Georgia Bar Foundation". Please accept my apology for this inconvenience and apparent "run around". Please reissue the check and deliver in accordance with our new rule, i.e., directly to the State Bar Foundation.

Thank you very much for your assistance and understanding.

Sincerely,



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

SEC/ld
Enclosures

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

September 9, 2014

Mr. Adam H. Charnes
Kilpatrick Townsend
1001 West Fourth Street
Winston-Salem, North Carolina 27101

Dear Mr. Charnes:

Our office is in receipt of your check made payable to the Clerk of the Court of Appeals in the amount of \$200.00. I apologize for holding your check for such a long period of time. The reason for holding and voiding - and now returning it - is that our Court's rules for Pro Hac Vice, or Courtesy Appearance, have been under review during this period and there was no firm workable rule for dealing with the funds. Our Court recently passed its final version of the rule. Based upon that rule, I am sending your check back. The new rules provide that:

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Thank you very much for your assistance and understanding.

Sincerely,



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

SEC/ld
Enclosures

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

September 9, 2014

Mr. Chris W. Haaf
Kilpatrick Townsend Stockton, LLP
1001 West Fourth Street
Winston, Salem, North Carolina 27101

Dear Mr. Haaf:

Our office is in receipt of your check made payable to the Clerk of the Court of Appeals in the amount of \$200.00. I apologize for holding your check for such a long period of time. The reason for holding and voiding - and now returning it - is that our Court's rules for Pro Hac Vice, or Courtesy Appearance, have been under review during this period and there was no firm workable rule for dealing with the funds. Our Court recently passed its final version of the rule. Based upon that rule, I am sending your check back. The new rules provide that:

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Thank you very much for your assistance and understanding.

Sincerely,



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

SEC/ld
Enclosures

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

September 10, 2014

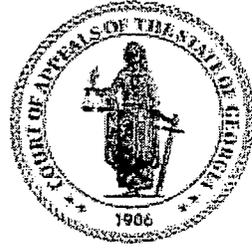
To: Mr. Richard Daniel, GDC216862, Johnson State Prison, 290 Donovan Harrison Road, Wrightsville, Georgia 31096

Case Number: _____ Lower Court: _____ County Superior Court

Court of Appeals Case Number and Style: _____

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

- There is no case pending in the Court of Appeals of Georgia under your name.
- A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. 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.
- Other. We are in receipt of your letter. Please note that the Court cannot docket any letters that are submitted to the Court. All contact with the Court is accomplished via motions and briefs. You must also attach a Certificate of Service and actually serve the opposing party. I have enclosed 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

August 26, 2014

RE:

Appeal Case No: A14A2334

Criminal Case No: 10CR01551

13CR01471

Richard Daniel Prosser:

GDC 210862

Johnson State Prison

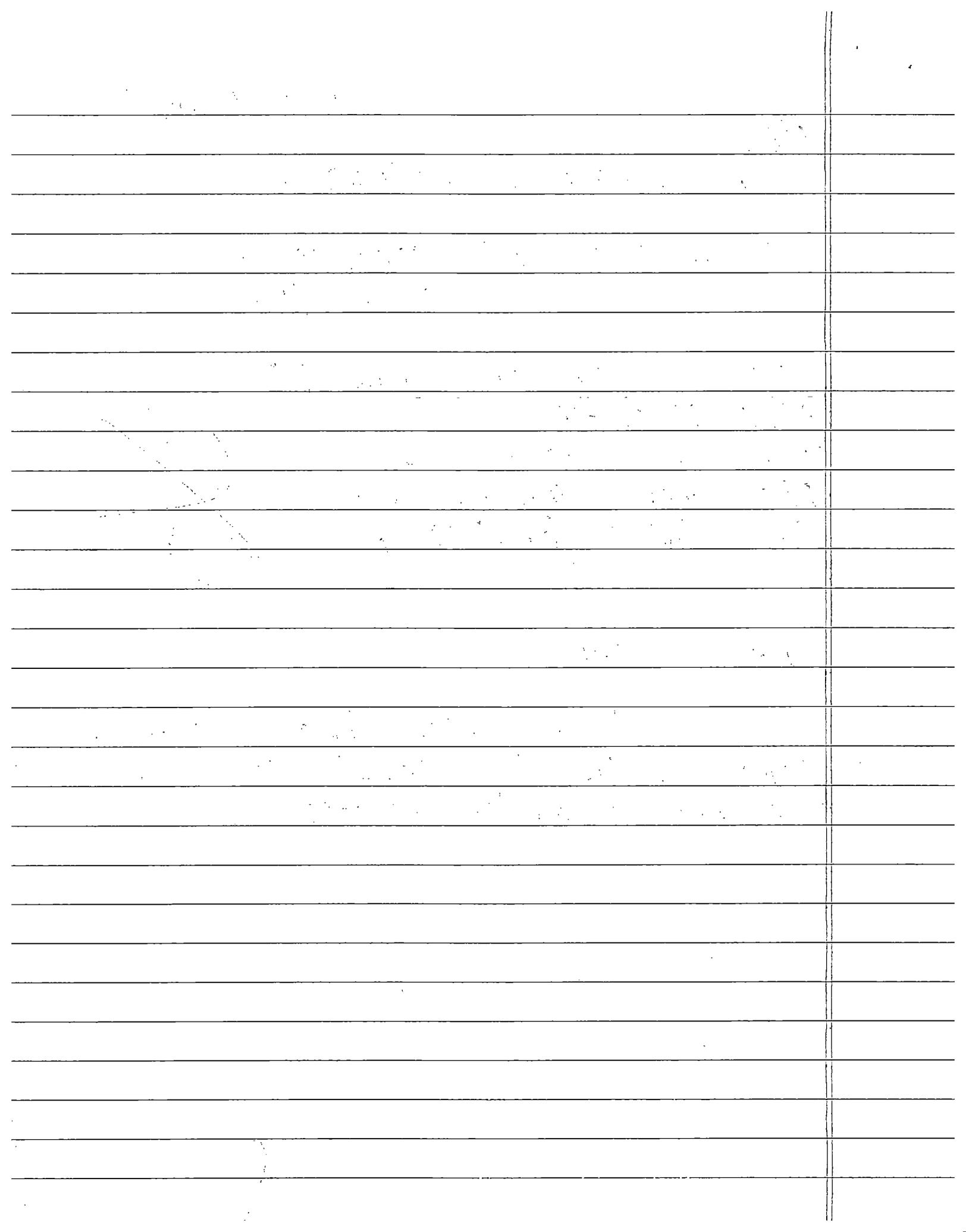
290 DONOVAN HARRISON Rd.

Wrightsville, GA 31096

RECEIVED IN OFFICE
2014 SEP 22 AM 11:44
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Dear Clerk,

Please FILE the enclosed letter with the court, concerning the above mentioned case.



August 19, 2014

Dear clerk,

This letter is concerning a notice of docketing of an appeal I received today. First of all I would ask that this letter be made part of the record of my case. I believe there are some things that are illegal going on in my case, by people or persons in Whitfield County Superior Court!

The last thing that has taken place as far as this case goes, is that a hearing to withdraw my plea was held May 2, 2014 on the grounds as follows:

- 1.) Ineffective Assistance of Counsel
- 2.) Denial of an impartial trial judge
- 3.) Denial of rights to prepare a defense by trial judge
- 4.) Coercion and intimidation by trial judge to obtain a plea of guilt.
- 5.) Tampering with evidence by Whitfield County Deputy's.
- 6.) Personal family conflicts of Deputy's.

I had filed that motion 2-3-14 and I had ask for a copy of the entire record to be provided but it was not, as of this date

I have not heard single word AS TO ANY decision on the motion to withdraw, NOR HAVE I BEEN provided WITH A TRUE COPY OF THE Case Record. I ALSO Filed A SEPRATE MOTION FOR the PRODUCTION OF THE RECORD OF MY Case ON July 1, 2014.

And AGAIN AS OF THIS DATE I HAVE RECEIVED KNOW RESPONSE FROM THE COURT.

I dont know who Filed the Appeal TO this court, NOR HAVE I GIVEN CONSENT OR PERMISSION TO ANYONE TO FILE AN Appeal ON MY BEHALF,

FROM WHAT I UNDERSTAND I WILL HAVE (30) DAYS FROM THE DATE A decision ON MY MOTION IS MADE AND OR (30) DAYS FROM THAT COURT GIVING A decision.

I HAVEN'T RECEIVED ANY notice FROM WHITFIELD SUPERIOR COURT NOR HAVE I RECEIVED A TRUE COPY OF THE ENTIRE RECORD OR ANY PART THEREOF.

THE RECORD OF MY CASE CONSIST OF THE FOLLOWING DOCUMENTS

- 1.) INEFFECTIVE ASSISTANCE HEARING held December 12, 2013
- 2.) INTIMADATION HEARING HELD December 31, 2013 (2)

3.) Recusal motion
JANUARY 3, 2014

4.) Suppression Hearing at Plea.
JANUARY 16, 2014

5.) motion To withdraw plea. Held
MAY 2, 2014

6.) FINAL disposition OF the case.

without Those Document's There Isn't
Anyway I could Present my case
Properly To Any legal FORUM.

I have just recently obtained phone
Records THAT clearly show THAT the Dallas
Police department had in fact tampered
with hidden or destroyed evidence THAT
would have been Available to my defense.

And now it seems As though the
Whitfield county Superior court is Attempting
To do the same with the TRANSCRIPTS OF my
case, which will clearly show the grounds
with which I claim As the Reason for my
plea. To begin with. Could you please send
me A copy OF what evidence has been Filed
with your court Along with the numbers)
(3)

And titles of person(s) who filed
anything on my behalf,

I'll state again for the record
as of August 19, 2014 I have not
received any order from Whitfield
Superior Court concerning the hearing
held May 2, 2014 to withdraw my plea.

I also have not received any
part of records of this case that
I have requested,

And I have not given anyone
consent or permission to file any
appeal on my behalf, nor has anyone
even ask to file an appeal on
my behalf.

Respectfully
Submitted

Richard E. Daniel

Richard E. Daniel
PRO SE.

GDC 216862

Johnson State Prison

PO Box 344

Wrightsville, GA. 31096

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

September 10, 2014

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

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.
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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.

RECEIVED IN OFFICE

2014 SEP -9 PM 2:21

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

2014 SEP -5 AM 8:46

FILED IN OFFICE
GAIL HUNTER, CLERK
COURT OF APPEALS OF GA

IN THE SUPERIOR COURT OF PICKENS COUNTY
STATE OF GEORGIA

STATE OF GEORGIA
Plaintiff,
v.
SAMUEL LEWIS FOWLER
Defendant.

CRIMINAL ACTION NO:
2008-SUCR-414

NOTICE OF APPEAL

Notice is hereby given that Samuel Lewis Fowler, Pro se defendant in above stated case, appeals the Final order of the Pickens County Superior Court, dated August, 20th 2014 on Defendants Amended Motion for New Trial, said order signed by the Honorable Judge Brenda S. Weaver, to the Georgia Court of Appeals. The clerk is to omit nothing from the record on appeal.

This 5th day of September, 2014

Respectfully submitted by:

Samuel Lewis Fowler
Pro se Defendant
C.D.C.# 925683
Phillips State Prison
2989 West Rock Quarry Road
Buford, Georgia 30543

2014 SEP -5 AM 8:46

FILED IN OFFICE
CLERK
GALETON, MISSISSIPPI GA

IN THE SUPERIOR COURT OF PICKENS COUNTY
STATE OF GEORGIA

STATE OF GEORGIA
Plaintiff,

v.

SAMUEL LEWIS FOWLER
Defendant.

CRIMINAL ACTION NO:
2008-SUCR-414

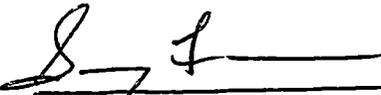
CERTIFICATE OF SERVICE

This is to certify that I have this day served a true and correct copy of the within and foregoing NOTICE OF APPEAL dated September 5th, 2014 by depositing same in the United States Mail properly addressed with sufficient postage affixed thereto to ensure delivery to:

• Michael A. Bay
Chief Assistant District Attorney
50 N. Main Street, Suite 101
Jasper, Ga. 30143

• Brenda S. Weaver
Chief Judge
P.O. Box 545
Jasper, Ga. 30143

This 5th day of September, 2014


Samuel Lewis Fowler
Pro se Defendant
G.D.C. #925683
Phillips State Arson
2989 West Rock Quarry Road
Buford, Georgia 30543

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

September 10, 2014

To: Mr. Kenneth Futch, GDC1005748 G-2-124B, Baldwin State Prison, Post Office Box 218, Hardwick, Georgia 31034

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

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

In the state court of Appeals
State of Georgia

Kenneth Futch

Defendant

vs.

State of Georgia

Respondent

Case No: 2013-12-18-118

2012-1139-MF

Aggravated Stalking

RECEIVED IN OFFICE
2013 SEP - 8 PM 3:54
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Makes this His Appeal

I ~~Kenneth Futch~~ makes this his appeal in the above style action, this is to appeal from a decision or ruling made by a judge on July 31, 2013 I was given and opposing sentence by a superior court judge, Robert L. Russell III which I was giving ten years, some 4800 in confinement, and 6 six on probation. In addition my community service was waived, with that I was given credit for time already spent in confinement which dates back to 2012 September 15th which would make my max 2016 September 15th which ever they get my max for 2017, under the O.C.G.A any inmate serving state time or being held facing charge are subject ~~to~~ to credit for time in confinement therefore I can request my credit for a opposing sentence ruled by a judge.

Respectfully submitted
Kenneth Futch
Date 9-3-13

certificate of service

This is to certify that I have this day served the opposing party(ies) to this action with a true and correct copy of the within and foregoing ~~This is to Appeal from a denial of motion for credit time in confinement~~ by placing a copy of the same in the United States mail with adequate postage thereon to ensure prompt delivery and addressing it to:

Court of Appeals of Georgia
334 State Judicial Bldg
The Capitol Square
Atlanta Georgia 30334
404-656-3450

This 2nd day of September,
2013.

Kenneth
Ritchey
Pro-se

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

Date: September 10, 2014

To: Ms. Sharyn A. Erickson, 1330 Wheatfield Drive, Lawrenceville, Georgia 30043

Docket Number: A14A1244 **Style:** Sharyn Erickson v. Mt Vernon Towers Condominium Association, 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 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). 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

RECEIVED IN OFFICE
2014 SEP -3 PM 3:31
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

TABLE OF CITATIONS
SUPPLEMENTAL REPLY BRIEF

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<i>Bertone v. Wilkinson, (213 Ga. App. 255, 444 SE2d 576 [1994])</i>	1
<i>Burns v. Dees et al., 252 Ga. App. 598, 557 SE2d, 32 (2001)</i>	2
<i>Moore v. Golddome Credit Corp., 187 Ga. App. 594, 597, 370 SE2d 843 [1988]</i>	3
<i>Soley v. Dodson, 256 Ga. App. 770, 569 SE2d 870 [2002]</i>	3
Superior Court rule 19.1(l), and rule T-13 of the uniform Superior Court transfer rules	6
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<i>BellSouth Telecommunications v. Future Communications, Inc., 666 SE2d 699 (2008)</i>	6
<i>Waller v. Georgia, 467 U.S. 39 (1984)</i>	7
<i>Akins v. Federated Mutual Implement & Hardware Insurance Company et. al, (108 Ga. App. 872, 134 SE2d 854 [1964])</i>	7

<i>Payne v. Chandler</i> (41 Ga. App. 385(2), 153 SE 96)	7
<i>McWhorter et al. v. Greene et al. (two cases)</i> , (221 Ga. App. 590, 472 SE2d 135[1996])	8
<i>Kubler v. Goerg</i> , 197 Ga. App. 667, 671 (399 SE2d 299)	8
<i>Shealy et al. v. Unified Government of Athens-Clark County</i> (244 Ga. App. 853, 537 SE2d 105 [2000])	8
<i>Halbig et al. v. Burwell</i> (No. 14-5018, Jul. 22, 2014 [D.C. Cir.]	9
<i>Clapper v. Amnesty Int’l. USA</i> , 133 S. Ct. 1138, 1147 (2013)	10
<i>United States v. Students Challenging Regulatory Agency Procedures</i> , 412 U.S. at 669, 689 n. 14 [1973]	10
<i>Bob Jones Univ. v. United States</i> , 461 U.S. 574, 581-82 (1983)	10
OCGA 44-3-80(d)	11, 15

IN THE COURT OF APPEALS OF THE STATE OF GEORGIA

Sharyn Arlene Erickson,

]

Appellant

]

v.

]

Appeal Case No. A14A1244

Mount Vernon Towers Condominium]

Association, Inc.

]

Appellee

]

SECOND MOTION TO TAKE JUDICIAL NOTICE

OF LATEST TORTIOUS INTERFERENCE

WITH APPELLANT'S RIGHTS AND

ABUSE OF THE JUDICIAL PROCESS IN THIS APPEAL

1. Appellant, Sharyn Erickson, hereby requests that the Georgia Court of Appeals take judicial notice, in accordance with OCGA 24-1-4, of the latest actions by Appellee, Mount Vernon Towers Condominium Association and its attorney, Mr. Randall Lipshutz, that again tortiously interfered with

Appellant's rights in another abuse of the judicial process regarding this case.

2. The latest actions involved the additional fraudulent misrepresentations and attempts to coerce Ms. Erickson to give up her rights and to collect additional amounts that are not owed as a result of the threats in Mr. Lipshutz's August 21, 2014 letter to her, which is attached.
3. These were legal issues, requiring *de novo* review.
4. The attached letter unequivocally demonstrates the falsity of his documents submitted in the failed closing discussed in the first Motion to Take Judicial Notice.
5. He again, however, falsified the owed amount, but attempted to cover up his previous falsification with his claim that the discrepancy between his closing documents and the billing by Mount Vernon Towers, also attached, was the result of an unspecified and unexplained supposed "error" by the Superior Court that would not match the documents previously submitted in this case.
6. Although his latest falsification and tortious interference only included one month of duplicate billing, for December 2013—instead of the seven months

for June through December of 2013 included in the “payoff quotes” that prevented the closing of the sale of Ms. Erickson’s condominium—it still also included \$24,810.16 in additional legal fees stated to be for “collecting the prior judgment and in defending your appeal of the prior case,” despite no additional, unpaid amounts having been awarded by this or any other court.

7. As pointed out in the First Motion to Take Judicial Notice and Motion for Summary Reversal, however, the actions of Mr. Lipshutz and Mount Vernon Towers regarding the failed closing and the threat to turn off the utilities of anyone to whom Ms. Erickson might be able to lease the condominium had created a total impossibility of performance regarding either leasing or selling her condo, so she rightfully owed no further assessments because of their tortious interference (*Blount v. Lynch*, 24 Ga. App. 217, 221, 100 SE2d 644).
8. Mr. Lipshutz also failed to itemize such supposed attorney fees that he was again claiming for the original case and the garnishment, since they had already been included and paid in the concluded legal actions--in the final

judgment and garnishment costs.

9. Such legal fees were stated to also be for their legal work on this Appeal-- even though none had yet been awarded.
10. The failure to itemize such amounts, however, again allowed Mr. Lipshutz to collect duplicate fees for this Appeal, if he won, since there would have been no itemization to prove what had already been paid.
11. Furthermore, nothing in the law gives Mr. Lipshutz the right to usurp this Court's authority to award legal fees for this unconcluded case.
12. An examination of the affidavits of Ms. Tracy Lettsome, dated April 12, 2013, Mr. Tommy Miller, dated May 28, 2013, and Motion for Summary Judgment by Jacob Davis, dated June 14, 2013, (see R 49-62, 139-140, 157-203) all calculated the amount of the original judgment to cover assessments through December 31, 2013 (even though they all contained other minor errors).
13. That discrepancy, and the fact that the calculated amounts presented to the court covered through Dec. 31, 2013, were pointed out to Lipshutz Greenblatt LLC in Appellant Erickson's "Opposition to *Supersedeas* Bond"

(R 355-359) copied to them. As a result of Appellant having pointed out to the Superior Court via that document the discrepancies in dates, the amount of the *supersedeas* bond was reduced from the \$45,000.00 requested by Appellee's attorney, to \$38,000.00.

14. Thus, there is no question that Mr. Lipshutz was legally aware that the already garnished amounts had been calculated to cover through Dec. 31, 2013.

15. Therefore, because Mr. Lipshutz was well aware that the amount of assessments, late fees, and interest in the original judgment had covered through Dec. 31, 2013, his inclusion of duplicate assessments, late fees, and interest for an additional month constituted additional attempted fraud.

16. The revised amounts in Mr. Lipshutz's August 21, 2014 letter had apparently seemed necessary when he learned from Ms. Erickson's previous filings that Mount Vernon Towers had only been sending her bills including the single month of extra charges—as instructed by the previous attorney from his firm who had been handling her case. Thus, it was obvious that his previous fraudulent "Payoff Quotes," which had prevented the sale of her

condo (as outlined in the first Motion to Take Judicial Notice) had been exposed, so he had to attempt to cover his deception by claiming that the Superior Court had made an unexplained error.

17. Georgia courts have previously acknowledged the permissibility of acknowledging and considering prior and subsequent acts when they may indicate a pattern or intent, to help inform a decision. As pointed out in *Kent v. A.O. White, Jr., Consulting Engineer, P.C.*, A99A1349, 238 Ga. App. 792, 520 SE2d 481(1999), similar and subsequent instances of bad faith and fraud may also be introduced. [See *Webster v. Boyett*, 269 Ga. 191, 195(1), 496 SE2d 459 (1998) (trial court has discretion to admit prior and subsequent acts.)]

18. “Although similar transactions are generally inadmissible (OCGA 24-2-2), they are admissible if committed at or about the same time, when the same motive may reasonably be supposed to exist, so as to establish the intent of the defendant in the transaction being tried,” *Candler v. Davis & Upchurch*, 204 Ga. App. 167, 169(3), 419 SE2d 69 (1992). “Frequently, the defendant’s state of mind regarding one act is illustrated by other acts of a

similar nature that indicate a general practice or course of conduct, or display intent, motive, knowledge, or bad faith,” Id.

19. Clearly, the repeated bad faith actions of appellee Mount Vernon Towers Condominium Association, Inc., and its joint tortfeasor attorney, Mr. Lipshutz, demonstrate such a general practice or course of conduct.

20. It is requested that the Court grant judicial notice of how such fraudulent misrepresentation continued to make the sale or lease of Appellant's condominium (without giving up her Appeal rights and having to pay significantly over-inflated and fraudulent excess costs, and costs which only the Courts had the right to assess) impossible. As a result, this made the payment of condominium association assessments also impossible.

Respectfully submitted,

Sharyn A. Erickson

Sharyn A. Erickson, *pro se* Appellant

9/2/14

Date

1330 Wheatfield Dr.

Lawrenceville, Ga. 30043

770-339-7219 (H) Fri. through Mon.; 404-562-8021 (W) Tues. through Thurs.

Law Offices
Lipshutz Greenblatt LLC

One West Court Square, Suite 700
Decatur, Georgia 30030
(404) 688-2300
Facsimile (404) 378-2004
www.lgklaw.com

Robert J. Lipshutz (1921-2010)
Edward L. Greenblatt (1939-2012)
Randall M. Lipshutz
Tracy L. Lettsome
Jody L. Peskin

Of Counsel
James V. Zito

August 21, 2014

CERTIFIED MAIL RETURN RECEIPT #7107 8107 3720 0001 8927

Sharyn A. Erickson
1330 Wheatfield Drive
Lawrenceville, GA 30043

Re: 300 Johnson Ferry Rd., Unit Number B-113 - Mt. Vernon Towers Condominium
Association, Inc.

Dear Ms. Erickson:

This firm has been retained by Mt. Vernon Towers Condominium Association, Inc., to effect collection of the past due condominium assessments owed by you to the Association. As of August 21, 2014, the amount of delinquent assessments and applicable late charges owed on your unit is \$10,245.00. This figure includes only assessments and late charges. If not paid in the time provided in this letter, interest may be added to said amount. Please note that the figure begins with the December 2013 assessment. There was an obvious and unintentional error omitting assessments due for several months in the Order of the Superior Court of Gwinnett County in Civil Action No. 13-A-05156-8. Should the Superior Court eventually correct that Order, the Association reserves the right to add the additional amounts owed. Pursuant to the Condominium Declaration and the Georgia Condominium Act, this amount constitutes a lien against the unit.

In addition to the above amounts, the Association has levied against you as a specific assessment the attorneys fees and costs incurred in collecting the prior judgment and in defending your appeal of the prior case. Through July 31, 2014, those fees and costs amount to an additional \$24,810.16, which amount also constitutes a lien against your unit. As time is required to be spent in the still pending appeal, the attorneys fees on the prior case may increase.

Please be advised that you have ten (10) days from receipt of this letter to remit directly to me as attorney for Mt. Vernon Towers Condominium Association, Inc., the above sums of \$35,055.16 without having to pay additional attorneys fees for this collection effort (this figure is separate from the attorney's fees on the prior judgment after July 31, 2014). If this amount is not paid within that time, you will be liable for additional attorneys' fees, the costs of collection, interest at the rate of 10.0 percent per annum, delinquency charges and such other penalties as are provided for in the relevant provisions of the Condominium Declaration. Additionally, assessments for the balance of the fiscal year may be accelerated and become due and payable immediately if payment

Sharyn A. Erickson
August 21, 2014
Page 2

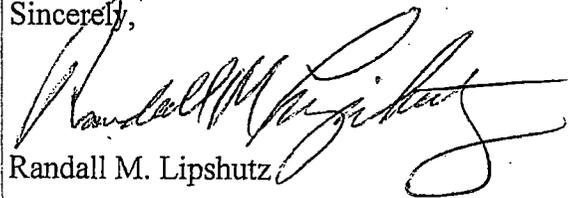
is not made within the stated period. Any payments actually received after said date must include a minimum additional amount for collection costs of \$250.00. Any further costs will be based upon time spent communicating or working with you as called for by the Declaration and the Act.

In addition, if the stated sum is not received within thirty (30) days, a lawsuit may be filed against you without further notice for the total due, including additional attorneys' fees together with such other costs, court expenses, interest and other charges appropriate and allowable under the Georgia Code, and the provisions of the Declaration and the Georgia Condominium Act. The Association may also file a petition to foreclosure on your unit.

Pursuant to Federal law, unless you notify us within thirty (30) days of the date of this letter that the validity of this debt, or any portion of it, is disputed, we will presume the debt to be valid. If you do notify us of a dispute, we will obtain verification of the debt and mail it to you. This letter is an attempt to collect a debt, and any information obtained will be used for that purpose.

I hope to hear from you prior to that time so that this matter may be settled before we are forced to file a lawsuit to collect the sums due. All communications regarding this matter should be addressed directly to my attention and not to the Condominium Association.

Sincerely,

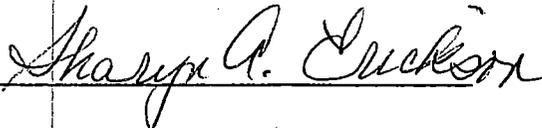
A handwritten signature in black ink, appearing to read "Randall M. Lipshutz". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Randall M. Lipshutz

RML/jrb

CERTIFICATE OF SERVICE

I certify that the parties below were served a true and accurate copy of the attached by depositing same in the United States Mail, postage prepaid, on this date.



Sharyn A. Erickson, *pro se*

9/2/14

Date

Randall M. Lipschutz, Esq.

Lipshutz Greenblatt LLC

One West Court Square, Suite 700

Decatur, Ga. 30030

404-668-2300

Fax 404-378-2004

For Mount Vernon Condominium Assoc., Inc.

STATE OF GEORGIA, COUNTY OF GWINNETT

Respectfully submitted,

Sharyn A. Erickson

1330 Wheatfield Dr.

Lawrenceville, Ga. 30043

770-339-7219 (H); 404-562-8021(W)

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

September 10, 2014

To: Mr. Reggie Copeland, GDC131770 H-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.
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.

IN THE SUPERIOR COURT FOR COBB COUNTY
STATE OF GEORGIA.

Reggie Copeland I ME MY MYSELF Case Noⁿ 04-09-1006-33
The livingSoul, A Private Person Civil ACTION
- VS - EXTRAORDINARY MOTION FOR NEW
THE STATE OF GEORGIA, and Trial under ACTUAL INNOCENCE
THE CORPORATION OF COBB COUNTY MOTION To Impeachment of
SUPERIOR COURT. Judge James G. Bodiford.

RECEIVED IN OFFICE
2014 SEP-2 AM 11:46
COURT ADMINISTRATOR
COURT OF APPEALS

NOTICE OF APPEAL TO THE GEORGIA COURT OF
- APPEALS

Now come Reggie Copeland, I, me, my, myself, The livingSoul, A private person, a layman of law, To seek Due Process of Law, by appealing the above mentioned Subject and Matters, To The GEORGIA COURT OF APPEALS under O.C.G.A § 5-6-37. To wit, THE COBB COUNTY SUPERIOR COURT, Defaulted ON Responding, under O.C.G.A § 15-6-21 (B) and (D) answering out of time from motion Filed and Recorded Feb, 24, 2014.

After failing to properly address The SUBJECT and MATTER OF Fraud, Fraudulent representation, and Fraudulent Prosecution, as well as The Remaining Ground's,

I Request access to this Honorable COURT under The First amendment To Redress of Grievance under the above mention Subject and MATTER To correct The Manifest OF INjustice, as well as Jurisdiction OF COURT IN which The SUBJECT and MATTER was To be Heard IN,

I seek This COURT ASSISTANT IN Granting of The Fifth And Fourteenth Amendment U.S. Const, Amend. Which I was Deprived by The SUPERIOR COURT, OF DUE PROCESS and Equal Protection OF Law To Show ACTUAL INNOCENCE OF A UNLAWFUL ACT.

TRUTH AFFIDAVIT
Rule C 6

Every thing in Commerce must be stated in Truth

I, Reggie Copeland, a Private Person, a Creditor, a Living soul, a Secured Party, and NOT a STATUTORY Person upon the land, born here in the UNITED STATES, do here by solemnly say and state, (1) secured party is competent for

stating the facts and matters set forth here with in, (2) secured party has personal knowledge about the facts stated here in, (3) every thing stated in this truth affidavit is the whole truth, nothing but the truth, all is true, correct, complete and not misleading, no third party is allowed.

Plain Statement about the facts.

A, for resolving a matter of must be expressed, (B) in Commerce Truth is Sovereign, (C) a rebutted truth affidavit in Commerce, be come the Judgement, (D) a Truth affidavit in Commerce, and under Commerce law can only be satisfied by a rebuttal about the truth affidavit, by Payment, by resolution, by a Jury according by the rule for Commercial Law.

A Valid Contract has, (1) offer, (2) Consideration, (3) acceptance by all parties for the contract, and (4) The signature by all parties involved with the contract, only the parties signing the contract can participate in the discussion of the contract. Full disclosure about the contract is imperative.

FACT OF THE CASE

ON February 24, 2014 I brought Civil Action, Prose in a Extraordinary Motion for a New Trial under Actual Innocence IN TO THE SUPERIOR COURT for COBB COUNTY.

Claims of Fraudulent Misrepresentation, by attorney Fraud of Law, by Prosecution, Allowed to go uncorrected by the Judge.

Depriving me of my life and liberty, which is unconstitutional
and in violation of my universal Declaration of Human Rights,
I appeal this case to THE GA. COURT OF APPEAL,
to void this unlawful, unconstitutional contract and sentence,
to which I was induced in to by officials of the Corporation
OF Cobb County Superior Court,
acts that diverted me from answering the claims against me.
under its proper Jurisdiction of Common Law;
To wit The STATE Lacked Subject MATTER Jurisdiction.
To try me under Admiralty anyway frauding CODES and Statute's
AS Law. —————

Reggie Copeland, Grantor
Secured Party

This document was prepared
by Reggie Copeland, The living soul
A private person
x Reggie Copeland



Casey L. McCall

Reggie Copeland, Agent
Power of Attorney in fact,
x Reggie Copeland

This 26 day August 2014 YK

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 there of, then prepaid, in the UNITED STATE MAIL properly addressed, UP ON:

ATTORNEY GENERAL OFFICE
Samuel DENNIS
40 Capitol Square S.W.
Atlanta, Ga. 30334.

COURT OF APPEALS OF GEORGIA.
SUITE 501
47 Trinity Avenue
ATI, Ga. 30334
Just in case Cobb County Refuse.

THE DISTRICT ATTORNEY OFFICE
10 EAST Park Square
Marietta Ga. 30090-9619
CLERK OF THE SUPERIOR COURT
COBB COUNTY,
32 Waddell Street
Marietta Ga. 30090-9640



Copy with

This is by day August mo 2015 yr

I me my myself The living soul
WLD#131770 Reggie Copeland
WELCUX STATE PRISON
P.O. BOX 397 - H-2
Abbeville Ga. 31001
X Reggie Copeland



Court of Appeals of Georgia

September 10, 2014

TO: Mr. Daniel E. Cobble, GDC7585172, Hancock State Prison, Post Office Box 339, Sparta, Georgia 31087

REQUEST FOR COPIES

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

Please 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.

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

RECEIVED IN OFFICE
 2011 SEP - 8 PM 03:53
 CLERK COURT ADMINISTRATOR
 COURT APPEALS OF GA

For Daniel the code
 758592
 from Cecil's ft Psn
 P.O. Box 3295 Park, Georgia 31087

8-28-11
 15 In Mother
 party is 15 In Mother

1) Did you get any letter I sent you a couple of weeks ago? if you a 4.5. supreme order for me to go
 then your orders I don't have, so please send
 me your rules on 1-15-03 and on 9-25-12 on
 criminal appeals # A02 A2145

2) Did you get any letter I sent you a couple of weeks ago? if you a 4.5. supreme order for me to go
 then your orders I don't have, so please send
 me your rules on 1-15-03 and on 9-25-12 on
 criminal appeals # A02 A2145

3) as attached are supreme order 595 and 207
 have your orders (please send me yours) your
 orders in part in criminal appeal # A04 A0884 etc

4) 607 is supreme order Georgia
 607 is supreme order Georgia
 607 is supreme order Georgia

5) 607 is supreme order Georgia
 607 is supreme order Georgia
 607 is supreme order Georgia

6) 607 is supreme order Georgia
 607 is supreme order Georgia
 607 is supreme order Georgia

1- Daniel B. White
President
Records 8-28-14

emergency motion for writ of Habeas corpus
by Aug 18, 2014 U.S. Supreme enclosed
order regarding George's writ of appeals
104 A0884 since the indigent couldn't have
not also on other child cases for
~~defendant requests for~~
see letter, I want you to appear
in front of judge with your own facts

defendant
Daniel White
v.
State of Georgia

104 A0884
Complaint

In re Georgia's writ of Appeals

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

August 18, 2014

Daniel E. Cobble
#758572
Hancock State Prison
P.O. Box 339
Sparta, GA 31087

RE: Cobble v. Georgia
GASC Case No. S14C0103

Dear Mr. Cobble:

The above-entitled petition for writ of certiorari was postmarked July 16, 2014 and received July 22, 2014. The papers are returned for the following reason(s):

The appendix to the petition does not contain the following documents required by Rule 14.1(i):

The lower court opinion(s) must be appended from the Court of Appeals in case number A04A0884.

Please correct and resubmit as soon as possible. Unless the petition is submitted to this Office in corrected form within 60 days of the date of this letter, the petition will not be filed. Rule 14.5.

A copy of the corrected petition must be served on opposing counsel.

When making the required corrections to a petition, no change to the substance of the petition may be made.

Sincerely,
Scott S. Harris, Clerk

By: 

M. Blalock
(202) 479-3023

Enclosures

Certificate of Service

This is to certify that I have this day
served upon counsel of the court myself, & copies
adequately provided

The District Attorney of Wilcox
County

P.O. Box 5510
Caldwell Georgia

(encl)

to @

The District Attorney of Cobb
County

10 East Park Square

5th floor

Marietta Georgia 30090

This 28th day of Aug 2014 by Dennis E. Tuttle
pro se Defendant

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

September 10, 2014

To: Mr. Ahquan D. Boyd, GDC1001097939, Hancock State Prison, Post Office Box 339,
Sparta, Georgia 31087

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

Court of Appeals Case Number and Style: _____

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

- There is no case pending in the Court of Appeals 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 COURT OF APPEALS

STATE OF GEORGIA

AHQVAN D BOYD

Pro Se

V.

BRIEF

STATE OF GEORGIA

FILED IN OFFICE

SEP 7 4 2014

COURT CLERK

CLERK COURT OF APPEALS OF GA

RECEIVED IN OFFICE
2014 SEP -8 PM 5:44
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Pro Se BRIEF

Comes now Ahquan Dante Boyd, Pro Se in this above styled Pro Se BRIEF request this honorable court to vacate or reverse the conviction, for reasons listed in grounds and supporting facts, Infra. In accordance with the per se rule laid down by the Court of Appeals.

History

Mr. Boyd attended his motion for new trial hearing on Feb, 20, 2014. However appellate counselor Michael W Tarleton failed to raise any of the Non frivolous claims we discussed over a phone conversation ten (10) days prior. I also mail him a copy of claims discussed. 2-15-2014

Request

I (Ahquan D Boyd,) is requesting for this honorable court to file and to hold for court record this 59 page, Pro Se BRIEF.

Ground 1

The items that were seized as evidence, were unlawfully obtained.

Supporting facts

During the investigation detective Tony L. Whaley collected a blue rug and bed sheet.

However the detective failed to take photographs of the blue rug and bed sheet.

(See Exhibit (F) line O, Crime Scene Case Report.

Therefore violating police procedure of photographing collected evidence.

O.C.G.A 24-4-48 seized items, unlawfully obtained.

Whiteley V Warden, 401 U.S. 560. 91 S.C.T. 1031 28 L. Ed. 2d 306 (1971)

Mancusi V Deforte, 392 U.S. 364. 88 S.C.T. 2120, 20 L.Ed. 2d 1154 (1968)

Weeks V U.S., 232 U.S. 383, 34 S.C.T. 341, 58 L. Ed 652 (1914).

Stone V Powell

Ground 2

Trial court willfully and persistently failed to perform duties, impartially and diligently.

Supporting Facts

The trial court allowed the prosecution to present items during trial, without providing photos of the items.

Futhermore there were no photographs presented of items of evidance, nor the crime scene.

The trial court had the authoritative duty to make a judicial decision during trial. However failing to perform duties impartially and diligently resulted in a miscarriage of justice.

Evidance > Demonstrative Evidance > Photograph
The admissibility of photographs during trial is a state law evidentiary matter, not warranting federal habeas relief, unless such introduction deprives a petitioner of his due process rights to a fundamentally fair trial. Brian Spears V Ron Ward 2001 U.S. Dist Lexis 25350 No CIV 96-1862.

Ground 3

Trial court willfully and persistently failed to perform duties, of disposing promptly of the business of the court.

Supporting facts:

The trial court allowed the DA to present items of evidence, without unveiling the items, which resulted into an improper, prejudicial presentation.

During trial the prosecution presented the blue rug and bed sheet in two brown paper bags

However the prosecution never unveiled the blue rug and bed sheet.

Moreover the blue rug and bed sheet were never taken out of the brown paper bags and exposed to the jury. Therefore the said items should be deemed alleged, because the jury never had a chance to view the said items, in plan view, nor by way of photos.

Injust Actions

Ground 4

Trial court failed to dispose promptly of the business of the court resulted into a miscarriage of justice.

Supporting Facts

Trial court allowed items that were ruled out by GBI to be admitted as evidence.

The GBI forensic Biologist Rochelle R

Johnson testified and the GBI report states.

The items namely the blue rug and bed sheet-

failed to reveal the presents of seminal fluid. (See

Exhibit (G) GBI Report) — Also (Summary Digest

Exhibit (A) T. 154, T. 156, T. 157) However the

trial court allowed those said items to be admitted

as evidence.

This action conducted by the trial court

falls beyond the scope of an inadmissibility issue.

Yet It has resulted into a conspiratoric

reluctance to perform basic duties of a judicial

officer.

Much more a suspicion is raised to

examine the fact that there were no photos of

the blue rug and bed sheet presented during

trial. Also the said items was presented in brown

paper bags, and never unveiled to the jury. Last

but not least, to admit alleged evidence that was ruled

out by the GBI only inflamed the juries thoughts

towards ault.

Ground 5

The admitted evidence was inadmissible
Therefore the verdict is contrary to the 14th
amendment.

Supporting facts: Evidence is proven by two
prongs see Jackson V Virginia 443 U.S. 307. In
this case, the only evidence was Ms Kouns
inadmissible opinion which supported the
allegations made in the interview.

During trial Ms Kouns testified that
"Yes, she could tell what the children said
was the truth. Because an 8 year old girl
shouldn't know those things at that age."
This inadmissible statement prejudiced Mr
Boyd, it also produced evidence which to
convict Mr Boyd. Allison V State, 353 S.E. 2d
805, 256 Ga 851.

Furthermore the fact that this
inadmissible statement by Ms Kouns was
introduced by Boyds trial counselor's leading
question, which was "Can you tell whether the
kids are lieing or telling the truth?" That line
of questioning conducted by the trial counselor
should be considered as bolsering the witness
and ineffective assistance of counselor on his
behalf. Bly V State, 283 GA. 453 660 S.E. 2d 713

(2008)/O.C.G.A 24-9-80/Walker V State, 296 GA.

Δ 22521 675 S.E. 2d 770 (2001)

IN THE SUPERIOR COURT OF CLAYTON COUNTY

STATE OF GEORGIA

Pg. 0-32

Ahquan Boyd defendant

V

STATE OF GEORGIA Respondent

Case # 2013-CR-00438-06

Pro Se

Amended Assertion Of Claims

Comes Now defendant Ahquan Boyd pro se. in the above styled said motion and case, is requesting for this trial court to admitt the following Claims as a amended assertion of claims as follows:

History

Defendant, Mr Boyd was declared guiltyly on 5-30-2013 of charges of rape, melestation, sexualbattery. Defendant was sentenced on 6-21-2013. New court appointed attorney filed a motion for a new trial on 6-24-2013. Defendant filed a pro se motion for a new trial on 6-7-2013, to file his claims on record. Defendant received appellate counselor on 8-27-2013. New counsel filed a continuance, due to not receiving Boyd's transcripts. Therefore Boyd's new trial hearing date was set for Oct. 24th, 2013, but was rescheduled for Feb 20th, 2014.

SYNOPSIS

Boyd contends, his appellate counselor failed to advise or instruct him to refile his claims for the sake of showing how he was prejudiced. Therefore Boyd submitts the following 32 pages as his case issues claims.

Defendant's Trial Case Issues

Insufficient Evidence

The verdict was not supported by the evidence, defendant was denied equal protection and due process of the 4th, 6th and 14th amendments to the federal constitution.

Inadmissible Evidence Was Admitted

During the investigative search for DNA, Detective Whaley claimed that he collected a blue rug and bed sheet that appeared to contain a smear on the blue rug, and an amount of fluid dribbled on the sheet. (See exhibit - B Police Report Pg 26. of 40)

However the GBI report states that the blue rug and bed sheet failed to reveal the presence of seminal fluid. (See Exhibit (G) official GBI report Pg 27)

Furthermore, during trial the prosecution

presented the alleged blue rug and bed sheet in two brown paper bags, one bag for the blue rug and the other bag contained the bed sheet. However those said items were never taken out of the bags by the prosecution or the defense during trial. Therefore the jury never had a chance to view those alleged items yet the blue rug and the bed sheet was admitted as evidence, upon the prosecutions request to the

court. Jackson V. Virginia, 443 U.S. 307 (99 SC

2781, 61 LE2d 560) (1979). Jefferson Vs State, 217 GA app

Prosecution failed to provide photos of alleged evidence with discovery.

There were no photos provided of the alleged blue rug and bed sheet for Boyd's case. Mr Boyd was never provided with photos, of the alleged said items during trial, which the prosecution used as evidence during trial.

Futhermore the jury never had a chance to view the alleged blue rug and bed sheet in plan view, because they were presented in brown paper bags, neither by way of photos, where there were none provided. Therefore the defense never had a chance to properly prepare against this alleged evidence.
Brandy V. Maryland, 373 U.S. 83 (1963)

Withholding Evidence

During litigation, before trial, the prosecutions request to delete segments of the childrens interviews was granted by the trial court. The prosecution deleted segments of the children interview that could have proved they were influenced.

Both children made false statements during there interviews stating "my dad is in California." (See Exhibit (A) and (B) Pg 21, 22 of 40). Because Mr Boyd was living in a shelter down town Atlanta. (See Exhibit (C) and (D) Pg 23, 24).

Aniyah (the oldest daughter) made an improbable

Statement during her interview stating the last sexual abuse encounter happened "in her room and it was while she was in daycare." (See Exhibit (N) Forensic interview summary Pg. 19)

However the jury never had the chance to view or hear that portion of the video with those said statements by the children. Because they were deleted upon the request of the prosecution, by the trial court.

Incomplete Discovery

The children's interview statements in the video during trial was different from their interview statements given to the defendant in his discovery package. Anyah (the oldest daughter) made about (5) different statements concerning when and where the last alleged sexual abuse took place, in the video during trial. Yet only (2) different statements of Anyah alleging the last encounter of sexual abuse was given to the defendant in his discovery.

Furthermore Ahzila Boyd was asked by Ms Kouns during her interview, how did this rumor of sex abuse by Mr. Boyd start. Ahzila (the youngest) stated in her video interview which was played during trial, that "Anyah told Deasha, Deasha told another girl, who told another girl, who then told the teacher, naming all the girls by name

Yet those said statements of Ahzila naming the names of the girls in the video interview, was not in the forensic interview summary in Boyd's discovery package.

Therefore the defendant never had a chance to properly prepare a defense with his trial counselor. Because he never received the said interview statements in his discovery. *Brany v Maryland*, 373 U.S. 83 (1963)

Failure To Subpoena Accusers

No teacher, neither the owners mother who initially reported the alleged crime to DFACS was called to be a witness during trial. The reason may be because, allegations started when defendant's daughter Aniyah was talking to another girl at school, that girl told another girl, that girl told another girl, that girl told another girl, who then told a teacher.

Futhermore two days before this pre-teen circle of information started - Aniyah was caught kissing a boy at school, which was reported to defendant's wife. Defendant told his daughter he would come to the school to address the Kissing matter. Defendant told all this information to police detectives on the day he was arrested.

However the defendant's accusers from the daycare school was not subpoenaed to be

a witness for either side at trial. Yet they were

the ones who reported the alleged crime to DFACS

headquarters; then DFACS called the police. Defendant

should have been given a chance to face his accusers

for the sake of cross examination.

Ineffective Assistance Of Counsel

Defendants trial counselor, Nathaniel L.

Studelska was ineffective assistance of counselor, in

violation of Mr. Boyd's 4th and 14th amendment

rights within the federal constitution.

Ground 1 Mr. Studelska failed to file a motion to suppress

evidence.

Supporting Facts: Defendant contends, the blue rug and the bed

sheets, the alleged victims interview statements, and

the detectives reports, should have been suppressed

A. Blue Rug & Bed Sheet: Both said items should have

been suppressed because the GBI report states

that "there fails to reveal the presence of seminal

fluid." (See Exhibit (G) official GBI report Pg 27). However

those said items were admitted into evidence upon

the prosecutions requests by the trial court.

Jefferson V State, 217 app 747; 459 S.E. 2d 173 (1995)

B. Interview Statements: Both alleged victims made

false statements at the beginning of their

interviews with Ms Kouss. They both stated that

their "dad was in California" (See Exhibits (A) and (B))

forensic interviews Pgs 21, 22) However Mr Boyd was

living in a shelter, in downtown Atlanta Georgia. (See

Exhibits (C) and (D) investigation summary Pgs. 23, 24).

Aniyah contradicted herself time, after time,

concerning when, where and the time of day the

alleged last sexual abuse encounter took place

during her interview. She also made a statement

that should be considered as an improbable or

impossible, impossibility. Aniyah Boyd stated the

last time something happened (referring to an

alleged sexual abuse encounter) was in her room

and it was while she was in daycare.

Wherefore, when did Mr. Boyd sexually

abuse Aniyah Boyd in daycare? Also how can sexual

abuse, or an encounter, or a sexual experience take

place at two different places simultaneously? Aniyah

stated the "last time something happened was in

my room and it was while I was in daycare."

Therefore it is clear that this said

Statement by Aniyah Boyd should be held in

suppression, and examined for containing improper

motive or improper influence.

(C) Detective Reports: Three reports were recorded

by the detectives in this case (See Exhibits (E)(F))

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

September 11, 2014

Mr. Nathan Fisher
GDC1051942
Johnson State Prison
Post Office Box 344
Wrightsville, Georgia 31096

Dear Mr. Fisher:

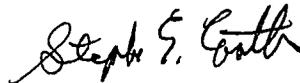
I am in receipt of your letter dated September 8, 2014. This Court cannot assist you without you taking the proper channels to have your appeal docketed.

First, a Notice of Appeal is filed with the clerk of the trial court and not directly with the Court of Appeals of Georgia. Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel and/or pro se parties. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.

Secondly, 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.

I am returning your documents to you.

Sincerely,



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

SEC/ld
Enclosures

Mr. Stephen Castlen - Clerk/Court Administrator
Court of Appeals of Georgia
September 8, 2014

re: Cobb Superior case #99-9-0090; request permission to proceed with appeal

Dear Mr. Castlen,

Enclosed are (1) Order Dismissing Defendant's Motion for Out-of-Time Appeal, and (2) Notice of Appeal filed July 7, 2014. As I asserted in my July 26, 2014 letter to this Court, I am no longer represented by Counsel and I want to secure my appeal rights as a pro se litigant.

My original Motion for an Out-of-Time Appeal was filed in March 4, 2013, and it was only after I applied for a writ of mandamus in the Supreme Court, Case No. S1401212, did Cobb Superior Court rule on my motion - June 30, 2014 which resulted in Appellant being re-sentenced. Therefore, based on past experience, I suspect that Cobb Superior Court will continue to delay this case until appellant's meritorious issues become moot.

Wherefore, appellant asks this honorable Court, pursuant to Court of Appeals Rule 40(b), that he be granted permission to proceed with this appeal immediately and/or that Cobb Superior Clerk of Court be asked/compelled to process the case to this Court in an expeditious manner.

I am serving a copy of this letter to: (1) Mr. Daniel Quinn - Senior Assistant DA, 70 Haynes St, Marietta, Ga 30090, and (2) Rebecca Keaton - Clerk of Cobb Superior Court, P.O. Box 3370, Marietta, Ga 30061, this 8th day of September.

cc: Mr. Daniel Quinn
Ms. Rebecca Keaton
File

Respectfully Submitted,

Nathan Fisher

Nathan Fisher - pro se Appellant

GDC No. 1051942

Johnson State Prison

P.O. Box 344

Wrightsville, Ga 31096

RECEIVED IN OFFICE
09 SEP 10 PM 3:02
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

IN THE SUPERIOR COURT OF COBB COUNTY

COBB COUNTY, GA
FILED IN OFFICE

2014 JUL -7 AM 9:56

STATE OF GEORGIA

THE STATE OF GEORGIA,)

v.)

NATHAN FISHER,)

Defendant.)

Rebecca Keston

COBB SUPERIOR COURT CLERK

Case No. 99-9-0090

JUDGE GREEN

ORDER DISMISSING DEFENDANT'S MOTION FOR OUT OF TIME APPEAL

This case came before the Court on June 30, 2014, for a hearing on Defendant's motion for an out of time appeal and the State's motion to dismiss the motion for out of time appeal and its motion to re-sentence Defendant on count 33. Defendant was in court and was represented by A. Lee Fudger, Esq. The State was represented by Senior Assistant District Attorney Daniel J. Quinn. After hearing argument, the Court finds the following:

1. Defendant Nathan Fisher pled guilty to numerous charges in a multi-count indictment, including child molestation and statutory rape, in March 2000.
2. In 2013, Defendant filed a *pro se* motion for out of time appeal with several ensuing amendments alleging various defects and errors with his guilty plea. One of his allegations is that he was illegally sentenced to 20 years probation on count 33, sexual exploitation of children, consecutive to his other sentences in the case, and the parties agreed that he must be re-sentenced on count 33.

IN THE SUPERIOR COURT OF COBB
STATE OF GEORGIA

FILED AND RECORDED
2014 JUL -7 PM 3:29

STATE OF GEORGIA,

)

) Case No. 99-9-0090

vs.

)

)

NATHAN FISHER,
Defendant.

)

)

DeLessa Weston
COBB SUPERIOR COURT CLERK

NOTICE OF APPEAL

NOTICE is hereby given that NATHAN FISHER, defendant in the above-styled action, hereby appeals to The Georgia Court of Appeals from the order dismissing defendant's motion for out of time appeal

Defendant entered a guilty plea to nine counts of Child Molestation, twenty counts of Eavesdropping, two counts of Sexual Battery, one count of Sexual Exploitation of a Minor and Statutory Rape on or about March 24, 2000 and was sentenced to thirty-eight years with eighteen years in the custody of the Georgia Department of Corrections on or about May 4, 2000.

Defendant filed a *pro se* motion for out of time appeal alleging multiple defects and errors with his guilty plea and sentence. Defendant's motion was argued and denied June 30, 2014

The clerk will please include all pleading, motions and document in the record for appeal.

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

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

Date: September 15, 2014

To: J. Malcolm Cox, Esq., McGuire Woods, LLP, Suite 2100, Promenade, 1230 Peachtree Street, N.E.,
Atlanta, Georgia 30309

Docket Number: A15A0116 **Style:** Etowah Environmental Group, LLC v. Michael Walsh, et al.

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

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

FILED IN OFFICE

SEP 1 2 2014

**CLERK, COURT OF
APPEALS OF GEORGIA**

IN THE COURT OF APPEALS OF GEORGIA

NO. A15A0116

**ETOWAH ENVIRONMENTAL
GROUP, LLC,**

Appellant,

v.

**MICHAEL WALSH, CHRISTOPHER
BEALL, ADSTAR WASTE
HOLDINGS CORP. and HIGHSTAR
CAPITAL FUND II, L.P.,**

Appellees.

RECEIVED IN OFFICE
2014 SEP 12 PM 2:53
**CLERK, COURT ADMINISTRATOR
COURT OF APPEALS OF GA**

**APPELLANT ETOWAH ENVIRONMENTAL GROUP, LLC'S MOTION
FOR THE CLERK OF THE TRIAL COURT TO SEND UP ORIGINAL
PAPERS OR EXHIBITS OMITTED FROM THE RECORD
AND FOR EXTENSION OF TIME**

This case comes before the Court from the Superior Court of Fulton County on a grant of summary judgment in favor of the Appellees (collectively "Highstar") and against the Appellant ("Etowah"). The parties' summary judgment

filings will be central to this appeal. The clerk of the trial court, however, has omitted from the record portions of Etowah's summary judgment filings. The omissions are substantive. Etowah is unable to complete its brief with required record citations as a result of these omissions.

On Wednesday, September 10, 2014, counsel for Etowah traveled to the Court to begin the process of inputting record and transcript citations into its brief. While reviewing the record, counsel discovered that the record omits necessary portions of Etowah's filings in response to Highstar's summary judgment motion.

First, the record omits the *entirety* of the exhibits Etowah submitted with its brief in opposition to summary judgment. Etowah submitted 67 exhibits with its brief, many of which directly relate to a disputed material fact in this case. To demonstrate there is a disputed material fact that must be determined by a jury, Etowah is planning to cite to its summary judgment exhibits. Etowah is unable to do so because of the omission.

Second, the record omits three pages of Etowah's Statement of Material Facts Which Show There Is A Genuine Dispute To Be Tried. R. 9117-9141 (omitting pages 13-15). This omission includes eighteen statements of disputed material facts. *Id.* These statements also directly relate to a disputed fact at issue

and Etowah is also planning to cite to these statements.

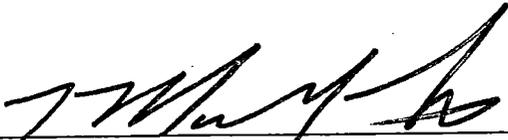
On the day after Etowah's counsel discovered these omissions, Etowah contacted Highstar to discuss these omissions. The next day, Friday, September 12, 2014, Etowah and Highstar filed a stipulation with the trial court to correct the omissions. O.C.G.A. § 5-6-41(f). Etowah now requests that this Court supplement the record and "order the clerk of the trial court to send up [these] original papers [and] exhibits in this case." O.C.G.A. § 5-6-41(f).

Etowah's brief and enumerations of error are currently due on September 22, 2014. Etowah has nearly completed its brief and enumerations, but is unable to complete its citations to the record due to these omissions.

Accordingly, Etowah requests an extension of time in which to file its brief and enumeration of errors. Because Etowah's brief and enumerations of error are due on September 22, 2014, twelve days after Etowah's counsel discovered the omissions, Etowah respectfully requests that its brief and enumerations of error be due twelve days after this Court receives the supplemental record from the trial court.

Etowah's counsel has conferred with Highstar's counsel, and Highstar does not oppose an extension but reserves the right to respond to Etowah's motion.

Respectfully submitted this 12th day of September, 2014.



H. Wayne Phears
Georgia Bar No. 575250
J. Malcolm Cox
Georgia Bar No. 773303
MCGUIREWOODS LLP
Suite 2100, Promenade
1230 Peachtree Street NE
Atlanta, GA 30309
Telephone: 404-443-5500
Telecopier: 404-443-5599
wphears@mcguirewoods.com
jmcox@mcguirewoods.com
*Attorneys for Appellant, Etowah
Environmental Group, LLC*

CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the foregoing *Appellant Etowah Environmental Group LLC's Motion for the Clerk of the Trial Court to Send Up Original Papers or Exhibits Omitted from the Record and for Extension of Time* upon all counsel of record in the above-styled case, prior to filing, by depositing a copy of same into the United States mail, with sufficient postage affixed thereto, addressed as follows:

David L. Balsler, Esquire
Lawrence A. Slovinsky, Esquire
Kathleen A. Sacks, Esquire
KING & SPALDING LLP
1180 Peachtree Street NE
Atlanta, GA 30309

Bruce P. Brown, Esquire
BRUCE P. BROWN LAW LLC
309 North Highland Avenue, Suite A
Atlanta, GA 30307

*Attorneys for Appellees Michael Walsh, Christopher Beall,
ADStar Waste Holdings, Corp. and Highstar Capital II, L.P.*

Douglass A. Mitchell, Esquire
BOIES, SCHILLER & FLEXNER LLP
300 South Fourth Street, Suite 800
Las Vegas, NV 89101

Amy R. Foote
FOOTE LAW FIRM, P.C.
60 East 42nd Street, Suite 4600
New York, NY 10165

Attorneys for Appellee Michael Walsh

This 12th day of September, 2014.



H. Wayne Phears
Georgia Bar No. 575250
J. Malcolm Cox
Georgia Bar No. 773303
MCGUIREWOODS LLP
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wphears@mcguirewoods.com
jmcox@mcguirewoods.com
*Attorneys for Appellant, Etowah
Environmental Group, LLC*

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

September 15, 2014

To: Mr. Ahquan D. Boyd, GDC1001097939, Hancock State Prison, Post Office Box 339, Sparta, Georgia 31087

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

Court of Appeals Case Number and Style: _____

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

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

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

Ahquan D Boyd
GDC #1001097939
Hancock State Prison
P.O. Box 339
Sparta, GA 31087

RECEIVED IN OFFICE
2011 SEP 11 PM 10:22
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Court Clerk
Court Of Appeals
Suite 501
47 Trinity Ave
Atlanta GA, 30334

I Ahquan Dante Boyd is requesting for the docket number, in which my Appeal is be conducted under. Furthermore if it is possible, I would also like to receive the date of my appeal.

Sincerely, Ahquan Dante Boyd

C.C

Faint, illegible text at the top left of the page, possibly a header or title.

Vertical text on the left side of the page, possibly a date or reference number.

Main body of faint, illegible text in the middle section of the page.

Faint, illegible text at the bottom of the page, possibly a signature or footer.

A14D0245

Sept 8, 2014

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

RECEIVED IN OFFICE
SEP 10 PM 5:42
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

RE: REQUEST FOR FILING RECEIPT AND STATUS OF FILED ACTIONS
AND REPORT OF CHANGE OF ADDRESS

Hon. Mr. Castlen:

My name is Jose A. Velez, currently a prisoner warehoused in Georgia State Prison, who filed actions under your jurisdiction, by and through the assistance of my Power of Attorney Mr. Denis A. Torres.

As of this date, I have not received any form of receipt showing this case has been received and docketed under your jurisdiction. I would greatly appreciate if you could provide me with a receipt that my filed actions were docketed, to include the current status. I have enclosed a pre-paid self-addressed envelope.

Additionally, please take notice that as of November 12th, 2014, I will have completed my sentence,

Encl: Remedy of Remedy Declaration +
Cert of Service.

300 First Avenue South
Reidsville, Georgia [30453]
% GDC ID # 1000703614 / A-1

Jose A. Velez
↓
- a v -
↑
Most Respectfully,

Thanking you in advance for your time and
attention, I respectfully await your reply.

Jose A. Velez
Without Prejudice, UCC 1-207
Non-resident / Non Domestic
First Class, US Delivery
% P.O. Box 1274 [30081-0000]
Smyrna, Georgia state

address:
above referenced date, are to be forwarded to the following

and as a result, any and all correspondence thereafter the

DECLARATION UNDER PENALTY OF PERJURY

Under penalty of perjury, I declare, verify, affirm, and state that all statements I have made in the within and foregoing document and its attachment/s are true and correct to the best of my belief based on the information and knowledge I have at the time of making this declaration. 28 U.S.C. 1746. O.C.G.A. 9-10-110: 9-10-111.

Date : 9-8-14

Jose A. Velez
Declarant

CERTIFICATE OF SERVICE

Under penalty of perjury, I certify, verify, affirm, and state that I have mailed a copy of the within and foregoing document and its attachment/s, today, through the internal mail system of the prison and/or via United States Postal Service, adequate first-class postage affixed thereto, to cause its prompt delivery to the following:--

(1) Hon. Mr. Stephen E. Castle, Clerk / Court Administrator
Court of Appeals of Georgia
47 Trinity Avenue | Suite 501 Atlanta, GA 30334

(2) _____

(3) _____

(4) _____

DATE: Sept 8, 2014

JAV
Signature

clo
Address cdc# 1000703614 / A-1
300 First Avenue South
Reidsville, Georgia [30453]

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

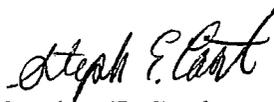
September 17, 2014

Mr. Arthur Grant
GDC403733
Macon State Prison
Post Office Box 426
Oglethorpe, Georgia 31068

Dear Mr. Grant:

This Court is in receipt of your submission on the Supreme Court's case number S14D1896. Arthur Grant v. The State. We are the Georgia Court of Appeals and it appears you intended the Notice of Intent to Apply for Certiorari to go to the Supreme Court of Georgia. I am enclosing your submission since it appears to have come to the wrong court.

Sincerely,



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

SEC/ld
Enclosures

IN THE COURT OF APPEALS OF GEORGIA

ARTHUR GRANT, PRO SE,
APPELLANT

v.

STATE OF GEORGIA,
RESPONDENT

CASE No. S14D1896

NOTICE OF INTENT TO APPLY FOR CERTIORARI

COME NOW ARTHUR GRANT, THE PRO SE APPELLANT IN THE ABOVE SAID CASE PURSUANT TO RULE 38 OF THE SUPREME COURT AND COURT OF APPEALS AND SUBMIT THIS, HIS NOTICE OF INTENT TO APPLY FOR CERTIORARI FROM THE SUPREME COURT'S DISMISSAL (SEPTEMBER 4, 2014) OF HIS APPLICATION FOR APPEAL OF EXTRAORDINARY MOTION FOR NEW TRIAL BASED ON NEWLY DISCOVERED EVIDENCE.

TIMELY SUBMITTED THIS 10TH DAY OF SEPTEMBER, 2014.

I AM RESPECTFULLY



ARTHUR GRANT

RECEIVED IN OFFICE
211 SEP 15 AM 11:40
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

September 17, 2014

Mr. Miles L. Gammage
Reg. No. 65305019
Federal Correctional Institution - Talladega
P.O. Box 1000
Talladega, Alabama 35160

Dear Mr. Gammage:

Enclosed please find forms intended for the Eleventh Circuit Court of Appeals but mistakenly addressed to the Court of Appeals of Georgia. The mailing address for the Eleventh Circuit Court of Appeals is: 56 Forsyth Street, N.W., Atlanta, Georgia 30303.

Sincerely,



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

SEC/ld
Enclosures

ELEVENTH CIRCUIT TRANSCRIPT INFORMATION FORM

PART I TRANSCRIPT ORDER INFORMATION

Appellant to complete and file with the District Court Clerk within 10 days of the filing of the notice of appeal in all cases, including those in which there was no hearing or for which no transcript is ordered.

Short Case Style: USA vs Gammage
District Court No.: 4:13-CR-03 RLV Date Notice of Appeal Filed: Court of Appeals No.: 14-13971-E (If Available)

CHOOSE ONE: [X] No hearing [] No transcript is required for appeal purposes [] All necessary transcript(s) on file
[] I AM ORDERING A TRANSCRIPT OF THE FOLLOWING PROCEEDINGS:

Check appropriate box(es) and provide all information requested:

- HEARING DATE(S) JUDGE/MAGISTRATE COURT REPORTER NAME(S)
[] Pre-Trial Proceedings
[] Trial
[] Sentence
[] Other

METHOD OF PAYMENT:

- [] I CERTIFY THAT I HAVE CONTACTED THE COURT REPORTER(S) AND HAVE MADE SATISFACTORY ARRANGEMENTS WITH THE COURT REPORTER(S) FOR PAYING THE COST OF THE TRANSCRIPT.
[] CRIMINAL JUSTICE ACT. Attached for submission to District Judge/Magistrate is my completed CJA Form 24 requesting authorization for government payment of transcript. [A transcript of the following proceedings will be provided ONLY IF SPECIFICALLY AUTHORIZED in Item 13 on CJA Form 24: Voir Dire; Opening and Closing Statements of Prosecution and Defense; Prosecution Rebuttal; Jury Instructions.]

Ordering Counsel/Party:
Name of Firm:
Street Address/P.O. Box:
City/State/Zip Code: Phone No.:

I certify that I have filed the original (Yellow page) with the District Court Clerk, sent the Pink and Green pages to the appropriate Court Reporter(s) if ordering a transcript, and sent a photocopy to the Court of Appeals Clerk and to all parties.

DATE: SIGNED: Attorney for:

PART II COURT REPORTER ACKNOWLEDGMENT

Court Reporter to complete and file Pink page with the District Court Clerk within 10 days of receipt. The Court Reporter shall send a photocopy to the Court of Appeals Clerk and to all parties, and retain the Green page to provide notification when transcript filed.

Date Transcript Order received:
[] Satisfactory arrangements for paying the cost of the transcript were completed on:
[] Satisfactory arrangements for paying the cost of the transcript have not been made.
No. of hearing days: Estimated no. of transcript pages: Estimated filing date:
DATE: SIGNED: Phone No.:

NOTE: The transcript is due to be filed within 30 days of the date satisfactory arrangements for paying the cost of the transcript were completed unless the Court Reporter obtains an extension of time to file the transcript.

PART III NOTIFICATION THAT TRANSCRIPT HAS BEEN FILED IN DISTRICT COURT

Court Reporter to complete and file Green page with the District Court Clerk on date of filing transcript in District Court. The Court Reporter shall send a photocopy of the completed Green page to the Court of Appeals Clerk on the same date.

This is to certify that the transcript has been completed and filed with the district court on (date):
Actual No. of Volumes and Hearing Dates:
Date: Signature of Court Reporter:

①

In The Superior Court / Court of Appeals)

RECEIVED IN OFFICE
STATE OF GEORGIA

2014 SEP 16 AM 7:45

ANSON MERCER BREWER

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

v.

NO. 10SC89680 / 04SC23191

STATE OF GEORGIA

Application For APPELLATE Review

ANSON MERCER BREWER, Applicant, applies to this Court as follows:

- (1) TO issue an order granting the applicant an appeal from the (order / Judgment) of the Superior Court of Fulton County, Honorable Judge Bowman, Presiding, in the case styled State of Georgia, Plaintiff v. ANSON MERCER BREWER Defendant, CASE NO. 10SC89680 / 04SC23191, this August 22, 2014 having Held: (Probation violation)
- (2) Applicant shows that Jurisdiction is properly in this Court because the Defendant was not given the chance to show evidence.
- (3) This Application of Appeal is filed 10 days of granting and filing of Certificate of Immediate Review.
- (3) This application of Appeal is filed within 30 days 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

②

(4) Copies of All pertinent documents have been attached to this application as exhibits including a copy of the order / Judgment) being appealed, as well as a copy of any Petition or motions which led directly to the order / Judgment) being appealed, and a copy of any responses to such petition or motion.

(5) The need for interlocutory appellate review is I was not represented by counsel fairly and the Judge refused to see evidence that I had that would have proved my innocence. In fact my wife had faxed over to the Attorney my evidence and he refused to show the Judge and when I asked to show it to the Judge she did want to see it and when I explained about this will prove my innocence and that I had a job to keep and family she stated O'well and went with the Revoke 6 months. So by law I was treated unfairly and my Attorney never spoke or tried to give the Judge my evidence.

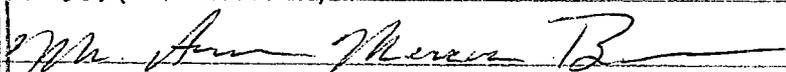
(6) Applicant submits that an appeal should be granted because the Attorney that was appointed to me did not show evidence and Judge did not let me show evidence ~~that~~ ^{to her that} was faxed to Attorney that would have proved my innocence. And my evidence will show why my probation should not be revoked and it will show copies that were given to me to transfer probation to Fulton County in which there was a paper mix up including the signatures of the probation officers. Also my evidence show that I was a resident of

③ I was Judged unfairly and because when I explained About my family the Judge Had no remorse and said O'well.

Applicant respectfully shows that if this honorable Court declines the appeal of this matter and the trial court's ruling will be permitted to stand, such would be a miscarriage of Justice because I was not able to show evidence and Attorney never spoke up in case and never tried to ask the Judge to look at evidence.

Respectfully submitted

Anson Mercer Brewer



901 Rice Street

ATLANTA GA 30318

Jid# 904866

Booking # 1418957

Probation Violation

Case # 105C89680 / 043C23191

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

September 17, 2012

Mr. David Eric Cobble
GDC758572
Smith State Prison
Post Office Box 726
Glennville, Georgia 30427

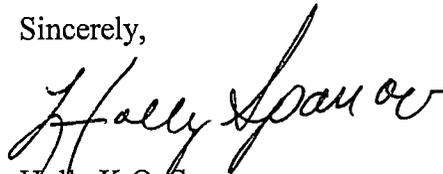
Dear Mr. Cobble:

I am in receipt of your correspondence of postmark date September 11, 2012 regarding several cases filed in this Court.

1. A13D0013 Daniel Eric Cobble v. Stanley Williams, Warden et al was denied by this Court on September 12, 2012 and a copy of the order was mailed to you on that day. The Discretionary Application had been transferred from the Supreme Court of Georgia to this Court on August 6, 2012.
2. Your Motion for Reconsideration filed in A12D0423. Daniel Eric Cobble v. Stephanie Anne Lockhart was denied on September 12, 2012 and a copy of the order was mailed to you on that day.
3. You also filed A12D0008. Daniel Eric Cobble v. Stephanie Anne Lockhart et al. That Discretionary Application was denied on September 9, 2011. You applied for a Writ of Certiorari to the Supreme Court of Georgia which denied your application on January 23, 2012.

I have included courtesy copies of the orders mentioned above in this mailing.

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, September 12, 2012

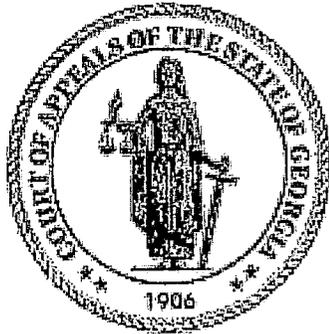
The Court of Appeals hereby passes the following order

A13D0013. DANIEL ERIC COBBLE v. STANLEY WILLIAMS, WARDEN, et al .

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

LC NUMBERS:

2012NH3



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, September 12, 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.



SUPREME COURT OF GEORGIA
Case No. S12D1775

Atlanta, August 6, 2012

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

DANIEL ERIC COBBLE v. STANLEY WILLIAMS, WARDEN et al.

From the Superior Court of Tattnall County.

Because it appears that none of the issues raised by applicant invoke the jurisdiction of this Court, the case is hereby transferred to the Court of Appeals.

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I hereby 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. Pulton, Chief Deputy Clerk

2012 AUG 21 PM 3:45

CLERK'S OFFICE

Court of Appeals of the State of Georgia

ATLANTA, September 12, 2012

The Court of Appeals hereby passes the following order

A12D0423. DANIEL ERIC COBBLE v. STEPHANIE ANNE LOCKHART .

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



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, September 12, 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,

SEPTEMBER 09, 2011

The Court of Appeals hereby passes the following order:

APPLICATION NO. A12D0008

DANIEL ERIC COBBLE V. STEPHANIE ANNE LOCKHART A/K/A STEPHANIE
ANNE BIGGERS ET AL

Upon consideration of the Application for Discretionary
Appeal, it is ordered that it be hereby DENIED.

95001

0512002



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP - 9 2011

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

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

Clerk:

Hally K. O. Sparrow

SUPREME COURT OF GEORGIA

Remittitur, Case No. S12C0116

Atlanta, January 23, 2012

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

DANIEL ERIC COBBLE v. STEPHANIE ANNE LOCKHART, A/K/A
STEPHANIE ANNE BIGGERS et al.

Upon consideration of the petition for certiorari filed to review the judgment of the Court of Appeals in this case, it is ordered that the writ be hereby writ denied.

All the Justices concur.

Court of Appeals Case No.
A12D0008

RECEIVED IN OFFICE
2012 FEB - 8 PM 4: 20
CLERK'S OFFICE

SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta February 08, 2012

I hereby 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.



Swi C. Pittor, Chief Deputy Clerk

RECEIVED IN OFFICE

2012 SEP 14 PM 3:53

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

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

Date: September 17, 2014

To: Mr. Joshua Flowers, GDC1000974049, Johnson State Prison, P.O. Box 344, Wrightsville, Georgia 31096

Docket Number: A14A2340 **Style:** Joshual Flowers v. The State

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

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

(1 of 5)

COURT OF APPEALS OF GEORGIA
STATE OF GEORGIA

RECEIVED IN OFFICE
2011 SEP 12 PM 1:38
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Joshua J. FLOWERS
Appellant's / Petitioner

CASE #
A14A2340

v.

The D.A.'s Office
STATE OF GEORGIA
Respondent

AFFIDAVIT OF TRUTH BRIEF'S ORDER THE
COURT OF APPEALS TO DISSMISS THIS CASE
BECAUSE OF THE BREACH OF FIDUCIARY DUTY
BY THE PROSECUTOR (D.A.) OFFICE.

Comes now, Joshua J. flowers, Appellant's in the above style action
and files this BRIEF'S AFFIDAVIT OF TRUTH ORDERING THIS COURT
TO DISSMISS THIS CASE DO TO THE PROSECUTOR BREACH OF FIDUCIARY
DUTY. The Court of Appeals of Georgia is ask's that the sentence
be vacated, and case remade by to the trial court to be dis-
miss.

Petitioner shows the following:

(1)

Administrative Remedy and Replacement Bonds for the bonds The
Prosecutor sold, which created an Income stream Fro the court,
which was a denial of due process because it created a conflict
OF Interest. Any denial of due process Immediately deprives

(2 of 5)

The Court of subject matter jurisdiction, making The Judgment VOID. It was also a Breach of Fiduciary duty because all government Employees are Fiduciary Trustees For The public Trust, and any taking of property, or any Gain they make via their Business with the public, which Results in a taking of property without due process of Law and without just Compensation is a Breach of Fiduciary duty, which is actionable in a lawsuit For Breach OF Fiduciary duty.

(2)

The Bonds were issued in my DEBTOR'S NAME, The Prosecutor using my SS#, and I didn't Receive any of The Benefits.

(3)

I am now dealing with criminal Elements In Government, and These Prosecutor have been doing whatever they wanted to do. These Prosecutors on a dealing in doing "Human Trafficking" For profit.

(4)

However, This Administrative Remedy will set the Petitioner up TO BE ABLE TO BRING A LAWSUIT Against The office of The (D.A.'s) Prosecutors, or The STATE, For Breach of Fiduciary duty, or a Tort Claim, which will be a lot easier than a Title 40 lawsuit.

(5)

A Prosecutor has absolute Immunity For whatever he or she does during The preparation and prosecution of a case, BUT He

THE ONLY HAS "QUALIFIED IMMUNITY" FOR ADMINISTRATIVE FUNCTIONS, which would include the sale of bonds.

(6)

THE PROSECUTOR USED MY IDENTITY TO SELL THE BONDS IN MY NAME, WITH MY SS#, WHICH IS IDENTITY THEFT. THESE PROSECUTORS OF THIS COUNTRY ARE NO LONGER HAVE NO IMMUNITY WHEN THEY COMMIT A CRIME.

JURISDICTION

THIS ACTION CONTAINING COMPLAINTS FOR DECLARATORY RELIEF AND OF DAMAGES, IS BROUGHT AGAINST THE RESPONDENT/DEFENDANTS TO SECURE DUE PROCESS OF LAW, EQUAL PROTECTION AND OTHER RIGHTS PRIVILEGES AND IMMUNITIES GUARANTEED TO COMPLAINANT BY THE CONSTITUTION/TREATY AND LAWS OF THESE UNITED STATE REPUBLIC.

JURISDICTION OF THIS COURT IS INVOKED UNDER THE ZODIAC CONSTITUTION @ AA 22214/LIBRARY OF CONGRESS, WASHINGTON, DISTRICT OF COLUMBIA, CONSTITUTION/TREATY AND LAWS OF THE UNITED STATE REPUBLIC.

CHARGES AGAINST THE DA'S OFFICE CRIMINAL

- 1.) Identity Theft
- 2.) Breach of Fiduciary duty
- 3.) Human Trafficking

(4 of 5)

Legal Claims

All Law is contract therefore in order for any claim to be made the contract must be produced, for Magistrate Name to imply that the writ in the Nature of Discovery does not have to be honored is a violation of my constitutionally secured Right to due Process of Law.

The 5th Amendment Required that all persons (Human!) within the United States must be ~~given~~ given due process of the Law and equal protection of the Law.

- 1) Respondent Named here, The (DA) is being sued for \$75,000 for compensatory damages and \$75,000 for punitive damages in her official and private capacity payable in lawful money.
- 2) Respondent, STATE OF GEORGIA is being sued for \$75,000 for compensatory damages and \$75,000 for punitive damages.
- 3) Respondent (Asst.) DA, is being sued for \$75,000 for compensatory damages and \$75,000 for punitive damages.

This Affidavit of Truth must be REBUTTED in a AFFIDAVIT OF TRUTH UNDER PENALTY OF PERJURY, IF NOT THESE RESPONDENT'S WILL ALL DEFAULT AND CRIMINAL CHARGE'S CAN BE FILE ON THESE RESPONDENT'S TO ANY LAW MAN, (Police Dept.) and Also they would have to PAY The \$150,000 in money Bond (A.S.A.P.).

(50F5)

Silence can only be equated with fraud where there is a legal or moral duty to speak or where an inquiry left unanswered would be intentionally misleading. *U.S.V. Tweel*, 550 F.2d, 287 (1997); *U.S. v. Pendera*, 494 F.2d, 1021, 1033 (1970); *American Nat'l Ins. Co. v. Ect. V. Murray*, 383 F.2d, 408 (2nd Cir. 1959), cert denied, 360 U.S. 918, 31 Fed. 2d, 1534, 79 S. Ct. 486; *St. Ateng v. Cleary*, 133 U.S. 604, 33 L. Ed. 2d 419, 10 S. Ct. 320 (1980).

WHEREFORE, This Court of Appeals of Georgia should GRANT This Affidavit before The Petitioner have's his family to file criminal charges against the prosecutors of ~~the~~ County, for Breach of FIDUCIARY DUTY and identify theft, human Trafficking. Petitioner Pray That This Court dismiss all his charges so he can move on with his life with his family.

This 13th day of September 2017.

I am: *Valerie Flowers*

My Commission Expires Jan. 19, 2017

Joshua J. Flowers

My Commission Expires Jan. 15, 2017

UCC1-358

Valerie M. Flowers

(50F5)

CERTIFICATE OF SERVICE

This is to certify that I have served the opposing party with a complete and accurate copy of the foregoing documents. Service was made by placing the same in an envelope, and with sufficient postage affixed, placed in the U.S. Mail, and on this day mailed to the party(s) as follows:

<u>Georgia Department of Law</u>	<u>Court of Appeals of GA Georgia</u>
<u>40 Capitol Square SW</u>	<u>Suite 301</u>
<u>Atlanta GA 30334-300</u>	<u>477 Trinity Ave</u>
<u>_____</u>	<u>Atlanta 30334</u>
<u>_____</u>	<u>_____</u>

This the 10th day of September, 2014

Joshua Flowers PRO SE
Fee 974019 GDC#
JOHNSON STATE PRISON
P.O. BOX 344
WRIGHTSVILLE, GEORGIA 31096

Sworn to and subscribed before me this 10 day of Sept 202014
Gwen M. Scrutcher
 Notary Public or Other Person Authorized to Administer Oaths

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

Date: September 17, 2014

To: Ms. Sharyn A. Erickson, 1330 Wheatfield Drive, Lawrenceville, Georgia 30043

Docket Number: A14A1244 **Style:** Sharyn Erickson v. Mt Vernon Towers Condominium Association, 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 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). Rules 27 (a) and 37 (d)
9. Letter briefs and letter cites are not permitted. Rule 27 (b)
10. Your request for court action must be submitted in motion form. Rule 41 (a)
11. Your motions were submitted in an improper form (joint, compound or alternative motions in one document). Rule 41 (b)
12. Type was on both sides of the paper; type font was smaller than 10 characters per inch; and/or the type was not double-spaced. Rules 1(c), 37(a) and 41(b).
13. The pages were not sequentially numbered with arabic numerals. Rule 24 (e)
14. Case and/or record citations were not made in the proper form. Rules 24 (d) and 25 (c) (2)
15. Margins were too small or paper size incorrect. Rules 1(c), 24(c), 37 (a) and 41(b)
16. Your document(s) was (were) not securely bound at the top with staples or round head fasteners. Rule 1 (c)
17. The Motion to Supplement has not been granted.
18. Other: **The above appeal was decided on September 12, 2014. The judgment affirmed the decision of the lower court.**

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

~~IN OFFICE
SEP 12 2014
COURT CLERK
CLERK COURT OF APPEALS OF GA~~

IN THE COURT OF APPEALS OF THE STATE OF GEORGIA

Sharyn Arlene Erickson,]

Appellant]

v.]

Appeal Case No. A14A1244

Mount Vernon Towers Condominium]

Association, Inc.]

Appellee]

~~RECEIVED IN OFFICE
2014 SEP 16 AM 11:01
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA~~

AMENDED

SUPPLEMENTAL REPLY BRIEF OF APPELLANT

MERELY ADDING PREVIOUSLY OMITTED

TABLE OF CITATIONS

Appeal Case No. A14A1244

Three (3) Appellant Documents Enclosed (with 3 Court copies of each, plus one to return to Appellant):

- (1) Second Motion to Take Judicial Notice with Exhibits
- (2) Amended Supplemental Brief attaching Table of Citations previously inadvertently omitted from the copies filed (with no changes to Brief itself)
- (3) Opposition to Appellee's Motion to Strike, and for Sanctions

Sharyn A. Erickson

9/12/14

Sharyn A. Erickson, Appellant

9/12/14

RECEIVED IN OFFICE
SEP 16 AM 10:59
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

September 18, 2014

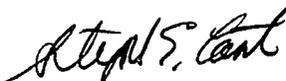
Mr. Riccardo D'Orsainville
Reg. No. 23204-038
MVCC Unit A6-28U
555 Geo Drive
Philipsburg, Pennsylvania 16866

Dear Mr. D'Orsainville:

I am in receipt of your letter addressed to Ms. Holly Sparrow dated August 8, 2014 and received on September 15, 2014. Ms. Sparrow has retired as the Clerk/Court Administrator of the Court of Appeals of Georgia in August, 2013.

There is no appeal on our docket under the name of Jonathan Mills.

Sincerely,



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

SEC/ld

8 August, 2014

RECEIVED IN OFFICE

2014 SEP 15 PM 4:54

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Ms. Holly Sparrow
Clerk, Court Administrator
Court of Appeals of Georgia
47 Trinity Avenue, SW
Suite 500
Atlanta, GA 30334

Dear Ms. Sparrow:

My name is Riccardo D'Orsainville, and I am currently being held at the Moshannon Valley Correctional Center in Philippsburg, PA. I am writing a motion/appeal, and there is a case in the state of Georgia that I need to refer to, but we cannot seem to find it in our library, or online. It is JONATHAN MILLS V. THE STATE OF GEORGIA. I would very much appreciate it if you would please forward this reference to me, please, at your earliest convenience. Please mark the envelope, "Special Mail: Open in inmate presence ONLY." I thank you for your assistance and consideration.

Sincerely yours,

Riccardo D'ORSAINVILLE

Reg. No. 23204-038

Unit A6-28 UP

MVEC

SSS Best Drive

Phillipsburg, PA 16866

P.S.: I am sorry I don't have the complete
reference.

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

September 18, 2014

To: Mr. Michael A. Dixon, GDC875566, Wilcox State Prison, 470 South Broad Street,
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.

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

Notice of Claim

To: Court of Appeals of Georgia
97 Trinity Avenue SW
Suite 501
Atlanta, Georgia 30334

Re: Michael Anthony Price vs Georgia Department of Corrections
Appeal Case Number A-14-A-2806

Your Clerk of Court and Administrative Clerk,

~~If shall be known that a "Motion To Strike The~~

~~Notice of Appeal" was served in June 2014 by plaintiff~~

~~Price, and a "Motion To Vacate The June 18, 2014 Order~~

~~as Void" was served in June 2014 by plaintiff Price~~
at the same time "The Judicial Notes".

Both motions has been before the court will over
thirty days and the judicial notes has failed
to make any decision upon either motion of the
court. (emphasized added) O.C.G.A. 15-6-21(a)-(d).

Thus, notwithstanding other pre-conditions that is
at issue, the appellate jurisdiction is not warranted

RECEIVED IN OFFICE

SEP 11 PM 21

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Date: August 26, 2014

Notice (cont.)

at this time. But other supervisory powers may be exercised and writs issued upon the inferior courts extrajudicial acts and existing law, failure to perform i.e. case. (emphasis added)

This I will certify that I, Michael A. Dixon, has hereby sworn under oath that the facts herein this notice are true.

Respectfully
Submitted

Michael A. Dixon
plaintiff

vs Michael Dixon son
Witness My Hand
And Seal

28 U.S.C 1746

Sworn to and subscribed
this 26th day of August 2014
Notary Public (S.M.)
Signature Cary L. Davis
My Commission expires on 9/15/15



Date: August 26th, 2014
Address: Wilcox State Prison
470 South Broad Street
Abbeville, Georgia 31001



Court of Appeals of Georgia

September 18, 2014

TO: Mr. Kenneth Fantain, D-2, Lowndes County Jail, 120 Prison Farm Road, Valdosta, Georgia 31601

RE: **Probation Revocation**

CHECK RETURN

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

CASE STATUS - DISPOSED

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

CASE STATUS - PENDING

- The above referenced appeal is the only pending appeal in your name before this Court. The appeal was docketed in the 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.

IN THE SUPERIOR COURT OF LOWNDES COUNTY

STATE OF GEORGIA

X

Kenneth Fountain X Docket NO;

defendant pro'se X 2012SC01392-95

V. X 2012SC06696

STATE OF GEORGIA X 2013SC00171-72

Plaintiff X

X

SPEAKING MOTION TO CORRECT

ILLEGAL SENTENCE PURSUANT

TO O.C.G.A § 17-9-4

Come now defendant Kenneth Fountain

pro'se File his speaking motion to correct

illegal sentence pursuant to O.C.G.A § 17-

9-4 in this Honorable Court of Lowndes

County.

Further, defendant Kenneth Fountain pro'se

was sentence on 3-5-12 in the State

Court of Lowndes County as follows;

RECEIVED IN OFFICE

2014 SEP 15 PM 4:54

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

LOWNDES COUNTY, GEORGIA
FILED IN OFFICE

2014 SEP 11 AM 8:39

Beth C. Hiers
CLERK OF SUPERIOR STATE

Defendant Kenneth Fountain pro'se, was sentence in the STATE COURT OF LOWNDES County to 48 mos. of probation to general and special Condition probation, the de-fendant-pro'se was sentence to Consecutive Sentence.

Further, defendant Kenneth Fountain pro'se was arrested by the Valdosta police de-partment on 7-23-14 for Violation of probation

Moreover, defendant Kenneth Fountain, pro'se was revoke 8-11-14 in the County Jail until 9-26-17 causing his sentence to be illegal which violating his rights. the violation is as follows;

A) report as directed

B) perform C.S. W

C) Complete D.V.I.P

D) Failed to pay Court Order supervision Fees.

Sentence exprie 9-26-16

The defendant Kenneth Fountain pr'se.

averys that STATE COURT OF LOUDES

COUNTY elevated his sentex beyond

Statutory maximums Cassing his sentenc

to be illegal, violation of rights that's

guaranteed by the united states,

Rooney v STATE 287 Ga (2010)

Defendant Kenneth fountain pr'se averys.

that the sentenc judge revoke defendant

Kenneth Fountain beyond his statutory

range (See sentenc document line D)

Probation was originally scheduled to

expire 2-23-16 and now scheduled to expire

on 9-26-16, the court imposed "and revoke

the defendant Kenneth Fountain pr'se fo

the county jail until 9-26-17

Nevertheless, the STATE COURT OF LOUDES

County imposed a sentenc that's illegal

and violating the defendant Kenneth Fountain

pr'se rights that's by the united States.

In United State V. Booker, 543 U.S. 220, 223
[125 S.C. 738, 160 LEd2d 621, (2005)]

The Supreme Court observed that, it has never doubted the authority of a judge.

The judge imposed a sentence on 3-5-12 to 48 mos probation.

However on 8-11-14 the STATE COURT OF Lowndes County revoke defendant Kenneth Fountain pro'se, sentence until 9-26-17 in the County jail.

Nevertheless, the defendant Kenneth Fountain pro'se avers that his sentence was to expire 9-26-16 was imposed on 3-5-12 in the STATE COURT OF LOWNDES County

Defendant Kenneth Fountain pro'se, avers that the Sentidel offender Service and STATE Court of Lowndes County preface defendant Kenneth Fountain pro'se by elevating his sentence beyond Statutory maximums
Rooney V STATE 287 Ga (2010)

CONCLUSION

WHEREFORE, the defendant Kenneth Fountain
pro'se prays that this Honorable Court "ORDER"
the Lower Court to "Vacate" his illegal sen-
tence that was imposed on 8-11-14 in
the STATE COURT OF LOWNDES COUNTY

This the 11 day of September 2014

Kenneth Fountain

Kenneth Fountain pro'se
120 Prison Em Rd
Valdosta Ga 31601

CERTIFICATE OF SERVICE

I have upon this date served by mail
a copy of his speaking motion to his
illegal sentence pursuant to O.C.G.A.
§ 17-9-4

Ronell Kromko

Probation Officer

Matthew P Brown

Solicitor General

Iesha Bridges (girlfriend)

610 E Ann St. Apt 254

Valdosta Ga 31601

This the 11 day of September 2014

Kenneth Fountain

Kenneth Fountain pro'se

120 prison fm Rd

Valdosta Ga 31601

STATE COURT OF LOWNDES COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

v.

~~Kenneth Fountain~~
DEFENDANT

DOCKET NO.: 2012SC01392-95
Consecutive Cases: 2013SC00171-72; 2012SC06696
OFFENSE(S): Simple Battery, Battery (2Cts),
Obstruction of an Officer

Clark Superior Court, 1st District
Lowndes County

~~Consecutive Charges: Disorderly Conduct (2Cts), VGCSA (m)~~

PETITION FOR REVOCATION OF PROBATION

(1)

The above-named Defendant, having pled guilty or nolo contendere to the offense(s) listed above in the State Court of Lowndes County on the 5th day of March, 2012, was sentenced to a total period of 48 months probation by the Court according to the sentence(s) on file in the Defendant's case(s).

(2)

The records of Sentinel Offender Services and the supervising probation officer reflect that Defendant's:

- (a) Earliest active case began supervision on 3/5/12.
- (b) Last meeting with the supervising probation officer occurred on: 11/25/13.
- (c) A warrant was issued for the defendant's arrest on 12/10/13.
- * (d) Probation was originally scheduled to expire on 2/23/16 and is now scheduled to expire on 9/26/16. f See
- (e) Total imposed fines were \$1050.00 with a total remaining unpaid balance of \$1032.80.
- (f) Monthly scheduled payment is past due in the amount of \$188.80.
- (g) Supervision fees are past due in the amount of \$145.00.
- (h) Drug/alcohol testing fees are current in the amount of \$0.00.
- (i) GCVEF fees are past due in the amount of \$27.00.
- (j) Total imposed Restitution was \$0.00 with a total remaining unpaid balance of \$0.00.

(3)

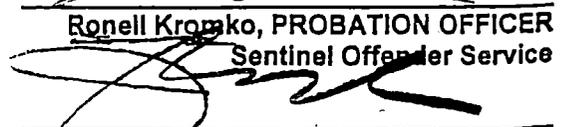
The Defendant has violated the terms and conditions of the probation as imposed by the Court by failing:

- (a) to report as directed by the probation supervisor.
- (b) to perform CSW as directed, to wit: The defendant completed 4 of 50 hours
- (c) to perform CSW as directed, to wit: The defendant completed 0 of 125 hours in lieu of \$610.00 in fines.
- (c) to complete DVIP as ordered by the court The defendant was terminated from Peaceway on 12/2/13 for lack of attendance
- (d) to abide by agreement ordered by the court: The defendant failed to report bi-weekly with \$40.00 and 16 hours of CSW as agreed to by the probationer and ordered by the court at revocation hearing on 9/9/13.
- (e) to avoid any violations of law, to wit: The defendant received new charges of Interference and Possession of Marijuana on 7/23/14. These charges are currently pending in the Valdosta Municipal Court.
- (f) to pay court ordered fines as directed.
- (g) failed to pay court ordered supervision fees as directed.

Wherefore, the State of Georgia prays that the Petition for Revocation of Probation be served upon the Defendant and that the Defendant be directed to appear before the Court on a day to be fixed by the Court and to show cause why the probation should not be revoked.

This 24th day of July, 2014.


Ronell Kromko, PROBATION OFFICER
 Sentinel Offender Service


Justo Cabral, Solicitor-General
 GA Bar #101575

Matthew P Brown, Asst. Solicitor-General
 GA Bar #142279

TOTAL PAST DUE: \$360.80 (FINE PAST DUE: \$188.80, SUPERVISION PAST DUE: \$172.00, DRUG TESTING FEES: \$ 0.00)
 TOTAL BALANCE DUE: \$1204.80 TOTAL FINE DUE: \$1032.80
 DISCHARGE DATE: 9/26/16
 WARRANT DATE: 12/10/13 (Tolled 12/19/13)
 ARREST DATE: 7/23/14
 NUMBER OF DAYS TOLLED: 216 TIME SERVED AS OF REVOCATION DATE: 19 Days
 2nd Revocation/ Concurrent City Case A306926 Fine: \$2583.20 End: 11/16/17
 Consecutive State Case 2013SC00171-72 Fine: \$600.00 restitution: \$150.00 End: 9/19/19
 Consecutive State Case 2012SC06696 Fine: \$325.00 CONDITIONAL DISCHARGE End: 9/20/17

ch

ORDER FOR SERVICE AND HEARING

Having read and considered the foregoing Petition, it is hereby ordered that the Defendant be served with a copy of same and that the Defendant show cause why said probation should not be revoked on the 11th day of August, 2014, at the Lowndes County Jail, Courtroom Number 1 in Valdosta, Georgia, at 9:00am/2:00pm.

~~The 20th day of July, 2014~~
~~Judge John K. Edwards, Jr.~~
~~Lowndes County State Court~~

CERTIFICATE OF SERVICE

I certify that I have this date served a copy of the Petition for Revocation of Probation upon the Defendant in person.

This the 6 day of Aug, 2014.

[Signature]
Probation Officer

ACKNOWLEDGMENT OF SERVICE

I have received a copy of the Petition for Revocation and I am aware that I may employ legal representation, apply for court-appointed representation or represent myself at the hearing. I hereby waive five (5) days notice of said hearing.

This the 6 day of Aug, 2014.

Kenneth Fountain
Defendant

ORDER

WHEREAS, pursuant to notice given to the Defendant, a hearing was conducted by this Court on the date aforesaid in accordance with O.C.G.A. §§42-8-38 and 17-10-1(a)(3)(A), and this Court finds that the Defendant:

Committed all violations alleged in the Petition. Did not violate probation. Other: _____

NOW THEREFORE, it is hereby ordered and adjudged that:

- Defendant shall be credited for _____ days in jail and RELEASED FROM JAIL on _____ to return to active probation and continue under supervision, subject to the further provision(s) that Defendant:
 - Shall report in person to his/her probation officer within 48 hours of release from jail (or residential treatment).
 - Shall report _____ to his/her probation officer for the next _____ days unless otherwise directed by the Court.
 - May perform an additional _____ hours of community service work for a credit of \$ _____ in fines at the minimum rate of _____ hours per week. Defendant shall receive no credit unless all hours are completed and submitted.
 - Shall have his/her past due balance recalculated by probation to \$0 (zero) and shall make future _____ payments of \$ _____.
 - Absence from any appointment/counseling shall result in issuance of an immediate arrest warrant.
 - Shall RESUME / RE - START _____ counseling within _____ days of release from jail.

Other: This revocation covers all defendant's probation cases 2012SC01392-95

Defendant's probation is revoked until 9/26/17, provided: 2012SC06696
2013SC00171-72

Defendant may be released from jail upon payment of \$ _____ to the probation office.

This Court does not recommend that Defendant be eligible for any early release, good behavior or other credit.

Defendant's actual release date be calculated by the Sheriff or his designee pursuant to O.C.G.A. §§42-4-7 & 17-10-4.

Defendant shall then be returned to active probation. Defendant's probation shall then be terminated.

Defendant's Cardinal First Offender status is hereby revoked. Defendant's First Offender status shall remain in effect.

Defendant's probation shall be terminated as provided above and Probation shall close its file, pay out any funds required and all remaining conditions including but not limited to fines, fees, restitution, attorney fees and other costs due the Court be expunged.

SO ORDERED, this 11th day of August, 2014.

[Signature]
John K. Edwards, Jr., Judge
State Court of Lowndes County

Hearing continued to: _____

* CHARGE INVOLVE VIOLENT BEHAVIOR AND DRUGS.



2014

Georgia Court of Appeals

R U L E S

Last Update: May 15, 2014

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

September 18, 2014

Franzen and Salzano, P.C.
Operating Account
40 Technology Parkway South • Suite 202
Norcross, Georgia 30092

Dear Sirs:

Enclosed please find your check #11128 drawn on SunTrust Bank and paid to the order of the Clerk, Court of Appeals of Georgia in the amount of \$9.00. This check was accepted as payment for a certified copy of the Index in A13A2019. J.P. Morgan Chase v. Smith. Unfortunately, the check was not endorsed.

Please sign the check and return it to this Court at your earliest convenience. I have also enclosed a self addressed stamped envelope for your convenience for the return.

Sincerely,



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

SEC/ld
Enclosures

HOLD TO LIGHT TO VIEW WATERMARK IN PAPER - HEAT SENSITIVE RED IMAGE DISAPPEARS WITH HEAT - DETECTION CIRCLE REVEALS X LOCK WHEN TESTED

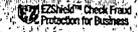
11128

FRANZEN AND SALZANO, PC

OPERATING ACCOUNT
40 TECHNOLOGY PARKWAY, SOUTH, SUITE 202
NORCROSS, GA 30092-2906



ACH RT 061000104
64-10-610



9/15/2014

PAY TO THE
ORDER OF Clerk, Court of Appeals of Georgia

\$ **9.00

Nine and 00/100

DOLLARS

Clerk, Court of Appeals of Georgia



MEMO

Certified copy

AUTHORIZED SIGNATURE

⑈0001128⑈ ⑆061000104⑆ 8801575781⑈

FRANZEN AND SALZANO, PC

Clerk, Court of Appeals of Georgia

Certified copy of Index (A13A2019)
JPMorgan Chase - Smith

9/15/2014

9.00

11128

Suntrust Operating Ac Certified copy

9.00

Security features. Details on back.

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

Receipt No. **111812**

DATE 25 September 2014

RECEIVED OF Frangou and Salgans, P.C.

WE ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

BRIEF OF APPELLANT _____

ENUMERATION OF ERRORS _____

WITHDRAWAL FEE _____

PHOTOCOPIES ✓ Index

ADMISSION FEE _____

CERTIFICATION FEE _____

APPLICATION COST _____

OTHER _____

CASE NUMBER A13A2019

AMOUNT \$ 9.00
Sea Trust Check # 11128

Lola M. Diamond
CLERK

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

September 19, 2014

To: Mr. Frank Colon, GDC1000414787 G-2, Johnson State Prison, Post Office Box 344,
Wrightsville, Georgia 31096

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

Court of Appeals Case Number and Style: _____

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

- There is no case pending in the Court of Appeals of Georgia under your name.
- A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. 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 GEORGIA COURT OF APPEALS
STATE OF GEORGIA

FRANK COLON,
GDC#1000414787,
APPELLANT,

VS.

STATE OF GEORGIA,
APPELLEE.

INDICTMENT NO. 10-B-2632-2-

NOTICE OF
APPEAL

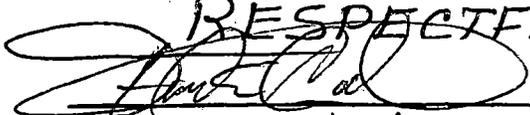
RECEIVED IN OFFICE
2014 SEP 19 PM 2:28
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

NOTICE OF APPEAL

COMES THE APPELLANT FRANK COLON, AND GIVES HIS NOTICE OF APPEAL, PURSUANT TO GEORGIA CODE ANN [6-901, [5-6-33], FROM THE GWINNETT COUNTY SUPERIOR COURT DENIAL ON AUGUST 20TH, 2014, IN RELATION TO REDUCTION OF SENTENCE OR TO MODIFY SENTENCE, FILED ON AUGUST 18TH, 2014, AND DENIED ON THE FOLLOWING DAY WITHOUT ANY CONSIDERATION OF THE MERITS PRESENTED BY APPELLANT OR THE GEORGIA CODE'S WARRANTING RELIEF.

WHEREFORE, APPELLANT RESPECTFULLY SUBMITS NOTICE OF APPEAL TO THE GEORGIA COURT OF APPEALS.

RESPECTFULLY SUBMITTED,



FRANK COLON, APPELLANT, PRO SE.
GDC#1000414787, G-2,
JOHNSON STATE PRISON
POST OFFICE BOX 344
WRIGHTSVILLE, GA 31096.

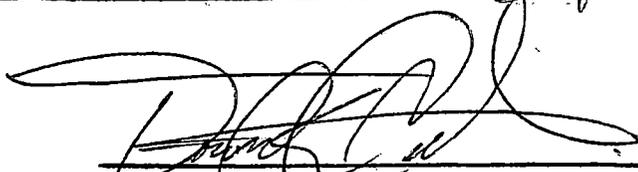
CERTIFICATE OF SERVICE.

I, FRANK COLON, APPELLANT, PRO SE, HEREBY CERTIFY THAT I HAVE SERVED A TRUE AND CORRECT COPY OF THE FOREGOING NOTICE OF APPEAL UPON THE FOLLOWING; TO-WIT:

" OFFICE OF THE CLERK "
GWINNETT COUNTY COURTHOUSE,
GWINNETT JUDICIAL CIRCUIT,
POST OFFICE BOX 880,
LAWRENCEVILLE, GEORGIA 30046-0880,

BY PLACING SAME IN A SEALED POSTAGE PRE-PAID ENVELOPE, PROPERLY ADDRESSED AS ABOVE AND PLACED IN THE U.S. MAIL AT THE JOHNSON STATE PRISON, POST OFFICE BOX 344, WRIGHTSVILLE, GEORGIA 31096.

THIS 15 DAY OF SEPTEMBER, 2014.



FRANK COLON, APPELLANT, PRO SE.
GDC#1000414787, G-2
JOHNSON STATE PRISON
POST OFFICE BOX 344
WRIGHTSVILLE, GA. 31069.

IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,
RESPONDENT

VS.

FRANK COLON,
DEFENDANT.

INDICTMENT NO. 10-B-2632-2.

NOTICE

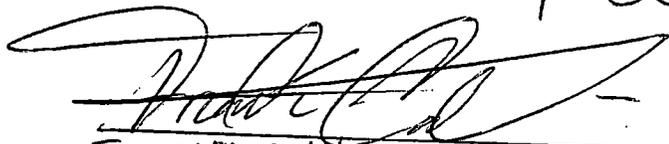
OF APPEAL.

GEORGIA COURT OF APPEALS.

NOTICE OF APPEAL.

COMES THE DEFENDANT-APPELLANT FRANK COLON, PRO SE,
AND SUBMITS NOTICE OF APPEAL, PURSUANT TO GEORGIA
CODE ANN (6-901, (5-6-33)), FROM THE ADVERSE FINAL ORDER
OF THE HONORABLE DEBRA K. TURNER, JUDGE, ON AUGUST 20TH
2014 OF THE SUPERIOR COURT OF GWINNETT COUNTY, ON
REDUCTIONS. THE HONORABLE CLERK OF COURT IS DIRECTED
TO NOT DELETE OR REDACT NO PART OF THE FILES OR
RECORDS.

RESPECTFULLY SUBMITTED,



FRANK COLON DEFENDANT-APPELLANT, PRO SE -
GDC# 1000414787, G-2,
JOHNSON STATE PRISON
POST OFFICE BOX 344
WRIGHTSVILLE, GA 31096



Court of Appeals of Georgia

September 19, 2014

TO: Mr. Sterling Fuller, GDC001021639, Cobb County Adult Detention Center, P.O. Box 100110, Marietta, Georgia 30062

RE: **Request for Copy of Court's Rules**

REQUEST FOR COPIES

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

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.

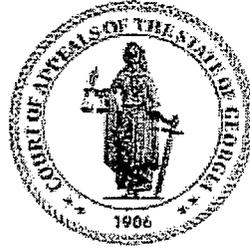
COURT RULES

- 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.

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



2014

Georgia Court of Appeals

R U L E S

Last Update: May 15, 2014

9.8.14

To Whom It May Concern:

I AM WRITING TO REQUEST A COPY OF COURT RULES AND FILING PROCEDURES FOR YOUR COURT. I AM CURRENTLY FACING A CRIMINAL CHARGE AND/OR I HAVE INITIATED 3 CIVIL CASES AND I ANTICIPATE NEEDING TO FILE APPEALS RELATING TO SAID ACTION(S)

You May Send The Above Requested Materials To My Attention At The Address Below

Thank You For Your Time And Assistance.

RESPECTFULLY

Walter Presbidge
Walter Presbidge
1001 W. 1308
Nashville, TN 37203

Dr. Sterling Fryer - 001021639

COBB COUNTY A.D. C. 4N2960B

P.O. Box 100110

MARIETTA, GA 30062

RECEIVED IN OFFICE
2014 SEP 19 PM 2:25
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

September 18, 2014

To: Mr. Torey Fowler, GDC879335, Wheeler Correctional Facility, P.O. 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.

TO: COURT OF APPEALS OF GEORGIA
47 TRINITY AVENUE SW SUITE 501
ATLANTA, GEORGIA 30334

FROM: TOREY FOWLER #879335
WHEELER CORRECTIONAL FACILITY
P.O. BOX 466 / ALAMO GA. 30411

No Case
found!

RECEIVED IN OFFICE
21 SEP 12 PM 3:10
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

I AM WRITING YOU IN REGARDS TO MY NOTICE OF APPEAL FILED IN THE DOUGHERTY COUNTY SUPERIOR COURT SUBMITTED JULY 28, 2014 IN CASE NO. 06R601. I HAVE YET TO RECIEVE MY STAMPED FILED COPY AS PROOF AND A COPY OF THE INDEX IN THE SHOWING THAT THE RECORD HAS BEEN SENT TO THE COURT OF APPEALS OF GEORGIA. I HAVE CONTACTED THE CLERK OF COURT BUT TO NO AVAIL. SO I AM REQUESTING THIS COURT TO PROCEED IN TAKING ACTION WITHIN THE COURT'S JURISDICTION. ACCORDING TO 5-6-41(G); O.C.G.A. 5-6-42; THE PARTY HAVING THE RESPONSIBILITY OF FILING THE TRANSCRIPT SHALL CAUSE IT TO BE FILED WITHIN 30 DAYS AFTER FILING NOTICE APPEAL. A DELAY OF OVER 30 DAYS IS PRIMA FACIE UNREASONABLE AND UNEXCUSEABLE. BOUDIN V. PARKER 173 GA. APP 526 (1985). JONES V. STATE 123 GA. APP. 672 (1971). ENCLOSED IS THE ORDER BEING APPEALED STAMPED FILED JULY 14, 2014. THE SHOWING OF THIS ORDER REVEALS THERE IS NO TRANSCRIPT OF RECORD CONSISTENT WITH DEMPSEY V. STATE 267 GA. APP. 661 (2004). I HAVE FILED THE APPROPRIATE MOTION TO RESOLVE THIS MATTER BUT STILL TO NO AVAIL. UNDERSIGNED JUDGE STEPHEN GOSS HAS ACTED IN NEGLIGENCE IN ACKNOWLEDGING MY BRIEF ^{FROM} ~~IN~~ FEB. 6, 2014 LETTER. BY STATING HE DID NOT SEE ANYTHING IN WRITING IN THE CLERK OF COURT FILE IN JULY 14, 2014 ORDER. I HAVE A STAMPED FILE COPY (MARCH 7, 2014) OF BRIEF AS PROOF, WHICH IS IN THE 30 DAY TIME FRAME OF UNDERSIGN'S LETTER. I HAVE TRIED BUT TO NO AVAIL. SO I AM REQUESTING THIS COURT TO ASSIST ME WITH THIS MATTER AS SOON AS POSSIBLE. THANK YOU.

TOREY FOWLER #879335
WHEELER CORR. FACILITY
P.O. BOX 466 / ALAMO GA. 30411

THIS THE 9th DAY OF SEPT. 20 14

X. Torey Fowler

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY THAT I HAVE THIS DAY SERVED A COPY OF THE WITHIN AND FOREGOING DOCUMENTS TO THE PARTIES LISTED BELOW BY DEPOSITING A COPY IN U.S. MAIL WITH ADEQUATE POSTAGE ATTACHED ADDRESSED TO:

COURT OF APPEALS OF GEORGIA
47 TRINITY AVENUE SW SUITE 501
ATLANTA, GEORGIA 30334

SAMUEL OLENS
ATTORNEY GENERAL OFFICE
STATE OF GEORGIA
40 CAPITOL SQUARE, S.W.
ATLANTA GA. 30334-1300

Torey Fowler
TOREY FOWLER #879335
WHEELER CORR. FACILITY
P.O. BOX 466/ALAMO, GA. 30411

THIS 9th DAY OF SEPT. 20 14

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY THAT I HAVE THIS DAY SERVED A COPY OF THE WITHIN AND FOREGOING DOCUMENTS TO THE PARTIES LISTED BELOW BY DEPOSITING A COPY IN THE MAIL WITH ADEQUATE POSTAGE TO THE ABOVE ADDRESSES TO:

COURT OF APPEALS OF GEORGIA
47 TRINITY AVENUE SW SUITE 501
ATLANTA GEORGIA 30334

SAMUEL CLEGG
ATTORNEY GENERAL COUNSEL
STATE OF GEORGIA
70 CAPITOL SQUARE, SW
ATLANTA GA 30334-1500

Lucy B. Bell
TERRY COLLIER STREET
WILSON COUNTY
ATLANTA GA 30311

THIS I HAVE DONE THIS 20th DAY OF

FILED
2014 JUL 14 AM 11:00
EYONNE S. MULL
DOUGHERTY COUNTY
CLERK OF COURTS

IN THE SUPERIOR COURTS OF GEORGIA
COUNTY OF DOUGHERTY

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:

 7-14-2014

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

FILED
2014 JUL 14 AM 11:00
EVONNE S. MULL
DOUGHERTY COUNTY
CLERK OF COURTS

IN THE SUPERIOR COURTS OF GEORGIA
COUNTY OF DOUGHERTY

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)

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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.

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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.

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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,

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Case number 06R601: The motion to withdraw guilty plea is denied. The motion for an out of time appeal is denied. ;

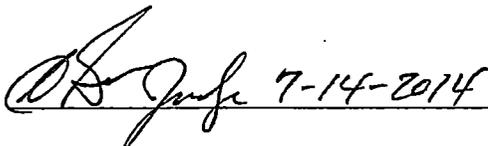
Case number 12R861: Mr. Fowler entered a guilty plea and was sentenced before Senior Judge Gray in 2013. He filed a motion to withdraw plea, which Judge Gray denied in writing. He has filed a notice of appeal with the Clerk of Court. There is nothing in that file for undersigned to rule upon herein.

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

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

September 19, 2014

Mr. Toreanto Deyawn Finch
Douglas County Jail 3B
8472 Earl D. Lee Boulevard
Douglasville, Georgia 30134

Dear Mr. Finch:

We received your letter requesting advice to assist you in perfecting an appeal to our Court. I am so sorry, but we are prohibited from giving advise to practitioners or pro se appellants. I have enclosed a copy of our Rules and I hope that will provide you the guidance you seek.

Sincerely,



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

SEC/ld
Enclosure



2014

Georgia Court of Appeals

R U L E S

Last Update: May 15, 2014

Dear Honorable Judge P, J, Mikell

I am writing for assists, knowledge, and advice in how to file a discretionary appeal in judgement given in orders revoking probation. I am appealing that the state failed to produce sufficiency of circumstantial evidence to prove possession with intent to distribute. I did not admit to the alleged violations, but did prove that I was not in possession of any illegal drugs.

The Superior Court of Douglas County has refused to appoint me counsel to represent me in my appeal proceedings. I have received a letter from Sean Goldstein who was appointed to represent me at my revocation hearing, he stated although I'm not eligible for a appointed attorney to appeal the revocation of my probation, I could appeal the decision by representing myself or hiring a private counsel. Because I'm a indigent prisoner I must represent myself. What I need is guidance in the steps I must take to properly submit all forms to appeal orders revoking probation, so I will not make errors and possibly get judgement given reversed.

The Douglas County Sheriff's Office where I'm incarcerated limits only ten items a month to come from a law library which is not on site. There is no adequate law library or adequate assistance from persons trained in the law to assist prison inmates in their preparation and filing of meaningful legal papers in order to grant them meaningful access to the courts. This has hindered me from get proper forms and procedure I need to take in filing my discretionary appeal. Your help and guidance is greatly needed and would be greatly appreciated. Thank for taking time to read plea for help. I pray you take in to consideration my situation & consider helping me. My appeal is simarkory to a case you reversed Cobarrubias-Garcia v. state, 316 Ga App 787 (2012)

Sincerely

Toreanta Deyawn Finch

Case# 04CR795

8472 Earl Lee Blvd

Douglasville, Ga 30134

Steve Castlen

From: Steve Castlen

To: Lola Diamond

Dear Mr. Finch,

We received your letter requesting advice to assist you in perfecting an appeal to our Court. I am so sorry, but we are prohibited from giving advice to practitioners or pro se appellants. I have enclosed a copy of our rules and I hope that will provide you the guidance that you seek.

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

September 19, 2014

Mr. Toreanto Deyawn Finch
Douglas County Jail 3B
8472 Earl D. Lee Boulevard
Douglasville, Georgia 30134

Dear Mr. Finch:

We received your letter requesting advice to assist you in perfecting an appeal to our Court. I am so sorry, but we are prohibited from giving advise to practitioners or pro se appellants. I have enclosed a copy of our Rules and I hope that will provide you the guidance you seek.

Sincerely,



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

SEC/ld
Enclosure

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

September 29, 2014

To: Mr. Mickey J. Barron, 1610 Chattahoochee Run Drive, Suwanee, Georgia 30024

Case Number: _____ Lower Court: _____ County Superior Court

Court of Appeals Case Number and Style: A14A1996. Mickey J. Barron v. Wells Fargo Bank, N.A.

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: _____
- As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.**
- A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

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

IN THE COURT OF APPEALS

STATE OF GEORGIA

CASE NO. 14A1996

MICKEY J. BARRON,

Defendant-Appellant,

v.

WELLS FARGO BANK, N.A.,

Plaintiff-Appellee.

REPLY OF APPELLANT

Mickey J. Barron
1610 Chattahoochee Run Drive
Suwanee, Georgia 30024
(770) 364-6980
Pro Se

FILED IN OFFICE

SEP 25 2014

CLERK, COURT OF
APPEALS OF GEORGIA

RECEIVED IN OFFICE
2014 SEP 25 AM 11:19
CLERK/ADMINISTRATOR
COURT OF APPEALS OF GA

REPLY BRIEF OF APPELLANT

COMES NOW Defendant-Appellant Mickey J. Barron (“Appellant” or “Barron”), who files this Reply Brief pursuant to Ga. Ct. App. R. 24 to the Response Brief of Plaintiff-Appellee Wells Fargo Bank, N.A. (“Appellee” or “Wells Fargo”).

INTRODUCTION

The undisputed record of this case, the public record, and Appellee’s own admissions in its Response Brief show that genuine issues of material fact exist in this case and that Appellee was entitled to summary judgment as a matter of law. Appellee admits that the Security Deed involved in this dispute secured only the 1996 Plat, not the adjacent 2001 Plat.

Appellee argues that Appellant is judicially estopped from claiming that the Adjacent Parcel was secured by the deed because he failed to separately disclose that Parcel in the Schedules in his 2011 bankruptcy proceeding – apparently the sole ground for the trial court’s grant of summary judgment. Appellee itself admits in its Response Brief, however, that Appellee listed in Schedule D, in “Unsecured Portion, If Any”, an entry of \$10,000.00, representing the value of the Adjacent Parcel. (Response Brief, pp. 14-15). While Appellee argues the significance of

that entry, the entry itself together with Appellee's deposition testimony and disclosures to the bankruptcy trustee, show that a genuine issue of material fact exists on this point. Judicial estoppel simply does not apply.

In addition, the record, as set forth in the parties' briefs, is clear that a genuine issue of material fact exists regarding whether any purported mistake in the Security Deed was mutual or unilateral, and summary judgment is unwarranted on that point as well. Appellee's own failure to engage in discovery simply reinforces this point.

Appellant has also set forth undisputed facts showing that the statute of limitations and the doctrine of laches defeat Appellee's claim, irrespective of Appellee's attempted invocation of judicial estoppel. The law is clear that the limitations period began to run at the time the deed was executed. The clock did not reset (as Appellee argues), when the deed was assigned to Appellee.

Finally, the public record – of which this Court may take judicial notice – shows that Appellant's former counsel, Robert T. Thompson, Jr., rendered ineffective assistance of counsel to Appellant throughout the litigation. Mr. Thompson has a long and well-documented history of failing to perform his duties as counsel and abandoning his clients, as he did in the case of Appellant. Mr.

Thompson has been suspended by the State Bar of Georgia, and a recommendation for is disbarment is pending before the Georgia Supreme Court.

I. APPELLEE’S OWN ADMISSIONS AND THE UNDISPUTED RECORD SHOW THAT JUDICIAL ESTOPPEL DOES NOT APPLY.

The burden of proof of showing judicial estoppel is on the proponent of that defense, Appellee here. *Jones v. Littlejohn*, 222 Ga. App. 494, 496-497, 474 S.E.2d 714 (1996).

Appellant in his opening Brief set forth the repeated disclosures of the Adjacent Parcel in his Bankruptcy Schedules. See, e.g., Appellant’s Brief, pp. 11, 16-17. These disclosures – explained to the trustee in good faith – should by themselves be sufficient to show that judicial estoppel does not apply and that summary judgment is unwarranted. *Period Homes, Ltd. v. Wallick*, 275 Ga. App. 486,488-89, 569 S.E.2d 502, 504 (2002) (holding that judicial estoppel did not apply where the debtor had not misled the bankruptcy court).

Here, the undisputed record shows that Appellee was fully aware of the purported defect in the Security Deed during the bankruptcy proceeding itself, and in fact abandoned its efforts to lift the bankruptcy stay to pursue a foreclosure of the property because of that defect. In light of Appellee’s undisputed knowledge

of the facts regarding this issue, and its affirmative steps not to pursue it in the bankruptcy, Appellant was under no duty to further disclose it in the bankruptcy schedules. The actual dispute arose after the bankruptcy was discharged. See, e.g., *Chicon v. Carter*, 258 Ga. App. 164, 166, 573 S.E. 2d 413 (2002) (the injury and the tort suit occurred after the confirmation of the bankruptcy plan. The plaintiff/debtor gained no unfair advantage by nondisclosure and the bankruptcy court determined the claim did not form a part of the bankruptcy estate.)

In fact, Appellee itself may be bound under the doctrine of res judicata by its conscious decision not to litigate this issue in Appellant's bankruptcy proceeding. O.C.G.A. § 9-12-40 (“[a] judgment of a court of competent jurisdiction shall be conclusive between the same parties and their privies as to all matters put in issue or which under the rules of law might have been put in issue”). See also 11 U.S.C. § 541 (bankruptcy estate generally contains all of debtor's property, including the Adjacent Parcel raised by Appellee).

Moreover, Appellee acknowledges that Appellant in Schedule D filed in the bankruptcy proceeding identified an asset worth \$10,000.00 “in the column titled “Unsecured Portion, If Any”. Response Brief, p. 14. While Appellee provides its own, self-serving interpretation of what Appellant intended by that disclosure, the

disclosure of the asset is itself sufficient to create an issue of fact. As noted above, it is undisputed that Appellee was fully aware of this issue during the bankruptcy proceeding, and the record of that proceeding shows that Appellee chose not to pursue or resolve it.

Courts have found that judicial estoppel does not apply so long as creditors and the trustee were put on notice of an asset, even if the asset was not precisely identified. For example, in *Sparkman v. Zwicker & Assocs. PC*, 374 F. Supp.2d 293 (E.D.N.Y. 2005), a debtor listed a claim as a “[p]otential claim under Fair Debt Collection Practices Act” with “[m]aximum statutory damages of \$1,000” and a current value of \$0. *Id.* at 297. The defendant sought to have the court apply judicial estoppel and preclude the plaintiff from recovering damages because she listed the claim’s current value as \$0. The court declined, holding that “listing the current market value of the . . . claim as zero dollars is not tantamount to taking a position that the claim is worthless.” *Id.* at 300.

Thus, courts are less amenable to binding a debtor to the dollar amount on the schedules and are more concerned with whether the trustee and creditors have been put on notice of the claim. Even if Appellant’s disclosure of the Adjacent Parcel

was somewhat unclearly identified in Schedule D, the Schedule is clear that the Parcel was identified, thus making judicial estoppel unwarranted

Appellee's refusal to permit discovery into this matter further reinforces Appellant's position. As explained in Appellant's opening Brief, Appellant attempted to explore this issue in discovery. Appellee refused to engage in that discovery, and now seeks to use that fact to defeat showing that an issue of fact exists. See, e.g., *Erickson v. Hodges*, 257 Ga. App. 144, 146, 570 S.E.2d 420 (2002) (ruling on motion for summary judgment vacated as premature, given pending discovery); *Shipley v. Handicaps Mobility Systems*, 222 Ga. App. 101, 102, 473 S.E.2d 533 (1996) (summary judgment premature when entered before Appellant was able to question two key defense witnesses "who avoided her discovery attempts and filed affidavits in support of defendant's motion for summary judgment").

II. THE STATUTE OF LIMITATIONS AND DOCTRINE OF LACHES EXTINGUISHED APPELLEE'S CLAIM.

The equitable doctrine of laches is presently codified at O.C.G.A. § 9-3-3. As recognized in that statute, statutes of limitation apply in equitable actions. The statute goes on to provide, "[i]n addition, courts of equity may interpose an

equitable bar whenever, from the lapse of time and laches of the complainant, it would be inequitable to allow a party to enforce his legal rights.”

An action to reform a written document may be brought within seven years from the time the cause of action accrues. *Whittle v. Nottingham*, 164 Ga. 155, 161, 138 S.E. 62 (1927); *Haffner v. Davis*, 290 Ga. 753, 725 S.E.2d 286 (2012).

The limitations period here began to run at the time the Security Deed was executed in May 2004, and had expired by the time Appellee filed its claim, as set forth in detail in Appellant’s Opening Brief. Particularly instructive is *Evans v. Lipscomb*, 266 Ga. 767, 770, 470 S.E.2d 641 (1996). In *Evans*, the court held that the seven-year limitation period was not tolled due to mistake or fraud when the tenant-in-common failed to conduct a survey of the property at the time it was partitioned and a visual inspection should have made him aware that the tract he received did not consist of the purported 50 acres. *Evans, supra*, at 770. See also *Layfield v. Sanford*, 247 Ga. 92, 93, 274 S.E.2d 450 (1981) (denying reformation when Appellant did not read the deed, have it read to him, or have the property surveyed).

Similarly, in *Haffner v. Davis*, 290 Ga. 753, 725 S.E.2d 286 (2012), the Appellant sought to reform a warranty deed dated March 25, 1997, that he received

from his mother's estate. The deed referred to a boundary survey prepared for him a surveying company on March 24, 1997. The survey shows that the one-story house is located on Tract 1, which Appellant's father owned, not Tract 2, which Appellant was purchasing from the estate. Although Appellant testified that he was not aware that Tract 2 was not within the property described in his deed, he did not show any impediment that prevented him from reviewing the survey and discovering the mistake. The court held that "[i]f a party, by reasonable diligence, could have had knowledge of the truth, equity shall not grant relief." *Id.*, citing O.C.G.A. § 23-2-29; *Parker v. Fisher*, 207 Ga. 3, 7, 59 S.E.2d 715 (1950) (defense of laches applied where plaintiff seeking equitable reformation of lease waited more than three years after knowledge of the twice-transferred instrument's alleged mutual mistake to bring the action).

Appellee apparently argues that the assignment of the Security Deed to it in April 2007 "re-started" the limitations period. That is simply not the law; if it were, parties could simply defeat limitations arguments forever by transferring property once every seven years. In *Ehlers v. Upper West Side, LLC*, 292 Ga. 151, 733 S.E.2d 723 (2012), a case cited by Appellee for another proposition, the court analyzed whether an action to reform a security deed was barred by the statute of

limitations based on the date of the original transaction, even though the property had recently been sold, and looking to the date of the original transaction.

III. APPELLANT'S FORMER COUNSEL RENDERED NEGLIGENT AND INEFFECTIVE ASSISTANCE OF COUNSEL.

Appellant throughout most of the litigation of this matter before the trial court was represented by Robert T. Thompson, Jr.

After nearly three months of unsuccessfully attempting to contact Thompson with no response, Appellant learned for the first time that a motion to dismiss Appellant's third-party claims in this litigation had been filed in December 2012, and that no response or opposition had been filed by Thompson. The motion was granted on January 3, 2013 due to Thompson's failure to file an opposition.

Thompson later acknowledged that "[o]ur job is to prove the scrivener's affidavit is false and fraudulent and should be discarded completely." To do that, Thompson represented that "we intend to concentrate on written discovery of the issues" on multiple fronts. Thompson also represented in the case strategy letter that he would file a motion for summary judgment on Appellant's behalf. Thompson failed to do any other these things.

On November 8, 2013, Appellee filed a motion for summary judgment, which Appellant became aware of only through his own searches of the court's docket. On December 29, 2013, following the filing of Appellee's motion for summary judgment and only two weeks before Appellant's response to that motion was due, Thompson sent Appellant an e-mail informing Appellant that he would seek a substitution of counsel.

Appellant brings to this Court's attention public records which show that Thompson was recently suspended by the State Bar of Georgia for engaging in precisely this type of conduct in connection with his representation of multiple clients. Appellant is informed that there at least ten pending Bar grievances filed against Thompson by former clients. Appellant is informed that the Bar has also recommended that Thompson be disbarred. See Georgia Supreme Court Docket Nos. S14Y1900 (order of suspension), S15Y0003 (Notice of Discipline). Thompson is also the subject of a criminal proceeding in Fulton County for taking clients' money out of the firm's trust account.

Appellant was denied a fair hearing on the merits of this action by his attorney's neglect. Notwithstanding that neglect, Appellant has still provided a

record which shows that judicial estoppel does not apply and that genuine issues of material fact exist.

IV. MATERIAL ISSUES OF FACT EXIST, PRECLUDING SUMMARY JUDGMENT.

As set forth above, as well as in Appellant's opening Brief, genuine issues of material fact exist in this matter, which Appellant should be allowed to explore in discovery.

"To authorize a verdict reforming a deed upon the ground of mutual mistake, the evidence, like the petition, should at least by inference show the particular mistake and illustrate how it occurred; and it is also the rule that `the evidence shall be clear, unequivocal, and decisive as to the mistake.'" *Helton v. Shellnut*, 186 Ga. 185, 197 S. E. 287 (1938); *Yablon v. Metropolitan Life Ins. Co.*, 200 Ga. 693, 704 (2), (38 S. E. 2d, 534 (1946) (same).

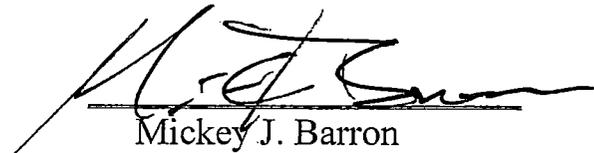
Here, the undisputed record, public record, failure on the part of Appellee to engage in discovery, and the briefs of the parties themselves show that there is no such clear and unequivocal record. The order granting summary judgment should be reversed.

CONCLUSION

For the foregoing reasons, as well as for the reasons set forth in Appellant's opening brief, the trial court's order granting summary judgment should be reversed and a remittitur issued to the trial court allowing for discovery and proceedings consistent with the decision of this Court.

Respectfully submitted,

This 25th day of September, 2014.

A handwritten signature in black ink, appearing to read "Mickey J. Barron", written over a horizontal line.

Mickey J. Barron
1610 Chattahoochee Run
Drive, Suwanee, Gwinnett
County, Georgia 30024
Pro Se

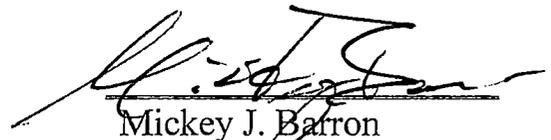
CERTIFICATION OF SERVICE

Pursuant to GA. S. CT. R. 9, the undersigned hereby certifies that this Reply Brief was served on counsel for Appellee via United States mail, as follows:

W. Reese Willis, III
AVP/Trial Counsel
Fidelity National Law Group
4170 Ashford Dunwoody Road
Suite 460
Atlanta, Georgia 30319

Daniel Moore
Scott Michalove
Baker, Donelson, Bearman, Caldwell & Berkowitz, PC
Ste. 1600, Monarch Plaza
3414 Peachtree Rd., NE
Atlanta, GA 30326

This 25th day of September, 2014.



Mickey J. Barron
1610 Chattahoochee Run Drive
Suwanee, Georgia 30024
(770) 364-6980

Pro Se



Court of Appeals of Georgia

September 25, 2014

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

RE: **A06A2264. Damien Christopher Bernard 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 November 28, 2006. The Court of Appeals affirmed the judgment of the trial court. The remittitur issued on December 18, 2006, divesting this Court of any further jurisdiction of your case. The case is therefore, final. The opinion consists of 2 pages.

REQUEST FOR COPIES

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

Please 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**

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.

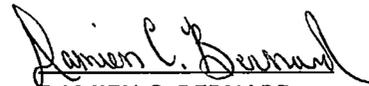
September 23, 2014

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

RE: BERNARD v. STATE OF GEORGIA, case no. AO6A2264 November 28, 2006.

Dear Clerk,

As of this date 23rd of September 2014, I have not received a copy of the Court of Appeals decision (opinion), in the above style reference matter. Would it be possible to forward me a copy, so I may further my appeal process in the state court as well as the federal court, challenging the courts decision. I would greatly appreciate it if you could fill this request for me. Thank you for your time and patience.


DAMIEN C. BERNARD

Damien C. Bernard
GDC # 1202354
Central State Prison
4600 Fulton Mill Road
Macon, Georgia 31208

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211 SEP 25 PM 08
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

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

September 30, 2014

To: Mr. Ivan R. Cunningham, III, GDC749306, Riverbend Correctional Facility, 198 Laying Farm Road,
Milledgeville, Georgia 31061

Docket Number: **Style: Ivan Russell Cunningham v. Tamara Rapson**

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

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

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

IN THE COURT OF APPEALS OF THE STATE OF GEORGIA

CLERK OF COURT,

I AM ENCLOSING A SELF ADDRESSED STAMPED ENVELOPE. WOULD YOU PLEASE RETURN TO ME ONE STAMP FILED COPY OF THE ENCLOSED APPLICATION FOR DISCRETIONARY APPEAL?

THANK YOU. IVAN RUSSELL CUNNINGHAM III

IVAN RUSSELL CUNNINGHAM, PRO SE

IVAN RUSSELL CUNNINGHAM, III G.D.C. # 749306

RIVERBEND CORRECTIONAL FACILITY

198 LAYING FARM ROAD, MILLEDGEVILLE GA. 31061

FILED IN OFFICE

SEP 26 2014

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CLERK COURT OF APPEALS OF GA

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COURT OF APPEALS OF GA

SEP 26 2014

COURT CLERK
CLERK COURT OF APPEALS OF GA

IN THE COURT OF APPEALS OF THE STATE OF GEORGIA

IVAN RUSSELL CUNNINGHAM III
PETITIONER

CHATHAM CO. SUPERIOR CRT.
CASE No. SPDR13-1770-J4

V
TAMARA RAPSON
RESPONDANT

GEORGIA COURT OF APPEALS
DOCKET NO. _____

PAUPERS AFFIDAVIT

RULES OF THE COURT OF APPEALS OF THE STATE OF GEORGIA

Rule 31. Discretionary Applications

- (d) The Clerk is prohibited from receiving the application without the filing fee, a sufficient pauper's affidavit, or a public defender's appointment to represent the party on appeal.
See O.C.G.A. c 5-6-4.

I, IVAN RUSSELL CUNNINGHAM III, HEREBY MOVE THIS COURT FOR LEAVE TO PROCEED WITHOUT PAYMENT OF COSTS. IN SUPPORT OF THIS MOTION I CERTIFY UNDER PENALTY OF PERJURY THAT I AM A STATE PRISONER/INMATE AND I AM UNABLE TO PAY A FILING FEE, BUT I BELIEVE IN GOOD FAITH THAT I AM ENTITLED TO THE RELIEF I AM SEEKING.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

RESPECTFULLY SUBMITTED THIS 19 DAY OF September 2014.
SIGNATURE, Ivan Russell Cunningham III
NAME PRINTED: IVAN RUSSELL CUNNINGHAM III, PRO SE III

G.D.C. # 749306

RIVERBEND CORRECTIONAL FACILITY

198 LAYING FARM ROAD, MILLEDGEVILLE GA. 31061

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY THAT I HAVE THIS DAY SERVED A TRUE AND CORRECT COPY OF THE WITHIN AND FOREGOING DOCUMENT(S) UPON THE PARTY(S) LISTED BELOW BY DEPOSITING A COPY OF THE SAME IN THE UNITED STATES MAIL IN A PROPERLY ADDRESSED ENVELOPE WITH ADEQUATE POSTAGE THEREON TO INSURE THAT IT REACHES ITS DESTINATION, PROPERLY ADDRESSED

UPON:

COURT OF APPEALS
CLERK OF COURT
47 TRINITY AVENUE S.W. STE 501
ATLANTA, GEORGIA, 30334

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2014 SEP 30 PM 11:17
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

ORIGINAL
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IN THE COURT OF APPEALS OF THE STATE OF GEORGIA

IVAN RUSSELL CUNNINGHAM III
PETITIONER

CHATHAM CO. SUPERIOR CRT.
CASE No. SPDR13-1770-J4

V
TAMARA RAPSON
RESPONDANT

GEORGIA COURT OF APPEALS
DOCKET NO. _____

RECEIVED IN OFFICE
21 SEP 30 PM 2:17
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COURT OF APPEALS OF GA

APPLICATION FOR DISCRETIONARY APPEAL

JURISDICTION

O.C.G.A. 5-6-35. (12) & O.C.G.A. 42-12-8

IN THE COURT BELOW

COMES NOW THE PETITIONER/PLAINTIFF IN THE ABOVE STYLED ACTION, AND SHOWS THAT AFTER A TRIAL BY THE COURT ON THE 26th, DAY OF FEBRUARY 2014, BEFORE THE HONORABLE JUDGE LOUISA ABBOTT, JUDGEMENT AND ORDERS WERE ORDERED AGAINST HIM ON THE 25th DAY OF MARCH 2014, AND BEING DISSATISFIED WITH AND URGING ERROR IN THE VERDICT AND JUDGEMENT IN SAID CASE FILED A MOTION FOR NEW TRIAL ON OR ABOUT APRIL 8th, 2014. HE ALLEGED THREE STANDARD GROUNDS FOR A MOTION FOR NEW TRIAL, JUDGEMENT CONTRARY TO EVIDENCE, JUDGEMENT AGAINST THE WEIGHT OF EVIDENCE AND JUDGEMENT CONTRARY TO LAW. HE ALSO ALLEGED THAT THERE WAS INADEQUATE EVIDENCE THAT HE ABANDONED HIS OPPORTUNITY INTEREST. PETITIONER LATER FILED AN AMENDED MOTION FOR NEW TRIAL ON JULY 17th, 2014. PETITIONER ARGUED THAT (1) THE TRIAL COURT ERRED IN FINDING THAT HE ABANDONED HIS OPPORTUNITY INTEREST; (2) THE TRIAL COURT ERRED IN TERMINATING HIS PARENTAL RIGHTS. MOTION FOR NEW TRIAL WAS DENIED ON AUGUST 21st, 2014. (SEE ATTACHED #1)

[TRANSCRIPT WILL BE NOTED AS "T", PAGE "P", LINE "L"]

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

September 30, 2014

To: Mr. Yarnell D. Donald, GDC873793 G-2, Macon State Prison, Post Office Box 426, Oglethorpe, Georgia 31068

Docket Number: **Style: Yarnell D. Donald 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

APPLICATION FOR APPELLATE REVIEW

RECEIVED IN OFFICE
2011 SEP 30 PM 12:30
CLERK/COURT ADMINISTRATION
COURT OF APPEALS OF GA

To The Georgia Court of Appeals:

Yernell D. Donald, #873793, Applicant, applies to the court as follows:

1) To issue an order granting the applicant an appeal from the 'Motion to Set Aside Judgement' Order of the Superior Court of Gentry County, Honorable A. Wallace Cato, presiding, in the case styled 'Motion to Set Aside Judgement', STATE OF GEORGIA v. Yernell D. Donald, Defendant, Indictment No. 11-R-105, this order having held: that the motion is

DENIED

2) Applicant shows that the jurisdiction is properly in this court because O.C.G.A. 42-12-8 requires individuals to apply for an appeal to the Court of Appeals from orders denying Motions to Set Aside Judgements.

3) This Application is filed within 30 days of the entry of the Motion to Set Aside Judgement, complained of, the date of which was August 27th, 2011.

4) Applicant submits that an appeal should be granted because:

"In Georgia law O.C.G.A. 17-9-4 authorizes defendants to collaterally attack void judgements at anytime." Barrett v. State, 183 Ga. App 729, 730 (1987)

Trial Judge, A. Wallace Cato, denied Defendant's Motion on the grounds that because defendant cited 'Title 9' which governs civil-cases, that it couldn't apply to Defendant's case which is criminal and governed by 'Title 17'.

"A judgement which is void for any cause is a mere nullity and it may be so held in any court where it becomes material to the interest of

the parties to consider it" (Barrett supra)

Trial Judge, A. Wallace Cato, reconstructed Defendant's motion to set aside judgment and treated it as a motion to vacate void sentence. While we ask that judges liberally construe such motions to the best of their knowledge, Defendant believes that this is the appropriate remedy in which he requests the trial court to review such claims.

Applicant has attached, as exhibits, the Order denying the motion to set aside judgment.

Respectfully Submitted,

Yarnell D. Donald

Yarnell D. Donald

Defendant, 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

September 30, 2014

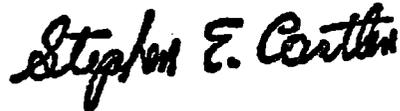
Mr. Martin L. Fierman
Attorney at Law
296 North Main Street
Madison, Georgia 30650

RE: Jason R. Miller v. The State

Dear Mr. Fierman:

We are returning the enclosed two (2) DVDs in the above referenced matter for your files.
If you have any questions regarding this matter, please do not hesitate to contact this office.

Sincerely,



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

SEC/ld
Enclosures

MARTIN L. FIERMAN

Attorney at Law

Telephone: (706) 342-1661
Facsimile: (706) 342-9916
mlfierman@fiermanlawfirm.com

296 N. Main Street
Madison, Georgia 30650-1313
www.fiermanlawfirm.com

November 21, 2012

Via Certified Mail, Return Receipt Requested

Clerk
Court of Appeals of Georgia
47 Trinity Avenue, SW
Suite 501
Atlanta, Georgia 30334-9006

FILED IN OFFICE

NOV 21 2012

COURT CLERK
CLERK COURT OF APPEALS OF GA

RE: **JASON R. MILLER v. STATE OF GEORGIA**
(Application For Interlocutory Appeal)
Court of Appeals, State of Georgia

Dear Sir/Madam:

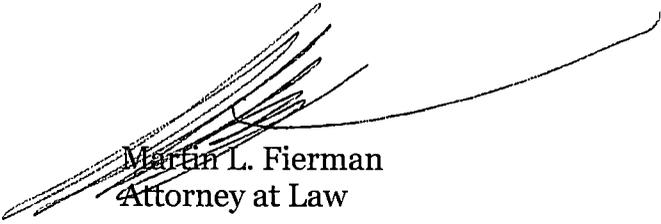
Please find enclosed the original and two copies of Applicant's **Application For Interlocutory Appeal** to be filed in your Court.

Also enclosed is my check in the amount of *Eighty & 00/100 Dollars (\$80.00)* as required for filing in your Court.

Using the envelope provided, please return the extra copy of these pleadings indicating the date of filing.

Thank you for your assistance and courtesy.

Yours,


Martin L. Fierman
Attorney at Law

MLF/jf
Attachments

Cc: Allison Mauldin, Esquire (w/enclosure)
Jason R. Miller (via Email w/attachment)

RECEIVED IN OFFICE
2012 NOV 27 PM 1:37
CLERK/COURT ADMINISTRATION
COURT OF APPEALS OF GA

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

September 30, 2014

To: Mr. Gerald Fisher, 799 Verner Street • Apartment B, 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.** Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.
- The Notice of Appeal must include a proper Certificate of Service.** A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.
- An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____ The remittitur issued on _____ divesting this Court of jurisdiction. The case decision is therefore final.
- Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the _____ is: _____
- If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.
- A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

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

FILED IN OFFICE

SEP 26 2014

COURT CLERK
CLERK COURT OF APPEALS OF GA

RECEIVED IN OFFICE
2014 SEP 29 PM 12:25
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

FORM 4 - NOTICE OF FILING CERTIORARI

COURT OF APPEALS OF GEORGIA

Gerald Fisher,

*

APPELLANT

*

vs.

*

CASE NUMBER

Camden County,

*

2004RC373

APPELLEE

NOTICE OF FILING PETITION OF CERTIORARI

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

This the 13 day of September, 2014.
Gerald Fisher (Sign your name.)
799 Verner St Apt B
Atlanta GA 30318

(Your complete address.)

CERTIFICATE OF SERVICE

I certify that I have this day served Camden County Clerk (opposing party or attorney) with a copy of this Notice of Filing Petition of Certiorari by Priority mail (hand delivery/mailing a copy first class mail postage prepaid) to him/her at: 210 E 4th St Woodbine GA 31569.

(complete address of party served).

This the 13 day of September, 2014.
Gerald Fisher (Sign your name.)

STATE OF GEORGIA
CAMDEN SUPERIOR COURT

Filed 9-17-14 at 9:30 A.M.
Dorothy Mercer Deputy Clerk

FORM 2 - PAUPER'S AFFIDAVIT

COURT OF APPEALS OF GEORGIA

RECEIVED IN OFFICE
 2014 SEP 29 PM 3:24
 CLERK/COURT ADMINISTRATOR
 COURT OF APPEALS OF GEORGIA
 RECEIVED IN OFFICE
 AUG 29 AM 11:19

Gerald Fisher

APPELLANT

vs

State of Georgia

APPELLEE

*
*
*
*

CASE NUMBER

2004CR373

PAUPER'S AFFIDAVIT

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

1. Are you presently employed? Yes No

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

If the answer is "No", state the date of last employment and the amount of the salary and wages per month which you received: Cable News Network, 20
dollars an hour, 3,000 per month

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

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

If the answer to any of the above is "Yes", describe each source of money and state the amount received from each source during the past twelve months: 3,000 per month

FORM 2 - PAUPER'S AFFIDAVIT page 2

3. Do you own any cash, or do you have money in a checking or savings account? (Include any funds in prison accounts) Yes No

If the answer is "Yes", state the total value of the items owned: _____

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

If the answer is "Yes", describe the property and state its approximate value:

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

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

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

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

I, Gerald Fisher, 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 26 day of August, 2014.

Gerald Fisher
(Your name printed or typed)

Gerald Fisher
(Sign your name.)

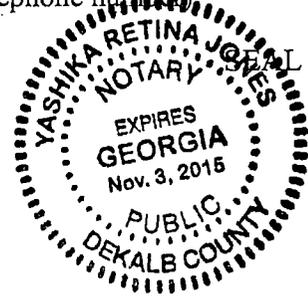
799 Werner St Apt B

Atlanta GA 30318 404-447-0267
(Your complete address and telephone number)

Sworn to and subscribed before me

this the 26 day of August, 2014

[Signature] Notary Public



Georgia court of appeals

Motion to waive benefit privilege

State of Georgia)
) court case number 2004CR373
vs.)
)
Gerald Fisher)
)

I GERALD ALEXANDER FISHER waive the benefit privilege of being corrected (sentenced) or having any “record” of an arrest, in regards to the above numbered case. THE UNITED STATES is not a country. The UNITED STATES is a corporation (U.S. Code > Title 28> Part VI > chapter 176 > Sub chapter A > & 3002)

28 U.S. Code & 3002- Definitions

As used in this chapter:

(1) “Counsel for the United States” means-

(15) “United States” means-

(A) a Federal corporation;

(B) an agency, department, commission board, or other entity of the United States; or

(C) an instrumentality of the United States.

(16) “United States marshal” means a United States marshal, a deputy marshal, or an official of the United States Marshals Service designated under section 564.

The United States Federal Government was dissolved by the Emergency Banking Act in March 1933. The Federal government as it is now known is in name only. On June 5, 1933, congress passed House Joint Resolution 192(HJR 192) to suspend the gold standard and abrogate the gold clause in the national constitution in order to handle the bankruptcy emergency of the United States, and to assure uniform value to the coins and currencies of the United States. To meet this end, the notes of the Federal Reserve Bank were created and declared “legal tender” for all payments, public and private, and that all payments in gold coin were against “public policy”. The government officials then called upon the Federal Reserve bank to bail out the country with a loan at interest. The Federal Reserve issued bank notes to be the new currency. The currency of the United States became fiat money created by the Federal Reserve and is based on credit system, which means

money in reality is not an object of value, money is debt. Fiat money comes at a price. When the Federal Reserve creates money for use in commerce, it sells currency credits to national banks who then distribute this currency to the public. Because the UNITED STATES was bankrupt, it had no way to repay the loan, so it pledged the tax collections from the people of the UNITED STATES to meet this end. The U.S. declared bankruptcy in 1933 by President Roosevelt by Executive Order 6073, 6102, 6111, and 6260, and was codified at 12 U.S.C.A 95a (See: Senate Report 93-549, pgs. 187 & 594 under the "Trading With The Enemy Act [Sixty-Fifth Congress, Sess. I, Chs. 105, 106, October 6, 1917])

When I was born in the UNITED STATES, my future productive energy in the form of taxable income was pledged to the State via my Birth Certificate. A Birth Certificate is a certified bond (which includes a bond number) that the State sells on the open market to fund the UNITED STATES and its interest on the National Debt. Each birth certificate is valued as an authorized security interest. The purchaser of that bond is the Secured Party who owns the profits of my future energy output, which is measured in currency credits called Federal Reserved Notes.

Our money requires the force of a human to provide a signature for it before it is created; it is the signature that retains the value. This fact is a simple reality that a bank cannot issue its own credit nor can a court. This is where the term 'extension' in the financial markets is derived. The bank is extending the credit from another human to the receiving party. This is not a loan; it is an allowance from the previous activity. The credit is available through the private human to the public bank and then it goes back to the U.S. Citizens which become a public borrower. The human is able to enter into the public because he is a living, breathing, physical human being. In order to operate in the public, the human needs a U.S. Citizen to stand for him in the public domain.

All that is required from the U.S. Citizen is to have a human all sign the instruments, so in fact it is the human that must represent the citizen and furnish his bodily strength by his signature. The human would be supposed to be a compliant and willing party without obtaining any rights, without agreeing to terms that would be beneficial to him. If he applies his signature without determining new terms then he will not gain any rights in reimbursement for the value that he provided, which was the extension of his credit.

According to the United States Code, Nationals and Citizens of the UNITED STATES are under the jurisdiction of the United States and are required to fulfill the obligations thereof. One of these obligations is to contribute to reducing the National Debt, the loans from the Federal Reserve Bank, and restoring solvency in the UNITED STATES economic system.

I GERALD ALEXANDER FISHER am the collateral for every dollar that is printed in the United States. **I was not involved in any kind of "commerce" when I was arrested for "attempted burglary"**. I was defrauded by the court system because I was not told that according to Title 27 CFR section 72.11 Commercial crimes. Any of the following types of crimes (Federal or State): Offenses against the revenue laws; **burglary**; counterfeiting; forgery; kidnapping; larceny; robbery; illegal sale or possession of deadly weapons; prostitution (including soliciting, procuring, pandering, white slaving, keeping house of ill fame, and like offenses); extortion; swindling and confidence games; and attempting to commit,

conspiring to commit, or compounding any of the foregoing crimes. Addiction to narcotic drugs and use of marihuana will be treated as if such were **commercial crime**.

It is my assertion that my attorney, who is an extension of the court system, withheld pertinent information of my case. The District Attorney's office never made me aware of any maritime jurisdiction. This fraud caused me to enter a plea deal. I was never afforded adequate representation for this so-called crime. An attorney is not, representation. All persons have the right to adequate representation.

THE SIXTH AMENDMENT

The key to the fraud hinges on understanding the 6th Article of Amendment of the Constitution of the United States. The discussion begins with the text as follows: 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. The key words in the emphasized portions are ALL and SHALL. "All" implies that there is more than one criminal jurisdiction. "Shall" makes the enjoyment of the right to be informed mandatory. The information or indictment must state the nature and cause in plain language that is understood by the accused. Many victims accused of offenses against the STATE or UNITED STATES have found themselves in prison and all their assets forfeited "for lack of understanding" of the nature and cause of the accusation.

The Supreme Court has held:

There are no common law offenses against the United States. Only those acts which congress has forbidden, with penalties for disobedience of its command, are crimes. *United States v. Hudson & Goodwin*, 11 U.S. (7th Cr.) 32 (1812); *United States v. Coolidge*, 14 U.S. (1 Wheat.) 415 (1816); *United States v. Britton*, 108 U.S. 199, 206 (1883); *United States v. Eaton*, 144 U.S. 677, 687 (1892). Actions to recover penalties imposed by act of Congress generally but not invariably have been held **not to be criminal** prosecutions. *Oceanic Navigation Co. v. Stranaham*, 214 U.S. 320 (1909); *Hepner v. United States*, 213 U.S. 103 (1909); *United States v. Regan*, 232 U.S. 37 (1914). Contempt proceedings, which were at one time not considered to be criminal prosecutions, are no longer within that category. Compare *In re Debs*, 158 U.S. 564 (1895), with *Bloom v. Illinois*, 391 U.S. 194 (1968).

WHAT IS THE NATURE OF THE ACCUSATION?

If common law crimes against the United States do not exist, then article III, Section 2 provides for four different jurisdictions, law, equity, admiralty, and maritime. By process of elimination, I have ruled out

all other jurisdictions of law by virtue of the above Supreme Court holdings. Equity is defined as "Justice administered according to fairness as contrasted with the strictly formulated rules of common law. The term equity denotes the spirit and habit of fairness, justness, and right dealing which would regulate the intercourse of men with men. (See: Black's 6th). Equity deals with fictions, like corporations. Since it is common knowledge that law and equity have been combined are virtually indistinguishable from each other, and that anyone who has witnessed "criminal" proceedings in the courts easily recognizes that these "criminal" or "quasi-criminal" accusations are most usually contrary to the spirit and habit of fairness and justness and right dealing of men with men.

Therefore, the cause of action cannot be in equity. Admiralty is defined in Bouviers 1856 edition as": the name of a jurisdiction which takes cognizance of suits or actions which arise in consequence of acts done upon or relating to the sea; or, in other words, of all transactions and proceedings relative to commerce and navigation, and to damages or injuries upon the sea. 2 Gall. R. 468. Black's 6th edition observes that: "the terms "admiralty and "maritime" are virtually synonymous." Bouvier's 1856 edition defines "Maritime Cause" as:

1. Maritime causes are those arising from maritime contracts, whether made at sea or on land, that is, such as relate to the commerce, business or navigation of the sea; as, charter parties, affreightments, marine loans, hypothecations, contracts for maritime service in building, repairing, supplying and navigating ships, contracts and quasi contracts respecting averages, contributions and jettisons; contracts relating to marine insurance, and those between owners of ships. 3 Bouv. Inst. n. 2621.

2. There are maritime causes also for torts and injuries committed at sea.

3. In general, the courts of admiralty have a concurrent jurisdiction with courts of law, of all maritime causes: and in some cases they have exclusive jurisdiction. As long ago as 1851 the Supreme Court recognized that the Congress has the power to extend the jurisdictions of admiralty and maritime causes to the land under the commerce clause and deprive the people of the right of a trial by jury. The following holding by the high court pretty much says it all. : This power [of admiralty jurisdiction] is as extensive upon land as upon water. The Constitution makes no distinction in that respect. And if the admiralty jurisdiction, in matters of contract and tort which the courts of the United States may lawfully exercise on the high seas, can be extended to the lakes under the power to regulate commerce, it can with the same propriety and upon the same construction, be extended to contracts and torts on land when the commerce is between different States it may embrace also the vehicles and persons engaged in carrying it on. It would be in the power of congress to confer admiralty jurisdiction upon its courts, over the cars engaged in transporting passengers or merchandise from one State to another, and over the persons engaged in conducting them, and deny to the parties the trial by jury. Now the judicial power in cases of admiralty and maritime Jurisdiction has never been supposed to extend to contracts made on land and to be executed on land. But if the power of regulating commerce can be made the foundation of jurisdiction in its courts, and a new and extended admiralty jurisdiction beyond its heretofore known and admitted limits, may be created on water under that authority, the same reason would justify the same exercise of power on land." Propeller Genessee Chief et al. v. Fitzhugh et al. 12 How. 443 (U.S. 1851)the very next year, in 1852, the Supreme Court warned that this admiralty or

maritime threat to liberty was encroaching on the land and morphing itself into an air breathing creature just as a harmless tadpole transforms itself into a frog, and this is a really ugly frog. If you had never seen a tadpole gradually go through this miraculous process, you might never believe that such a transformation could occur, changing a harmless water-breathing creature into an air-breathing predator. Next to revenue (taxes) itself, the late extensions of the jurisdiction of the admiralty are our greatest grievance. The American Courts of Admiralty seem to be forming by degrees into a system that is to overturn our Constitution and to deprive us of our best inheritance, the laws of the land. It would be thought in England a dangerous innovation if the trial, of any matter on land was given to the admiralty" Jackson v. Magnolia, 20 How. 296 315, 342 (U.S. 1852) has the Congress expanded this admiralty and maritime jurisdiction? The answer is a definite and Emphatic, yes. One only need examine the codification at Title 18 of the United States Code, Section 7:

TITLE 18 - CRIMES AND CRIMINAL PROCEDURE PART I - CRIMES

CHAPTER 1 - GENERAL PROVISIONS

Sec. 7. Special maritime and territorial jurisdiction of the United States defined

The term "special maritime and territorial jurisdiction of the United States", as used in this title, includes:

(1) The high seas, any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, and any vessel belonging in whole or in part to the United States or any citizen thereof, or to any corporation created by or under the laws of the United States, or of any State, Territory, District, or possession thereof, when such vessel is within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State.

(2) Any vessel registered, licensed, or enrolled under the laws of the United States, and being on a voyage upon the waters of any of the Great Lakes, or any of the waters connecting them, or upon the Saint Lawrence River where the same constitutes the International boundary Line.

(3) Any lands reserved or acquired for the use of the United States, and under the exclusive or concurrent jurisdiction thereof, or any place purchased or otherwise acquired by the United States by consent of the legislature of the State in which the same shall be, for the erection of a fort, magazine, arsenal, dockyard, or other needful building.

(4) Any island, rock, or key containing deposits of guano, which may, at the discretion of the President, be considered as appertaining to the United States.

(5) Any aircraft belonging in whole or in part to the United States, or any citizen thereof, or to any corporation created by or under the laws of the United States, or any State, Territory, district, or possession thereof, while such aircraft is in flight over the high

seas, or over any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State.

(6) Any vehicle used or designed for flight or navigation in space and on the registry of the United States pursuant to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies and the Convention on Registration of Objects Launched into Outer Space, while that vehicle is in flight, which is from the moment when all external doors are closed on Earth following embarkation until the moment when one such door is opened on Earth for disembarkation or in the case of a forced landing, until the competent authorities take over the responsibility for the vehicle and for persons and property aboard.

(7) Any place outside the jurisdiction of any nation with respect to an offense by or against a national of the United States.

(8) To the extent permitted by international law, any foreign vessel during a voyage having a scheduled departure from or arrival in the United States with respect to an offense committed by or against a national of the United States.

-SOURCE- (June 25, 1948, ch. 645, 62 Stat. 685; July 12, 1952, ch. 695, 66 Stat. 589; Pub. L. 97-96, Sec. 6, Dec. 21, 1981, 95 Stat. 1210; Pub. L. 98-473, title II, Sec. 1210, Oct. 12, 1984, 98 Stat. 2164; Pub. L. 103-322, title XII, Sec. 120002, Sept. 13, 1994, 108 Stat. 2021.)

The broad language of Title 27, Code of Federal Regulations, Part 72.11 makes almost all crimes whether or not they are Federal or States crimes "commercial crimes." In the Propeller Genessee Chief, supra, it was revealed that admiralty courts have jurisdiction over interstate commerce, so it would follow that the crimes listed in 27 CFR 72.11 are cognizable in an admiralty or maritime court, and such are commercial courts. The relevant part of the text is as follows:

Commercial crimes are any of the following types of crimes (Federal or State): Offenses against the revenue laws; **burglary**; counterfeiting; forgery; kidnapping; larceny; robbery; illegal sale or possession of deadly weapons; prostitution (including soliciting, procuring, pandering, white slaving, keeping house of ill fame, and like offenses); extortion; swindling and confidence games; and attempting to commit, conspiring to commit, or compounding any of the foregoing crimes. Addiction to narcotic drugs and use of marihuana will be treated as if such were commercial crime.

In the Ebsworth & Ebsworth lecture of 1994, infra, Proctor Wiswall states: "Congress has been repeatedly held by the Court to have the power to extend the admiralty and maritime jurisdiction by statute, and Congress has repeatedly exercised that power;" (see e.g., The "Lottawana", 88 U.S. 558

(1875); also *Panama Railroad v. Johnson*, 264 U.S. 375 (1924)). Admiralty and maritime jurisdictions' were merged with the law and equity jurisdictions in 1966 (See: Federal Rules of Civil Procedure notes to supplementary rules for certain Admiralty and Maritime claims).

All four causes of action (or natures of the cause) which were once separate and distinct are now rolled into one set of rules and indistinguishable from one another in our modern courts. Federal Rules on Civil Procedure, (FRCP) Rule 1 provides that: "These rules govern the procedure in the United States district courts in all suits of a civil nature whether cognizable as cases at law or in equity or in admiralty with the exceptions stated in rule 81." Rule 2 provides that: "There shall be one form of action to be known as "civil action." FRCP Rule 9(h) provides in part: "if the claim is cognizable only in admiralty, it is an admiralty or maritime claim for those purposes whether so identified or not." FRCP rule 38(e) provides that: "These rules shall not be construed to create a right to a trial by jury of the issues in an admiralty or maritime claim within the meaning of the rule 9(h). Law, equity, admiralty and maritime, the once separate and distinct jurisdictions are now neatly rolled into one set of rules, tried in the same courtroom with the same judge, on the same docket with nothing to distinguish the different jurisdictions from one another commercial crimes!

I also want a full accounting of C.R.I.S (court registry investment system) for the above mentioned court case number 2004CR373

Resolution

1. That my arrest is expunged from my permanent record.
2. That the court recognizes my right to: waive the benefit privilege of being sentenced for any correction in regards to this case.
3. A full accounting of the Court Registry Investment System (C.R.I.S) accounts

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

September 25, 2014

To: Mr. Johnny Gregory, Reg. No. 57012-019, Federal Correctional Institution - Englewood, 9595 West Quincy Avenue, Littleton, Colorado 80123

Docket Number: **Style:** **Johnny Brett Gregory v. Scott Chitwood, et al.**

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

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

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

Supreme Court of Georgia Case Transfer Form

Date: 09/24/2014

Case Number: S14D1719

Date of Transfer: 08/14/2014 (MFR denied 9/22/14)

Briefs/Motions Filed Before Transfer:

<u>Filing Date</u>	<u>Description</u>	<u>Attached?</u>
07/19/2014	Discretionary Application	<input checked="" type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>
		<input type="checkbox"/>

*Please do not Return
first 4 pages. They
are internal paper
work for the Courts.

Thank you*

Briefs/Motions Filed After Transfer:

<u>Filing Date</u>	<u>Description</u>	<u>Attached?</u>
		<input type="checkbox"/>
		<input type="checkbox"/>

Costs:

Cost Paid Date:

Payer:

Payment Type: Credit Card Check Cash

Transaction Number (if applicable):

Receipt Number:

Costs Not Paid: Indigent

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2014 SEP 24 PM 2:40
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COURT OF APPEALS OF GA



SUPREME COURT OF GEORGIA

Case No. S14D1719

Atlanta, August 14, 2014

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

JOHNNY BRETT GREGORY v. SCOTT CHITWOOD et al.

From the Superior Court of Whitfield County.

Applicant seeks to appeal a 2011 order entered in a civil damages action. The order directs that UCC financing documents be removed from Florida's registry. There appearing no basis for subject matter jurisdiction in this Court, the application hereby is transferred to the Court of Appeals.

All the Justices concur.

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I certify that the above is a true extract from the Minutes of the Supreme Court of Georgia.

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

Sia C. Fulton, Chief Deputy Clerk

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2014 SEP 24 PM 2:40

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA



SUPREME COURT OF GEORGIA
Case No. S14D1719

Atlanta, September 22, 2014

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed.

JOHNNY BRETT GREGORY v. SCOTT CHITWOOD et al.

Upon consideration of the Motion for Reconsideration filed in this case, it is ordered that it be hereby denied.

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.

Theresa A. Barnes, Clerk

APPLICATION FOR
DISCRETIONARY APPEAL

D5-030

Case No. S14D1719

D5-030

JOHNNY BRETT GREGORY v. SCOTT CHITWOOD et al.

Trial Court Order: July 28, 2011

Filed: July 19, 2014

Response by: July 29, 2014

Final order due by: August 18, 2014

Grant: _____

Deny: _____

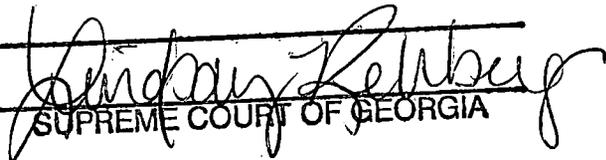
Dismiss: _____

Transfer: _____

Other: _____

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AND FILED.

JUL 19 2014



SUPREME COURT OF GEORGIA

IN THE SUPREME COURT
FOR THE STATE OF GEORGIA

in re: Johnny Brett Gregory)
sui juris/Petitioner/Secured Party.) Cause Number
10-CI-272-B
_____) Superior Court of
Whitfield County,
State of Georgia

GA. Supreme Ct. No.

EX PARTE & Sua Sponte
MOTION PURSUANT O.C.G.A. §9-11-60(f)
TO VACATE VOID ORDER AB INITIO
OF SUPERIOR COURT, WHITFIELD COUNTY
STATE OF GEORGIA, JUDGE
J. STEPHEN SCHUSTER
DATED JULY 22, 2011
FROM LACK/WANT OF
SUBJECT-MATTER JURISDICTION AND VENUE

COMES NOW, Petitioner, Johnny Brett Gregory, with clean hands and in good faith and attacks the "VOID"&"ILLEGAL" ORDER of July 22, 2011, issued from WHITFIELD COUNTY, STATE OF GEORGIA, SUPERIOR COURT Judge J. STEPHEN SCHUSTER [See:(Exhibit 1)], as being "VOID" and unenforceable in the State of Florida. His abuse of discretion under O.C.G.A. §9-11-60(f), invoking lack of Subject-Matter Jurisdiction or venue, in the State of Florida. This ex parte & sua sponte MOTION is timely Pursuant O.C.G.A. §9-11-60(f), which states:

"A judgment Void because of lack of Jurisdiction of the person or subject-matter may be attacked at any time".

Georgia State Judge J. STEPHEN SCHUSTER exceeded the outer bounds of his, State of Georgia, judicial powers in his Court ORDER of July 22, 2011, thus causing all other ORDERS and Judgments from Judge J. STEPHEN SCHUSTER (i.e. Cause Number 10-ci-272-B) to be Nullities and universally characterized as "VOID" ab initio. See: Vally v. Northern Fire & Marine Ins. Co., 254 US 348, 41 S.Ct. 116 (1920)-- which states: "The law is well-settled that a VOID order or judgment is VOID even before reversal."

THE COURT SHALL TAKE JUDICIAL NOTICE

- A. THE ORDER OF JULY 22, 2011, FROM STATE JUDGE J. STEPHEN SCHUSTER, BEING "VOID" FROM WANT OF VENUE, WHICH IS EXCLUSIVE IN THE STATE OF FLORIDA, AT TALLAHASSEE:

This ex parte & Sua Sponte MOTION TO VACATE the Georgia State Judgment, because the venue is/was only proper in the Northern District of Florida, where Secured Party Gregory had filed his legal UCC Commercial Lien #2:20-09-JBG-666-01, on May 18th, 2009, through and under Financing Statement No. 200900538803, as a matter of law i.e. (to secure secured party Gregory's private property, that was illegally taken and not returned on July 19, 2005 by Debtors.)

Additionally, the legal UCC filings were processed in Florida through -- FloridaUCC Inc., who conducts business in the State of Florida, where its headquarters are located at, P.O. Box 5588, Tallahassee, Florida 32314. All FloridaUCC Inc. business is processed at the above address, where UCC Documents from all 50 States are processed, thus, in the territorial jurisdiction exclusively in the United States District Court for the Northern District of Florida, at Tallahassee, Pursuant 28 USC §1391(b). FloridaUCC Inc. is Secured Party Gregory's HOLDER-N-DUE-COURSE for all legal Documents in this matter.

ARGUMENT

The fact in Secured Party Gregory's ex parte & Sua Sponte MOTION TO VACATE, is that all State of Georgia Court ORDERS and Judgments from/by State Judge J. STEPHEN SCHUSTER, in Cause Number 10-ci-272-B, was without authority and beyond any State of Georgia judges' legal power, delegated by Judge SCHUSTER^{fn1/}. However, "an act beyond that authority and certainly in contravention of it, (Judge SCHUSTER's) Judgments and ORDERS are regarded as Nullities: they are not voidable, but simply "VOID", and this even prior to reversal". Williamson B. Berry, 8 How 945, 540 12 Led 1170, 1189 (1850).

cont.

^{fn1/} Including the documentary fact that Georgia State Judge J. STEPHEN SCHUSTER did not have jurisdiction over a claim valued at \$53,060,000 Dollars. See: 28 USCA §1332; See also: Slips 1, 2, & 3.

cont.

Furthermore, Judge J. STEPHEN SCHUSTER was/is without the necessary Subject-Matter Jurisdiction and, Venue, thus all of his ORDERS are VOID and enforcement thereof has deprived Johnny Brett Gregory of private property, secured by the above legal identified UCC Lien,^{fn2/} without Due Process, contrary to the Fifth and Fourteenth amendments of the United States Constitution.

The Georgia Code O.C.G.A. §9-11-60(f) and the inherent powers of the court and Ga.Const.Art. VI §7, para. 6 provides for the speedy, efficient and inexpensive resolution of unlawful conduct and to vacate "VOID" ORDER ab initio of Judge J. STEPHEN SCHUSTER of July 22, 2011 via cause number 10-CI-272-B, due to lack/want of the required Subject-Matter Jurisdiction and Venue.

CONCLUSION

THEREFORE, Johnny Brett Gregory, moves this Honorable Court to GRANT this ex party & Sua Sponte MOTION TO VACATE, Pursuant O.C.G.A. §9-11-60(f) and to VACATE the "VOID" ORDER ab initio of Georgia State Superior Judge J. STEPHEN SCHUSTER, by declaring to FLORIDAUCC INC., that the Georgia State ORDER of July 28, 2011 **"IS VOID AND UNENFORCEABLE**, and that FLORIDAUCC INC. shall continue business as necessary with the Secured Party Johnny Brett Gregory upon receipt of the ORDER and remove any/all "Flags or Marks" attached to Secured Party Bregorys Lien of Security Agreement currently held within FLORIDAUCC INC.

Dated: July 19, 2014.

Respectfully Submitted


Johnny Brett Gregory sui juris

cc: FloridaUCC Inc.
Reg. No. 7012 3460 0002 2201 2204
Therese S. Bames
Reg. No. 7012 3460 0002 2201 2211

7012 3460 0002 2201 2211

^{fn2/} See: Rich v. Braxton, 158 US 375, which specifically forbids judges from invoking Equity Jurisdiction to remove common law liens -- UCC or similar clouds on title.

856 Motorcycles & Bikes

JUST LIKE NEW!!
 2006 FLHXI Harley Davidson
 Street Glide, vivid black, full
 Rinehart exhaust, passenger
 detachable backrest, AM/FM
 radio & CD player, security
 system, garage kept, only 4,300
 miles. Please call 706-581-3516.

SOLUTION:

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1	8	2	7	0	5	3	6	4
4	3	9	6	1	3	2	7	5
3	4	8	1	7	2	0	5	6
7	2	0	5	8	9	1	4	3
9	1	5	3	6	4	7	8	2
8	6	1	2	4	7	5	3	9
5	7	4	9	3	1	6	2	8
2	9	3	8	5	6	4	1	7

LEGAL NOTICES

901 Public Notices

PUBLIC NOTICE
 The annual report of the Tunnel Hill
 Women's Club Scholarship Fund is
 available for inspection by any citizen
 during normal business hours, within
 180 days after publication of this notice
 of availability. Tunnel Hill Women's Club
 Scholarship Fund at 172 McCallie Dr.
 Tunnel Hill GA 30755
 04/11

NOTICE
 "Superior Court Judge, ROBERT B.
 ADAMS; LAW CLERK, PAT GIDDENE;
 Clerk of the Civil Court, AMBER
 WINKLER; Clerk of the Superior Court,
 BETTY NELSON; Clerk of the Superior
 Court, MELICA KENDRICK; DA,
 KERMIT N. MCMAHUS; Asst. DA LEE
 MILES; Sheriff, SCOTT CHITWOOD;
 Captain RICKEY SWINEY; Detective R.

901 Public Notices

DEWAYNE HOLMES; WHITFIELD
 COUNTY SHERIFF DEPARTMENT;
 WHITFIELD COUNTY CRIMINAL
 INVESTIGATION DIVISION;
 WHITFIELD COUNTY, GA: are all
 herein served via Publication with Notice
 of Commencement of Federal Civil
 Rights Action #1409-CV-64HLM, in the
 ROME DIVISION, of the U.S. DISTRICT
 COURT, N.D. OF GEORGIA.
 Therein you have twenty (20) days to
 respond, or default judgment will be
 sought against you individually and
 severally, in the amount of US
 \$53,060,000.00/100.
 Copies are available at the Rome, GA
 Clerks Office.
 (706)378-4080
 04/11 04/17 04/24

Power
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Former inmate sues county officials

By MARK MILLICAN
markmillican@dailycitizen.com

A former inmate at the Whitfield County Jail has filed a \$53 million civil suit in federal court in Rome against several court and law enforcement officials in Whitfield County saying property taken from him during a drug bust violated his civil rights.

Johnny Brett Gregory, 35, of 2680 Highway 301 S. in Jesup, was arrested on July 19, 2005. He alleges that property taken from him as a result of the drug bust has not been returned, and that some of the property did not belong to him although it was in his possession. Gregory, who is black, also alleges that another person who was arrested, who is white, was treated "significantly different" while jailed and was released earlier.

The suit requests \$60,000 in compensatory damages

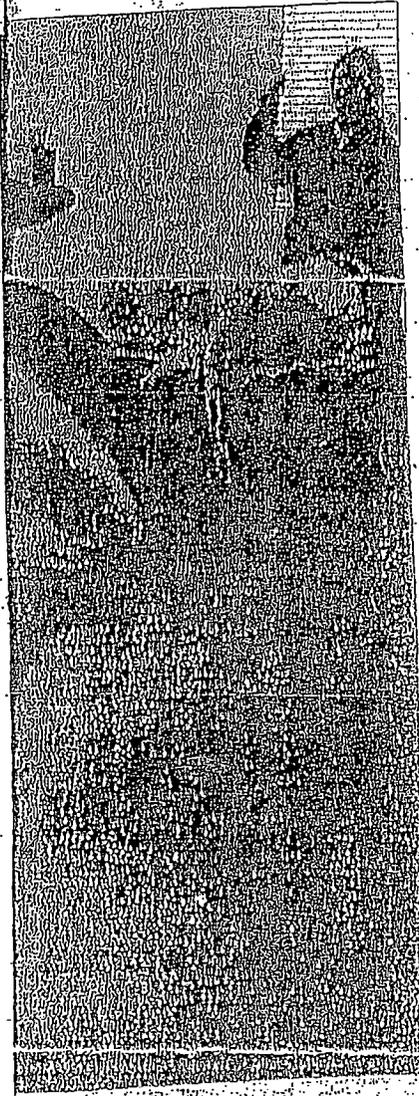
and \$53 million in punitive damages. It names 11 defendants, including Sheriff Scott Chitwood, District Attorney Kermit McManus, and Superior Court Judge Robert Adams.

"I don't know if (the suit) has been officially served (on us)," said county attorney Robert Smalley, who viewed the document online. "We'll have 20 days to file an answer in federal court, and we will ask for a motion to dismiss on the issue of seized property."

Smalley said appropriate officials in the sheriff's and district attorney's offices were looking into the allegations and it appeared to them proper procedures were followed.

"We'll take every step to make sure our officers are protected appropriately," he said of the county's legal response.

A phone number for Gregory could not be found.



CONTRIBUTED PHOTO

for Self-Defense for Women at

for Women

situa- to cover materials. For more

THE DAILY CITIZEN

Dalton's Award-Winning Daily Newspaper
Dalton, Georgia 30720

308 South Thornton Avenue

706-217-6397

LEGAL AFFIDAVIT

I, Gary Jones, Advertising Director of the Daily Citizen, a newspaper published in the city of Dalton, Georgia, do solemnly swear the advertisement for:

Notice Notice of Commencement of Federal
Civil Rights Action # 409-CV-54ALM

has run 3 time(s) in the newspaper

Run dates are as follows:

April 11 2009

April 24 2009

April 17 2009

Gary Jones
Gary Jones
Advertising Director

Sworn on this day 28 April 2009

Notary Public Don Adams

Notary Expires Notary Public, Walker County, Georgia
My Commission Expires September 3, 2011

IN THE SUPERIOR COURT OF WHITFIELD COUNTY
STATE OF GEORGIA

JOHNNY BRETT GREGORY, *

Plaintiff *

VERSUS *

SCOTT CHITWOOD, ET AL., *

Defendants *

CIVIL ACTION FILE NO.

10-CI-272-B

CLERK OF SUPERIOR COURT

Myra K. Ketchum

2011 JUL 28 PM 1:34

FILED & RECORDED
WHITFIELD COUNTY, GA

ORDER GRANTING MOTION TO HAVE UCC DOCUMENTS REMOVED
FROM TRANSACTION REGISTRY

The above-styled case came on before the Court pursuant to a Rule Nisi, and the Court considering Defendants' Chitwood, Swiney, Holmes, and Carrier Motion To Have UCC Documents Removed From Transaction Registry, and after hearing and considering argument of Plaintiff and counsel for the above Defendants, and after consideration of said Motion and the response of Plaintiff, and the record in this case, and after due and careful consideration by this Court, this Court finds there does not exist any basis for Plaintiff's filing of the subject UCC Financing Statement Document Number 200900538803, as amended, with the FLORIDA UCC, INC., Designated Filing Office, Florida Secured Transaction Registry, and there are sufficient grounds to grant said Motion, and thus,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Defendants' Motion To Have UCC Documents Removed From Transaction Registry is GRANTED.

IT IS FURTHER ORDERED that FLORIDAUCC, INC., within 30 days of this Order, strike and remove from the Florida Secured Transaction Registry, and any associated database, UCC Financing Statement bearing Document Number 20090058803, as amended.

IT IS FURTHER ORDERED that Plaintiff and anyone acting on behalf of or in concert with Plaintiff are permanently enjoined from filing or attempting to file with FLORIDAUCC, INC. or the Florida Secured Transaction Registry any Financing Statement, lien, fi. fa., execution or other like document against Defendants Chitwood, Swiney, Holmes, or Carrier or any other individual or entity listed as a Debtor Party on the above UCC Financing Statement bearing Document Number 20090058803, as amended.

IT IS FURTHER ORDERED that in the future Plaintiff and anyone acting on behalf of or in concert with Plaintiff are permanently enjoined from filing against Defendants Chitwood, Holmes, Swiney and Carrier or any other individual or entity listed as a Debtor Party on the above UCC Financing Statement bearing Document Number 20090058803, as amended, any UCC Financing Statement, fi. fa., lien, execution or other like document with any court or agency.

IT IS FURTHER ORDERED that FLORIDAUCC, INC., within 30 days of this Order, make the necessary modifications to the Florida Secured Transaction Registry in order to flag or mark any Financing Statement, lien, or other document sought to be filed by, or on behalf of Plaintiff against the above Defendants or any other individual or entity listed by the Plaintiff on the above UCC Financing Statement bearing Document Number 20090058803 as a Debtor Party. If Plaintiff or any person or other entity acting in concert or participation with Plaintiff attempts to file such documents, FLORIDAUCC, INC. is Ordered to immediately notify the Whitfield County Attorney.

IT IS FURTHER ORDERED that the Plaintiff did not and does not have any judgment in the amount of \$53,060,000.00 or any other amount against Defendants Chitwood, Swiney, Holmes, or Carrier or any other individual or entity named as a Debtor Party in the above UCC Financing Statement bearing Document Number 20090058803, and because there was and is no basis for the Plaintiff's filing of said UCC Financing Statement bearing Document Number 20090058803, said UCC Financing Statement bearing Document Number 20090058803 was filed by Plaintiff in bad faith.

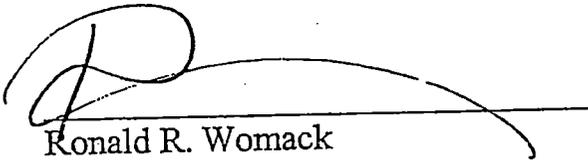
IT IS FURTHER ORDERED that because Plaintiff filed the UCC Financing Statement bearing Document Number 20090058803 in bad faith and none of the entities named as Debtor Parties authorized the filing of said Financing Statement,

Plaintiff shall pay, within 30 days from the entry of this Order, statutory damages in the amount of \$250.00 to each individual and entity named as Debtor Parties in UCC Financing Statement bearing Document Number 20090058803, as amended, pursuant to O.C.G.A. §11-9-625(e)(3).

SO ORDERED, THIS 22 DAY OF July, 2011.



JUDGE J. STEPHEN SCHUSTER
SUPERIOR COURT OF COBB COUNTY
COBB JUDICIAL CIRCUIT



Ronald R. Womack
Ga. Bar No. 773650
Womack, Gottlieb & Rodham, P.C.
P. O. Box 549
LaFayette, Georgia 30728
706-638-2234

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

September 25, 2014

To: Mr. Jermaine A. Davis, GDC1179868, Georgia Diagnostic and Classification Center, State Prison, Post Office Box 3877, Jackson, Georgia 30233

Docket Number: A15D0045 **Style:** Jermaine A. Davis 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

To: Court of Appeals of Georgia
47 Trinity Ave. Suite 501
Atlanta, Ga. 30334

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SEP 22 2014
CLERK, COURT OF APPEALS OF GEORGIA

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2014 SEP 23 PM 4:15
CLERK/COURT ADMINISTRATION
COURT OF APPEALS OF GEORGIA

RE: Application # A1500045

Greetings.

I hereby request the court to extend the time period for filing a Stamped filed copy of court order for the following reasons:

- Appeal court order wasn't received until 9-18-2014.

- I have to request a stamped filed copy of court order from Superior Court Clerk of Clayton County, in which it may exceed the time frame granted by the court.

21 Day of Sept. 2014

Sincerely, *James H. Davis*

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

September 29, 2014

To: Ms. Deborah Figueredo, 4217 Sears Road, Columbus, Georgia 31907

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)
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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
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16. Other:

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

**Response to Application for Discretionary Appeal
Deborah Figueredo v. Rene Figueredo
Civil Acton File No. SU140M2557-06**

FILED IN OFFICE
2014 SEP 22 PM 4:13

H. LINDA PIERCE
MUSCOGEE COUNTY
SUPERIOR COURT

SEPTEMBER 22, 2014

TO: COURT OF APPEALS

47 TRINITY AVENUE, S.W. ., SUITE 501

ATLANTA, GEORGIA 30334

(404) 656-3450

FROM: DEBORAH FIGUEREDO

PRO SE

4217 SEARS RD

COLUMBUS. GEORGIA 31907

RECEIVED IN OFFICE
2014 SEP 24 PM 2:45
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

RE: DEBORAH FIGUEREDO v. RENE FIGUEREDO

CIVIL ACTION FILE NO: SU140M2557-06

*Response to Application for Discretionary Appeal
Deborah Figueredo v. Rene Figueredo
Civil Acton File No. SU140M2557-06*

To the Court of Appeal for the State of Georgia, Deborah Figueredo, applies to the court as follows

To deny an Order granting the Respondent an appeal from the Family Violence Six month Protective Order of the Superior Court of Muscogee County, Honorable Judge John Allen presiding in the Case style Deborah Figueredo v. Rene Figueredo, case no SU140M2557-06 this order having held that the Respondent violated the Family Act, O.C.G.A.s 19-13-1et.seq.

The respondent started sending text messages to me on the date of August 8th 2014 and stopped on August 22nd 2014 when he was served with the Family Violence EX Parte Protective Order. The text messages that I received was not only sent out to me, but also my family members and the respondent's sister. In the many violent rants the respondent used offensive, vulgar, harassing words, and also threatening me. I am in fear for my life when the respondent compared himself to a terrorist group that beheads people. Copies of all pertinent documents have been attached to this response as exhibit A.

- a. Exhibit A, copies of text messages from the respondent.*
- b. Other recipients' of the Text messages Jade Figueredo, Ana Figueredo, and Ramon Figueredo*

Wherefore, I Deborah Figueredo Pro Se prays:

- (a) That the Court extends the Protective order to a year : and*
- (b) That the Respondent takes an Anger Management Coarse at his cost.*



Deborah Figueredo

4217 Sears Rd

Columbus Ga 31907

September 22,2014

Exhibit A

August 8, 2014.
From Rene. 703-400-7059
Deborah

Hi!! 😊

I would like to congratulate for your 23 years of military service. I heard that you - Deborah Figueredo distinctively encompassed the entire spectrum of military service from peacetime to combat operations. You exceptionally demonstrated technical and tactical proficiency and outstanding leadership by always leading from the front, optimizing the performance of leaders, subordinates, and teams through shared consciousness and purpose while continuously accomplishing all duties with exemplary results. Your technical and tactical acumen, selfless service, loyalty, and unwavering dedication to Soldiers and superiors reflects great credit on herself, the United States Army Corps of Engineers, and the United States Army.

For the record: The Uniformed Services Former Spouses Protection Act (USFSPA) is a federal law that authorizes state courts to distribute military retired pay to a spouse or former spouse of a service member as part of a divorce decree which to me is simply UNFAIR, corrupt, and extremely ridiculous. In 1982, our worthless Congress just like then and now decided to focus on protecting the non-military female member of a military marriage which to me is simply ridiculous.

You married me in 1991 and not in 1989 when I decided to enlist in the Army. Clearly, while married you did not worked or even try to attempted to complete your undergraduate studies but yes you took care of our wonderful and beautiful kids in which it is expected; correct?.

This law is totally BS and another glaring inequity is that the minimum of 20 years creditable service military personnel must perform to receive retired pay their spouses qualify for the moment they say "I do" and receive their DD FORM 1173. The USFSPA fails to take into account the vastly different - REAL characteristics, the daily duties, scope and duration of "services to the nation" performed by the respective military marriage partners. The divorced partner who is ordered in harm's way and engages in warfare receives the same consideration at the retired pay as their non-combatant spouse; do you think that is fair and a former spouse deserve this entitlement? FOR REAL? This law is tantamount to a congressionally endorsed lifetime of tyranny, to affected service members that have served honorably for 20 years.

In summary: You are still very dependent instead of having your independence. You lack vision, ambition, and resiliency --- far from workmanship created In Christ Jesus for good works. This is not a Good Deed entitle to you and you know it. You were never my motivation; our kids were. I should have left and divorced you in 1991 thereafter our marriage. I never failed to provide and always went beyond the call in our former home and after our divorce. Yes, I agree and acknowledge that I have committed many things that are disapproved by GOD but in no way I abused you or the kids nor committed any domestic violence during our marriage. Maybe we need to petition for a similar Act just like The Uniformed Services Former Spouses for a Congressman or the president or a government official or a regular civilian when they retired from office or job; do you agree? To close it out, please do not use my name or SSN for any references for leasing or what the ever the case maybe. You violated trust on what we discussed about the situation with DFAS. Thanks for f*cking me again!... Enjoy.

Let the Lord Jesus Christ take control of you, and don't think of ways to indulge your evil desires.
Romans 13:14

Monday, August 11 at 2:54 PM

Would like to have a portion of my SS too since it was made mainly from military earnings?

August 12 at 4:18 PM

Interesting in what you sent to Ana

If I recalled correctly; in 2009, you stated that you were not going to pursue such action (go after my retirement pension which is a total BS Law) on what signed on the divorced as long I would take care of the kids and fulfilled my obligations... That is why you have the house back to me... I guess you have forgotten that conversation.. That is why I am upset.. And will be upset until I died... Now,,, And you call yourself woman of GOD and spiritually minded!!!; where is the principle; do you really think that you are entitle to this?

Go and F your self Deborah along with your worthless politicians

Enjoy

You are sure a hypocrite !!!

Thank you

August 16 at 6:02 PM

ISIS ain't GOT sh*t!

So enjoy the benefits my former spouse!!!! FUCK you !!!!!

August 16 3:05 PM
From René Figueredo

~~war is upon us~~



The only
Difference

~~I am extremely competent on how to engage in the enemy!! 🤖 have fun ladies and enjoy!!~~

~~Deborah Moore~~

~~You drew first Blood!!!!~~

~~Enjoy !~~

~~BTW, Anita~~

~~This is between your sister and I~~

~~And consequently on this matter... Your sister lacks integrity and poised to be a true person...~~

~~Something that was discussed and agreed back in 2009.. Conclusion this war is between me and your sister... .~~

~~So stay out of it!~~

~~YOUR sister a Fing LOSER and dependent of the laws of this FUP country~~

~~The state of Georgia; the state of losers and prostitutes to include. Dependents on service members~~

~~Deborah~~

~~Prepare your forces because I am coming.. Is not threat is a promise!!! 🤖~~

August 16 at 5:34 PM

~~In the meanwhile enjoy the benefits~~

~~Do not be a coward!!~~

~~You fucking bitch~~

August 16 at 6:05 PM

~~Do not be a coward!!~~

~~You fucking bitch FUCK YOU~~

~~For blockin me~~

~~Share it and embraced it~~

~~Ramon~~

~~Get your own plan under your mother~~

~~I am cutting your off~~

August 17 5:22 PM

~~You are very disloyal and very very disrespectful~~

~~And the way you are going; you are following the foot stapes of your sorry ass mother~~

~~FUCK you Deborah~~

~~MAY GOD burn your ass in HELL~~

1990!!!

Love you my darling ex spouse and i also love you my dear and fuck up legislators!!

So

Go to IRAQ and kick some ass Girl along with your f up friends!!!

may GOD BLESS this warrior

And of course may God Bless this hypocrite and love able and selfish loser!!! (Rene Figueredo)

To my American Losers, the hypocrites, the ignorant, the gifted, and To My Saved and religious

DEBORAH MOORE Figueredo

**GLORY in this

Thus saith The Lord, Let not the wise man glory in his / her wisdom, neither let the mighty man glory in his might, let not the rich man glory in his riches: but let him that glorieth glory in this, that he understandeth and knoweth me, that I am The Lord which exercise lovingkindnes, judgement, kept promises, righteousness, in the earth: for in these things I delight.

The Lord wants those whose hearts, minds, and spirits are engaged with him and willing to act on his words..

MAY God continue to Bless the good ones and the ones that continue to take advantage of the system..

Can I get an Amen!!?

So have a little chat with your mother; check her out

... I AM 110% right

Again this between your mother and I

And this stems from 2008-2009

And she knows but I know

She will not admitted to you or Ramon...

August 17 at 5:39 PM

FUCK YOU Ramon

You see

LOSER

Mother

Good bye

I will see you in the battle

Response from Ramon Figueredo

I hope u mean taking her to court Becu u dot wanna go into a physicall battle with me I'm telling u now I'll end it

It's not a threat it's a warning

Response from René Figueredo to Ramon Figueredo

Funny!!

Fuck off Son to include your whore fucking mother

Response from Ramon Figueredo

I really don't care jus shut the fuk up

And don't threaten me or my mother again Becuz if u do We can take care of this thru court

....now end it

August 17 at 5:31 PM

Pay four son's cel phone

Plan

And please do not let turn him to be like you; an opportunist, a dependent, and a sorry ass loser like you..

Sincerely

The man WHO has been taking care of your ass since 1990..

~~Bye your fucking cunt~~

~~The war is only started~~

August 22 at 7:25 PM

To Deborah!! \$\$

Hi

Hope all is well

Enjoy my beautiful Ramera!

Una Ramera will be a Ramera from birth until death... So in conclusion; let's is pray and God be with you Deborah,.

Please note: I know these messages will not be acknowledge by you because you are a remarkable coward and lacks the fortitude to face the truth... I know your sister Anita will erase such text message and so forth.. It is okay -and it is also okay to have a worthless piece of sh\$t like yourselves living in this world... YOU are a fucking an exceptional bitch and a precious Ramera!!!

~~Have a good weekend your worthless ass / cunt~~

~~Enjoy the dependency \$ from this worthless GOV~~

~~👊FUCK you BITCH~~

~~Wishing you days on heavenly earth are less than any other human beings!!~~

~~Enjoy the dependency \$ you fucking bitch, trader, lying ass, WHORE?!!!!!!~~

~~I fucking hate YOU~~

~~👊👊👊👊👊 COLLECT your food stamps 👊👊👊 YOUR fuckjng loser since 1990~~

~~Good job!~~

~~👊 your time and your future is 🤪looks good!!!!👊👊👊fuck you!!!~~

~~Btw~~

~~Jade~~

~~Your mother will not answer~~

~~Because your mother is a piece of sh\$t she will not answer and of course guilt is a bitch... That is why she gave the phone to Anita; wow; an awesome thing to do and also remarkable example to follow and emulate by other losers... I am willing to bet you that your Aunt Anita will erase all these messages, it is okay... I want you to be aware and to know what kind of family that you are involved with!!!!.... The truth will come and the end state will be prosperous... So in summary... Not also your aunt can be issue to the problem and but she is part of the problem just like your BITCH ass whore MOTHER....~~

~~VIVA LOS FIGUEREDOS~~

~~And you DEBORAH; FUCK you and DIE~~

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

Date: September 29, 2014

To: Mr. Anthony Bush, 639 23rd Street, LaSalle, Illinois 61301

Docket Number: A15A0150 **Style:** Kenneth Inman v. The State

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

1. Your Appellant's Brief, was not accompanied by the statutory filing fee (\$300.00 civil; \$80.00 criminal *Effective July 1, 2009) or a sufficient pauper's affidavit. OCGA§5-6-4 and Rule **Your pauper's affidavit should be notarized by a notary public.**
2. A Request for Oral Argument must be filed as a separate document. Rule 28 (a) (3)
3. Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)
4. No Certificate of Service or an improper Certificate of Service accompanied your document(s). Rule 6
5. Your Certificate of Service did not include the complete name and mailing address of each opposing party. Rules 1(a) and 6. You should provide a copy of your filing to the District Attorney and include his/her name and address on your Certificate of Service.
6. There were an insufficient number of copies of your document. Rule 6.
7. Your document exceeds page limits. Rules 24 (f) and 27 (a)
8. Your document was submitted without permission to file (supplemental brief or second motion for reconsideration). Rules 27 (a) and 37 (d)
9. Letter briefs and letter cites are not permitted. Rule 27 (b)
10. Your request for court action must be submitted in motion form. Rule 41 (a)
11. Your motions were submitted in an improper form (joint, compound or alternative motions in one document). Rule 41 (b)
12. Type was on both sides of the paper; type font was smaller than 10 characters per inch; and/or the type was not double-spaced. Rules 1(c), 37(a) and 41(b).
13. The pages were not sequentially numbered with arabic numerals. Rule 24 (e)
14. Case and/or record citations were not made in the proper form. Rules 24 (d) and 25 (c) (2)
15. Margins were too small or paper size incorrect. Rules 1(c), 24(c), 37 (a) and 41(b)
16. Your document(s) was (were) not securely bound at the top with staples or round head fasteners. Rule 1 (c)
17. The Motion to Supplement has not been granted.
18. **Other: This Court has adopted a new rule which states no payment is due if the appellant is incarcerated. Enclosed please find the United States Postal Service money order #22207106294 in the amount of \$80.00.**

Court of Appeals of Georgia
47 Trinity Ave. SW
Suite 501
Atlanta, Ga. 30334

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CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

To it may concern,
Please show as receipt of payment for the petition filed by Mr. Kenneth Inman.
Case # A15A0150. Any questions or concerns, please contact me at 815-228-7070.
Thank you!

Anthony D. Bush
Anthony D. Bush

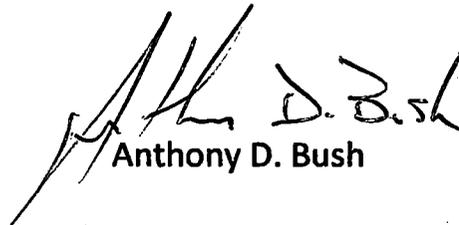
UNITED STATES POSTAL SERVICE		POSTAL MONEY ORDER		
Serial Number	Year, Month, Day	Post Office	U.S. Dollars and Cents	
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Pay to	Amount		Clerk	
Court of Appeal of GA.	EIGHTY DOLLARS & 00c *****		0005	
Address	UNITED STATES POSTAL SERVICE	from	Address	
47 TRINITY AVE SW Suite 501 Atlanta, GA. 30334	U.S. MAIL	Anthony Bush	630 23rd St. LaSalle IL 61301	
Memo	SEE REVERSE WARNING • NEGOTIABLE ONLY IN THE U.S. AND POSSESSIONS			
#A15A0150	22207106294			

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47 Trinity Ave. SW
Suite 501
Atlanta, Ga. 30334

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CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

To it may concern,

Please show as receipt of payment for the petition filed by Mr. Kenneth Inman.
Case # A15A0150. Any questions or concerns, please contact me at 815-228-7070.
Thank you!


Anthony D. Bush

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STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

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

To: *Anthony Bush*
Docket Number: *A15A0150*

Style: *Kenneth Inman v. The State*

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

1. Your Appellant's Brief, was not accompanied by the statutory filing fee (\$300.00 civil; \$80.00 criminal *Effective July 1, 2009) or a sufficient pauper's affidavit. OCGA §5-6-4 and Rule 5 **Please be advised that your pauper's affidavit should be notarized by a notary public.**
2. A Request for Oral Argument must be filed as a separate document. Rule 28 (a) (3)
3. Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)
4. No Certificate of Service or an improper Certificate of Service accompanied your document(s). Rule 6
5. Your Certificate of Service did not include the complete name and mailing address of each opposing counsel and pro se party. Rules 1(a) and 6. You should provide a copy of your filing to the District Attorney and include his/her name and address on your Certificate of Service.
6. There were an insufficient number of copies of your document. Rule 6.
7. Your document exceeds page limits. Rules 24 (f) and 27 (a)
8. Your document was submitted without permission to file (supplemental brief or second motion for reconsideration). Rules 27 (a) and 37 (d)
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10. Your request for court action must be submitted in motion form. Rule 41 (a)
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16. Your document(s) was (were) not securely bound at the top with staples or round head fasteners. Rule 1 (c)
17. The Motion to Supplement has not been granted.
18. Other: *New rule no payment due IT is in prison.*

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

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

September 29, 2014

To: Mr. Brent Crittendon, GDC99493520, Gwinnett County Jail, 2900 University Parkway,
Lawrenceville, Georgia 30043

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 send your communication to the Sentence Review Panel rather than the Court of Appeals of Georgia. The address of the Sentence Review Panel is: Council of Superior Court Judges, Sentence Review Panel, Legislative Office Building, 18 Capitol Square • Suite 108, Atlanta, Georgia 30334.**
- 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.

To whom it may concern,
 I am formally requesting that your office assign someone to review my case. Greeting my name is Brent Crutendon and on or about September 5, 2014 I was tried and convicted for the charge of Armed Robbery with no prior history in Guineet County. I strongly believe that this was not done in Good Faith, because my 5th and 6th amendment of the U.S. Constitution and the Federal rule #16 to criminal procedures was in fact seriously violated along with my Federal Constitutional rights to due process and an unbiased trial. I was not afforded a jury of my peers as there was no one on my jury that was in my age range, class or depth. I truly believe that because the assistant district attorney was in a rush to justice and because she was not prepared that I was racially profiled and sacrificed. Because the assistant district attorney did not adhere to the letter of the law by following procedure, her action were in fact unprofessional, bias, arbitrary, malicious and a gross abuse of authority. The trying of this case appears to have shown no integrity, no continuity and no consistency. It was completely structured and fabricated off of pure speculation and circumstantial evidence and this is why I believe that this judgment should be challenged and not be allowed to stand.

Attn: Sentence Review Panel / Honorable Board
 of Arbitration and Review

23 September 2014

Brent Crutendon
 G.C.D.C. # 99193520
 Indictment # 14-B-035-4
 2900 University Parkway
 Lawrenceville Ga 30043

RECEIVED IN OFFICE
 2014 SEP 26 11:17
 CLERK/COURT ADMINISTRATION
 COURT OF APPEALS OF GA



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

Date: September 29, 2014

To: Mr. Michael Carrick, 7812 Kolven Cove, Columbus, Georgia 31909

Docket Number:

Style:

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

1. Your Appellant's Brief, was not accompanied by the statutory filing fee (\$300.00 civil; \$80.00 criminal *Effective July 1, 2009) or a sufficient pauper's affidavit. OCGA§5-6-4 and Rule **Your pauper's affidavit should be notarized by a notary public.**
2. A Request for Oral Argument must be filed as a separate document. Rule 28 (a) (3)
3. Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)
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6. There were an insufficient number of copies of your document. Rule 6.
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15. Margins were too small or paper size incorrect. Rules 1(c), 24(c), 37 (a) and 41(b)
16. Your document(s) was (were) not securely bound at the top with staples or round head fasteners. Rule 1 (c)
17. The Motion to Supplement has not been granted.
18. Other: **Enclosed please find the \$10.00 bill sent to this Court for Ms. Sharniece Moore. There is no one working here with that name. Also in the future, please do not send cash in the mail.**



COURT OF APPEALS OF GEORGIA

RETURN NOTICE

September 29, 2014

To: Mr. Kyle R. Bishop, III, GDC1073991 L-4, 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.
- 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 MAGISTRATE COURT OF WILCOX COUNTY
STATE OF GEORGIA

RECEIVED IN OFFICE
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COURT ADMINISTRATOR
RT. OF APPEALS OFFICE

KYLE RICHARD BISHOP III

Applicant,

V

Case No.: 14-0197FW

JENNIFER BENZ SCOTT,

Accused.

NOTICE OF APPEAL

Notice is hereby given that Kyle Richard Bishop III, swears to the following: applicant above named, hereby appeals to the Court of Appeals from the judgment of failure to issue criminal warrant herein on September 15, 2014.

The offenses for which accused was accused of is Perjury and False Swearing and the application for criminal warrant was denied.

The application for criminal warrant and payments was filed on September 15, 2014.

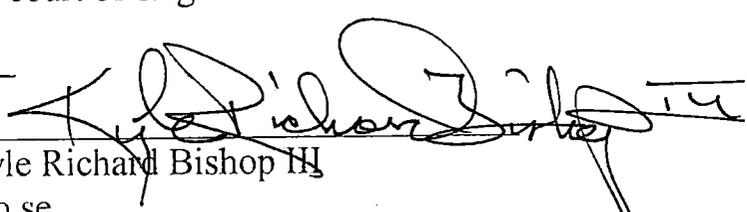
The clerk will not omit any items from the record and will issue a copy of the transmittal to the Applicant/Appellant.

Evidence, affidavits, application and file notes will be filed for inclusion in the record on appeal.

This court, rather than the Court of Appeals has jurisdiction of this case on appeal for the reason that it is the court of original record.

Dated:

September 23, 2014



Kyle Richard Bishop III

Pro se

G.D.C. # 1073991

Wilcox State Prison L-4

P. O. Box 397

Abbeville, GA 31001-0397

CERTIFICATE OF SERVICE

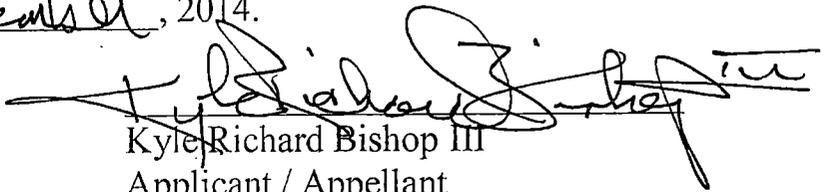
Comes now, Kyle Richard Bishop III, Applicant/Appellant, pro se and swears that he has served this Honorable Court and the Appeals Court of State of Georgia an original to Notice of Appeal by placing same into the U. S. Mail, Postage Paid, and addressed to:

Magistrate Court of Wilcox County
103 North Broad St.
Abbeville, GA 31001

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

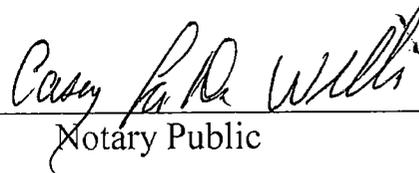
Applicant / Appellant further saith not.

This 23 day of September, 2014.



Kyle Richard Bishop III
Applicant / Appellant
G. D. C. # 1073991
Wilcox State Prison L-4
P. O. Box 397
Abbeville, GA 31001-0397

Sworn to and Subscribed before me.



Notary Public



2014

Georgia Court of Appeals

R U L E S

Last Update: May 15, 2014

RULES COURT OF APPEALS OF GEORGIA

These rules are not intended to reiterate all applicable laws. Where the word "counsel" has been used, this will include pro se parties. The latest version of these rules can be found at the Court web site: www.gaappeals.us.

**This publication contains the rules
and all amendments thereto made through**

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I. GENERAL

Rule 1.

Documents; Communications; General.

(a)

Requirement for Written and Signed Documents.

All filings, documents, motions, briefs, requests and communications relating to appeals shall be in writing, shall be filed with the Clerk's office, shall be signed by an attorney of record, an attorney granted courtesy appearance or pro se party, and shall include the mailing address and telephone number of the attorney or pro se party signing the document, and shall show that copies have been furnished to opposing counsel. Documents with conformed or stamped signatures by judges, attorneys, law firm staff, or an attorney's employee shall not be permitted. No signatures by express permission are permitted. All pleadings, including, but not limited to briefs, motions, requests, applications and notices shall be signed by counsel filing the document. All signed documents shall include the State Bar of Georgia membership number of all submitting attorneys.

(b)

Communications with the Court.

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

(c)

Documents.

All documents filed with the Court shall be typed or printed on non-transparent, letter size (8 1/2" x 11") white paper and bound at the top with staples or fasteners (round head or Acco) except as provided in Rule 46. All documents filed with the Court shall have no less than double spacing between the lines including quotations and footnotes. Letter spacing and type or font size shall be no smaller than 10 characters per inch. Notwithstanding the ten (10) characters per inch requirement, the Court shall accept in lieu thereof Times New Roman Regular 14pt (Western). Any documents that do not comply with the Court rules may be returned to counsel with notice of the defect of the pleading, and/or counsel may be ordered to redact and recast such documents. All paper documents filed with this Court shall have a non-glossy, white back of recyclable paper, heavier than regular stationery-type paper.

(d)

Counsel.

All reference to counsel in these rules shall include pro se parties.

(e)

Facsimile Filing.

The Court does not accept facsimile filings.

Rule 2.

Hours; Filing Fees; Stamped Copies.

(a)

Clerk's Office Hours of Operation and Location.

The Clerk's office shall be open Monday through Friday from 8:30 a.m. to 4:30 p.m. E.S.T./E.D.T. The address is: Clerk, Court of Appeals of Georgia, Suite 501, 47 Trinity Avenue, S.W., Atlanta, Georgia 30334. The telephone number is (404) 656-3450.

(b) **Filing Fees.**
All filings requiring fees must be accompanied by a check or money order, a sufficient pauper's affidavit or a form showing a public defender has been appointed to represent the party. The Clerk is not responsible for cash accompanying a filing.

(c) **Stamped "Filed" Copy.**
If a return stamped "filed" copy of a filed document is needed, parties filing such documents must include an extra copy and a pre-addressed stamped envelope with sufficient postage to have the document returned.

Rule 3. Expiration Date.
When an expiration date falls on Saturday, Sunday, or an official state or national holiday, the time is extended to the next business day.

Rule 4. Filing and Determination of Filing Date.
Except as otherwise provided in this rule, a document will be deemed filed in the Court of Appeals on the date it was physically received in the office of the Clerk of the Court of Appeals with sufficient costs, if applicable, and stamped filed. The office of the Clerk generally is open 8:30 a.m. to 4:30 p.m.

(a) **Drop Box.**
When the office of the Clerk is not open, documents may be deposited in the Court of Appeals drop box for filing. Documents placed in the drop box are removed each morning and clocked to the present time and date, but shall be deemed filed on the prior business day. The drop box is located inside the street level entrance to the 47 Trinity Avenue Building, which generally is open between 7:00 a.m. and 5:00 p.m., although the Georgia Building Authority may change the hours during which the building is open without prior notice.

(b) **Electronic Filing.**
Attorneys admitted to practice in the Court of Appeals of Georgia are permitted to file certain documents electronically with the Court pursuant to Rule 46 and the Court's electronic filing instructions which are available at www.gaappeals.us. The filing date of documents filed electronically is determined in accordance with the electronic filing instructions.

(c) **Filing by Mail or Commercial Delivery.**
A document transmitted to the office of the Clerk by United States Postal Service priority, express, or first-class mail (including certified or registered mail) or by a commercial carrier for overnight delivery shall be deemed filed on the date shown by the official postmark affixed by the United States Postal Service (not a private or commercial postage meter) or the date shown on the commercial carrier's transmittal

form on the envelope or package containing the document, if the envelope or package is properly addressed, postage prepaid, and the postmark or transmittal date is legible. Otherwise, the document will be deemed filed on the date the document was physically received in the office of the Clerk.

(d) Filings by Pro Se Prisoners.

In the absence of an official United States Postal Service postmark showing a date on or before the filing deadline, a document submitted by a prisoner who is not represented by an attorney shall be deemed filed on the date the prisoner delivers the document to prison officials for forwarding to the Clerk of the Court of Appeals. Such delivery shall be shown by the date on the certificate of service or on an affidavit submitted by the prisoner with the document stating the date on which the prisoner gave the document to prison officials with sufficient prepaid postage for first-class mail and the name of the prison official to whom the document was delivered. Such certificate or affidavit will give rise to a presumption that the date of filing reflected in the affidavit is accurate, but the State may rebut the presumption with evidence that the document was given to prison officials after the filing deadline or with insufficient postage. If the institution has a system designed for legal mail, the prisoner must use it to rely upon the provisions of this paragraph.

(e) Motions for Reconsideration.

Any other provision of these rules notwithstanding, a motion for reconsideration shall be deemed filed only on the date on which it is physically received in the office of the Clerk. See Rule 37.

Rule effective April 23, 2012

Rule 5. Costs.

Costs are \$80 in all criminal cases and \$300 in all civil cases. Costs shall not be required where either a sufficient pauper's affidavit or a form showing a public defender has been appointed to represent the party has been filed with the Court or is contained in the record. Costs shall accrue upon the docketing of an application or direct appeal and shall be paid no later than the filing of the application or filing of the appellant's brief in direct appeals. Appellant and appellant's counsel are liable for costs when the case is docketed. Costs are not required to file an appellant's brief in a direct appeal which is filed pursuant to an order of this Court granting an interlocutory or discretionary application. The Clerk shall not receive a brief of the appellant or an application unless costs have been paid, a sufficient pauper's affidavit has been filed, or a form showing appointment of a public defender to represent the appellant on appeal has been filed or evidence of indigency is contained in the record.

For purposes of this rule, appeals from probation revocation and juvenile delinquency cases shall be deemed criminal cases and the costs for filing an application or a direct appeal in such cases shall be \$80.

Rule Amendments effective April 23, 2012

Rule 6.

Copies and Certificate of Service.

All documents filed with the Clerk shall include an original and two copies. All documents shall show copies have been furnished to opposing counsel. Service shall be shown by written acknowledgment, certificate of counsel or affidavit of server, to include the name and complete mailing address of all opposing counsel. Service shall be made before filing. Any document without a certificate of service shall not be accepted for filing. The certificate of service shall be signed by counsel and attached to the document filed.

Rule 7.

Contempt.

Breach of any rule of the Court of Appeals or failure to comply with an order of this Court subjects the offending party and/or attorney to contempt and may subject the appeal to dismissal or cause appellee's brief to be stricken. The Court may, upon a finding of conduct constituting contempt, impose a fine not to exceed \$2,500.00 against each contemner or revoke the license to practice in this Court, or both.

Rule 8.

Notice of Cause for Disqualification or Recusal.

Cause for disqualification or recusal of a judge of this Court shall be brought to the attention of the Clerk as soon as practicable. See Rule 44.

II. ATTORNEYS

Rule 9.

Attorneys.

(a)

Application and Oath.

Any member of the State Bar of Georgia may be admitted to practice in this Court upon written application, and the certificate of at least two attorneys of this Court, that such member is of good private and professional character. The oath, may be administered by the Clerk, Deputy Clerk or Deputy Administrator. It may be taken in open court, before a judge in chambers, or in the Clerk's office. (Georgia attorneys requiring immediate admission to the Court may contact the Clerk's office to obtain special admission without their personal appearance for swearing in. The fee is \$200.00 in addition to the regular admission fee, payable to the Clerk of the Court of Appeals. The attorney must submit the written application with the signatures of at least two attorneys of this Court that such attorney is of good private and professional character. The form may be submitted in a .pdf format to the Clerk's office. The Clerk will arrange to telephonically administer the oath. Thereafter, the attorney will provisionally be admitted pending receipt of the fee.) The oath is as follows:

I do solemnly swear (or affirm) that I will conduct myself as an attorney or counselor of this Court truly and honestly, justly and uprightly, and according to law; and that I will support the Constitution of the State of Georgia and the Constitution of the United States. So help me God.

After the oath has been administered, the applicant shall sign the roll of attorneys admitted to practice in the Court.

(b)

Fee.

The fee for admission is \$30.00, payable to the Clerk of the Court of Appeals of Georgia, who shall issue a license under the seal of the Court as evidence of applicant's authority to practice.

(c)

Appearance by Courtesy.

As a matter of professional courtesy, a visiting attorney from another state, a district, or territory or a resident attorney, who is not a member of the State Bar of Georgia, may petition this Court to be heard as associate counsel or counsel in a single case, without being admitted as a regular practitioner in this Court by showing the attorney is certified in good standing in the Bar of the highest court of another state, district, or territory. A request for courtesy appearance shall be made by motion which shall state the name and address of the attorney seeking to appear by courtesy and contain proof of that attorney's admittance and good standing in the Bar of the highest court of another state, district, or territory and be accompanied by a check or money order in the amount of \$30.00 payable to the Clerk of the Court of Appeals of Georgia. The motion may be made by the

attorney requesting courtesy appearance or a member of the Bar of this Court on behalf of the attorney requesting courtesy appearance.

(d) Withdrawal or Substitution of Counsel.

Any withdrawal or substitution of attorneys of record in the Court shall be communicated to the Court by written motion with a copy to substituted counsel, opposing counsel and the withdrawing or substituting attorney's client. A motion to withdraw as counsel shall contain the address of the withdrawing counsel's client, or if the address is unknown, the motion shall contain a statement that the client's address is unknown and shall contain the client's last known address.

(e) Change of Address or Telephone Number.

If during the pendency of any appeal or application counsel for either party has a change of address or telephone number, counsel shall file a notification of change of address or telephone number with the Court, notifying the Court of counsel's correct address and telephone number and the effective date of such change.

The notification of change of address or telephone number shall be filed as a separate document, an original and two copies, with service made to opposing counsel.

Upon receipt of the notification of change of address or telephone number, the Clerk shall enter the change of address or telephone number on the Court's docket and all further notices generated from the Court shall be to counsel's new address.

Failure of counsel to properly notify the Court of any change of address or telephone number, which may result in counsel not receiving notification of court action, shall not be grounds to reinstate or reconsider any matter adverse to counsel or parties because of the failure of counsel to receive notification from the Court.

(f) The Court of Appeals does not recognize, nor grant, leaves of court or leaves of absence.

Rule 10. Personal Remarks; Judge or Opposing Counsel.

Personal remarks, whether oral or written, which are discourteous or disparaging to any judge, opposing counsel, or any court, are strictly forbidden.

III. DOCKETS; CALENDARS

Rule 11. Appeals, How Entered.

(a) Docketing.

No appeal shall be docketed until the notice of appeal and a record, and transcript, if requested, are filed in the Clerk's office. Each notice of appeal shall be docketed as a separate case.

- (b) **Transfer of Cases.**
Whenever an appeal or application filed in this Court is within the jurisdiction of the Supreme Court, such appeal or application shall be transferred by order to that court.
- (c) **Transferred Cases.**
Appeals or applications transferred to this Court from the Supreme Court shall be docketed as of the date they are received in this Court.
- (d) **Premature Docketing.**
Any case docketed prior to the entire record coming to the Court, as requested by the parties, may be remanded to the trial court until such time as the record is so prepared and delivered to the Court.

Rule 12. Closing of the Dockets.
The docket for the January, April, and September terms shall close at noon on the 15th day of December, April and August, respectively. By order, a closed docket may be opened when expedient for the docketing of a case or cases so that a judgment may be rendered by the Court at the earliest practicable date.

Rule 13. Notice of Docketing.
Upon the docketing of every appeal and application for appeal, the Clerk shall mail notice of the docketing date and schedule for briefing to all counsel. The notice of docketing a direct appeal shall include a statement that failure to file the enumeration of errors and appellant's brief within the time required may result in the dismissal of the appeal. The notice shall also state that: Failure to timely file responsive briefs may result in their non-consideration or subject counsel to contempt. Failure of counsel to receive the docketing notice shall not relieve counsel of the responsibility to file briefs timely. See Rule 23.

Rule 14. Calendar; Conflicts.
(a) **Calendars to be Mailed.**
The Clerk shall mail the calendar to counsel in each appeal to be orally argued at least 14 days prior to the date set for oral argument at the addresses shown on the notice of appeal unless the Court is otherwise advised under Rule 9(e).

(b) **Non-Receipt of Calendar.**
Counsel not receiving a calendar at least 10 days prior to the tentative oral argument dates should contact the Clerk's office to inquire about oral argument dates.

(c) **Conflicts - State and Federal Court.**
(1) Counsel shall not be deemed to have a conflict unless such counsel:
(i) Is lead counsel in two or more of the actions affected; and

- (ii) Certifies that the matters cannot be adequately handled by other counsel.
- (2) When there is an apparent conflict:
 - (i) Appellate arguments prevail over trials, hearings and conferences.
 - (ii) The action first filed takes precedence.
 - (iii) Felony actions prevail over civil actions.
 - (iv) Misdemeanors stand on equal footing with civil actions.
 - (v) The courts are assigned the following priorities:
 - (aa) United States Supreme Court.
 - (bb) Supreme Court of the State of Georgia.
 - (cc) Federal Courts of Appeal and State Courts of Appeal.
 - (dd) United States District Courts and Superior Courts.
 - (ee) Federal Magistrate Courts and State Courts.
 - (ff) Probate, Juvenile and Magistrate Courts.
 - (3) The Clerk shall resolve conflicts so as to accommodate all parties insofar as possible.
 - (4) Using the above criteria, the only time a conflict exists is when the actions are in courts of equal priority, are of the same type and were filed on the same day. When such conflict exists, counsel shall give prompt written notice of the conflict to opposing counsel and to the clerk of each court.
 - (5) When it is evident that counsel's presence is required in more than one court on the same day and no conflict actually exists under the above criteria, counsel shall nevertheless inform all courts concerned, giving the style of the case and the date of filing.

Rule 15. No Prosecution, Frivolous Appeals and Penalties.

- (a) On the call of the case for argument, if the appellant does not appear, and has not filed a brief, the Court may dismiss the appeal for want of prosecution.
- (b) The panel of the Court ruling on a case, with or without motion, may by majority vote impose a penalty not to exceed \$2,500.00 against any party and/or party's counsel in any civil case in which there is a direct appeal, application for discretionary appeal, application for interlocutory appeal, or motion which is determined to be frivolous.
- (c) The imposition of such penalty shall constitute a money judgment, in favor of appellee against appellant or appellant's counsel or in favor of appellant against appellee or appellee's counsel, as the Court directs. Upon filing of the remittitur in the trial court, the penalty may be collected as are other money judgments.

IV. EXTENSION OF TIME FOR NOTICE OF APPEAL, ETC.

Rule 16.

Extension of Time for Filing.

(a)

Pursuant to the provisions of OCGA § 5-6-39, requests for extensions of time, which must be in writing, may be made only upon showing a bona fide effort has been made to obtain the extension from the trial court and the reason it could not be obtained. Any motion for extension of time to file a Notice of Appeal made in this Court shall be made as a Rule 40 (b) motion and shall be accompanied by a filing fee in the amount set out in Rule 5 or a sufficient pauper's affidavit.

(b)

Extensions of time to file briefs must be requested by motion and shall be subject to the Court's discretion. All extensions shall be by written order and no oral extension shall be recognized.

Failure to request an extension of time to file a brief prior to the date the brief is due may result in the non-consideration of the motion and/or the dismissal of the appeal.

(c)

No extension of time shall be granted to file an interlocutory application or a response thereto. An extension of time may be granted pursuant to Rule 31(g) to file a discretionary application, but no extension of time may be granted for filing a response to such application.

Rule Amendment effective June 14, 2013

V. RECORDS AND TRANSCRIPTS

Rule 17.

Duty of Trial Court Clerks.

The clerk of the trial court shall certify and transmit to the Clerk of this Court the original transcript and copies of all records as required within the time prescribed by statute. Trial court orders included in the record must contain the signature of the trial court judge. Conformed signatures, stamped signatures, and signatures with permission shall not be permitted. Transmittal shall be made by the clerk or deputy clerk personally or by First Class United States mail, express mail, or commercial courier or delivery service, charges prepaid. Transmittal by a party or attorney is prohibited.

Rule 18.

Preparation and Arrangement of Records and Transcripts.

(a)

Records and transcripts, to include depositions, shall be printed on one side of letter-size, white paper of good quality with ample spacing (at least double spaced) and margins so that they may be easily read. The margin at the top shall be of sufficient space so that the transcript may be read when folded over at the top. Type size shall not be smaller than 10 characters per inch. Notwithstanding the 10 characters per inch requirement, the Court shall accept in lieu thereof Times New Roman Regular 14pt. The record shall include an index. The pages of the record shall be numbered consecutively on the bottom of the page.

- (b) Any records or transcripts delivered to this Court from the trial court, and sealed by the trial court, with an order of the trial court attached to the record, shall remain sealed until a motion is made to unseal the record and/or the record is unsealed by this Court. Counsel for any party may move this Court for an order to unseal or seal any record in the Court.

Rule 19. Transmission of Transcript.

The original transcript shall be a separate document and not attached to the record. It shall show the style of the case and contain an index, and the pages shall be numbered consecutively. Voluminous transcripts may be bound in separate parts. The court reporter and trial court clerk shall certify each part.

Rule 20. Objections to Records or Transcripts; Waiver.

Appellee shall be deemed to have waived any failure of the appellant to comply with the provisions of the Appellate Practice Act relating to the filing of the transcript of the evidence and proceedings or transmittal of the record to this Court, unless objection thereto was made and ruled upon in the trial court prior to transmittal and such order is appealed as provided by law.

Rule 21. Physical Evidence - Original Evidence.

Any party relying on physical evidence may include as a part of the transcript or record a photograph, a videotape or an audiotape of the evidence, together with an explanation or description if deemed necessary, in lieu of transmitting the original evidence. No original evidence or exhibits shall be transmitted to the Court unless the Court directs the clerk of the trial court to transmit such original evidence or exhibits, or upon the grant of a written motion of the party or parties desiring such original evidence or exhibits to be transmitted to the Court. The motion shall be specific as to what original evidence or exhibits shall be transmitted to the Court and the reason such original evidence or exhibits are necessary for the determination of the appeal. After the remittitur has been issued from the Court to the trial court, all original evidence or exhibits shall be returned to the clerk of the trial court. In no event, unless directed by this Court, shall physical evidence be transmitted to the Court which is bulky, cumbersome, or expensive to transport, or which, by reason of its nature, is dangerous to handle, or which is contraband. Any video or audio recording of evidence shall be submitted to the Court of Appeals in one of the following formats: VHS, DVD, video or audio CD, or audio cassette tape.

VI. ENUMERATION OF ERRORS

Rule 22. Filing.

(a) Time of Filing.

Pursuant to OCGA §5-6-40, the enumeration of errors, which shall be Part 2 of the appellant's brief, shall be filed within 20 days after the case is docketed. A separate enumeration of errors is not required.

(b) Jurisdictional Statement.

The enumeration of errors shall contain a statement of jurisdiction as to why this Court, and not the Supreme Court, has jurisdiction.

VII. BRIEFS

Rule 23. Time of Filing; Contempt; Dismissal.

(a) Appellant's brief, which shall contain as Part 2 an enumeration of errors, shall be filed within 20 days after the appeal is docketed. Failure to file within that time, unless extended upon motion for good cause shown, may result in the dismissal of the appeal, and may subject the offender to contempt. See Rule 7 and Rule 13.

Appellant's motion for extension of time to file brief and enumeration of errors must be filed prior to the date the documents are due or the Court may dismiss the appeal.

(b) Appellee's brief shall be filed within 40 days after the appeal is docketed or 20 days after the filing of appellant's brief, whichever is later. Failure to timely file may result in non-consideration of the brief and may subject counsel to contempt. See Rule 13. A brief shall be filed by the appellee in all criminal appeals when the State is the appellee; and upon failure to file such brief, the State's representative may be subject to contempt.

(c) Appellant may file a reply brief within 20 days from the date of filing of appellee's brief. Appellee has no right to respond to appellant's reply brief except as permitted under Rule 27.

Rule 24. Preparation.

(a) Briefs shall be limited to an initial appellant's brief, a responding appellee's brief and a reply brief of the appellant. Other briefs shall be accepted only if filed as an Amicus Curiae brief or a supplemental brief. See Rules 26 and Rule 27. Briefs shall not be accepted unless filed by a pro se party, a member of the State Bar of Georgia admitted to the Court or an attorney granted a courtesy appearance in accordance with Rule 9 (c). Counsel are required to file an original and two copies of their brief for each docketed appeal, including companion cases and cross appeals.

- (b) **Paper; Spacing.**
Briefs shall be filed in conformity with Rule 1 (a) and (c) and Rule 6.
- (c) **Margins.**
Writing shall be on only one side of each sheet with a margin of not less than two inches at the top and a margin of at least one inch on the sides and bottom of each page.
- (d) **Citations.**
All citations of cases shall be by name of the case as well as by volume, page and year of the official report. Cases not yet reported shall be cited by the Court of Appeals or Supreme Court case number and date of decision.
- (e) **Pages to be Numbered.**
The pages of each brief shall be sequentially numbered with Arabic numerals at the bottom of the pages.
- (f) **Limitation as to Length.**
Briefs and responsive briefs shall be limited to 30 pages in civil cases and 50 pages in criminal cases including exhibits and appendices, except upon written motion directed to the Clerk and approved by the Court. Appellant's reply brief shall be limited to 15 pages. See Rule 27 for additional briefs. With respect to all briefs and responsive briefs, tables of content, tables of citations, cover sheets and certificates of service shall not be counted toward the applicable page limit.
Rule Amendment effective November 1, 2012
- (g) **Attachments and Exhibits.**
Documents attached to an appellate brief, which have not been certified by the clerk of the trial court as a part of the appellate record and forwarded to this Court, shall not be considered on appeal.
- (h) **Address of Defendant.**
Counsel for defendant shall include the address of the defendant in a criminal case on the face of the brief and shall notify the Court of any change of address.

Rule 25. Structure and Content.

(a) **Appellant.**

The brief of appellant shall consist of three parts:

- (1) Part One shall contain a succinct and accurate statement of the proceedings below and the material facts relevant to the appeal and the citation of such parts of the record or transcript essential to a consideration of the errors complained of, and a statement of the method by which each enumeration of error was preserved for consideration. Record and transcript citations shall be to the volume or part of the record or transcript and the page numbers that appear on

the appellate records or transcript as sent from the trial court.

- (2) Part Two shall consist of the enumeration of errors.
- (3) Part Three shall contain the argument and citation of authorities. It shall also include a concise statement of the applicable standard of review with supporting authority for each issue presented in the brief.

(b) Appellee.

The brief of appellee shall be divided in the following manner:

- (1) Part One shall point out any material inaccuracy or incompleteness of appellant's statement of facts and any additional statement of facts deemed necessary, plus such additional parts of the record or transcript deemed material. Failure to do so shall constitute consent to a decision based on the appellant's statement of facts. Except as controverted, appellant's statement of facts may be accepted by this Court as true.
- (2) Part Two shall contain appellee's argument and the citation of authorities as to each enumeration of error. It shall also include the standard of review if different from that contended by the appellant.

(c) General Provisions.

- (1) **Sequence of Argument.**
The sequence of arguments in the briefs shall follow the order of the enumeration of errors, and shall be numbered accordingly.
- (2) **Unsupported Claim of Error; References to Record and Transcripts.**
Any enumeration of error which is not supported in the brief by citation of authority or argument may be deemed abandoned.
 - (i) Each enumerated error shall be supported in the brief by specific reference to the record or transcript. In the absence of such reference, the Court will not search for or consider such enumeration.
 - (ii) A contention that certain matters are not supported by the record may be answered by reference to particular pages where they appear.
 - (iii) Reference to the record should be indicated by specific volume or part of the record and by (R-Page Number of the Record). Reference to the transcript should be indicated by specific volume or part of the transcript and by (T-Page Number of the Transcript). Reference to a motion transcript shall be indicated by (MT-Page Number of the Transcript and date of the hearing).

(3) Sealing Briefs or Motions.

No briefs or motions shall be filed under seal unless counsel has moved the Court for permission to file under seal and the Court has granted such motion.

Rule 26. Amicus Curiae Briefs.

Amicus curiae briefs may be filed without leave of Court, disclosing the identity and interest of the person or group on whose behalf the brief is filed and limited to issues properly raised by the parties. Only members of the Bar of this Court or attorneys appearing by courtesy may file amicus curiae briefs. Amicus curiae briefs shall conform to Rule 24(b)-(g).

Rule 27. Supplemental Briefs.

- (a)** Briefs of the parties shall be limited to an appellant's brief, an appellee's brief, and an appellant's reply brief. Supplemental briefs may be filed only by leave of the Court. Counsel may file a motion for permission to file supplemental briefs. Counsel may not file a supplemental brief contemporaneously with the motion, but may include a copy of the supplemental brief with the motion for permission to file as an exhibit. Counsel shall file a supplemental brief with an original and two copies, not to exceed 15 pages only after permission to file is granted. A certificate of service must be attached to the supplemental brief and service must be made to opposing counsel.
- (b)** Parties are not permitted to file letter briefs nor letter cites. Any communication with the Court regarding recent authority which comes to the attention of a party subsequent to the filing of such party's brief or after oral argument, but before decision, must be filed in compliance with Rule 27 (a) above as a supplemental brief. Any response shall be made promptly and in accordance with this rule.

VIII. ARGUMENT

Rule 28. Oral Argument.

(a) Request and Time.

- (1)** Unless expressly ordered by the Court, oral argument is never mandatory and argument may be submitted by briefs only. A case shall be placed on the calendar for oral argument only upon the granting of the request of either party. Oral argument is not permitted for applications or motions.
- (2)** A request for oral argument shall be filed within 20 days from the date the case is docketed in this Court. An extension of time to file brief and enumeration of errors does not extend the time to request oral argument.
- (3)** The request must be a separate document, an original and two copies, directed to the Clerk, certifying that opposing counsel has been notified of the request and that opposing counsel desires, or does not desire, to argue orally. The request shall

identify counsel who is scheduled to argue, and any change shall be communicated to the Clerk as soon as practicable.

- (4) A request shall contain a brief statement describing specifically how the decisional process will be significantly aided by oral argument. The request should be self-contained and should convey the specific reason or reasons oral argument would be beneficial to the Court. Counsel should not assume the brief shall be considered in ruling on the request for oral argument.

(b) Waiver.

After either side has been granted oral argument, it may be waived by either side, but waiver by the requester does not remove the case from the oral argument calendar. If either counsel decides to waive oral argument after it has been granted, waiving counsel must notify opposing counsel and the Court of that fact.

Argument shall not be allowed on behalf of any party whose brief has not been timely filed, unless permission is granted by the Court. Counsel requesting extension of time to file briefs waive oral argument if the extension is beyond the end of the term.

Oral argument is waived if counsel is not actually inside the courtroom when the case is formally called in its order for argument.

(c) Time of Oral Argument.

Postponements of oral argument are not favored, and no postponement shall be granted under any circumstances that would allow oral argument to take place during a term of the Court subsequent to the term for which the case was docketed.

(d) Length.

Argument is limited to 30 minutes for each case, 15 minutes on each side, unless by special leave an enlargement of time is granted. On the day of the argument, counsel may request 5, 10, or 15 minutes for argument. If counsel do not agree on the length of oral argument, the longer time requested shall prevail and each counsel shall be given the same amount of time. Ordinarily, cases shall be argued in the following order: first, 5 minute cases; second, 10 minute cases; and third, 15 minute cases.

No additional time shall be granted for argument except on motion made in writing at least 5 days before the date set for the call of the case. If additional time is granted, the case shall be placed at the end of the calendar unless otherwise ordered by the Court. Appeals, cross appeals, companion cases, and related cases shall be considered to be one case for purpose of oral argument. In the discretion of the Court, a companion case may be treated as a separate case for oral argument if counsel so requests by written motion at least 5 days before the date set for oral argument and the motion is granted by the Court. Where there are third parties or additional parties with divergent interests, additional time may be requested and granted as set out above.

- (e) **Number of Counsel Arguing.**
Ordinarily, when both sides of an appeal are argued, only two counsel on each side shall be heard. When only one side of an appeal is argued, or when arguments are to be made on behalf of more than two parties, no more than one counsel per party shall be heard. For exception, see paragraph 28(j).
- (f) **Opening and Concluding; Rebuttal.**
Appellant has the right to open and conclude the arguments.
- (g) **Courtroom Decorum.**
(1) Counsel appearing for oral argument shall check in with the Clerk in the courtroom at 9:30 a.m. on the date of oral argument specifying who shall argue and for how long.
(2) Talking, reading newspapers or other material, and audibly studying briefs and arranging papers are prohibited in the courtroom. The lawyers' lounge has been provided for this purpose.
(3) All counsel appearing before the Court must be properly attired.
- (h) **Recording.**
Oral argument shall be recorded only for the use and benefit of the Court.
- (i) **Oral Argument Open to the Public.**
Counsel may move the Court to exclude the public for a good cause shown. Such motion shall be filed not later than 24 hours prior to oral argument. News media may be granted permission to photograph or videotape oral argument in accordance with the Court's standing order regarding media in the courtroom.
- (j) **Procedural Questions.**
The Presiding Judge shall decide all questions or issues arising at oral argument.

Rule 29. Hearing by Quorum.
Whenever a Division of the Court is on the bench for the purpose of hearing oral argument, and a quorum (two judges) is present, the Division shall proceed with the call of the docket.

IX. APPLICATION FOR INTERLOCUTORY APPEALS

Rule 30. Interlocutory Applications.
(a) An application for leave to appeal an interlocutory order shall be granted only when it appears from the documents submitted that:

- (1) The issue to be decided appears to be dispositive of the case; or
 - (2) The order appears erroneous and will probably cause a substantial error at trial or will adversely affect the rights of the appealing party until entry of final judgment in which case the appeal will be expedited; or
 - (3) The establishment of precedent is desirable.
- (b) Applications for interlocutory appeal shall contain a jurisdictional statement and have attached a stamped “filed” copy of the trial court's order to be appealed and a stamped “filed” copy of the certificate of immediate review. The trial court's order and certificate of immediate review must contain the signature of the trial court judge. Neither conformed signatures nor stamped signatures shall be permitted.
- (c) The Clerk is prohibited from receiving the application without the filing fee, a sufficient pauper’s affidavit, or a public defender’s appointment to represent the party on appeal. See OCGA §5-6-4. The filing fee shall be in the amount set out in Rule 5.
- (d) The applicant shall include a copy of any petition or motion which led directly to the order or judgment being appealed and a copy of any responses to the petition or motion with the application.
- (e) Applications for interlocutory appeals pursuant to OCGA § 5-6-34 (b) shall have copies of all submitted materials from the record tabbed and indexed and shall be securely bound at the top with staples or fasteners (round head or ACCO). If not tabbed, indexed and securely bound at the top, the application is subject to dismissal or return for preparation according to the Court's rules. The materials must be sufficient to apprise the Court of the appellate issues, in context, and support the arguments advanced. Failure to submit sufficient material to apprise the Court of the issues and support the argument shall result in denial of the application. Applications and responses to applications are limited to 30 pages in civil cases and 50 pages in criminal cases, exclusive of attached exhibits and parts of the record, and shall follow the general format of briefs as to margins. Tables of content, tables of citations, cover sheets and certificates of service shall not be counted toward the applicable page limit for interlocutory appeal applications and responses.
- Rule Amendment effective November 1, 2012
- (f) No application for interlocutory appeal shall be filed under seal unless counsel has moved the Court for permission to file under seal and the Court has granted such motion.
- (g) No extension of time shall be granted for filing of interlocutory applications or responses to interlocutory applications.
- (h) Responses are due within 10 days of docketing. No response is required, unless ordered by the Court.

- (i) If an interlocutory application is granted, appellant must file a notice of appeal in the trial court within 10 days of the date of the order granting the application.
- (j) No pleadings will be accepted on an application for interlocutory appeal which are filed 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 filed on the application.

X. APPLICATION FOR DISCRETIONARY APPEAL

Rule 31. Discretionary Applications.

- (a) An application for leave to appeal a final judgment in cases subject to appeal under OCGA § 5-6-35 shall be granted only when:
 - (1) Reversible error appears to exist; or
 - (2) The establishment of a precedent is desirable.
- (b) The applicant shall include a copy of any petition or motion which led directly to the order or judgment being appealed and a copy of any responses to the petition or motion with the application.
- (c) Applications for discretionary appeal pursuant to OCGA § 5-6-35 shall have copies of all submitted material from the record tabbed and indexed and shall be securely bound at the top with staples or fasteners (round head or ACCO). If not tabbed, indexed and securely bound at the top, the application is subject to dismissal or return for preparation according to the Court's rules. The material must be sufficient to apprise the Court of the appellate issues, in context, and support the arguments advanced. Failure to submit sufficient material to apprise the Court of the issues and support the argument shall result in denial of the application. Applications and responses to applications are limited to 30 pages in civil cases and 50 pages in criminal cases, exclusive of attached exhibits and parts of the record, and should follow the general format of briefs as to margins. Tables of content, tables of citations, cover sheets and certificates of service shall not be counted toward the applicable page limit for discretionary appeal applications and responses.

Rule Amendment effective November 1, 2012
- (d) The Clerk is prohibited from receiving the application without the filing fee, a sufficient pauper's affidavit, or a public defender's appointment to represent the party on appeal. See OCGA § 5-6-4. The filing fee shall be in the amount set out in Rule 5.
- (e) Discretionary applications must contain a stamped "filed" copy of the trial court's order or judgment from which the appeal is sought. The stamped "filed" copy of the trial court's order or judgment must contain the signature of the trial court judge. Neither

conformed signatures nor stamped signatures are permitted.

- (f) No application for discretionary appeal shall be filed under seal unless counsel has moved the Court for permission to file under seal and the Court has granted such motion.
- (g) No extensions of time shall be granted in filing a discretionary application unless the motion for extension is filed on or before the due date of the discretionary application. No extension of time shall be granted to file a response to a discretionary application.
Rule Amendment effective August 1, 2012
- (h) Responses are due within 10 days of docketing. No response is required, unless ordered by the Court.
- (i) If the discretionary application is granted, appellant must file a notice of appeal in the trial court within 10 days of the date of the order granting the application.
- (j) No pleadings will be accepted on an application for discretionary appeal which are filed 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 filed on the application.

XI. TIME FOR FILING APPLICATIONS

Rule 32.

Time for Filing.

- (a) An application for interlocutory appeal shall be filed in this Court within 10 days of the entry of the trial court's order granting the certificate for immediate review. Entry of the trial court's order shall be the date it is filed with the trial court clerk.
- (b) An application for discretionary appeal shall be filed in this Court generally within 30 days of the date of the entry of the trial court's order being appealed. Pursuant to OCGA § 44-7-56, a discretionary application involving a dispossessory action must be filed within 7 days of the entry of the trial court's order. Entry of the trial court's order shall be the date it is filed with the trial court clerk.
- (c) Applications to appeal interlocutory or discretionary orders of which the Supreme Court has jurisdiction shall be transferred to that Court.

XII. OPINIONS AND JUDGMENTS

Rule 33.

Showing of Concurrence or Dissent.

The judgment line on an opinion shall show on its face, the vote or non-participation of each judge.

(a)

Judgment as Precedent.

If an appeal is decided by a Division, a judgment in which all three judges fully concur is a binding precedent; provided, however, an opinion is physical precedent only with respect to any Division of the opinion for which there is a concurrence in the judgment only or a special concurrence without a statement of agreement with all that is said. If the appeal is decided by a seven or twelve-judge Court, a full concurrence by a majority of judges is a binding precedent; provided, however, an opinion is physical precedent only with respect to any Division of the opinion for which there are concurrences in the judgment only or special concurrences without a statement of agreement with all that is said in the Division, resulting in a general concurrence by less than a majority of the judges with respect to the Division. The opinion of a case which is physical precedent shall be marked as such.

(b)

Unreported Opinion.

An unreported opinion is neither a physical nor binding precedent but establishes the law of the case as provided by OCGA § 9-11-60 (h).

Rule 34.

Reporting of Opinions.

Opinions are reported except as otherwise designated by the Court. The official reports shall list the cases in which opinions were written but not officially reported and shall indicate the authors and participants in the opinions.

Rule 35.

Copies of Opinions.

As soon as practicable after judgment, the Clerk shall furnish, without charge, a copy of the opinion to counsel for each party and to the trial judge. Additional copies cost \$1.50 page.

Rule 36.

Affirmance without Opinion, When Rendered.

Cases in which:

- (1) The evidence supports the judgment;
- (2) No reversible error of law appears and an opinion would have no precedential value;
- (3) The judgment of the court below adequately explains the decision; and/or

- (4) The issues are controlled adversely to the appellant for the reasons and authority given in the appellee's brief may be affirmed without opinion. Rule 36 cases have no precedential value.

XIII. RECONSIDERATION

Rule 37.

Motions for Reconsideration.

(a)

Physical Preparation.

Motions for reconsideration shall be prepared in accordance with Rule 24.

(b)

Time of Filing.

Motions for reconsideration shall be filed within 10 days from the rendition of the judgment or dismissal. Motions for reconsideration must be physically received in the Court for filing within 10 days of the order or judgment for which reconsideration is sought. See Rule 4 (b). No extension of time shall be granted except for providential cause on written motion made before the expiration of 10 days. No response to a motion for reconsideration is required, but any party wishing to respond must do so expeditiously.

(c)

Time May Be Limited.

The Court may by special order in any case direct that the remittitur be transmitted to the clerk of the trial court immediately after the rendition of the decision and judgment, or at any other time, without awaiting the expiration of 10 days, and may by special order limit the time within which a motion for reconsideration may be filed to any period less than 10 days.

(d)

Second Motion.

No party shall file a second motion for reconsideration unless permitted by order of the Court. The filing of a motion for permission to file a second motion for reconsideration does not toll the 10 days for filing a notice of intent to apply for certiorari with the Supreme Court of Georgia.

(e)

Basis for Granting.

A reconsideration shall be granted on motion of the requesting party, only when it appears that the Court overlooked a material fact in the record, a statute or a decision which is controlling as authority and which would require a different judgment from that rendered, or has erroneously construed or misapplied a provision of law or a controlling authority.

(f)

Opinion May Be Revised without Grant of Motion.

If, upon the consideration of a motion for reconsideration, the Court decides its judgment as rendered is correct, but that some revision of the opinion is appropriate, it may revise the opinion accordingly, without granting reconsideration.

- (g) **Voting on Motions, Effect.**
A motion for reconsideration shall be voted on by the judges who voted on the original opinion. If there is a dissent on the motion for reconsideration on a three-judge case, the motion shall be voted on by seven judges, or should the Court deem it appropriate, 12 judges.
- (h) **No Oral Argument.**
Oral argument is not permitted on a motion for reconsideration.

XIV. CERTIORARI

Rule 38. Petition for Writ of Certiorari.
(a) Supreme Court of Georgia.

(1) Notice of intention to petition for a writ of certiorari shall be filed with the Clerk of this Court within 10 days after the judgment or, if motion for reconsideration is filed, within 10 days after the order ruling on reconsideration. Filing a motion for reconsideration is not a prerequisite for filing a petition for writ of certiorari.

(2) Petition for writ of certiorari to the Supreme Court of Georgia is governed by the rules of that Court. Notice of filing a petition for writ of certiorari shall be filed in this Court simultaneously with the filing of the petition in the Supreme Court.

(b) Supreme Court of the United States.

(1) Notice of intention to petition for writ of certiorari to the Supreme Court of the United States shall be filed with the Clerk of this Court within 20 days after denial of a petition for writ of certiorari by the Supreme Court of Georgia.

(2) Notice of filing a petition for a writ of certiorari shall be filed in this Court simultaneously with the filing of a petition in the Supreme Court of the United States.

XV. REMITTITUR

Rule 39. Transmittal.
(a)

Remittiturs shall be transmitted to the clerk of the trial court as soon as practicable after the expiration of 10 days from the date of the judgment unless otherwise ordered or unless a motion for reconsideration or notice of intention to apply to the Supreme Court of Georgia for writ of certiorari has been filed.

(b) Notice of intention to apply to the Supreme Court of the United States for writ of certiorari generally will not stay the remittitur.

XVI. SUPERSEDEAS

Rule 40.

Supersedeas.

(a)

Civil Cases.

The notice of appeal filed as provided in OCGA §§ 5-6-34(a), 5-6-37, and 5-6-38 shall serve as supersedeas upon payment of all costs in the trial court by the appellant. See OCGA § 5-6-46. Upon motion by the appellee, made in the trial court before or after the appeal is docketed in the appellate court, the trial court may require supersedeas bond to be given with such surety and in such amount as the trial court may require. The filing of an application for discretionary appeal shall act as a supersedeas to the extent that a notice of appeal acts as a supersedeas. See OCGA § 5-6-35 (h).

(b)

Emergencies.

In the exercise of its inherent power this Court may issue such orders or give such direction to the trial court as may be necessary to preserve jurisdiction of an appeal or to prevent the contested issue from becoming moot. This power shall be exercised sparingly. Generally, no order shall be made or direction given in an appeal until it has been docketed in this Court.

A Rule 40 (b) motion shall:

- (1) Contain an explanation why an order of this Court is necessary and why the action requested is time sensitive;
- (2) Contain a stamped "filed" copy of the order being appealed;
- (3) Contain a stamped "filed" copy of the notice of appeal, if such has been filed in the trial court;
- (4) Show that service has been perfected upon the opposing party before filing the motion with the Court; and
- (5) Be accompanied by a filing fee, a sufficient pauper's affidavit, or a form showing a public defender has been appointed to represent the party, unless the motion is filed in a pending case already docketed with the Court. The filing fee shall be in the amount set out in Rule 5.

XVII. MOTIONS AND RESPONSES

Rule 41.

Preparation and Filing.

(a)

Filing in Triplicate.

Motions and responses to motions shall be filed as an original and two copies as set out in Rule 6. Motions, not letters, shall be filed whenever counsel wish the Court to take any action.

(b)

Form and Physical Preparation.

All motions and responses to motions shall be filed as separate documents, and shall not be filed as joint, compound or alternative motions. No motions or responses to motions shall be filed in the body of briefs, applications, or responses to applications. Motions and responses shall be prepared in accordance with Rule 24. Parties may cite to the record, but shall not attach to the motion or response to a motion exhibits that are included in the trial court record. Failure to comply with this rule may result in non-consideration of such motions or responses.

(c)

Motion to Supplement the Record.

In a motion to supplement the record, counsel shall describe the material to be supplemented; but shall not attach the supplemental materials to the motion filed with the Court unless directed to do so by the Court. If the motion is granted, the Clerk of Court will obtain the supplemental record from the trial court clerk.

(d)

Motion to Dismiss.

Notice of a motion to dismiss and of the grounds thereof shall be given in writing to counsel for the appellant by service made and shown as required in Rule 6. If such notice cannot be given, the motion shall be entertained and the Court in its discretion shall give such direction as may seem proper. Whenever it appears that the Court has no jurisdiction of a pending appeal, it shall be dismissed or transferred to the Supreme Court, as the facts and/or law require.

(e)

Response Time to Motions.

Responses to motions shall be made as soon as possible since the Court generally acts on motions quickly. There is no 10 day rule for time to respond to motions.

(f)

Reconsideration.

See Rule 37.

(g)

Motion to Withdraw Appeal.

(1) Whenever appellant decides not to pursue an appeal, such party shall promptly file a motion for permission to withdraw the appeal.

(2) In a criminal case, unless the state is the appellant, the motion shall include an affidavit from the defendant agreeing to the withdrawal of the appeal. Should the defendant refuse to provide such affidavit, that fact shall be made known to the Court and the grounds for the withdrawal of the appeal shall be stated in the motion.

XVIII. OFFICE PAPERS

Rule 42.

Access and Retention of Office Papers.

- (a) Papers shall not be taken from the Clerk's office without leave of Court. When leave is granted, the party receiving the paper shall receipt the Clerk therefore. The Clerk may deliver records to the Clerk of the Supreme Court.
- (b) One year after the remittitur has issued, the party paying for the record and transcript may claim them. Otherwise, all records, record appendices and transcripts shall be recycled, unless the parties notify the Clerk, in writing, that the record should be maintained, and the reason therefore.
- (c) If the parties anticipate that the case will return to the Court or be appealed to the United States Supreme Court, the parties must notify the Clerk, in writing, to hold the record.

XIX. PARTIES

Rule 43.

Parties, How Made.

(a) Suggestion of Death of Party.

The death of a party in a pending appeal may be suggested by counsel for either side at any time.

(b) Legal Representative May Volunteer.

The legal representative of the deceased party may voluntarily become a party to the appeal at any time.

(c) Temporary Administrator.

A temporary administrator is regarded as a competent party.

(d) Substituted Party.

Whenever a party is substituted, counsel for the substituting party shall notify the Clerk and opposing counsel of such substitution.

XX. DISQUALIFICATIONS AND RECUSALS

Rule 44. Disqualifications and Recusals.

- (a) Any motion to disqualify or recuse a judge in a particular case shall be filed in writing, and shall contain such evidence and affidavits which shall fully assert the facts upon which the motion is founded. Such motion shall be filed within 20 days of the date of docketing, unless good cause is shown for failure to meet such time requirements.
- (b) The affidavit shall clearly state the facts and reasons for the belief that bias or prejudice exists, being definite and specific as to time, place, persons and circumstances which demonstrate either bias in favor of any adverse party or prejudice against the moving party or a systematic pattern of prejudicial conduct. Allegations consisting of conclusions and opinions are not legally sufficient to support the motion or warrant further proceedings.
- (c) The determination of the motion to disqualify or recuse shall be made upon the written record, and no hearing or oral argument shall be permitted.
- (d) A motion to disqualify or recuse shall be decided by the remaining two judges on the Division and the presiding judge of the next Division. A judge may, however, voluntarily disqualify himself or herself prior to the matter being decided by the other judges. The criteria for disqualification are set forth in statutory law, case law and the Code of Judicial Conduct.
- (e) If the three judges designated to determine a motion to disqualify or recuse a judge do not agree on the decision, the matter shall be decided by a majority of the other judges on the Court not named in the motion to disqualify or recuse.
- (f) Any motion for disqualification or recusal of multiple judges in which the above process will be unsuitable will be dealt with by the Court as required in a particular situation.

Rule Amended June 15, 2011

XXI. EXPEDITED APPEALS UNDER THE PARENTAL NOTIFICATION ACT

Rule 45.

Parental Notification Act.

- (a) This rule is adopted under the authority of the Georgia Constitution, Article VI, § I, Para. IV (1983); OCGA §§ 15-1-5 and 15-11-114 (e) to provide for the expedited consideration of appeals under the “Parental Notification Act.” (OCGA § 15-11-110 et seq.)
- (b) Any minor to whom a juvenile court has denied a waiver of notice under OCGA § 15-11-114 (d) may obtain an expedited appeal to this Court. For the purpose of this rule, in computing time, Saturdays, Sundays and holidays shall be included. Rule 3 shall govern in the event an expiration date falls on such a date.
- (c) A minor seeking an expedited appeal shall file a notice of appeal and a certified copy of the order denying waiver of notice with the Clerk of this Court. A copy of the notice of appeal shall also be filed with the juvenile court. The name, address and telephone number of the Guardian Ad Litem and any Counsel of Record shall be included with the notice of appeal. Upon receipt of the notice of appeal, this Court shall issue an order to the juvenile court directing that the record and transcript of the hearing be transmitted to and received by this Court within 5 days from the date of filing the notice of appeal with this Court. An enumeration of error shall be filed within the time period for the filing of the record. If a brief is desired, it shall also be filed within the time period for the filing of the record. No filing fee is required.
- (d) The record of the juvenile court shall be certified by the clerk of the juvenile court and transmitted to this Court under seal.
- (e) The Clerk shall assign the appeal to a Division of this Court, which shall take the matter under consideration and shall issue its decision within 5 days of receipt of the record.
- (f) In order to expedite further appellate review, a motion for reconsideration shall not be required. However, if the decision of this Court affirms the judgment of the juvenile court, the minor may file a motion for reconsideration and the same shall be governed by Rule 37, except that such a motion shall be filed within 5 days from the date of the decision of this Court and may be filed out of term. Any motion for reconsideration shall be decided by the Court within 5 days of filing thereof.
- (g) If the decision of this Court reverses the judgment of the juvenile court, the remittitur shall be forwarded to the clerk of the juvenile court immediately after the rendition of the decision. If the decision of this Court affirms the judgment of the juvenile court, the remittitur shall be transmitted to the clerk of the juvenile court as soon as practicable after the expiration of 5 days from the date of the judgment unless otherwise ordered or unless a motion for reconsideration or notice of intention to apply to the Supreme Court for writ of certiorari has been filed.

- (h) Upon good cause shown, the Court shall enter such orders as shall further expedite the processing of these cases.
- (i) In order to invoke the foregoing special procedures, the notice of appeal must be filed within 5 days of receipt by the minor of the juvenile court's order.
- (j) All pleadings, briefs, orders, transcripts, exhibits and any other written or recorded material that are part of the record shall be considered and treated by the Court as confidential. Upon conclusion of the appellate proceedings, the record shall be sealed, and the contents of the record shall not be disclosed, except upon order of this Court or the Supreme Court of Georgia.

XXII. ELECTRONIC FILING OF DOCUMENTS

Rule 46.

Electronic Filing.

Counsel shall be permitted to file documents with the Court by using the Court's electronic filing system. Counsel must agree to the terms of use and comply with the instructions of the Court's e-filing system. Counsel must also comply with all Rules of the Court except as modified by the electronic filing system terms of use or instructions.

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

September 19, 2014

Mr. ShaBrian Branch
GDC1091519
Walton County Jail
1425 South Madison Avenue
Monroe, Georgia 30655

Dear Mr. Branch:

I have enclosed a copy of the Court's Rules per your request in your letter dated September 15, 2014.

Also, per your request, the address of the State Bar is:

State Bar of Georgia
104 Marietta Street, N.W. • Suite 100
Atlanta, Georgia 30303

I am not able to assist you with the other questions posed in your letter. I am, however, returning your letter so that you may be able to review those questions with a legal representative.

Sincerely,



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

SEC/ld
Enclosures

9-15-2014

To whom it may concern: I am a inmate here at the walton county

Jail, I been here for almost 2 months. First of all I wish to have

A copy of the Georgia Courts Rule Book & of Appeals Booklet.

Then I want the simulations on using another inmate incarcerated

on an inmate they can't indict or convict. Such as they falsely arrest

people out here in this country town (Walton County) then realize they

don't have a case or enough evidence to convict. So they're been known to

use another inmate incarcerated for what ever reason trying to get his time

cut or get their charges dropped or lowered. Is that lawful or

illegal? Also who can I contact or get involved in such a matter?

Especially after I over heard inmates saying they would do anything

to get their time back or an early release. I thought it was the D.A. and

they for an conviction or Argittal. Maybe I'm wrong just want to know.

And last But least what's the state Bar Association Address, just in case

I detect improper counseling, cause these lawyers in town are associated

with the District Attorneys. And I assumed to seek Willigilante justice!

Or a Money issue like swap for swap. Bigger Money win, small Money lose!

And just in case I need the Bar Association or NAACP Address. This is

A unlawful court And I've been tricked more than once. It's designed

to break you, sit down here 6-12 months, lock-down 20 to 30 hours

at a time everyday. And it's nothing But 24 hours in a day. So you tell

me how that's possible. Sometimes by the time you come out your room you

been lock-down 27 to 30 hours. And I am a man that knows the law

And also know if I break them I am responsible for my Actions. Been

to Prison 3 times Most the time guilty as charge. But also Arrested

unlawful And most the time convicted unjusticial. Take a plea just

to seek freedom. After they offer you a 10 serve 1 year, And you been in

Jail for 10 months who would't? I know that's my fault And that got me

in the position I'm in. Lot of convictions And a long criminal history. Such as

2008 convicted 2009 for sale to an informant with a felony criminal background.

I knew she wasn't reliable Asked to suppress the witness lawyer (Bryan Frost)

didn't, told me he had another Argument. Told me to take plea After giving him 4,500

dollars. Never suppress witness, Asked for trial he withdrew himself from case, how

Improper Counseling Again. No More Pleas For Me though.

But My Name is Sha Brian Branch # 1091519

Address: 527 Bridgeport Pl.

Monroe, Ga. 30655

Birthdate: 1-9-83



2014

Georgia Court of Appeals

R U L E S

Last Update: May 15, 2014

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

September 23, 2014

To: Mr. Marcel Gordon, GDC764664, 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 _____ 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 GEORGIA COURT OF APPEALS
STATE OF GEORGIA

STATE OF GEORGIA

v.

INDICTMENT: 05SC29704
05SC29706

MARCEL GORDON

Defendant.

MOTION TO PROCEED IN FORMA PAUPERIS WITH
AFFIDAVIT OR DECLARATION OF INDIGENCY

RECEIVED IN OFFICE
2011 SEP 22 PM 4:16
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS
STATE OF GEORGIA

COMES NOW Defendant, Marcel Gordon, pro se, moves this Honorable Court to permit him leave to proceed in this matter in forma pauperis without affidavit of indigency, and in support thereof would respectfully show the Court the following:

1.

That on September 23, 2005 the Defendant pled guilty to 2 counts of armed robbery and 8 counts of aggravated assault with intent to rob. On October 13, 2005, the Defendant, through trial counsel moved to timely withdraw his guilty plea and requested a hearing in regards to such motion to withdraw guilty plea.

2.

On June 7, 2006. the Defendant appeared in the

trial court for a hearing for his timely filed motion to withdraw guilty plea and was appointed counsel (Richard Marks) to assist him with his plea withdrawal. SEE Fortson v. State, 272 Ga. 457; 532 SE2d 102 (2000): "Many federal and state courts hold that the U.S. Const. amend. VI right to assistance of counsel attaches to the preparation and presentation of a motion to withdraw a guilty plea. The Supreme Court of Georgia follows this line of caselaw."

3.

On August 18, 2006, the Defendant, while being represented by appointed counsel appeared in the trial court for the motion to withdraw guilty plea hearing, but did not receive representation nor assistance from his appointed attorney for plea withdrawal purposes. Instead, Defendant's appointed counsel filed a motion for writ of habeas corpus relief without being appointed to do so and without the consent of the Defendant. Defendant contends that he was not entitled to counsel to assist in a habeas corpus petition, whereas, his appointed counsel was ineffective for filing so. SEE Davis v. Thomas, 266 Ga 835; 471 SE2d 202 (1996): "The constitutional right to effective assistance of counsel does not apply in habeas corpus proceedings. Neither is there a right to appointment of counsel in a habeas corpus proceeding."

Defendant also contends that it was on this very same

day that the trial court abused its discretion by allowing the Defendant's appointed counsel to present and argue the unwarranted writ of habeas corpus relief motion instead of the Defendant's motion to withdraw guilty plea, the Defendant contends that the trial court's interference with such representation undermined the judicial procedural process. SEE Code of Judicial Conduct Canon 3 (B)(1) which states: "Judges shall hear and decide matters assigned to them, except those in which they are disqualified."

COMMENTARY: The duty to hear all proceedings fairly and with patience is not inconsistent with the duty to dispose promptly of the business of the court. Judges can be efficient and business-like while being patient and deliberate.

4.

Defendant further contends that the error of his appointed counsel and the error of the trial court in their total disregard of Defendant's right to counsel for plea withdrawal purposes resulted in the unwarranted appellate procedures which were implemented by the Defendant and his appointed counsel. Such unwarranted appellate procedures were:

- (i) the twice filing of the Applications for Certificate of Probable Cause which was filed in the Supreme Court of Georgia by the same appointed attorney;

With due respect to the court cost procedures for filing such actions within any court of law, the Defendant feels he should be allowed to proceed in forma pauperis without an affidavit or declaration indigency. Defendant feels that it was his appointed attorney's error, as well as the error of the trial court, which placed him in the current position of having to be held liable for the cost of filing an appeal, whereas, by filing said appeal in forma pauperis with an affidavit or declaration of indigency, Defendant would be subjected to having his prison account frozen and the minimal funds he has in

all of which stemmed from Defendant's appointed counsel's failure to assist Defendant with his timely filed motion to withdraw guilty plea, which was Defendant's federal constitutional right to the assistance of counsel for plea withdrawal purposes.

of-Time Appeal

- (iv) the denial of the Defendant's Motions for Out-which was resubmitted by the Defendant; and to withdraw guilty plea in the trial court
- (iii) the resubmitting of Defendant's initial motion habeas corpus;
- (ii) the twice filing of the habeas corpus action 2254 petition which was filed "pro se" in the United States District Court for the Northern District of Georgia which was the appealing of the denial of both of the Defendant's Certificates of Pro-

his account extracted for the cost of his appeal being filed with this Court.

Defendant also feels that this Court should not be subjected to entertaining such appeal, which is the result of the errors and negligence of the officers of the court within the Fulton County Court system, but due to the above-mentioned appellate proceedings which resulted from the errors of the Defendant's appointed counsel and the trial court, the Defendant is compelled to file this appeal with this Court.

The Defendant also feels that had his appointed counsel and the trial court not denied him his right to appointed counsel for plea withdraw purposes, then there is a high probability that such plea withdrawal would've corrected a manifest injustice within the Defendant's case, given the many grounds for relief that the trial court or the court on direct appeal would've been made aware of. This, in turn, would have probably prevented the time-consuming and unwarranted appellate procedures mentioned earlier.

The Defendant Prays this Court permit him to proceed in forma pauperis without an affidavit or declaration of indigency.

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

September 23, 2014

Benjamin M. Byrd, Esq.
Three Ravinia Drive
Suite 1700
Atlanta, Georgia 30346

RE: Notice of Leave of Absence
A14A2274. The Capital Group, LLC, et al. v. Troy Hinkle, et al.

Dear Mr. Byrd:

I am in receipt of the Notice of Leave of Absence submitted by you dated September 18, 2014 addressed to the Clerk of the Court. Pursuant to Court of Appeals Rule 9(f), the Court does not recognize nor grant leaves of absence.

Please designate someone in your office to be responsible for the above appeal. You may also be able to check the case status on the Court's web docket from a remote location. The address is: www.gaappeals.us go to the hyperlink Docket/Case Search and follow the directions.

If you have any questions or if I may be of assistance to you, please do not hesitate to contact me. I am returning your documents.

Sincerely,



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

SEC/ld
Enclosures

TO: ALL JUDGES, CLERKS OF COURT AND COUNSEL OF RECORD
FROM: BENJAMIN M. BYRD
RE: NOTICE OF LEAVE OF ABSENCE
DATE: SEPTEMBER 18, 2014

COMES NOW, BENJAMIN M. BYRD and respectfully notifies all Judges before whom he has cases pending, all affected Clerks of Courts and all opposing counsel that he will be on leave pursuant to Georgia Uniform Court Rule 16. The periods of leave during which Applicant will be away from practice of law are:

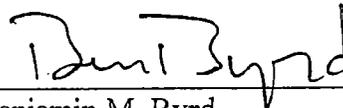
Thursday, October 16, 2014 through Friday, October 17, 2014.

All affected Judges and opposing counsel shall have ten (10) days from the date of this Notice to object to it. If no objections are filed, the Leave shall be granted.

Respectfully submitted this the 18th day of September, 2014.

Respectfully submitted,

FRIEND, HUDAK & HARRIS, LLP



Benjamin M. Byrd
Georgia State Bar No. 141216

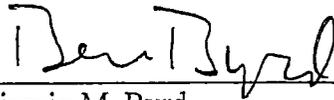
Three Ravinia Drive
Suite 1700
Atlanta, GA 30346-2117
(770) 399-9500

CERTIFICATE OF SERVICE

This is to certify that I have this date served counsel for the opposing party in the forgoing NOTICE OF LEAVE OF ABSENCE upon Judges, Clerks and opposing counsel listed on the attached Exhibit "A", by depositing same in the United States Mail with adequate postage affixed thereto.

This the 18th day of September, 2014.

FRIEND, HUDAK & HARRIS, LLP



Benjamin M. Byrd
Georgia State Bar No. 141216

Three Ravinia Drive
Suite 1700
Atlanta, GA 30346-2117
(770) 399-9500

EXHIBIT "A"
 Benjamin M. Byrd, Esq.
 FRIEND, HUDAK & HARRIS, LLP

CASE & FILE NO.	JUDGE PRESIDING	OPPOSING COUNSEL
<p>IN THE SUPERIOR COURT of COBB COUNTY</p> <p>JULIUS WRIGHT and BLUE ONION, LLC, Plaintiffs,</p> <p>v.</p> <p>CASWELL OVERLOOK COMMUNITY ASSOCIATION, INC.; LENNAR GEORGIA, INC.; DOUBLE EAGLE PARTNERS, LLC, STONE MILL COMMUNITIES, LLC; YANCEY DEVELOPMENT COMPANY, INC.; and JOHN DOE #1 through JOHN DOE #300, Defendants.</p> <p>CIVIL ACTION FILE NO. 12-1-9217-48</p>	<p>Honorable J. Stephen Schuster, Judge, Cobb County Superior Court 70 Haynes Street Marietta, GA 30090 Phone: 770-528-1849 stephen.schuster@cobbcounty.org</p> <p>Jay C. Stephenson, Clerk Superior Court of Cobb County 70 Haynes Street Marietta, Georgia 30090</p>	<p>G. Lee Welborn, Esq. Downey & Cleveland, LLP 288 Washington Avenue Marietta, Georgia 30060 Georgia Bar No. 004620 welborn@downeycleveland.com</p> <p>J. Kevin Moore, Esq. Moore, Ingram, Johnson & Steele, LLP Emerson Overlook 326 Roswell Street Marietta, Georgia 30060 JKM@mijs.com</p> <p>J. Wickliffe Cauthorn, Esq. Cauthorn, Nohr & O'Dell 201 Cherokee Street Marietta, Georgia 30060 jwc@cauthornnohr.com</p> <p>Russell D. King, Esq. King & Yaklin, LLP 192 Anderson Street, Suite 125 Marietta, Georgia 30060 Georgia Bar No. 421340 rking@kingyaklin.com</p>

<p>IN THE SUPERIOR COURT OF FULTON COUNTY</p> <p>BRIAN RICHBURG Plaintiff, v. KEVIN COLE, Defendant.</p> <p>CIVIL ACTION FILE NO.: 2014-cv-241919</p>	<p>Honorable Craig L. Schwall Judge, Fulton County Superior Court Fulton County Superior Court 185 Central Avenue, SW Justice Center Tower, Ste. T- 5905 Atlanta, GA 30303 (404) 612-8667</p> <p>Ms. Tina Robinson Clerk of Court Superior Court of Fulton County 136 Pryor Street, C155 Atlanta, GA 30303</p>	<p>Brian Richburg 3097 Dawson Lane, SW Atlanta, GA 30331 bricori@aol.com</p> <p>Brian Richburg c/o William L. Berry 142 Vinings Dr. McDonough, GA 30253</p>
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<p>DEKALB COUNTY SUPERIOR COURT</p> <p>TROY HINKLE, & THE CANDY CO., INC.</p> <p>v.</p> <p>PERKY BEVERAGE SYSTEMS, INC. AND WAYMOND G. HOLLEY</p> <p>Civil Action File No. 10-CV-10321-3</p>	<p>Honorable Clarence F. Seelinger DeKalb County Superior Court 556 N. McDonough Street, Suite 7210 Decatur, GA 30030</p> <p>Ms. Debra DeBerry Clerk of Superior Court 556 North McDonough Street Decatur, GA 30030-3355</p>	<p>Michael A. Penn mpenn@briskinlaw.com Briskin, Cross & Sanford, LLC 1001 Cambridge Square, Suite D Alpharetta, GA 30009 www.briskinlaw.com</p> <p>Mr. Trace Michael Dillon Dillon Law Firm PC 1130 Hurricane Shoals Road, Suite 600 Lawrenceville, GA 30043 Email: trace@dillonlawfirmpc.com</p>
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<p>COURT OF APPEALS STATE OF GEORGIA</p> <p>THE CAPITAL GROUP, LLC, et al. v. TROY HINKLE, et al.</p> <p>Civil Action File No. A14A2274</p>	<p>Stephen E. Castlen Clerk of Court Court of Appeals of Georgia 47 Trinity Avenue, S.W. Suite 501 Atlanta, Georgia 30334</p>	<p>Simon H. Bloom Ryan T. Pumpian Bloom Sugarman Everett, LLP 977 Ponce de Leon Avenue, N.E. Atlanta, Georgia 30306</p>
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<p>USDC SOUTHERN DISTRICT OF NEW YORK</p> <p>UBS SECURITIES LLC, v. ENOVA ENERGY GROUP, LLC, LIBERTY RENEWABLE ENERGY, LLC,</p> <p>CIVIL ACTION NO.: 14 CV4467</p>	<p>Honorable Paul A. Crotty United States District Court Southern District of New York 500 Pearl Street, Chambers 1350 New York, NY 10007</p> <p>Ms. Ruby J. Krajick Clerk of Court 500 Pearl Street, Chambers 1350 New York, NY 10007-1312</p>	<p>Charles R. Jacob III Partner Miller Wrubel 570 Lexington Avenue New York, NY 10022 cjacob@mw-law.com www.mw-law.com</p> <p>Amanda F. Parsels Attorney Miller Wrubel 570 Lexington Avenue New York, NY 10022 aparsels@mw-law.com</p>
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<p>MAGISTRATE COURT OF COBB COUNTY</p> <p>JOSE A. HOLUB v. JAMES WILLINGER</p> <p>CIVIL ACTION NO. 12-J-07783</p>	<p>Ms. Tahnicia Phillips Clerk of Court Cobb County Magistrate Court 32 Waddell Street Marietta, Georgia 30090</p>	<p>James D. Freeman The Law Offices of Mark A. Nestor P.C. 3690-B Holcomb Bridge Rd. Norcross, GA 30092</p>
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<p>IN THE STATE COURT OF COBB COUNTY</p> <p>TICKETEVENTS.COM,LLC, Plaintiff, v. TDC SYSTEMS INTEGRATION, INC., Defendant.</p> <p>CIVIL ACTION FILE NO.: 13-A-3043-1</p>	<p>Ms. Angie T. Davis Clerk Cobb County State Court 12 East Park Square Marietta, GA 30090</p>	<p>Antonio Dozier TDC Systems Integration, Inc. 2875 Spring Hill Parkway, S.E. Smyrna, GA 30080</p>
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<p>IN THE SUPERIOR COURT OF CLAYTON COUNTY STATE OF GEORGIA</p> <p>CARGO BROKERS INTERNATIONAL, v.</p> <p>JANEL WORLD TRADE, LTD. d/b/a JANEL GROUP OF GEORGIA, INC., ANGELA BERNICE ESKEW, and HEATHERLYN T. GROOMS,</p> <p>CIVIL ACTION NO. NO. 2014-CV-03712-6</p>	<p>Chief Judge Deborah C. Benefield Harold R. Banke Justice Center - Room 4JC202 Courtroom# 4CR402 9151 Tara Boulevard, Jonesboro, GA 30236</p> <p>Ms. Jacqueline D. Wills Clerk of Court Superior Court of Clayton County Harold R. Banke Justice Center 9151 Tara Boulevard Room 1CL25 Jonesboro, Georgia 30236- 4912</p>	<p>Christopher P. Butler cbutler@fordharrison.com Henry Warnock hwarnock@fordharrison.com FordHarrison LLP 271 17th Street NW, Suite 1900 Atlanta, GA 30363</p>
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<p>IN THE STATE COURT OF GWINNETT COUNTY STATE OF GEORGIA</p> <p>JOHN ALDEN WARD and SHERRI WARD,</p> <p>v.</p> <p>AMERIGAS PROPANE, L.P., AMERIGAS PROPANE PARTS & SERVICE, INC., AMERIGAS PROPANE, INC., AMERIGAS PARTNERS, L.P. GRAND HALL USA, INC., GRAND HALL ENTERPRISE CO. LTD, EMERALD ISLE DISTRIBUTION, INC., HOME DEPOT USA, INC., and JOHN DOE NOS. 1-5,</p> <p>Civil Action No. 14-C-00858-S1</p>	<p>Hon. Emily J. Brantley State Court of Gwinnett County Gwinnett Justice and Admin. Center 75 Langley Drive Lawrenceville, GA 30045</p> <p>Mr. Richard T. Alexander Clerk of Court State Court of Gwinnett County 75 Langley Drive Lawrenceville, GA 30046</p>	<p>Darren W. Penn Jed D. Manton Madeline E. McNeeley Harris, Penn, Lowry, LLP 400 Colony Square 1201 Peachtree Street, NE, Suite 900 Atlanta, GA 30361</p>
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<p>STATE COURT OF GWINNETT COUNTY STATE OF GEORGIA</p> <p>CARLY A. WELLS v.</p> <p>LESLIE HOLLOWAY STEINER,</p> <p>Civil Action No. 14C-03423-4</p>	<p>Mr. Richard T. Alexander Clerk of Court State Court of Gwinnett County 75 Langley Drive Lawrenceville, GA 30046</p>	<p>Paul L. Groth Groth & Makarenko 335 Peachtree Industrial Boulevard Suite 2206 Suwanee, GA 30024</p>
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<p>American Arbitration Association Atlanta, GA</p> <p>DavLong Business Solutions, LLC</p> <p>v.</p> <p>Professional Eye Associates, Inc.</p> <p>Case No. 01 14 00 00 2291</p>	<p>Ms. Donyale Brazier Manager of ADR Services</p> <p>American Arbitration Association 2200 Century Parkway Suite 300 Atlanta, GA 30345</p> <p>American Arbitration Association Case Filing Services 1101 Laurel Oak Road, Suite 100 Voorhees, NJ 08043 Email: casefiling@adr.org</p>	<p>Joseph P. Hanyon, Esq. Merwine, Hanyon & Kaspszyk, LLP 2642 Rt. 940 Pocono Summit, PA 18346</p>
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STATE COURT OF
FULTON COUNTY

International Greetings USA,
Inc. v. Debra A. Gold

Alexander J. Harwin
Lewis Brisbois Bisgaard &
Smith, LLP
221 North Figueroa Street
Suite 1200
Los Angeles, CA 90012

FRIEND, HUDAK & HARRIS, LLP

ATTORNEYS AT LAW

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EMAIL: fh2@fh2.com

Writer's email: rirwin@fh2.com

September 18, 2014

FIRST-CLASS MAIL

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

RECEIVED IN OFFICE
2014 SEP 22 PM 4:11
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Re: The Capital Group, LLC, et al. v. Troy Hinkle, et al.
Case No. A14A2274

Dear Mr. Castlen:

Enclosed please find the original and one copy of Notice of Leave of Absence concerning the above-referenced matter. Please file the original with the Court and stamp the copy "filed" and return same to us in the envelope provided.

Thank you for your assistance with this matter and please do not hesitate to contact us if you have any questions.

Sincerely,



Robbie Irwin
Legal Assistant

ri
Enclosures
cc: Simon H. Bloom
Ryan T. Pumpian

RECEIVED BY
PROF. [unclear]

UNIVERSITY OF [unclear]

RECEIVED IN DELICE

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

September 23, 2014

To: Mr. Robert J. Davis, GDC000183793, Wheeler Correctional Facility, Post Office Box 466, Alamo, Georgia 30411

Docket Number: A15D0033 **Style:** Robert J. Davis 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
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 You should not list the Court of Appeals of Georgia as being served on your Certificate of Service. You should provide a copy of your filing to the District Attorney and include his/her name and address on your Certificate of Service.**
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 application was granted on September 15, 2014. There is currently no direct appeal pending before the Court in your name. I have enclosed a copy of the Court's Rules for your review.**

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

IN THE COURT OF APPEALS
STATE OF GEORGIA

FILED IN OFFICE

SEP 22 2014

COURT CLERK
CLERK COURT OF APPEALS OF GA

STATE OF GEORGIA
vs.
Robert Jay DAVIS

APPEALS CASE NO.
A15 D0033

Indictment # 12-CR-367

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Conclusion page 49

prepared by:
Robert Jay DAVIS
"pro se"

G.D.C. # 1000183793
wheeler Correctional facility
post office Box 466
Alamo, Georgia 30411

RECEIVED IN OFFICE
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COURT OF APPEALS OF GA

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Argument and Citations of Authority

IN THE COURT OF APPEALS
STATE OF GEORGIA

STATE OF GEORGIA

Appeals Case No.

Vs.

Robert Jay Davis

Indictment # 12-CR-367

DIRECT APPEAL

Now Comes, Robert Jay Davis Appellant "prose"
In the Above style Appellant Action submits
this direct Appeal pursuant to O.C.G.A. 5-6-30,
O.C.G.A. 5-6-33, O.C.G.A. 5-6-34, O.C.G.A. 5-6-35(J).

Jurisdiction

The Court of Appeals shall be a Court of
review and shall exercise appellate and certiorari
jurisdiction in all cases not reserved to the
Supreme Court or conferred on other Courts
by Law.

Jurisdiction of this Appeal, Article VI,
Section V, paragraph III, jurisdiction of
Court of Appeals decision binding.

Further this Court has jurisdiction
pursuant to rule 31 of this Court.

STATEMENT OF FACTS AND ISSUES

On March 23, 2012 the Appellant was indicted for six (6) counts of Aggravated Stalking, alleging all six (6) counts were done while Appellant was in prison.

Appellant went to (a) small hearing on June 5, 2013 and June 7, 2013 for notice of

Appearance for Counsel, The hearing was done for Appellant's Counsel to represent Appellant because Appellant raised conflict of interest of Counsel,

because Appellant had a habeas corpus pending in Superior Court of Louder County case no. 2012-CV-1305 against the Counsel the Court tried to give Appellant.

Appellant put the Court on notice that Appellant would proceed "prose" under California v. Fartha, 442 U.S. 806, 95 S. Ct. 2525, 45 L. Ed. 2d 562, (1975) which the trial Court Allowed Appellant to proceed "prose"

Appellant filed Several Timely pre-trial motions, (MT) August 21, 2013 and (MT) August 28, 2013
motion to dismiss for lack of jurisdiction
motion to change venue
motion for plea in bar
motion for Demand for Speedy trial
motion To Quash Indictment General Demurrer
motion To Dismiss Because of Double jeopardy
motion To Suppress evidence
motion To Recuse Judge Self

which the Court Denied motions
See = (MT) August 28, 2013

The Court still tried repeatedly to Give Appellant the Same Counsel mr. phillips, Appellant repeatedly told the Court that it was a Conflict of Interest
See = (MT) June 3, 5, 7, 2013
(MT) August 21, 28, 2013, September 3, 2013,
(MT) December 18, 2013

Appellant finally agreed to let mr. phillips represent Appellant At trial and only at trial which Counsel never filed Entry of Appearance.

Appellant Along with his Attorney picked A jury
see (TT) January 13, 2014

The trial lasted (2) two days January 13, 14, 2014.

During trial Appellant's Attorney Did A motion in limine
see (TT) page 23 January 14, 2014 which the Court
Granted

Appellant's Attorney Also did A motion during trial for
A Direct Verdict of Acquittal see (TT) page 203 + 204
January 14, 2014.

The Appellant Attorney, Mr. Phillips also did a Defence
to charge the jury, it was filed in Superior Court
January 14, 2014, and it was signed by the trial judge
see (TT) page 204 January 14, 2014
see Also Attached Defence to charge the jury.

The jury found the Appellant not Guilty on
Counts (1) one, (2) two, (3) three, (4) four, (5) five,
But Guilty of only Count (6) six.

which was a alleged letter, (2) two my-space-emails,
a picture of Appellant's daughter, and A sponge bob drawing
inside the envelope.

The Appellant was then sentenced by the court to a consecutive sentence of (10) Ten years max as a recidivist to o.c.a. 17-10-7, consecutive to the (15) fifteen years serve (7) seven in confinement he already serving.

At sentencing the court attached a Uniform Superior Court rule form 03 permanent restraining order pursuant to a criminal conviction to the sentence.

Restraining Appellant from having any contact with appellants daughter, which this was not done in the lo-crosa case in order to get this conviction.

Appellant filed a motion to modify this Restraining order for Appellant to be able to contact his

Biological child through A-Assigned case worker through the Department of Family and Children Services, which the court denied, Appellant will be appealing this as well in this appeal because the trial court violated Appellant (1st) first Amendment.

Appellant was sent back to prison where Appellant filed a notice to the trial court to which Appellant would be representing himself at his motion for new trial citing = see California v. Farrelta.

Appellant went back to the trial Court on (MNT) May 16, 2014, Thanks to the Georgia Court of Appeals for vacating and Remanding Appellants Case back dealing with appellants rights to his biological daughter for legitimation purposes.

See Case Appeal no, A13A1724.

The trial Court tried once again on (MNT) May 16, 2014 to give appellant another attorney which Appellant declined.

The trial Court put on the record of transcript that Appellant would be representing himself "prose" at appellant motion for new trial hearing.

On June 20, 2014 a hearing was conducted for Appellants (MNT) which lasted (3) three hours.

The trial Court ended with:

Court: okay Alright, Thank you Very much, I will issue A order take care. (MNT) page 112 June 20, 2014

which the Appellant will be raising why the trial Court Did not tell appellant that appellant had A Sixth (6th) Amendment Right for Counsel for appeal

Now Appellant is doing his Appeal (Direct Appeal) to the Georgia Court of Appeals.

Appellant they filed a notice of Appeal on August 21st 2014, and Appellant sent a copy to the Clerk of Superior Court and to the District Attorney of Peach County, Appellant also sent a copy to Georgia Court of Appeals.

Appellant motion for new trial hearing was denied on August 15, 2014, See = order Denying Appellant's motion for new trial.

ENUMERATIONS OF ERRORS

1.) Appellant filed A-Timely pre-trial motion at arraignment, motion to Quash Indictment General Demurrer, Appellant Based it upon (3) three grounds in the Indictment. Ground (1) one, Indictment not being returned in open Court by the Grand jury Violating Appellants 5th Amendment. Ground (2) two, That there was no permanent restraining order in effect (MT) page 46 August 21, 2013 "and" (MT) page 53 August 28, 2013. Ground (3) three, essential elements of Crime.

Did the trial Court Erred by denying Appellant motion, when the Court NOR the state did not prove if the Indictment was Returned in open Court by the Grand jury?

Did the trial Court Erred when the Appellant prove to the trial Court that by the Court the trial Judges Signature on the Sentencing Form Final Disposition Case 10-CR-052 that the Appellant was right, and that the state agreed with the appellant, and that the Appellant was not under no Restraining order at the time of Indictment?

Did the trial Court Erred by not listing in the Indictment how Appellant Did Intimidating As described in the Indictment Violating Appellants 6th Amendment?

Did the trial Court Erred by not Granting Appellants motion to Quash Indictment General Demurrer?

2) Did the trial Court Erred by denying Appellants motion to Dismiss pursuant to double jeopardy under Collateral estoppel, Violating Appellants 5th Amendment? (MT) page 60, August 28, 2013

3) Did the trial Court Erred by Appointing Appellant a trial Attorney that Appellant had A Active habeas Corpus against for Ineffective assistance of Counsel pending in the habeas court? would that be a Conflict of Interest of trial Attorney? (MT) June 3, 5, 7, 2013 * (MT) page 71 August 28, 2013

4) Did the trial Court Erred when it Denied the motion At trial for A Direct Verdict of Acquittal when the Courts ruling wasn't consistent with the Aggravated Stalking statute 16-5-91 (b)? was Counsel ineffective for not objecting to the Courts ruling? (TT) page 203, January 14, 2014

5) Was Counsel Ineffective for failing to Impeach the witness (Victim) when At trial the Appellant had proof with the witness (Victim) signature on it about some property there in dispute over, would the outcome of trial been different if the jury knew the witness (Victim) Committed perjury? Did the trial Court Erred by not Subpoena witness (Victim) At (MNT) hearing to testify to Impeachment? (MNT) page 17 * (MNT) page 5 * page 14 * page 120 June 20, 2014

6) Did the trial Court Err when it Allowed A letter Court (6) six that was submitted into evidence to go back to the jury in Delibrations afther the letter was read to the jury once At trial? when the letter depended on the Credibility of the maker? The General rule is written documents may not go back to the jury in Delibrations once they are read to the jury at trial this requires the Court to Grant a new trial (TT) page 114, January 14, 2014

7) A motion in limine was Granted at trial, did the trial Court Err when it Allowed evidence prior to September 6, 2011 to come into evidence when the Court ruled that no evidence prior the alleged restraining order September 6, 2011 would be Allowed into evidence at trial? (TT) page 23, January 14, 2014

Did the trial Court Err by placing Appellants Character into evidence afther the motion in limine was Granted?
All parties agreed not to place appellant Character into evidence.

8) was the evidence at trial Sufficient to support a Conviction for Aggravated stalking as alleged in Court (6) six in the Indictment? (TT) page 113, January 14, 2014
Did the State fail to prove Intimidating to Court (6) six as alleged in the Indictment? (TT) page 113, January 14, 2014
(MNT) page 95, June 20, 2014 page 10 -

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

October 2, 2014

To: Mr. Ronnie D. Culpepper, GDC600161, Johnson State Prison, Post Office Box 344, Wrightsville, Georgia 31096

Case Number: _____ Lower Court: _____ County Superior Court

Court of Appeals Case Number and Style: _____

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

- There is no case pending in the Court of Appeals of Georgia under your name.
- A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. 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.

Clerk of Court
Georgia Court of Appeals
September 29, 2014

RECEIVED IN OFFICE
2014 OCT -1 PM 3:07
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

re: Notification of transmittal of Notice of Appeal to Tift Superior
Court
Case Nos. 2002CR47, 2002CR48, 2002CR159, and 2006CR2475.

Dear Clerk of Court

The undersigned, pro se defendant, hereby gives notice to the Georgia Court of Appeals that he did, on this day, transmit a Notice of Appeal with a certificate of service to Tift Superior Court thereby appealing a Court order dated September 9, 2014 denying defendant's Motion to Enter valid Judgment, Motion to Withdraw Guilty Plea and Motion for Appointment of Counsel.

Defendant wishes to secure his right to appeal the Superior Court's denial and defendant respectfully asks this Honorable Appellate Court that notification be acknowledged.

cc: file

Respectfully Submitted,
Ronnie D. Culpepper
Ronnie D. Culpepper #600161
Johnson State Prison
P.O. Box 344
Wrightsville, Ga 31096

IN THE SUPERIOR COURT OF Tift COUNTY
STATE OF GEORGIA

Ronnie Dale Culpepper
GDC# 600161 Petitioner/Appellant

vs.

Honorable Melanie B. Cross
Respondent/Appellee

*
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*
*
*
*
*
*
*
*
*

Cause No. 2002CR47, 2002CR48
2002CR159, 2006CA2475

NOTICE OF APPEAL

Notice is hereby given that, Ronnie Dale Culpepper, Petitioner/Appellant in the above named action, hereby appeals to the Supreme Court of the State of Georgia, from the final Judgement from the Order issued by the Honorable Judge Melanie B. Cross, Judge of the Tift County Superior Court, denying Petitioner's/Appellant's Motion for; Motion to Enter Valid Judgment, Motion to Withdraw Guilty Plea; and Motion For Appointment of Counsel, on the 9th day of September, 2014. Therefore, this Petitioner/Appellant hereby appeals to the Supreme Court of the State of Georgia.

Petitioner/Appellant hereby moves the Clerk of this Honorable Court to;

1. Forward all records, documents, and related materials to the Clerk of the Supreme Court of the State of Georgia, and;
2. That the Clerk shall omit no part of the record including the hearing transcript on appeal.

This 29th day of September, 2014.

Respectfully Submitted,

S/ Ronnie Dale Culpepper
Ronnie Dale Culpepper Pro Se
GDC# 600161
Johnson State Prison
Post Office Box 344
Wrightsville, Georgia 31096-0344

cc: Clerk of Court
Georgia Court of Appeals

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

October 2, 2014

To: Mr. La'Shawn D. Grier, GDC1000783820, Augusta State Medical Prison, 3001 Gordon Highway, Grovetown, Georgia 30813

Case Number: _____ Lower Court: _____ County Superior Court

Court of Appeals Case Number and Style: _____

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

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

IN The Superior Court of Monroe County
State of Georgia

State of Georgia

Case No. 2011-CA-185

v.

LaShawn DeAngelo Grice

Notice of Appeal

RECEIVED IN OFFICE
2014 OCT -2 PM 2:56
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS SE GA

Notice is hereby given that Defendant ~~Grice~~ ^{Grice} hereby appeal to the Court of Appeal from the Superior Court of Monroe County judgment entered in this action on March 26, 2012.

Motion for an out of time appeal was filed & denied on September 6, 2014. The Clerk will not omit anything from the record. Transcript of evidence & proceedings will be filed for inclusion in record on appeal.

24 September 2014

Date

 Pro-Se

ASMP 3001 Gordon Hwy 1404
Greenville Ga 30815

CERTIFICATE OF SERVICE

This is to Certify that I have this day served the within & foregoing Notice of Appeal upon the below parties a copy of same in the U.S. Mail carrier in a properly addressed envelope & with adequate postage affixed to ensure delivery as follows:

Georgia Court of Appeal
42 Trinity Ave, Suite 401
Atlanta, Ga 30334

Office of District Atty
20 West Main St.
Forsyth, Ga 31029

MONROE County Superior Court Clerk
P.O. Box 450
Forsyth, Ga 31029

This 23rd day of September 2014.



LaShawn D. Gaich
Pro-Se

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

October 2, 2014

To: Ms. Danielle Garcia, 5585 Rosemont Drive, Appling, Georgia 30802

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

Court of Appeals Case Number and Style: A15D0046. In Re: Estate of Bernice J. Hendricks, Deceased

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

- The above Discretionary Application was granted on September 24, 2014. There is no new direct appeal pending in the above style in the Court of Appeals of Georgia .
- 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.

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COURT OF APPEALS OF GA

IN THE COURT OF APPEALS
STATE OF GEORGIA

1
2
3
4 IN RE ESTATE OF)
5 Bernice J. Hendricks, Deceased)
6 Danielle Garcia,)
7 Appellant-Petitioner,)
8 v.)
9 Chawaka Bell,)
10 Appellee.)
11)
12)

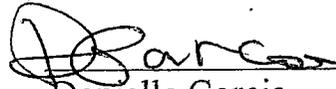
Docket No.: A15D0046

NOTICE OF APPEAL

13
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16 Notice is hereby given that Danielle Garcia, Appellant in the above-
17 styled case, hereby has been granted application for discretionary appeal by
18 the Court of Appeals of Georgia on September 24, 2014. The matter arose
19 from the Probate Court of Columbia County Georgia and from the Order
20 dated August 21, 2014 from Judge Alice Padgett, regularizing Chawaka Bell
21 as executrix.
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1 All of the record including the prepared recollection of transcript by
2 Judge Alice Padgett (per Motion submitted August 29, 2014 requesting)
3 should be part of the appeal record “excluding” only the materials submitted
4 in court (date August 1, 2014) by Attorney Lanier representing Chawaka
5 Bell pertaining to her education and history of the Johnson family land and
6 corporation. All materials, on court date August 1, 2014, submitted by the
7 counsel of Danielle Garcia ‘shall be’ included in the record for appeal. The
8 Court of Appeals rather than the Supreme Court has jurisdiction because the
9 issue currently being contested is related to the personal representative of a
10 will. The Constitution of the State of Georgia of 1983, Article VI, Section
11 VI, Paragraph III(3), confers upon the Georgia Supreme Court jurisdiction in
12 “[a]ll cases involving wills.” The Georgia Supreme Court has interpreted
13 this language to mean only those cases where the validity or construction of
14 a will is the main issue on appeal. See *In re Estate of Lott*, 251 Ga. 461, 306
15 E.E.2d 920 (1983). In issues related to appointment of executor the Court of
16 Appeals shall have jurisdiction. See *Darnell v. Tate*, 208 Ga. 23, 26-27, 64
17 S.E.2d 582 (1951). This appeal meets the requirements set by law pursuant
18 O.C.G.A § 5-3-2 (2010) and O.C.G.A § 5-6-33 (2010).
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1 Respectfully submitted, this 2nd day of September, 2014.

2
3 

4 Danielle Garcia
5 Plaintiff in Pro Per
6 5585 Rosemont Drive
7 Appling, GA 30802
8 802-683-1138
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USPS Certified Mail #: 70141820000192514076			\$3.30
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Subtotal:			\$3.30
Issue Postage:			\$3.30
AUGUSTA GA 30901-1634 Zone-1 First-Class Mail Letter 1.00 oz. Expected Delivery: Tue 09/30/14 @@ Certified			\$0.49
USPS Certified Mail #: 70141820000192514069			\$3.30
Customer Postage			-\$0.49
Subtotal:			\$3.30
Issue Postage:			\$3.30
(Forever) Bank Swallow WAG #10 Envelope	1	\$0.62	\$0.62
Total:			\$7.22
Paid by: Debit Card			\$7.22
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Transaction #:	868		
23 903530491			
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Restricted Delivery Fee (Endorsement Required)	\$0.00	
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 or PO Box No. 4024 Washington Rd
 City, State, ZIP+4
 Martinez, GA 30907

PS Form 3800, July 2014 See Reverse for Instructions



Court of Appeals of Georgia

October 2, 2014

TO: Mr. Johnnie Lee Durden, GDC755783, Wheeler Correctional Facility, Post Office Box 466, Alamo, Georgia 30411

RE: **A15A0059. Johnnie Durden 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 order on September 15, 2014. The Court of Appeals dismissed the appeal. The remittitur issued on September 30, 2014, divesting this Court of any further jurisdiction of your case. The case is therefore, final.

CASE STATUS - PENDING

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

APPLICATION FOR PERMISSION TO APPEAL A PROBATION REVOCATION

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

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

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

In The Court of Appeals of Georgia

Johnnie Lee Durden

Appellant

vs

State of Georgia

Fulton County Case No.'s

06SC51991, 07SC55004

07SC59309

Brief For Appellant

Part One

Statement of Case

A. Summary of Procedure

On December 4, assisted by counsel, Johnnie

Lee Durden, entered guilty pleas regarding each

of the above-referenced indictments, pertaining

to 06SC51991, Defendant entered a guilty

plea to Theft By Receiving Stolen Property,

07SC55004 he entered a guilty plea to charges

RECEIVED IN OFFICE

2114 OCT -1 PM 3:06

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Case No. 15A0059

of two counts of Armed Robbery. As to 07SC59309, Defendant entered a plea as to charges of Hijacking a Motor Vehicle, Armed Robbery, Agg. Assault, Possession of a Firearm and Possession of a Firearm by a convicted Felon. He is serving 17 year sentence,

- 1) B.) Appellant filed a Motion for Out-of-time appeal Nov. 27, 2012.
- 2) Appellant filed a Second petition Motion For Leave To File An Out-of-Time appeal Sept. 30, 2013.
- 3) Appellant waiting, over Two Years with no response, filed a Certificate of Immediate Review, May 7th of 2014.
- 4) Finally Aug. 8, 2014 a hearing was held Defendant was pro se and unable to stand without aid of counsel.

Aug. 13, 2014, an Order was filed

denying the Out-of-time appeal and

void sentence under O.C.G.A. § 17-9-4.

Appellant was not returned from Fulton

County Jail to Wheeler Corr. Facility until

~~September 11, 2014.~~ Making it impossible to get

into the Law Library to file this

petition within the 30 days. So please

allow Appellant to file Indigent the

forms are awaiting from Inmate Account

Jurisdiction

Jurisdiction of this appeal is in this court

and not the Supreme Court since the appeal

involves errors of law committed by the

Superior Court in a case in which the

Appellant was convicted of a non-capital

Felony. Jurisdiction is thereby conferred upon

the Court of Appeals (1983 Const. of Ga.).

Enumeration of Errors

1) The fact that trial counsel failed to inform and advise his client of the essential elements to which his plea was entered.

2.) The fact that the plea was entered on an indictment that was fatally defective.

3) Whether the trial court erred in disposing of a criminal case when subject matter jurisdiction was not established by the court.

As shown above in number one counsel and the Court failed to inform Appellant of the essential elements to which he was entering such plea

The Court in its Order states Appellant

was informed of his Boykin rights and

that the plea was made freely and voluntarily.

The Order also states Appellant signed a plea sheet affirming that he was fully advised as to the proceeding and the waiver of all his rights.

Number one, according to Boykin there

must be a verbatim transcript is required to prove a valid and intelligent waiver once the voluntariness of a plea is put

into question.

The Georgia Supreme Court in adopting Boykin

requires that there be an affirmative showing

on the face of the record that in accepting guilty pleas that the Court must insure on the

record that the plea and waiver of constitutional

judicial rights were intelligently and voluntarily

made and presuming a waiver from a silent

Record is impermissible ~~King v. State~~, 270 Ga. 367, 396. (1978). Meaning a guilty

plea form is not a transcript and is

a silent record, because it was not signed

while Appellant was under oath. Furthermore

he never read the form nor did his

attorney read the form to him. Appellant was

told check and sign form, we must hurry

the judge is waiting. The Appellant was

coerced into pleading guilty.

Number Two: The indictment was fatally

defective it did not comply with O.C.G.A.

§ 17-7-54 when the essential element of

Venue was not charged. O.C.G.A. 17-2-2(a),

Also in U.S. v. Berkous, 250 F.3d 294

(5th Cir 2001) To be sufficient, an indictment

must allege each material elements of the

offense. Because an indictment is jurisdictional

a defect in the indictment is not

waived by a guilty plea.

9-12-2014

~~Attorney Lee Darden~~
pro se

Respectfully Submitted

Amended Brief after States Responses.

No it does not, Appellant will forward a

prove that the State proved venue?

Does The Guilty plea Transcript

in Fulton County, " The Real Question

adult charged with committing several crimes

over indicted Johnnie Lee Darden, who was an

Court of Fulton County had exclusive jurisdiction

" It is without question that the Superior

he does dodge the question by stating

With all due respect to Judge Campbell

is silent on subject matter of jurisdiction,

Number Three; The guilty plea transcript

Certificate of Service

I do hereby certify that I have

this day Sept. 12, 2014, presented the

opposing party Fulton County District

Attorney with a copy of the foregoing

petition Out-of-time appeal - void sentence

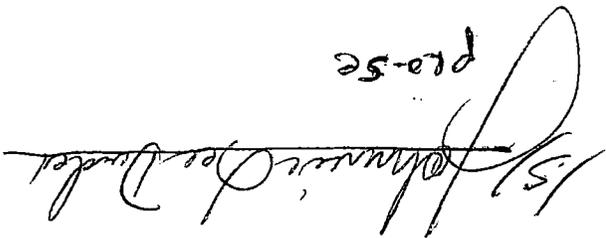
by placing a copy in the U.S. Mail with

affixed postage and addressed proper to

Fulton County District Attorney

136 Pryor Street S.W. 3rd Floor

Atlanta, Ga. 30303


B. J. Johnson
pro-se

IN THE SUPERIOR COURT OF Fulton
STATE OF GEORGIA

Johannee Lee Darden,
G.D.C # 755783 Plaintiff
Inmate Number

Civil Action No. _____

Clerk of Courts vs.

Defendant(s)

Nature of Action: forma pauperis

REQUEST TO PROCEED IN FORMA PAUPERIS

I, Johannee Lee Darden, depose and say that I am the plaintiff in the above entitled case; that in support of my request to proceed without being required to prepay fees, costs, or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to redress.

I further swear that the responses which I have made to questions and instructions below are true.

1. List any and all aliases by which you are known: _____

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

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

3. Have you received within the past twelve months any money from any of the following sources?
Business, profession, or form of self-employment? Yes No
Pensions, annuities, or life insurance payments? Yes No
Rent payments, interest or dividends? Yes No

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: _____

4. Do you own any cash, or do you have money in a checking or savings account? (Include any funds in prison accounts): Yes No

If the answer is "Yes," state the total value of the items owned: _____

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

If the answer is "Yes," describe the property and state its approximate value: _____

6. List the persons who are dependant upon you for financial support, state your relationship to those persons, and indicate how you contribute toward their support: _____

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

- a. A person to whom a lawful oath or affirmation has been administered commits the offense of perjury when, in a judicial proceeding, he knowingly and willfully makes a false statement material to the issue on point in question
- b. A person convicted of the offense of perjury shall be punished by a fine of not more than \$1,000 or by imprisonment for not less than one nor more than ten years, or both. O.G.C.A. § 16-10-70.


Signature of Plaintiff

9/18/14
Date

VERIFICATION

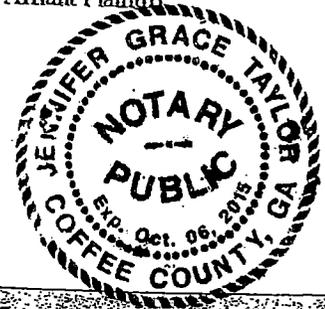
I, Johnnie L. Dunder, do swear and affirm under penalty of law that the statements contained in this affidavit are true. I further attest that this application for in forma pauperis status is not presented to harass or to cause unnecessary delay or needless increase in the costs of litigation.

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.

Johnnie Dunder
Signature of Affiant Plaintiff

9-17-14
Date

Sworn to and subscribed before me this
17th day of September 2014.
[Signature]
Notary Public or Other Person Authorized to Administer Oaths



Please note that under O.G.C.A. § 42-12-5 service of an affidavit in forma pauperis, including all attachments, shall be made upon the court and all named defendants. Failure by the prisoner to comply with this code section shall result in dismissal without prejudice of the prisoner's action.

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, Durden, Johnnie 755783 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

[Signature]

Authorized Officer of Institution

9-19-14
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).

Account Statement

DURDEN, JOHNNIE

Printed By:

GAY, KORTNEY

GDC ID: 755783

Spensible Amount	Reserved Amount	Receipts On Hold	Funds Balance	Obligations/Court Charges
\$0.00	\$10.00	\$0.00	\$10.00	\$73.29

RECEIPTS

Receipt Date	Transaction ID	Receipt Type	Receipt Details	Receipt Amount
10/26/2012	10865245	MAIL ROOM RECEIPT	SWANSON SERVICES CORP - 8600	\$3.48
04/30/2012	10197885	CONSOLIDATE BANKING CONVERSION	WHEELER CORR FACILITY - 28939	\$10.00
11/28/2010	8260472	KEEFE DEPOSIT RECEIPT	KEEFE - SCOTT, BROWNELL - 4293	\$300.00
09/27/2010	8041769	JPAY DEPOSIT RECEIPT	JPAY - FRYER, TAMEKA - 10294261	\$22.00
09/19/2010	8014459	JPAY DEPOSIT RECEIPT	JPAY - HARKNESS, WILMA - 10204350	\$50.00
09/10/2010	7982696	BANK OF AMERICA RECEIPT	BOA-44608703 - 1173279	\$19.25
09/02/2010	7953817	WESTERN UNION QUICK COLLECT RECEIPT	WESTERN UNION ELECTRONIC TRANSFER - 1024474818365464	\$25.00
07/22/2010	7807143	BANK OF AMERICA RECEIPT	BOA-99846681 - 1097698	\$14.25
07/02/2010	7733218	BANK OF AMERICA RECEIPT	BOA-40368081 - 1063040	\$29.25
06/25/2010	7708000	BANK OF AMERICA RECEIPT	BOA-22770181 - 1051105	\$20.25
05/28/2010	7610248	BANK OF AMERICA RECEIPT	BOA-17208545 - 1007331	\$19.25
05/10/2010	7543802	BANK OF AMERICA RECEIPT	BOA-57500862 - 975552	\$19.25
04/10/2010	7434369	JPAY DEPOSIT RECEIPT	JPAY - BARBER, JACKIE - 8461169	\$25.00
03/22/2010	7365103	BANK OF AMERICA RECEIPT	BOA-46237809 - 892525	\$25.25
03/11/2010	7325853	BANK OF AMERICA RECEIPT	BOA-93368228 - 872724	\$34.25
02/25/2010	7260985	BANK OF AMERICA RECEIPT	BOA-94391708 - 838805	\$39.25
02/14/2010	7217378	WESTERN UNION QUICK COLLECT RECEIPT	WESTERN UNION ELECTRONIC TRANSFER - 1004577153994504	\$50.00
02/05/2010	7182096	BANK OF AMERICA RECEIPT	BOA-93367924 - 801319	\$39.25
01/14/2010	7099193	BANK OF AMERICA RECEIPT	BOA-13595808 - 761433	\$24.25
01/02/2010	7053215	JPAY DEPOSIT RECEIPT	JPAY - HATCHER, LATONYA - 7381043	\$30.01
11/13/2009	6882801	BANK OF AMERICA RECEIPT	BOA-85523938 - 655550	\$24.25
11/13/2009	6882534	BANK OF AMERICA RECEIPT	BOA-84996767 - 655265	\$9.25
11/10/2009	6870308	BANK OF AMERICA RECEIPT	BOA-13453645 - 646362	\$9.25
11/10/2009	6870307	BANK OF AMERICA RECEIPT	BOA-12566868 - 646361	\$9.25
10/26/2009	6813524	BANK OF AMERICA RECEIPT	BOA-13163332 - 618575	\$4.25
10/09/2009	6756252	BANK OF AMERICA RECEIPT	BOA-66735483 - 587529	\$9.25
09/11/2009	6660775	BANK OF AMERICA RECEIPT	BOA-42871277 - 538779	\$19.25
09/02/2009	6629056	BANK OF AMERICA RECEIPT	BOA-88123097 - 521723	\$9.25
09/01/2009	6624101	BANK OF AMERICA RECEIPT	BOA-70561285 - 519232	\$29.25
08/07/2009	6529928	JPAY DEPOSIT RECEIPT	JPAY - SPRAGGINS, GENEVA - 5973321	\$60.00
08/04/2009	6517957	BANK OF AMERICA RECEIPT	BOA-87254169 - 467609	\$9.25
08/03/2009	6512985	BANK OF AMERICA RECEIPT	BOA-46976917 - 465383	\$24.25

Account Statement

DURDEN, JOHNNIE

Printed By:

GAY, KORTNEY

GDC ID: 755783

Receipt Date	Transaction ID	Receipt Type	Receipt Details	Receipt Amount
07/15/2009	6454990	BANK OF AMERICA RECEIPT	BOA-91458857 - 435559	\$84.25
06/23/2009	6373478	BANK OF AMERICA RECEIPT	BOA-88424130 - 389006	\$19.25
06/21/2009	6363944	WESTERN UNION QUICK COLLECT RECEIPT	WESTERN UNION ELECTRONIC TRANSFER - 0917272700358216	\$11.00
06/10/2009	6333498	BANK OF AMERICA RECEIPT	BOA-78416025 - 368249	\$14.25
04/29/2009	6177461	BANK OF AMERICA RECEIPT	BOA-76314908 - 281810	\$20.00
03/10/2009	5997489	BANK OF AMERICA RECEIPT	BOA-64864505 - 175450	\$19.25
03/04/2009	5980362	BANK OF AMERICA RECEIPT	BOA-66758148 - 163971	\$19.25
01/08/2009	5746267	CONSOLIDATE BANKING CONVERSION	MACON STATE PRISON - 20291	\$10.00

WITHDRAWALS

Date	Location Paid	Withdrawal Type	Payable To	Detail	Amount	Check No
10/26/2012	CENTRAL ACCT-OFFENDER TRUST	WITHDRAWAL FOR OBLIGATION	GEORGIA DEPARTMENT OF CORRECTIONS	MONTHLY PROCESSING FEE FOR 10/2012	\$1.00	97894
10/26/2012	CENTRAL ACCT-OFFENDER TRUST	WITHDRAWAL FOR OBLIGATION	GEORGIA DEPARTMENT OF CORRECTIONS	RECORD ID = 13472161. DENTAL 6/14/2012	\$2.48	97892
02/21/2011	CENTRAL ACCT-OFFENDER TRUST	MISCELLANEOUS	WHEELER CORRECTIONAL FACILITY	TRANS. TO WHEELER CORRECTIONAL FACILITY	\$260.35	59328
12/01/2010	CENTRAL ACCT-OFFENDER TRUST	STORE PURCHASE	MACON STATE PRISON	STORE PURCHASE	\$5.45	53930
12/01/2010	CENTRAL ACCT-OFFENDER TRUST	STORE PURCHASE	MACON STATE PRISON	STORE PURCHASE	\$42.20	53930
12/01/2010	CENTRAL ACCT-OFFENDER TRUST	WITHDRAWAL FOR OBLIGATION	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee 12/2010	\$1.00	55799
11/28/2010	CENTRAL ACCT-OFFENDER TRUST	WITHDRAWAL FOR OBLIGATION	GEORGIA DEPARTMENT OF CORRECTIONS	MONTHLY PROCESSING FEE FOR 11/2010	\$1.00	53658
10/01/2010	CENTRAL ACCT-OFFENDER TRUST	WITHDRAWAL FOR OBLIGATION	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee 10/2010	\$0.77	51625
09/27/2010	CENTRAL ACCT-OFFENDER TRUST	STORE PURCHASE	MACON STATE PRISON	STORE PURCHASE	\$21.46	49390
09/20/2010	CENTRAL ACCT-OFFENDER TRUST	STORE PURCHASE	MACON STATE PRISON	STORE PURCHASE	\$53.15	48935
09/13/2010	CENTRAL ACCT-OFFENDER TRUST	STORE PURCHASE	MACON STATE PRISON	STORE PURCHASE	\$0.11	48397
09/13/2010	CENTRAL ACCT-OFFENDER TRUST	STORE PURCHASE	MACON STATE PRISON	STORE PURCHASE	\$15.94	48397
09/02/2010	CENTRAL ACCT-OFFENDER TRUST	STORE PURCHASE	MACON STATE PRISON	STORE PURCHASE	\$23.82	47440
09/02/2010	CENTRAL ACCT-OFFENDER TRUST	WITHDRAWAL FOR OBLIGATION	GEORGIA DEPARTMENT OF CORRECTIONS	MONTHLY PROCESSING FEE FOR 09/2010	\$1.00	49314
08/01/2010	CENTRAL ACCT-OFFENDER TRUST	WITHDRAWAL FOR OBLIGATION	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee 08/2010	\$0.13	47155
07/28/2010	CENTRAL ACCT-OFFENDER TRUST	STORE PURCHASE	MACON STATE PRISON	STORE PURCHASE	\$14.51	44667
07/07/2010	CENTRAL ACCT-OFFENDER TRUST	STORE PURCHASE	MACON STATE PRISON	STORE PURCHASE	\$28.21	43416

1314 Poplar Pte.
Smyrna, GA 30082
Oct. 2, 2014

RECEIVED IN OFFICE
2014 OCT -7 PM 1:41
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

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

Please maintain the records for all of my cases for another year, and let me know before disposing of them so that I can pick them up.

Thank you for your attention.


Marilyn E. Goodrich

Case Number:

A10A0255 (Docket Date: September 29, 2009)

Style:

MARILYN GOODRICH V. ISAAC
GOODRICH

COA Status:

Remittitur Mailed

Trial Court Case
Number:

08CV42853

Case Number:

A11A1387 (Docket Date: March 31, 2011)

Style:

MARILYN GOODRICH V. ISAAC
GOODRICH

COA Status:

Remittitur Mailed

Trial Court Case
Number:

08CV42853

Case Number:

A13A0710 (Docket Date: December 3, 2012)

Style:

MARILYNE GOODRICH V. ISAAC
GOODRICH, IN HIS CAPACITY AS
ADMINISTRATOR CTA OF THE ESTATE
OF ELLIS GOODRICH

COA Status:

Remittitur Mailed

Trial Court Case
Number:

08CV42853

Case Number:

A13D0074 (Docket Date: October 8, 2012)

Style:

MARILYNE GOODRICH V. ISAAC
GOODRICH

COA Status:

Final

Trial Court Case
Number:

08CV42853

Recycled

Case Number:

A13D0109 (Docket Date: October 31, 2012)

Style:

MARILYNE GOODRICH V. BANK OF
AMERICA, N.A.

COA Status:

Final

Trial Court Case
Number:

1111343

Recycled

Case Number: A14A0165 (Docket Date: September 18, 2013)
Style: MARILYN E. GOODRICH v. ISAAC GOODRICH
COA Status: Notice of Intent/Application Filed
Trial Court Case Number: 13CV46558

Case Number: A14A1479 (Docket Date: April 15, 2014)
Style: MARILYN E. GOODRICH v. BANK OF AMERICA, N.A.
COA Status: Notice of Intent/Application Filed
Trial Court Case Number: 11111343

Case Number: A14D0314 (Docket Date: March 31, 2014)
Style: MARILYN E. GOODRICH v. BANK OF AMERICA, N.A.
COA Status: Motion For Reconsideration Filed
Trial Court Case Number: 11111343

Case Number: A14D0444 (Docket Date: July 14, 2014)
Style: MARILYN E. GOODRICH v. ISAAC GOODRICH
COA Status: Motion For Reconsideration Filed
Trial Court Case Number: 12CV42853

1314 Poplar Pte.
Smyrna, GA 30082
Oct. 2, 2014

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Case Number:

A10A0255 (Docket Date: September 29, 2009)

Style:

MARILYN GOODRICH V. ISAAC
GOODRICH

COA Status:

Remittitur Mailed

Trial Court Case
Number:

08CV42853

Case Number:

A11A1337 (Docket Date: March 31, 2011)

Style:

MARILYN GOODRICH V. ISAAC
GOODRICH

COA Status:

Remittitur Mailed

Trial Court Case
Number:

08CV42853

Case Number:

A13A0710 (Docket Date: December 3, 2012)

Style:

MARILYN E. GOODRICH V. ISAAC
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Case Number:

A13D0109 (Docket Date: October 31, 2012)

Style:

MARILYN E. GOODRICH V. BANK OF
AMERICA, N.A.

COA Status:

Final

Trial Court Case
Number:

11111343

Case Number: A14A0165 (Docket Date: September 18, 2013)
Style: MARILYN E. GOODRICH v. ISAAC GOODRICH
COA Status: Notice of Intent/Application Filed
Trial Court Case Number: 13CV46558

Case Number: A14A1479 (Docket Date: April 15, 2014)
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Number:

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Case Number:

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MARILYN GOODRICH V. ISAAC
GOODRICH

COA Status:

Remittitur Mailed

Trial Court Case
Number:

08CV42853

Case Number:

A13A0710 (Docket Date: December 3, 2012)

Style:

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GOODRICH, IN HIS CAPACITY AS
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MARILYN E. GOODRICH v. ISAAC
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Case Number:

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Style:

MARILYN E. GOODRICH v. BANK OF
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COA Status:

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Number:

11-11343

Case Number:

A14A0165 (Docket Date: September 18, 2013)

Style:

MARILYN E. GOODRICH v. ISAAC
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COA Status:

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Style:

MARILYN E. GOODRICH v. ISAAC
GOODRICH

COA Status:

Motion For Reconsideration Filed

Trial Court Case
Number:

12CV42853

Account Statement

COBBLE, DANIEL

Printed By: WELLS, KATHERINE

GDC ID: 758572

Date	Location Incurred	Obligation Type	Payable To	Obligation Detail	Amount	Paid
08/14/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17804895. INDIGENT POSTAGE 8/11/2014	\$3.78	
08/08/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17792726. INDIGENT POSTAGE 8/8/2014	\$0.06	
08/08/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17792723. INDIGENT POSTAGE 8/8/2014	\$1.00	
08/07/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17789457. INDIGENT POSTAGE 8/7/2014	\$0.21	
08/05/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17782062. INDIGENT POSTAGE 8/5/2014	\$11.48	
08/01/2014	CENTRAL ACCT-OFFENDER TRUST	MONTHLY PROCESSING FEE	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee for 08/2014	\$1.00	W
07/30/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17673469. INDIGENT POSTAGE 7/30/2014	\$0.06	
07/28/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17665774. INDIGENT POSTAGE 7/28/2014	\$3.92	
07/23/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17655983. INDIGENT SUPPLIES 7/23/2014	\$1.20	
07/23/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17655979. INDIGENT SUPPLIES 7/23/2014	\$0.06	
07/21/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17651545. INDIGENT POSTAGE 7/21/2014	\$1.47	
07/21/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17651139. INDIGENT POSTAGE 7/21/2014	\$0.98	
07/15/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17640685. INDIGENT POSTAGE 7/15/2014	\$2.66	
07/15/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17640586. INDIGENT POSTAGE 7/15/2014	\$1.68	
07/14/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17638009. 07/08/2014 INDG LGL	\$0.18	
07/09/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17631102. INDIGENT POSTAGE 7/9/2014	\$0.91	
07/07/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17623391. INDIGENT POSTAGE 7/7/2014	\$0.98	
07/07/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17623390. INDIGENT POSTAGE 7/7/2014	\$1.89	
07/01/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17615071. INDIGENT POSTAGE 7/1/2014	\$5.39	
07/01/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17614841. INDIGENT POSTAGE 7/1/2014	\$1.40	
07/01/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN - Reversal	HANCOCK STATE PRISON	RECORD ID = 17614532. INDIGENT POSTAGE 7/1/2014	(\$1.38)	R

Account Statement

52 Total Pages

In the Georgia Court of Appeals
State of Georgia

State of Georgia

criminal
A09A07792

v.
Danie/ Eric Cobb

Defendant

by David Swartz
pro/se Defendant

Motion to Reverse Remittitur
due to new ~~new~~ evidence I found
out Jan 10-1-14, that is O.C.B.A

of 2-5-50 says Georgia Dept of
Corrections can not take custody of
a person convicted of a crime during
a pending appeal. see appeal # A04A08884 appeal
in Cobb. Therefore Georgia Dept. of Corrections
lacked jurisdiction to prosecute me
since Prison did not have authority to
have in Prison in March 2004 on Cobb
County criminal #015017 since
this catch happens should not rule on 015017
until April 2004, so by writ of Habeas
Prison presents issue for suppressed crime
in Prison in March 2004 with case
2004 CRW-073 was lacking jurisdiction
being current with corrections on 4/1/2004
So please Reverse convictions and dismiss
all charges due to lack of jurisdiction to prosecute

Account Statement

COBBLE, DANIEL

Printed By: WELLS, KATHERINE

GDC ID: 758572

Date	Location Incurred	Obligation Type	Payable To	Obligation Detail	Amount	Paid
01/06/2009	VALDOSTA STATE PRISON	INDIGENT LOAN	GEORGIA DEPARTMENT OF CORRECTIONS	RECORD ID = 6752482. 1/6/09	\$1.00	
01/01/2009	VALDOSTA STATE PRISON	MONTHLY PROCESSING FEE	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee for 01/2009	\$1.00	W
12/24/2008	VALDOSTA STATE PRISON	INDIGENT LOAN	GEORGIA DEPARTMENT OF CORRECTIONS	RECORD ID = 6687795. 12/24/2008 LM .42	\$0.42	
12/24/2008	VALDOSTA STATE PRISON	MONTHLY PROCESSING FEE	GEORGIA DEPARTMENT OF CORRECTIONS	12/24/2008 @ 09:46	\$1.00	W
12/11/2008	VALDOSTA STATE PRISON	INDIGENT LOAN	GEORGIA DEPARTMENT OF CORRECTIONS	RECORD ID = 6665648. 12/10/2008 LM 2.10	\$2.10	
12/09/2008	SMITH STATE PRISON	INDIGENT LOAN	GEORGIA DEPARTMENT OF CORRECTIONS	RECORD ID = 6659262. 12/02/08	\$0.42	
12/09/2008	SMITH STATE PRISON	INDIGENT LOAN	GEORGIA DEPARTMENT OF CORRECTIONS	RECORD ID = 6659257. 12/04/08	\$3.36	
12/09/2008	SMITH STATE PRISON	INDIGENT LOAN	GEORGIA DEPARTMENT OF CORRECTIONS	RECORD ID = 6659241. 12/04/08	\$0.42	
12/08/2008	SMITH STATE PRISON	INDIGENT LOAN	GEORGIA DEPARTMENT OF CORRECTIONS	RECORD ID = 6657561. 11/20/08	\$0.84	
12/08/2008	SMITH STATE PRISON	INDIGENT LOAN	GEORGIA DEPARTMENT OF CORRECTIONS	RECORD ID = 6657340. 11/26/08	\$0.42	
12/01/2008	SMITH STATE PRISON	MONTHLY PROCESSING FEE	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee for 12/2008	\$1.00	W
11/25/2008	SMITH STATE PRISON	INDIGENT LOAN	GEORGIA DEPARTMENT OF CORRECTIONS	RECORD ID = 6587819. 11/18/08	\$0.86	
11/25/2008	SMITH STATE PRISON	INDIGENT LOAN	GEORGIA DEPARTMENT OF CORRECTIONS	RECORD ID = 6587815. 11/17/08	\$0.42	
11/25/2008	SMITH STATE PRISON	INDIGENT LOAN	GEORGIA DEPARTMENT OF CORRECTIONS	RECORD ID = 6587811. 11/19/08	\$0.84	
11/19/2008	SMITH STATE PRISON	INDIGENT LOAN	GEORGIA DEPARTMENT OF CORRECTIONS	RECORD ID = 6576804. 10/30/08	\$0.35	
11/19/2008	SMITH STATE PRISON	INDIGENT LOAN	GEORGIA DEPARTMENT OF CORRECTIONS	RECORD ID = 6576803. 11/04/08	\$0.42	
11/19/2008	SMITH STATE PRISON	INDIGENT LOAN	GEORGIA DEPARTMENT OF CORRECTIONS	RECORD ID = 6576802. 11/06/08	\$0.42	
11/05/2008	SMITH STATE PRISON	INDIGENT LOAN	GEORGIA DEPARTMENT OF CORRECTIONS	RECORD ID = 6552150. 10/24/08	\$1.20	
11/05/2008	SMITH STATE PRISON	INDIGENT LOAN	GEORGIA DEPARTMENT OF CORRECTIONS	RECORD ID = 6552147. 10/27/08	\$0.42	
11/05/2008	SMITH STATE PRISON	INDIGENT LOAN	GEORGIA DEPARTMENT OF CORRECTIONS	RECORD ID = 6552146. 10/29/08	\$0.42	

Account Statement

51 Total Pages

PS 2 memo

I've been in segregation since before Georgia court
of appeals 2009 April ruling so I've been unable to
get law books or a computer law library computer and
prison refuses to do research for me, so I can't
find out cells

- (2) 2nd Reason to Reverse Remittitur is
Georgia dept of corrections Right now can't
produce detainer papers as they never
get detainer from without state prison criminal
convictions and null and void as per OEGC
42-6-1 thru 42-6-20 require
I found this out in 2014 Recently for 1st time

Account Statement

COBBLE, DANIEL

Printed By: WELLS, KATHERINE

GDC ID: 758572

Date	Location Incurred	Obligation Type	Payable To	Obligation Detail	Amount	Paid
06/04/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17460927. INDIGENT SUPPLIES 6/4/2014	\$1.00	
06/04/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17458782. INDIGENT POSTAGE 6/4/2014	\$0.49	
06/03/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17457191. INDIGENT POSTAGE 6/3/2014	\$8.19	
06/02/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17453142. INDIGENT POSTAGE 6/2/2014	\$0.70	
06/02/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17453126. INDIGENT POSTAGE 6/2/2014	\$0.98	
06/01/2014	CENTRAL ACCT-OFFENDER TRUST	MONTHLY PROCESSING FEE	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee for 06/2014	\$1.00	W
05/29/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17349051. INDIGENT POSTAGE 5/29/2014	\$0.49	
05/28/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17346303. INDIGENT POSTAGE 5/28/2014	\$2.17	
05/28/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17346297. INDIGENT POSTAGE 5/28/2014	\$5.88	
05/23/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17339612. INDIGENT SUPPLIES 5/23/2014	\$1.00	
05/23/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17339273. INDIGENT SUPPLIES 5/23/2014	\$1.20	
05/22/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17336215. INDIGENT POSTAGE 5/22/2014	\$0.28	
05/21/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17333193. INDIGENT POSTAGE 5/21/2014	\$0.70	
05/20/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17330273. INDIGENT POSTAGE 5/20/2014	\$0.49	
05/19/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17327325. INDIGENT POSTAGE 5/19/2014	\$3.36	
05/14/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17318332. INDIGENT POSTAGE 5/14/2014	\$0.70	
05/14/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17316472. INDIGENT POSTAGE 5/14/2014	\$0.49	
05/12/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17310135. INDIGENT POSTAGE 5/12/2014	\$2.94	
05/09/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17308465. INDIGENT SUPPLIES 5/9/2014	\$0.18	
05/09/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17308388. INDIGENT SUPPLIES 5/9/2014	\$1.00	

Account Statement

~~Indigent Affidavit~~

Indigent Affidavit

VERIFICATION

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

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

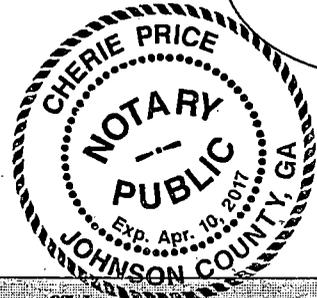
~~Signature~~

Daniel Eric Cobble
Signature of Affiant Plaintiff

~~Signature~~
Date 12-31-13
notarized

Sworn to and subscribed before me this
31 day of Dec, 2013.

Cherie Price
Notary Public or Other Person Authorized to Administer Oaths



Please note that under ~~Code Section 17-11-1~~ 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.

I declare I'm indigent and request to be allowed to file as a pauper

but date wanted is 10-1-14

I've already been granted pauper status in this in past in this appeals court

certificate of service

RECEIVED
MAY 10 2010
CLERK OF SUPERIOR COURT
MARIETTA, GEORGIA

This is to certify that I have this day served upon counsel prior to filing by hand delivery thru the clerk's mail to warden for him to hand to ↓

The district attorney of Wilcox county
Denise D. Fackini
P.O. Box 5510
Cordale Georgia 31010

This 1st day of October 2010 by Daniel Eric Galt
Patrick DeFuria

Account Statement

COBBLE, DANIEL

Printed By: WELLS, KATHERINE

GDC ID: 758572

Date	Location Incurred	Obligation Type	Payable To	Obligation Detail	Amount	Paid
07/01/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17614549. INDIGENT POSTAGE 7/1/2014	\$1.89	
07/01/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17614532. INDIGENT POSTAGE 7/1/2014	\$1.38	R
07/01/2014	CENTRAL ACCT-OFFENDER TRUST	MONTHLY PROCESSING FEE	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee for 07/2014	\$1.00	W
06/26/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT-LOAN	HANCOCK STATE PRISON	RECORD ID = 17507336. INDIGENT SUPPLIES 6/25/2014	\$0.18	
06/26/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17507334. INDIGENT SUPPLIES 6/25/2014	\$1.00	
06/26/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17506508. 06/26/2014 INDIGENT POSTAGE	\$0.49	
06/24/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17500581. 06/24/2014 INDIGENT POSTAGE	\$0.49	
06/23/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17498563. 06/23/2014 INDIGENT POSTAGE	\$2.10	
06/19/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17491617. INDIGENT POSTAGE 6/19/2014	\$0.91	
06/17/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17485880. INDIGENT SUPPLIES 6/17/2014	\$1.00	
06/16/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17483797. INDIGENT POSTAGE 6/16/2014	\$5.60	
06/16/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN - Reversal	HANCOCK STATE PRISON	RECORD ID = 17483784. INDIGENT POSTAGE 6/16/2014	(\$0.21)	R
06/16/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17483784. INDIGENT POSTAGE 6/16/2014	\$0.21	R
06/16/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN - Reversal	HANCOCK STATE PRISON	RECORD ID = 17483460. INDIGENT POSTAGE 6/16/2014	(\$0.10)	R
06/16/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17483460. INDIGENT POSTAGE 6/16/2014	\$0.10	R
06/16/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17483061. INDIGENT POSTAGE 6/16/2014	\$2.17	
06/16/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17483056. INDIGENT POSTAGE 6/16/2014	\$1.47	
06/13/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17479432. INDIGENT POSTAGE 6/12/2014	\$0.70	
06/09/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17468819. INDIGENT POSTAGE 6/9/2014	\$3.64	
06/05/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	HANCOCK STATE PRISON	RECORD ID = 17463675. INDIGENT POSTAGE 6/5/2014	\$0.21	

Account Statement

52 Total Pages

RECEIVED IN OFFICE
OCT 7 PM 1:21
CLERK/COURT ADMINISTRATION
COURT OF APPEALS OF GA



Court of Appeals of Georgia

October 16, 2014

TO: Mr. Chad Robert Bessant, GDC1211779 600W, Wheeler Correctional Facility, Post Office Box 466, Alamo, Georgia 30411

RE: **A11A1740. Chad Robert Bessant 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 January 31, 2012. The Court of Appeals remanded the appeal to the trial court. The remittitur issued on February 20, 2012, divesting this Court of any further jurisdiction of your case. The case is therefore, final.

If you are interested in obtaining a copy of the opinion in the above appeal. Copies are \$1.50 per page in this Court. A 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.

Opinion 3 pages \$4.50

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**

CASE STATUS - PENDING

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

IN THE COURT of Appeals
STATE of Georgia

STATE of Georgia

vs.

Appeals No. A11A1740

Chad Robert Bessant

Indictment No

09-SU-CR-1112-A

RECEIVED IN OFFICE

OCT 15 PM 11:01
CLERK/COURT ADMINISTRATION
COURT OF APPEALS OF GA

NOTICE

I would like to know the status of my case.

My Attorney, Mr. James Bonner was supposed to file my brief November 2013.

I am unable to get him to respond to any of my letters.

My brief case was remanded back to the trial court and my lawyer was supposed to file my brief in regards to my ineffective assistant of counsel.

Could you please let me know the status of my case and also send me a updated Index Docket sheet.

Certificate of Service

I do hereby certify that I have placed the foregoing by placing it into the US Mail Too by Georgia Court of Appeals, 47 Trinity Ave S.W. Suite 201, Atlanta, Georgia 30334

Respectfully Submitted this 6th Day of October 2014
(by) Chad Robert Bessant

INTERNATIONAL SECURITY
ADVISORY BOARD

10:11 AM 21 NOV 81

RECEIVED IN OFFICE

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

October 9, 2014

To: Mr. Mickey J. Barron, 1610 Chattahoochee Run Drive, Suwanee, Georgia 30024

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

Court of Appeals Case Number and Style: A14A1996. Mickey J. Barron v. Wells Fargo Bank, N.A.

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.**

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

FILED IN OFFICE

OCT 18 2014

**C. IN COURT OF
APPEALS OF GEORGIA**

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

CASE NO. 14A1996

**MICKEY J. BARRON,
Defendant-Appellant,**

v.

**WELLS FARGO BANK, N.A.,
Plaintiff-Appellee.**

REPLY OF APPELLANT

Mickey J. Barron
1610 Chattahoochee Run Drive
Suwanee, Georgia 30024
(770) 364-6980
Pro Se

**CLEARING HOUSE
COURT OF APPEALS OF GA**

2014 OCT -8 PM 2:41

RECEIVED IN OFFICE

APPELLANT'S MOTION FOR OUT OF TIME FILING OF REPLY

COMES NOW Defendant-Appellant Mickey J. Barron ("Appellant" or "Barron"), who files this Motion for an Out-of-Time Filing of his Reply Brief pursuant to Ga. Ct. App. R. 16(b) and O.C.G.A. § 5-6-39(a)(5)

1. Appellant timely filed opening brief in this appeal on August 18, 2014.
2. Appellee's filed their Response on September 5, 2014.
3. Barron discharged his lawyer during these proceedings, due in part to his associate with Robert T. Thompson, Jr., who has been suspended by the State Bar of Georgia.
4. Appellant, *pro se*, timely filed his Reply on September 25, 2015.

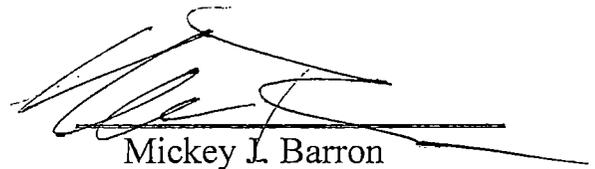
Unbeknownst to Appellant, his former counsel, Seth Katz, had not filed a Motion to Withdraw from this case, and therefore Appellant's Reply was rejected.

5. Appellant's former counsel has not filed the proper paperwork withdrawing from this case, and Appellant therefore respectfully requests that his Reply be considered by this Court.

WHEREFORE, Appellant respectfully requests that his Reply be accepted and considered by this Court.

Respectfully submitted,

This 7th day of October, 2014.

A handwritten signature in black ink, appearing to read "Mickey J. Barron", is written over a horizontal line.

Mickey J. Barron
1610 Chattahoochee Run
Drive, Suwanee, Gwinnett
County, Georgia 30024
Pro Se

CERTIFICATION OF SERVICE

Pursuant to GA. S. CT. R. 9, the undersigned hereby certifies that this Motion for Out-of-Time Filing was served on counsel for Appellee via United States mail, as follows:

W. Reese Willis, III
AVP/Trial Counsel
Fidelity National Law Group
4170 Ashford Dunwoody Road
Suite 460
Atlanta, Georgia 30319

Daniel Moore
Scott Michalove
Baker, Donelson, Bearman, Caldwell & Berkowitz, PC
Ste. 1600, Monarch Plaza
3414 Peachtree Rd., NE
Atlanta, GA 30326

This 7th day of October, 2014.



Mickey J. Barron
1610 Chattahoochee Run Drive
Suwanee, Georgia 30024
(770) 364-6980
Pro Se



Court of Appeals of Georgia

October 8, 2014

TO: Ms. Theresa Brown-Doonquah, P.O. Box 46064, Rio Rancho, New Mexico 87174

RE: **A14A0182. Theresa D. Brown-Doonquah v. Royal Bros. Construction, LLC**

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 order on October 8, 2013. The Court of Appeals dismissed the appeal. The remittitur issued on October 23, 2013, divesting this Court of any further jurisdiction of your case. The case is therefore, final.

I am returning your documents to you.

CASE STATUS - PENDING

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

APPLICATION FOR PERMISSION TO APPEAL A PROBATION REVOCATION

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

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

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

COURT OF APPEALS OF GEORGIA
47 Trinity Avenue, Suite 501
ATLANTA, GEORGIA 30334

RECEIVED IN OFFICE
2014 OCT -7 PM 1:42
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Theresa Brown-Doonquah
P.O. Box 46064
Rio Rancho, New Mexico 87174

COURT OF APPEALS CASE NO. A14A0182

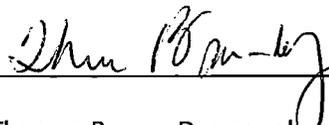
THERESA D. BROWN-DOONQUAH vs ROYAL BROS. CONSTRUCTION, LLC

On October 23, the court sent a notice that the Court will destroy the case of record and transcript one year after the remitted date of October 23, 2013.

On October 26, as per the suggestion of the court I filed a motion for the order granting defendant's motion for summary judgment entered January 12, 2010. To date of this writing I've have not received a notice of judgment from the court.

I'm writing to the court before the dismissal of my case in hopes of preventing this dismissal. I have been in compliance of the law yet four years later there has been no resolution. In my research of the Georgia Code of Judicial Conduct I have reviewed and attachment Canons that relates to this case.

Please maintain the record and/or transcripts in the above appeal.


Theresa Brown-Doonquah

COURT OF APPEALS OF GEORGIA
47 Trinity Avenue, Suite 501
ATLANTA, GEORGIA 30334

***** NOTICE OF REMITTITUR *****
October 23, 2013

Theresa Brown-Doonquah
605 WATERS ROAD
CHESAPEAKE, VA 23322

COURT OF APPEALS CASE NO. A14A0182
THERESA D. BROWN-DOONQUAH v. ROYAL BROS. CONSTRUCTION, LLC

For your information, this court's remittitur in the above styled case is being transmitted to the trial court today.

NOTICE

THIS COURT WILL DESTROY THE CASE RECORD AND TRANSCRIPTS ONE YEAR AFTER THE REMITTITUR DATE ABOVE.

The Court will maintain the record and/or transcripts in the above appeal for a period of one year after the remittitur date, unless one or more of the parties notifies the Court, in writing, to maintain the record, and the reason therefore. You will receive no further notice before the destruction of the record.

The original record will remain in the trial court.

The Court will preserve the briefs, substantive motions and orders, the Court's opinion, Docketing Notices and other documents on microfilm, and the microfilm will be available to the public for inspection at the Clerk's office or at the Georgia Department of Archives.

Canon 1

Judges Shall Uphold the Integrity and Independence of the Judiciary.

In this commentary it states that although judges should be independent, they must comply with the law, including the provisions of this Code. And that violation of this Code diminishes public confidence in the judiciary and thereby does injury to the system of government under law.

Canon 2

Judges Shall Avoid Impropriety and the Appearance of Impropriety in All Their Activities.

A. Judges shall respect and comply with the law* and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

In the commentary it states the following: Actual improprieties under this standard include violations of law, court rules, or other specific provisions of this Code.

B. Judges shall not allow their family, social, political or other relationships to influence their judicial conduct or judgment. Judges shall not lend the prestige of judicial office to advance the private interests of the judge or others; nor should they convey or permit others to convey the impression that they are in a special position to influence them. Judges should not testify voluntarily as a character witness.

Canon 3

Judges Shall Perform the Duties of Judicial Office Impartially and Diligently.

B. Adjudicative Responsibilities.

(1) Judges shall hear and decide matters assigned to them, except those in which they are disqualified.

(2) Judges should be faithful to the law* and maintain professional competence in it. Judges shall not be swayed by partisan interests, public clamor, or fear of criticism.

(5) Judges shall perform judicial duties without bias or prejudice. Judges shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not

limited to bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, and shall not permit staff, court officials and others subject to the judge's direction and control to do so

(8) Judges shall dispose of all judicial matters fairly, promptly, and efficiently...I filed the papers per the appellate court suggestion October 26, 2013 and at the date of this writing and submission I have not received any response from the court.

Commentary: In disposing of matters promptly, efficiently and fairly, judges must demonstrate due regard for the rights of the parties to be heard and to have issues resolved without unnecessary cost or delay. This matter/case has been before Judge Jack Carney without judgment for almost a year.

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

October 7, 2014

To: Mr. Howard Bagwell, GDC1000250572 Pod 23A2, Augusta State Medical Prison,
3001 Gorden Highway, Grovetown, Georgia 30813

Case Number: _____ Lower Court: _____ County Superior Court

Court of Appeals Case Number and Style: _____

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

- There is no case pending in the Court of Appeals of Georgia under your name.
- 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.
- 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.

Good even Judge PIPPS this left is the answer to the papers I received from Prescott it seems ever time I get papers from Oconee court concern my trial its one sided my side is never told except the lies they want ~~the~~ people to read this is my side we got Kayla when she was about 5 years she was living with her other granny Terrelia Tarpon up in maysville she had kids of here on so she gave my wife custody of Kayla I was working in statesboro ga I was gone most of the time we let Kayla move in with us where she could be close to one of her kids Tabitha Tarpan started stealing from us this is the first time we let her move in with us the second time we let her move in she told us she was doing something wrong with her stomach and she was seen a doctor at saint merys hospital she wanted to get all of kids and have them as long as she was living while she was there she got three of them and was working on the other to it was close to christmas she started stealing again and we thrde here out of our home me and my wife said someth in about get a woman here have haven here locked up Kayla hear that and all hell broke out I was the sorrest man alive Tabitha was a drags the reason she stole from us Tabitha did

NOT CARE FORE HERE KIDS SHE JUST USED THEM TO
GET WHAT SHE WANTED MY FIRST LAWYER WAS JASON
SLIDER WE BORROW THE MONEY FORE HEM THEN THEY
CAME UP WITH MORE STAFF WAS THAT I DITCH DOO
SO I WAS APPOINTED JOHN DENLEY FOR I COULD GET OUT OF
JAIL JASON SLIDER GAVE ALL OF THE WITNESS FILES
TO JOHN WHEN WE WENT TO COURT HE DITCH CALL THE
FIRST WITNESS ON MY BEHALF HE SPOKE ABOUT A 100
WORD HE JUST SET THERE AND LOOKED I WAS ACCUSED
OF RAPE WHEN KAYLA LEFT OUR HOME SHE HAD NOT BEEN
TUTCH TO YEARS AFTER SHE LEFT OUR HOME SHE CALLED
MY WIFE JANET AND TOLD HER THAT SHE GOT PREGENT
IN THE COURT ROOM A KIN. NURSE TESTIFIED THAT KAYLA
HAD NOT HAD ANY KIND OF SEX THEY WERE NOT
ANY DIAND. A EVEN MENTION THEY WERE NON THEY WERE
OTHER DON I HAVE 4 KIDS AND 10 GRAND KIDS I HAD
HAD A BAD RECORD I WORKED IN STATESBORE ABOUT 15
YEARS IF I WANTED A WILD NIGHT THEY WERE A COLLEGE
GIRL WITH GIRLS JOHN DENLEY TOLD ME IT WOULD BE
AT MY BEST IF I DITCH TESTIFIED IT WOULD GO BETTER
FORE SO I DITCH I PUT MY TRUST IN HEM AND I DITCH
ALL OF MY FAMILY HAVE TURNED THEIR BACK ON
KAYLA I HAVE A GRAND SON 2. MONTH OLD KAYLA
'REB. WILL WHOLE I HAVE GRAND DAUGHTERS WOULD HAVE
ANY THING TO DO WITH HERE I DON'T LOVE KAYLA
NO MORE AND NEVER WILL AGAIN HOPE YOU READ THIS
SEE THEY ARE 2. SIDE TO THIS STORR THANK YOU

Howard Baywell



Court of Appeals of Georgia

October 7, 2014

TO: Mr. Brian Bailey, GDC1270283, Georgia State Prison, 2164 Georgia Highway 147,
Reidsville, Georgia 30499

RE: **A12A1458. Brian Bailey 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.**

Appellant's Brief	22 pages	\$33.00
Appellee's Brief	20 pages	\$30.00

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.

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

ALL IN
SECOND DIVISION

4-30-2014

DEAR:

BARNES, P. J.,
ADAMS AND MCFADDEN, JJ.

COURT OF APPEALS OF GEORGIA

THIS IS BRIAN BAILEY ^{GDC} 1270283 I RE-
CENTLY HAD A APPEAL GOING IN THE APPEAL
COURT-CASE NUMBER AND STYLE: A12AH58.
BRIAN BAILEY VS. THE ^{STATE} AS YOU CAN SEE
I AM STILL TRYING TO GET SOME JUSTICE
DONE. BUT ANYWAY ~~LET ME GET~~ LET ME GET
TO THE POINT HERE, WELL I AM
WRITING TO REQUEST A COPY OF ~~THE~~
~~THE~~ BOTH THE BRIEF ON MY BRIAN
BAILEY BEHAVE AND THE BRIEF ON THE
STATE'S BEHAVE THAT WAS USED TO
AFFIRM MY CONVICTIONS ON OCTO-
BER 25, 2012; THANKS FOR YOU ALL TIME
LOOKING FORWARD TO RECEIVING COPY'S OF
~~THE~~ BOTH APPELLANT BRIEF AND
THE STATES BRIEF AS SOON AS POSS-
IBLE.

Brian Bailey



Court of Appeals of Georgia

October 2, 2014

TO: Mr. Chadrus Brown, GDC597678, Fulton County Jail, 901 Rice Street, N.W., Atlanta, Georgia 30318

RE: **A10A0098. Chadrus Brown 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 June 25, 2010. The Court of Appeals affirmed the judgment of the trial court. The remittitur issued on July 15, 2010, divesting this Court of any further jurisdiction of your case. The case is therefore, final.

I am returning your documents to you.

CASE STATUS - PENDING

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

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.

Opinion in A10A0098. 5 pages \$7.50

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**

Notice of Appeal to a Court of Appeals from
A Judgment or Order of a Superior Court

Fulton County Superior Court
State of Georgia

Indictment # 14SC128869, # 05SC26330

State of Georgia

vs.

Chadras Lequandra Brown
Defendant

Notice of Appeal

Notice is hereby given that Chadras Lequandra Brown in pro-se, defendant in the above named case, hereby appeals to the Georgia Court of Appeals from the final judgment made on an Affidavit of Facts. Demand for Dismissal, to void, vacate judgment entered on the 26th Day of September 2014.

Chadras Lequandra Brown
in-pro se Defendant
78512 / Jid # 597678
901 Rice St.

Atlanta, GA. 30318

This 28th Day of Sept. 2014

RECEIVED IN OFFICE

2014 OCT -2 AM 11:02

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

IN THE GEORGIA COURT OF APPEAL
STATE OF GEORGIA

State of Georgia	vs.	Chadras Leguarcio Brown Defendant
Indictment # HSC128869,	# 05SC26330	

BRIEF

On the 26th day of September 2014 before the Honorable Judge Shawn Ellis Lagura the Assistant District Attorney Edward Chase addressed two issues stated by the defendant Chadras Brown in his Affidavit of Facts Demand for Dismissals to void, vacate Judgment. In the (ADA's) Argument he addressed Fact # 1 SEE Affidavit of Facts: wherein he brought in the bill from the courtroom were the indictment was returned. Officer Jackson was her name. She stated on the record that the Grand Jurors And the (ADA's) and Any witnesses were locked up in a room not open to the public as the Evidence and testimony of Any witnesses was given. In addition there was not Any minutes recorded of the proceedings yet she further stated that once the Grand Jurors were done, she was contacted and then

she went into a courtroom and gave their written decision to a Judge in a courtroom open to the public. But therein I argued that the hearing was not held open to the public and that the indictment is in fact false & faulty in compliance with *The State v. Brown* (cited as: 315 GA. App. 282, 726 S.E. 2d 764) (2013) and in addition I argued *Zagar v. State* (cited as 194 GA. 285, 21 S.E. 2d 647) (1942), *Sampson v. State* (cited as: 124 GA. 776, 53, S.E. 332) (1906) and Fed. Rules Civ. Pro. rules 6(d), 52(a) 18 U.S.C.A., *Renigar v. United States* (cited as: 172 F.646) (1909) However the judge still ruled on behalf of the (ADA). Furthermore the Judge stated it is not a requirement that the Grand jurors hearing be transcribed. And that I was arguing federal rules not state. I therein argued it violated due process. she disagreed.

secondly the (ADA) addressed # 3 of the Affidavit wherein I argued that I have not gone before a magistrate judge at all and more was I ever read any miranda rights. In addition I stated that I never waived a probable cause hearing or any other hear at all. And that by law I was suppose to go in front of a magistrate judge the next business hour without unnecessary delay. F.R.C.P.

Rule 5. Initial Appearance 5(c), 18 U.S.C. (Former) 593, 595 Person Arrested taken before nearest officer for hearing within 3 days if released and if still in custody the next Business hour. And that under *Riverside vs. North Carolina* the charges must be dismissed. As I was brought from prison wherein I was arrested in a completely different district for absolutely different charges. Brought to the district of Fulton County by way of a production order to answer to any outstanding WARRANTS. I arrived on the 24th Day of June 2014 and did not see anyone until the 30th Day of June as I was taken in front of Superior Court Judge Shawn Lagua. I argued thus violating due process. U.S. Const. V Amendment, Denial of certain Rights 9th Amend., 14th Amendment As equal protection of the laws is guaranteed. Yet the (ADA) merely stated that I was already in custody and he claimed that the law did not require for me to go through that process as they went ahead and indicted the cause before I was even brought to Fulton County. I argued that in order for an indictment to be valid it had to be determined that the court had jurisdiction over the person and subject matter that could not be legally done if the person was

absent of any arrest. The judge ruled in favor of the (ADA). At that point the (ADA) did not address any other issue stated in the Affidavit. However, I did. I brought up the issue about # 2 in the Affidavit and the fact that the judge refused to inform me of the jurisdiction in which the court was moving in. She refused still to tell me and she merely stated that it will be listed as an on going objection. As I stated Attorney v. United States [52 L.Ed.2d 651 (1977)] I further argued the Fair Notice Doctrine under United States v. Nevers [7 F.3d 59 (5th Cir 1993)] As this was also a problem held under indictment # 05SC26330 wherein I was never informed and the indictment was void or improper on substance.

Finally

Wherein All of the Facts were not addressed as they all remain factual I pray that this honorable court render a ruling in favor of the defendant and that his Affidavit of Fact - Demand For Dismissal, to void, vacate Judgment be granted in the forsaid cases.

IN THE SUPERIOR COURT OF FULLION COUNTY
STATE OF GEORGIA

State of Georgia	vs.	Ex-Parte Charles Leguarda Defendant
Case no: 145C128869,	# 05 SC 26330	Affidavit of Facts

Affidavit of Facts

Demand For Dismissal, to void,

Void Judgment

Now Come Charles Leguarda, jurist, jurist a non-participant

inhabitant man on soil, defendant in the above

said cause of and moves this court under penalty

of perjury as it pretains to the United States

constitution and also the Georgia state constitution

and therein the presentment of this Affidavit of

Facts and Demand for Dismissal, to void, void

Judgment as he shows the following facts.

The 5th Amendment of the United States Constitution

provides that "no person shall be held to answer

for a capital or otherwise infamous crime unless

on a presentment or indictment of a grand jury. The

intention is not merely an indictment in form, but a valid

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

October 2, 2014

To: Mr. Angelo B. Banks, GDC402710 D700X, 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. 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. The Notice of Appeal is then docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves.**
- 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.

22 SEPTEMBER 2014

RECEIVED IN OFFICE
21 SEP 30 PM 08 26
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

CLERK,
COURT OF APPEALS OF GEORGIA
SUITE 501
47 TRINITY AVENUE, SW,
ATLANTA, GEORGIA. 30334

RE: ANGELO BERNARD BANKS V. DEPT. OF CORRECTIONS, ET AL,
2013CV231225
CIV. ACTION NO. ~~2013CV231225~~, SUP. COURT OF FULTON COUNTY.

DEAR CLERK,

I AM SUBMITTING THIS LETTER AS AN FORMAL NOTICE OF REQUEST FOR
NOTIFICATION OF THE SUPERIOR COURT CLERK'S SUBMISSION OF THE NOTICE OF APPEAL AND
RECORD OF PROCEEDINGS IN THE ABOVE REFERENCE CASE.

YOUR PROMPT REPLY IS URGENT.

RESPECTFULLY SINCERE,
MR. ANGELO B. BANKS
409770, DTX



Court of Appeals of Georgia

October 2, 2014

TO Mr. Franklin L. Bacon, GDC241510 700AB, Wheeler Correctional Facility, Post Office Box 466, Alamo, Georgia 30411

RE: **A14A1430. Franklin Lamar Bacon 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 September 10, 2014. The Court of Appeals affirmed the judgment of the trial court. The remittitur issued on September 25, 2014, divesting this Court of any further jurisdiction of your case. The case is therefore, final.**

The opinion in the above referenced appeal contains 3 pages. Copies are \$1.50 per page in this Court. Your pauper status does not excuse you from the copy fees in this Court. The Court of Appeals of Georgia is not subject to the Open Records Act.

Please 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**

CASE STATUS - PENDING

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

APPLICATION FOR PERMISSION TO APPEAL A PROBATION REVOCATION

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

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

IN THE COURTS OF GEORGIA

2014 OCT -1 PM 3:01

CLERK/COURT ADMINISTRATION
COURT OF APPEALS OF GA

case no. H14H1430

DD-05a2

FILED IN OFFICE

OCT -1 2014

COURT CLERK

Sept. 22, 2014

BACON
v
The State

RE: Motion for Reconsideration / Extension of time 180 days.

(Amend Appeal Cause rendered ineffective assistance intentionally

in constitutional denial of representation / constitutional

obstruction counsel (Appointed Conflict Free) conspired

with various public officials to secure Bacon's conviction)

Appointment of Conflict Free Counsel Rights to Amend all

errors / violations / constitutional violations and reversible

errors / relief to my acknowledged judgment that to brought

up in critical appeal process / Motion establishing denial

of access to courts (see Georgia Department of Corrections)

Grievance filed et al. civil actions)

Refranes Franklin James Bacon G007 01510 Appeal was

affirmed September 18, 2014 Attorney Michael Howard forwarded

this specific reply from the court of appeals to Lee State

Prison which arrived September 18, 2014. Mr. Howard Esq

letter was post dated as mailed 9-10-14 it took 12 days

for Lee State Prison to receive mail. 9-22-14. Specific

mail was forward to Vahnek Correctional Facility

1

Retitioner received appeal judgment affirmed Miller and Dillard, W. Conover

Retitioner assets from one day one from Mr. Michael Howard Esq entry of appearance. Retitioner requested with no other options to be 100% part of direct appeal. Whatever conflict free Counsel (Mr. Howard) had in his behalf would be accepted. Only if his choices and assertions showed/prevalled effective assistance of counsel.

Mr Howard was appointed ^{to} petitioner's case no 189CR018

approximately June 2010. I was very curious and not

satisfied of Mr. Howard's representation after reviewing his

first/several replies for approximately 10 months Mr. Howard

approximately 3 reference letters stating that he had not

been able get pro se duty trial transcript for a through

① and complete investigation.

Brady v. Maryland / Notice of Appeal etc. was not initially

suppressed from March 30th 2009 thru December 2013

Notice of Appeal 189CR018, Tyrod, Mar. Motion for New

Trial Hearing / Filings on Motions / ineffective assistance

was filed June 22 1999 in the Superior Court of Baltimore

County case no 1897CR018 this case have not been ruled

on for approximately 15 years and it was used for Retitioner

enhancement in case no 189CR018 Superior Court Rules

It states that cases have to be final before use of Retitioner

enhancement. see Campaigns Finance Commission

case no. 2013-0025 file

②

- ⑬ 83-2026 case was dismissed in the Superior Court of Bulloch County. This specific case was illegally altered with forged signature by Mr. Robert Simmons Lanier Jr. changed verdict from not guilty to guilty. My paid attorney of this cases 83-2026 was Mr. Bobby Hill of Savannah Ga. Mr. Robert Simmons Lanier Jr. scratched Mr. Bobby Hill name out and forged his name on legal documents
- ⑭ Petitioner have been denied access to courts since March 30th 2009 when case surfaced
- ⑮ Mr. Howard was appointed to petitioner's case approximately June 2012 he did not do a thorough and complete investigation prior to December 11th 2013 Mr. Howard coerced me to file state Habeas Corpus without filing my Direct Appeal
- ⑯ April 2011 Brady Materials were illegally confiscated at Smith State prison to above style case NO.
- ⑰ Complaint/Filings in U.S. District Court Brunswick Division 2013 June 14 P3:50 Bacon v. State IN the Ogeechee Judicial Cir. case NO. 1B04CR268, case NO 1B97CR042; case NO. 83-2026 All post conviction Remedy's Research (Approx 5 yrs.) Motions for New Trial; Extraordinary Motion for New Trial (2 cases) Direct Appeal (1B04CR268); Mandamus etc was illegally confiscated at Lee State Prison 5-7 2013 see also GDC grievance procedure multiple denials of access to courts etc Direct Appeal etc.
- ⑱ Petitioner gave Court of Appeals full acknowledgement of Mr. Howard's ineffective assistance; intentional misconduct; constructional denial of representation; constructional

abandonment. Ogeechee Judicial circuit have a powerful private organization MR. Howard conspired with various public officials to secure Bacon's conviction/sentence. Over all petitioner assertively told MR. Howard not to file his direct Appeal til specific Brady Materials needed was disclosed. The Court of Appeals was aware of all of this MR. Howard filed Direct Appeal with out Petitioner's acknowledgement with approximately 2 grounds with out effective assistance of counsel He deceitfully and intentionally denied me effective assistance

Return and answer from civil action no. 13CV504 Habeas Corpus (1809CR368) was filed Jan 21 2014 AM 9:42 approximately 14 grounds was filed failure to raise issue timely both at trial and/or in a direct appeal would be procedurally defaulted under OGGF. § 9-14-48(d) *Ex parte Angel* as well as petitioner was denied a fair trial by racial discrimination at jury selection on 2 black were submitted on jury, I asked for 6 whites and 6 Blacks this request was denied, Appointed Counsel Jack B. Williamson (Jury Trial) he was terminated for Conflict of Interest as well as MR Jack B. Williamson rendered ineffective assistance of counsel.

- Petitioner also states his trial transcript is not correct he was not allowed closing argument at jury trial but transcript shows closing argument.
- Petitioner was served notice seeking Recidivist enhancement after the jury was sworn, Petitioner have been denied access to the courts when case first surfaced 3-30-09 arrest. (4)

Trial court was based prejudice to my case from the first
beginning see cv 613 001

Retriever had approximately 30 grounds to submit in direct
appeal that had to be brought up now due to ineffective

assistance of counsel. Prosecution Misconduct, Obstruction of
Justice, Judicial Misconduct, Brady Materials was requested

Multiple times materially suppressed by trial court/ clerk.
Retriever showed all the above also the returns and answers

to civil action no. 13CV504 that would be procedurally
barred / procedurally defaulted under OCGA § 9-11-48(d)

Earp v. Hugel. The reason Mr. Howard ESQ did not raise
all the above ground / errors / constitutional violations / reversible

errors. Returns and answers civil action 13CV504 cause he
waived all the above to be procedurally defaulted under

O.C.G.A. § 9-11-48(d) absent a showing of cause and actual
prejudice, due to Petitioner's failure to raise the issue timely

both at trial and on direct appeal Earp v. Hugel 357 Ga. 333,
357 SE. 2d 596 (1987). Comparing with public officials serious conviction.

Therefore Petitioner ask the courts to terminate Mr. Michael
Howard ESQ off above style case no. Appeals another

Conflict for attorney to submit Amend Direct Appeal with
all the above errors / constitutional violations / relief / reversible

errors, to keep them from being procedurally defaulted Retriever
need all to further avoid an intentional miscarriage of

Justice, Petitioner ask for extension of time to amend all the
above case till further decisions are made by the

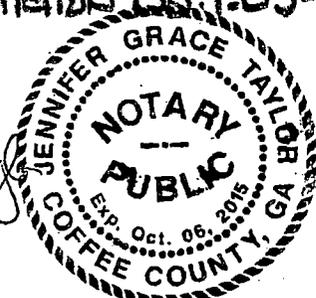
honorable courts.

Ms Melissa Hardaway Auditor / Legal Administrator GPDSC-
Appellate Division have full acknowledgements of all complaints
of Mr. Howard ESQ. Also Ms Hardaway have full acknowledge-
ment of Honorable F. Gates Reed intentionally suppressing
Brady Materials / Notice of Appeal 1809CR0268; 1897CR040;
83-2026 etc.

(Mr. Michael Howard ESQ knew that I had transferred from
Low State Prison ~~was~~ cause petitioner Mailed Him a copy
of same request made to Court of Appeals from Wheelers Corr.
Facility Alamo Ga.) Therefore Petitioner ask for extension of
time for Motions for reconsideration and rights to
Amend Bacon v. State A14A1430 (1809CR0268). Due to
Trial / Appeal counsel rendered ineffective assistance, constructive
denial of Representation, Constructional abandonment,
Prosecutorial Misconduct, Judicial Misconduct, obstruction
of Justice and Trial / Appeal Attorney conspired with
various public Officials to secure Bacon's conviction/
sentence. Petitioner Makes Request / Inquirements for his
relief and reversal of above conviction as in the same as
in all of his Prayers). see 2012 US Dist. LEXIS 112173 Cadet v.
State Dept of Corrections 6-1-12; Waseem Daker v. Joe Ferrero
US. District Court for Northern Dist of Ga. Atlanta Division
2008 US. Dist. LEXIS 237902008 US. Dist LEXIS 23790 11th Cir.
civil Action No. 1:03-cv-2526-RWS March 26, 2008.

Respectfully Submitted

Franklin Lamar Bacon



Jennifer Grace Taylor
9-2574

Certificate of Service

This is to certify Franklin Lamar Bacon GDOT #41510/700
AB/@UCC 1.207, Wheeler Correctional Facility, 195 Broad Street,
PO Box 466, Alamo Ga. 30411 is forwarding a true and
correct copy of Motion for Reconsideration extension of
time Appointment of Counsel etc. all above. to Court of Appeals
of Ga., Suite 501, 47 Trinity Ave. Atl Ga. 30334; Ms Teresa P. Tucker
Superior Court Clerk 20 Siebold St, Judicial Annex Building
Statesboro Ga. 30458, Ms Melissa Hardaway GPOSC Appellate
Division 104 Marietta Street, Suite 600, Atl. Ga. 30303, D. A.
Office 1 Courtland Street ~~2nd~~ Floor, Statesboro Ga. 30458,
*(President) MR. B. Obama The Executive Office of President,
1600 Pennsylvania Ave., Washington DC. 20500 All mail
have correct US. Postage. * Additionally Petitioner is indigent
and ask the Executive Office of the President to forward/
Fax Certified Copies to MR Eric Holder US. Dept. of Justice
of inquiriments/request.

Respectfully Submitted.

F. L. Bacon

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

October 28, 2014

To: Mr. Taurus Tyrone Ackey, GDC982690, 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 _____ 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.

10/10/2020

10/10/2020

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RECEIVED IN OFFICE
2014 OCT 28 PM 1:48
CLERK OF SUPERIOR COURT OF GEORGIA

IN THE GEORGIA COURT OF Appeals
STATE OF GEORGIA

TAURUS TYRONE ACKEY
MOVANT

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•

Case NO: 13-CR-00730

VS.

STATE OF GEORGIA

NOTICE OF APPEAL

NOTICE is hereby given that movant above name, hereby appeal to the Court of appeals of georgia, from the judgment entered herein on May 19, 2014. The offense for which movant was sentenced was contempt of court and the sentence imposed is follows, 10-200-548

The offense for which movant was sentenced occurred in the case of 13-CR-00730. The clerk will omit no documentary evidence and will not omit any motions filed in this case or from the case during which contempt occurred from the record on appeal and will transmit the record in its entirety including the court reporters during which the adjudication of the contempt occurred, and all proceedings in the contempt case.

Transcript of evidence and proceeding will be filed for inclusion in the record on appeal.

The court of appeals has jurisdiction of this appeal as it involves a subject upon which jurisdiction is not conferred, upon the Supreme Court of georgia by the 1983 constitution of georgia, article VI, section VI, paragraph III and involves the correction of errors of law

This 23 Day of October 2014.

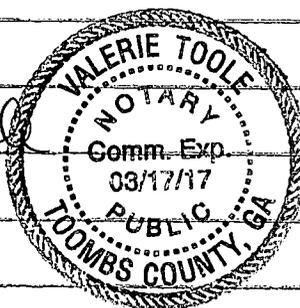
Alan J. Lee
Clerk of Court
Carroll County Courthouse
P.O. Box 1620
Carrollton Georgia 30112

Sharon A. Coleman
District Attorney
P.O. Box 338
Carrollton Georgia 30112

Samuel Olen
Attorney General
40 Capital Square
Atlanta Georgia 30334-1300

Respectfully Submitted
Taurus Tyrone Ackey
Taurus Tyrone Ackey
Roger's State Prison
#982690
1978 GA. Hwy. 147
Reidsville Ga 30453

Valerie Toole
10/23/14



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

Date: October 30, 2014

To: Mr. Anthony W. Allen, GDC519219, Central State Prison, 4600 Fulton Mill Road, Macon, Georgia
31208

Docket Number: A15A0395 **Style:** Anthony Allen 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. **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 OF GEORGIA

FILED IN OFFICE
OCT 27 2014
CLERK COURT OF APPEALS OF GA
COURT CLERK

Anthony Wayne Allen, *
Appellant *
* Appeal Case No. A15A0395

THE STATE OF GEORGIA, *

Appellee *

*

Appellant's Reply of Notice

RECEIVED IN OFFICE

2014 OCT 29 PM 3:25

CLERK COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Comes Now Before This Honorable Court, Anthony Wayne Allen, Appellant in above styled Action and would like to address this Court of the following issues that concern this Appeal, and said issues are:

1.) Appellant appealed the dismissal of his Petition by the Franklin County Superior Court filed on August 20th, 2014.

2.) Appellant filed a timely Notice of Appeal on September 9th, 2014.

3.) Appellant received this Notice of Docketing -

Direct Appeal on October 20th, 2014. To which said Notice has the date of Docketing as October 9th, 2014.

4) It clearly states on this notice that Appellant has only 30 days from the date on this notice (Oct 2, 2014) in which to file a supporting brief, that would make the deadline October 29th 2014. which would only give Appellant nine days to prepare and mail his brief and support of his appeal.

5) So at this particular stage of things, Appellant would like to forego his opportunity to file a brief and would like for this Honorable Court to consider and rule on his petitions by their own merits, and take an exception this jurisdictional review that Appellant would present to this Court in this instant case.

So Plaus' Appellant is this reply and for this Honorable Court to grant him relief as deemed justifiable in good faith.

Respectfully Submitted to you on this 26th day of October, 2014.

By: Anthony J. Cole #519219
Pro-Se Appellant

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

October 28, 2014

To: Mr. Taurus Tyrone Ackey, GDC982690, 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 _____ 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.

RECEIVED IN OFFICE
2014 OCT 28 PM 1:48
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

IN THE GEORGIA COURT OF Appeals
STATE OF GEORGIA

TAURUS TYRONE ACKEY
MOVANT

vs.

Case NO: 13-CR-00730

STATE OF GEORGIA

NOTICE OF APPEAL

NOTICE is hereby given that movant above name, hereby appeal to the Court of appeals of georgia, from the judgment entered herein on MAY 19, 2014. The offense for which movant was sentenced was contempt of court and the sentence imposed is follows: ~~10-see 5/14~~

The offense for which movant was sentenced occurred in the case of 13-CR-00730. The clerk will omit no documentary evidence and will not omit any motions filed in this case or from the case during which contempt occurred from the record on appeal and will transmit the record in its entirety including the court reporters during which the adjudication of the Contempt occurred, and all proceedings in the Contempt case.

Transcript of evidence and proceeding will be filed for inclusion in the record on appeal.

The Court of appeals has jurisdiction of this appeal as it involves a subject upon which jurisdiction is not conferred, upon the Supreme Court of georgia by the 1983 constitution of georgia, article VI, Section VI, paragraph III and involves the correction of errors of law

This 23 Day of October 2014.

ALAN J. LEE
CLERK OF COURT
Carroll County Courthouse
P.O. Box 1620
Carrollton Georgia 30112

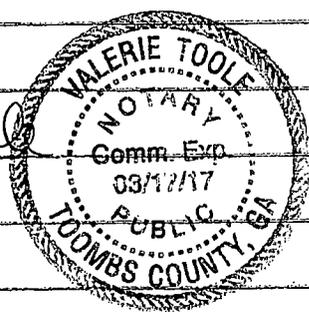
Respectfully Submitted

Taurus Tyrone Ackey
Taurus Tyrone Ackey
Roger's State Prison
#982690
1978 GA. Hwy. 147
Reidsville GA 30453

Sharon A. Coleman
District Attorney
P.O. Box 338
Carrollton Georgia 30112

Samuel Olen
Attorney General
40 Capital Square
Atlanta Georgia 30334-1300

Valerie Toole
10/23/14



COURT OF APPEALS OF GEORGIA

RETURN NOTICE

October 7, 2014

To: Mr. Michael D. Dyer, GDC116953 E-1, Jimmy Autry State Prison, Post Office Box 648,
Pelham, Georgia 31779

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 _____
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 Supreme Court of Georgia is: 244 Washington Street, S.W., Suite 572, Atlanta, Georgia 30334.**
- 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.

RECEIVED IN OFF.
2011 OCT - 6 AM 10:40
CLERK COURT OF APPEALS OF GA
ADMINISTRATOR

THE Court of Appeals of Georgia
Supreme Court of Atlanta
STATE of Georgia

Michael D. Dyer
No. 116953
State of Georgia ^{V.S.} and
William Danforth
warden Valdosta
Prison P.O. Box 310
Valdosta Georgia
31603

conviction 06-CR-1284-C
CASE No. S10H1367
CASE was Returned from the
Supreme Court January 14, 2011
where the Court ordered Habeas Corpus
Court to remand case for further pro-
ceedings. Defendant has written Habeas
Corpus Court and asked status of Habeas
decision with no answers.

Jurisdiction: Article 3 of U.S.C. Article 6, Sec. 1 Para. 4 Ga. Const. (2009);
Out of time Appeal and inquirie of Habeas

Corpus case Remanded to Superior Court
of Lowndes County Valdosta Georgia Case No. S10H-
1367

1. According to Transcripts of Case No 06-CR-1284-C
the State Superior Court of Hall County Convict-
ed defendant Michael D. Dyer twice for same thing,
violation of law 16-6-4 due to prejudice and
guidence from Defendants lawyers Larry Ductweiler
and Brett Willis AS to the fact that these two
lawyers worked with the State to force and coerce
defendants Guilty Plea.

New Evidence was introduced to the Court AS to the
fact that Defendants Lawyers Allowed States Prosecution
Elizabeth Simmons to make witnesses only cooperate
and/or answer questions asked by State or Hall Co-
county detectives by use of Legal Papers called
affidavits by defendants brother barring and/or
stopping under penalty of law and/or Jail Con-
-finement if Todd P. Dyer, Samantha Jones and/or Mc-
-Arts Lawyers they would face jail time or penalty of
Law. making them sign these PAPERS and Agreeing

with the States Prosecutor to violate defendants due Process Rights as to where def- was deprived of Right to confront and or even to question any witness involved in this case by Elizabeth Simmons illegal actions be the States Attorney and/or Prosecutor.

2. THE Court Records will show that Larry Ductweiler called for continuance after States G.B.I. Crime Lab sent to Court Negative Results of D.N.A. test in connection with this case. At the time of lawyer asking for continuance there was a Fast and Speedy Trial motion al- ready granted in this case, and when Defen- dants own lawyers suggested to the State to Resend order to State Crime Lab to retest D.N.A. this was a violation of Defendants Rights and Defendant tried to get Judge to recall this matter and fire Larry Ductweiler to no avail, this Court Plain out violated Constitutional Rights and due process of Defendant Michael D. Dyer in said case. Because of Larry Ductweiler asking for a con- tinuance The first and Speedy Trial motion that was already granted by a different Superior Court Judge was dismissed, and State Resent D.N.A. for further testing.

3. Evidence in Transcripts will show that the States New Prosecuting Attorney Greg Rad's forced and Coerced after bargain through the efforts of Brett Willis an unskilled Attorney that was lead by this slick Prosecutor to get Michael D. Dyer to plead guilty by tricks and coercion.

Exhibits

A. Brett Willis came to see defendant at Hall County detention center, Defendant ask Brett W- what was up he had brought a beautiful girl with him cant remember her name. Any way Brett stated the fact that the state had over- turning evidence against me, and that I would be a fool to continue to take this case to trial. I made the statement that the D.N.A. came back Negative. Brett said no matter that the state still had the confession, I told him that that no confession that that letter was an apology for a previous argument between my brother and me. Brett said you ought or ought to take a plea rather than get 60 years recidivist this would be the smart thing to do. I said what would the state be willing to offer? He said possibly 15 years to serve. I said why dont you ask and see what they would be willing to negotiate he says okay here answer these questions and sign this and I'll see I said this is not a plea is it he said No this is just to show the State Attorney that you might be willing to negotiate a plea, just a show of good faith. He said. Two or three days later I was in Court and I asked him what was going on he said they accepted your plea. I told him immediately that I wasn't going to plead, He told me that I would be a fool to continue to take this to trial that He and the prosecutor had worked out the best plea bar- that I could possibly get 30 years do it, I said that's not even what we talked about? He said look do you seriously still think you can take this to trial? I said yes He said there is a 98% probability that even with the best thing he could pick that I would be found guilty I said No I want to plead. Brett looked me dead in the eyes and said we call- ed the Judge in on his day off to accept this plea if you dont go along he is sure to throw the Book at you I still said no But he kept telling me that I was sure to get 60 years recidivist because of my past record. By that time the Judge was asking me questions and I was afraid to not cooperate.

AFTER answering one of the questions the Judge ask me, "I think so", my lawyer redoubles his thrests to me, your going to make the judge Angry and there is no telling how much time you will get then. So I answered the questions in a positive matter but still refused to sign my name. They had me removed from the Court room. I was Thinking Thank God thats over, But it wasn't Brett Willis came to bagger me back in the holding cell where he made some promises to change things of the plea bargain said I would have the right to an appeal, that they would change it back to 15 years and that I wouldn't have to move from my home town. I still didn't trust him and I'm pretty sure that I signed either my Brother Todds name to it or my fathers name to the indintment. A careful investigation should provide the answer here, as to if he copied my name to an indictment of the same, I'm not sure I was so messed up my heart was beating in terror and I'm sure I was having an anxiety-anziety attack I couldn't believe that my own Lawyer would betray me like that?!

4. According to the records in the Transcript the States Attorney was confussed as to where three counts of burglary page 115 lines 1, 2, 3, so thats not a conviction he was counting on these conviction for recidivist action on me without indictment of recidivist. And then from line 4 he relates the law under which I am to be sentenced But it is clear by 13-16 and 16 through 25 that they are still in negotiation and are not clear whether or not I'm to be allowed Parole or not but must do 10 years before I'm allowed Parole. I ask the Court How can this be knowingly and intelligently entering in to a negotiated Plea Agreement? According to Transcripts on 115 through to page 116 and 117 The Court has to interpret the law. The Judge imposed his understanding of the code...

4.

5. Furthermore this is not a knowingly and intelligently negotiated plea when the Agents of the Court do not even know what the negotiated plea and the sentencing laws are. The transcripts prove this was not knowingly and intelligently entering of a guilty plea. Furthermore the state did not have to threaten defendant he had ace in his corner or in the game so to speak the defendant's own lawyers threatened and coerced and baggared the defendant and made sure to let state know all the ways in which defendant was trying to defend himself. As in making David and Jennifer Mutter sign the affidavits forbidding them to talk to defendant's lawyers or investigation teams or to even accept phone calls from the defendant. All the witnesses in this case were made by the state prosecutor Elizabeth Simmons to sign this illegal affidavit forbidding question and answers from defense teams of lawyers office barring possible means of any defense to accusation on the indictment 06-CR-1284-C. The defendant has letter from Brother stating these facts that the witnesses were made to sign these affidavits that violate defendant's rights of Due Process Laws of Constitution U.S. 83, 2265. Brady v. Maryland 373 U.S. 83, 835 Ct. 1194, 10 L. Ed. 215 (1963) and Id 84, 83 S. Ct. 1194 and at 86, 835 82-87 835. Also Formerly 92K 265.5) Due Process Clause may require some inquiry into factual basis of defendant's guilty plea where he maintains innocence. Henderson v. Morgan 426 U.S. 637, 644-45, 96 S. Ct. 2d 2257 49 L. Ed. 2d 108 (1976) A plea is involuntary if defendant has such a incomplete understanding that the plea cannot stand as an intelligent admission of guilt. A plea is not valid in the absence of adequate notice to the defendant of nature of the charge United States 8th Cir. Court of Appeals Denis James Paulson, Appellant v. James Black, Warden, Nebraska State Pen. Appeal No. 02-1096 Oct. 17 1997

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

October 8, 2014

To: Mr. Samuel Gaines, Mitchell County Jail, Post Office Box 28, Camilla, Georgia 31730

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.

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

In The State of Georgia's
Court of Appeals

RECEIVED IN OFFICE

2014 OCT -7 PM 1:37

State of Georgia

VS

Samuel Gainer

Defendant
PRO-SE

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Arrest warrants NO(S) 14-245-A-B

NO: 14-235-A-B + Bond Order

Criminal Action No: (unindicted)

Complaint

I the defendant are currently incarcerated under a \$80,000.00 bond that has no special condition listed. Arrested on the date of June 7th, 2014 For the criminal offenses of Felony burglary in the 2nd Degree, Felony possessing burglary Tools, Felony Criminal Attempt burglary in the 1st Degree and Felony burglary in the 2nd Degree Arrest was made by the Mitchell Co. City Police Department Camilla, Georgia. In 2 of these burglary warrants it list 2 different addresses but shows that the crimes was committed at the same time. Order For Bond has signatures of Judge A. Wallace Cato, and Public Defender Patrick Chisholm that are inconsistent with other signatures of theirs that I possessed. My mother has attempted twice to post that bond but this Sheriff repeatedly deny her only to say that she has to use their bondsman. I think they're attempting to shake down my mother For money.

1. Warrant NO: 14-245-A.

In this warrant the detective's definition and description as explained are inconsistent with the criminal code of 16-7-1 2nd Degree, because the detective are defining the open structure that had no windows or doors being a utility shed where a chainsaw was stolen valued at \$100.00 as the Full Fledged Criminal act of entering without authority a closed in building that is possibly secured to the equivalent of the ~~closed~~ structures that's explained in the criminal code 16-7-1. Time of Crime to have been committed on warrant states at 1:36 A.M at the address of 298 South Hurney Street.

2. Warrant No: 14-245-B

In this warrant the detective are defining and describing the conduct of Criminal Attempt to Commit Burglary in the First Degree under two different Criminal Codes statutes 16-4-1 / 16-7-1(b) where as they explains in the warrant that a broken window near the locking mechanism are a substantial step in committing burglary in the 1st degree. This finding only supports Criminal damage to property because as the statute^{quote}(s) the actual criminal act has to be completed but Falls short of the primary motive. Time for which crime was committed as warrant shows are 1:36 A.M. at the address of 298 South Hurney street.

3. Warrant No: 14-235-A

In this warrant the detective are describing and defining burglary in the 2nd Degree under Georgia's Criminal Code 16-7-1, For when they found the intended to be stolen properties in the yard right outside of the unoccupied residence. In and under the rules of evidences it's quotes that when the primary objective are met in part but Falls Far short of its completion, then the conduct don't meet the normal elements of theft. They never witness anyone putting the property there nor do they have any physical evidences to whom may have put the property there, And it was noted at the bond hearing that a person that was watching the residence saw someone other than the defendant on a bicycle get off and go up into a yard in that area. I was driving my mother's car. From the police report the properties never left the premises, therefore the theft is unaccomplished. Time for which the alleged crime to have been committed was 1:36 A.M. as shown on warrant, address 70 Roosevelt street.

4-Warrant No: 14-235-B

In this warrant the detective are defining a Flash light and A single Handglove as burglary Tools under the Criminal Code of 16-7-20 - The glove was Found in the trunk of the car and the Flash light was in the Front seat driver side. (Evidences not supported by law.)

Date: 10-1-2014
"wherefore the defendant prays
that this court look only at the
Facts as it's explained and vacate
the - above mentioned Warrant;
And that Bugas Bond."

Sincerely,
Samuel Samson
Attorney at Law

DID INVESTIGATION INDICATE THAT THIS INCIDENT WAS DRUG RELATED?
IF YES, INDICATE THE TYPE OF DRUG(S) USED BY OFFENDER

1-AMPHETAMINE 2-BARBITURATE 3-COCAINE 4-HALLUCINOGEN 5-HEROIN
 6-MARIJUANA 7-METHAMPHETAMINE 8-OPIUM 9-SYNTHETIC NARCOTIC U-UNKNOWN

YES NO

ON 06/07/2014 AT APPROXIMATELY 2:36 A.M. I DISCOVERED A WHITE IN COLOR HONDA CIVIC BACKED INTO THE DRIVEWAY OF 98 ROOSEVELT STREET, A VACANT RESIDENCE. MY ATTENTION WAS BROUGHT TO THIS AREA WHILE IN THE YARD AT 298 SOUTH HARNEY STREET WHERE I HAD RESPONDED TO A RESIDENTIAL BURGLAR ALARM ALONG WITH OTHER OFFICERS. A SUBJECT THAT RESPONDED TO THAT ALARM CALL TO CHECK AND SECURE THE HOME FOR THE HOME OWNER DREW MY ATTENTION TO THE WEST END OF ROOSEVELT STREET TO WHAT HE SAW AND DESCRIBED AS SOMEONE POSSIBLY ON A BICYCLE IN THAT AREA. I DID NOT SEE ANYTHING WHEN I LOOKED IN THAT DIRECTION BUT HE ADVISED THAT IT APPEARED THE SUBJECT HAD WALKED UP INTO A YARD. I WENT TO PATROL THE AREA AND FOUND THE ABOVE MENTIONED CAR PARKED AND UNOCCUPIED. THE VEHICLE WAS SECURE AND THE HOOD OF THE CAR WAS WARM TO THE TOUCH INDICATING THAT THE ENGINE WAS RECENTLY RUN. I CHECKED THIS RESIDENCE AND FOUND THAT IT APPEARED SECURE. INSIDE THE VEHICLE I OBSERVED A SMALL BATTERY JUMP BOX, AN OPEN CAN OF BEER ON THE CENTER CONSOLE INSIDE A BROWN PAPER BAG, A PIECE OF WHAT APPEARED TO BE SOME TYPE OF PILL ON THE CONSOLE AND DRIVER'S SEAT, AND A BROWN IN COLOR BLANKET AND HOODED JACKET IN THE BACK PASSENGER AREA. I INSTRUCTED MY OTHER OFFICERS TO LEAVE THE YARD BUT TO SET UP A PERIMETER AND WATCH FOR THE CAR TO LEAVE THE AREA WHEN THE DRIVER RETURNED. AS I LEFT THE PROPERTY, I DISCOVERED SOME ITEMS IN THE YARD NEXT DOOR AND SUSPECTED THEY HAD BEEN STOLEN FROM INSIDE THE RESIDENCE AT 70 ROOSEVELT STREET. WHILE INVESTIGATING AND RECOVERING THAT PROPERTY, THE DOORS UNLOCKED ON THE HONDA CAR AS IF THE DRIVER OR OWNER WAS NEARBY AND USING A REMOTE DEVICE TO UNLOCK IT. AT THAT TIME WE LEFT THE AREA AND SET UP OUR PERIMETER. THE VEHICLE WAS SPOTTED LEAVING THE EAST END OF ROOSEVELT STREET ONTO HARNEY STREET BY MITCHELL COUNTY SHERIFF'S DEPUTY EPPERSON. HE LATER ADVISED THAT THE DRIVER DID NOT TURN ON THE HEADLIGHTS OF THE CAR UNTIL HE WAS ON HARNEY STREET. I REQUESTED THAT DEPUTY EPPERSON ONLY FOLLOW THE VEHICLE UNTIL A BACK-UP UNIT ARRIVED TO ASSIST IN CONDUCTING A TRAFFIC STOP ON IT. ACCORDING TO DEPUTY EPPERSON'S RADIO TRAFFIC, THE DRIVER WAS TRYING TO EVADE HIM ALTHOUGH HE WAS NOT ATTEMPTING TO INITIATE A TRAFFIC STOP ON HIM YET. ONCE OTHER OFFICERS AND I CONVERGED ON THE VEHICLE NEAR THE INTERSECTION OF SINGLETON STREET AND EAST COCHRAN STREET, DEPUTY EPPERSON AND PTL. DEARBORN ATTEMPTED TO CONDUCT A TRAFFIC STOP ON THE CAR. THE DRIVER THEN RAN THE STOP SIGN AT THAT INTERSECTION AND I TRIED TO BLOCK THE CAR FROM THE FRONT BEFORE HE TURNED ONTO COCHRAN STREET. THE DRIVER AVOIDED THE BLOCK AND WENT OFF THE SIDE OF THE ROAD INTO A YARD AND AROUND MY CAR. HE THEN TRIED TO FLEE IN THE VEHICLE BUT ONLY A SHORT DISTANCE TO HIS RESIDENCE AT 149 EAST COCHRAN STREET WHERE DEPUTY EPPERSON BEGAN TO ATTEMPT TO BLOCK HIM AGAIN FROM THE FRONT. THE DRIVER, LATER IDENTIFIED AS B/M SAMUEL GAINES, EXITED THE CAR AND TRIED TO FLEE ON FOOT BUT WAS APPREHENDED AND TAKEN INTO CUSTODY ONLY A SHORT DISTANCE FROM HIS VEHICLE. I IMMEDIATELY SMELLED A STRONG ODOR OF ALCOHOL ON MR. GAINES' BREATH AND PERSON. IT WAS SUSPECTED THAT HE WAS ALSO UNDER THE INFLUENCE OF ALCOHOL AND/OR MEDICATION(S). IT WAS SUSPECTED THAT MR. GAINES WAS PARKED AT THE VACANT RESIDENCE ON ROOSEVELT STREET AND WAS OUT PROWLING IN THE NEIGHBORHOOD AND/OR POSSIBLY COMMITTING BURGLARIES. INV. ADKINS WAS NOTIFIED OF THE INCIDENT AND RESPONDED TO OUR LOCATION. DURING AN INVENTORY SEARCH OF THE CAR PRIOR TO IT BEING TOWED TO THE P.D. FOR INVESTIGATIVE PURPOSES, WE DISCOVERED A SILVER IN COLOR FLASHLIGHT ON THE DRIVER'S SEAT THAT WAS NOT PRESENT THERE EARLIER AND INSIDE THE TRUNK WAS: AN ELECTRIC CHAINSAW, A METAL GAS COOKER STAND, A CLAW HAMMER, A FOUR-WAY LUG WRENCH, A SINGLE WHITE IN COLOR CLOTH GLOVE, A P&C BANK BAG WITH "HALL M.B. CHURCH" ON IT, AND A WATER METER SHUT-OFF TOOL. MR. GAINES AND HIS VEHICLE WERE TRANSPORTED TO THE P.D. THE CAR WAS TOWED THERE BY JOE'S PAINT AND BODY. IT WAS LATER DISCOVERED THAT MR. GAINES' SHOE PRINT PATTERN MATCHED THAT OF SHOE PRINTS FOUND AT ANOTHER VACANT RESIDENCE ON ROOSEVELT STREET(70 ROOSEVELT STREET) WHICH HAD BEEN BROKEN INTO. MR. GAINES WAS SUBSEQUENTLY CHARGED WITH: LOITERING AND PROWLING, D.U.I. WHICH HE REFUSED ANY TESTING FOR, FLEEING AND ATTEMPTING TO ELUDE POLICE, OBSTRUCTION OF OFFICERS, RECKLESS DRIVING, FAILURE TO STOP AT A STOP SIGN, DRIVING WITHOUT HIS HEADLIGHT ON AFTER SUNSET, AND BURGLARY. HE WAS TAKEN TO THE JUSTICE CENTER AND TURNED OVER TO INTAKE STAFF. ALL PROPERTY AND SUSPECTED EVIDENCE FROM THIS CASE AND THE BURGLARY AT 70 ROOSEVELT STREET(CASE# 1406-10768) WERE LOGGED INTO EVIDENCE. BOTH CASES WILL BE TURNED OVER TO INV. ADKINS.

REPORTING OFFICER	NUMBER	APPROVING OFFICER	NUMBER	ASSIGNED INVESTIGATOR	NUMBER
DAVIS, DREW	4	DAVIS, DREW	4		

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

October 9, 2014

To: Mr. Frank Colon, GDC1000414787, Johnson State Prison, Post Office Box 344, Wrightsville, Georgia 31096

Docket Number: **Style:** **Frank Colon 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

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COURT OF APPEALS OF GA

IN THE GEORGIA COURT OF APPEAL
STATE OF GEORGIA

FRANK COLÓN
GDC.#1000414787,
APPELLANT,

VS.

STATE OF GEORGIA
APPELLEE,

DOCKET No. _____

APPLICATION FOR A
CERTIFICATE OF
PROBABLE CAUSE.

APPLICATION FOR A
CERTIFICATE OF PROBABLE
CAUSE.

COMES THE APPELLANT FRANK COLON, PRO SE, AND SUBMITS HIS TIMELY EFFORT TO SECURE A CERTIFICATE OF PROBABLE CAUSE PURSUANT TO O.C.G.A. § 9-14-52, AND TO APPEAL THE ADVERSE FINAL ORDER OF THE SUPERIOR COURT OF GWINNETT COUNTY ON AUGUST 20TH, 2014, BY THE HONORABLE DEBRA K. TURNER, JUDGE.

IN SUPPORT OF APPELLANT'S APPLICATION, APPELLANT SUBMITS THE FOLLOWING FACTS; TO-WIT:

APPELLANT AVER'S THAT ON FEBRUARY 12TH, 2010 HE WAS AT HOME AT 1023 OAK CHASE DRIVE, IN TUCKER, GEORGIA, WATCHING A BASKETBALL GAME WITH FAMILY, WHEN AT ABOUT TEN TWENTY [10:20] P.M. (PLEA TR. P. 17),

STATEMENT OF FACTS.

APPELLANT CONTENDS THAT HE FILED A MOTION FOR REDUCTION OF SENTENCE, PURSUANT TO GEORGIA CODE ANN [27-2502, [17-10-11]], OR TO MODIFY SENTENCE, PURSUANT TO GEORGIA CODE ANN [42-8-34(9)], IN THE SUPERIOR COURT OF GWINNETT COUNTY ON AUGUST 8TH, 2014, CRIMINAL CASE NO. 10-B-2632-2, AND WHICH WAS DENIED ON AUGUST 20TH, 2014, FROM THE OCTOBER 5TH 2010, GWINNETT COUNTY CASE.

STATEMENT ON CASE.

[& THROUGH 19], APPELLANT RECEIVED A TELEPHONE CALL TO COME PICK UP BRAN UP ON DOYLE STREET IN TUCKER, GEORGIA. APPELLANT COUNTS THAT HE WENT TO THE DOYLE STREET ADDRESS, KNOCKED ON THE DOOR AND AS THE DOOR OPENED, APPELLANT WAS PULLED AND QUARTERED INSIDE TO FIND AND SEE THREE (3) OR FOUR (4) PEOPLE LYING ON THE FLOOR TIED AND GAGGED. APPELLANT COUNTS THAT ONE(S) OF THE DEFENDANTS THREW APPELLANT A SHOTGUN AND STATED FOR APPELLANT TO WATCH THE TIED UP VICTIMS AS THE DEFENDANT, WHO THREW APPELLANT THE SHOTGUN, CHECKED HIS MAG. II, MACHING GUN, THE POLICE WAS ALREADY OUTSIDE ARRESTING PEOPLE. APPELLANT COUNTS THAT HE ARRIVED AFTER THE DOYLE STREET VICTIMS WERE ASSAULTED,

ROBBED, GAGGED AND PROPERTY'S STOLEN, AS APPELLANT HAD ONLY BEEN IN THE DOYLE HOME ABOUT FIFTEEN (15) SECONDS BEFORE THE POLICE ARRIVED ON THE SCENE. APPELLANT CONTENDS HE WAS NOT A PARTY TO THE DOYLE STREET HOME INVASION AND HAD NO KNOWLEDGE OF SAID CRIME UNTIL ARRIVING, AS WAS THE CO-DEFENDANT, MRS. ROSA MARIA PEGUERO-CASTILLO (PLEA. TR. P.18), WHO WAS ALSO CALLED TO THE DOYLE ADDRESS AND ARRESTED SECONDS AFTER HER ARRIVAL BY POLICE.

APPELLANT AVERS THAT HE HAD NO PART OF THE DOYLE HOME INVASION WHATSOEVER AND ONLY WENT ALONG WITH THE INVADERS BECAUSE APPELLANT WAS SCARED AT THAT POINT OF MAY BEE BEING SPRAYED WITH M4.11 MACHINE GUN BULLETS "IF APPELLANT TRIED TO LEAVE. APPELLANT CONTENDS THAT HE, LIKE MS. PEGUERO-CASTILLO (H.T.R. P. 17-18) WERE 'UNCONSTITUTIONALLY CALLED INTO A TRAP. THE HONORABLE JONATHAN AURELIA, ON JUNE 17TH 2010, BEFORE THE HONORABLE DEBRA K. TURNER, JUDGE, INDICTMENT No. 10-B-2632-2, ENTERED A PLEA OF NOT GUILTY FOR APPELLANT, BUT STATE APPOINTED, HONORABLE STEVEN CHEN,

AFTER MEETING WITH THE HONORABLE WILLIAM C. AKIN'S ASSISTANT DISTRICT ATTORNEY, HAD SAID NOT GUILTY PLEA WITHDRAWN AND WENT FORWARD ON COERCING APPELLANT ~~TO~~ PLEAD GUILTY BASED ON (P.T.R.P.13) ALLEGATIONS OF MR. AKIN'S, WHEN IN FACT APPELLANT WAS INNOCENT AND HIS (P.T.R.P.15) FAMILY IN DIRECT JEOPARDY IF APPELLANT DIDN'T STOP TALKING AND PLEAD GUILTY.

APPELLANT CONTENDS THAT THIS CASE WAS LACED WITH DECIET WHEN THE ASSISTANT DISTRICT ATTORNEY, MR AKIN'S, CONSPIRED OUT OF COURT WITH JUVENILE DEFENDANT (P.T.R.P.8) ALEX DE LA - CRUZ, WHICH RESULTED WITH APPELLANT BEING UNLAWFULLY IN DICTED ALONG WITH SAID HOME INVAIDERS (P.T.R.P.17):

MR. AKIN: Q: "YOU UNDERSTAND THAT A NUMBER OF MEN WENT INTO THE HOUSE WITH GUNS AND SUBDUED THESE VICTIMS, CORRECT?"

MR. COLON: A: "YES, SIR"

MR AKIN : Q: "AND YOU UNDERSTAND THAT AT LEAST SOME OF YOUR CO-DEFENDANTS ARE GOING TO SAY YOU WERE ONE OF THEM, DO YOU UNDERSTAND THAT, SIR?"

MR. COLON: A: "YES SIR,"

APPELLANT AVERS THAT MR. AKIN WAS IN GROSS ERROR OF HIS COERCION ON APPELLANT AS TO CO-DEFENDANT'S TESTIMONY AGAINST APPELLANT. SEE:

MEMORANDUM OF LAW, No. 1, Page 10.

INDEED, APPELLANT WAS (P. TR. P. 17) NOT INVOLVED IN THE DOYLE STREET HOME INVATION UNTIL (P. HT. P. 15) APPELLANT WAS CALLED TO COME PICK MR. BRAEN UP, AS WAS INVOKED TO LURE (P. HT. P. 18) MRS. PEGUERO-CASTILLO, INTO THE SAME CRIME, INDICTMENT AND FALSE CHARGE, WHICH CONSTITUTED UNFAIRNESS WHEN APPELLANT AND MRS. PEGUERO-CASTILLO WERE UNLAWFULLY ADDED INTO THE INDICTMENT AS CO-DEFENDANTS. SEE:

MEMORANDUM OF LAW, No. 2, Page 10.

ARGUMENT CITATION OF LAW

APPELLANT CONTENDS THAT [P. HT. P. 17] THESE CRIMES WERE ALREADY IN PROGRESS AT THE DOYLE STREET ADDRESS PRIOR TO

APPELLANT BEING CALLED TO COME PICK MR. BRAEN UP AND SHOULD NOT HAVE BEEN INDICTED BASED ON HERESAY AND DEFENSE PURSUANT TO GEORGIA CODE ANN (26-705, [16-3-5]). GEORGIA CODE ANN (26-705, [16-3-5]), MUST ALSO BE CONSIDERED IN LIGHT OF GEORGIA CODE ANN (26-602, [16-2-2]), WHERE APPELLANT, LIKE MRS. PEGUERO, (P.H.T.P. 15-18) WERE CALLED TO COME OVER AND HAD NO CRIMINAL SCHEME UNDERTAKING, OR KNOWLEDGE OF THE SITUATION UNTIL IT WAS COMPLETED AND INNOCENT PEOPLE INDICTED AS "CO-DEFENDANTS".

APPELLANT AVERS THAT PURSUANT TO THE ENTRAPMENT BY THE TELEPHONE CALL TO APPELLANT (P.H.T.P. 15), GEORGIA CODE ANN (26-902, [16-3-21]), WHILE THE INVADERS WERE CALLING FROM THE DOYLE STREET CRIME SCENE APPELLANT SHOULD NOT HAVE BEEN INDICTED BECAUSE OF FEAR OF THE MAC.11 MACHINE GUNS PURSUANT TO GEORGIA CODE ANN (26-906, [16-3-26]). APPELLANT AVERS THAT ON SEEING THE VICTIMS ALREADY LAYING IN THE FLOOR TIED, SOME BLEEDING, HE ACTED UNDER FORCE, COERCION, DURESS AND SELF DEFENSE TO AVOID POSSIBLE DEATH OR GREAT INJURY CAUSED BY THE MAC.11

MACHINE GUNS: SEE: MEMORANDUM OF LAW, No. 3 PAGE 10.

COURT ERRORS.

APPELLANT CONTENDS THAT THE COURT ERRORED BY (P. TR. P. 13) ALLOWING THE STATE PROSECUTOR TO USE UNCONSTITUTIONAL INTIMIDATIONS OF LIFE IN PRISON, THREE (300) HUNDRED YEARS, DECIET, PERJURY AND COERCION, CONSTITUTING A DUE PROCESS OF LAW VIOLATION TO OBTAIN A GUILTY PLEA.

INDEED, APPELLANT, ON JUNE 17, 2010 (H. TR. P. 4), ENTERED A NOT GUILTY PLEA DUE TO BEING INNOCENT AND UNDER DIRECT THREAT ON FAMILY (P. HT. P'S 15-22) AND APPELLANT, NOT TO TALK, JUST PLEAD GUILTY OR ELSE.

APPELLANT AVERS THAT HE KNEW AND HAD SPOKEN TO THE HOME INVADERS, BUT NEVER ASSOCIATED ON A REGULAR BASIS OR COMMITTED ANY CRIMES TOGETHER, THIS WAS THE FIRST CRIME FOR APPELLANT AND IT WAS A TRAP DESIGNED TO HURT, WHICH HURT MY DIRECT FAMILY, FRIENDS AND

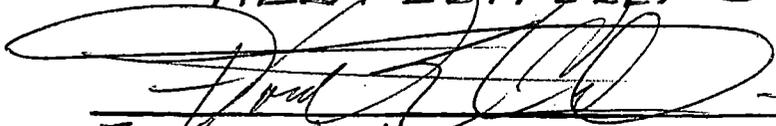
INNOCENT CITIZENS. SEE: MEMORANDUM OF LAW,
No. 4 , PAGE 10 .

APPELLANT CONTENDS THAT THE COURT ERRED
IN SENTENCING APPELLANT WHILE THE GEORGIA
BUREAU OF INVESTIGATION (P. TR. P. 22) WAS IN
PURSUIT OF THE THREATENING LETTER WRITER
AND BEFORE THE INVESTIGATION COMPLETED.

CONCLUSION.

WHEREFORE, APPELLANT RESPECTFULLY
SUBMITS THIS APPLICATION FOR A
CERTIFICATE OF PROBABLE CAUSE AND
REQUESTS THAT SAID APPLICATION BE
GRANTED AND FOR THIS APPELLANT WILL
FOREVER PRAY.

RESPECTFULLY SUBMITTED,



FRANK COLON, APPELLANT, PRO SE.
GDC.1000414787, G-2,
JOHNSON STATE PRISON
POST OFFICE BOX 344,
WRIGHTSVILLE, GA. 31096

MEMORANDUM OF LAW

No. 1. BRITON-V-UNITED STATES, 391 US 123, 88 S. CT. 1620, 20 L. ED. 2D 476 (1968).
RICHARDSON-V-MARSH, 481 US. _____, 107, S. CT. 1702, 45 L. ED. 2D 176 (1987). REDACTION.

No. 2. JACKSON-V-WAINWRIGHT, 390 F. 2D 288, 294-95 (5TH CIR. 1968).
CF. THOMPSON-V-STATE, 163 GA. APP. 35, 36 (4), 292 SE. 2D 470 (1982).

CANON 5, OF THE AMERICAN BAR ASSOCIATION
CANONS OF PROFESSIONAL ETHIC COMMANDS:

"THE PRIMARY DUTY OF A LAWYER ENGAGED IN PUBLIC PROSECUTIONS IS NOT TO CONVICT, BUT TO SEE THAT JUSTICE IS DONE. THE SUPPRESSION OF FACTS OR THE SECURING OF WITNESSES CAPABLE OF ESTABLISHING THE INNOCENCE OF THE ACCUSED IS HIGHLY REPREHENSIBLE, SO ALSO COMMANDS THE DUE PROGRESS CLAUSE OF THE CONSTITUTION:"
GEORGIA CODE ANN (26-501, [16-1-5]).

No. 3. ROBINSON-V-TEXAS, 148 SW. 2D 115, 141 CRIM. APP. TEX. 380 (1941)

No. 4. ROGERS-V-RICHMOND, 365 US. 534, 81 S. CT. 735, 5 L. ED. 760 (1961),
GEORGIA CODE ANN (6-905, (5-6-39),

MIRANDA-V-ARIZONA, 384 US. 436, 476, 86 S. CT. 1602, 16 L. ED. 2D 694 (1966).

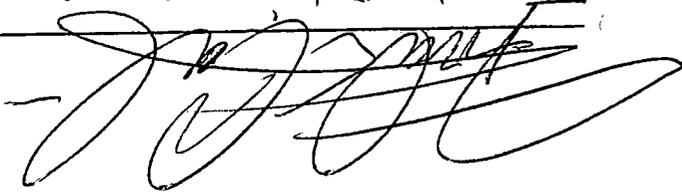
CERTIFICATE OF SERVICE

I, FRANK COLON, APPELLANT, PRO SE, HEREBY CERTIFY THAT I HAVE SERVED NOTICE OF APPEAL AND NOTICE OF CERTIFICATE OF APPEAL UPON THE FOLLOWING; TO WIT:

"HONORABLE WILLIAM C. AKINS,
ASSISTANT DISTRICT ATTORNEY,
75 LANGLEY DRIVE,
LAWRENCEVILLE, GEORGIA 30046

By placing same in a sealed postage pre-paid envelope properly addressed as above and placed in the U.S. Mail at the Johnson State Prison, Post Office Box 344, WRIGHTSVILLE, GEORGIA 31096,

THIS 6 DAY OF October, 2014.


FRANK COLON, APPELLANT, PRO SE.
GDC# 10004147 & 7. G-2
JOHNSON STATE PRISON
Post Office Box 344
WRIGHTSVILLE, GA 31096

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

October 9, 2014

To: Mr. Stevie Eusery, GDC612125 Macon State Prison, Post Office 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 divesting this Court of jurisdiction. The case decision is therefore final.
Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia. The address of the Clerk of the is:
If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court. As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.
A request for an out-of-time appeal should be made to the trial court from which you are appealing. If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

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

COURT OF APPEALS
STATE OF GEORGIA

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COURT OF APPEALS
STATE OF GEORGIA

STEVIE EUSERY,
GDC # 612125,
V.
STATE OF GEORGIA,

CIVIL ACTION
2000-CR-291
2000-CR-291

MOTION FOR CERTIFICATE OF APPEALABILITY
OF THE TRIAL COURT'S FACTUAL FINDINGS

IN BOTH THE DIRECT AND COLLATERAL APPEALS, THE GEORGIA COURT'S ISSUED WRITTEN OPINIONS. RULING'S ON FULLY ADJUDICATED ISSUES MUST "BE GIVEN THE BENEFIT OF THE DOUBT. FELKNER V JACKSON, U.S. 131 S. CT. 1305, 1307, 179 L. ED. 2D 374 (2011). ON SEPTEMBER 17TH 2014, THE SUPERIOR COURT FOR MONROE COUNTY, GEORGIA, THE HONORABLE THOMAS H. WILSON ENTERTAINED "EUSERY'S" SUBSTANTIVE CLAIM ON THE ISSUES, WHERE NO RULING WAS HANDED DOWN, ONLY THAT THE COURT WAS WITHOUT JURISDICTION TO CORRECT WHAT WAS A VIOLATION OF A RIGHT, AND THE ISSUES COULD BE APPEALED TO THIS COURT. THE NAMED PETITIONER RECEIVED THIS RULING ON SEPTEMBER 23, 2014,

AND APPROXIMATELY TWO TO THREE DAYS LATER FILED A NOTICE OF APPEAL WITH THE TRIAL COURT AND THE STATE, TO TRANSMIT THE ENTIRE RECORD AND BRIEF, ALONG WITH THE JUDGE'S RULING'S ON HIS FINDING'S TO THE CLERK OF COURT OF APPEAL'S WITHOUT SEAL, AND THEY ARE YET TO COMPLY, IS WHY EUSERY PRESENT THE INSTANT PETITION. RULE 11(a)

CERTIFICATE OF SERVICE

I CERTIFY THAT I HAVE THIS DAY, FILED THE ORIGINAL OF THE ABOVE NOTICE WITH THE CLERK OF THE COURT OF APPEALS OF GEORGIA, BY PLACING IT IN THE UNITED STATES MAIL WITH ADEQUATE POSTAGE AFFIXED THERE TO:

DISTRICT ATTORNEY
TOWALIGA CIRCUIT
625 THIRD STREET, SUITE 8
JACKSON, GEORGIA 30233

THIS 4 DAY OF OCTOBER 2014:

Stevie Eusery PRO-SE
STEVIE EUSERY / GDC# 612123

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

Date: October 10, 2014

To: Mr. Christopher Gray, GDC847664, Dodge State Prison, Post Office Box 276, Chester, Georgia 31012

Docket Number: A15A0274 **Style:** Christopher Gray v. The State

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

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

APPEAL BRIEF IN SUPPORT OF MOTION TO
CORRECT VOID SENTENCE

Christopher Jason Gray
APPELLANT (Pro-Se)

Appeal #: A15A0274
Indictment #: 95CR-916-6

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2014 OCT -9 PM 3:08
CLERK/DEPT. ADMINISTRATOR
COURT OF APPEALS OF GA

APPEAL BRIEF IN SUPPORT OF MOTION TO CORRECT VOID SENTENCE: QUESTIONS TO DETERMINE THE JURISDICTION, AUTHORITY, AND THE NATURE AND CAUSE OF THE RESPONDENTS RESTRAINT OF THE CLAIMANTS LIBERTIES

Parties In Interest

- 1) Is the True and Correct spelling of the Claimants (addellation in upper and lower case) Name: Christopher Jason Gray? _____
- 2) Was there an Affidavit of Truth or other instrument filed with the action in which Claimant spelled the Claimants addellation (name)? _____
- 3) Is the True and Correct spelling of the defendants addellation (name) on the Respondents action (addellation (name) in all upper case) statutory addellation? _____
- 4) Was the Respondent aware of the True and Correct spelling of the Claimants addellation (name) when the original action of the Respondent was filed in Clayton County Court? _____
- 5) If the answer to Question #4 is yes, is it not the duty and obligation of the Respondent to prevent or correct such error that would prejudice the rights of the Claimant by disclosing the fact that the Claimant was not properly named as a party in Respondents action to the Claimant as well as the Court? _____
- 6) If the answer to Question #4 is yes, did the Respondent ever notify the Claimant or the Court that the Claimant was not properly named as a party in the Respondents original complaint? _____
- 7) Was the spelling of defendants addellation (name) ever rebutted by

Respondent? _____

- 8) Is an rebutted Affidavit admissible as evidence in a court of Law? _____
- 9) Did the Respondent name the Claimant in the Respondents action as required by F.R.C.P. 10(A)? _____
- 10) Did the Respondent serve the Claimant by process as required by F.R.C.P. 4 and 5? _____
- 11) Did the Respondent lawfully join the Claimant to the Respondents action under case number: 95CR-916-6 as required by F.R.C.P. 19? _____
- 12) Did the Respondent lawfully join the Claimant as a voluntary substitute for the named defendant as required by F.R.C.P. 17(A) before moving forward with the Respondents action under case #95CR-916-6? _____
- 13) If the answer to Questions #9, 10, 11, and 12 is yes, Claimant demands that the Respondent produce a True Certified copy of said documents bearing the bona-fide signatures of the Claimant? _____
- 14) If the answer to Questions #9, 10, 11, and 12 is no, by what authority does the Respondent (over that Respondent has any Authority or Jurisdiction to) join the Claimant to the Respondents action under case number: 95CR-916-6 involuntarily? _____
- 15) Do the terms State Resident and/or State Citizen mean artificial entity established under the legislating Authority of the State? _____
- 16) If the answer to Question #15 is yes, do the safe guards of the Bill of Rights, as amended to the Constitution of the United States of America extend to a State Resident and/or State Citizen? _____

- 17) Is the Claimant a State Resident and State Citizen? _____
- 18) If the answer to Question #17 is yes, what fact and statute define "Person" as used in the proceeding are relied upon to make a positive Affirmation there to? _____
- 14) Is the Claimant a statutory person? _____
- 20) If the answer to Question #19 is yes, what fact and statute define "Person" as used in this proceeding are relied upon to make a positive Affirmation there to? _____
- 21) Is the Claimant a citizen of the United States of America? _____
- 22) Does the tribunal and Respondent recognize that the Claimant has unalienable rights to which the Claimant is entitled in the process and procedures set forth in the matter of the Respondents action? _____
- 23) If the answer to Question #22 is yes, does this tribunal recognize its duty and obligation to be bound by the Constitution and laws of the United States of America as Supreme Law and render any provision of the Constitution or Law of the Republic of State of Georgia a nullity if it conflicts with the Constitution and laws of the United States of America and prevent the enforcement of any law of the Republic of the State of Georgia or law of the premise of the legislative/venue jurisdiction of the STATE OF GEORGIA that would abridge the inherent rights of the Claimant? _____
- 24) Did Claimant ever voluntarily answer the Respondents action? _____
- 25) Is the Claimant entitled by law to Effective Assistance of Counsel? _____
- 26) Does the Claimant Herein have a right to have counsel of choice (without

33) Are members of the State BAR required under obligation of oath to prevent or correct any act or omission that would abridge the rights of the claimant? If the answer is yes, are members of the State BAR who knowingly fail or neglect to render a nullity, any State of Georgia, State Constitution or provision or law that conflicts with the Constitution and laws of the United States of America or prevent the enforcement or prevent the enforcement of any Georgia State law that would abridge the inherent rights, privileges or immunities of the claimants, subject said member under the law to damages suffered by the claimants, due to said members

32) If the answer to question # 30 is yes, are all members of the State BAR required to swear or affirm in writing to uphold the Constitution and laws of the United States of America and the Republic of Georgia?

31) If the answer to question # 29 is yes, is the State BAR an agency of the State of Georgia?

30) Is the BAR Association of the State of Georgia also referred to as the STATE BAR?

29) Does WSL 1933 c 94 § 2, codified in RCW 248.010 provide to write within the powers here by set forth, as association to be known as the Georgia State BAR Association, herein designated as the State BAR?

28) Is the claimant's choice of assistance of counsel limited to a member of the Georgia State BAR?

27) If the answer to question # 26 is no, on what Constitutional or legislative authority is this limitation to choice of counsel based?

said counsel being a BAR approved Attorney, to act in their stead for them in the proceeding before the tribunal?

34) Are all members of the State Bar agents of the State of Georgia?

35) Is the State Bar currently providing assistance of counsel to the Respondent through a member of the State Bar?

36) Is it a conflict of interest for an agent of the State Bar of the State of Georgia / State of Georgia to also represent the interest of a defendant in an action where the State of Georgia is the opposing party?

37) If the answer to Question #35 is yes, can the State of Georgia compel a member of the State Bar to involuntarily provide assistance of counsel to a defendant while being an Agent for the State of Georgia and thus violate their oath of office and Code of Ethics?

38) If the answer to Question #36 is yes, can the State of Georgia fulfill its obligation to insure effective (in a civil procedure requiring that the State agency known as the State Bar) assistance of counsel to both the Plaintiff and named Defendant?

39) If the answer to Question #38 is yes, is the Claimant entitled to be discharged from the Respondent's action and restraint due to the Claimant being deprived of the right to effective counsel?

40) Is the American Bar Association and the State of Georgia Bar Association organized under the authority of the Crown of England?

41) Is the American Bar Association and the State of Georgia Bar Association operating as Agents of the Bank of England or any other bank, financial institution or commercial process to collect a private debt for the creditors of the UNITED STATES in bankruptcy under international

law? _____

42) Is the Claimant a real party in interest in the Respondent's actions? _____

43) If the answer to Question #42 is no, the Claimant is entitled to be discharged from the Respondent's action as a non-party, insufficient service and process, and failure to join parties under civil rules 4:5:10(A) 12(b)(2)(4)(5)(7) : 17(A) : 19

VENUE

- 1) What is the venue of the tribunal in which the action is filed? _____
- A. Is the tribunal in the premises of the peoples jurisdiction / venue of the Republic of Georgia or
- B. the premises of the legislative venue of the STATE OF GEORGIA or
- C. in the premises of the peoples jurisdictional / venue of the union of several states known as the United States of America or
- D. in the premises of the legislative venue of the UNITED STATES or
- E. in the premises of the military of the United States or
- F. other? _____
- 2) Does the session laws of Republic of Georgia require the Official Flag of the United States of America and the Official Flag of Georgia be prominently displayed in All public buildings as well as court rooms? _____
- 3) Are the proceedings under the venue and jurisdiction of a principal or authority foreign to the UNITED STATES of America? _____
- 4) If the answer to Question #3 is NO, why is the Official Flag of the UNITED STATES of AMERICA not displayed in the building or courtroom? _____
- 5) Is placing fringe upon the Nation Flag of the UNITED STATES OF AMERICA authorized by statute? _____
- 6) If the answer to Question #5 is YES, what is the specific statute of the UNITED STATES that authorizes the placing of the fringe upon the National Flag of the UNITED STATES of AMERICA? _____
- 7) If the answer to Question #5 is NO, is placing fringe upon the Nation Flag of the United States the crime under laws of the UNITED STATES of AMERICA of defacement and mutilation of the National Flag of the United States of America? _____

8) Is the placing of fringe upon the National Flag representing the office of the President of the United States as Commander - In - Chief of the Army and Navy?

9) If the answer to Question #7 is yes, is the display of a Nation Flag with fringe represent the venue and jurisdiction of the President of the United States as Commander - In - Chief of the Army and Navy?

10) If the answer to Question #8 is yes, is the court where the Respondents action is filed, by displaying the fringed National Flag, a United States military tribunal under the authority and jurisdiction of the President of the United States as Commander - In - Chief of the Army and Navy, a tribunal of limited venue and jurisdiction?

11) Is the tribunal organized under the general law of:
A. the premises of the people of the Republic of Georgia or
B. the laws of the premises of the legislative jurisdiction/venue of the STATE OF GEORGIA or
C. under the authority and premises of an authority foreign to the premises of either the legislative jurisdiction/venue of the United States?

12) Does the tribunal have the power and authority to hear actions filed by the people in the premises of the people of the Republic of Georgia venue/ jurisdiction (without the legislative venue)?

13) Is the State Agency known as the STATE BAR an: (A) department or (B) judicial department Agency?

14) Are all judicial officers members of the State BAR?

15) If the answer to Question #13 is that the State BAR is an Executive Department Agency, is the Superior Court of Clayton County an Executive/Administrative Department tribunal?

10) If the answer to question #15 is yes, does an Executive Tribunal have any bona-fide venue over judicial matters in the Republic State of Georgia?

17) Does the Tribunal have lawful venue jurisdiction over the Respondents Action?

18) If the Answer to Question #11 is no, the Petitioner is entitled to be discharged from the Respondents action for lack of Venue Jurisdiction under Civil Rule 12(b)(3)

JURISDICTION

- 1) What is the jurisdiction of the proceeding in the action?; is the proceeding in: (A) Law (B) Equity (C) Admiralty (D) Maritime (E) Military or (F) Ecclesiastical or (G) other? _____
- 2) If the answer to Question #1 is "other" please specify the jurisdiction of this tribunal in this proceeding? _____
- 3) Does the tribunal and Respondent have authority to compel the Claimant into proceedings by way of the Respondent's action and prejudice the rights of Claimant: If Claimant does not respond to the action without first being entitled to know the Nature and Cause of the proceeding? _____
- 4) Was Claimant asked to enter a plea or answer in regards to the prejudice or Respondent's actions? _____
- 5) What is the name of the party who signed the charging instrument, Respondent's action other, in which said instrument avers that this Claimant has a signature on any instrument which makes the Claimant liable to the Respondent for any specific performance set forth in the Respondent's action? _____
- 6) Is the party named in Response to Question #5 an Attorney or other public official who has taken and signed and filed a written oath to uphold the Constitution for the United States of America as amended in 1791 (without the legislative venue of the United States), the Constitution for Georgia and its Bill of Rights (without the legislative jurisdiction) and the organic laws of the Republic of Georgia? _____
- 7) Is the party to Question #5 actions under their own authority or appointed under the authority of another? _____
- 8) If the answer to Question #7 is that the party named in Question 5 is

acting under the authority of another, what is the name of that Party? _____

9) Is the party named in response to Question #8 one who is an attorney or other public official who has taken and signed and filed a written oath to uphold the Constitution for the United States of America as amended in 1791 (without the legislative venue of the United States), the Constitution for Georgia and its Bill of Rights (without the legislative jurisdiction), and the organic laws of the Republic of Georgia, and who is also required to post a surety for the faithful performance of said duties under the described oath herein? _____

10) Where is the oath filed that is described in Question #9 and who is the person in charge of keeping said oath on file and what is the title of that person? _____

11) Who or what company, person or entity is the issuer of the Bond described in the answer to Question #9 and what is the address of said Bond issuer? _____

12) Does failure or neglect to file the written, signed oath of office or Bond by the Person responding to Question #7 or any other public official result in that public official vacating the office? _____

13) Does controlling an office of trust by one who has not filed a written oath of office and/or Bond constitute impersonation of a public official? _____

14) Is impersonation of a public official a: (A) civil or (B) criminal offense in the laws of the Republic of Georgia? _____

15) If the answer to Question #7 is no, by what authority does the party named in Question #5 avers that said party is the lawful agent of the Respondent? _____

- 16) If the answer to Question #7 is no, is the Respondents action that of the STATE OF GEORGIA? _____
- 17) If the answer to Question #7 is no, has any action been initiated by the STATE OF GEORGIA? _____
- 18) Has the Party named in Question #5 and/or #7 sworn or affirmed an oath to any other principal or authority foreign to the venue of the United States of America, which negates or nullifies the duty and obligation the oath or affirmation to uphold the Constitution and laws of the United States of America imposes and bestows a title of nobility or honor upon said party? _____
- 19) If the answer to Question #18 is yes, to what foreign principal or authority has the party named in Question #5 and/or #7 sworn said allegiance to? _____
- 20) If the answer to Question #18 is yes, has the party named in Question #5 and/or #7 filed with the Department of Immigration and Naturalization as a foreign Agent? _____
- 21) Is the presiding judicial officer a duly elected judicial officer under: (A) the authority of the Constitution of the organic Republic of Georgia, or (B) the legislative authority of the STATE OF GEORGIA
- 22) Is the presiding judicial officer in response to Question #21, one who is an attorney or other public official who has taken and signed and filed a written oath to uphold the Constitution for the United States of America as amended in 1791 (without the legislative venue of the United States), the Constitution for Georgia and Bill of Rights (without the legislative jurisdiction), and the organic laws of the Republic of Georgia and who is also required to post a surety Bond for the faithful performance of said duties under said oath? _____

31) Under what authority of law is the Claimant obliged to comply with orders or directions of a party holding and controlling an office of trust under color of office who has no AUTHORIZATION of the Republic of Georgia or the STATE OF GEORGIA to act under the authority of the

30) If the answer to Question #29 is No, then by what authority does the Protempore presiding judicial officer assume to preside over the respondents action?

29) If the answer to Question #28 is yes, did said judicial officer secure a written agreement from all parties to the respondents motion as required by Washington Session Law 1987 c 73 § 1: codified in RCW 2.08.180?

28) Is the presiding judicial officer serving as a protempore judicial officer in regards to the respondents action.

27) Is impersonation of a public official an: (A) civil or (B) criminal offense under the laws of the Republic of Georgia?

26) Does controlling an office of trust by one who has not filed a written oath of office and/or bond constitute impersonation of a public official?

25) Does failure or neglect to file the written, signed oath of office or bond by the person in response to Question #22, or any other public official result in that public official vacating the office?

24) Who or what company, person, or entity is the issuer of the bond described in the answer to Question #22 and what is the address of said bond issuer?

23) Where is the oath filed that is described in Question #22 and who is the person in charge of keeping said oath on file, and what is the title of that person?

Republic of Georgia or the STATE OF GEORGIA? _____

32) Is this case being prosecuted by a bona-fide public prosecutor under the general powers of an organic civil government unfettered by local disabilities including but not limited to bankruptcy or military oversight or control or other limitation, or by a common informer or other such private prosecutor? _____

33) If the answer to Question #32 is no, what legal disability is this case being prosecuted under? _____

34) Has the UNITED STATES been declared bankrupt? _____

35) If the answer to Question #34 is yes, by what authority does the Respondent bring action against the Claimant while the STATE OF GEORGIA is in a state of bankruptcy? _____

36) What is the substance of the current money of account in the premises of the venue and jurisdiction of the tribunal and the Respondent's action? _____

37) Does the substance of the money account in the answer to Question #36 comply with the requirement of the Constitution for the United States of America - Article 1 §10 "that no State shall make anything but GOLD or SILVER a tender in payment of a debt? _____

38) If the answer to Question #37 is no, then is the premises of the jurisdiction and venue of the tribunal and Respondent's action within one of the "States" (Republics) as said organic states are defined in the Constitution for the United States of America? _____

39) If the answer to Question #38 is no, then what is the authority for the

origin and legal authority for the State in which the premises of the venue and jurisdiction of the tribunal and Respondents action are lodged? _____

40. Does the tribunal have lawful jurisdiction with regard to the Respondents action? _____

41. If the answer to Question #40 is no, the Claimant is entitled to be discharged from the Respondents action for lack of jurisdiction under Civil Rule 12 (b) (1)

RIGHT OF ACTION/CAUSE OF ACTION

1) Does the Respondent's action set forth a controversy? _____

2) If the answer to Question #1 is yes, what is the controversy set forth in the Respondent's action? _____

3) Does the Respondent's action set forth the claim that Claimant herein has a signature on any instruments upon which Claimant has any legal or equitable duty with respect to the Respondent? _____

4) If the answer to Question #3 is yes, can the Respondent produce a certified copy of said document bearing the bona-fide signature of the Claimant? _____

5) Is Claimant's prejudice civil/equity or criminal/equity? _____

6) If the answer to Question #5 is criminal/equity, is the prejudice infamous? _____

7) If the answer to Question #6 is yes, did the Respondent initiate the Respondent's action against the Claimant by indictment or presentment of the Grand Jury? _____

8) If the answer to Question #7 is no, by what Constitutional authority does the Respondent deny the Claimant the protected right to be held to answer an infamous crime without an indictment or presentment by the Grand Jury? _____

9) Does the Respondent aver that the Claimant failed in a duty or obligation to a: (H) Georgia Session law or (B) Revised Code of Georgia? _____

10) If the answer to Question #9 is Revised Code of Georgia, is the Revised

Codes of Georgia actual legislation of the Republic State of Georgia? _____

- 11) If the answer to Question #10 is no, is the Revised Code of Georgia only evidence of the legislation of the Republic of Georgia? _____
- 12) If the answer to Question #11 is yes, can a citizen be accused of violating evidence? _____
- 13) If the answer to Question #9 is Georgia Session Law, the law the Respondent avers is the subject of the Respondent's issues against the Respondent to be limited in its application to a specific class? _____
- 14) If the answer to Question #13 is yes, is the class to whom the legislature of the Republic/State of Georgia intended the Georgia Session law the Respondent avers is the subject of the Respondent's issues against the Claimant to be limited in application to the class known specifically to the legislature as person? _____
- 15) Does the legislature of the Republic/State of Georgia include natural born citizen in its specific statutory definition of the class known as person? _____
- 16) If the answer to Question #15 is yes, what is the specific Georgia Session law in which the legislature of Georgia included natural born citizens of the United States in the legislature of the Republic/State of Georgia's specific statutory definitions of the class known as person? _____
- 17) If the answer to Question #15 is no, does the Respondent have any lawful authority to apply either a Georgia Session law or a Revised Code of Georgia to the Claimant when the Claimant is not a member of the class known to the legislature of the Republic/State of Georgia as person? _____

- 18) Was the Affidavit referred to in Question #6 made under penalties of perjury under the laws of the United States of America? _____
- 19) Did the Claimant file into the record of this tribunal a Affidavit containing a statement that the Claimant has no contractual agreement with Respondent? _____
- 20) What instrument does the Respondent aver contain the Claimants bona-fide signature to which a Right of Action and Cause of Action have accrued? _____
- 21) What instrument, the Respondents action or other, avers that the Claimant has a bona-fide signature on any instrument which makes the Claimant liable to the Respondent for any specific performance set forth in the Respondents action? What is the name of this instrument and who has the original of said instrument? _____
- 22) Is said instrument a contract / license or court order? _____
- 23) If the answer to Question #22 is court order, was said court order signed by a judicial officer who signed and filed a written oath of office prior to assuming the duties as a judicial officer? _____
- 24) If the answer to Question #22 is court order, was signing judicial officer a protempore judicial officer, and if so did said protempore judicial officer comply with the provision of Washington Session law 1987c 73 §1: Codified in RCW 2.08.180 prior to issuing the order? _____
- 25) Does the WSL 1905 c 58 §1: codified in RCW 19.36.010 state to wit 7: contracts, etc, void unless in writing in, the following cases, specified in this section any agreement, contract and promise SHALL be void unless such agreement, contract or promise, or some not memorandum there of, be in writing and signed by the party charged there with, or by some person

(party) there unto by Him lawfully Authorized? _____

26) Does the Respondent named Herein have direct knowledge that Claimant has a bona-fide signature on any instrument which makes the Claimant liable to the Respondent for any specific performance set forth in the Respondents action? _____

27) Does the Respondents have any direct evidence, admissible under the rules of evidence by the Republic of Georgia, by under, penalty of perjury true, correct, and not misleading, that establishes that the Claimant Herein has any bona-fide signature on any instrument which makes the Claimant liable to the Respondent for any specific performance set forth in the Respondents action? _____

The term "Nature and Cause" means the right to know the Parties of Interest, Venue, Jurisdiction, Right of Action, and Cause of Action, and Cause of Action upon which the action is based.

Claimant now understands that the Cause of Action can not be in the Common Law because a crime in law requires a Corpus delicti, that is to say body of the crime or an injured party. A corporation (STATE OF GEORGIA) cannot be the body of the crime of an injured party because it is Artificial, a Fiction. All cases in law, equity, admiralty, or maritime are now classified as civil law. Civil maritime and admiralty actions require a contract between the Plaintiff and Defendant for the Plaintiff to have standing. For the Plaintiff to have standing and for the court to have jurisdiction of the subject matter there must be in existence a bona-fide contract binding the accused into the Criminal Maritime Jurisdiction. I have not knowingly or willingly signed any contract or other obligation that binds me to the Maritime or Admiralty Jurisdiction.

As a matter of Due Process, an offender may not be sentenced on the basis of mistaken facts or unground assumptions. Townsend v. Burke

ENUMERATION OF ERRORS

- 1) IN that the Court erred in that it had no jurisdiction
- 2) IN that the Court erred in that it had no venue
- 3) The Court erred in that there is no clauses in the Georgia Constitution that subject the Claimant to any "STATUTORY" Jurisdiction (FRUAD)
- 4) The Court erred in that it failed to disclose that the Court is not a "Criminal" Judicial Court, but is in fact an administrative Court conducting Commercial business by selling "STATUTORY BONDS".
- 5) The Court erred in that statutes are not case laws, but should be construed in harmony with the Common Law unless there is a clear legislative intent to abrogate the Common Law.
- 6) The Court erred in that all Codes/Statutes under the O.C.G.A. are on its face illegal and null and void ab initio the legislative body cannot delegate their power and authority to create laws upon a statutory.
- 7) The Court erred in that there is no enacting clause whatsoever in the Codes/Statutes of this state copyright laws. Codes and/or statutes that belong to the Mitichie Company of Charlottesville, Virginia are protected under Copy Right Laws. O.C.G.A. in fact are not laws, but are bonds (criminal bonds) with a code number.
- 8) The Court erred in that it violated my Due Process Rights.
- 9) The Court erred in that O.C.G.A. Codes/Statutes used against Claimant were not lawfully nor legally prepared, enacted, nor published according prusuant to the Ga. Const. of 1983 Art 1 sec. II para 5; Art. III sec. 5 para. 1, 3, 4, 5, 7, 8 and 9; and Art. III sec. 6 Para. I, III, IV, a 3 c and V(a).

10) The Court erred in that statutes used against me were of no force and effect as law due to the lack of an enacting clause which the Georgia Supreme Court in Lower v. State ruled essential and that without it the act under consideration is a nullity and of no force and effect.

11) The Court erred in that O.C.G.A. statutes are illegal and of no effect or force as law, Claimant was deprived of 9th and 14th amendment Due Process Rights.

12) The Court erred in that it violated Constitutional provisions.

13) The Court erred in that a crime in law requires a Corpus delicti (that is to say body of the crime or injured party. A corporation (STATE OF GEORGIA) cannot be the body of the crime of an injured party because it is Artificial, a Fiction.

14) The Court erred in that the indictment (95CR-916-6) charges and accused an Artificial entity (CHRISTOPHER JASON GRAY) which is a Fiction, due to the spelling of the Claimant's name in all capital (upper case) letters with a crime and not the living breathing sentient man (Christopher Jason Gray).

Submitted by,

Without Prejudice

~~Christopher Jason Gray~~
Christopher Jason Gray



Court of Appeals of Georgia

October 16, 2014

TO: Mr. Franklin Lamar Bacon, GDC#241510 Wheeler Correctional Facility, P.O. Box 466, Alamo, Georgia 30411

RE: **A14A1430. Franklin Lamar Bacon 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 September 10, 2014. The Court of Appeals affirmed the judgment of the trial court. The remittitur issued on September 25, 2014, divesting this Court of any further jurisdiction of your case. The case is therefore, final.

If you are interested in obtaining a copy of the opinion in the above appeal. Copies are \$1.50 per page in this Court. A 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.

Opinion 3 pages \$4.50

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**

CASE STATUS - PENDING

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

In The Court of Appeals of Georgia

FILED
BULLOCH COUNTY
CLERK'S OFFICE

2014 SEP 30 AM 11:59

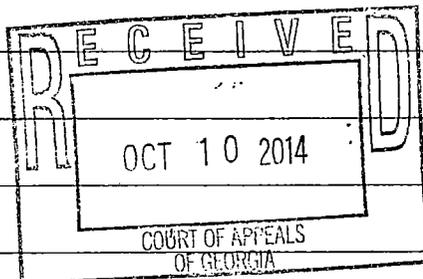
CASE NO. A14A1430

Heather Frank Minard
CLERK OF COURT

BACON

v

The State



DD-052C

Sept. 22, 2014

RE: Motion for
Amend Appeal
in construction
abandonment
with vac

Appointm
errors,
errors,
up in critical
of access to courts (see
Grievance filed etc. civil actions(s))

120/180 days
live assistance intentionally
v. The State

Remittitur
mailed on
9/25/14

Judgment affirmed 9/10/2014
Opinion 3 pages 34, 50

Construction
Hict free Conspired
Bacon's conviction
Rights to Amend all
ditions and reversible
gement that to brought
Motion establishing denial
Department of Corrections(s)

Petitioner Franklin Lemas Bacon GDC# 241510 Appeal was Affirmed September 10, 2014 Attorney Michael Howard forward this specific reply from the court of appeals to Lee State Prison which arrived September 15, 2014. Mr. Howard ESQ letter was post dated as mailed 9-10-14 it took 12 days for Lee State Prison to receive mail. 9-22-14. Specific mail was forward to Wheeler Correctional Facility

Retiree received appeal judgment affirmed Miller and Dillard,
ll, counsel

Retiree asserts from day one from Mr. Michael Howard Esq
istry of appearance. Retiree requested with no other options
to be 100% part of direct appeal. Whatever conflict free
counsel (Mr. Howard) had in his behalf would be accepted
only if his choices and assertions showed/prevalled effective
assistance of counsel.

Mr Howard was appointed to petitioner's case no 189CR108
approximately June 7th 2012. I was very curious and not
satisfied of Mr. Howard's representation after reviewing his
first/several reply's for approximately 10 months Mr. Howard

approximately 3 reference letters stating that he had not
been able get the se duty trial transcript for a through
and complete investigation.

Brady Materials/Notice of Appeal etc. Was investigated

suppressed from March 30th 2009 thru December 2013

Notice of Appeal 189CR108 Extraordinary Writs for New

Trial Hearing/Filings on Motions/Ineffective Assistance

was filed June 22 1999 in The Superior Court of Baltimore

County Case no 1897CB12 this case have not been ruled

on for approximately 15 years and it was used for Resident

enhancement in case no 189CR108 Superior Court Rules

By states that cases have to be final before use of Resident

and comments. see Campaigns Finance Commissioners

case no. 2012-0025 R6

2

- ⑬ 83-2026 case was dismissed in the Superior Court of Bulloch County. This specific case was illegally altered with forged signature by Mr. Robert Simmons Lawler Jr. changed verdict from not guilty to guilty. My paid attorney of this case 83-2026 was Mr. Bobby Hill of Savannah Ga. Mr. Robert Simmons Lawler Jr. scratched Mr. Bobby Hill name out and forged his name on legal documents.
- ⑭ Petitioner have been denied access to courts since March 30th 2009 when case surfaced.
- ⑮ Mr. Howard was appointed to petitioner's case approximately June 2012 he did not do a thorough and complete investigation prior to December 11th 2013 Mr. Howard coerced me to file state Habeas Corpus without filing my Direct Appeal.
- ⑯ April 2011 Brady Materials were illegally confiscated at Smith State prison to above style case no.
- ⑰ Complaint/Filings in US District Court Brunswick Division 2013 June 14 P 3:30 Bacon v. State TN the Ogeechee Judicial Cir. case no. 1B04CR268, case no 1B97CR042; case no. 83-2026 All post conviction Remedy's Research (Approx 5 yrs.) Motions for New Trial; Extraordinary Motion for New Trial (2 cases) Direct Appeal (1B04CR268); Mandamus etc. was illegally confiscated at Lee State Prison 5-7-2013 see also GDC grievance procedure multiple denials of access to courts etc. Direct Appeal etc.
- ⑱ Petitioner gave Court of Appeals full acknowledgement of Mr. Howard's ineffective assistance; intentional misconduct; constructional denial of representation; constructional

abandonment. Ogeechee Judicial circuit have a powerful private organization Mr. Howard conspired with various public officials to secure Bacon's conviction/sentence. Over all petitioner assertively told Mr. Howard not to file his direct Appeal til specific Brady Materials needed was disclosed The Court of Appeals was aware of all of this Mr. Howard filed Direct Appeal without Petitioner's acknowledgement with approximately 2 grounds without effective assistance of counsel He deceitfully and intentionally denied me effective assistance

Return and answer from civil action no. 13CV504 Habeas Corpus (1809CR268) was filed Jan 21 2014 AM 9:42 approximately 14 grounds was filed failure to raise issue timely both at trial and/or in a direct appeal would be procedurally defaulted under OCGA, § 9-14-48(d) *Face v. Angel* as well as petitioner was denied a fair trial by racial discrimination at jury selection on 2 black were submitted on jury, I asked for 6 whites and 6 blacks this request was denied, Appointed Counsel Jack B. Williamson (Jury Trial) he was terminated for Conflict of Interest as well as Mr Jack B. Williamson rendered ineffective assistance of counsel.

- Petitioner also states his trial transcript is not correct he was not allowed closing argument at jury trial but transcript shows closing argument.
- Petitioner was served notice seeking Recidivist enhancement after the jury was sworn. Petitioner have been denied access to the courts when case first surfaced 3-30-09 arrest. (4)

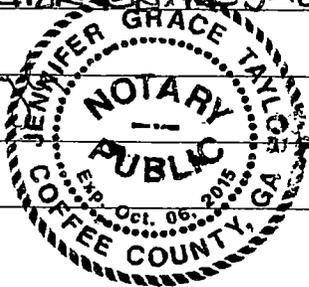
Trial court was bias and prejudice to my case from the first beginning see CV 612 001

Petitioner had approximately 30 grounds to submit in direct appeal that had to be brought up now due to ineffective assistance of counsel. Prosecution Misconduct. Obstruction of Justice; Judicial Misconduct; Brady Materials was requested multiple times intentionally suppressed by trial court/clerk. Petitioner showed all the above also the return and answer to civil Action No. 13CV504 that would be procedurally barred / procedurally defaulted under OCGA, § 9-14-48(d) *Earp v. Angel*. The reason Mr. Howard ESQ did not raise all the above ground errors / constitutional violations / reversible errors Return and Answer civil actions 13CV504 cause he wanted all the above to be procedurally defaulted under OCGA, § 9-14-48(d) absent a showing of cause and actual prejudice, due to Petitioner's failure to raise the issue timely both at trial and/or direct appeal *Earp v. Angel* 257 Ga. 333, 357 SE. 2d 596 (1987). Conspiring with public officials securing conviction. Therefore Petitioner ask the courts to terminate Mr. Michael Howard ESQ off above style case no. Appoint another Conflict Free attorney to submit Amend Direct Appeal with all the above errors / constitutional violations / relief / reversible errors, to keep them from being procedurally defaulted. Petitioner need all to further avoid an intentional miscarriage of justice. Petitioner ask for extension of time to Amend all the above. Please till further decisions are made by the Honorable Courts.

Ms Melissa Hardaway Auditor / Legal Administrator GPDSC - Appellate Division have full acknowledgements of all complaints of Mr. Howard ESQ. Also Ms Hardaway have full acknowledgement of Honorable F. Gates Reed intentionally suppressing Brady Materials / Notice of Appeal 1809CR268; 1897CR042; 83-2026 etc.

(Mr. Michael Howard ESQ knew that I had transferred from Lee State Prison ~~was~~ cause petitioner mailed him a copy of same request made to Court of Appeals from Wheelers Corr. Facility Alamo Ga.) Therefore Petitioner ask for extension of time for Motions for reconsideration and rights to Amend Bacon v. State A14A1430 (1809CR268). Due to Trial / Appeal counsel rendered ineffective assistance, constructive denial of Representation, Constructional abandonment, Prosecutorial Misconduct, Judicial Misconduct, obstruction of Justice and Trial / Appeal Attorney conspired with various public Officials to secure Bacon's conviction / sentence. Petitioner Makes Request / Inquiries for his relief and reversal of above conviction as in the same as in all of his Prayers. see 2012 US Dist. LEXIS 112173 cadet v. State Dept of Corrections 6-1-12; Waseem Daker v. Joe Ferrero US. District Court for Northern Dist of Ga. Atlanta Division 2008 US Dist. LEXIS 237902008 US. Dist LEXIS 23790 11th Cir. civil Action ~~2003~~ 03-CV-2526-RWS March 26, 2008.

Jennifer Grace Taylor
9-25-14



Respectfully Submitted
Franklin Lamar Bacon

Certificate of Service

This is to certify Franklin Lamar Bacon GDS# 241510/700
 AB/ @ucc. 1.207, Wheeler Correctional Facility, 195 Broad Street,
 PO Box 416, Alamo Ga. 30411 is forwarding a true and
 correct copy of what is for Record/consideration extensions of
 time Appointment of Counsel etc. all above to Court of Appeals
 of Ga, Suite 501, 477 Trinity Ave. At Ga. 30334, Ms Teresa P. Tucker
 Superior Court Clerk 205 Siskald St., Judicial Annex Building
 Stateboro Ga. 30458, Ms Melissa Hardaway EPDSC Appellate
 Division 104 North Street, Suite 600, At Ga. 30303, D. A.
 Office 1 Courtland Street 2nd Floor, Stateboro Ga. 30458,
 *President Mr. B. Obama The Executive Office of President,
 1600 Pennsylvania Ave., Washington DC 20500 All mail
 have correct US Postage. * Additionally Petitioner is indigent/
 and ask the Executive Office of the President to forward/
 Fax Certified Copies to Mr Eric Holder US Dept of Justice
 of inquiries/request.

Respectfully Submitted,
 F. Bacon

IN THE SUPERIOR COURT OF _____
STATE OF GEORGIA

2014 SEP 30 AM 11:59

Franklin Lamar Bacon

Petitioner

BDC # 241510

Inmate Number

Heather Banks Moneal
CLERK OF COURT

Civil Action No. _____

vs.

State
Warden

~~Habeas Corpus~~

Respondent

(Name of Institution where you are now located)

REQUEST TO PROCEED IN FORMA PAUPERIS

I, Franklin Bacon, 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: ~~████~~ Franklin Lamar
Wilkinson

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: 01/0 Approx \$275.00 per day
self employment.

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

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: The only

gifts I may receive from time to time is from my
family or friends for institutional care.

4. Do you own any cash, or do you have money in a checking or savings account? (Include any funds in prison accounts): Yes No

If the answer is "Yes," state the total value of the items owned: _____

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

If the answer is "Yes," describe the property and state its approximate value: _____

6. List the persons who are dependent upon you for financial support, state your relationship to those persons, and indicate how you contribute toward their support: My kids but

due to my incarceration I can not provide.

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

- a. A person to whom a lawful oath or affirmation has been administered commits the offense of perjury when, in a judicial proceeding, he knowingly and willfully makes a false statement material to the issue on point in question
- b. A person convicted of the offense of perjury shall be punished by a fine of not more than \$1,000 or by imprisonment for not less than one nor more than ten years, or both. O.G.C.A. § 16-10-70.

Franklin Lamar Bacon
Signature of Petitioner

7-20-2014
Date

VERIFICATION

I, Franklin Lamar Bacon, 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.

Franklin Lamar Bacon 7-30-14
Signature of Affiant Petitioner Date

Sworn to and subscribed before me this
30 day of July, 20 14.

Sherry Brown
Notary Public or Other Person Authorized to Administer Oath



Please note that under O.C.G.A. § 42-12-5 service of an affidavit in forma pauperis, including all attachments, shall be made upon the court and all named defendants. Failure by the prisoner to comply with this code section shall result in dismissal without prejudice of the prisoner's action.

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, Bacon, Franklin #241510, has an average monthly balance for the last twelve (12) months of \$ 0 on account at the Wheeler CF 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 the Plaintiff likewise has the following securities according to the records of said institution: None

Denny Sullivan / Acting Warden 7-24-14
Authorized Officer of Institution Date

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

Account Statement

BACON, FRANKLIN

Printed By: WILLIAMSON, PAMELA

GDC ID: 241510

Spendable Amount	Reserved Amount	Receipts On Hold	Funds Balance	Obligations/Court Charges
\$0.00	\$0.00	\$0.00	\$0.00	\$2,044.24

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
07/17/2014	CENTRAL ACCT-OFFENDER TRUST	RX-COPAY	GEORGIA DEPARTMENT OF CORRECTIONS	RECORD ID = 17646613. 7/12/2014	\$5.00	
07/15/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	WHEELER CORR FACILITY	RECORD ID = 17640870. 7/15/2014	\$1.38	
07/09/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	WHEELER CORR FACILITY	RECORD ID = 17628851. 7/9/2014	\$3.80	
07/01/2014	CENTRAL ACCT-OFFENDER TRUST	MONTHLY PROCESSING FEE	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee for 07/2014	\$1.00	
06/19/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	LEE STATE PRISON	RECORD ID = 17492138. 06/19/2014 PLS	\$1.68	
06/19/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	LEE STATE PRISON	RECORD ID = 17491087. 06/19/2014 SPECIAL MAILING	\$8.70	
06/12/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	LEE STATE PRISON	RECORD ID = 17477760. 06/12/2014 PLS	\$1.68	
06/05/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	LEE STATE PRISON	RECORD ID = 17463200. 06/05/2014 PLS	\$1.83	
06/05/2014	CENTRAL ACCT-OFFENDER TRUST	MEDICAL CO-PAY	GEORGIA DEPARTMENT OF CORRECTIONS	RECORD ID = 17461656. 06/04/2014	\$5.00	
06/01/2014	CENTRAL ACCT-OFFENDER TRUST	MONTHLY PROCESSING FEE	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee for 06/2014	\$1.00	W
05/30/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	LEE STATE PRISON	RECORD ID = 17350777. 05/29/14 PLS	\$1.68	
05/23/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	LEE STATE PRISON	RECORD ID = 17338965. 5/23/14 PLS	\$1.68	
05/15/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	LEE STATE PRISON	RECORD ID = 17321456. 5/15/14 PLS	\$1.68	
05/09/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	LEE STATE PRISON	RECORD ID = 17308072. 05/09/14 PLS	\$1.68	
05/08/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	LEE STATE PRISON	RECORD ID = 17302351. 5/8/14 (3) SPECIAL MAILING	\$7.20	
05/07/2014	CENTRAL ACCT-OFFENDER TRUST	MEDICAL CO-PAY	GEORGIA DEPARTMENT OF CORRECTIONS	RECORD ID = 17298695. 05/01/2014	\$5.00	
05/05/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	LEE STATE PRISON	RECORD ID = 17287931. 05/05/2014 PLS	\$1.83	

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

October 16, 2014

To: Ms. Lesia Barlow, GDC853880 E4, 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. Also, the Clerk of the Court is Stephen E. Castlen. Mr. Martin retired in August, 2010.**
- 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.

October 8, 2014

William L. Martin III, Clerk;
Georgia Court of Appeals
334 State Judicial Building
40 Mitchell Street
Atlanta, Georgia 30334

Dear MR Martin;

Currently my case has been denied a New Trial and has been placed on appeal as of May 29, 2014. Recently I recieved a letter from my attorney informing me my case has not been docketed, and she does not know the reason why, nor can she control the timing of docketing.

Sir, I apologize for my lack of knowledge in this area, but request information available on the docket number. It is my understanding my attorney files for an appeal before it can be docketed. Please advise and thank you very much for your time.

Sincerely,
Lesia Barlow

RECEIVED IN OFFICE
OCT 15 AM 10:48
CLERK/COURT ADMINISTRATION
COURT OF APPEALS OF GA

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

October 16, 2014

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

Docket Number: **Style:** **Clifford Conner 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. **An incorrect 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. Rule 6**
8. **Your Certificate of Service did not include the complete name and /or mailing address of each opposing counsel. 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 STATE COURT OF APPEAL OF GEORGIA

STATE OF GEORGIA

Clifford Conner,

GDC # 170686

Petitioner

Pro. Se.

Case No: CRO61820 AB

2007, Superior Court

OF CHATHAM COUNTY

v.

RECEIVED IN OFFICE
2014 OCT 14 PM 3:19
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

THE STATE OF GEORGIA

~~THE~~ Respondents

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

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. Sec.

Petitioner's Address:

Clifford Conner,

GDC#170686

Wheeler Correctional Facility

P.O. Box 466

Alamo, Ga. 30411



Sherry Travis
10/07/14

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

Date: October 16, 2014

To: William Gregory Dobson, Esq., Lober Dobson & Desai, P.C. 830 Mulberry Street • Suite 201, Macon, Georgia 31201

Docket Number: A14A2297 **Style:** Greene Finance Company, Inc. v. O'Shannashay Wallace

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

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



McCALLUM • HOAGLUND • COOK • IRBY

CHARLES A. McCALLUM, III
ERIC D. HOAGLUND*
MARTHA REEVES COOK
R. BRENT IRBY**
*ALSO ADMITTED IN TEXAS
**ALSO ADMITTED IN TENNESSEE
**ALSO ADMITTED IN GEORGIA

Writer's e-mail: lmarler@mhcilaw.com

October 14, 2014

VIA FEDERAL EXPRESS

Court of Appeals of Georgia
Attn: Stephen E. Castlen, Clerk
47 Trinity Avenue S.W.
Suite 501
Atlanta, Georgia 30334

RE: *Greene Finance Company, Inc., et al. v. O'Shannashay Wallace, et al.*
Case No.: A14A2297

Dear Mr. Castlen:

Enclosed you will find Appellees' Motion for Extension of Time to File Appellees' Brief for filing. Please provide me with a filed copy and return to me in the self-addressed stamped envelope enclosed for your convenience.

Thank you for your assistance.

Yours truly,

Lori C. Marler, C.L.A.
Business Manager
/lm
Enclosures

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2014 OCT 15 AM 10:22
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COURT OF APPEALS OF GA

McCALLUM HOAGLUND COOK & IRBY, LLP

905 MONTGOMERY HIGHWAY, SUITE 201 • VESTAVIA HILLS, ALABAMA 35216 • WWW.MHCILAW.COM
205.824.7767 • 205.824.7768 (FAX) • 888.230.2622

IN THE COURT OF APPEALS OF GEORGIA

GREENE FINANCE COMPANY, INC.,

et al.,

Appellants,

v.

O'SHANNASHAY WALLACE,

et al.,

Appellees.

APPEAL CASE NUMBER

A14A2297

RECEIVED IN OFFICE
2014 OCT 15 AM 10:22
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COURT OF APPEALS OF GA

APPELLEES' MOTION FOR EXTENSION OF TIME
TO FILE APPELLEES' BRIEF

Appellees request, pursuant to Court of Appeals Rule 23(a), that the Court extend the time within which they are required to file Appellees' Brief in the above-styled appeal by fourteen (14) days past October 27, 2014, which such Brief is presently due.

Appellees show that this case involves a lengthy record, and that Appellants had previously received a requested and received a twenty (20) day extension to file Appellants' brief, which Appellees did not oppose.

The undersigned states that he has discussed this Motion with counsel for Appellants and counsel does not oppose this Motion.

Respectfully submitted this 14th day of October, 2014.

/s/ William Gregory Dobson
William Gregory Dobson
Georgia Bar No. 237770
One of the Attorneys for Appellees

OF COUNSEL:

Lober, Dobson & Desai, P.C.
830 Mulberry Street
Suite 201
Macon, Georgia 31201
Telephone: (478)745-7700
Facsimile: (478)745-4888

R. Brent Irby
Georgia Bar No. 224232
McCallum, Hoaglund, Cook & Irby, LLP
905 Montgomery Highway
Suite 201
Vestavia Hills, Alabama 35216
Telephone: (205)824-7767
Facsimile: (205)824-7768
Email: birby@mhcilaw.com

William S. Stone
Post Office Drawer 70
589 College Street
Blakely, Georgia 39823

Todd L. Lord
Post Office Box 901
#4 Courthouse Square
Cleveland, Georgia 30528

CERTIFICATE OF SERVICE

Kenneth A. Hindman
Georgia Bar No. 355750
Giacoma Schleicher Roberts & Daughdrill, LLC
Six Concourse Parkway
Suite 2200
Atlanta, Georgia 30328
Telephone: (404)924-2850
Direct: (404)924-2860
Facsimile: (678)680-5022
Email: khindman@gsrdlaw.com
Attorney for Appellants

/s/ William Gregory Dobson
COUNSEL

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

October 17, 2014

To: Mr. Joe Glenn, GDC361043, 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.
- The Notice of Appeal must include a proper Certificate of Service.** A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.
- An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____
_____ The remittitur issued on _____
divesting this Court of jurisdiction. The case decision is therefore final.
- Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the _____ is: _____
- If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.
- A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

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

10-14-14

CLERK OF COURT:

STATE OF GEORGIA

CASE NO. 12-9-0726

VS.

JOE NEIL GLENN JR.

DEFENDANT.

No case found.

DEAR CLERK OF COURT

MY

NEW TRIAL ON JUNE 5, 2014.

COURT OF COBB COUNTY. I WAS WONDERING

HAD A NOTICE OF APPEAL BEEN FILED TO THE

COURT OF APPEALS FROM MY ATTORNEY YET. I

RECEIVED A LETTER FROM MY ATTORNEY ON JULY

21, 2014 STATING HE WAS WAITING FOR A

DECRETING NOTICE FROM THE COURT OF APPEALS.

IS MY CASE ON NOTICE? PLEASE LET ME KNOW

IF MY ATTORNEY HAS FILE MY CASE TO THE

COURTS OR ARE WE WAITING FOR A DECRETING

NOTICE. I'D APPRECIATE YOUR TIME. THANK

YOU.

I am enclosing a stamp

and envelope for your

convenience.

Sincerely,

JOE NEIL GLENN

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COURT OF APPEALS OF GA

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COMMUNICATIONS SECTION

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

Date: October 17, 2014

To: Ms. Michaellell Darling, 1175 Reunion Place, S.W., Atlanta, Georgia 30331

Docket Number: A15A0310 **Style:** Michaellell Z. Darling v. MJD Management Group

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

1. Your Appellant's Brief, was not accompanied by the statutory filing fee (\$300.00 civil; \$80.00 criminal *Effective July 1, 2009) or a sufficient pauper's affidavit. OCGA§5-6-4 and Rule **Your pauper's affidavit should be notarized by a notary public.**
2. A Request for Oral Argument must be filed as a separate document. Rule 28 (a) (3)
3. Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)
4. No Certificate of Service or an improper Certificate of Service accompanied your document(s). Rule 6
5. Your Certificate of Service did not include the complete name and mailing address of each opposing party. Rules 1(a) and 6. You should provide a copy of your filing to the District Attorney and include his/her name and address on your Certificate of Service.
6. There were an insufficient number of copies of your document. Rule 6.
7. Your document exceeds page limits. Rules 24 (f) and 27 (a)
8. Your document was submitted without permission to file (supplemental brief or second motion for reconsideration). Rules 27 (a) and 37 (d)
9. Letter briefs and letter cites are not permitted. Rule 27 (b)
10. Your request for court action must be submitted in motion form. Rule 41 (a)
11. Your motions were submitted in an improper form (joint, compound or alternative motions in one document). Rule 41 (b)
12. Type was on both sides of the paper; type font was smaller than 10 characters per inch; and/or the type was not double-spaced. Rules 1(c), 37(a) and 41(b).
13. The pages were not sequentially numbered with arabic numerals. Rule 24 (e)
14. Case and/or record citations were not made in the proper form. Rules 24 (d) and 25 (c) (2)
15. Margins were too small or paper size incorrect. Rules 1(c), 24(c), 37 (a) and 41(b)
16. Your document(s) was (were) not securely bound at the top with staples or round head fasteners. Rule 1 (c)
17. ~~The Motion to Supplement has not been granted.~~
18. Other: **The above referenced appeal was dismissed on October 16, 2014.**

11 Oct 2014

MEMORANDUM OF RECORD FOR GEORGIA COURT OF APPEALS

FROM: Michealell Z. Darling, plaintiff; case # 14VS000140D & # A15A0310

SUBJECT: Motion request for an extension of appellate brief (Notice of docketing- Direct Appeal) & filling fee

Attn: Presiding Judges of Georgia Court of Appeals,

1. I Michealell Z. Darling, USAF OEF 100% disabled veteran am asking for an extension to file my appellate brief for case # A15A0310 (Notice of Docketing- Direct Appeal dated 29 Sept 2014) due to disabled military connected conditions. My declining health has been causing some quality of life conflicts. I need at least until **14 Nov 2014**. I would truly appreciate this extension for more time to write my appellate and supply filling fee.

2. Thank you for your consideration in this request for more time.

Regards,



Michealell Z. Darling

Plaintiff

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2014 OCT 17 AM 9:44
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COURT OF APPEALS OF GA

11 Oct 2014

MEMORANUM OF RECORD FOR GEORGIA COURT OF APPEALS

FROM: Michaelell Z. Darling, plaintiff; case # 14VS000140D & A15A0310

SUBJECT: Certificate of Service (COS) for motion request for an extension of appellate brief (Notice of docketing-Direct Appeal) & filing fee

Attn: Presiding Judges of Georgia Court of Appeals,

1. I Michaelell Z. Darling (plaintiff) USAF OEF disabled veteran, Fulton county resident, and tenant sent a first class regular mail of my motion to request for more extended time letter to Mr. Michael J. Davis (MJD Management Group LLC) @ 3220 Butner Rd., #220 Atlanta GA 30331.

Regards,



Michaelell Z. Darling

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COURT OF APPEALS OF GA

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

Date: October 22, 2014

To: Mr. Christopher Gray, GDC847664, Dodge State Prison, Post Office Box 276, Chester, Georgia 31012

Docket Number: A15A0274 **Style:** Christopher Gray v. The State

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

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

APPEAL BRIEF IN SUPPORT OF MOTION TO
CORRECT VOID SENTENCE

Christopher Jason Gray
APPELLANT (Pro-Se)

Appeal #: A15A0274
Indictment #: 95CR-916-6

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~~2014 OCT -9 PM 3:08~~
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COURT OF APPEALS OF GA

CERTIFICATE OF SERVICE

I, the undersigned hereby certify that a copy of the foregoing package: Appeal Brief IN Support of Motion To Correct Void Sentence.

Office of:

Georgia Court of Appeals
Clerk and Court Administrator
47 Trinity Avenue, Suite 501
Atlanta, Ga. 30334

By placing in United States mail with adequate postage to assure delivery

This 14 day of 2014, A.D.

(Pro-Se) x ~~Christopher Jason Gray~~
Christopher Jason Gray
G.D.C. # 847664
Dodge State Prison
P.O. Box 276
Chester, Ga. 31012

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

Date: October 22, 2014

To: Mr. Nathan Fisher, GDC1051942, Johnson State Prison, Post Office Box 344, Wrightsville, Georgia 31096

Docket Number: A15A0326 **Style:** Nathan Fisher 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. **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. **The type on your document 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

Clerk of Court

Georgia Court of Appeals

October 14, 2014

re: Direct Appeal; Docket No. A15A0326

Cobb Superior Case No. 99-9-0090

Dear Clerk of Court,

Enclosed is appellant's Direct Appeal brief in the above styled case with an Informa Pauper's form, and a

Certificate of Service certifying that the opposing party,

Mr. Daniel D. Quinn - Senior Assistant District Attorney - Cobb

Superior Court, has been properly served.

Respectfully Submitted,

~~Mark~~ Nathan Fisher, pro se appellant

Nathan Fisher - 1051942

P.O. Box 344 - Johnson State Prison

Wrightsville, GA 31096

cc: file

IN THE COURT OF APPEALS
STATE OF GEORGIA

NATHAN FISHER) COBB SUPERIOR COURT
Appellant)
)
) Case No. 99-9-0090-51
)
)
) Docket No. A15A0326
STATE OF GEORGIA)
Appellee)

DIRECT APPEAL

Comes now Nathan Fisher, pro se appellant, and hereby appeals from a Cobb Superior Court Order dated **July 2, 2014**, denying appellant's Motion for Out-of-Time Appeal filed **March 4, 2013** with filed amendments enumerating **15 errors** of a negotiated guilty plea entered on **March 24, 2000**, incorporated herein, and from all the judgments of convictions entered in the plea, *as being void and thus challenging the validity of the plea.*

Appellant entered into a negotiated guilty plea with an agreed sentencing cap of 25 years and with two of the counts (4 and 6) of aggravated sexual battery to be reduced to simple sexual battery in exchange appellant's plea of guilty (**GPT-10, 11, 12, 19 – March 24, 2000**). The court, however, erred when it failed to inform defendant of its intention to reject the plea agreement without advising defendant of his right to withdraw his guilty plea prior to pronouncing sentence in contravention to **USCR 33.10(2), (3), (4) and 33.11(D)** when it sentenced defendant to a 38 year sentence with 18 years to serve and by failing to vacate counts 5 and 7, the two lesser included charges of counts 4 and 6, whereas appellant would have withdrawn his guilty plea and insisted on a trial (**ST-176 – May 4, 2000**) The Appellate Courts have long held that the steps to be taken in rejecting a plea agreement are not optional and such errors mandate reversal. **State v. Germany, 246 Ga 455, 456(1), 271 SE 2d 851 (1980), (MT-12 June 30, 2014)**. Cf **Smith v. State, 239 Ga App 776, 521 SE 2d 911 (1999)**, **Clue v. State, 273 Ga App 672, 615 SE 2d 800 (2005)** held that the fairest remedy is to rescind the *entire* plea agreement.

On **June 30, 2014**, after a Writ of Mandamus was applied for in the Supreme Court of Georgia, appellant was brought before Cobb County Superior Court for re-sentencing to correct a void sentence where the appellant received a 20 year felony sentence for a misdemeanor violation (enumerated as error No. 5), thus meeting the “prejudice” requirement of the ineffective assistance of counsel challenge. However, the Court abused its discretion in denying appellant's other claims which can be resolved by statute or existing record entitling appellant to appellate counsel and an Out-of-Time Appeal. **Hill v. Lockhart, 474 US 52, 57, 106 S.Ct 366 (1985)**, **Stephens v. State, 291 Ga 837, 733 SE 2d 266 (2012)**, **Leonard v. State, 293 Ga App 808, 809, 668 SE 2d 321 (2008)** **Rowland v State, 264 Ga 872, 874-875 (1995)**. *Keller v. State, 275 Ga 680 (2002) a void judgment is never final under OCGA 5-6-34 (a)(1) and subject to appeal until a valid judgment is entered on each count of the indictment.*

Also, pursuant to **OCGA 17-7-93(b)** prior to being re-sentenced, appellant renewed his right to withdraw his guilty plea on count 13, a 3 year consecutive sentence which began on **October 15, 2012 and ends October 14, 2015**. (**2 – Memorandum of Law, filed June 19 and June 25, 2014**) Appellant also filed a Motion to Withdraw Guilty Plea of count 13 on July 10, 2014 (placed in a GDC mailbox) and is entitled to withdraw his guilty plea of count 13 as held in **J.D. Mullins, Jr. v. State, 134 Ga App 243, 214 SE 2d 1 (1975)**, **Lawrence v. State, 234 Ga App 603, 507 SE 2d 490 (1998)**, **Kaiser v. State, 285 Ga App 63, 646 SE 2d 84 (2007)**, **State v. Germany, 246 Ga 455, 456(1), 271 SE 2d 851 (1980)** as well as **USCR 33.12**. All sentences have been served except count 13, therefore, plea withdrawal sought of only count 13. **Clue v. State, 273 Ga App 672, 675, 615 SE 2d 800 (2005)**, *package deal remedy*.

Pursuant to Georgia Court of Appeals Rule 40(b), appellant cites the “*emergency*” nature of this contested issue, count 13, a 3-year consecutive sentence, which ends **October 14, 2015**. Appellant emphasizes, as the record shows, has made numerous attempts from the onset of this judicial process, starting eight days after being sentenced, to seek post-conviction relief for these errors and Cobb County Superior Court continues to frustrate these attempts by refusing to adjudicate appellant's meritorious motions. An Out-of-Time Appeal is the remedy for a frustrated right to appeal.

JURISDICTION – The Court of Appeals 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-capital felony case and it does not fall within any area designated to be heard before the Supreme Court of Georgia.

STATEMENT OF THE FACTS

On October 10, 1997, Detective W M Boswell, Cobb County Police Department, executed a search warrant at Appellant's home in Kennesaw, Georgia, upon a complaint that the Appellant had shown a pornographic movie to an underage minor, and he confiscated approximately 30 VHS video tapes, consisting of mostly movies recorded off cable television and some consisted of surveillance video made in appellant's home.

Appellant was arrested on October 15, 1997 and subsequently charged with statutory rape, child molestation, sexual battery and illegal eavesdropping or surveillance. Appellant was appointed counsel through the Circuit Defender's Office. Conflicts with appointed counsel ensued and several members of Appellant's family wrote Judge Kenneth Nix complaining of inadequate and indifferent representation.

In March 2000, appointed counsel, John R Greco, informed appellant of a 10-year-to-serve plea deal the state had offered. During this time, attorney Harry L Trauffer was visiting several inmates at the Cobb County Adult Detention Center touting his ability to obtain the best plea deals. Appellant had planned to accept the state's plea offer until he interviewed attorney Trauffer who asserted, if hired, he was certain he could obtain a 5-year -to-serve plea deal. Attorney Trauffer made the exact same assertions to appellant's sister in a telephone call. Upon attorney Trauffer's advice, appellant rejected the plea offer and his fees were mailed overnight on March 22, 2000.

On March 23, 2000, appellant was taken to Cobb County Superior Court for the scheduled trial where appellant entered in the record appointed counsel John Greco's complete refusal to investigate the laws, facts, argue pending pretrial motions, et al, compelling appellant's family to scrap up enough money to hire attorney Trauffer at the very last minute. However, Judge Rufe McCombs refused to postpone the trial and allow newly hired Harry Trauffer enough time to prepare for trial, nor for a few hours to allow Mr. Trauffer to retrieve the mid-morning delivery of his fees. Instead, appellant was forced to proceed to trial without counsel with the court refusing to allow appellant to argue further pending motions. (Motion to Consolidate Argued Prdse).

Immediately after attorney Trauffer received his fees, he persuaded appellant to plead guilty under a 25 year *agreed* sentence cap. On March 24, 2000, appellant entered an uncounseled, unknowing and involuntary plea of guilty. Later that evening, appellant informed attorney Trauffer that he wanted to withdraw his guilty plea asserting to Mr. Trauffer that a *indeterminate* plea was not what he was hired for, nor what he had promised. Mr. Trauffer retorted, "I am not going to let you do that and screw up the only chance you have of getting no more than 5 – 7 years." Appellant did not hear from Mr. Trauffer until 10 days before the sentencing hearing. As a result of ineffective assistance of counsel, appellant received a 38-year sentence with 18 years to serve on May 4, 2000. Court rejected the plea agreement without notice.

Unbeknownst to appellant when he hired attorney Harry L. Trauffer, he was under a Review Panel Reprimand (Cobb County Superior Court) for a series of serious disciplinary infractions involving, inter alia, willful client abandonment, not refunding unearned fees, misappropriating client funds, et al, and was under Court Order to pay restitution. After sentencing on May 4, 2000, attorney Trauffer asserted to appellant and appellant's family that he was appealing. However Mr. Trauffer abandoned appellant without appealing.

Appellant was sentenced on Thursday, May 4, 2000. The end of court term was Sunday, May 7, 2000. Therefore, appellant was preempted from, and completely foreclosed from being able to file a timely pro se motion to withdraw guilty plea because the following day, Friday, May 5, 2000, was the only day in which appellant, who was incarcerated, could have filed a timely pro se motion. Whereas, eight days after sentencing, appellant wrote the judge giving notice of an appeal and requesting the appointment of counsel. Counsel, however, was not appointed until 3 months later, further frustrating appellant's right to appeal. Furthermore, the court appointed the former dismissed-as-ineffective counsel, John Greco, only one week before the Motion to Withdraw hearing (filed 6/1/2000. Defendant was re-sentenced 6/30/2014). Appellant was made privy to Mr. Greco's re-appointment 5 minutes before a *post plea* hearing on August 25, 2000 where the court erroneously predetermined that appellant's motion to withdraw guilty plea and notice of appeal were

untimely. Appellant wrote attorney Greco directing him to appeal the Court's **August 25, 2000** decision (filed 9/19/2000). However, attorney Greco did not appeal. Appellant filed a complaint with the State Bar Association and Mr. Greco replied that he had closed his file immediately after the hearing in contravention to **USCR 4.3, and due process of law**. ^{letter}

Appellant's original claims were numerous, however, having served the vast majority of his sentence, and thus being denied due process of law and the effective assistance of counsel from the onset of the judicial process, Appellant's remaining claims mainly involve a merger claim and the uncounseled, unknowing and involuntary plea of guilty particularly in regards to count 13, and Court's violation of **USCR 33.10** (sentencing hearing errors).

Defendant did not possess an understanding of the material facts as they pertained to count 13 which were withheld from the court and from defense, to wit: Cobb County Detective W M Boswell explicitly states in his report number 97112873 (ST-Vol. II-314-320, May 4, 2000) that the surreptitiously-made video (**OCGA 16-11-62**) encompassing count 13, was solely instrumental in detecting and resolving the false allegations of a rape by restraint made against the defendant during an interview conducted by Detective Boswell on 11/6/1997 (ST-315, 318, 319). These audio-taped interviews were also withheld from the defense compelling defendant to file a Motion to Compel Discovery on 9/2/1999. A motions hearing was scheduled for 9/9/1999 but never held. Wherefore, under these factual circumstances where the defendant and the court were not aware of the material facts and exculpatory nature of the surreptitious eavesdropping video and audio-taped interviews of count 13 suppressed by the state, it was without the power to prosecute defendant on count 13. The withholding of this material evidence and the very initiation of count 13, thus operated to deny the defendant due process of law.

In **Blackledge v. Perry**, 417 US 21, 30, 94 S. Ct. 2098, 40 L. Ed. 2d 628 (1974) and **Menna v. New York**, 423 US 61, 62, 96S. Ct. 241, 46 L Ed. 2D 195 (1975), the United States Supreme Court held unequivocally that a guilty plea does not waive a defendant's right to contest the constitutionality of a conviction "[w]here the state is precluded by the United States Constitution from haling a defendant into court." and "[A] plea of guilty to a charge does not waive a claim that - judged on its face - the charge is one which the state may not constitutionally prosecute." Accordingly, if a claim that the Government was without power to prosecute is apparent on the face of the indictment, read in the light of the existing record, a court should not consider the claim to have been waived, and must go on to consider its merits.

As in **Blackledge** and **Menna**, the very indictment of count 13 on 1-7-1999 by Detective Boswell and subsequent prosecution was plainly the result of prosecutorial misconduct and vindictiveness. On 12-1-1997, Detective Boswell clearly implies in his police report (ST-318) that the act of count 13, the surveillance video, was ultimately defensive in nature and thus warranted. The State was under a constitutional duty to disclose, even without request, these exculpatory, material facts to the Court and the Defense, but instead chose to withhold these facts along with the audio-taped interviews of 11-6-1997 and 1-2-1998 and such error is reversible. **Williams v. State**, 250 Ga 463, 298SE2d 492 (1983), **Brady v. Maryland**, 373 US 83, 83 S Ct 1194, 10 L Ed 2d 215 (1963), **Byrd v. Owen**, 272 Ga 807, 809(1), 536 SE 2d 736 (2000). ⁸¹²¹²

Consequently, if a defendant's guilty plea is not equally voluntary and knowing, it has been obtained in violation of due process and is, therefore, void. It "*cannot be truly voluntary unless the defendant possesses an understanding of the law in relation to the facts*". **McCarthy v. United States**, 394 US 459, 466, 89 S Ct 1166, 1171, 22 L Ed 2d 418 (1969). Appellant's plea of guilty to count 13 as recommended by hired counsel, Harry L. Trauffer, immediately after he received his fees, without an adequate review of the evidence, demonstrates gross error, serious derelictions, and conflicting interests consistent with his disciplinary record (**State Bar Notification - filed 6/27/2000**). Appellant asks this Honorable Court that he be allowed to withdraw his guilty plea on count 13 in order to correct a manifest injustice pursuant to **USCR 33.12**.

Appellant asserts a reasonable probability exists that a judge or jury would have acquitted defendant on count 13 *on the law or on the facts* of the evidence which were unconstitutionally suppressed and with the benefit of competent and effective counsel. Wherefore, appellant asks this Honorable Court to (1) vacate judgment or set aside conviction of count 13 against the weight of evidence, or (2) reverse the conviction of count 13 and remand for re-sentencing, or (3) judgment of count 13, a 3 year consecutive sentence which ends 10/14/2015, be stayed and appellant be released on bail/own recognizance, or (4) that all judgments of convictions of May 4, 2000 be reversed for the Court's violation of **USCR 33.10**.

I.
Material Facts (with citations of record)

1) After defendant was arrested he was appointed counsel through the Circuit Defender's Office of Cobb County. During the scheduled trial, defendant put on record appointed counsel, John Greco's refusal and failure to contact any of the material witnesses, argue pending pretrial motions (motion to compel discovery and allow an in-camera inspection of state's file filed 9/2/99, special demurrer filed 5/4/99 and motion to consolidate counts filed 5/4/99 et al), and his failure to properly investigate the facts, laws, pleadings, et al, surrounding the case. Since being assigned to the case, October 6, 1999, (five months) he did little to nothing to prepare prompting defendant and his family to write Judge Kenneth Nix. Mr. Greco possessed a very hostile and callous attitude toward defendant (TT-3-36-March 23, 2000 and MT-6,13,41,63-August 25, 2000) (MT-7, 8 - June 30, 2014).

During a conversation in mid-March 2000, Mr. Greco, revealed that the State had offered a 10 year plea deal and he also revealed that he would not begin to prepare for trial until the week of the scheduled trial. Appellant informed Mr. Greco that he was in process of interviewing other attorneys as his failure to prepare for trial. Mr. Greco replied, "Well if you are going to hire another attorney, then go ahead. I'm not going to prep this case for another attorney".

Even with the declared derelictions, in which attorney Greco did not dispute, Trial Judge Rufe McCombs still refused to grant defendant a continuance to allow newly hired attorney, Harry L. Trauffer, adequate time to prepare for trial. Instead, the Court forced defendant to argue one motion without counsel and declined to hear the other motions. Defendant was forced to proceed to trial without counsel in any substantial sense. (TT-26-47-March 23, 2000). (MT-4 - June 30, 2014).

Furthermore, the court and the state continued to misrepresent the court's sentencing authority ('360 years with a fine of over 3 million dollars) and failing to consider that certain counts merged under operation of law or fact pursuant to OCGA 16-1-6 and 16-1-7, whereas 11 felony counts (counts 2-12) merged into 3 counts, and with 2 of the counts (counts 5 and 7) being vacated as lesser included charges of the major crime (counts 4 and 6), and where counts 13-32 merged for sentencing purposes and can not exceed the legal limit of 5 years as authorized by law, and where they misapplied a 20 year sentence for a misdemeanor violation placing an overbearing and coercive burden on defendant into entering a plea of guilty on March 24, 2000. *With the court further commenting: "an involuntary That's a long time" and "I just want you to know all those things before you make your mind"* (GPT) During the guilty plea proceedings, the court and the state reiterated that defendant was facing "360 years with a fine of over three million" (GPT-7-March 24, 2000)

1a) In March 2000, Attorney Harry L. Trauffer was visiting several detainees at the Cobb County Adult Detention Center touting his ability to obtain the best plea deals. Subsequently, Attorney Trauffer visited appellant and was presented with the indictment and other documents. Appellant informed Mr. Trauffer that the State had offered a 10 year plea deal through court-appointed attorney Greco. After reviewing the documents and interviewing defendant, Mr. Trauffer asserted that he was certain he could obtain a 5 year plea deal if hired. Attorney Trauffer was hired on March 23, 2000 and upon his advice defendant rejected the 10 year plea offer and that same day the State withdrew their offer. *Defendant received a 38 year sentence (ST-176 - May 4, 2000) (MT-4-11 - June 30, 2014).*

1b) When attorney trauffer was hired by defendant he was under a Review Panel Reprimand and under a Court Order to pay restitution for misappropriating client funds (SDB Docket No. 3960, Georgia Supreme Court case S00Y0280-March 3, 2000). His disciplinary record reveals that he had conflicting or differing interests preventing his ability to discharge his professional responsibilities. (See also 'In the Matter of Trauffer,' 272 Ga 499, 532 SE 2d 96-June 12, 2000, and 273 Ga 781, 545 SE 2d 917-April 30, 2001) (MT-4-11-June 30, 2014) *suspension filed 6/27/2000.*

1c) After Mr. Trauffer received his fees in full he abandoned defendant and refused to prepare the case for trial. When defendant asserted that he wanted to go to trial Mr. Trauffer replied, "I'm not going to let you do that and screw up the only chance you have of getting no more than 5 to 7 years". Defendant never heard from Mr. Trauffer until 10 days before the sentencing hearing. When appellant's family called his office they were told he was "tied up in a very important jury trial in Atlanta". (MT-24-55-August 25, 2000) *(on 3/3/2000 and 6/12/2000 he received (2) open court reprimands for his "serious disciplinary infractions" in Cobb Superior Court and a State Bar suspension (See documents filed 6-27-2000 Not allowed to subpoena Mr. Trauffer and other witnesses (MT-19-August 25, 2000).*

(TT-3-36-March 23, 2000)

Attorney Trauffer (and appointed counsel Greco) failed to schedule a date for the Court to hear the following pending pretrial motions: Motion to Compel Discovery and allow an in-camera inspection of State's file- filed 9/2/1999, Special Demurrer- filed 5/4/1999, and Motion to Consolidate Counts- filed 5/4/1999 heavily prejudicing defendant in obtaining material evidence, citing material fatal variances and quashing certain counts of the indictment, and the consolidating of certain counts in the indictment in which the defendant would have pled not guilty and would have insisted on going to trial. (MT-4-11-June 30, 2014)

Attorney Trauffer's ineffective assistance failed to correct the Court's sentencing authority and failed to consider that certain counts merged under the operation of law or fact pursuant to OCGA 16-1-6 and 16-1-7, whereas 11 felony counts (counts 2-12) merged into 3 counts, with 2 of the counts (counts 5 and 7) being vacated as lesser included crimes of the major crime (counts 4 and 6), and where counts 13-32 merged for sentencing purposes and cannot exceed the legal limit of 5 years as authorized by law, and where they misapplied a 20 year sentence for a misdemeanor violation, count 33, and where the court was without subject matter jurisdiction on count 13, placing an overbearing and coercive burden on defendant into entering an involuntary plea of guilty on March 24, 2000. (single encounter "minutes or hours apart" - TT-39 - March 23, 2000).

1d) Immediately after being sentenced on May 4, 2000, attorney Trauffer stated, "Don't worry, I'm appealing" to defendant and to defendant's family. On one occasion shortly thereafter, he stated to defendant's sister that he had in fact filed an appeal. (MT-53, 54 8/25/2000). Defendant, nor his family ever heard from Mr. Trauffer again. Defendant wrote the Clerk of Court of Cobb County inquiring about motions Mr. Trauffer said he had filed (ltr dtd 7/15/2000-filed 7/19/2000 and 8/3/2000-filed 8/8/2000) and learned that Mr. Trauffer had not filed the appeal as he had asserted. (MT-4-11-June 30, 2014). Defendant was foreclosed from filing a timely pro se motion to withdraw guilty plea (MT-14-August 25, 2000).

On 6/12/2000, attorney Trauffer received a six-month suspension, Case no. S00Y1412, 'In the Matter of Harry L. Trauffer', 272 Ga 499, 532 SE 2d 96 (2000), and the Clerk of Court of Cobb County was given notice dated 6/20/2000 by the State Bar of Georgia (filed 6/27/2000), to advise and warn defendant of attorney Trauffer's suspension, but the Clerk of Court failed to do so. (MT-5, 6-6/30/2014). To date, has never given notice of motion filed by Mr. Trauffer and Order denying motion by Clerk.

2) On 3/24/2000, the terms of a negotiated plea were entered into the record pursuant to USCR 33.8(C)(1), to wit: (a) Defendant was not pleading guilty to the 2 counts of aggravated sexual battery (counts 4 and 6), but instead to simple sexual battery which the State had agreed to reduce, and (b) the State recommended and agreed to a sentencing cap of 25 years. Under these terms, defendant agreed to plead guilty (GPT-10, 11, 12, 19-3/24/2000). Defendant also swore to a written answer statement into the record on 3/24/2000, averring that there was a recommended sentencing cap of 25 years as discussed in open court (answer 24- pg 2) and were certified by Judge Conley Ingram on page 3. The court exceeded the cap (28 years) without notice (ST-176-May 4, 2000) and the right to withdraw plea was not afforded to defendant. (MT-12-June 30, 2014).

3) On 3/23/2000, the day of the scheduled trial, and as a result of appointed counsel's failure to argue any of defendant's pending pretrial motions, defendant was forced to argue 2 motions without counsel (with the Court declining to hear other motions)(TT-26-45-3/23/2000). On the Motion to Consolidate Counts, pro se defendant asserted that the alleged acts were based on a continuous course of action during one single event pursuant to OCGA 16-1-6 and 16-1-7 prohibiting multiple convictions for the same crime. The State asserted that because the alleged acts were not committed simultaneously at the exact "same time" using "both of his hands" but were instead "were done minutes or hours apart" constituted multiple crimes and convictions. The Court erroneously agreed. Pro se defendant stated for the record his objection to the Court, thus preserving his right to appellate review of the court's decision. (TT-39) (ST-176-May 4, 2000) (MT-4-11-June 30, 2014)

4) Defendant filed timely pretrial motions, Special Demurrer- filed 9/8/1998 and 5/4/1999, A Motion to Compel Discovery was filed 9/2/1999 after it was discovered on 8/27/1999 that the State had in its possession 10 audio tapes in which the defense had not received proper prior notice of the existence of said tapes. Defendant's motion also requested the State to produce and label transcriptions of these audio tapes. A hearing was scheduled of 9/9/1999, but the hearing was never held. Also, a motion requesting funds to have the audio tapes transcribed was denied by the Court pursuant to an order dated 3/1/2000. (MT-140-142-June 10, 1999) Audio-taped interviews - police report (ST-Vol. II - 300-320, "JE"-321-May 4, 2000). The record shows that crucial material discrepancies existed and exculpatory evidence was suppressed by the state (ST-Vol II - 315-321-May 4, 2000 and MT-140-142-June 10, 1999) and a reasonable probability exists that the audio-taped interviews (10 tapes), if not suppressed, would have produced a different outcome if afforded to defense and in a timely manner.

5) On May 4, 2000, the court pronounced a 20 year consecutive sentence (probated) for count 33 of the indictment, a violation of OCGA 16-12-100 (b) (8) whereas the penalty was specified under subsection (g) paragraph (2) as a misdemeanor. (ST-176-May 4, 2000). The statute was later amended as a felony in 2003.

Exhibit 2 (ST-921)

6) November 6, 1997, Cobb County Detective WM Boswell conducted an audio-taped interview with "JE" (counts 1 and 13) as documented in the police report No. 97112873 (ST-Vol. II-300-320-May 4, 2000). The police report reveals that JE originally reported a forcible rape by restraint (ST-Vol. II-315-May 4, 2000). The police further reveals that after viewing video surreptitiously taken of JE at defendant's home, count 13, Detective Boswell was able to conclude unequivocally that JE's allegations of a rape by force were untrue. (ST-Vol. II-318-May 4, 2000). After numerous attempts over a span of 2 months, Detective Boswell was finally able to get JE back in for a second interview on January 2, 1998. Only after Detective Boswell informs JE that she was surreptitiously video-taped at defendant's home did JE admit that her allegations of a rape by force were untrue (ST-Vol. II-319-May 4, 2000). There is nothing to suggest, as documented in the police report, that JE would have admitted she lied had it not been for this surreptitious video taping of her of count 13, which was lawful under OCGA 16-11-62 (2)(c), the eavesdropping statute on 5/4/2000.

Moreover, these material audio-taped interviews of JE of November 6, 1997 and January 2, 1998 were part of

the ten audio tapes that were withheld from the defense by the State necessitating defendant's Motion to Compel Discovery - File 9/2/99 and where the scheduled hearing of 9/9/99 was never held. JE's audio taped interviews, as well as others were crucial to the defense but were never turned over to the defense heavily prejudicing defendant, whereas defendant would have pled not guilty to count 13 and would have insisted on going to trial where a reasonable probability exists that a judge or jury would have acquitted defendant.

7) On May 4, 2000, the Court pronounced "that all other counts ... to run concurrent" specifically specifying the eavesdropping and surveillance counts 14-32 "would be three years to run concurrent" (ST-176-May 4, 2000), however the court reporter wrote in the Final Disposition Sheet as being "3 (three) years to concurrent to count 13 (thirteen)," a consecutive sentence which was not what the court pronounced.

8, 9 and 10) On May 4, 2000 (Thursday) during defendant's sentencing hearing, defendant was not advised of his appeal rights by the court nor the time in which to file a timely appeal of defendant's conviction and sentence (ST-176-May 4, 2000). Moreover, the last day of the court-term was May 7, 2000 (Sunday), thus making it impossible for defendant who was detained in the Cobb County Adult Detention Center to have filed a timely motion with the Clerk of Court by the following next business day May 5, 2000 which was the last and only date in which to file a timely Motion to Withdraw Guilty Plea. (MT-14-August 25, 2000).

Eight days after being sentenced, defendant wrote the court a letter dated May 12, 2000-filed May 22, 2000, MT-11-6/30/2019 expressing his desire to appeal "due to the many errors that occurred" and also cited ineffective assistance of counsel. Defendant also requested the appointment of appellate counsel, however counsel was not appointed over 3 months later and well after defendant had been shut out of any means in which to file an appeal of his conviction and sentence. The court also re-appointed formally dismissed counsel, John Greco, to defendant. Defendant learned of Mr. Greco's re-appointment five minutes before a post plea hearing for defendant's pro se motion to withdraw guilty plea (MT-6, 12, 19-August 25, 2000). The trial court ruled that defendant was without any remedies for an appeal (MT-6-5). Appellant wrote attorney Greco 19 days after the hearing directing him to appeal the court's decision (filed with the clerk of court on September 19, 2000) however, Mr. Greco did not appeal. Appellant filed a complaint with the state bar of Georgia. Mr. Greco replied he closed his file immediately after the August 25, 2000 hearing in violation of USCR 4.3, and thus frustrating appellant's right to appeal (MT-6-11-June 30, 2014). Defendant was denied the right to subpoena Mr. Trautner (MT-19-23-August 25, 2000).

Defendant learned of Mr. Greco's re-appointment five minutes before a post plea hearing for defendant's pro se motion to withdraw guilty plea (MT-6, 12, 19-August 25, 2000). The trial court ruled that defendant was without any remedies for an appeal (MT-6-5). Appellant wrote attorney Greco 19 days after the hearing directing him to appeal the court's decision (filed with the clerk of court on September 19, 2000) however, Mr. Greco did not appeal. Appellant filed a complaint with the state bar of Georgia. Mr. Greco replied he closed his file immediately after the August 25, 2000 hearing in violation of USCR 4.3, and thus frustrating appellant's right to appeal (MT-6-11-June 30, 2014). Defendant was denied the right to subpoena Mr. Trautner (MT-19-23-August 25, 2000).

The court knew or should have known that hired counsel, Harry L. Trauffer, was under two open court reprimands and a six-month suspension for a series of serious disciplinary infractions ('In The Matter of Harry Trauffer', 272 Ga 499, 532 S.E. 2d 96 (2000), case no. SooY1412) and they were advised to warn defendant about Mr. Trauffer's suspension pursuant to a letter dated June 12, 2000-filed June 27, 2000, from the State Bar of Georgia, but they were derelict in their duty to advise defendant. Furthermore, the court had a duty to provide defendant a factual inquiry into why a timely appeal was not taken during defendant's pro se Motion to Withdraw Guilty Plea on August 25, 2000. Defendant's sister traveled from out-of-state to provide sworn testimony to what Mr. Trauffer asserted to her; that he was appealing, and that he during a telephone conversation, asserted that he in fact appealed but the court limited her testimony and abruptly interrupted her testimony. Defendant was not allowed to ask her, his own witness, any questions (MT-53,54-August 25, 2000), and prevented from expanding record. Also, no inquiry was made at the resentencing hearing (MT 5-11-June 30, 2014).

11) On March 24, 2000, the State agreed to reduce two felony counts 4 and 6 to two counts of misdemeanor simple battery in exchange for defendant's guilty plea (GPT-10,11-March 24, 2000), however, the state did not fulfill its lawful part of the agreement when it failed to vacate the two lesser included crimes(counts 5 and 7) of the major crimes which were reduced. Whereas count 5 is the lesser included crime of count 4 and count 7 is the lesser included crime of count 6. Defendant received convictions and sentences of 15 years for counts 5 and 7, the lesser included crimes and did not receive the benefit of the plea bargain as a result of the state's error. (MT-12-June 30, 2014), (ST-176-May 4, 2000). (Single encounter "minutes or hours apart" - JT-39-March 23, 2000).

12) The court and the state continued to misrepresent the court's sentencing authority (360 years with a fine of over 3 million) and failed to consider that certain counts merged under operation of ^{law} of fact pursuant to OCGA 16-1-6 and 16-1-7 whereas 11 felony counts (counts 2-12)merged into 3 counts, and with 2 of those felony counts (5 and 7) being vacated as lesser included of the major crime (counts 4 and 6), and where counts 13-32 merged for sentencing purposes and can not exceed the legal limit of 5 years as authorized by law, and where they misapplied a 20 year sentence (count 33) for a misdemeanor violation heavily prejudicing defendant and placing an overbearing and coercive burden on defendant into entering an involuntary plea of guilty. During the guilty plea proceeding the state and the court reiterated that defendant was facing "360 years with a fine of over three million" and the court further commenting, "That's a long time" and "I just want you to know all these things before you make up your mind." (GPT-7-March 24, 2000).

13) On or about August 27, 1999, defendant's attorney learned that the state had in their possession ten audio taped interviews, in which "defendant's attorney had received no notice of the existence of said tapes" as stated in the Motion to Compel Discovery and Motion For In-Camera Inspection of State files-filed 9/2/99. A motion hearing was scheduled for 9/9/99 but never held depriving defendant of crucial material evidence particularly the audio-taped interviews of "JE" (counts 1 and 13) which supported the fact that the illegal surveillance of count 13 proved to be defensive in nature and the court was without power to bring defendant into court to face the charge of count 13 pursuant to OCGA 17-9-4. Whereas defendant would have pled not guilty and would have insisted on going to trial. (MT-140-142-6/10/99). (ST-Vol. II-315-321-May 4, 2000) false accusation of a rape by force.

14a) During defendant's sentencing hearing the state entered into evidence two 'Compilation video tapes' (State's Exhibits 1A and 1B-St. Vol. II-180-May 4, 2000) comprising of video confiscated from defendant's home (illegal surveillance-Counts 13-32), editing certain portions of the video, obscuring and /or omitting certain portions that would go toward defense and mitigation(counts 1 and 13)(S T-69-78 May 4, 2000). Several objections were made by defendant including 'reserving the right for authentication and the chain of custody of the tapes' (ST-10 May 4, 2000). The improper playing of the Dusty Thomas video - (ST-10-15, 149-150-May 4, 2000).

14b) The state witness, Lloyd Gross, the jail administrator of the Cobb County Adult Detention Center testified defendant was a trouble maker because of "constant complaints being filed. Grievances being filed" over defendant's objections (ST-78-85-May 4, 2000).

14c) The state flew JE and her children in from another State even though the state knew that she had falsified a criminal report to the Cobb County Police Department and knew or should have known that she would likely perjure her testimony. (ST-55-69-May 4, 2000), and (ST-Vol. II-314, 315, 318, 319, 320-May 4, 2000). Also see letter to state's witness, Mr. Greg Jones- Probation officer, dated May 2, 2000 (ST-Vol II 287-289). (JE at 'Cowboy's Night Club' - ST-Vol II-321-May 4, 2000) Exhibit 22.

II.
ENUMERATION OF ERRORS

1) Trial counsel's representation fell below an objective standard of reasonableness and below the protections of the Fifth, Sixth and Fourteenth Amendments of the Federal Constitution and of Article 1, Section 1, Paragraphs I, X, XIV, XVI, and XVIII of the Georgia State Constitution when:

a. Upon counsel's advice, Appellant rejected a ten-year-to-serve plea offer by the State under the false assertion by counsel that, if hired, he could obtain a 5- to 7-year negotiated plea deal which instead resulted in a much harsher sentence of 38 years with 18 years to serve.

b. Counsel had an apparent conflict of interest with malintent when in March, 2000, he was visiting several detainees at the Cobb County Detention Center soliciting his ability to obtain very favorable plea deals if hired and, ultimately visiting Appellant in mid-March, all the while under a Review Panel Reprimand (March 3, 2000) and under a Court Order to pay restitution for misappropriating client funds when Appellant hired him on March 23, 2000.

c. Counsel abandoned Appellant during a crucial stage of the judicial process and was ineffective when he failed to argue pending pretrial motions (Special Demurrer, Motion to Consolidate Counts, Motion to Compel Discovery requesting material evidence), interview potential witnesses, provide an investigation of the facts, circumstances, pleadings, laws involved, prepare evidence in mitigation and he had Appellant plead guilty to a defective indictment and failed to correct the misrepresentation of the sentence Appellant was facing.

d. Counsel's ineffective assistance denied Appellant the right to an Appellate Court review of sentence and conviction and to seek post-conviction relief when counsel failed to file a timely Notice of Appeal.

2) The court erred and abused its discretion when it failed to advise defendant of the informational requirements of **USCR 33.10** upon the court's rejection of the plea agreement, *and allow defendant to withdraw his guilty pleas of right prior to sentencing.*

3) The Court erred and abused its discretion when it failed to merge convictions and sentences of counts 2 and 3 into a single count, counts 4 and 5 into a single count, counts 6 and 7 into a single count, counts 8, 9 and 10 into a single count, and counts 11 and 12 into a single count for judgment and sentencing. This error also nullified the plea agreement offered by the State on March 24, 2000 when the Court failed to merge count 5 with count 4, and count 7 with count 6, and as a result, Appellant did not receive the sentencing concession he bargained for in exchange for his guilty plea since counts 5 and 7 are the lesser included charge of the major crime, counts 4 and 6. The Court also abused its discretion when it forced the Appellant, who was without counsel, to argue a pretrial Motion to Consolidate Counts under **OCGA 16-1-6** and **16-1-7** on **March 23, 2000**.

4) The Court erred and abused its discretion by failing to adjudicate and/or sustain pending pretrial motions, i.e. Special Demurrer, Motion to Compel Discovery, and allow an in-camera inspection of the State's file.

resolved by resentencing on June 30, 2014.

5) The Court erred and abused its discretion when it illegally sentenced Appellant to a 20-year sentence (count 33) for a misdemeanor violation (**OCGA 16-12-100(b)(8)**).

6) The Court erred and was without subject matter jurisdiction on count 13 and, therefore, judgment and sentence is null and void. The very initiation of count 13 operated to deny defendant due process of law, *and the subsequent prosecution and conviction was unconstitutional.*

7) The Court made a clerical error when the Court pronounced a concurrent sentence of 3 years for counts 14 – 32, however, the court reporter wrote on the final disposition (sentencing sheet) for counts 14 – 32 as being concurrent to a consecutive sentence (count 13) which was in error.

8) The Court erred and abused its discretion when it failed to advise Appellant of his right to appeal the judgment, conviction and sentence, with appellate counsel, imposed by the Court on Thursday May 4, 2000 and that the end of the court term was Friday, *the very next day, thus foreclosing any timely pro se motion to withdraw guilty plea.*

9) The Court erred and abused its discretion when it failed to make a factual inquiry into whether defense counsel was ineffective in his failure to file a timely appeal or whether defendant waived that right, *and by failing to inform defendant of defense counsel's state Bar suspension (June 12, 2000) at a post-plea hearing (August 25, 2000).*

10) The Court erred and abused its discretion when it failed to appoint Appellate Counsel to defendant to appeal the May 4, 2000 judgment and sentence as defendant requested in a letter written to the Court dated May 12, 2000, 8 days after to being sentenced, therefore, frustrating Appellant's appeal rights.

11) The State nullified the plea agreement when it failed to fulfill its part of agreement to reduce the charges of counts 4 and 6 to misdemeanor charges, but failed to merge convictions and sentences of count 5 with count 4, and count 7 with count 6, and, as a result, Appellant did not receive the benefit of the reduced charges and sentencing. *(sentence continued on page 11)*

concessions he plea bargained for when the State and Court failed to vacate counts 5 and 7, the two lesser included charges of counts 4 and 6.

12) The trial court and state miscalculated and misrepresented the court's sentencing authority of the amount of years defendant was facing at trial if found guilty.

13) The state suppressed and failed to provide the defense with material evidence requested which included exculpatory evidence and did not allow an in-camera inspection of the state's file.

14) The State participated in prosecutorial misconduct during the May 4, 2000 sentencing hearing when the state: *(thus making the proceeding fundamentally unfair).*

a) Produced a "compilation" of the video-tape evidence in aggravation which included edited and obscured portions of the video-tape evidence and where a proper foundation was not laid for the admission of such evidence, and was not properly authenticated. The state also played for the court video-tape of defendant with an adult that was not connected to the case even after the court denied the state's request to present such evidence.

b) Presented false and retaliatory testimony from the Administrator of the Cobb County Detention Center that defendant was a trouble maker while he was detained because he exercised his right to file grievances of improper medical treatment and housing.

c) Flew "JE" (counts 1 and 13) and her children in from out of state and presented her to the court as a credible witness but failed to inform the court that JE has falsified a report of a sexual assault against defendant on November 6, 1997, and the state was aware the testimony JE provided was inconsistent with the video tape evidence the state had in their possession.

III.
Argument and Authority

1) "The benchmark for judging any claim of ineffectiveness must be whether counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied on as having produced a just result" as held in *Strickland v. Washington*, 466 U.S. 668, 686, 104 S.Ct. 2052, 2064 (1984). In *United States v. Cronin*, 466 U.S. 648, 104 S.Ct. 2039 (1984) at 654, "The core purpose of the counsel guarantee was to assure 'Assistance' at trial, when the accused was confronted with both the intricacies of the law and advocacy of the public prosecutor" citing *United States v. Ash*, 413 U.S. 300, 309. 93 S.Ct. 2568, 2573 (1973), and "If no actual 'Assistance' for the accused's 'defence' is provided, then the constitutional guarantee has been violated" citing *United States v. Decoster*, 199 U.S. App. D.C. 359, 382, 624 F. 2d 196, 219. Also see *Powell v. Alabama*, 287 U.S. 45, 68-69, 53 S.Ct. 55, 63-64, (1932), *Gideon v. Wainwright*, 372 U.S. 335, 343-345, 83 S.Ct. 792, 796-797 (1963).

The record shows that appellant did not receive the assistance of effective counsel as guaranteed by the State Constitution and the Federal Constitution as was denied due process of law. The day of defendant's scheduled ^{appointed} trial, counsel had not prepared for trial nor had he made any attempt to contact material witnesses or argue pretrial motions, et al, as he admitted to appellant the week before highly prejudicing appellant and rendering the proceedings unfair and unreliable. *Strickland v. Washington, supra, at 692, 104 S.Ct., at 2067.*

Furthermore, the trial court's failure to allow newly hired counsel adequate time to prepare for trial, and the court's misrepresentation of the court's sentencing authority placed an overbearing burden on appellant thereby coercing appellant into entering a plea that was not "free and voluntary" as defined in *Brady v. United States*, 397 U.S. 742, 751 fn 8, 90 S.Ct. 1463, (1970) as a Fifth Amendment violation. *See Wells v. State, 294 Ga App 277 (2008).*

1a) In two recent U.S. Supreme Court rulings the higher court has addressed issues involving the non-acceptance of a plea offer and where further proceedings led to a less favorable outcome, *Lafler v. Cooper*, 132 S.Ct. 1376, 182 L.Ed. 2d 398 (2012) and *Missouri v. Frye* ___ U.S. ___, 132 S.Ct. 1399 (2012). In *Lafler* at 1387 held "If a plea bargain has been offered, a defendant has the right to effective assistance of counsel in considering whether to accept it. If that right is denied, prejudice can be shown if loss of the plea opportunity led to a trial resulting in a conviction on more serious charges or the imposition of a more severe sentence" requiring appellant to receive a reversal and a sentence between 7 to 18 years. *to "neutralize the taint" at 1381.*

1b) Hired counsel, Harry L. Trauffer, enticed defendant into hiring him under a false promise that he could obtain a 5 to 7 year negotiated plea deal. Once attorney Trauffer^{got} his fees, he abandoned defendant. Attorney's Trauffer's disciplinary record reveals that he had "conflicting interests" or "differing interests" when defendant hired him March 23, 2000. Attorney Trauffer was also conflicted by way of a time constraint in which to pay restitution (amount not known by appellant) from a Georgia Supreme Court Order, SDB Docket 3960, case no. S00Y0280-March 3, 2000, for misappropriating client funds. The serious disciplinary infractions committed by Mr. Trauffer clearly demonstrates a continued pattern of "conflicting interests and/or differing interests" and his inability to discharge his professional responsibilities. *See State Bar suspension notice filed June 27, 2000.*

Attorney Trauffer's failure to properly investigate the laws, evidence, pleadings, facts, et al, surrounding defendant's case including, inter alia, the merging of 9 felony counts into 3 counts, vacating two lesser included crimes — counts 5 and 7, lack of subject matter jurisdiction of count 13, the illegal and void 20 year sentence for a misdemeanor violation of count 33, failing to correct the misrepresentation of the court's sentencing authority, argue pending pretrial motions, failing to file a timely notice of appeal as asserted, did not fall "within the range of competence demanded of attorneys in criminal cases" as held *United States v. Cronin*, 466 U.S. 648, 654, 104 S.Ct. 2039 (1984), *Cuyler v. Sullivan*, 446 U.S. 335, 100 S.Ct. 1708 (1980), *Toilett v. Henderson*, 411 U.S. 258, 93 S.Ct. 1602, 1607 (1973), *McMann v. Richardson*, 397 U.S. 759, 771, 90 S.Ct. 1441, 1449 (1970), *Brown v. State*, 257 Ga 321 (1987)

Appellant claims that his plea of guilty was not "free and voluntary" and was a violation of the Fifth Amendment privilege against compelled self-incrimination which must not be "obtained by any direct or implied promises, however slight, nor the exertion of any improper influence" *Bram v. United States*, 168 U.S. 532, 18 S.Ct. 183, 187 (1897), *Malloy v. Hogan*, 378 U.S. 1, 84 S.Ct. 1489, 1493 (1964) and which cannot be induced by "misrepresentation (including unfulfilled or unfulfillable promises)", *Brady v. United*, supra at 1472. *Cf. Johnson v. State*, 284 Ga App 147, 150-152, 643 SE2d 1550 (2007).

K states

Unbeknownst to Appellant, on March 23, 2000, when he hired trial counsel, he was under a Review Panel Reprimand issued on March 3, 2000 and was under a court order to pay restitution for misappropriating his client's funds in SDB Docket No. 3980 (see case no. S00Y0280-March 3, 2000, and case No. S00Y1412, *In The Matter of Harry L. Trauffer*, 272 Ga 499, 532 SE 2d 96-June 12, 2000, in which he received a six month suspension). (See documents filed by State Bar - June 27, 2000).

Among the numerous "serious disciplinary infractions" cited by the Georgia Supreme Court, *In The Matter of Harry L. Trauffer*, supra, inter alia, are; std. 44 (lawyer shall not without just cause to the detriment of his client in effect willfully abandon or disregard a legal matter entrusted to him), stds 61 and 63 (did not promptly render appropriate accounts to the client regarding the collected funds), std 22 (lawyer shall not withdraw from employment without taking reasonable steps to avoid foreseeable prejudice to his client), std 23 (lawyer who withdraws from employment shall refund promptly any part of a fee paid in advance that has not been earned) and stds. 12 and 26.

Moreover, this egregious behavior by trial counsel as cited above continued and ultimately led to his disbarment (see case No. S01Y0667, *In The Matter of Trauffer*, 273 Ga 781, 545 SE 2d 97-April 30, 2001) and is consistent with the unreasonableness, incompetence and ineffectiveness of counsel's representation that so heavily prejudiced the outcome of Appellant's case. *Strickland v. Washington, Id., at 692, 693.*

1c) Trial counsel never properly investigated the facts, laws, circumstances, pleadings, et al., surrounding defendant's case and his ineffectiveness had a direct effect on the judgment, conviction, and sentence of defendant as follows:

- (1) Count 1 and 13 when he failed to move the trial court to adjudicate and/or sustain the pending pretrial special demurrer motion challenging the fatal variances of count 1 and 13 where the record, police report no. 97112873, and the testimony given at the sentencing hearing alleged that count 1 and 13 by the alleged victim, "JE", vary greatly as to the dates listed in the indictment as having occurred between June 1, 1996 and September 2, 1996, however, the police report and testimony given alleged that counts 1 and 13 occurred just prior to a Sears modeling contest which was in May 1997, exposing Appellant to double jeopardy and in violation of the general rule consistent with OCGA 17-7-54 which provides that the indictment must state with "sufficient certainty" the date of the offense. Given the testimony of JE, it is inconceivable that the State could not narrow the range of dates with more certainty and specificity. See *State v. Layman*, 279 Ga 340, 613 S.E. 2d 639 @641 (2005), *State v. Gamblin*, 251 Ga App 283, 553 S.E. 2d 866 (2001), and *South v. State*, 268 Ga App 110 (111), 601 S.E. 2d 378 (2004).

Additionally, allowing the State to proceed on an indictment which charges crimes that allegedly occurred with a "window of time" as opposed to a specific date denies the defense an opportunity to raise the defense of alibi and there exists the possibility that appellant be prosecuted a second time for the same offense.

In *Lyles v. State*, 215 Ga 229, 109 SE 2d 785 (1959), the Supreme Court stated that “ *it is well established by the decisions of this Court that an indictment or accusation which fails to allege some specific date on which the offense was committed is defective as to form and therefore subject to a timely interposed special demurrer pointing out such defect* ” “ *An indictment which charges the commission of an offense in a certain year, without naming either the day or month which it was committed, is defective, and upon special demurrer thereto before arraignment, should be quashed* ” *Braddy v. State*, 102 Ga 568, 27 SE 670 (1897). The vast difference between the events referenced in the 1997-1998 police report and the testimony given by JE on May 4, 2000 regarding a Sears modeling contest which occurred in May 1997, the dates in which count 1 and 13 are alleged to have been committed, versus the dates stated in the indictment (on or about June 1996) vary an entire year and upon Appellant’s special demurrer filed before arraignment should have been quashed.

(2) When he failed to argue and move the trial court to adjudicate and/or sustain the pending pretrial Motion to Consolidate Counts under operation of law pursuant to OCGA 16-1-6 (1) and 16-1-7 (a) (1) merging count 2 with count 3, count 5 with count 4, count 7 with count 6, counts 8, 9, 10 into one single count, and count 11 with count 12 (totaling 3 convictions and sentences for violating OCGA 16-6-4 and 2 convictions and sentences for violating OCGA 16-5-23.) Instead, as a result of counsel’s ineffectiveness, Appellant did not receive any benefit of the plea agreement, the sentencing and conviction reduction concession, in exchange for a plea of guilty. Thus receiving 9 convictions of violating OCGA 16-6-4 in lieu of 3.

Although, the 9 convictions and sentences are to ^{be} served concurrently, having multiple convictions had a vast adverse effect on the actual time that Appellant is required to serve by the State Board of Pardons and Paroles; 97 percent instead of 65 to 85 percent of Appellant’s 18 year sentence if Appellant would have had only 3 convictions, even though Appellant has an exemplary penal record with no disciplinary reports in over 10 years.. This error increased Appellant’s required to serve sentence by 2 to 6 years. In *Glover v. United States*, 531 U.S. 198, 203, 121 S. Ct. 696, 148 L Ed 2d 604 (2001) the Court held, “...that any amount of actual jailtime has Sixth Amendment significance” and concluding that this increase may be a

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

October 23, 2014

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

Dear Mr. Conner:

On October 17, 2014, this Court returned your application because the Certificate of Service was improper. On October 22, 2014, this Court received the pauper's affidavit dated October 9th. You will need to make the necessary corrections to the Certificate of Service, combine all the parts of the application along with the pauper's affidavit and forward the application to this Court for filing.

Sincerely,



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

SEC/ld
Enclosures

Oct. 9th, 2014

RECEIVED IN OFFICE
2014 OCT 22 PM 3:21
CLERK/COURT ADMINISTRATION
COURT OF APPEALS OF GA

Clifford Conner,

GDC#170686

Case No: CR061820 AB

Please find inclosed a said copy
of petitioner's forma pauperis that goes
with said case that was sent to
STATE COURT OF APPEAL OF GEORGIA,
on the date of Oct. 7th, 2014.

Thank You!

Petitioner's Address:

Clifford Conner

GDC#170686

Wheeler Correctional Facility

P.O. Box 466

Alamo, Ga. 30411

Sincerely,

Clifford Conner

Clifford Conner

GDC#170686

VERIFICATION

I Clifford Conner, 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 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.

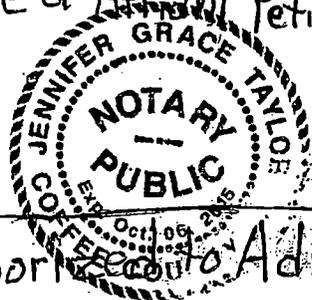
I have read the perjury statute set out above and am aware of the penalties for giving any false information on this form.

Clifford Conner
Signature of Affiant Petitioner

10/1/14
Date

Sworn to and subscribed
before me this

1st day of October, 2014.



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

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

October 23, 2014

East Point Municipal Court
2727 East Point Street
East Point, Georgia 30344

Dear Sir or Madam:

Enclosed please find your mailing addressed to the Fulton County Superior Court but lists the address of the Court of Appeals of Georgia. Our office tried to reach someone in your Court but was unsuccessful in doing so.

The mailing address for the Fulton County Superior Court is:

Ms. Catheline Robinson
Clerk, Fulton County Superior Court
136 Pryor Street, S.W.
First Floor • Room C-155
Atlanta, Georgia 30303

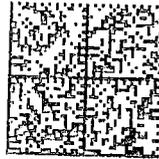
Sincerely,



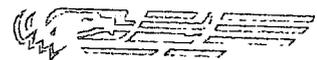
Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld
Enclosures

Point Municipal Court
East Point Street
Point GA 30344

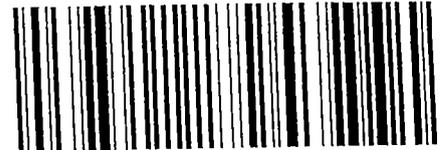


U.S. POSTAGE PITNEY BOWES



ZIP 30344 \$ 007.82⁰
02 1W
0001375006 OCT 17 2014

CERTIFIED MAIL



7099 3400 0010 1680 7560

Fulton County Superior Court
Attn: Appeals Dept.
47 Trinity Ave S.W.
Suite # 501
Atlanta GA 30334

RECEIVED

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

October 24, 2014

To: Mr. Chadrus Lequardra Brown, GDC708075, Fulton County Jail, 901 Rice Street
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.
- 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.

Notice of Appeal to a Court of Appeals From
A Judgement or Order of a Superior Court

Fulton County Superior Court
State of Georgia
INDICTMENT # 14SC126902

State of Georgia

vs.

Notice of Appeal

Chadras Lequardra Brown
Defendant

Notice is hereby given that Chadras Lequardra Brown in pro-se, defendant in the above named case, hereby Appeals to the Georgia Court of Appeals from the final judgement made on the 8th DAY of October 2014.

Honorably submitted
this 21st Day of Oct. 2014
Chadras Lequardra Brown
in Pro-SE w/o Prejudice vcc-122

GDC# 708075 / G.S.P.
Presently at 901 Rice str.
- 75512 - cell

Atlanta, GA, 30318

RECEIVED IN OFFICE

2014 OCT 24 PM 3:01

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Certificate of Service

I hereby certify that the foregoing document
Notice of Appeal is properly delivered by hand
delivered by the U.S. postal service with
adequate postage placed thereon and served
to the following:

Court of Appeals of Georgia
47 Trinity Ave. S.W. # Suite 550
Atlanta, GA. 30334

Sincerely this 21st
Day of Oct. 2017
Charles Bon
in - Pro - SE
GDL # 708075 - G.S.P.



Court of Appeals of Georgia

October 28, 2014

TO: Mr. Johnny R.J. Chambers, GDC819597 C3-15-T, Georgia State Prison, 2164 Georgia Highway 147, Reidsville, Georgia 30499

RE: **A14A2198. Johnny Ralph Chambers, Jr. 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 _____, 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 September 2014 Term and a decision must be rendered by the Court by the end of the January 2014 Term which ends on April 14, 2015.

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.

Mr. Johnny R. S. Chambers
602-819597 C3-15-Top
Ga. State Person
2164 GA Hwy. 147
Reidsville, GA 30499

Oct. 7th of 2014

Ga. Court of Appeals

Mr. Stephen E. Castlen - Clerk/Court Admin.

47 Trinity Ave. Suite 501

Atlanta, GA 30334

RE: Case 06R281 / 11442198

Dear Mr. Castlen,

My full name is Johnny Rudolph Jackson Chambers,
my case(s) are under Johnny Rudolph Chambers Jr. of 8 from Spalding

County Superior Court and on Aug. 6th of 2014 the/my case was docketed/
the Brief was docketed giving the Appellee 40 days to file a response and
on Sept. 3rd the District / Assistant District Attorney submitted a request for
Extension of Time to file Brief in which out. etc. was there so along

extension deadline to respond.

Will you please check your records and let me know what's

going on

Sincerely/Respectfully,



Johnny R. S. Chambers

RECEIVED IN OFFICE

2014 OCT 27 PM 3:57

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA.

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

October 27, 2014

Mr. LaJuan Guyton
GDC1159618
Georgia State Prison
2164 Georgia Highway 147
Reidsville, Georgia 30499

RE: A15A0428. LaJuan Guyton v. The State

Dear Mr. Guyton:

I am in receipt of your letter dated October 21, 2014. Your Appellant's Brief must be filed in the above referenced appeal. The Brief does not have to be in any specific form, however, Part I should be a Statement of the case; Part II should be an Enumeration of Errors and Part III should be the Argument, Citation and Authority. Also, you must serve opposing counsel and show that a copy of the Brief has been mailed to opposing counsel at his or her complete mailing address.

Sincerely,



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

SEC/ld

Oct 21, 14

Clerk of Courts,

My name is Jackson Hayton responding in the case of A15A0428 in request for Oral Argument set for tentative date of Feb. 12, 2015.

I wish report to the court will my request for Oral Argument would we having to file a Bill in this honorable court as it will be presenting my oral argument. Please send me more information as soon as possible so that I can adequately note forward in my representation of this case for justice.

Also can you send me a copy of the application it files pertaining to this case.

Thanks for your time in this matter.

Respectfully,

Jackson Hayton
10-21-14

RECEIVED IN OFFICE

2014 OCT 24 PM 3:00

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

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

October 27, 2014

To: Mr. Jermaine Andrew Davis, GDC1179868, Georgia Diagnostic and Classification Center, State Prison, Post Office Box 3877, Jackson, Georgia 30233

Docket Number: A15D0045 **Style:** Jermaine Andrew Davis 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. **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. **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.**
7. No Certificate of Service accompanied your document(s). Rule 6 You should provide a copy of your filing to the District Attorney and include his/her name and address on your Certificate of Service.
8. Your Certificate of Service did not include the complete name and /or mailing address of each opposing counsel and pro se party. Rule 1(a) and 6
9. Your document exceeds page limits. Rules 24(f) , 30(e) and 31(c)
10. Your request for court action must be submitted in motion form. Rule 41 (a)
11. No extension of time for filing an interlocutory application will be granted . Rule 30 (g) . No extension of time will be granted for filing a discretionary application unless the motion for extension is filed on or before the due date of the discretionary application.
12. The type font was smaller than 10 characters per inch; type was not double-spaced or/and type was on both sides of the paper. Rules 1(c), 24(b), 37(a) and 41(b).
13. Your motions were submitted in an improper form (joint, compound, or alternative motions in one document). Rule 41 (b)
14. Margins were too small or paper size was incorrect. Rules 1(c), 24(c), 30(e), 31(c) and 41(b).
15. Your document was submitted for filing more than 30 days after the date of the order granting, denying or dismissing the application or the order granting, denying or dismissing the Motion for Reconsideration. Rules 30(j) and 31(j).
16. Other:

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

IN THE COURT OF APPEALS OF GEORGIA

Jermaine Andrew Davis

Application # A15D0045

THE STATE OF GEORGIA

Request For Court Appointed Counsel

Now COMES appellant and hereby request for court appointed Counsel, because he have limited knowledge on the Rule's of this proceedings. Moreover, he can't afford to hire private Counsel.

CERTIFICATE OF SERVICE

I, Jermaine Andrew Davis hereby certify that I have a true and correct copy of: Request For Court Appointed Counsel upon Clerk of Court of Appeals of GEORGIA

20th Day of OCT. 2014

Sign, Jermaine Andrew Davis

RECEIVED IN OFFICE
2014 OCT 24 PM 3:02
CLERK OF COURT ADMINISTRATOR
COURT OF APPEALS OF GA

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

October 28, 2014

To: Mr. Jesse James Askew, Jr., GDC768166 B-1, Telfair State Prison, Post Office Box 549,
Helena, Georgia 31037

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 HULSTON COUNTY
STATE OF GEORGIA.

RECEIVED IN OFFICE
2018 OCT 27 PM 3:54
CLERK OF COURT ADMINISTRATION
COURT OF APPEALS OF GA

STATE OF GEORGIA.
vs.
Jessie J. Askew JR.
Defendant.

Indictment # NO. 1997-C-23657

Notice of Appeal.

Notice is hereby given that Jessie J. Askew JR, defendant above named, hereby appeals to the Georgia Court of Appeals from the Judgment of Conviction and Sentence entered herein on March 3, 1998.

The offense(s) for which defendant was convicted is one count of armed robbery, Three counts of Kidnapping, Three counts of aggravated assault, Three counts of possession of a firearm during the commission of a crime, and one count of possession of a Firearm by a convicted felon.

On January 30, 1998. Following a trial by Jury, defendant was convicted on all counts. On March 3, 1998. The Defendant was sentenced to life without parole for the armed robbery count and fifteen years combined for all of the remaining counts.



Notary

Cynthia Brooke Stewart

Pr. Sec.
Telfair State Prison
P.O. Box 549
Helena Ga. 31037

Jessie J. Ashew Jr. Joseph Ashew
#768168

Respectfully submitted,

This 2nd day of October, 2014.

A15D0067, Jessie J. Ashew, Jr., v. The State.

This Court, rather than the Supreme Court has jurisdiction of this case on appeal for the reason. (See) Court of Appeals

no portion of the record is to be omitted on appeal. Defendant also, wishes that the application for Discretionary Appeal be attach, along with, his Extraordinary Motion for New trial, and its Exhibit - 001 & 002

of appeal within proper timing.

This Defendant Jessie J. Ashew Jr. Filed this Notice

An Extraordinary motion for New trial was filed and Overruled on August 20, 2014. That leded to an "Application for Discretionary Appeal" which was Granted.

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

September 23, 2014

To: Mr. Corey C. Ashe, GDC0105915, Henry County Jail, 120 Henry Parkway,
McDonough, Georgia 30353

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.

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

STATE COURT OF HENRY

RECEIVED IN OFFICE

2014 SEP 22 PM 4:19

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

STATE OF GEORGIA

MOTION TO APPEAL THE STATE COURT PROBATION SENTENCE

HENRY COUNTY STATE OF
GEORGIA
VS

CASE NUMBER: 13SR1518

COREY C. ASHE pro-se

Motion To Appeal The State Court Probation Sentence (O.C.G.A.
5-7-1 G.C.A "6-1001" [A])

NOW COMES Defendant Corey C. Ashe, AS pro-se in the above style case
in a motion to appeal sentence under O.C.G.A. 5-7-1 G.C.A "6-1001(a)".
Which states the "Right to appeal the state."

The defendant motion the court to correct the errors that was made by
the court on Sept. 4, 2014. The defendant only wish to seek equity to gain his freedom
to provide for his family as the law see fit. The defendant made the court aware that
he was willing to pay court fines and fees in its full value if needed the day of
his sentence. At his request, court never gave the defendant an option to pay as the
court ruled fines and fees uncollectible without having a legal reason for not accepting
the defendant's money. The Court ruled that the defendant would be complete with
probation once the fines and fees have been paid in full by defendant on Oct. 22, 2013.
Defendant now list reason for his appeal of State Court probation sentence below:

1) Defendant was place on Probation for a citations fine only. Defendant offered to pay
the fines and fees of the citation in its full value before the day of his
probation hearing Sept. 4, 2014 threw the probation and Sheriff office but was
denied ~~to~~ ^{and} force to see the Judge.

(2) Defendant was not allowed to pay fines and fees for the citation before the Judge as the Court ruled case closed and declared unpaid fines and fees uncollectible without the court giving any exceptional REASON for the ruling to provide equity without prejudice to the defendant or his family who needs him home.

(3) The Court committed an Act of Prejudice against the defendant during the initial trial date Oct. 22, 2013 once the defendant made the court fully aware of the arresting officer committing perjury on the stand as he stated before the Court that: "His patrol car had NO CAMERA at the time of arrest. This did not allow the defendant to prove his innocents of giving a false name. Defendant motion the court ~~order~~ for the car recording weeks before the trial date.

(4) The Court is responsible for enumerations of errors.

(5) The defendant on Sept. 4, 2014 was a victim of discrimination before the Court as being the only defendant that violated probation who had money to pay, that was not allowed as every other defendant was given that option to pay.

Defendant now wish to have this appeal motion granted by the Appeal court to be giving equity as he wish to disclose of the court rejection to disburse the fines and fees once the defendant made the court fully aware that he seek relief by paying out the fines and fees in its full value. Listed in Court transcript: (page 4) Verses or lines (14, 15, 16, and 17).

May the Court of Appeal find reason to grant this motion and suspend the remainder of sentence as the defendant been detained since Aug. 28, 2014.

CERTIFICATE OF SERVICE

This is to certify that T. Corey C. Ashe as pro-se have this day served The Clerk of Appeal Court in a foregoing matter with a copy of the foregoing document motion by depositing said copy in the United States Mail in a properly addressed envelope with adequate postage thereon.

This the 18th day of Sept, 2014.

Respectfully Submitted
Corey C. Ashe as pro-se
C. Ashe

1 APPEARANCES OF COUNSEL:

2 For the Defendant: PRO SE

3

4

5 OTHERS PRESENT:

6 For Sentinel Probation: Mr. Luis Ledesma

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**** P R O C E E D I N G S ****

THE COURT: Mr. Ashe, if you'll just state your name for the record please.

DEFENDANT: Corey Ashe.

THE COURT: Mr. Ashe, you have this petition to revoke your probation based on these allegations because you missed a hearing with us back in February. It says that you have never reported since being released from jail back in November, also that you failed to do community service and you haven't paid anything on your fines and fees. You have an arrears of \$660. Mr. Ashe, do you agree or disagree with those allegations?

DEFENDANT: I absolutely agree, Your Honor. I would like to speak whenever you allow me.

THE COURT: Sure. If there's any reason that you didn't do those things that you want to tell me about, go ahead.

DEFENDANT: Well, Your Honor, one of the things I did do was community service here at Henry County community service center upon being released. I think it was a Saturday. I can get the proof and the documents of that. It was eight hours. I had every intention to do the correct thing which the Court ordered me to do upon being released. Unfortunately I didn't have the means that I was able to regain in my time of being away from

1 the courts or from just being in society. I didn't have
2 the means of transportation as I would have liked. After
3 doing community service, I relied upon my mother at the
4 time. And at the time she wasn't able. And you know, in
5 so many words she was saying that it's my responsibility,
6 which she is so, you know, politically correct, she's
7 absolutely right. I wasn't able to report to the
8 probation office at that time being that I was only able
9 to use public transportation. I do have a job, I did
10 gain a job, and I was going through public transportation
11 through my work. But I was able to reestablish myself,
12 you know, with a significant other in my life that was a
13 positive thing. I do have transportation at my access.
14 I'm not able to drive yet still, Your Honor. I do have
15 something that I have put away to be able to catch up my
16 arrears at this point in time or whatever the Court
17 requires. And I just ask for one more opportunity to do,
18 you know, what the Court ordered me to do in the right
19 way to continue to provide for my family as I have been
20 doing up until this point.

21 THE COURT: Mr. Ledesma, what would you like to tell
22 me, sir?

23 PROBATION: Nothing else, sir.

24 THE COURT: Mr. Ashe, I'll bend over backwards to
25 work with somebody who's doing their best. But somebody

1 that just blows me off like this, I don't owe you
2 anything. You blew me off.

3 DEFENDANT: I -- Your Honor, could I say one more
4 thing?

5 THE COURT: Six months 18 days revoked. That began
6 to run when, Mr. Jones?

7 DEPUTY: August 28.

8 THE COURT: August 28.

9 DEFENDANT: May I say one more thing, Your Honor?

10 THE COURT: No, sir, you can return with the deputy,
11 sir.

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

September 15, 2014

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

RE: A14A0810. Allen Alphonzo Adams v. The State

Dear Mr. Adams:

Your letter dated September 8, 2014 has been received. You are listed as pro se. The above appeal has been fully briefed and is awaiting a Court decision.

Sincerely,



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

SEC/ld

RECEIVED IN OFFICE
SEP 11 PM 03 22
CLERK COURT ADMINISTRATOR
COURT OF APPEALS OF GA

DATE
9-8-

COURT OF APPEALS
PRESIDENT ADMINISTRATOR
OFFICER. MR. STEPHEN
F. CASTLE, 47 TRINITY
AVE SW. SUITE 501,
ATLANTA GA 30334.

DEAR MR. CASTLE Im in communication for

A RECEIPT LATE TO THIS LETTER, REGARDING ATTORNEY

OR RECORDS HAS CONTACT THIS COURT YET. THAT

I HIRE, HIS NAME IS MR. SAMUEL H HARRISON

IS LOCATION AT 31 E. CROGAN STREET P.O. BOX

88. LAWRENCEVILLE GA 30046. phone number

770-963-3421. MR CASTLE SIR, I EXPLAIN TO

MR. HARRISON TO PLEASE CONTACT THIS COURT

AS ATTORNEY OF RECORDS INVOLVED CASE

ALIAS APTHONZO ADAMS VS. THE STATE A19A0810

I NEED TO KNOW IF MR. HARRISON HAS CONTACT

THIS COURT, YOUR ASSISTANCE IN THIS MATTER IS

VERY MUCH APPRECIATE.

MR. ALLEN A ADAMS E.O.C. 53468

H-8 ROOM 016# HAYS STATE PRISON

777. UNDER WOOD DRIVE. P.O. BOX 668

TRION GA 30753.

CERTIFICATE OF SERVICE

I MR ALLEN ADAMS HAS DECLARE AM GIVEN ON THIS 8 DAY OF SEPT 2014

HE HAS ATTACHED A CERTIFICATE OF SERVICE THERE TO THIS LETTER
BEFORE DEPOSITING IN U.S. MAIL BOX WITH SUFFICIENT POSTAGE ATTACHED
TO ENVELOPE ADDRESSED FOR DELIVER TO PERSON(S) AS LISTED
FOR PRESIDENT ADMINISTRATOR CLERK MR. STEPHEN F. CASTLE 47 TRINITY
AVE. SW SUITE 501 ATLANTA GA 30334. THIS REQUIRE BY LAW TO
SERVE ALL PARTIES INVOLVED A COPY OF THIS LETTER.

MR ALLEN ADAMS
(SIGNATURE)

MR ALLEN A ADAMS E.O.C. 53468 H-8 ROOM 016# HAYS STATE
PRISON 777 UNDER WOOD DRIVE TRION GA 30753

RECEIVED IN OFFICE
SEP 11 11 35 AM '55
CLERK OF SUPERIOR COURT
ALBANY, N. Y.

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

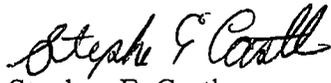
September 11, 2014

Mr. Cedric D. Arrington
GDC1121182
Coastal State Prison
Post Office Box 7150
Garden City, Georgia 31418

Dear Mr. Arrington:

I received your letter dated September 25, 2014. I am so sorry, but I do not have any guidance or advice regarding your attempt to file an additional Notice of Appeal. I can provide the following information. Your Application for Discretionary Appeal was dismissed in the Court of Appeals of Georgia on December 10, 2013. I am sorry that I cannot provide any other assistance. I am returning your correspondence to you.

Sincerely,


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

SEC/ld
Enclosure

IN THE SUPERIOR COURT OF HOUSTON COUNTY

STATE OF GEORGIA

STATE OF GEORGIA, : Indictment No: 2008-C-39708-L
:
VS. :
:
CEDRIC DEWAYNE ARRINGTON, :
Defendant. :

ORDER

Defendant's most recent Notice of Appeal is in substance the same as a previous filing dismissed by the Court of Appeals. This Court has previously explained to Defendant that he is pursuing an improper method for seeking the relief he wants. As such, the Clerk of Court is not obligated to file or follow this attempted Notice of Appeal, or any subsequent such notices. Further, the Clerk is to send to Defendant, along with this Order, a copy of the July 23, 2014 Order. The Notice of Appeal is DENIED.

This 4th day of August, 2014.



Judge Edward D. Lukemire

FILED IN OFFICE, SUPERIOR COURT OF
HOUSTON COUNTY

AUG 05 2014

 Deputy Clerk

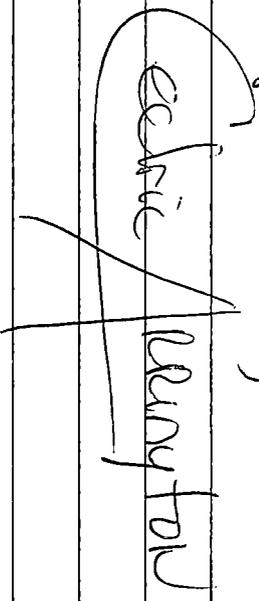
8-25-2014

Dear Mr. Castlen,

Thank you for your Timely Response.
I Appreciate you telling the time out to
enlighten me, but Sirs I have highlighted
the Judges' Order Denying me a
Timely Pleaded Notice of Appeal on my
motion for an out-of-time Appeal.

I have I led this Notice and included
the proper Certificate of Service to
the Houston County District Attorney's
Office. This Judge is currently Denying
me my Due process of law rights.
Please advise me on my options. I Am
Aware that you cant provide me with
legal advice.

Respectfully Submitted


Edwin A. Runyon

RECEIVED IN OFFICE

2014 SEP -2 AM 11:42

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

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

Date: September 10, 2014

To: Mr. Chester Adams, GDC427757, Wilcox State Prison, Post Office Box 397, Abbeville, Georgia 31001

Docket Number: A15A0077

Style: Chester Adams v. The State

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

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

COMES NOW THE APPELLANT, CHESTER LEWIS ADAMS,

PRO-SE, AND HEREBY RESPECTFULLY MOVES AND

REQUESTS THIS HONORABLE COURT OF APPEALS, FOR

THE STATE OF GEORGIA, FOR AN EXTENSION OF

TIME TO SUBMIT HIS BRIEF, IN SUPPORT OF HIS

APPEAL, UNDER THE PROVISIONS OF THE COURT

OF APPEAL, DUE TO THE FACTS THAT THE APPELLANT

DID NOT RECEIVE THE DOCKETING NUMBER

LATE, THE APPELLANT REQUEST AN EXTENSION

OF TIME OF 40 DAYS TO SUBMIT HIS BRIEF,

DOE TO HIM ONLY GIVEN 1 HOUR A WEEK IN

THE LAW LIBRARY, THEREFORE, THE APPELLANT,

PRAYS THAT THIS HONORABLE COURT WILL GRANT

THE APPELLANT THIS EXTENSION OF TIME.

MOTION FOR EXTENSION OF TIME

CHESTER LEWIS ADAMS)
APPEAL NO: A15A0077)
VS.)
STATE OF GEORGIA)
)
)

STATE OF GEORGIA

IN THE COURT OF APPEALS OF THE

RECEIVED IN OFFICE
2014 SEP 28 PM 3:55
CLERK OF SUPERIOR COURT
COURT OF APPEALS OF GA

THIS 5TH DAY OF SEPTEMBER, 2014

RESPECTFULLY SUBMITTED,
|S| Chester Lewis Adams
APPELLANT PRO SE

CERTIFICATE OF SERVICE

THIS IS TO HEREBY CERTIFY THAT I HAVE THIS DAY SERVED THE FOREGOING MENTIONED DOCUMENT UPON THE ADDRESS BELOW BY PLACING IT IN THE U.S. MAIL WITH ADEQUATE POSTAGE AFFIXED FOR DELIVERY.

THE COURT OF APPEALS OF GEORGIA
SUITE 501
47 TRINITY AVENUE
ATLANTA, GEORGIA 30334

RESPECTFULLY SUBMITTED,
151 Chester Lewis Adams
GOC# 427757

WILCOX STATE PRISON
P.O. BOX 397
ABBEVILLE, GA 31001

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

August 26, 2014

To: Mr. Maurice Aikens, GDC1151557, 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 _____
_____ 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.

RECEIVED IN OFFICE

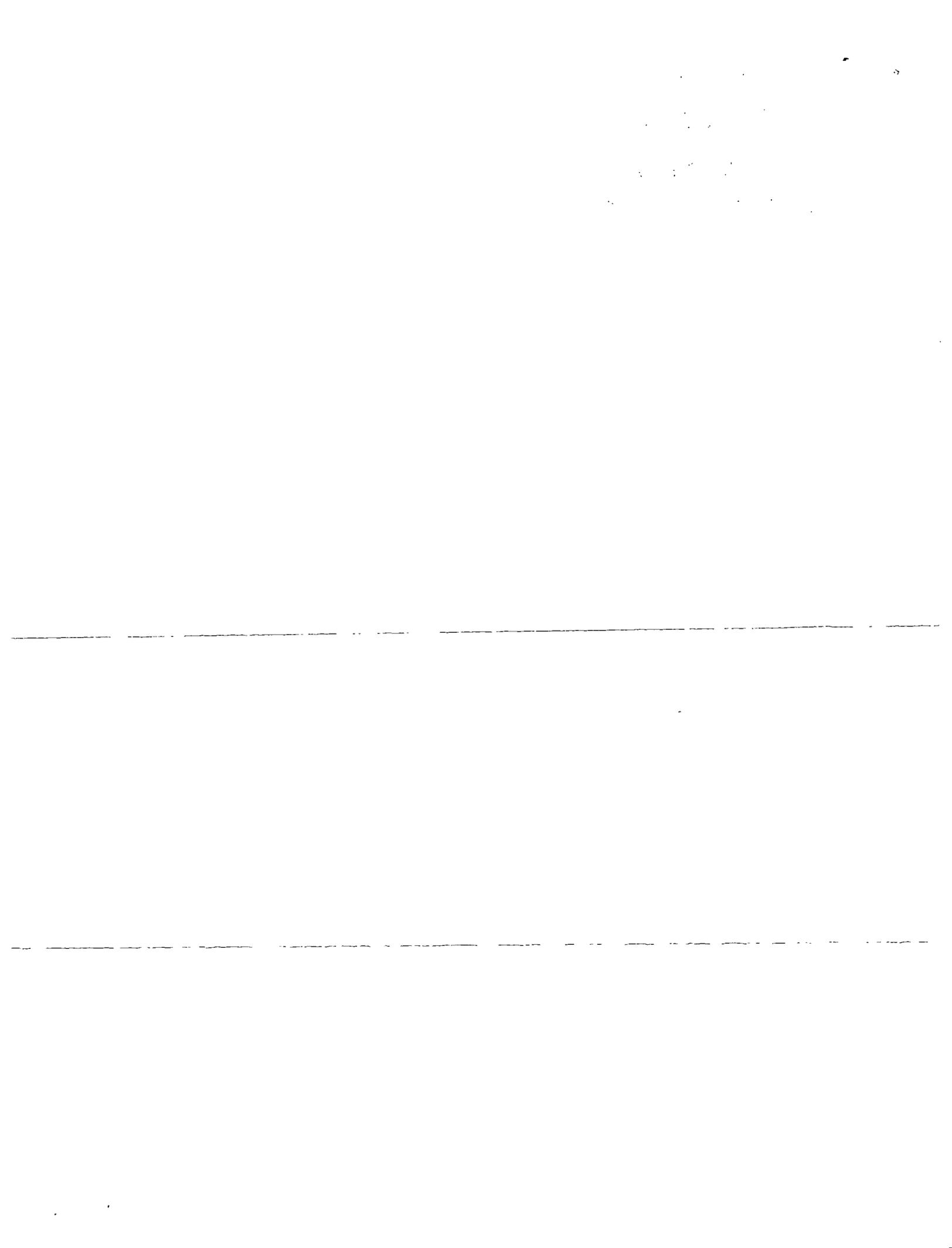
2014 AUG 25 PM 4:07

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

8-20-14

Information regarding my appeal. has appeal
been docketed and when can I please
have a copy. What's the status on my
appeal?

Maurice Atkins



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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

August 18, 2014

Mr. Cedric D. Arrington
GDC1121182
Coastal State Prison
Post Office Box 7150
Garden City, Georgia 31418

Dear Mr. Arrington:

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.

Please include a proper Certificate of Service. The Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.

Sincerely,



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

SEC/ld
Enclosure

CASE #

2008-C-39708-L

RECEIVED IN OFFICE
2014 AUG 15 PM 3:40

August 11, 2014

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS

Dear Mr. Stephen E. Costello

Sir: thank you for your letter Dated August 6, 2014. I Am reaching Out to the Court because Houston County has refused to Allow me to File an Appeal of my motion for an Out of Time Appeal which was filed in february of 2014. This motion and Notice OF Appeal was filed in A Timely manner and pursuant to my waiver of post-Conviction rights form. The Judicial System OF Houston County continue's to set Roadblocks in not allowing me my Due Process of law Rights Among other things. And Out Of time Appeal is the "Only" Remedy that I have available, for all other state remedies have been Exhausted and it would create an Mis-Carriage of Justice if they are continuously allowed to violate my Constitutional rights

Please Help

Respectfully

08-c-39708-L

Cecilia D. Pringleton
pro-se

IN THE SUPERIOR COURT OF HOUSTON COUNTY

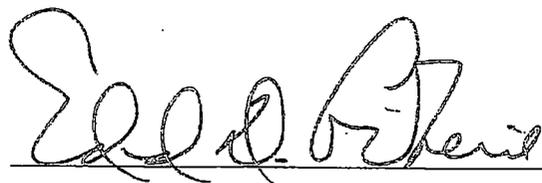
STATE OF GEORGIA

STATE OF GEORGIA, : Indictment No: 2008-C-39708-L
:
VS. :
:
CEDRIC DEWAYNE ARRINGTON, :
Defendant. :

ORDER

Defendant's most recent Notice of Appeal is in substance the same as a previous filing dismissed by the Court of Appeals. This Court has previously explained to Defendant that he is pursuing an improper method for seeking the relief he wants. As such, the Clerk of Court is not obligated to file or follow this attempted Notice of Appeal, or any subsequent such notices. Further, the Clerk is to send to Defendant, along with this Order, a copy of the July 23, 2014 Order. The Notice of Appeal is DENIED.

This 4th day of August, 2014.



Judge Edward D. Lukemire.

FILED IN OFFICE, SUPERIOR COURT OF
HOUSTON COUNTY

AUG 05 2014

 Deputy Clerk

IN THE _____ COURT OF Appeals COUNTY _____

STATE OF GEORGIA

Cedric D. Allington
Plaintiffs)
)
)

v.)
)
)

Civil action
File no. 2008 C-39708-L

State of Georgia
Defendants)
)
)

Notice of Appeal

Notice is hereby given that Cedric Allington and _____
defendants above-named, hereby appeal to the Court of Appeals (Court
of Appeals or ~~Supreme Court~~) from the motion for out of time appeal (de-
scribe order or judgment) entered in this action on (date), _____

Motion for new trial (or motion for judgment n.o.v., etc.) was filed and overruled
(or granted, etc.) on (date), August 4, 2014
The clerk will please omit the following from the record on appeal:

- 1. _____
- 2. _____
- 3. _____

Transcript of evidence and proceedings will/will not to be filed for inclusion in
record on appeal.

This court, rather than the (Court of Appeals or Supreme Court) has jurisdiction
of this case on appeal for reason that _____

Dated: _____

Cedric D. Allington
Appellant, Pro Se

PO Box 7150
Address
Garden City, GA 31418-7150

CERTIFICATE OF SERVICE

This is to certify that I have this day served the opposing party(ies) to this action with a true and correct copy of the with and foregoing Notice of Appeal

by placing the same in the United States Mail, with adequate postage thereon to ensure prompt delivery, and addressing it to:

Houston County Clerk of Courts
201 Sperry Pkwy
Perry GA 31069

Court of Appeals
47 Trinity Ave
Atlanta GA
30339

District Attorney
201 Sperry Pkwy
Perry GA
31069

This 12 day of August 2014

Chad O. Channing
Pro se

Sworn to and subscribed to before me this 12 day of August 2014

Lakia Vonell Hunter
Notary Public

LAKIA VONELL HUNTER
Notary Public, Chatham County, GA

My commission expires: My Commission Expires April 5, 2015

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

October 30, 2014

To: Mr. Howard Bagwell, GDC1000250512, Augusta State Medical Prison, 3001 Gordon Highway, Grovetown, Georgia 30813

Case Number: _____ Lower Court: _____ County Superior Court

Court of Appeals Case Number and Style: _____

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

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

10/27/2017
wrote

To whom might read this this concerns my

trial case in ~~one~~ ~~one~~ county I was charged

with a lots of sexual charges I cant unde

stand why I cant go back to court with

Lee Prescott and try to prove my insat

John Douler told it woud best if I didnt

testify on my behalf because the D.A.

hada shaker case so took his word that

why I didnt say nohen I didnt no that

I was been framed up so I am asken

Fore one more chanch fore my my life

at the least the state could do after they

framed me the girl was checked and she

didnt have sex at all while she was living

with us I no it wosent to hard for the

president let 5 murders out and gave

them a million dollars apiece they was

found guilty and killed thousands of

people so you see how I fill about

lies told on me I didnt have sex with

that girl it was proved in court I witness

the woman that told about it I cant

under stand why truth cant be told

in a court room christ has been taken

out that the reason

Thank you for your time Howard Bagwood

RECEIVED IN OFFICE

2014 OCT 30 PM 3:57

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

October 28, 2014

To: Mr. Joseph M. Clark, GDC756015, Hays State Prison, Post Office Box 668, Trion,
Georgia 30753

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 COURT OF APPEALS

STATE OF GEORGIA

JOSEPH M. CLARK

APPELLANT

VS

STATE OF GEORGIA

APPELLE

CASE NO OOR-590

RECEIVED IN OFFICE
2014 OCT 28 PM 12:20
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS
STATE OF GEORGIA

BRIEF OF APPELLANT

JOSEPH M CLARK 756015

HAYS STATE PRISON

TRIDN, GEORGIA 30753

PART I

THE COURT OF APPEALS OF GEORGIA rather than the Supreme Court of Georgia has Jurisdiction of this case because this is an out of time Appeal from the final judgment of a Superior Courts Inaction not to Appoint Appellant counsel to Appellant in a ARMED ROBBERY case and does not come within any of the areas designated to be heard before the Supreme Court Under Article VI, Section V, Paragraph III, Georgia Constitution of 1983. Jurisdiction of this category of Appeal is conferred upon this Court under provisions of Article VI, Section V, Paragraph III Georgia Constitution of 1983.

CITATION OF AUTHORITY

STANDARD OF REVIEW: NORMAN VS STATE 171 GA

527.156 S.E 203 1930

NESBIT V STATE, 295 GA App 394 2008

SIMMONS V REYNOLDS 898 F.2d CIR 1990

ENTSMINGER V IOWA 386 U.S W 748.87 S. CT 1402

18. L.ED 2D 501

DOUGLAS V. CALIFORNIA, 372 U.S 353, 83 S. CT 814

9 L.ED 2D 811 1963

JONES V HEIMS 425 US 412 101 S CT 2434 69

L.ED 2D 118 1981

STATEMENT OF CASE

This is an appeal from judgement of the Superior Court of Spalding County Georgia, and the inaction of Spalding County Superior Court Judge to Appoint Appellant Counsel on Direct Appeal from his February 22, 2001 conviction of one count of ARMED Robbery. The trial counsel was wholly ineffective during trial. Trial court subsequently sentenced Appellant to life without PAROLE. A motion for new trial was filed on MARCH 6, 2001 by trial counsel alleging general grounds, however trial counsel cannot assert his own Ineffectiveness. Appellant wrote clerk of Spalding County requesting a status update. The clerk's anticipated date of the motion for new trial was January 11, 2002.

On July of 2002 Appellant received a letter from trial counsel stating that the motion for new trial was filed February 19, 2002, said letter confused Appellant due to file copy of motion for new trial being recorded on March 06, 2001 at 10:58 AM. On August 1, 2002 Appellant filed for motion of Appointment of Different Counsel Direct Appeal And request for evidentiary hearing on Trial counsels ineffectiveness before and during trial. Said motion was received and filed by Mrs. Myrtle F. Peoples. which was placed on Judge Paschal A. English court calendar for April 9, 2003. A production order was filed on January 27, 2003. Appellant was never Appointed Counsel on Direct Appeal. Procedural Default is attributable to Spalding County Superior Court in which was fundamentally unfair to his

Right to Due Process. Adequate appellate review is impossible unless counsel has been appointed.

On March 29, 2010 Appellant received a letter from records clerk of Spalding County advising him that the record did not reflect any showing of him ever filing a motion for appointment of different counsel on direct appeal.

Appellant suffered head injury and went through a mental breakdown. On March 14, 2014 Appellant filed Amended Motion for Appointment of counsel on direct appeal as well as a request for Evidentiary hearing. Trial counsel cannot assert his own ineffectiveness, in which Appellant intends to raise on his direct appeal.

The record will further show that the trial court never advised Appellant his right to appeal. Appellant asserted his right to appeal

through his motion for Appointment of different counsel on Appeal.

The right to a reasonably timely appeal is included among the protections afforded by the Due

Process clause when a state does provide for

appeal. The passage of 13 1/2 years has caused prejudice to Appellants ability to present a

defense upon retrial.

The very foundation of the system of justice is the proposition that unless an accused has intelligently and effectively waived the right

to counsel, the sixth Amendment stands as a

jurisdictional bar to a valid conviction.

The more important principle applicable here is

that direct Appeal are the proper means

of seeking to set aside Errors of Law

committed by the trial court.

Resuming waiver from a silent record

is impermissible.

IN order for fair administration of Justice Appellant shall enjoy the liberty of Effective Assistance of Counsel. The right to effective Assistance of Counsel extends through the direct Appeal as of Right.

SPALDING County Superior Court has outright violated Appellant Right to DUE PROCESS depriving him of his life and liberty.

Appellant filed (2) court production orders, one being on April 23, 2014 and July 15, 2014 neither of having being signed by the court Presiding Judge.

PART II

The Applicant would also like to convey and be clarifiable, that this brief is not to be taken as a way to manipulate our Judicial system, but it is in fact an Enlightenment to try, and Rectify what has been misconstrued. A Citizen has done Insurmountable amount of time that has cause him A lot of Mental and Psychological Stress. Its Also to show that the Applicant is Adamant and Persistent to Prove that he was unjustly incriminated, discriminated and Judged on hearsay than concrete evidence and without merit Our Constitution was, and Is Built on TRUTH and JUSTICE for All, AND its designed to Right the wrongs In our Everyday legal system. The Applicant Humbly Ask To BE Appointed Counsel

Appellant contends that the denial of the

entire judicial proceeding also demands a

presumption of prejudice because no presumption

of reliability can be accorded to a judicial

proceeding that never took place.

The right to have the assistance of counsel carries

with it a correlative right to dispense with a

lawyer's help. Compliance with the due process of

US Constitution requires that counsel be appointed.

Spalding County Superior Appellant's right

to a reasonably timely appeal. Appellant is now

Asking the Honorable Court of Appeals to

Appoint or Vacate Sentence due to the egregious

delay. It was held presuming waiver from a silent

record is impermissible. The record do not show any

evidence or allegation that Applicant was offered

counsel but intelligently and understandably rejected

the offer. Anything less is not a waiver. See

CARDLEY V. COCHRAN, 369 US 506, 8 L Ed 2d 70, 92 S Ct 1962

A first appeal as of right requires that states criminal appellate system be free of unreasonable distinctions, and that indigents have an adequate

opportunity to present their claims fairly within the adversary system! the state cannot adopt procedures which leave an indigent entirely cut off from any

appeal at all by virtue of his indigency, or extend to leave such indigent merely a meaningless ritual

while others in better economic circumstances have a

meaningful Appeal; the question being one of degrees

not absolutes, and therefore is not adjudicated in

accord with due process of law if the appellant

does not have the effective assistance of an

attorney. Adequate appeal review is impossible unless

ONE has been appointed, due process requires that the

Appeal be heard promptly. Judge Robert M. Crawford

And Judge Stephen Boswell of the SIXTH

Judicial Administrative District is in clear

ERROR.

PART III

TRIAL COURT FAILED TO MAKE THE NECESSARY INQUIRY AND FINDINGS AS TO WHETHER APPELLANT RECEIVED NOTICE OF THE TRIAL COURTS DENIAL OF THE APPELLANTS MOTION FOR NEW TRIAL AS REQUIRED BY D.C.G.A § 15-6-2 (C)

IF NO NOTICE WAS RECEIVED, THE TRIAL COURT IS REQUIRED BY LAW TO GRANT THE APPELLANTS MOTION FOR OUT OF TIME APPEAL.

RIGHT UNDER THE FEDERAL CONSTITUTION OF INDIGENT IN CRIMINAL CASE TO AID OF STATES AS REGARDS TO APPEAL AND IN APPELLATS CASE, WAS, IS AFFORDED THESE SAME PROTECTIONS. PER SE VIOLATION OF APPELLATS RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL UNDER THE SIXTH AMENDMENT AS APPLIED TO THE STATES THROUGH THE FOURTEENTH AMENDMENT EQUAL PROTECTION CLAUSE.

THE EGREGIOUS DELAY IN APPELLANTS APPOINTMENT OF COUNSEL PREJUDICED THE DIRECT APPEAL IN GENERAL

330 F. SUPP 290 N.D GA 1971

PURPOSE OF RIGHT TO COUNSEL FOR INDIGENTS ON APPEAL,
AN INDIGENT HAS THE RIGHT TO BE REPRESENTED BY
COUNSEL ON APPEAL OF HIS CONVICTION BECAUSE A
RICH MAN ENJOYS THE BENEFIT OF COUNSEL'S
EXAMINATION OF THE RECORD, RESEARCHING OF
THE LAW & MAKING OF ARGUMENTS ON HIS
BEHALF WHILE THE INDIGENT WITHOUT COUNSEL
IS FORCED TO SHIFT FOR HIMSELF. SEE REID
V. STATE 253 GA 378, 291 SE. 2d 746 (1975)
APPELLANT PRAYS FOR THE GEORGIA
COURT OF APPEALS ALLOWS FAIR PROCEDURE
AND EQUALITY UNDER THE COLOR OF THE
U.S. CONSTITUTION AMENDMENT FOURTEEN.

APPELLANT IS ENTITLED TO A PRESUMPTION OF CORRECTIVENESS. AN ADEQUATE APPEAL REVIEW IS IMPOSSIBLE UNLESS COUNSEL HAS BEEN APPOINTED. FURTHERMORE, DUE PROCESS REQUIRES THAT THE APPEAL SHOULD HAVE BEEN HEARD PROMPTLY. SEE SIMMONS V. REYNOLDS 898 F.2d 865, 868 2d. CIR (1990).

THE FOURTEENTH AMENDMENT IS VIOLATED BY A STATE PROCEDURE WHICH SUBSTANTIALLY DENIES INDIGENTS THE BENEFITS OF AN EXISTING SYSTEM OF APPELLATE REVIEW, WHETHER A DIRECT APPEAL FROM A CRIMINAL CONVICTION OR AN APPEAL FROM DENIAL OF RELIEF IN STATE COLLATERAL PROCEEDINGS. REVIEW ON THE MERITS DEMANDS THE DUE PROCESS. ADEQUATE REPRESENTATION BY COUNSEL MUST BE PROVIDED. A CRIMINAL DEFENDANT HAS A SUBSTANTIAL RIGHT OF EFFECTIVE ASSISTANCE OF COUNSEL THROUGH APPEAL MEANS THROUGH THE VER- END OF THAT FIRST APPEAL. SEE MOYE V. GEORGIA

Appellant now contends the trial court erred by sentencing him to serve a life sentence without Parole. The Georgia Supreme Court previously held that a life sentence without Parole was Authorized only in cases in which the State first sought the death penalty. It was concluded from a consideration of the Act as a whole that the legislature intended the sentence of life without Parole be considered and imposed only when seeking the death Penalty. This conclusion is further reinforced by Section 9 of the Act, which expressly provides that no person shall be sentenced to life without Parole unless such person could have received the death Penalty under laws of this state. The unavoidable result of the legislative enactment is to bar the state from seeking life without Parole unless the state filed a Notice of intent to seek the Death Penalty. SEE. STATE V. INGRAM, 266 GA. 324, 266 GA. 324, 467. (1996)

U.S.C.R. (34) provides that the prosecuting Attorney must file with the clerk of the Superior Court a written notice of an intention to seek

the Death Penalty, IN APPELLANT there is

NO NOTICE ON FILE. Trial counsel was deficient

in not advising Appellants his right to Appeal,

said deficiency caused prejudice to the Appeal

SEE STEPHENS V. STATE, 291 GA. 837, 733 S.E.2d 266

(2012)

CERTIFICATE OF SERVICE

This is to certify that I have this day served the opposing Party(ies) to this action with a true and correct copy of the within and foregoing APPEAL BRIEF

by placing a copy of same in the United States Mail, with adequate postage thereon to ensure prompt delivery, and addressing it to:

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

This 21st day of OCTOBER, 2014.

Joseph M. Clark
ProSe

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

October 30, 2014

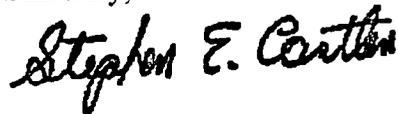
Mr. James Rudolph Cooley
402 Harpy Eagle Drive
Winder, Georgia 30680

Dear Mr. Cooley:

We are in receipt of your letter dated October 17, 2014 addressed to Chief Judge Herbert E. Phipps. 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 letter has been referred to me for a response.

You raised several issues regarding the appellate process. The only advice we can provide is to direct you to our website: www.gaappeals.us. At that site is a document titled, "A Citizen's Guide to Filing Appeals." That is all the advice we can provide and we hope that answers your questions.

Sincerely,



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

SEC/ld

Steve Castlen

From: Steve Castlen

Dear Mr. Cooley,

We are in receipt of your letter dated October 17, 2014. You raised several issues regarding the appellate process. The only advice we can provide is to direct you to our web site: www.gaappeals.us. At that site is a document titled, "A Citizen's Guide to Appeals". That is all the advice we can provide and we hope that answers your questions.

October 17, 2014

James Rudolph Cooley C/O
402 Harpy Eagle Drive
Winder, Georgia
708-428-5618

Honorable Chief Judge Herbert E. Phipps
47 Trinity Avenue S.W., Suite 501
Atlanta, Georgia 30334

Honorable Herbert E. Phipps,

On May 21st 2014, in Case# 10-CV-658-B I filed with the Superior Court of Barrow County, State of Georgia a Motion to Vacate Summary Judgment, also filing the proper Certificate of Service, serving the other party.

On June 17th 2014 the Superior Court judge signed an order denying Motion to Vacate Summary Judgment.

On June 23rd 2014, I filed a Notice of Appeal to the Appellate Court in the Barrow County Superior Court; I was expecting my case to get transferred to the Appellate Court. On today's date, October 17, 2014 I looked in the computer system of the Superior Court clerk's office and looked at my case and saw that there was an order dismissing appeal signed by the Superior Court judge that was ordered the 18th of September 2014 and file stamped September 24th 2014.

I'm a little confused that they would think I would file a Notice to Appeal with the same Superior Court judge that has continuously denied me. In this order dismissing my appeal, he states "an Order on a Motion to Set Aside is not directly appealable under Georgia law which requires an application for appeal".

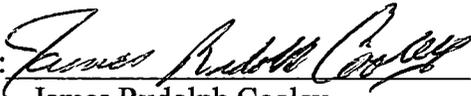
Courts are to assist "Pro Se¹ litigants", however I was never informed that I needed to file an application for appeal, but I did file a Notice to Appeal in a timely manner. Furthermore, O.C.G.A. §9-11-60 (d) does not state that a Motion to Set Aside is not "directly appealable".

The Motion to Vacate Summary Judgment was based on no first hand knowledge or facts or affidavits or sworn testimony in person before the court by the Plaintiff. In **Trinsey v. Pagliaro 229 F. Supp. 647 (1964)** it states "The defendant's motion to dismiss for failure to state a claim unsupported by affidavits or depositions is incomplete because it requests this Court to consider facts outside the record which have not been presented in the form required by Rules 12(b) (6) and 56(c). Statements of counsel in their briefs or argument while enlightening to the Court are not sufficient for purposes of granting a motion to dismiss or summary judgment".

If filing an application is necessary and its going to the same judge who's been denying everything I've filed, he's not going to approve my application for appeal. I need to get this case into the Appellate Court and I'm just looking for some assistance because I feel I have done everything properly.

Thank You,

Yours Truly,

By: 
James Rudolph Cooley

¹ "Ghostwriting gives litigants unfair advantage in that pro se pleadings are construed liberally and pro se litigants are granted greater latitude in hearings and trials". **Johnson v Board of County Comm'rs 868 F. Supp. 1226 (D. Colo 1994)**

Supreme Court found that "pro se pleadings should be held to "less stringent standards" than those drafted by attorneys". **Haines v. Kerner, 404 U.S. 520 (1971)**

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

October 30, 2014

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

Docket Number: **Style: In the Interest of: A.A.C., A.F.C. and A. A.C., Children (Father)**

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

GEORGIA COURT OF APPEALS

STATE OF GEORGIA

IN THE INTEREST OF :

ALEXIS ALANA CARLTON (F) D.O.B: 10-25-05 12-CV-5161-04

ALAN FRANCIS CARLTON (M) D.O.B: 03-21-07 12-CV-5160-04

AVA ANGELIA CARLTON (F) D.O.B: 03-18-09 12-CV-5159-04

MOTION FOR EXTENSION OF TIME

TO FILE MOTION FOR DISCRETIONARY

APPEAL FROM TERMINATION OF PARENTAL

RIGHTS PROCEEDING

Now comes, Lewis Alan Carlton, pro-se, legal and biological father of

the above named children and ask this court for an extension of time

to file a motion for Discretionary Appeal because the ~~juvenile~~ Juvenile

court has failed to provide Appellant with record, transcript or exhibits,

yet the court found Appellant indigent on 08-10-2014.

000864836
Bx 00000
Marretta, GA 30081

Respectfully,
Lewis Alan Carlton
Lewis Alan Carlton

RECEIVED IN OFFICE

2014 OCT 29 PM 3:50

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

CERTIFICATE OF SERVICE

I certify that a true copy of Motion for Extension of Time

to file "Motion for Discretionary Appeal from Termination of

Parental Rights Proceeding" was delivered by U.S. regular mail

this 27th day of October 2014 to: Sanders Deen, 262

Washington Ave, Marietta, GA 30090.

000864836
BX 100110
Marietta, GA 30061

Respectfully,
Lewis Alan Carlton
Lewis Alan Carlton

GRANTED BY JUVENILE COURT ON 10-8-2017, LEAVE WITH CARLTON

FORMA PAUPERS AFFIDAVIT

RECEIVED IN OFFICE
2014 OCT 29 PM 3:28
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF MD

Now Comes Lewis Alan Carlton and files this 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 Hanks, 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 follow-

ing dates: November 2013, March 2014, July & some 2014, September 26, 2014, October 7th & 8th 2014, specifically all hearings pertain-

ing to the termination of parental rights case in above case Nos need transcript transcribed for Lewis Alan 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 21 day of September 2014.

Lewis Alan Carlton
Lewis Alan Carlton

Notary Public, Paulding County, Georgia
Lewis Alan Carlton

Georgia Court of Appeals
STATE OF GEORGIA

IN THE INTEREST OF:

ALEXIS ALANA CARLTON (F) D.O.B: 10-25-05 12-CV-5161-04

ALAN FRANCIS CARLTON (M) D.O.B: 03-21-07 12-CV-5160-04

AVA ANGELIA CARLTON (F) D.O.B: 03-18-09 12-CV-5159-04

MOTION FOR APPEAL COURT TO COMPEL THE

COBB COUNTY JUVENILE COURT TO PROVIDE

APPELLANT WITH COPIES OF COURT RECORDS

TRANSCRIPTS and TABS EXHIBITS FROM T.P.R.

PROCEEDING AS APPROVED BY COURT ON 10-8-2014.

(comes now, Lewis Alan Carlton, legal and biological father of the

above named children and humbly request this court to compel Cobb Co.

Juvenile Court to order up the court record, transcripts, and tabbed exhibits,

2. have Cobb Co. Juvenile Court provide Appellant with same from

Court proceeding of termination of parental rights hearing dates

of September 26, 2014, October 7th & 8th, 2014.

RECEIVED IN OFFICE

2014 OCT 29 PM 3:20

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Attached, this Court of Appeals will find a copy of a

Forma Rapports Affidavit that was submitted to the Court and

approved in open Court on Septth October 8, 2014. However,

the Appellant has yet to be provided with promised record,

transcripts and exhibits from said proceedings, Juvenile Cobb Court.

000864836

P.O. Box 100110

Marretta, GA 30061

Respectfully,
Jawn Alan Carlton
Lewis Alan Carlton

CERTIFICATE OF SERVICE

A true copy of Motion for Appeal Court to Compell the Cobb County

Juvenile Court to Provide APPELLANT WITH COPIES OF COURT RECORD,

Transcripts, and Tabb Exhibits from T.R. Proceedings as Approved by

Juvenile Court on 10-8-2014, was sent by regular U.S. Mail this

27th day of October 2014 to: Sanders Deen, 262 Washington Ave,

Marretta, GA 30090.

000864836

Bx 100110

Marretta, GA 30061

Respectfully,
Jawn Alan Carlton
Lewis Alan Carlton

RECEIVED IN OFFICE
2014 OCT 29 PM 3:54
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

FORMA PAUPERS
AFFIDAVIT

Now Comes Lewis Alan Carhan 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 Hanky 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 follow-
ing dates: November 2013, March 2014, July & June 2014, September

26, 2014, October 7th & 8th 2014, specifically all hearings pertain-
ing to the termination of parental rights case in above
case Nos need transcript transcribed for Lewis Alan Carhan.

This is to be transcribed for the appeal taken from
court's findings.

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

Sworn before me, a notary, this 21 day of
~~September~~ 2014.

Lewis Alan Carhan
Lewis Alan Carhan

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

COURT OF APPEALS OF GEORGIA

NOTICE

October 30, 2014

DeKalb County Jail, 901 Rice Street, N.W.

County Superior Court

For the following reason(s).

Appeals of Georgia under your name.

the trial court and not with the Court of Appeals of Georgia. The court clerk has received and filed the Notice of Appeal, the transcripts and other information as designated by the Notice of Appeal and Appeal is docketed in the Court of Appeals of Georgia, and other important information is mailed to counsel for the parties representing themselves. You do not need to provide this information filed with the superior court.

Certificate of Service. A Certificate of Service must show the counsel's full name and complete mailing address. The clerk will file a copy of your filing.

should be filed in the superior court of the county in which the appeal was taken. An appeal from a denial of an Application for Writ of Habeas Corpus at the Court of Appeals.

should be filed in the superior court of the county official in which the appeal was taken. An appeal from a denial of an Application for Writ of Mandamus at the Court of Appeals.

on _____, The Court of Appeals has issued its decision. The remittitur issued on _____, The remittitur issued on _____, The decision is therefore final.

intended to file your papers in another court rather than the superior court of the county in which the appeal was taken. The clerk of the superior court is:

and you are concerned with the representation provided to the trial court. As long as you are represented by an attorney, you do not need to file your own pleadings in this Court. Your attorney must file a Motion to Withdraw as Attorney for the Party and file your own pleadings in this Court.

made to the trial court from which you are appealing. If you are not satisfied with the decision, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.



49000655505



ATLANTA METRO AND DEKALB COUNTY SUPERIOR COURT
2014 OCT 29 PM 3:28
This letter is being mailed from the facilities of this facility. Registration has not been received.

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

*Lewis Alan Carthon
000864836
Bx 10010
Marietta, GA 30061*

RECEIVED IN OFFICE
2014 OCT 29 PM 3:28
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

STATE of Georgia

V.S

Harold Dean Battle

RECEIVED IN OFFICE
2014 OCT 29 PM 3:26
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

This court as follows.

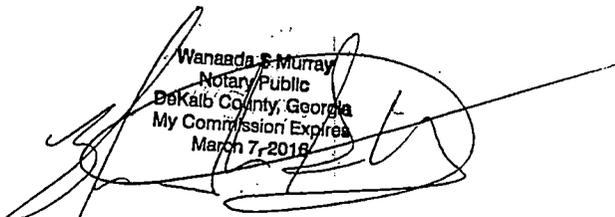
- (1) To issue an order granting Judgment of the Superior Court NewKirk, presiding in the case of Dean Battle Defendant 14CP147828 Georgia Vs. Harold Dean Battle no case found an appeal from the city, Honorable Georgia Vs. Harold Dean Battle judgment Having Held:
- (2) Applicant shows that the Jurisdiction 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~~ Any responses to such petition or motion.

(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
prove my Innocence.

Respectfully Submitted

Harold Dean Battle


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

Lewis Alan Carlton

10-21-14

000864836

P.O. Box 100110

Marietta, GA 30061

RE: Appeal (Motion for Application to Appeal)

Sir/Madam:

Recently an Order out of Cobb Juvenile Court was granted terminating my parent rights.

I was order to represent myself over my objection. I am now forced to appeal, but I am not certain if I file an Application, ~~or~~ direct appeal?

How do I get an attorney to represent me?

Please send to me All Court rules to help guide me through this tough process.

Anything that might assist me would be greatly appreciated.

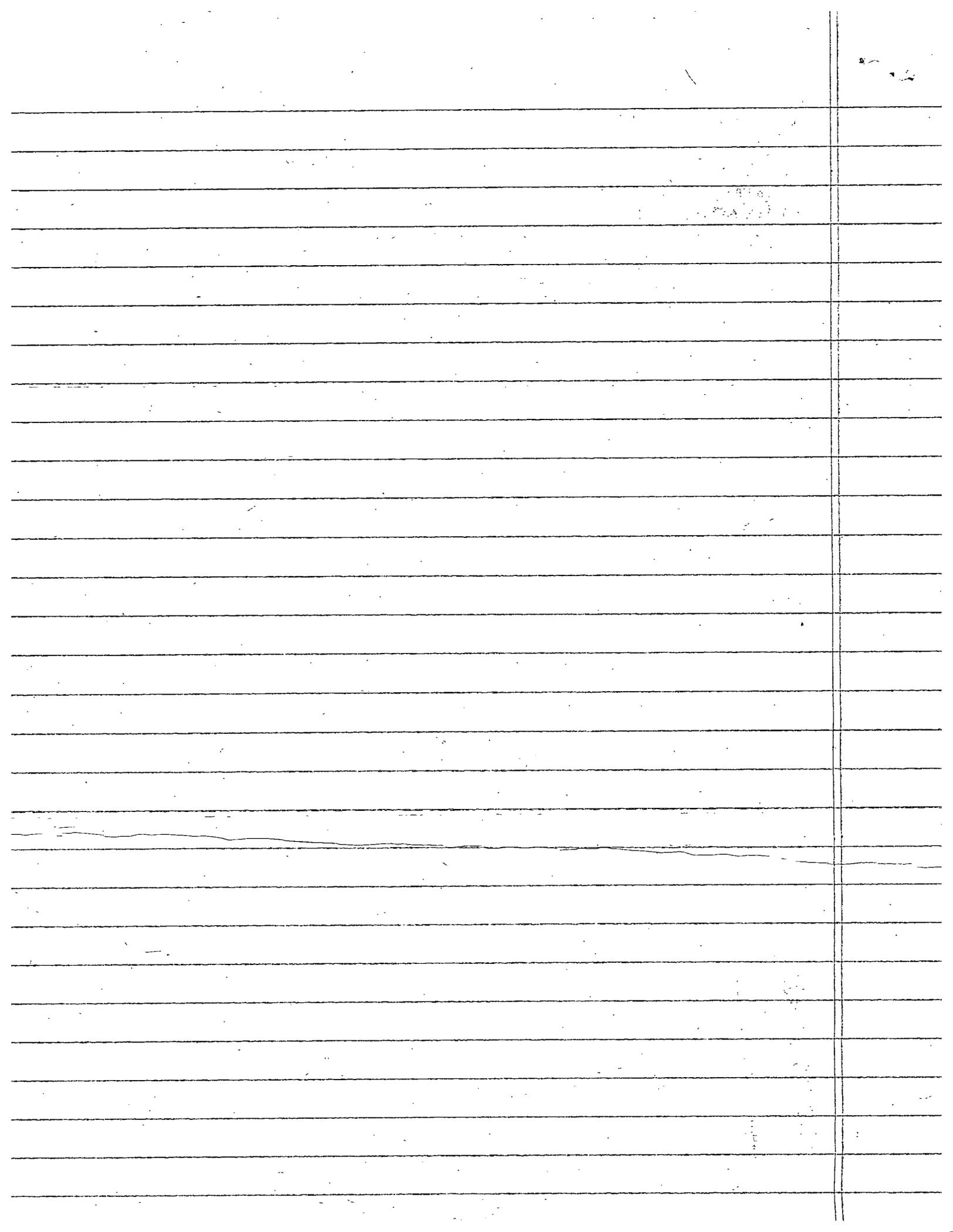
RECEIVED IN OFFICE

2014 OCT 28 PM 2:30

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS AREA

10-28-14
Sent Rules

Respectfully,
Lewis Alan Carlton
Lewis Alan Carlton



COURT OF APPEALS OF GEORGIA

RETURN NOTICE

October 30, 2014

To: Mr. Harold Dean Battle, GDC142203, 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.
The Notice of Appeal must include a proper Certificate of Service.
An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.
An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.
Your appeal was disposed by opinion (order) on... The Court of Appeals divesting this Court of jurisdiction.
Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.
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.
A request for an out-of-time appeal should be made to the trial court from which you are appealing.

STATE of Georgia
v.s
Harold Dean Battle

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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 with in 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 with in (30) days after the entry of the order granting
overruling/ finally disposing of the motion.

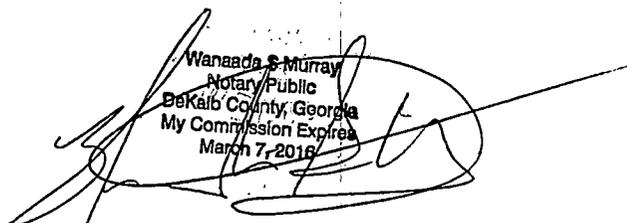
(4) Copies of all pertinent documents have been attached
to this application as exhibits including a copy of the
Judgment being Appealed, as well as copy of any
petition or motion which led directly to the Judgment
being Appealed and a copy of Any responses
to such petition or motion.

(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
prove my Innocence.

Respectfully Submitted

Harold Dean Battle


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