



Court of Appeals of Georgia

December 4, 2015

TO: Mr. James Alexander, GDC653725, Rogers State Prison, 1978 Georgia Highway 147,
Reidsville, Georgia 30453

RE: **A15A1338. James Alexander v. The State**

CHECK RETURN

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

~~CASE STATUS - DISPOSED~~

- The referenced appeal was affirmed on September 24, 2015.**

I am returning the "Affidavit of Indigence" to you. I have enclosed a copy of the Court's opinion for your review.

CASE STATUS - PENDING

- The above referenced appeal is pending 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 or around _____.

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.

THIRD DIVISION
ELLINGTON, P. J.,
DILLARD and MCFADDEN, JJ.

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

September 24, 2015

NOT TO BE OFFICIALLY
REPORTED

In the Court of Appeals of Georgia

A15A1338. ALEXANDER v. THE STATE.

MCFADDEN, Judge.

James Alexander appeals the denial of his motion in arrest of judgment to void and vacate illegal sentence. Because Alexander cannot raise arguments that we addressed in his prior appeal and because his sentence is not illegal, we affirm.

On November 1, 2005, the trial court entered a judgment of conviction on Alexander's guilty pleas to possession of cocaine with intent to distribute, obstruction of an officer, and three traffic charges. The court sentenced Alexander to 40 years, 25 years to serve in prison and 15 years to serve on probation. Alexander then moved to withdraw his guilty pleas, and, in an unpublished opinion, this court affirmed the trial court's denial of that motion. *Alexander v. State*, 285 Ga. App. XXVI (May 25, 2007) (unpublished).

IN THE COURT OF APPEALS
STATE OF GEORGIA

2015 DEC 28 PM 4:24
COURT OF APPEALS
CLERK

STATE OF GEORGIA

A15A1338

vs

CASE NO. 205-C-35583-L

JAMES ALEXANDER

AFFIDAVIT OF INDIGENCE

COMES NOW, James Alexander, Defendant in good cause request for the Honorable Court of Appeals of Georgia to consider this Affidavit of Indigence, and allow it to cover the cost of \$80.00 for Appeal in regard to the denial of the Defendant's Motion for Out-of-Time Appeal that was denied on October 21, 2015

which the Defendant timely filed a notice of appeal within 30 days after the denial of his Motion for Out-of-Time Appeal in regard to the denial, as pursuant to O.C.G.A § 5-6-4. Attached to this Affidavit of Indigence is a copy of the Defendant inmate account record to verify his status of being indigent.

Wherefore, Defendant request for the Honorable Court of Appeals of Georgia to allow this Affidavit of Indigence to cover the cost for appeal.

Respectfully submitted this 24th day of November, 2015.

Valerie Toole
11-24-15



~~James P. Alexander~~
James Alexander, Pro Se
Defendant

VERIFICATION

I asseverate under penalty of perjury, that to the best of my knowledge, the foregoing is true and correct, except as to those matters upon which I rely through information and belief, and to those matters, I do believe them to be true and correct.

This 24th day of November, 2015.

James Alexander, Pro-Se

CERTIFICATE OF SERVICE

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

Court of Appeals of
Georgia, Holly K.D. Sparrow,
Clerk and Court Administrator,
47 Trinity Avenue, Suite 501,
Atlanta, GA 30334

Houston Circuit District Attorney,
George Hartwig
201 Perry Parkway
Perry, GA 31069

This the 24th day of November 2015.

James Alexander, Pro Se
GDC # 653725
Rogers State Prison / F-2
1978 GA Hwy 147
Reidsville, GA 30453

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IN THE COURT OF APPEALS
STATE OF GEORGIA

RECEIVED
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STATE OF GEORGIA
Plaintiff

A15A1338

CASE No. 205-C-35583-L

JAMES ALEXANDER vs.

Defendant

Nature of Action:

REQUEST TO PROCEED IN FORMA PAUPERIS

I, James Alexander, depose and say that I am the plaintiff in the above entitled case; that in support of my request to proceed without being required to prepay fees, costs, or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to redress.

I further swear that the responses which I have made to questions and instructions below are true.

1. List any and all aliases by which you are known: N/A

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

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

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: Friends

-E- family member 120 or 25

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: N/A

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

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

N/A

6. List the persons who are dependant upon you for financial support, state your relationship to those persons, and indicate how you contribute toward their support: _____

N/A

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

- a. A person to whom a lawful oath or affirmation has been administered commits the offense of perjury when, in a judicial proceeding, he knowingly and willfully makes a false statement material to the issue on point in question
- b. A person convicted of the offense of perjury shall be punished by a fine of not more than \$1,000 or by imprisonment for not less than one nor more than ten years, or both. O.G.C.A. § 16-10-70.

James Alexander
Signature of Plaintiff Pro Se

11-24-15
Date

Valerie Toole
11/24/15



VERIFICATION

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

James Alexander
Signature of Affiant Plaintiff

11-24-15
Date

Sworn to and subscribed before me this
24 day of November, 2015

Valerie Toole
Notary Public or Other Person Authorized to Administer Oaths



Please note that under O.G.C.A. § 17-13-1 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.