

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

March 6, 2015

To: Mr. Carter Arnold, Jr., GDC367195, 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. I am returning your documents to you.**
- 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.

Court of
Appeals

IN THE SUPERIOR COURT OF LOWNDEN COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,

V.

CASE No.: 2013-CR-145

CARTER ARNOLD, JR.

MOTION IN REQUEST OF
DISMISSAL AND/OR, WITHDRAWAL
OF COUNSEL AND COUNSEL'S
ENTRY OF APPEARANCE
ALLEGEDLY SUBMITTED JANUARY
30, 2015.

RECEIVED IN OFFICE
JAN 30 3 41:11:59
COURT CLERK
LOWNDEN COUNTY

COMES NOW CARTER ARNOLD, JR., DEFENDANT, PRO SE,
IN THE ABOVE-STYLED ACTION, PURSUANT TO FARETTA
V. CALIFORNIA, 422 U.S. 806, 95 S.Ct. 2525, 45 L.Ed.2d
562 (1975); RYAN V. THOMAS, 261 Ga. 661, 409 S.E.2d
507 (1991) (CITING WHITE V. KELSO, 261 Ga. 32, 401 S.E.2d
733 (1991); SEE ALSO, JOHNSON V. STATE, 266 Ga. 775 (9),
779, 470 S.E.2d 637 (1996); GEORGIA CONSTITUTION OF 1983,
ART. I, SEC. 1, PAR. 12; THE SIXTH AMENDMENT OF THE UNITED
STATES CONSTITUTION, AFTER HAVING REPEATEDLY

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and distinctly acknowledged the court of being denied effective assistance of counsel so guaranteed by the Sixth Amendment, but deprived of by the Georgia Public Defender Standards Council in the court's appointment of, both, J. E. Jarvis, Jr., State Bar No. 0389665, and his subsequent replacement of the Honorable William R. Folsom, State Bar No. 264428.

Defendant respectfully goes on to show the court as follows:

Defendant states and alleges that he is being subjected to a miscarriage of justice in the court's repeated denial of self-representation as he has never been respectively interviewed by either assigned attorney of the Georgia Public Defender Standards Council in assessment of facts of the case.

Defendant states and alleges that he is being denied due process of law, as well as equal protection of the law, in the court's callous indifference of his right that as the client if he chooses, it must be his decision of what issues are to be presented on appeal.

Defendant states and alleges he is further being denied effective assistance of counsel in the "assigned" representation via the court of the Georgia Public Defender Standards Council in the person of Richard Parker, Georgia Bar No. 563150, as Mr. Parker has assumed representation that Defendant does not want from another member of the same law firm as he has acknowledged the court repeatedly of ineffective assistance of counsel, and as it has been held to be unreasonable "to expect one member of a law firm to assert the ineffectiveness of another member", where one was priorly "assigned" to represent the defendant at trial and, here, another member of the same firm has been "assigned" to represent the defendant on his pro se motion for a new trial and/or, appeal contrary to the law pursuant to Ryan v. Thomas, supra, 261 Ga. 661 (1991); Lamar v. State, 278 Ga. 150, 152 (1)(b), 598 S.E. 2d 488 (2004); Seymour v. State, 312 Ga. App. 462 (2011); compare Johnson v. State, 266 Ga. 775 (9), 470 S.E. 2d 637 (1996); First Bank & Trust Co. v. Zagoria, 250 Ga. 844 (1983); Roper v. State, 258 Ga. 847 (1)(a) (1989).

Defendant humbly prays this honorable court so hear and grant this, his motion in request of dismissal and/or, withdrawal of counsel and

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COUNSEL'S ENTRY OF APPEARANCE allegedly submitted
JANUARY 30, 2015, in the above-styled action.

Respectfully Submitted,
Carter Arnold, Jr.
CARTER ARNOLD, JR.,
DEFENDANT, PRO SE,
G.D.C. #367195
TELFAIR STATE PRISON
POST OFFICE BOX 549
HELENA, GEORGIA 31037

Sworn to and subscribed
BEFORE ME this 23rd day
of February 2015.
Cynthia Brooke Stewart
Notary Public.



Court of P.
Appeals

HELENA, GEORGIA 31037
210 Longbridge Road
Telfair State Prison

ATTN.: Richard Parker, Attorney-at-Law
Georgia Public Defender Standards Council
Appellate Division
Post Office Box 1045
Dainbridge, GA. 39818

RE: STATE OF GEORGIA V. CARTER ARNOLD
CASE No.: 2013-CR-145

MR. PARKER:

Thank you for your time and consideration to have written such an informative and extensive letter. Really, I do appreciate it. But, it's quite humorous in a way. Yet, the discrepancy I have with the whole issue that we have here, is the fact that on May 30, 2013, Judge James G. Tunison, Jr. issued an "Order Permitting Withdrawal Of Counsel", granting the "Petition To Be Relieved As Counsel", filed by the senior assistant of the very same law firm as you, yourself, is also a member. That is the Georgia Public Defender Standards Council. The attorney

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is/or, was, MR. J. E. Jarvis, Jr., State Bar Number 0389665. So, the complexity I have here is how can the SENIOR ASSISTANT PUBLIC DEFENDER OF your law firm withdraw your law firm's REPRESENTATION in the above-styled case, PRIOR to trial, to which he alleged that I had "made frivolous complaints against counsel and refused to cooperate with counsel", to which also PERTAINS to the Georgia Public Defender Standards Council as a whole. So, how is it at all possible you or any other MEMBER of your law firm can possibly be "assigned" to REPRESENT ME on appeal? THE "law firm" ITSELF was the "assigned" attorney of record. MR. Jarvis, identically like you ARE, was MERELY a REPRESENTATIVE of the Georgia Public DEFENDER Standards Council, whom was THEN the legitimate attorney of record. Which was to my understanding why the COURT subsequently "assigned" William B. Folsom, State Bar Number 264428, whom has his own private practice, as well as being a judge in Brooks County. Yet, after invoking my right to self-representation on the morning of trial, and REPRESENTING MYSELF PRO SE, how is it you, another REPRESENTATIVE

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and member of the identically same law firm be RE-["]assigned["] to REPRESENT ME ON my appeal without me in any way REQUESTING appointment of COUNSEL FROM THE COURT? And, since the morning of October 7th, 2013, when I verbally motioned the court to proceed pro se, I have not asked for, nor agreed to the assistance of counsel from anyone. Court, nor the Georgia Public Defender Standards Council. MORESO, why would I want to be bitten by the same snake twice? From the very first day of the Georgia Public Defender Standards Council's "appointment" to my case as counsel, the procession of representation has been deficient and UNREASONABLE CONSIDERING all the CIRCUMSTANCES OF THE CASE, AS WELL AS "there is a reasonable probability that, absent the errors, the factfinder would have had a reasonable doubt respecting guilt". The trial counsel, or let's just say the trial court's failure to allow me to litigate my Sixth Amendment claim, where "assigned" counsel in the distinct individual REPRESENTATIVE capacity of, first, Mr. J.E. Jarvis, Jr., and subsequently, Mr. William R. Folsom's failure to litigate a Fourth Amendment claim was INEFFECTIVE assistance, also was

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the court's abuse of discretion. As the record will show that I legitimately motioned the court to proceed pro se which was filed in the clerk's office on June 9, 2013, after Judge Tunison granted attorney Jarvis' "Petition To Be Relieved As Counsel" in withdrawal of the Georgia Public Defender Standards Council as attorney of record in my case. All of which goes on to show why, both, attorney/judge Folsom and I, myself, pro se, filed two (2) distinct motions for new trial, with both of us contending errors of ineffective assistance of counsel by the Georgia Public Defender Standards Council in its representation by attorney Jarvis. Further clarifying why you cannot "be considered 'new' counsel for the purpose of raising ineffective assistance claims" under White v. Kelso, 261 Ga. 32, 401 S.E.2d 733 (1991) (cited in Ryan v. Thomas, 261 Ga. 661, 409 S.E.2d 507 (1991)) see also, Johnson v. State, 266 Ga. 775(9), 779, 470 S.E.2d 637 (1996), if I am granted the motion for a new trial, nor on appeal. At least, this is the understanding I get of the law here. Which is why a copy of this letter is being sent, not only to the Superior Court of Howards County, but the Court of Appeals, as well. And, if necessary to the Supreme Court of Georgia.

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From the very beginning of my case, I have never had chance to prove my innocence. There was overt violations of constitutional violations of the Fourth, Fifth and Sixth Amendments as they are "incorporated" into the Fourteenth Amendment Due Process and Equal Protection of the Law clauses. At trial, the proceedings were literally a "Kangaroo Court" in its entirety. A fraud on the court, fraud in fact and fraud in law, and egregious that it utterly undermined the integrity of the judicial process.

Pursuant to Faretta v. California, 422 U.S. 806 (1975), the Supreme Court stated that: "The Sixth Amendment does not provided merely that a defense shall be made for the accused; it grants to the accused personally the right to his defense. It is the accused, not counsel, who must be informed of the nature and cause of the accusation, who must be confronted with the witnesses against him, and who must be accorded compulsory process for obtaining witnesses in his favor. Although not stated in the Amendment in so many words, the right to self-representation, — to make one's own defense personally —, is thus necessarily implied by the structure of the Amendment. The right to defend

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County, the Court of Appeals, and the Supreme Court. PLEASE withdraw your law firm's REPRESENTATION with this LETTER of my CONSENT to your immediate withdrawal of the Georgia Public DEFENDER STANDARDS Council, and NAMELY you, MR. RICHARD PARKER, GEORGIA BAR NUMBER 563150, as my ATTORNEY of RECORD.

Subscribed and sworn to
before me this 23rd day
of February, 2015.

Cynthia Brooke Stearns,
Notary Public.



Respectfully Submitted,

Carter Arnold, Jr.

CARTER ARNOLD, JR.

G.D.C. #367195

Telfair State Prison

210 Longbridge Road

HELENZ, GA. 31037

GEORGIA PUBLIC DEFENDER STANDARDS COUNCIL

APPELLATE DIVISION

P.O. Box 1045, Bainbridge, GA 39818

Ph.: (229) 246-2877 Fax: (229) 246-9158 www.gpdsc.com

January 30, 2015

Mr. Carter Arnold, Jr.
GDC ID: 0000367195
Telfair State Prison
210 Longbridge Road
Helena, GA 31037

Re: Case No. 2013-CR-145

Dear Mr. Arnold:

My name is Richard Parker, and I have been assigned to represent you on your appeal. This letter is to explain a few things about the appellate process and to request your input as to any issues we might need to raise.

A motion for new trial has been filed in your case. My understanding is that the trial transcript has been produced, but I do not have it yet. I will let you know once I have received it and reviewed it, and I will contact you to discuss any issues you think are important. Once I become familiar with whatever issues we might want to raise and have done some research, I may file an amended motion for new trial. Although I want your input on these issues, please keep in mind that as long as you are represented by counsel, your attorney is the only one who can file pleadings or briefs. *Pless v. State*, 255 Ga. App. 95 (2002). Since appellate work is specialized and technical, I must be the one to choose which issues to raise and how to frame them. The most important – and most difficult – aspect of appellate practice is selecting the best and strongest issues and eliminating weaker issues that might distract or harm our credibility with the courts. See *Jones v. Barnes*, 463 U.S. 745 (1983).

We may decide to waive the hearing on your motion for new trial and just ask the judge to rule on the record before him rather than present new evidence. The reason we might do this is that, in some cases, arguing the motion can actually be harmful to your case because it gives the trial judge an opportunity to make additional findings of fact to support whatever ruling or rulings we contend were erroneous. This can make appeals very difficult because appellate courts typically give great weight to any factual findings made by the trial judge. If we do decide to have a hearing, don't get in a hurry; the trial judge sets the date for this hearing, and I cannot control the hearing date (nor can I force the court reporter to hurry up and produce the transcript). It can take months or sometimes even over a year to get the hearing date set.

IN THE SUPERIOR COURT OF LOWNDES COUNTY

STATE OF GEORGIA

STATE OF GEORGIA

v.

CASE NO.: 2013-CR-145

CARTER ARNOLD

ENTRY OF APPEARANCE

COMES NOW RICHARD PARKER of the Georgia Public Defender Standards Council, Appellate Division, and hereby files this, his Entry of Appearance, in the above-styled action.

Respectfully submitted this 30th day of January, 2015.



Richard Parker, Atty. for Mr. Arnold
GPDSC Appellate Division
P.O. Box 1045
Bainbridge, Georgia 39818-1045
(229) 246-2877
GA Bar No. 563150

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served a copy of the above ENTRY OF APPEARANCE on Ms. Meredith Brasher, by mailing a true and correct copy to her at the following address: Office of the District Attorney, c/o ADA Meredith Brasher, P.O. Box 99, Valdosta, GA 31603, with sufficient postage affixed thereto to ensure delivery.



Richard Parker

Court of
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CERTIFICATE OF SERVICE

Georgia, Helena, Telfair County.

A TRUE and CORRECT copy of the same ENCLOSED, PROPERLY
addressed and with sufficient postage affixed has BEEN
placed in the hands of the designated mailroom per-
SONNEL of Telfair State Prison pursuant to, both, Massaline
v. Williams, 274 Ga. 552, 554 S.E. 2d 720, 722 (2001)
and Houston v. Lack, 487 U.S. 266, 108 S.Ct. 2379, 101
L.Ed. 2d 245 (1988) to be mailed to the below-listed
this 23rd day of FEBRUARY, 2015:

ATTN.: Mr. Richard Parker, Attorney at Law

G.P.D.S.C.: Appellate Division

Post Office Box 1045

Bainbridge, Ga. 39818

%: Asst. Dist. Atty.

ATTN.: Mrs. Meredith ~~Trasher~~

Post Office Box 99

Valdosta, Ga. 31603

ATTN.: Mrs. Beth C. GREENE, Clerk

Superior Court of Lowndes County

Post Office Box 1349

Valdosta, Ga. 31603