

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS

SCANNED

July 23, 2015

To: Mr. Franklin Lamar Bacon, GDC241510, Wheeler Correctional Facility, Post Office Box 466, Alamo, Georgia 30411

Docket Number: Style: Franklin Lamar Bacon 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

Clerk, Supreme Court of Georgia / Appeal division

Franklin Lamar Bacon
(Petitioner)

original case no. 83-2026/83-1456
same case

RECEIVED IN OFFICE

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CLERK OF COURT ADMINISTRATOR
COURT OF APPEALS OF

State

Discretionary Appeal denial of Mandamus
A15A1720

Brady Violations / Grand Jury Proceedings / Unconstitutional guilty Plea

Discretionary Appeal / Actually Innocent

Prior to Court of Appeals of the State of Georgia Clerk's Office July 2, 2015 petitioner was denied continuance, but most recent order July 2, 2015 petitioner have 10 days from entry of this order to submit Discretionary Appeal. The Superior Court denied Mandamus of above style complaint as well as not disclosing Brady Materials requested. *Brady v. Maryland* (1963) 373 U.S. 83 10 LED 2d 83 215, 83 set. 1194.

Unconstitutional Guilty Plea: Insufficient advise as to waiver of rights against self incrimination *Wilson v. Kemp* see improper negotiations made it invalid *Pride v. Kemp* S11AD159 (6-3-12) Supreme Court reverse court findings. "[T]he judicial participation in Bacon (AKA) Franklin Lamar Wilkerson Plea negotiations was so great as to render his guilty plea involuntary.

The Supreme Court should reverse Bacon's denial of Mandamus 83-2026/83-1456 Petitioner's challenging the validity

of his guilty plea to voluntary (s) of said charges/allegations nothing in the transcript of his plea showed that he was informed as to one of the three Boykins rights - the privilege against self-incrimination at trial (The other two are the right to jury trial and the right to confront one's accuser).

Bacon gave Mr. Robert Simmons Lawler Jr. Appointed Attorney at Law multiple acknowledgements that allegations/charges in case no. 83-2026/83-1456 was dismissed in the Superior Court of Bulloch County Approximately February 1984 by Paid Attorney at Law Mr. Bobby Hill of Savannah Georgia. Mr. Robert Simmons Lawler Jr. Appointed Attorney at Law in unconstitutional guilty plea ignored petitioner over and over of assertiveness/proof that the above style case no(s) was dismissed. Mr. Robert Simmons Lawler Jr. stated to petitioner if he would not make a plea of guilty for said charges 83-2026 he would go to prison that day up to approximately 30 years / long prison terms. "Make the guilty plea in 83-2026 or go to prison".

Petitioner had immediate family crisis New born son; other immediate child care responsibilities provide care for all of my kids. Bacon plea guilty in hope of benefit cause Mr. Bobby Hill Paid attorney at law could not be present for proof. Mr. Bobby Hill wife Ms Sharon Hill was contacted the night before illegal guilty was made. The seven year statute of limitation had expired for pressing a conviction in this specific matter. Unconstitutional guilty plea was made 83-2026 approximately 1990 / 1991 when case resurrected.

On date of Petitioner's arrest Professional Examination was performed on victim immediately of allegations Bacon was clear of Professional examination performed for this specific matter.

During Unconstitutional guilty plea hearing approx 1990/1991 Bacon was advised of his rights /right of inferences and that they had "right to remain silent there by not giving evidence against yourselves..."

Mr. Robert Simmons Lawler Jr. Attorney at Law committed legal Malpractice along with Judicial Misconduct coerced /threatened Bacon with long prison terms if guilty plea of charges were not made immediately. Petitioner was forced to make guilty plea by coercion(s) /threat(s) of long prison terms even after expiration of charges statute of limitation(s).

Mr. Robert Simmons Lawler Jr. was appointed /represented under a conflict of interest rendering instructional ineffective assistance of counsel with constructive denial of representation, constructive abandonment, conspiring with various public officials in the Ogeechee Judicial Circuit to secure conviction 83-2026 /83-1456 by corruptly influencing the outcome.

Mr. Robert Simmons Lawler Jr. committed a crime by illegally altering warrant /charges in 83-2026 changing not guilty to guilty by scratching out Mr. Bobby Hill Attorney at Law name and committing Felony Forgery Forging his name Robert Simmons Lawler Jr. on Bacon legal court documents to pursue additional prison term for petitioner.

This was insufficient since trial court's discussion

was specifically limited to guilty plea itself and Bacon was not told that by pleading guilty, he would waive that right "at trial." "essential concept" of the right against compulsory self-incrimination had not been conveyed to Bacon.

Further evidence The Superior Court of Bulloch County/Mr. Robert Simmons Lawler Jr Appointed Attorney at Law had advised him of his "constitutional rights" was insufficient since there was NO specificity as to what rights were discussed. Thus court erred in finding that the state had met its burden of establishing that Bacon's guilty plea was made voluntarily, knowingly and intelligently Boykin v. Alabama 395 US 238 (1969); Adams 285 Ga. 744 (2009); Sanders v. Halder 285 Ga. 760 (2009); Arnold v. Howerton 285 Ga 66 (2007); Boykin v. Alabama 395 U.S. 238, 89 S.Ct. 1709, 23 L.Ed.2d 274 (1969); Bowers v. Moore, 266 C-d893, 471 S.E.2d 869 (1966); Brazemore v. State, 272 Ga. 160, 535 S.E. 2d 760 (2000); Green v. State 270 Ga. 687, 620 S.E. 2d 788 (2005); Hawes v. State, 218 Ga. 822, 642 S.E. 2d 92 (2007); Authentication (D.C. Ga. 24-7-1 et seq), Rice v. State 178 Ga App. 748, 844 S.E. 2d 720 (1986); Also see Ellis v. State, 279 Ga. App. 902 633 S.E. 2d 64.

Petitioner's Bulloch County guilty plea are unconstitutionally invalid in violation of Due Process under the dictates of Boykins supra and evidentiary code D.C.B.A. 9-11-44. For guilty plea to be valid must be intelligently, knowingly

and voluntarily entered Boykin v. Alabama 395 US 238, 89 S.Ct. 1709, 23 LEd 274 (1969).

83-2026 guilty plea failed to show plea was entered with any of the Boykin safeguard. Bowers v. Moore, 266 Ga 893, 471 SE 2d 869 (1996); Bazemore v. State 273 Ga. 160, 162 S35 SE 2d 760 (2000); Green v. State 620 SE 2d 788, 279 Ga. 687 (2005). DCA 9-14-49; Summer v. Mata 449 US 539, 546-47, 101 Sct. 764, 768 LEd 2d 722 (1980); Witt v. Fair 820 Fed 166, 178 N.6 1st cir (1978).

Petitioner asserts his rights review of indictment/indictment legal process of Grand Jury proceedings in open court/returned in open court. as well as suppression of requested Brady Materials

Therefore Petitioner appeal for denial of right to a jury trial/ being a victim of legal malpractice /Judicial Misconduct for Lawyer Mr. Robert Simmons Lawler Jr. Attorney intentionally misrepresenting Bacon rendering intentional ineffective assistance of Counsel with constructive denial of representation, constructive abandonment and conspiring with various public officials to secure conviction 83-2026 /83-456 by corruptly influencing the outcome.

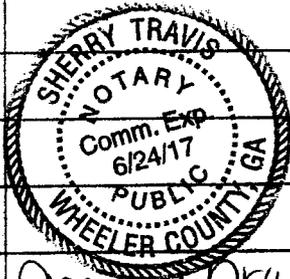
Bacon seeks Reversal/Relief Sought immediate release clarifications of all sanctions relief in all cases of this case 83-2026 illegal use for Recidivist enhancements see 9-14-49 * This case 83-2026 was used for Recidivist enhancements in case no 1897CR042/case no

WB04CR2018 for Mandatory Prison terms to be served as a
miscarriage of justice.

Petitioner seeks Justice and to be acquitted of
unconstitutional Guilty Plea case no 83-20060 183-1156 in
the same as in all of his Prayers.

Respectfully Submitted

Franklin Breaux



Sherry Travis
07/13/15

"without Prejudice"

Clerk, Supreme Court of Georgia / appeal division

Franklin Lamar Bacon
(Petitioner)

v.

State

original case no. 1897CR042

Discretionary Appeal denial of Mandamus
#15A1720

May 21, 2015

RE: Demand Ruling for Extraordinary Motion for New Trial / Hearing on ineffective assistance of counsel.

Demand Ruling

Mandamus was filed in the Superior Court of Bulloch County for ruling. Mandamus was denied therefore petitioner appeals. Refusal to grant Extraordinary Motion under section will not be reversed absent abuse of discretion *Fried v. State* 262 Ga. 652 94 SE2d 684, 1956 Ga. LEXIS 482 (Ga. 1956) *Stevens v. State* 119 Ga. App. 102, 166 SE2d 413 (Ga. Ct. App. 1969) *Hamilton v. State* 119 Ga. App. 196, 166 SE2d 735 (Ga. Ct. App. 1969)

O.C.G.A. § 5-5-41 Extraordinary Motion for New Trial (c)(6)(A)
If after the state files its response if any and the courts determine that the motion complies with requirements of paragraph (3) and (4) of this subsection the court shall order hearing to occur after state has filed its response if any and the court determination, but not more than 90 days from the date the motion was filed and heard approximately

I.B

June 22, 1999 Extraordinary Motion for New Trial Hearing on
Ineffective assistance of Counsel Mr. Tom Odum Retained / Appointed
Attorney at Law. Their have been approximately 16 plus years
Inordinate delay for Auling for Extraordinary Motion that's
highly prejudice denial of due process / error.

Awarded error Extraordinary Motion for New Trial petitioner
made multiple request(s) to Conflict free Appointed Attorney Mr.
Robert Simmons Lawier DA request(s) was not granted, he
rendered intentional ineffective assistance of counsel in Bad
Faith even after acceptable performance June 22 1999

Extraordinary / Hearing * DA / Honorable Court did not honor
petitioner's Demand for fast n speedy trial petitioner was brought
to jury trial several days after expiration of Speedy Trial deadline for
case to be dismissed by its statute of limitation petitioner should
have been acquitted.

* There was error 31 Fed 2d 2004 Juror
reading News Paper New Trial or reversal of conviction in Federal
Criminal Prosecution on grounds of juror's reading of news paper
account of accused's act(s) or reputation prior to commission
of crime which he is charged DA. Mr. Richard A. Mallard took the
News paper publicity / allegations in which Bacon was arrested
/ on trial for in the room where the grand jury case no 1897
CR042 was deliberating before the verdict of guilty was pronounced.

* Petitioner was charged consecutive
sentence Trafficing Cocaine with in 1000 Ft school / Housing
Unit for Manditory Recidivist terms in (c) But Doctive(s)

Prosecution did not have certified map with inches and feet that's required for proof. Detective drew a map and block it up on head projector at jury trial.

* Petitioner was charged with Trafficking cocaine within 1000 ft. School/Housing Unit but prosecution asserts only 7/10 of a gram of cocaine was examined by Forensic Specialist that testified at Jury Trial.

* Grand Jury Process needs to be challenged in amended motion for conflict(s) errors in indictment proceedings. Search warrants arrest warrants city ordinance Grand Jury listed differs from first presented Honorable Woodrum name on indictment presented but Honorable Robert Turner was Honorable Court of Jury Trial proceedings.

* A correction that would have changed the max out of conviction as well as change of case no. that was wrong stated in jury trial transcript presented by DA. Mr. Richard A. Mellard never been resolved/cleared.

* Retained/Conflict Free Appointed Attorney represented a conflict of interest rendering ineffective assistance of counsel with constructive denial of representation, constructive abandonment and conspiring with various public officials to secure Bacon's jury trial conviction(s) by corruptly influencing the outcome.

June 22, 1999 Honorable Turner stated that he would make ruling approximately 10 days He never ruled on Extraordinary Motion case no. 1697CR042.

approximately 16 plus years have expired with out a decision ruling creating inordinate delay in ruling highly prejudice error. Petitioner made multiple requests to Mr Lawler Dr. for status of ruling for approximately 3 plus years straight he abandon petitioner as well as his professional duties of the above style case no.

Petitioner was picked out June 7, 2002 I made contact with Mr. Robert Simmons Lawler Dr. date of release he even showed me Parole Office was located across from his office. I repeatedly ask him of case/ruling on Extraordinary Motion. He started giving me the run around time after time as well as sitting in his office several days back to back he even exited his office several times without me even knowing it/ additionally being put on hold over half an hour at a time then still no response / no reply from Mr. Lawler Dr.

Approximately 3 weeks after I was out in Free Society Mr. Lawler Dr. knew I was out but he mailed affidavit to Mt Vernon State Prison where petitioner was released that petitioner was satisfied with case no further representation was needed by him. * Petitioner never consented to Mr. Lawler Dr.'s reply to the courts. Why did Mr. Lawler Dr. mail documents / reply directly to Bacon when he knew petitioner was out.

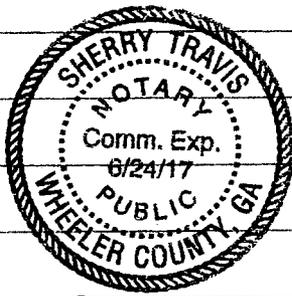
Petitioner asserts that he have been denied due process of law his substantial rights have been violated creating substantial defects in record

* Grounds for Warranting New Trial

Misconduct Mistakes Surprise and prejudice and other grounds of Hayes v. State 91 Ga. 43 16 SC 270 (1892)
continuance

(B) Must be heard by trial judge unless he's unavailable
Appellate court will remand case where trial judge failed to exercise discretion regarding extraordinary Motion
Central of Ga. Ry v. O'Kelley 116 Ga. App. 594 85 SE. 938 (1915)

Petitioner seek his relief / all relief sought giving proper notice as in the same as in all of my prayers.



Sherry Travis
07/13/15

Respectfully submitted

Sherry Travis

"without prejudice"

Clerk, Supreme Court of Georgia / Appeal division

Franklin Lamar Bacon
(Petitioner)

original case no. 1809CR268

v.

State

RE: ~~Franklin Lamar Bacon~~ Mr. Michael Howard Esq. Filed Direct Appeal without Petitioner's consent. Petitioner notified Court of Appeals of Mr. Howard ineffective assistance of counsel as well as asking the court(s) for appointment of new conflict free counsel before I knew it Mr. Howard had slipped and filed Direct Appeal in the above style case no. Mr. Howard affirmatively stated there was no relief in my case after Bacon gave him the reversible error which is in the process of being over turned in the Superior Court of Wheeler Co. Ga. Mr. Michael Howard Esq. shows Legal Malpractice rendering instructions ineffective assistance, constructive denial of representation, constructive abandonment and conspiring with various public officials to secure Bacon's conviction by corruptly influencing the outcome.

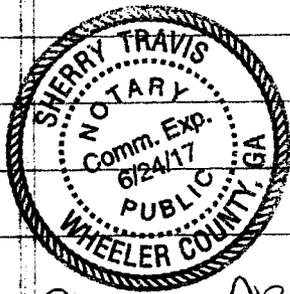
Case no. 83-2026 is based on Fraudulent Documents (Forged signature and was used for Reidiivist enhancement).

Case no. 1809CR040 Extraordinary Motion was pending but still was used for Reidiivist enhancement in above style case no. illegally. Direct Appeal was affirmed Sept. 10, 2014 in behave of Mr. Howard's

Misconduct

1.C

Due to the corruption in the Ogeechee Judicial Circuit Honorable
F Bates lead will not let the clerk of Court disclose Brady
Materials requested. Petitioner urgently need all Brady
Material(s) in all cases requested to challenge venue/
Grand Jury Proceeding for any relief sought to bring out
all Judicial Misconduct / Legal Malpractice / Steep in
Corruption in the Ogeechee Judicial Circuit.



Sherry Travis
07/13/15

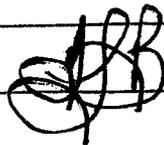
Respectfully Submitted

Franklin's Law & Brown

Certificate of Service

Petitioner Franklin Lamar Bacon GDC# 241510/100AB/@
UCC1.207, Wheeler Corr. Facility, P.O. Box 4660, Albany Ga. 30411-
0466 is forwarding a true and correct copy of Discretionary
Appeal denial of Mandamus 83-2026/83-1456; Discretionary
Appeal denial of Mandamus 1809CR042; Acknowledgement(s)
original case no. 1809CR268 Direct Appeal was affirmed Sept 10,
2014 all is being forward to: Clerk Supreme Court of Georgia,
244 Washington Street, S.W., 512 State Office Annex, Atl. Ga.
30334; Ms Daphene Jerial, 1 Courtland Street 2nd Floor,
Statesboro Ga. 30458; Ms Loretta Lynch (US Attorney General) US
Department of Justice, 950 Pennsylvania Ave (N.W.) Washington
DC. 20530; Mr Barack Obama (President) The Executive
Office of the President, 1600 Pennsylvania Ave. Washington
DC. 20500 All mail have correct US Postage

Franklin Lamar Bacon



A.B.C.