

Amended Brief (Direct Appeal)

Lester Robert Baker

vs.

The State

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Appeal case no's:

A16A0589 (14CR752)

A16A0590 (14CR455)

This is an Amended Brief (additional information on behalf of Lester Robert Baker (appellant) in the above styled matter of Lester Robert Baker vs. The State.

This Amended Brief (additional information) is sworn by the appellants best knowledge and best capability. Additional brief has already been sent beforehand.

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Respectfully Submitted,

X Lester Robert Baker

Pro SE litigant

Lester Robert Baker

This day of December 7, 2015

Amended Brief

(1)

A) Appellant would like to additionally add more information of numerated errors on the Counsels (defendants appt. attorney Timothy Kimble) part and on the States behalf.

1) In february 2014, defendant was produced back from the States custody to Bartow County custody via production order. On this day at the (Bartow County Jail), defendant met with his Counsel (Kimble). Defendant told then his Counsel (Kimble) of the underlying and potential conflicts of interest(s) ~~involved~~ involved with his case(s) 14-752 and 14-455, A) being that victim/accuser in case 14-752 (Charles Ray Thacker) is the blood related uncle to Bartow County Head Asst D.A. (Mickey Ray Thacker); (note that the D.A. was named after this man also). b) That victim/accuser in case 14-455 (City Attorney for Cartersville(Ga)) David Archer is long time standing Judicial and Political friend to all the Judicial and Political (elected officials) members in Bartow County.

Defendant advised his counsel (Kimble) this day of the conflictual potential and danger because of these 2 conflicts involved with his case. Counsel (Kimble) knew then that by law it was in the defendants best interests to be ready and seek a change of venue if the conflicts arose in any manner. No letter of conflict was ever written or filed by Counsel or any member of the Judicial court system.

2) On 6-23-14, (Defendants court date), Counsel for the defendant (Timothy Kimble, esq.) made 2 very conflictual and derogatory statements that personally involved and damaged the defendants chances of getting a fair and just trial or plea deal.

While defendant and Counsel (Kimble) was in the holding area of the Superior court on 6-23-14, the plea negotiations between Counsel, defendant and prosecutor began, (via verbal conversation and cellular texting). The State came to the defendant with a 30 do 10 offer for 1st degree burglary and 2nd degree burglary (14-752, 14-455, 14-456). Defendant refused and tried to get his Counsel to ask the D.A. and Judge to take into consideration that in (2008) another Judge ruled that the location of (14-752) (302 West Main St Cartersville Ga) was and still is a legally operating Restaurant / Special Events home / Wedding Center, and not a residence. (2008) Judge (Scott Smith of Barbow Co) even states on transcript in favor of defendant saying then "that he is very "aware" that defendant was a employee of the accuser at this location."

Even after 1) presenting a copy of the 2008 accusation to Counsel and Prosecutor (for 2nd degree "business burglary", Counselor and Prosecutor refused to lower the 1st degree charge (14-752) and set it to 2nd degree charge. After a long period of time defendant refused still to agree to the States offer and a heated argument ensued between defendant and counsel.

Defendant told Counsel (Kimble) that he was working in favor with the D.A. 1st) statement made to point to personal conflict of interest was and I quote, Counsel Kimble : " You broke into Mickey Ray's Uncle's place, their not gonna deal", end quote. Mickey Ray is Mickey Ray Thacker, Head Asst D.A. for Bartow County, this statement places a damaging reason and conflictual reason as to why the defendant was getting a Raw and harsh sentence/plea deal.

Counsel Kimble calls the D.A. by first name basis in this statement and it constitutes Judicial Conflict and Prosecutorial Headhunting. 2nd) statement made during the heated argument was and I quote Counsel Kimble : " You cant beat / or get around David and his friends", end quote... David is David Archer, City of Cartersville elected City Attorney. (this also personally involves Judicial Conflicts) After these 2 statements defendant asks for a Change of Venue to protect his rights, but Counsel Kimble would not allow it, saying Not to say anything about it.

By law, these critical Conflicts of interest involved with 14-752 and 14-455 were supposed to had been filed via letter of conflict on defendant's behalf for Change of Venue purposes and to protect defendant's rights.

3) Once it was pointed out to defendants Counsel (Kimble) that the indictment involving 14-752 was invalid because 14-752 was a restaurant and not a residence, by law then and there Counsel should had challenged the indictment by demurrer and shown that in Autrefois Convict 2008 defendant was convicted in 2nd degree burglary at this exact same location.

Counsel did not advise the defendant of any proceeding in demurrer or Autrefois Convict that could be filed to challenge the indictment. Defendant was only led to believe (before 6-23-14) that he would show the D.A. the error and go from there, but, he did not, he only "played ball" for the D.A. and led astray the defendant not challenging the indictment in any manner.

4) After being convicted on 6-23-14 for 14-752 and 14-455, defendant advises his Counsel "YES I WANT TO FILE AN APPEAL" on his conviction / plea / sentence. But many months later, after the 6-23-14 date no appeal had been filed via Counselor (Kimble) on the defendants behalf. Counselor (Kimble) purposely denied the defendant his right to an appeal. In a statement made to the State Bar of Georgia, Counselor (Kimble) only says that he "cant recall", but he never denies failing to file the appeal.

5) In statements to the State Bar of Ga, Counselor (Kimble) does not ever deny making the (2) conflictually involved statements about the D.A. and the City Attorney, he only says that he was not personally involved, but he does not deny saying them.

Defendant/Appellant, Lester Robert Baker, contends that these numerated errors are in addition to the Appeals Brief that was sent in the previous (last) week to the Court of Appeals (Ga).

Respectfully Submitted,
X Lester Robert Baker
Pro SE litigant
Lester Robert Baker
December 7, 2015