

# COURT OF APPEALS OF GEORGIA

## RETURN NOTICE

January 13, 2015

To: Mr. Daniel C. Battershell, 208 McArthur Boulevard, Warner Robins, Georgia 31093

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 \_\_\_\_\_
- 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.

Filing A Pauper's Affidavit as well O.C.G.A. § 5-6-4

IN THE SUPERIOR COURT OF DeKalb County  
STATE OF GEORGIA

Daniel C Battershell,  
Petitioner  
GDC 1097658,  
Inmate Number

Civil Action No. 14 CR

RECEIVED IN OFFICE  
2015 JAN 12 AM 10:58  
CLERK COURT APPELLS IN AOR  
COURT OF APPEALS OF GA

vs.  
\_\_\_\_\_,  
Warden  
DeKalb County,  
Respondent  
(Name of Institution where you are now located)

Habeas Corpus



**PART I: BACKGROUND INFORMATION ON YOUR CONVICTION**

- Name, county, and court which entered the judgment of conviction under attack:  
The Superior Court of DeKalb County State of Georgia
- Date of conviction: January 1 2014  
(Please Note: O.G.C.A. § 9-14-42(c) mandates that applications for writ of habeas corpus must be filed within a certain time. Please see Instructions (7) for more information.)
- Length of sentence(s): 8 years to serve one in custody
- Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?  Yes  No
- Name of offense(s). List all counts: Aggravated Assault, Aggravated Battery
- What was your plea? Please check one:  
 Guilty  
 Guilty but mentally ill  
 Nolo contendere  
 Not guilty  
 If you entered a guilty plea to one count or indictment, and a not guilty or nolo contendere plea to another count or indictment, give details: Aggravated assault guilty but didn't put mentally ill counsel didn't. I'm mentally ill. I get a Social Security check and see doctors and take meds. Agg Battery Nolo pro se
- Kind of trial. Please check one:  
 Jury  
 Judge only
- Did you testify at the trial?  Yes  No

9. Did you appeal from the conviction?  Yes  No

10. If you did appeal, answer the following:

Name of appellate court to which you appealed: Working on a appeal

Result of appeal: \_\_\_\_\_

Date of result: \_\_\_\_\_

11. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this conviction in any state or federal court?  
 Yes  No

12. If you answer to 11 was "Yes," give the following information: (Note: If more than three petitions, please use a separate sheet of paper and use the same format to list them.)

A. Name of court and case number: DeKalb county to exclude Banishment from Atlanta

What kind of case or action was this? A Banishment from the Atlanta area

All grounds raised (attach extra sheet of paper if necessary): I got to go to Atlanta for Dr Appointments as well as any law things I'm working on.

Did a judge hear the case?  Yes  No Did witnesses testify?  Yes  No

Name of Judge: Asha Jackson

Result: 8 years to serve one in custody 8 years probation

Date of Result: Sept 18th 2014

B. As to any second petition, application or motion, give the same information.

Name of court and case number: Wrote the GA Bar on My counsel as well, Jud.

What kind of case or action was this? Don't know what happen to judge

All grounds raised (attach extra sheet of paper if necessary): Counsel was ~~represented~~ represented by the GA Bar.

Did a judge hear the case?  Yes  No Did witnesses testify?  Yes  No

Name of Judge: \_\_\_\_\_

Result: \_\_\_\_\_

Date of Result: \_\_\_\_\_

C. As to any third petition, application or motion, give the same information.

Name of court and case number: \_\_\_\_\_

What kind of case or action was this? \_\_\_\_\_

All grounds raised (attach extra sheet of paper if necessary): \_\_\_\_\_

Did a judge hear the case?  Yes  No Did witnesses testify?  Yes  No

Name of Judge: \_\_\_\_\_

Result: \_\_\_\_\_

Date of Result: \_\_\_\_\_

D. Did you appeal to the Georgia Supreme Court or the Georgia Court of Appeals from the result taken on any petition, application, or motion listed above?

First petition, application or motion:  Yes  No *working on it*

Second petition, application or motion:  Yes  No

Third petition, application or motion:  Yes  No

E. If you did not appeal from the denial of relief on any petition, application or motion, explain briefly why you did not: was told I have to file a habeas corpus

first then I can try to appeal Told to me from the Southern  
Civil rights group

F. If you appealed to the highest state court having jurisdiction, did you file a petition for certiorari in the United States Supreme Court to review the denial of your petition by the Georgia Supreme Court or the Georgia Court of Appeals?  Yes  No

13. Do you have any petition or appeal now pending in any court, either state or federal, as to the conviction under attack?  Yes  No *not yet*

14. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

At preliminary hearing: Elizabeth Parks

At arraignment and plea: Ingrid McLaughlin

At trial: N/A

At sentencing: Ingrid McLaughlin

On appeal: N/A

In any post-conviction proceeding: N/A

On appeal from any adverse ruling in a post-conviction proceeding: N/A

15. Do you have any other sentence, either state or federal, to serve after you complete the sentence imposed by the conviction under attack?  Yes  No

If so, give the name and location of the court(s) which impose any other sentence:

\_\_\_\_\_ N/A \_\_\_\_\_

State the date and length of any other sentence to be served: \_\_\_\_\_ N/A \_\_\_\_\_

Have you filed, or do you contemplate filing, any petition attacking the judgment(s) which imposed any other sentence?  Yes  No

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## PART II: STATEMENT OF YOUR CLAIMS

State concisely every ground on which you no claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. In necessary, you may attach pages stating additional grounds and facts supporting the same.

1.

GROUND ONE: 90 days No bond until my 160th day by  
law I am entitled to a bond

SUPPORTING FACTS. (Tell your story briefly without citing cases or law): No bond hearing  
since Fed 21 sat in Jail for 160 no bond no court re  
public Defender to contact me at what's going on I wrote  
4 Letters to the GA Bar she got mad then started to come  
and see me and do things

2.

GROUND TWO: Incompetent Counsel, I have never been in  
trouble in Georgia. In Florida at 18 yes but no problems ever  
were in GA

SUPPORTING FACTS. (Tell your story briefly without citing cases or law): I wanted to  
take it to trial but plead to probation because of the  
horrible things going on in the jail. I was beaten up for no  
reason by officers. I decided ~~instead~~ contacted Deena Long  
Civil Right in Washington DC she's gonna investigate that

3.

GROUND THREE: I feel was coerced into taking a plea  
because the counsel said it might be two years to take it  
to trial. I have a wife and 7 year old son that need me.

SUPPORTING FACTS. (Tell your story briefly without citing cases or law): I was defending  
myself with someone who had a gun to me I called  
911 and I went to jail. They never even investigated  
anything and I knew I would win in trial. But I am not  
sitting for 2 years my family needs me.

4.

GROUND FOUR: To much probation gives Speedy trial dismissed

Constitutional Right speedy trial O.C.G.A. § 17-7-170  
O.C.G.A. § 17-7-171

SUPPORTING FACTS. (Tell your story *briefly* without citing cases or law): I should have  
got nothing if I was able to take it to trial. I had incompetent  
counsel. Speedy trial dismissed when asked for.

**PART III: OTHER CLAIMS NOT PRESENTED TO A COURT BEFORE THIS**

If any of the grounds listed in PART II were not previously presented in any other court, state or federal, state *briefly* what grounds were not so presented, and give your reasons for not presenting them:

Judge Asha Jackson stated on record that she did not care if I lost my social security my family and I live on that. And counsel blamed the other counsel for not getting me a bond it should have been a SOR, DA says 5,000 Judge states 10,000 all on record in the court.

Wherefore, petitioner prays that the Court grant relief to which the petitioner may be entitled in this proceeding.



1-6-15  
Date

Joseph M. Arthur Blud

Warner Robin GA 31093

Signature and Address of Petitioner's  
Attorney (if any attorney)

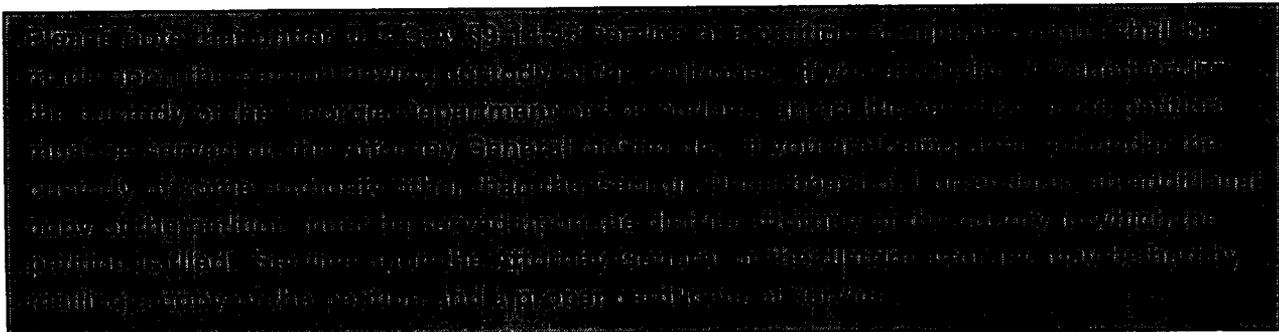
I declare (or certify, verify, or state) under penalty of perjury that the foregoing statements made in this Application for Writ of Habeas Corpus are true and correct.

Executed on 1-6-15  
Date

\_\_\_\_\_  
Signature of Petitioner

Sworn to and subscribed before me this  
Tuesday day of January, 2015.

\_\_\_\_\_  
Notary Public or Other Person Authorized to Administer Oaths





Daniel Battershell &lt;7thsigndb@gmail.com&gt;

## dekalb county abuse story

1 message

Daniel Battershell <7thsigndb@gmail.com>  
To: 7thsigndb@gmail.com

Fri, Oct 10, 2014 at 12:23 PM

On the date of February 14 2014 I a visitation which was on the video visitation screen scheduled at 8:00 pm. The officer on duties name was officer Crook. I went to him and stated that i had a visitation, he exclaimed no i didnt i stated it was on the video vistation screen. He told me go back to my cell, i stated to him let me speak to the Sergeant then, he said i will get one go back to your cell so i did without any problems. I waited for a while at this time it was approx around 11:00pm. Because we get locked down at 10:30 pm. All of a sudden officer Crook and another officer came by the name of officer Griffen. They told me to get up off my bunk and place my hands behind my back, i complaiend and asked for my bible, like i always do i carry it everywhere. So they let me take my bible remind you im still handcuffed hands behind my back with bible in hand with one officer on one arm the other on the other arm. They escorted me out of the dorm and we started going down hallways. I asked the officers are you taking me to see the Sergeant, officer Crook states shut the (bleep) up. At this point i was getting scared because i didnt know what was goin on or about to take place. I started using landmarks of were i was and noticed i was on the medical floor and thy had a camera in the hallway. I then started saying the Our Father Prayer because i was really getting scared. As i was saying the prayer officer Crook knocked my bible out of my hands i turned and said my bible thats when the violence towards me started. I was slammed from wall to wall dragged down the hall choked, i was even slammed into the plastic holder in front of internal investigations office. And that was in the hallway of the third floor medical floor. After i was slammed the last time, they dragged me to the elevator which was elevator 3 and tossed me in there like trash. And i laid on the floor in so much pain. Not understanding why they did this, i didnt fight them resist them curse them i complied with everything they wanted. As we got off the elevator we were in 3nw the mental health part of the jail. I was thrown into a chair and another officer by the name of Wilson was there. He states whats this guys problem officer Crook says we just got done slamming him around. Wilson states you should have came and got me i like slamming people around. A few minutes went bye and a nurse came in. His name was nurse Davis, he asked me what happened i started telling everything from the beginning to the current. Now officer Crook and Griffen started saying no hes crazy for real hes really crazy. I started saying back to them your lying you guys did this to me for no reason. Wilson at this point said nothing but just listened. As the back and forth with me Crook and Griffen continued nurse Davis told Crook and Griffen to please leave. Wilson stayed because there had to be a officer there with the nurse and an inmate but he said no more. I contiued on with nurse Davis and even told him thank you for listening to me because i wasnt lying. And i truely believe he knew i was telling the truth but he couldnt do anything maybe out of fear of losing his job or retaliation of the officers. So i stayed in 3nw for three days and went back to another dorm. After all that was done at the begninnig of March i started getting a real bad abdominal pain it was like a little ball. I went to medical they said it was a hernia, and asked do i work out i stated no and what is a hernia. They told me a tear in your intestines. They asked do you know how you got it any other way i said yes these officers slammed me, drug me, choked me, and tossed me like trash. After i told her that she stayed quiet and then the nurse said we will get you a hernia belt and put you on some pain medicine ibprofen. I said thank you. Well as time went on the hernia started getting bigger and hurting more and more to were i was dragging my right leg. So i consistanly went to medical, they the started taking me to Grady Memorial Hospital. Thats when the doctors there said i must have surgery, and they will set up a time with the jail to bring me in for the surgery. All of these things are documented with Grady Hospital, as well as in my medical file at the jail. I also filed three Grievance forms one of the forms went all the way to the Lieutenant of the jail. His name was LT. JONES. His response was there is not enough evidence to prove or disprove the complaint. I have the document he wrote back to me. My question to him at this point was did you even investigate all you had to do is look at the camaras thats your proff right there. And one thing i do know Dekalb Countys officers stick up for one another even when ther wrong. There are some good officers and they even know me because they let me be the house man clean up other dorms mop hallways etc . If i was to have fought these other officers i would not have even been chosen to do these things i made nothing but a good name for myself there. Officers who know me very well, Hunt, Curtis, Fennal, Stroud, Allen, Even Just team Burroughs, these officers no me. Even Sergeant Benton, Officer Coakley Mrs Thurman, Mrs Curry, horn. My other Grievances i filed were never responed back to. I have all the copies and also the grievance numbers, because i get a pink copy thats the inmate copy. The white copy says return to inmate after completion, and the canary is for the Administrative Remedy File.

GDC# 1097658

Order History for: BATTERSHELL DANIEL

Date: 10/03/2014

	MG/CC	PO	Quantity	
Klonopin	1 mg	1 po bid	60	3 Refills

Generic OK

Date: 10/03/2014

	MG/CC	PO	Quantity	
C - Change PROZAC	20mg	1 po q day	90	3 Refills

Generic OK

Date: 10/03/2014

	MG/CC	PO	Quantity	
Seroquel	100 mg	1 po tid	90	3 Refills

Date: 10/03/2014

	MG/CC	PO	Quantity	
Benadryl	25 mg	1 po tid prn	90	3 Refills

Meds I'm on  
and my Dr Name is  
Dr Dan

10/11/2014

Gmail - dekalb county abuse story

Grievance form no is G135513, Next is G135515, And last is G133128. Like i stated above i have the grievance response from the Jail Internal Investigations Unit who did nothing. They didnt even responed back on the other two grievance forms concerning this situation. I writing this to get help from someone for not only myself but so this doent happen to someone else. I have to suffer with pain and surgery all over abuse of there authourity. Its not fair i still i have rights weather im in jail or any where. This is the United States of America these things should not be happening and im not afraid to speak out maybe someone will come to my aide. I dont want this to happen to someone else . Please Help Me. I have no money to get a lawyer so i write so someone can help me.  
7thSign

Contact Information

Daniel Battershell

208 McArthur Blvd

Warner Robins GA 31093

478 ~~292 3576~~  
334 5071

**Social Security Administration**  
**Retirement, Survivors and Disability Insurance**  
Important Information

Office of Central Operations  
1500 Woodlawn Drive  
Baltimore, Maryland 21241-1500  
Date: November 14, 2014  
Claim Number: 305-94-6780HA



0002461 00047510 1 MB .435 1107M1T2R7PN T0205



**DANIEL C BATTERSHELL**  
208 MCARTHUR BLVD  
WARNER ROBINS GA 31093-3214

We are writing to you about your Social Security benefits.

**What You Should Know**

As you requested, beginning November 2014, we will send any Social Security payments to your:

- financial institution, or
- new account at the same financial institution.

If you changed accounts, you should keep the old account open until we send a payment to the new account. It usually takes us 1 to 2 months to change where we send payments.

Please let us know right away if your address changes so we can send any future letters to your new address. Also, let us know if you change the bank account where we send your payments.

**What We Will Pay And When**

- You will receive \$952.00 for November 2014 around December 3, 2014.
- After that you will receive \$952.00 on or about the third of each month.

