

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

February 24, 2015

To: Mr. David Britt, GDC91060191, Gwinnett County Jail, 2900 University Parkway,
Lawrenceville, Georgia 30043

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 _____
_____ The remittitur issued on _____
divesting this Court of jurisdiction. The case decision is therefore final.
- Again, your documents indicate that you intended to file your papers in the Eleventh Circuit Court of Appeals rather than the Georgia Court of Appeals. Please send your documents directly to the Eleventh Circuit Court of Appeals at the following address: 56 Forsyth Street, N.W., Atlanta, Georgia 30303.**

You do not need to provide the Georgia Court of Appeals with a copy of filings intended for the Eleventh Circuit Court of Appeals.

- 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.

United States Court of Appeals For The
ELEVENTH Circuit 15-10015-1
David Earl Britt Appellant vs. Britt Cowboy Appellee

Certificate of Interested Persons and Composite
Disclosure Statement Amendment
Supplement

Fed. R. A. P. 26.1-2 11th Cir. R. 26.1-2

11th Cir. R. 26.1-2 (C) the opposing party
must file a notice either indicating that the Cert-
ificate initially filed is correct and complete,
or adding any interested person or entities omitted
from the initial Certificate - No response.

The party^s served by David have not served
David with any notice^s etc. This is a direct
violation of this Court's rule^s and again David's
Constitutional rights are violated by more officials^s
than the one^s already named as party^s.

David is asserting that witness^s are also "party^s"
in proceeding^s that are civil as well as criminal.
The addition^s to David's case supplemented herein are
The "General Assembly" which is the legislative power of
The State of Georgia, The Executive Branch consisting
of the "Governor", the "Lieutenant Governor", and the
"Attorney General" of The State of Georgia, The Jud-
icial Branch consisting of any Judge within The State
of Georgia having certified to the Clerk^s of The Sup-
erior Court^s for payment^s under O.C.G.A. 9-14-53,
for The Cost of Habeas Corpus etc., The "Supreme Court
of Georgia" and "Court of Appeal^s of Georgia" Judges and
Justice^s who are liable under these conditions also.
The "J. Q. C." of The State of Georgia, The "Judge^s"
of The District Court^s and Court of Appeal^s for
this 11th Cir. who are alert to these proceedings in
these 2 "United States Court^s", The "United States"
"Attorney General" and "Department of Justice" who
have become party^s by being^s alerted to this proceed-
ing, Any Official in The Government having being

United States Court of Appeals for The
ELEVENTH Circuit 15-10015-D David Earl
Britt Appellant vs. BUTCH Conaway Appellee
C.I.P. and Corp. Disclosure Statement

served notice of David's Case who in Any way has
had time to intervene in this Action. Unknown
Party's MAY become AVAILABLE soon.

David request that this Amendment and Supp
lementation be Allowed on All Submission's in-
cluding Any petition, answer, motion etc. that he has
~~already~~ transmitted to this Court and that
Rule 2 be invoked as due to poverty, postage,
Material's, Pro-se Status etc. This request to ex-
tend until a full Adjudication in this Court and
Any other Court's Authorized to Consider ANY
Section of document etc. Concerning David's Case
or Case's whichever may be included in the Court's.

Herein David Pro-se Appellant in Compliance
with Rule 26.1-2 and Request for Rule 2,
Rule's of The 11th Circuit and Fed. R. P. have on
this Day February 2015 Submitted the Amend-
mented the Disclosure Statement etc. in the
Case herein and Any other Case referenced hereto,
by Addition of Party's herein and including Also Judge
Ronnie Batchelor and Undated Respectfully Submitted
Party's, And The
"United States"

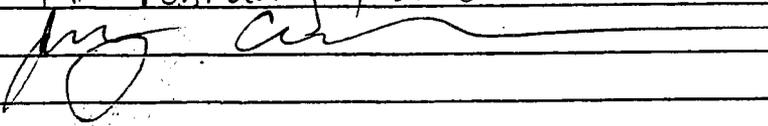
David Britt Pro-se
91060191
Gwinnett County Jail
2900 University Pkwy.
Lawrenceville, GA
30043

Congress
D.C.G.P. 51-10-1
Fed. R. Civ. P.
11th Cir. Fed. R. P.P.

NOTARY

19 February, 2015

Pro se



91060191
February 2015

United States Court of Appeals for The
ELEVENTH Circuit 15-19815-D C.A.A.
DAVID EARL BRITT Appellant v. BUTCH CONWAY Appellee

Motion for Leave for Rule 60, F.R.C.P. to The United
States District Court 1:14-cr-2922 and
14-15757-B Denial of Petition for Habeas Corpus
28 U.S.C. 2254 David Britt v. Butch Conway

David moves this Honorable Court for Leave to
motion the United States Court of Appeals for
the 11th Circuit Judge Tsoflat and Judge Wilson
and The United States District Court for The Nor-
thern District Atlanta Division Judge King and Judge
Evans in The Above under Rule 60 (B) (6) Grounds for
Relief from a Final Order etc. (6) any other reason that
justifies relief.

Grounds and Brief there to

David presented his 2254 petition for Habeas Corpus
to The District Court due to pending^s in The State
Court since April 2nd 2014 with no relief given thereon
or hearing or etc. merited claim^s could have been ruled
on by those Court^s to release David from Incarceration.

Judge King Magistrate recommended that petition be
Dismissed due to Jurisdiction (Successive Petition
Alleged etc. R & R Judge King). Judge Evans Denied
relief in petition and Adopted Judge King's recommend-
ations. (Order Judge Evans).

A form for filing a 28 U.S.C. 2244 request
for Successive Application was sent David upon re-
quest by this Court through Clerk's Office herein.

Judge Tsoflat and Judge Wilson Denied in Part
and Denied as Unnecessary in Part The Application.
(See 14-15757-B in this Court.)

These Dismissal^s and Denial^s referred to are
final Order^s Accordingly to Ruling and "Order" notice.

Upon Review of 11th Circuit Rules, Fed. R. Cr. P.
and Fed. R. Civ. P. and Case referring to 28 U.S.
C. 2254 Habeas Corpus Petition^s, David has been

(1)

United States Court of Appeals for The
ELEVENTH Circuit 15-10015-D

David Earl Britt Appellant v. Butch Conway Appellee
Motion for Leave for Rule 60, F.R.C.P.

given Insight: (As stated before, by the Grace of God),
to present Grounds and Arguments and Authorities,
Under 60.(C)(1) Timing etc.

David presented a Petition for Fed. Habeas
Corpus Britt v. Terry in 2008. This case was not
remembered until Judge King's R & R in reference
herein. There is still no Availability for David
to review Terry, due to Case not being accessible
through Lexis Nexis At the Law-Library at this
facility. "Service" may or may not have been made
on David due to his release 1 month after dispos-
ition date June 29th 2012 according to Case Cited in
Order from the District Court. David was released
on July 30th 2012 with no forwarding address. There
was no Appeal by David, or by remembrance of said,
David's Grounds will be listed here by Rule's and
Case's Cited in Fed. Rules Governing 2254 Case's, etc.

Rule 15 "Relation Back", Not mentioned by Judge's.

David's proposed Habeas Corpus Petition 1:14-CV-
2922 actually should have been construed as an Amended
Petition by the District Court Under less stringent
Application due to Pro-se status Poverty, and etc.

Rule 1 Rules of Civil Procedure for The United States
District Court's December 1, 2013, should be construed
and Administered to secure the just, speedy, and inex-
pensive determination of every Action and proceeding
Fed. R. Civ. P. etc.

The District Court and Appellate Court Judge's
Honorable's King, Egan, Tioflot and Wilson were not
Alerted to this by David, because he has just been
given the 2254 rules, but they know these rules.

Petitioner's proposed Amendments to Habeas Corpus
related back to Original Petition; third Claim in
Amended Petition was simply restatement of

United States Court of Appeals for The
ELEVENTH Circuit 15-10015-15
DAVID EARL BRITT Appellant vs BUTCH CONWAY Appellee
motion for leave for Rule 60. Fed. R. Civ. P.

factual issues raised in first 2 Claims of
Original Habeas Petition, and Core Claims that
Whether person had Confessed to Murder for
which petitioner had been convicted, were suffic-
iently noticed in petitioner's Original petition
so as to allow Amended petition to relate back.
~~Sturting v Bartlett (2003), WD NY 214 Fed 101.~~

This is just an example but does not direct-
ly relate to Case at hand,

Motion that Challenges only District Court's
failure to reach merit does not warrant such
treatment and can therefore be ruled upon by
District Court without Pre-Certification by Ct
of Appas pursuant to 28 USC 2244(b)(3)

Gen'ZALIZ v Crosby (2005) 545 U.S. 524, 135
S. Ct. 2641, 162 L. Ed. 2d 480, 18 FLW Fed 449

+ N David's Case Ex-Post facto Violation in
Direct Contravention of Court Order (Court Order
Special Condition, "while you are on Probation / 10 years,
you are to register", Registration 42-1-12 was
made to sign and Initial, for life-time) no
specific instructions, but to re-register before
Birthday, Nothing about "Oversight Visit", or no
curfew to be at home at certain time etc."

Granting Unconditional Habeas Corpus relief was
Appropriate remedy - Micken-Thomas v Vaughn
(2011, CA.3 Pa); 2011 U.S. App Lexis 1318.

When Habeas Petitioner's Fed. R. Civ. P. 60(B)
Motion seeks both to remedy purported defect in
review process and to challenge validity of Crimin-
al Judgment, Court must treat Motion as Succ-
essive; however proper remedy is not dismissal;
instead Opportunity must be given to elect between
deleting improper Claims or having entire

United States Court of Appeals for
The ELEVENTH Circuit 15-10018-D
David Earl Britt Appellant v Butch Conway Appellee
Motion for Leave for Rule 60. Fed. R. Civ. P.

Motion treated as Successive Application.
Reid v Angelone (2004, CA4 VA) 369 F.3d
363 -

David was not given any opportunity to amend or choose between claims for adjudicating on the merits by either courts herein.

~~The purpose of the writ is to safeguard a person's freedom from detention in violation of Constitutional guarantees and a prisoner in custody after pleading guilty, no less than one tried and convicted by jury is entitled to avail himself of the writ in challenging the constitutionality of his custody.~~

Blackledge v. Allison (1977) 431 U.S. 63, 97 S. Ct. 1621, 52 L Ed 136 -

David's claims could not have been presented in his case, Britt v Terry or not all of them anyway, they were not known until after release. Moore v Dretke (2004, CAS Tex) 369 F.3d 844 claim that petitioner is in custody in violation of Constitution or Treaties. United Nations Human Rights.

State Court was not required to appoint attorney for Habeas Corpus petition but Barrow County was required to appoint a conflict free attorney or allow David access to legal avenue for a self defense. Judge notes in that court refused both 6th Amendment to the U.S. Const., etc. 6th Const. itution etc. 14th Amendment, Due Process Denied.

Claimed post-release supervision (PRS) by Administrator's rather than by Judge's (Order), violate Due Process, NOT Cognizable Under 1983 Challenge had to be brought through Habeas Corpus.

Hardy v Fischer (2010, SD NY) 701 F. Supp.
2d 614

Habeas Corpus to determine if Petitioners

United States Court of Appeals for
THE ELEVENTH Circuit 15-10015-D
David Earl Britt Appellant v Butch Conley Appellee
Motion for Leave for Rule 60, Fed. R. Civ. P.

Conviction Violated Constitutional Law as Trovato v
Garvey v Kelly (2000, W.D. NY) 104 F. Supp. 2d
169, 14th Amendment Due Process Equal Right, 6th Counsel etc.
Court^s failed to recognize magnitude of Counsel^s
err. David^s pre-sentence, pre-trial, trial,
Mistrial, Sentencing Counsel, Stacy Levy did not
~~support duty of Counsel throughout proceedings.~~
Mr. Levy, not being able to determine if Regis-
tration requirement^s were going to be a
UNConstitutional demand, still had duty to
Advise and Consult, also with David of ~~any~~ Reg-
irement^s that would be mandatory if David
entered a Plea. Taylor a State.

Habeas Court is not barred from reviewing Claim
by State procedural rule where State Court^s them-
selves have not followed rule. Bell v Watkins (1982
CAS Miss) 692 F. 2d 999, CERT. denied (1983) 464
US 843, 104 S CT 142, 78 L. Ed 2d 134

The Criminal registration required by O.C.G.A. 42-
1-12 are not only UNConstitutionally vague and over-
broad they also violate the Constitution of the State
and United States as argued in David's submissions
which State^s Judge^s Dratty pronounced sentence in
which also many other violation^s exist of both
Constitutions, Articles therein and Amendment^s and
Clause thereof - However the merit^s of the claim^s
never being reached by the Court^s of the State or
in the District Court or the 2244 proceeding, in
this Court by Judge^s T. Soflat and Wilson. (Res-
pectfully).

The failure to give notice of the pendency of
proceedings for indicting David in the Superior
Court of Barrow County is a deprivation of Due

United States Court of Appeals for
The ELEVENTH Circuit 15-10015-D

Motion for Leave for Rule 60 Fed. R. Civ. P.

David EARL Britt Appellant v. Butch Conway Appellee

Process, the due process Clause requires as a minimum that the deprivation of life, liberty or property by adjudication be preceded by notice, and opportunity for hearing appropriate to the nature of the case in the same court. Barrow Superior Equal Protection Under Both Constitutions and State and United States both have provisions for Appointment of Counsel or to defend oneself in person.

An elementary and fundamental requirement of due process in any proceeding, under all circumstances, to apprise interested parties of the pendency of the action and afford them an opportunity to present their objections. Equal Protection, Barrow County gives others the notice, the opportunity to have counsel or defend their cause in person. Barrow Judge T. David Mote's denied David's request for an order to the Jail

Administrator's to allow David's "materials" (Case, Constitution copy, etc.) to be allowed where access would be available, and the pre-indictment hearing, committal, preliminary, motions, witness availability etc., Pre-Habeas Corpus may have been pursued, many avenues could have been pursued, others with the same alleged charge and worse in that court, not denied access as David was. The opportunity to be heard at the Arrangement; (the only court proceeding in which David was given) was disrupted when David told Judge Mote's; in response to Judge Mote's Alleging David had no choice but to accept the Attorney Katie Anderson; with conflict's presented by David, that; that case's referencing this kind of appointment was contested in cases where the client has to be consulted by the Attorney before final decision's by the Attorney's.

United States Court of Appeals for The
ELEVENTH Circuit 15-10015-1

DAVID EARL BRITT Appellant v. BUTCH CONWAY Appellee
Motion for Leave for Rule 60, Fed. R. Civ. P.

to be made are accepted. Esquivel is State.
NO NOTICE of any kind was given David prior
to indictment except that a warrant had been
taken, encouraging David to file a Demand for
Speedy Trial. As noted the time limit
for trial, 2-terms expired in the same
Term of Court as GRAND JURY INDICTMENT.

This Indictment demurred and argued in
this Court and Courts of this State and Habeas
Corpus petition denied in this proceeding 1:14-CV-
2922 which this was a result of the sentence
that is under review and was under review when
indicted. "Special Condition" for 10 years Not Life.
28 USC 2254 (A) David is in custody in
violation of the Constitution, etc. of the United
States.

(B) (1) (B)(i) There has been absence of Avail-
able State corrective process, "Suspended Habeas,"

(ii) Circumstances exist that render such
process ineffective, that have not protected
David rights, OCGA 9-14-c et seq. Denied

(B)(2) The Merits have not been adjudicated
in the State Courts or the District Court in
this specific petition; NEW to Courts.

(H) The Court may Appoint Counsel etc. 18 USC
3006 A.

David is being held without legal authority,
"Under Color of", the State Court has denied
David a "fair" Adjudication or any hearing in
which to contest incarceration in person.

Constitution of the State of Georgia and the
United States Constitution; The Right to Petition
for the writ of Habeas Corpus shall not be sus-
pended, etc. There is an absence of Available
State process thus far, to date.

United States Court of Appeals for
THE ELEVENTH Circuit 15-10015-D

David Earl Britt Appellant v. Butch Conway Appellee
Motion for Leave for Rule 6, Fed. R. Civ. P.

F.R.A.P. With ELEVENTH Circuit rule^s, Rule
2, Suspension of Rules, A Court of Appeals may
suspend Any provision of these rule^s etc., to
expedite it^s decision etc.

David Submitt^s this motion With Motive to have
his Case heard at the Earliest possible date.

This is AN incentive for Granting relief request-
~~ed and or any other relief possible and admissible~~
through this Court either by Motion^s submitted or
by Merit^s of Claim^s. David is NOT familiar with
how Any decision^s by this Court occur on the
time limit^s for them. So herein David Pray^s

this Court for expediting procedure^s (respect-
fully requested) by Above Rule 2 Authority, and
time limit having expired by Rule^s of response^s 10
day^s, F.R.A.P. and 11th Cir. R. 26. 1-2 (b) the
opposing party must etc. file a notice etc. The
Attorney General Mr. Sam Owen has not served
David Copy of Any document, record, etc. to date,
Nor has any Party responded to Any Action taken by
David in the State Appellate Court^s (with ser-
vice on David, Mr. Stephen Fern and Daniel Porter
did file a "Motion to Dismiss" in the Supreme
Court of Georgia "without service" on David of that
motion). Rule 4 of the Supreme Court of Georgia
has an Application and Oath required to be taken
in open Court or before a Justice etc. I do solemnly
swear etc. The Conduct sworn to before that Court
by Mr. Porter or and Mr. Fern was violated. This
conduct of these professional men, according to law,
and supporting the Constitution^s etc. has NOT been
kept "by these 2 Official^s and other^s involved in
David^s Case^s". Rule 6. Frivolous Appeal, The Court
May with or without motion impose etc. against
ANY party or Party^s Counsel etc. in Any Civil