

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

SCANNED

July 17, 2015

To: Mr. Charles Avery Brown, Crisp County Jail, 197 Highway 300 South, Cordele, Georgia 31015

Case Number: 2013CR090 Lower Court: County Superior Court

Court of Appeals Case Number and Style: A15D0489. Charles Avery Brown v. The State

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.
- 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: _____
- 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. Our records indicate John Mobley, Esquire, 1212 Chestnut Avenue in Tifton, Georgia 31794 as the attorney of record in the referenced application. We are returning your documents to you so that you may discuss them with Mr. Mobley.
- 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.

IN THE COURT OF APPEALS
STATE OF GEORGIA

CHARLES A. BROWN
APPELLANT
VS
STATE OF GEORGIA

FILED IN OFFICE
JUL 14 2015
COURT CLERK
CLERK COURT OF APPEALS OF GA
CASE NO: 2013 CR090

AMENDMENT TO SUPPORT
APPLICATION FOR DISCRETIONARY
APPEAL OF PROBATION REVOCATION
PURSUANT TO O.C.G.A. 5-6-35(A) 5

COME NOW, APPELLANT CHARLES AVERY BROWN
PURSUANT TO O.C.G.A. 5-6-35(A) 5 AND
IN ACCORD WITH THE GEORGIA COURT OF
APPEALS RULE 31, PRAYS THAT THE CITATION
AND EXHIBIT A AND EXHIBIT B BE AMENDED

STATEMENT OF FACTS

FEB-12-2015, MARCH-12-2015, JUNE-17-2015

PROBATION REVOCATION TRANSCRIPT

IS ATTACHED TO DISCRETIONARY APPEAL

RECEIVED IN OFFICE
2015 JUL 16 PM 3:47
COURT CLERK
CLERK COURT OF APPEALS OF GA

2

FEB-12-2015, APPELLANT CHARLES A BROWN WAS BROUGHT FOURTH FOR THE FIRST TIME FOR A PROBATION REVOCATION IN TURNER COUNTY— APPELLANT, REQUESTED FOR A PROBATION BOND— "SEE T-PAGE 2-6..

SUPERIOR COURT JUDGE CROSS STATED THAT SHE WOULD CONTACT CHIEF SUPERIOR COURT JUDGE JOHN PRIDGEN IN CRISP COUNTY BEFORE SETING A PROBATION BOND FOR APPELLANT CHARLES A BROWN "SEE T-PAGE 8..

MARCH-12-2015, APPELLANT REQUESTED FOR ANOTHER PROBATION BOND— SUPERIOR COURT JUDGE CROSS REFUSED TO SET BOND FOR APPELLANT CHARLES A. BROWN, "SEE T-PAGE 80..

MAY-26-2015, AND JUNE-17-2015

SUPERIOR COURT JUDGE CROSS NEVERED CONTACTED JUDGE PRIDGEN IN CRISP COUNTY LIKE SHE SAY SHE WOULD TO DETERMINE A PROBATION BOND..

SUPERIOR COURT JUDGE CROSS NEVER ONCE PROVIDE A REASON WHY SHE DENIED APPELLANT PROBATION BOND..

SUPERIOR COURT JUDGE CROSS ACTION IS CLEARLY ABUSE OF DISCRETION

3
ON FEB-12-2015, APPELLANT CHARLES A. BROWN WAS BROUGHT FORTH FOR THE FIRST TIME FOR A PROBATION REVOCATION HEARING IN TURNER COUNTY - APPELLANT, ARGUED TO THE COURT THAT THE PROBATION REVOCATION HEARING WAS UNTIMELY AND THAT THERE SHOULD HAVE BEEN A HEARING HELD IN 30 DAYS
"SEE T-PAGE 6...

SUPERIOR COURT JUDGE CROSS WENT ON TO SAY "UNTIL YOU GET OUT OF CRISP COUNTY JAIL, WE COULDN'T DO ANYTHING WITH YOU MR. BROWN - UNTIL THEY SAY WE CAN HAVE YOU, THAT'S WHERE YOU STAY -" SEE T-PAGES T-PAGES 10, 13, 14

APPELLANT URQUE, IF THAT WAS THE ISSUE, THEN WHY DIDN'T THE PROBATION OFFICER, THE DISTRICT ATTORNEY OFFICE OR SUPERIOR COURT JUDGE CROSS, TRY ANY OF THE FOLLOWING STATUTES IN A TIMELY MANNER...

- 1) O.C.G.A. 42-8-36
- 2) O.C.G.A. 42-8-36(A) 1
- 3) O.C.G.A. 42-8-34(9)
- 4) O.C.G.A. 48-8-38(d)

SEE COURT CASE

CAUIDWELL-VS-STATE, 211 GA APP 417 (1993)

4.
APPELLANT, REMAIN IN CRISP COUNTY JAIL WITHOUT BOND FOR A PROBATION WARRANT AND A PROBATION HOLD UNTIL FEB-11-2015...

APPELLANT, INCARCERATION IN CRISP COUNTY MADE HIM AVAILABLE, TO THE COURT FOR PROBATION REVOCATION HEARING IN TURNER COUNTY...

THE ACTION THAT HAS BEEN TAKEN BY TURNER COUNTY FROM ^{FEB}-12-2015, ON UP TO JUNE-17-2015, SHOULD HAVE BEEN THE SAME ACTION TAKEN MONTHS PRIOR OR AFTER THE PETITION BEING SIGN JUNE-24-2014, BY THE PROBATION OFFICER

THE PROBATION HOLD THAT WAS PENDING AGAINST APPELLANT FOR PROBATION VIOLATION WAS CRUEL AND UNUSUAL PUNISHMENT AND VIOLATES FUNDAMENTAL FAIRNESS 14TH AMENDMENT AND 8TH AMENDMENT U.S. CONSTITUTION...

SERVICE OF PROBATION DOES NOT MEAN THAT THE APPELLANT LIBERTY SHOULD BE SUBJECT TO PREJUDICE OR BIAS OR A MALICE PROSECUTION OR BE SUBJECT TO THE WHIM OR FANCY OF THE PROBATION OFFICER OR TRIAL JUDGE, "SEE COURT CASE,

LOMBARDO - VS - STATE, 244 GA APP,
885 S37 S.E. 2d 143 (2000)

5.
ON MAY-25-2015, STATE RESPONSE TO APPELLANT BRIEF IN OPPOSITION TO VIOLATION OF PROBATION "SEE EXHIBT 7"

THE DISTRICT ATTORNEY STATED, "IN THIS INSTANCE, YOU HAVE A DEFENDANT WHO WAS NOT BEING HELD IN JAIL SOLELY ON HIS WARRANT FOR PROBATION VIOLATION THE DEFENDANT WAS ALSO BEING HELD IN THE CRISP COUNTY JAIL WITHOUT BOND BECAUSE OF THE NEW FELONY CHARGES HE RECEIVED "SEE COURT CASE,

JACKSON -VS- STATE, 6 N.E 3d 1040 IND CT APP (2014) ALSO SEE EXHIBT "A"

EXHIBT A," CLEARLY SHOWS THAT APPELLANT WAS NOT BEING HELD IN CRISP COUNTY JAIL WITHOUT BOND BECAUSE OF THE NEW FELONY CHARGES

APPELLANT URQUE THAT THE COURT NEVER PRODUCE THE PROBATION WARRANT THAT GOES WITH THE PETITION FOR PROBATION VIOLATION... "SEE COURT CASE,

SIMON -VS- MOSELEY, 452 F 2d 306 1971)

CONCLUSION

FOR THE REASON DELINEATED ABOVE THE APPELLANT REQUESTS THAT THE COURT OF APPEALS OF GEORGIA GRANT THIS AMENDMENT IN SUPPORT APPLICATION FOR DISCRETIONARY APPEAL OF PROBATION REVOCATION

RESPECTFULLY SUBMITTED THIS
13 DAY OF JULY-2015

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY THAT I HAVE THIS DAY SERVED ASSISTANT DISTRICT ATTORNEY ROBERT A. ROGERS A COPY OF THE FOREGOING AMENDMENT TO SUPPORT APPLICATION FOR DISCRETIONARY APPEAL OF PROBATION REVOCATION

MR. ROBERT A. ROGERS
ASS. DISTRICT ATTORNEY
PO BOX 1252
225 N. TIFT AVENUE, 3RD FLOOR
TIFTON GA 31794

THIS 13 DAY OF JULY, 2015

MR CHARLES A BROWN
*5012 196 Hwy 300 South
CORDELE GA 31015
(Charles A Brown)