

# COURT OF APPEALS OF GEORGIA

## RETURN NOTICE

February 25, 2015

To: Mr. Daniel Cobble, GDC758572, Georgia State Prison, 300 First Avenue, South, Reidsville, Georgia 30453

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 current 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: \_\_\_\_\_
- 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.

Tucker of Georgia court of Appeals

from Daniel Eric Cobble 758572 GPC#

Georgia State Prison 300 1st Avenue South  
Reidsville, Georgia 30453

February 18 - 15

① ~~\_\_\_\_\_~~

This is a direct appeal of a criminal motion

Just recently denied

② When I'm appealing is inside

③ Please acknowledge receipt of this?

④ a notice of intent to appeal has already been

filed in Superior

⑤ only file sides of these p's but aint let out, ok?

⑥ I am defendant

⑦ Please send me free copy of IFL?

⑧ I am indigent,

⑨ I & B p's inside

RECEIVED IN COURT  
2015 FEB 24 AM 11:32  
CLERK OF SUPERIOR COURT  
COUNTY OF APPEL, GEORGIA

Daniel Eric Cobble  
pro se defendant





Gifts or inheritances?

Yes  No

Any other sources?

Yes  No

If the answer to any of the above is "Yes," describe each source of money and state the amount received from each source during the past twelve months: NA

4. Do you own any cash, or do you have money in a checking or savings account? (Include any funds in prison accounts):  Yes  No for my wife

If the answer is "Yes," state the total value of the items owned: \_\_\_\_\_

5. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)?  Yes  No for my wife

If the answer is "Yes," describe the property and state its approximate value: NA

6. List the persons who are dependant upon you for financial support, state your relationship to those persons, and indicate how you contribute toward their support: \$650 child support

Child support to pay Stephanie Bizzers a person on 15th each month for my minor son, as part of Legitimation hearing on July 15, 2001 Cobb Superior, I filed in April 2001

I understand that a false statement or answer to any question in this affidavit will subject me to penalties for perjury and that state law provides as follows:

- a. A person to whom a lawful oath or affirmation has been administered commits the offense of perjury when, in a judicial proceeding, he knowingly and willfully makes a false statement material to the issue on point in question
- b. A person convicted of the offense of perjury shall be punished by a fine of not more than \$1,000 or by imprisonment for not less than one nor more than ten years, or both. O.G.C.A. § 16-10-70.

Daniel Cantello  
Signature of ~~\_\_\_\_\_~~ Dependant

1-26-14  
Date notary

Date mailed 2-18-15

At the business office of Georgia State Prison

I need 8 of the 5 forms filled out  
and all 12 years of my account summary (not 1 ps)  
For all 8 times

\* THIS FORM IS TO BE COMPLETED ONLY BY AN AUTHORIZED INDIVIDUAL AT THE INSTITUTION WHERE THE INMATE PLAINTIFF IS PRESENTLY INCARCERATED, OR HIS/HER DESIGNEE.

CERTIFICATION

I hereby certify that the Plaintiff herein, Daniel Cobble  
has an average monthly balance for the last twelve (12) months of \$ 0.83 on account at  
the Georgia State Prison  
institution where confined. (If not confined for a full  
twelve (12) months, specify the number of months confined. Then compute the average monthly balance  
on that number of months.)

I further certify that Plaintiff ~~likewise~~ had the following securities according to the records of said  
institution: N/A

Jimmy Moore 2-10-15  
Authorized Officer of Institution Date

NOTE: Please attach a copy of the prisoner's inmate account of the last 12 months, or the period of incarceration (whichever is less).

Daniel E. Cobble  
From Daniel End Cobble 75857d  
K-1 16 G.S.P. on 2-9-15  
also did you send out my 29 manilla (OX) 13 incase envelopes  
special indigent mail last wednesday night if not?  
also did you send out last wednesday legal indigent mail?  
also did you send out last wednesday non-legal indigent mail?

Spendable Amount	Reserved Amount	Receipts on Hand	Funds Balance	Obligations/Court Charges
\$0.00	\$10.00	\$0.00	\$10.00	\$5,717.04

Receipt Date	Transaction ID	Receipt Type	Receipt Details	Receipt Amount
12/29/2014	13794023	MAIL ROOM RECEIPT	GEO GROUP INC. - 14900	\$10.00

**WITHDRAWALS**  
No withdrawals for this offender in the past 60 days.

Date	Location Incurred	Obligation Type	Payable To	Obligation Detail	Amount	Paid
02/09/2015	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	GA STATE PRISON	RECORD ID = 18757475. 2/3/15 CS	\$0.92	
02/05/2015	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	GA STATE PRISON	RECORD ID = 18754035. 1/28/15 IP	\$2.45	
02/01/2015	CENTRAL ACCT-OFFENDER TRUST	MONTHLY PROCESSING FEE	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee for 02/2015	\$1.00	
01/26/2015	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	GA STATE PRISON	RECORD ID = 18627942. 1-22-15 CS	\$0.92	
01/26/2015	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	GA STATE PRISON	RECORD ID = 18627527. 1-15-15 IP	\$2.45	
01/22/2015	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	GA STATE PRISON	RECORD ID = 18621512. 1-8-15 IP	\$9.02	
01/14/2015	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	GA STATE PRISON	RECORD ID = 18607550. 01-02-15 IP	\$2.45	
01/12/2015	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	GA STATE PRISON	RECORD ID = 18601350. 12-29-14 IP	\$3.92	
01/12/2015	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	GA STATE PRISON	RECORD ID = 18601229. 12-29-14 IP	\$3.84	
01/01/2015	CENTRAL ACCT-OFFENDER TRUST	MONTHLY PROCESSING FEE	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee for 01/2015	\$1.00	W
12/30/2014	CENTRAL ACCT-OFFENDER TRUST	RESTITUTION/DAMAGE PROPERTY	GEORGIA DEPARTMENT OF CORRECTIONS	RECORD ID = 18477670. 12-29-14 DR# 526464 SPRINKLER HEAD	\$87.00	
12/29/2014	CENTRAL ACCT-OFFENDER TRUST	DISCIPLINARY REPORT FEE	GEORGIA DEPARTMENT OF CORRECTIONS	RECORD ID = 18475327. DISCIPLINARY NO : 526464	\$4.00	
12/29/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	GA STATE PRISON	RECORD ID = 18475308. 12/23/14-CS	\$0.92	
12/29/2014	CENTRAL ACCT-OFFENDER TRUST	DISCIPLINARY REPORT FEE	GEORGIA DEPARTMENT OF CORRECTIONS	RECORD ID = 18475279. DISCIPLINARY NO : 526274	\$4.00	

**COURT CHARGES**  
No court charges for this offender in the past 60 days.

**COURT CHARGE MODIFICATIONS**  
No court charges modifications for this offender in the past 60 days.

In the Georgia court of Appeals  
State of Georgia

State of Georgia

v.

Daniel Eric Cobble

Defendant

Criminal  
#

appeal of criminal  
matter

Brief

of Direct appeal of Feb 2015 criminal motion denied

I Defendant Daniel Eric Cobble appeal  
for the following legal reasons

by Daniel Cobble  
pro se defendant

Master List of uncorrected errors PS

1st error: Ruler Contrary to Federal Criminal motion to vacate criminal convictions laws

2nd error Ruler contrary to Federal laws requiring states to have state equivalent jail laws Federal government has, by state not have motions to vacate criminal records

3rd error Ruler contrary to O.C.G.A 42-5-50

4th error Ruler contrary to Apprendi v. New Jersey Deco U.S. Supreme holding that a judge can not sentence defendants to consecutive ~~sentences~~ sentences, only judge can sentence to consecutive time.

when judge did not sentence me

but judge did rule in case itself

5th error Ruler contrary to O.C.G.A 42-6-1 thru 42-6-20 Detention act laws

6th error Ruler illegal since defendant was never given chance to file either Reconsideration or certiorari with Georgia court of appeals and Georgia Supreme, since defendant was not served with 2009 April 19 appeals Ruler till over 21 days after Ruler, too late to appeal,

7th error Ruler illegal since Georgia court of appeals never saw entire Record of case defendant was illegally in prison for in 2004 appeal since clerk of court did not have entire Record to send them and still didn't allow, since only hearing victim testified in is missing from court clerk's Records and that testimony of victims proves defendant did not go to victims home since victim did not live there but and proves defendant had never hit or threatened def so she never qualified to get TPO, so I can't make an illegal TPO, see unhearing & days warning arrest, it's missing

8th error: Ruler illegal since defendant did not know hearings (S) was missing from transcripts since defendant never given any transcripts till years after Georgia court of appeals 2004 Ruler & Cobb case and not till after I cost Superior court habeas. so I can't not appeal properly without transcript

9th error Ruler illegal since my sentence not being abided by, as I was not sentenced to be Respectfully treated crueilly as I am treated.

## Substantial Statement p3

Since I've been in Segregation over 90% of time since 2003 thru to now 2015 and has not been out of hole since Spring 2009 to 2015 at all due to my fear of being framed again by prison system, then I've not been allowed access to Law Library Research or books at all, so I can't get a hold of proper Jurisdictional code, but from previous experience of every time I timely put out appeal to Georgia court & appeals in mail and timely put notice of intent to appeal in mail to Superior as I've always done, but prison system keeps censoring my mail or delaying my mail, so appeals court keeps blaming me for further delays & still timely, that I did put in mail timely when I have had proper 1st appeal on either Cobb or Wilcox cases in 2004 or 2009 so my habeas writ is state equivalent of a motion in Low Library I filed in Superior, but court said I can't file it, so as to a criminal Superior motion denied in appeals, then the Georgia court I appeal, since by law have Jurisdiction to hear this direct appeal under 1983 Georgia constitution

IN THE SUPERIOR COURT OF WILCOX COUNTY  
STATE OF GEORGIA

STATE OF GEORGIA,

v.

DANIEL ERIC COBBLE.

\*

CRIMINAL ACTION NO.  
2004-CRW-073

\*

\*

\*

MOTION TO VACATE  
CONVICTIONS

ORDER

Defendant Daniel Eric Cobble filed a Motion to Vacate his convictions on October 10, 2014. To any extent Defendant is actually moving to vacate or modify a judgment of conviction, such a motion is not a proper remedy in a criminal case. **Harper v. State, 286 Ga. 216 (2009).**

Therefore, the Defendant's Motion to Vacate is **HEREBY DENIED.**

SO ORDERED, this 7 day of February, 2015.

  
ROBERT W. CHASTEEN, JR.  
JUDGE, SUPERIOR COURTS  
CORDELE JUDICIAL CIRCUIT

procedural history

me, my son Brandon, victim Stephanie Higgins, and my mother  
 were all living in my moms house, when victim told me said  
 I'm leaving, I said leave when you get back from work,  
 she said no I'm leaving leaving, and walked out I didn't  
 see or heard from her or my son since, that afternoon Stephanie  
 brought me TPO that got me kidnapping my son, and she did  
 it to avoid eviction laws, she has not let me communicate  
 with my only child since and a means to use my son as a weapon  
 against me to get back at me for my breaching her heart since  
 I told her to her face for 1 1/2 years we were a couple in my  
 moms house that I did not love her, but still loved  
 Felicia Gonzalez girl I got arrested for on 2-17-97  
 but had these charges all exp-gone, but Stephanie did not let  
 TPO (year before my arrest, she continued to live with my  
 mom for another 9 months, then left to stay in a room in a other  
 woman's house in one near City of Hillburn purchasing company  
 in April 2001, so I followed her many cert times in April  
 2001 to find out where she lived so I could write TX OUVs to  
 give to sheriff so they could serve her with custody papers  
 but she never went home, so when I found out I could have  
 her served on 7-10-01, I did, in May 2001, hearing for custody was  
 set for July 10, 2001 but set in July 2001, so my best July 10 2001  
 victim went to get another TPO to use to help her in custody  
 a tactic when I had not even went to court to challenge this  
 TPO till 2 days after my July 15, 2001 arrest, so July 9, 2001  
 Cobb magistrate TPO was superseded by July 10, 2001 Cobb  
 legitimation having child support order I told her to make pay  
 victim in person on LSR and KTR, so 5 days days es  
 I did not know where my ex lived, I went to give child  
 support money to my mom for my kids to give to victim on 7-15-01  
 July 2001 and to get my hair, but my ex decided to show up  
 at fringe bars and then say she was there 1st as per cops so  
 but I never heard her say that, I did not (appear) within  
 50 yards, so when cops stole money out my car I try to stop  
 them, nobody ever investigate, they let my mom get my check book  
 from bank of America with my card, that's what cops did I could  
 not see any badge due to pepper spray in my eyes, then  
 while in prison while Cobb case was under timely appeal, GDC  
 finally let charges me from Wilcox State Prison for a story they  
 made up out of thin air, but never happened in prison for my  
 grandsons, when GDC did not have plans to have me in prison

enumeration servers p 7 & 7 p 10

1st enumeration server: Ruler contrary to Federal Criminal  
infringe vacate conviction laws

argument and citation for authority: Federal defendants can

file a motion to vacate their criminal convictions, therefore  
its unequal treatment of law for state defendants not to  
be able to do same thing, see US constitutional 8th  
amendment Right to equal protection & (quo)

2nd enumeration server: Ruler contrary to Federal Laws Requiring states  
to have equivalent laws at state level (all Federal laws)

argument and citation for authority: Fed's require they have no  
694 amity towards states by not intervening in states processes  
unless extraordinary circumstances apply because states are  
required to be given chance to do same things Fed's do not want  
Fed's having to do it for them) that's what law says, that  
the authority that says states required to have a motion  
to vacate as a remedy as to criminal convictions, though  
that's federal law supersedes state case law unless judge  
mentions in his Feb 3, 2015 Ruler, so judge unless  
is wrong, a motion to vacate is a remedy and prayer letter

3rd enumeration server: Ruler contrary to OCOA 42-5-50  
and/or OCOA 42-5-51

argument and citation for authority: OCOA 42-5-50 and/or

OCOA 42-5-51 says Georgia Dept. of corrections  
can not take custody of an inmate until after Georgia  
court appeals its res Remittitur on timely appeal case.  
that means since my case was timely appeal case.

and Remittitur was not issued till July 2014, that means  
Georgia Dept of corrections lacked authority to have me at  
Wilcox State prison in May 2014 for them to charge me  
with a Wilcox prison May 2014 crime, so now that  
Georgia lacks jurisdiction to hold me for it so Wilcox  
lacked authority to prosecute me in 2014, 2015 to sentence me  
so my current sentence is still illegal today see

3rd enumerated errors argument and citation for Thurston continues

COB case 0195017-35 Indict # finally hope to appeal filed with in 30 days of May 13, 2003 Sentence, by me, see July 2004 Georgia court appeals Remittitur on above COB case criminally # AC# 40884

see Wilcox May 2004 state prison number # 2004 ERW 073 In now, illegally in prison

4th enumerated error Rules contrary to Apprendi v. New Jersey 2000 U.S. Supreme Court case

argument and citation for Thurston The Rest of case law cited 530

U.S. 466, 107 L. Ed. 2d 435, 120 S. Ct. 2348

says (only a Jury, not a Judge, can sentence defendants to consecutive prison sentences)

So since a Jury did not sentence me to consecutive sentences, but a Judge by fraud my innocence & guilt, then Judge in Wilcox only COB cases best practice, authority to sentence me to consecutive terms, so all 4 years consecutive sentences have to be converted to concurrent, so the 14 years straight fine time already done, 39 years free on bond, as all my sentences are 5 years each, starting July 15, 2001, so I should have been freed on both cases from July 14, 2006 (so Order me freed now?)

5th enumerated error Rules contrary to O.C.G.A. 42-5-1 thru O.C.G.A. 42-6-20 laws

argument and citation for Thurston O.C.G.A. 42-5-1 thru

42-5-20 says Georgia Dept of corrections has to get a proper detainer from Redistrict attorney, District County prior to taking me out of O.A.C. custody and putting into court for Superior custody, or else court lacks jurisdiction to present me

That means since O.A.C. never got any detainers at all from Wilcox D.A. prior to frequent changes me with Wilcox May 2004 state prison laws at another charges, that now in 2005 my sentences are illegal

6th enumerated error Rule illegal since I was illegally  
denied access to appeals until finally in 2009 to file any appeal  
due to illegal state interference

~~6th enumerated error~~

argument and citation for authority: Bowers v. Smith

1977 U.S. Supreme says to have U.S. constitutional right  
to a court of appeal in criminal case.

but when despite my state bar grievances from August prison  
agencies they appeal attorneys, attorneys still intentionally sent  
April 19, 2009 appeals court Rule to validate state prison  
knowing I was not free, Ben validate followers 21  
days to get it to me at A.S.M.P. so I lost right to  
file Recens, derogate with you in 10 days and lost  
right to file certiorari in both Georgia Supreme and in

~~U.S. Supreme~~ U.S. Supreme, so my 1 year to file habeas ~~started~~  
~~started~~ started months earlier than if I had not have  
if I had been finally allowed to appeal

so my 2012 federal habeas # 5:12-cv-86 in  
mexico would not have been finally untimely by 2 days,  
and by 28 USC, 2248 states federal to finally killing  
lawyer 2014 habeas cases, I would have been federal  
habeas about state to be 1 day to file

7th enumerated error: Rule illegal since I never had right  
to file appeal in 1st place, since evidence beneficial to my  
was missing from Recens of original prison case, so appeals  
court could not see it, so would certainly enter

argument and citation for authority: 3 Henry missing from  
Cobb's prison court clerk's Recens even now 2015 from  
2003 May Jury trial case # C15017-35 as even Cobb  
magistrate TPO evidence Henry that did have a court reporter  
Recording it in my eyesight, but was never transcribed.  
when my st said it that she did not live in Cobb county  
since April 2001, proving she did not live in Henry Prison

~~772~~ 772 enumeration error argument production Sunbury center  
epi-metatarsus ps 4

July 15, 2001 and she never denied my testimony I am  
never threatening or hitting her, and she never presented  
any evidence of any domestic violence type, so that proves  
she never qualified to get it, and her reasons for asking for  
TPO I was never ~~sitting~~ writing work I was never verbally  
abused, and CGSA says sincere testimony proves  
men she married and married in with 3 months ~~of~~ of  
arrest, his testimony at my trial was lie, and as she did  
not testify at my trial, then his testimony is not relevant  
entirely by law I perjury, so without his testimony  
evidence that says she was there 1st, as TPO did not  
tell me not to be around her, instead I said do not  
appear here, so as I was at my own legal meetings and  
was not breaking any civil TPO order, and as  
no hearing was ever held to suppress hearings then  
for then not to be in Reena's care process violation  
595 statement constitution of Pigeon to not have  
favorable evidence denied ~~any~~ any and she did  
put civil TPO itself on her, then he can't just put  
some civil and get other in my criminal Reena's  
seele history, and Feb 2003 civil competency  
special jury hearing start, starting from 1972  
1972 as assisting Juvenile Judge Stephen Schuster  
can attest he delays it to fix my glasses, but  
in that delay hearing times I then plea to disturb  
aggravated stalking, to go home that day in 2003 but  
I turned down that plea to go to trial where I  
thought my name would be subpoenaed in  
my side to back up my testimony, I did not know  
they were coming, but missing hearing proves they  
did not think guilty ~~any~~

72 enumeration argument on citation further  
confirmed again

so proves D.A.'s assertion of my trial in 03 cell  
case, that I never prior directive being change to security  
was a lie by D.A. or else if he thought me a danger  
I'd not have seen Steven together in Feb 19, 2003  
and by law I can't be sentenced to more than  
lowest plus 5 years, since he'd otherwise want to  
punish me for pleading innocence, which would  
be illegal coercion (and) 2003 cell system  
labels 241 present I'd be then #02-170172  
99 Dec 10-10/172-35 Dec 10/172-35 for cell entrance  
cell record, that I was never given any hearing  
as an a still being in our custody, so being denied  
access to a lawyer for 13 years is causing prison  
injustice and state never challenged at all my  
I'd never been given proper chance to appeal it  
so as state's demands I was arrested for me  
admission for no probable cause, and no warrant  
was issued till 5 days after my arrest, that as  
my arrest illegal too. so that was unjust & heinous  
I'd be the 13 years a heavy fee 5 days

82 enumeration even relevant legal as I was not given  
any record (trial transcripts) full years with appeals  
Ruhul and with 13 years in heinous, so I cannot  
properly appeal in 2004

argument on citation further: George W. Bush supports

and all other courts require me to quote what I said  
transcribed things were done wrong, but I cannot  
do that as my recollection is with appeals records  
I'd not get transcripts till 2007 then only get  
part of them in the uniform appeals court records

~~some more information...~~

9th enumeration: Ruler illegal since my prison  
status was not being broken by it that says  
I was sentenced to cruelty, that is during

agreement and citation sentence: ① I was not sentenced

to abide by any G.P.C. policies, yet G.P.C. policies are  
way out there, criminal and civil laws that suffer on  
the street to keep citizens in line, similar to subject

through a street, ② I was not sentenced to tell 2  
program that G.P.C. sentenced me to ③ I was not  
sentenced to have to go without seeing my tv, magazine  
newspaper for 5 years now, when after minutes see  
all that at state expense ④ I was not sentenced to ~~not~~ not  
be allowed to see prison G.P.C. rules, as G.P.C. duty time,

⑤ I was not sentenced to lose 60 pounds muscle mass  
every week in cages, without case or anything  
at all with so much so I can't do anything, feel  
I could with a prison shower from 15 minutes do  
to 1 hour of feed prison gives minutes, when I will see  
enough for 2 years I was it told I will get 100  
not be see prison full prison, my private prison fees  
literally process and fees to other make us state

⑥ I was not sentenced to have any county living  
arrange without application given for decades ⑦  
I was not sentenced to have my mail held, best, by  
G.P.C. ⑧ I was not sentenced to have window with open  
with heat off, no pillow no blanket myself fetch

⑨ I was not sentenced to stand up when and where G.P.C.  
tells me to or else I get DR and prison 50 years

⑩ I was not sentenced to have any legal work not  
return to me when I sent it to court as evidence  
refuse to me since 2001 ⑪ I was not sentenced to not  
have any of G.P.C. procedures ever investigated ⑫ I was  
sentenced to not see her for any only child for 14 years

⑬ I was not sentenced to have any of G.P.C. procedures  
any had done in any of G.P.C. procedures, refuse

enumerated errors #47

1-2 enumerated errors

: Ruler contrary to COB child

support order

argument and citation from trusty ; and after my ex

got a TPO, we had a legitimation hearing on our son,  
 civil # 0110426534 on July 10, 2001 5 days  
 before my so called case, so unexpectedly to me at  
 that July 10, 2001 hearing my ex asked for child support  
 then, and Judge told me to pay Stephanie Bissers  
 in person on 15th day month, so 5 days later I  
 went to my mans house 1909 Harmony Rd to pay my  
 man child support to give to my ex since I did not  
 know where my ex lived at, and I was getting my mind  
 fee so when 2 court orders exist, I says  
 don't approach my ex, one says pay her in person,  
 which do you follow? answer is you follow the  
 newer order, and you follow higher courts order,  
 well TPO was magistrate order, on July 9, 2001, but  
 child support order was Superior order on July 10  
 2001, so child support supersedes TPO, so I  
 was abided by child support order by going with  
 Soc yards my ex on July 15, 2001 when she  
 approached me, so I was not in commission of  
 crime Jegg equated to stalking, says arrest for violating  
 TPO was contrary to child support, so my arrest was  
 illegal, so I had right to resist illegal arrest, so  
 my imprisonment was illegal at will case state prison  
 so cert fees at prison was not in lawful discharge  
 their official duties, so all COB # 015 017-35  
 case charges and all will case charges 2004 CR 073  
 are all null and void, so is all sentences, so free me, and  
 all pending charges arisen since are illegal for same  
 reason, so I want my Right, scattergun, like a law  
 still requires me given up on release from prison

exhibits A, B, C, D, E

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People of Georgia Court of Appeals

from Daniel Eric Cobb 758572  
GDC# Georgia State Prison 300 1st Avenue  
South Reidsville, Georgia 30453  
Today is ~~2-18-15~~ 2-19-15

① you ain't told me criminal case # yet  
to my appeal I sent you on 2-18-15 but please  
add enclosed evidence to that case, ok?

② please acknowledge receipt of this?

③ Please beware prison only picks up indigent  
prisoners mail 1 day a week (Wednesday after 6pm)  
and it don't leave prison till (Friday ~~6am~~ after 6am)  
so any mail you send me I can't respond to instantly,  
ok?

④ enclosed was paid for by stamps I bought from other  
inmates with my dinner trays

RECEIVED IN OFFICE  
2015 FEB 24 PM 2:45  
CLERK/COURT ADMINISTRATOR  
COURT OF APPEALS OF GA

by Daniel Eric Cobb  
people defendant

In the Georgia Court of Appeals

State of Georgia

v.

Daniel Eric Cobble

Defendant

Criminal  
#

Appeal of  
2-10-15 Wilcox  
Superior Rules may  
handwritten motion to  
vacate, not illegitimate  
proof

Amended Direct appeal

enclosed is evidence that proves  
Wilcox Superior Feb 2015 Rules was wrong and a lie  
since Wilcox said a motion to vacate is non-existent  
in Georgia, but I say if that was true then what  
the Hell do you call attached motion to vacate forever  
that Prison Law Library sent me in in house mail on 2-19-15  
I got Feb 18, 2015 9pm with doc case law printed out by a  
machine proving motion to vacate does exist

RECEIVED IN OFFICE  
2015 FEB 24 PM 2:45  
CLERK/COURT ADMINISTRATOR  
COURT OF APPEALS OF GA

Today's ~~2-19-15~~  
2-19-15

By Daniel E. Cobble  
pro se Defendant

## EXHIBIT A

8 pgs in a form Prison Law Library sent me  
and 1 envelope they sent me too

exhibit A

IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

STATE OF GEORGIA  
Plaintiff

Vs.

\_\_\_\_\_

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\*  
\*

Criminal Action No. \_\_\_\_\_

Motion To ~~Modify~~ Modify, Correct, or Set Aside and Vacate  
Sentence By A Person In State Custody

Comes now Defendant \_\_\_\_\_ acting PRO-SE in the  
instant Motion, hereby respectfully moves this Honorable Court to permit him to proceed  
in this motion to the Superior Court Of \_\_\_\_\_ County to vacate, Set  
Aside, Or Correct Sentence from the Judgement of Conviction that was entered here  
on, \_\_\_\_\_.

The offenses for which Defendant was convicted and found guilty are:

1.

2.

The proceeding in which, defendant was convicted was a Jury Trial beginning \_\_\_\_\_ ending in a guilty conviction on \_\_\_\_\_. The Trial was held before the Honorable: \_\_\_\_\_, a Notice of Appeal was filed on \_\_\_\_\_ and denied on \_\_\_\_\_.

3.

Defendant, \_\_\_\_\_, will show that there is no limitation of time within which a Motion to Vacate, Set Aside, Or Correct Sentence may be filed. See: Gonzalez V. State, 201 GA. App. 437, 438, 411 S.E. 2d 345 (1992), The Court pointed out that where a void sentence has been imposed, "Then A new and valid sentence can be imposed by the trial judge at any time."

4.

Defendant is showing according to the 1983 decision of Brock V. State, 166 GA. App. 649, 305 S.E. 2d 180 (1983) The Georgia Court Of Appeals held that where the Trial Judge, in part, based his sentence on the fact that the defendant was going to appeal the case, the sentence had to be vacated. Therefore Defendant contends that the Trial

Judge, Jurisdiction be invoke as Judicial Review under Georgia Constitution 1983, Article VI, Section VI, Double Section II And III.

5.

Defendant invokes this Court's Jurisdiction, Authority, And Scope not only under State V. Jones, 249 GA. App 199, 548, S.E. 2d. 29 (2001) but also under Farist V. State, 249 GA. App. 320, 547, S.E. 2d 618 (2001) The court retains Jurisdiction to impose a valid sentence in this case at anytime, Sherman V. State, 237 S.E. 2d. 5 (1977)

6.

Motion to Vacate, Set Aside, Or Correct Sentence by a person in state custody:

Jenkin V. Montgomery, 248 GA. 696, 285 S.E. 2d. 706 (1982)

Brock V. State, 166 GA. App. 649, 305 S.E. 2d. 180 (1983)

Crumbly V. State, 261 GA. 131, 409 S.E. 2d. 517 (1991)

Wade V. State, 231 GA. 131, 200 S.E. 2d. 271 (1973)

Sledge V. State, 245 GA. App. 488, 537 S.E. 2d 753 (2000)

Dunlap V. State, 231 GA. App. 82, 497 S.E. 2d 640 (1998)

Hill V. State, 274 GA. 591, 555 S.E. 2d 696 (2001)

Conclusion

Wherefore, Defendant prays this Honorable Court grant that this motion to Vacate, Set Aside, Or Correct Sentence and reduce their sentence be sustained and at the same time be modified.

This \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_

Respectfully Submitted,

\_\_\_\_\_  
PRO-SE, Defendant

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
My Commission Expires

CERTIFICATE OF SERVICE

I \_\_\_\_\_ the undersigned and the filer of the foregoing motion, do declare and certify that I have served, by first class U.S. mail, affixed enough postage to ensure delivery, a copy of the foregoing motion upon the opposing counsel whose name and address are as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_

Respectfully Submitted,

\_\_\_\_\_  
PRO-SE, Defendant

IN THE SUPERIOR COURT OF \_\_\_\_\_ COUNTY  
STATE OF GEORGIA

STATE OF GEORGIA,  
Plaintiff

Vs.

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Criminal Action No: \_\_\_\_\_

**SENTENCE CORRECTION ORDER**

It has come to this court's attention that the sentencing order issued on \_\_\_\_\_, in the above styled case was a void sentence. When an invalid sentence is imposed at the term of court at which the defendant was convicted that sentence is void and the court may impose a valid sentence at any later time. See: Sherman V. State, 237 S.E. 2d 5 (1977); Gonzales V. State, 411 S.E. 2d 345 (1992)

1.

A void sentence may be attacked by Habeas Corpus or by a motion for Modification or Correction of Sentence. McCranie V. State, 276 S.E. 2d. 263 (1981) such a motion for modification or correction has been filed with this court.

2.

Under the authority of this court to correct an invalid sentence, it is the order of this court that the original sentencing order be corrected so as to comport with the law on such sentences. The original sentence imposed in the above styled cases ordered that defendant's serve a sentence of \_\_\_\_\_.

3.

Sentence correction order:

Sherman V. State, 237 S.E. 2d 5 (1977)

Gonzales V. State, 411 S.E. 2d 345 (1992)

McCranie V. State, 276 S.E. 2d. 263 (1981)

O.C.G.A. 17-10-6 1.(2) through (7)(a)

Marlowe V. State, A02A1633 (7-21-2005)

Marlowe V. State, S03G0351 (11-17-2003), 03

FCDR 3398 (12-05-2003)

Conclusion

Wherefore; Defendant prays that this Honorable court will consider and sustain this sentence correction order based upon the applicable law, and order that the defendant's sentence in the Superior Courts Of \_\_\_\_\_ County, Case Number \_\_\_\_\_ be corrected to \_\_\_\_\_.

SO ORDERED THIS \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Trial Judge

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Filed in Behalf of the Defendant

PRO\_SE

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

certificate of service

This is to certify that I have this day served  
opposed counsel prior to filing by hand delivery in person  
mail to warden, for him to hand to DJ

Re District attorney of Wilcox county  
Denise D. Fachini  
P.O. Box 5510  
Cordele, Georgia 31010

This 19th ~~20th~~ day of Feb 2015 by Daniel S. Sutorik  
pro se defendant