

# COURT OF APPEALS OF GEORGIA

## RETURN NOTICE

January 5, 2015

To: Ms. Amanda Joyce Cosgrove, c/o Monique Cosgrove, 810 Central Avenue, Glendora,  
New Jersey 08029-1542

Case Number: \_\_\_\_\_ Lower Court: \_\_\_\_\_ County Superior Court

Court of Appeals Case Number and Style: A14A1331. Amanda Joyce Cosgrove v. The State

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.**

**A14A1331. Amanda Joyce Cosgrove v. The State**  
The appeal was dismissed on August 8, 2014. The remittitur issued on August 26, 2014, divesting this Court of any further jurisdiction of your case. The case is therefore, final.

- 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.**
- Attorney complaints should be directed to the State Bar of Georgia, 104 Marietta Street, N.W., Suite 100, Atlanta, Georgia 30303.**
- 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.

DEC. 22, 2014

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COURT OF APPEALS  
STATE OF GA

TO WHOM IT MAY CONCERN  
I, AMANDA JOYCE COSGROVE AND THIS NOTICE DO  
TO A RECENT DISCOVERY. DURING THE MONTH OF APRIL 2014,  
MR. S.E. JARVIS JR. SUBMITTED A MOTION TO REMAND A  
DIRECT APPEAL: A14A1331 WITH REGARDS BUT NOT LIMITED  
TO CLAIMS OF INEFFECTIVE COUNSEL. I OBJECTED TO THE  
REMAND, HOWEVER, NO FURTHER NOTICE(S) WERE RECEIVED  
FROM MR. S.E. JARVIS JR. OR THE APPEAL COURTS.

UPON TRYING TO CONSULT WITH THE APPEALS  
COURT DURING NOV. 2014, A NOTICE WAS SENT TO  
ONE MONIQUE COSGROVE, WHO IS MY MOTHER IN NEW  
JERSEY. THE NOTICE STATED THAT AS OF AUGUST 8, 2014  
THE CASE WAS DISPOSED OF, AS WELL AS, ON AUGUST  
26, 2014 THE CASE WAS REMITTED THUS TAKING  
IT FROM THEIR JURISDICTION.

WITH ALL DUE RESPECT, THIS HAS OCCURRED  
DUE TO EFFORTS FROM MR. S.E. JARVIS JR AND  
HIS LACK OF COUNSEL. FURTHER MORE NO NOTIFICATION  
WAS ISSUED FROM MR. S.E. JARVIS JR. NOR THE  
APPEAL COURT. CLEARLY PROVING AGAIN INEFFECTIVE  
COUNSEL.

DUE TO THIS, AS WELL AS, OTHER INFORMATION  
IN LETTERS BEING ISSUED TO THE CLERK OF LOWDES  
COUNTY AND THE SUPREME COURT WITH REQUEST FOR  
AN OUT OF TIME APPEAL. I FEEL THIS SITUATION  
IN TOTAL MUST BE REPORTED TO THE STATE BAR

I RESPECTFULLY REQUEST ASSISTANCE IN

THIS MATTER, AS WELL AS, IN THE CONTINUED LEGAL MATTERS.

I LOOKED FORWARD TO A SWIFT REPLY AND ASSISTANCE.

RESPECTFULLY,  
*Amanda Cosgrove*

AMANDA COSGROVE

December 22, 2014

TO WHOM IT MAY CONCERN:

I, AMANDA JOYCE COCHRANE, AM RESPECTFULLY

THE FOLLOWING AS REQUEST ACKNOWLEDGEMENT AND CREDIT TIME FOR A FEDERAL SENTENCE. THE CASE NUMBER(S) INVOLVED ARE CV512-035; CR508-16.

IN BRIEF THE SENTENCE WAS ISSUED MARCH 2010 FOLLOWED BY A STATE SENTENCING DECEMBER 2010.

THIS REQUEST IS BASED, BUT NOT LIMITED TO THE FOLLOWING:

1)

THE COURT HAS BEEN CONTACTED REGARDING THE REQUEST OF CREDIT TIME FOR THIS CASE SINCE THERE HAS BEEN A DETAENER SINCE SEPTEMBER 12, 2008. THIS DETAENER HAS BEEN PRESENT FOR THE DURATION OF INCARCERATION. BY PENN'S RULE A PERSON WITH A DETAENER TO ANOTHER JURISDICTION IS IN CUSTODY OF THE JURISDICTION THAT PLACED THE DETAENER IF ONE HAS CUSTODY THEN TIME BEING SERVED COUNTS TOWARDS THE JURISDICTION OF THE DETAENER.

DUE TO THIS ARTICLE IV(C) OF THE INTERSTATE AGREEMENT ON DETAENERS IS IN VIOLATION ARTICLE IV(C) BARS ANY FURTHER CRIMINAL PROCEEDINGS WHEN DEFENDANT IS RETURNED TO THE ORIGINAL PLACE OF IMPRISONMENT BEFORE TRIAL. THE INTERSTATE AGREEMENT ON DETAENERS CREATES UNIFORM PROCEDURES FOR LODGING AND EXECUTING A DETAENER, I.E. A LEGAL ORDER THAT REQUIRES A STATE TO HOLD A CURRENTLY IMPRISONED INDIVIDUAL WHEN HE

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HAS FINISHED SERVING HIS SENTENCE SO THAT HE MAY BE TRIED BY A DIFFERENT STATE FOR A DIFFERENT CRIME. THAT AGREEMENT PROVIDES THAT A STATE THAT OBTAINS A PRISONER FOR PURPOSES OF TRIAL MUST TRY HIM WITHIN 120 DAYS OF HIS ARRIVAL, AND IF IT RETURNS HIM TO HIS ORIGINAL PLACE OF IMPRISONMENT PRIOR TO THAT TRIAL, CHARGES SHALL BE DISMISSED WITH PREJUDICE. WHILE A PRISONER WAS SERVING A FEDERAL PRISON SENTENCE IN FLORIDA AN ALABAMA DISTRICT ATTORNEY SOUGHT TEMPORARY CUSTODY. WHEN TAKEN, HE SPENT ONE DAY AND WAS RETURNED TO FEDERAL CUSTODY. ONE MONTH LATER HE WAS BROUGHT BACK. COUNSEL MOVED TO DISMISS THE STATE CHARGES ON GROUND(S) THAT BECAUSE HE HAD BEEN RETURNED TO THE ORIGINAL PLACE OF IMPRISONMENT, THERE WAS VIOLATION OF ARTICLE IV(C), COURT TO DISMISS THE CHARGES WITH PREJUDICE. THE SUPREME COURT HELD THAT THE LITERAL LANGUAGE OF ARTICLE IV(C) BARS ANY FURTHER CRIMINAL PROCEEDINGS WHEN DEFENDANT IS RETURNED TO THE ORIGINAL PLACE OF IMPRISONMENT.

WORDED LOOSELY, "TRIAL" IS NOT SPECIFIED TO TRIAL OF PEERS, BUT CAN BE VIEWED AS PLEA CHANGING AND OR SENTENCING. IN LIGHT OF VIEWS, HAVING BEEN TRANSFERRED BACK AND FORTH FROM LAUNDERS COUNTY TO IRLEWY COUNTY WITHOUT BEING CONVICTED AND OR SENTENCED, THE CONVICTION SHOULD BE OVERTURNED; CHARGES DISMISSED WITH PREJUDICE.

2)

WITH DETAINER BEING IN PLACE, BY LEGAL DEFINITION OF DETAINER/HOLD, THE FEDERAL SYSTEM HAS BEEN IN CUSTODY REGARDLESS OF WHERE THE HOUSING IS LOCATED. ALSO WITH THE DETAINER THE DEFENDANT HAS BEEN LIMITED AND RESTRICTED WITHIN THE CONFINEMENT OF STATE PRISON.

3)

ALL OTHER CO-DEFENDANTS HAVE BEEN GRANTED CREDIT TIME FROM SEPTEMBER 2008 UNTIL CURRENT.

4)

STATE COURT AND SENTENCING HAS BEEN PRESSED UPON THAT THE FEDERAL SENTENCE WAS BEING CURRENTLY CONDUCTED.

THE ABOVE POINTS ARE THE MOST PRESSING, HOWEVER, THIS REQUEST SHOULD NOT BE LIMITED TO THIS FACTOR ALONE.

INCLUDED IS A COPY OF A LETTER MAILED TO DEPARTMENT OF CORRECTIONS, REQUESTING CLEMENCY FOR STATE CHARGES.

MADE WITH ALL DUE RESPECT, THIS REQUEST IS MADE FOR CREDIT TIME AND RELEASE FROM FEDERAL INCARCERATION BY JULY 2015, THUS REMOVING THE FEDERAL DETAINER.

Respectfully,  
*Amanda [Signature]*

Dear Members of The Board of Pardons and Paroles:

This correspondence will please serve as an Act to Appeal to the State Board of Pardons and Parole for Clemency.

As requested, the following information pertains to the case of one; **Amanda J. Cosgrove case number: 08-CR-822(B), of Lowndes County, GA.**

**Name: Amanda Joyce Cosgrove**

**GDC: 10044/300**

**Reason For Request:** The request for clemency is made for several reasons.

1) The length of time sentences. All parties involved were over 19 years of age. No one was harmed during the crime. The Honorable Judge James E. Hardy outlined a sentence prior to sentencing of up to 40 incarcerated; whereas he sentenced 50 years.

2) Upon being released from State custody, Ms Cosgrove must be rendered over to the US Marshals to serve a Federal Sentence, which stemmed from the State arrest and case.

3) Ms. Cosgrove is a brittle insulin dependent diabetic. At the current facility Ms. Cosgrove is not receiving accurate medical attention for her medical condition.

4) Ms. Cosgrove has no criminal history nor background.

The Fact is, Ms. Cosgrove was caught up with the wrong people. Ms. Cosgrove grew up a bright and "A" student, attending college to be a nurse.

**Date of Birth:** September 7, 2983

**Place of Incarceration:** Lee Aarondale State Prison

**Plea:** Burglary and Kidnapping

**Crime Location:** Valdosta, Lowndes County, GA

**Place of Conviction:** Lowndes County

**Case No.:** 08-CR-822(b)

**Date of Sentences:** December 10. 2010

**Sentence Length:** 20 years serve 20 years and 30 years

**Time Serviced:** Currently 6 years 11 months.

**Education:** 14 years of schooling as well as Graduate of Auto Paint and Body Repair Tech Schooling.

**Age of Offense:** 24 Currently 30

**Summary:** On June 2, 2008, Amanda J. Cosgrove was arrested with three codefendants enough evidence was found to charge all four and since George does not have "Party to the Crime" each person was charged fully for the entry of an apartment and the kidnapping of Jason Pere.

Respectfully at this time, the above on this 29th day of April 2014 is submitting to the State Board of Pardons and Parole for consideration and ruling for clemency.

Thank You kindly for your time.

Sincerely

Amanda Cosgrove #100044/300 PO Box 709, Alto GA 30510

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Dec. 22, 2014

CLERK/COURT ADMINISTRATOR  
COURT OF APPEALS OF GA

TO WHOM IT MAY CONCERN:

DUE TO INEFFECTIVE COUNSEL, NOTIFICATION OF REMITTUR OF CASE: A14A1331 OF CASE: 08-CR-822 (R) HAS JUST BEEN ISSUED VIA THE APPEALS COURT DUE TO AN INQUIRY ON DEC. 19, 2014.

DUE TO THE REMAND OF THE ABOVE CASE, THE FOLLOWING IS BEING ARGUED IN FAVOR OF GRANTING RELIEF OF THE SENTENCE ISSUED.

1)

INEFFECTIVE COUNSEL

COUNSEL HAS FAILED TO SEND NOTIFICATION SEVERAL TIMES CAUSING DELAYS OR MESSED DEADLINES. ALSO COUNSEL HAS BEEN CAUGHT IN SEVERAL LIES TO MY-SELF, FAMILY, AND THE COURTS. MOST RECENTLY A LIE WAS REPORTED TO THE APPEALS COURT REGARDING CASE: A14A1331, RESULTING IN THE MOTION TO REMAND. COUNSEL FAILS TO COMMUNICATE TO MY-SELF OR COVERED FAMILY. ALSO, IN REGARDS TO DEFENDING, COUNSEL NEGLECTED CRITICAL AND PERTENANT INFORMATION GIVEN TO HIM DEALING WITH HEALTH AND THE IMPACT OF THE SITUATION.

THERE HAS BEEN COMPLAINTS FELED FOR SOMETIME, ALSO LETTERS SENT TO COUNSEL FAIL TO BE ANSWERED, THUS MORE NEGLECT.

2)

LEGAL DEFENITION

THE LEGAL DEFINITION OF THE CHARGES AND CRIMES DO NOT FIT NOR MATCH THE "INVOLVEMENT" OF MY-SELF, THE DEFENDANT IN CASE: 08-CR-822 (B)

KIDNAPPING - TO STEAL AWAY OR ABDUCT; TO CARRY OFF AGAINST HIS WILL BY UNLAWFUL FORCE. THERE IS ALSO 4 ELEMENTS ONE MUST MATCH FOR KIDNAPPING TO OCCUR. THIS BEING THE CASE, THE DEFENDANT, CASE: 08-CR-822 (B), FORCED NO-ONE TO MOVE, BOUND OR RESTRICTED ANYONE, NOR MADE DEMANDS UPON ANYONE. FACT IS, THE DEFENDANT HER-SELF, WAS BOUND AND MOVED WITH THE OTHERS.

BURGLARY - THE FELONY OF BREAKING INTO AND ENTERING A DWELLING WITH INTENT TO COMMIT A FELONY, DONE BY ENTERING WITHOUT THE PERMISSION OF THE OWNER.

BY LAW IF A PERSON ENTERS A DWELLING WITH PERMISSION, THE ACT OF BURGLARY CAN ONLY BE DECIDED BY A JURY OF PEERS. FACT BEING DEFENDANT ENTERED WITH FULL PERMISSION OF THE OWNER. FACT IS OWNER UNLOCKED THE DOOR, AS WELL AS, GAVE AN INVITATION TO COME IN. THE REPORTS IN CASE: 08-CR-822 (B) SUPPORT THE FACTS LISTED ABOVE.

B)

### SENTENCING

DURING THE PLEA CHANGE THERE WAS COERCION, A SCARE TACTIC USED BY THE JUDGE UPON THE DEFENDANT MORE THEN ONCE, AS WELL AS, THE

JUDGE INFORMED THE DEFENDANT THAT SHE COULD BE SENTENCED UP TO 40 YEARS FOR THE CHARGES WHERE AS THE JUDGE ACTUALLY SENTENCED 50 YEARS.

FURTHER MORE, COUNSEL STATED DURING SENTENCING TO THE JUDGE THAT THE DEFENDANT CURRENTLY WAS SERVING A FEDERAL SENTENCE, THAT INFORMATION WAS AND IS INADEQUATE REGARDING ACTUALLY SERVING THE SENTENCE.

4)

### CONSTITUTIONAL RIGHTS

THE INTERSTATE AGREEMENT ON DETAINERS CREATES UNIFORM PROCEDURES FOR LOCATING AND EXECUTING A DETAINER, I.E., A LEGAL ORDER THAT REQUIRES A STATE TO HOLD A CURRENTLY IMPRISONED INDIVIDUAL WHEN HE HAS FINISHED SERVING HIS SENTENCE SO THAT HE MAY BE TRIED BY A DIFFERENT STATE FOR A DIFFERENT CRIME. THE AGREEMENT PROVIDES THAT A STATE THAT OBTAINS A PRISONER FOR PURPOSES OF TRIAL MUST TRY HIM WITHIN 120 DAYS OF HIS ARRIVAL, AND IF IT RETURNS HIM TO HIS ORIGINAL PLACE OF IMPRISONMENT PRIOR TO THAT TRIAL, CHARGES SHALL BE DISMISSED WITH PREJUDICE. WHILE A PRISONER WAS SERVING A FEDERAL PRISON SENTENCE IN FLORIDA AN ALABAMA DISTRICT ATTORNEY SOUGHT TEMPORARY CUSTODY. WHEN TAKEN, HE SPENT ONE DAY AND WAS RETURNED TO FEDERAL CUSTODY. ONE MONTH

LATER, HE WAS BROUGHT BACK. COUNSEL MOVED TO DISMISS THE STATE CHARGES ON GROUND(S) THAT BECAUSE HE HAD BEEN RETURNED TO THE ORIGINAL PLACE OF IMPRISONMENT, THERE WAS VIOLATION OF ARTICLE IV(C) COURT TO DISMISS THE CHARGES WITH PREJUDICE. THE SUPREME COURT HELD THAT THE LITERAL LANGUAGE OF ARTICLE IV(C) BARS ANY FURTHER CRIMINAL PROCEEDINGS. WHEN DEFENDANT IS RETURNED TO THE ORIGINAL PLACE OF IMPRISONMENT

THE TERM "TRIAL" IS SUBJECT FOR DEFENDING PLEA CHANGING AND SENTENCING. THE DEFENDANT, ARRESTED JUNE 2005, HAS BEEN RELOCATED SEVERAL TIMES BETWEEN LOWDES COUNTY AND IRWIN COUNTY; FROM STATE CUSTODY TO FEDERAL CUSTODY AND BACK, ALL THE WHILE HAVING DETAINERS FROM ONE OR BOTH PARTIES AND ALL DONE WITHOUT GOING TO TRIAL, A PLEA CHANGE, OR SENTENCING AND ALSO BEING BROUGHT UP ON NEW CHARGES IN THE MIX OF TRANSFERING.

5)

### HEALTH

DEFENDANT IS A BRITTLE INSULIN DEPENDANT DIABETIC. AT THE TIME, JUNE 2, 2005, THE DEFENDANT WAS NEVER SEEN BY THE EMT ON SITE NOR CHECKED OUT / EXAMINED UNTIL SHE ARRIVED AT LOWDES COUNTY JAIL WHERE HER BLOOD SUGAR WAS DOCUMENTED AT ABOVE 400 AND HAVING

A U.T.I (URINARY TRACT INFECTION) THE DEFENDANT STATED TO HER COUNSEL, AS WELL AS, SEVERAL OFFICERS AND INVESTIGATORS THAT SHE DID NOT RECALL CONVERSATIONS WITH THEM ON JUNE 2, 2008, IN FACT SHE HAD A DIABETIC BLACK OUT. ONE OFFICER/ INVESTIGATOR EVEN WENT SO FAR AS TO STATE THAT HIS SISTER, WHO WAS A DIABETIC, HAD DIABETIC BLACK OUTS, SO HE UNDERSTOOD THAT THINGS COULD BE SAID AND DONE WITHOUT KNOWLEDGE DURING A DIABETIC BLACK OUT. COUNSEL WAS ADVISED OF THIS AND FAILED TO USE IT IN DEFENSE.

DUE TO THE REMITTANCE OF THE CASE:  
A14431, THE ABOVE IS PRESENTED TO THIS COURT FOR POST CONVICTION RELIEF.

RESPECTFULLY,  
*Amanda Cosgrove*

AMANDA COSGROVE  
# 100044/300

LASP

Po Box 709

ALTO GA 30510