

The Court of Appeals
47 Trinity Avenue NW, Suite 501
Atlanta, Georgia 30334

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

July 21, 2015

Mr. and Mrs. Stephen Cox
Post Office Box 2181
Acworth, Georgia 30102

RE: A15A1838. Celia L. Cox v. The State

Dear Mr. and Mrs. Cox:

The Clerk's Office is in receipt of your letter dated July 10, 2015. Please understand that your letter will not be forwarded to the Court. In order to request action by the Court, you must submit a motion and include a proper Certificate of Service. I would encourage you to follow the request in the Court's order if you do not want the appeal dismissed. I am returning your letter to you.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld
Enclosure

July 10, 2015

To The Court of Appeals

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COURT OF APPEALS OF GA

On July 8, 2015 Appellant and her Counsel, by the covenant of marriage, protected by the First Amendment right of Religion and Sixth Amendment right to counsel, received an order from the Appeals Court dated July 2, 2015 in the matter of Cox v. The State, A15A1838. The order states that the appeal was docketed on May 22, 2015 and that appellant's brief including enumerations of error was due to be filled no later than June 11, 2015. It further states that the appellant has failed to file a brief and is ordered to file a brief within 10 days from this order. Failure to comply with this order will result in the dismissal of this appeal and may subject appellant to a finding of contempt of the Court of Appeals.

The court may note that Appellant did not file an appeal with the Court of Appeals but with the Georgia Supreme Court for Federal and State constitutional questions. As this court is aware the subject matter of Constitutional questions is reserved to the Supreme Court of Georgia under Article VI, Section VI, Paragraphs II(1)

All cases involving the construction of a treaty or of the Constitution of the State of Georgia or of the United States and all cases in which the constitutionality of a law, ordinance, or constitutional provision has been drawn in question;

The above case is not about the enumeration of errors but the direct result of willfully and knowingly subverting justice by denying of ones Constitutionally protected rights. The action by these officers of the court turned criminal, as they forged documents in an attempt to cover up their actions of obstructing justice and malicious prosecution. These officers include the judge and solicitor, who violated the criminal laws of this state. These criminal actions include Criminal Attempt, Conspiracy to commit a crime, Violation of oath by a public officer, False statements and writings, concealment of facts, and fraudulent documents in matters within jurisdiction of state or political subdivisions, Perjury, and False swearing.

If this court wishes to pursue a finding of contempt in order to bring the truth to light we embrace the opportunity, as there would be less of a chance at a cover up by local authorities.

History, if this Court is actually interested in the Truth

Malicious Prosecution

This entire case was built on malicious prosecution in order to extort money from Appellant, a common occurrence in Cherokee County. The officer, who issued the citation, and solicitor, who tried the case, were well aware that Appellant was not guilty with what she was charged with. Appellant was found guilty by a jury only because of the denial of due process and officers of the court subverting justice. This is well supported by the evidence and transcripts. None of this would have been possible if Appellant was not deprived her Constitutional rights guaranteed by the United States and Georgia Constitutions.

Appellant was deprived of due process by the court when she was denied the right to counsel guaranteed by the Sixth Amendment of the United States Constitution. She was further denied her First Amendment right prohibiting the free exercise of her religious freedom and abridging the freedom of speech. The appellant's husband is her God given Counsel instituted by God over six thousand (6000) years ago. The marriage between Appellant and her husband is a covenant between God, husband and wife (Appellant). The transcripts clearly show her request for the Supreme Court to rule on these Constitutional questions. The judge however made his own ruling based on Georgia law, not the Supreme law of the land, the Constitution, and denied Appellant due process under the Fifth and Fourteenth Amendment. It should be noted that Appellant never relinquished her Constitutional rights.

Besides lacking jurisdiction, for denial of constitutional rights above, the record clearly shows appellant was never personally served a summons or accusation prior to her arraignment as supported by the record. Appellant made a Special Appearance at the arraignment and never pleaded guilty or not guilty but stated the court-lacked jurisdiction. The record shows Appellant was never served a copy of the summons or accusation until after the second or third court appearance. The court never proved jurisdiction on the record. The record is also void of any order notifying appellant that the case had been transferred as required by law.

§ 15-10-62. Prosecution upon citation or accusation; service; arrest
(b) Accusations of violations of ordinances and citations **shall be personally**

served upon the person accused. Each accusation shall state the time and place at which the accused is to appear for trial.

"Once **jurisdiction is challenged**, the court cannot proceed when it clearly appears that the court lacks jurisdiction, the court has no authority to reach merits, but, rather, should **dismiss the action.**" Melo v. US, 505 F2d 1026.

§ 17-9-4. Validity of judgment rendered by court having no jurisdiction of person or subject matter.

The judgment of a court having no jurisdiction of the person or subject matter, or void for any other cause, is a mere nullity and may be so held in any court when it becomes material to the interest of the parties to consider it.

Appellant filed several motions challenging the courts jurisdiction and challenging several constitutional questions as stated above. The state failed to respond to any of these motions and the court failed to hear any of these motions in which a proper order was entered for Appellant to appeal. Of the three or four orders issued by the court the Appellant was only aware of one. That order was hand written on a "copy" of the brief submitted to the court. None of the orders were issued separately or served on Appellant. The first Motion to Dismiss was not heard or ruled on by the court as required by law.

O.C.G.A. §15-6-21

Time for deciding motions; filing and notification; noncompliance as ground for impeachment

(b) In all counties with more than 100,000 inhabitants, it **shall** be the duty of the judge of the superior, state, or city court, unless providentially hindered or unless counsel for the plaintiff and the defendant agree in writing to extend the time, to **decide promptly, within 90 days after the same have been argued before him or submitted to him without argument**, all motions for new trials, injunctions, demurrers, and all other motions of any nature.

The court failed to respond to the Motion to Dismiss filed on November 18, 2013. It was the lack of fairness and due process in which the state court failed to follow statutory rules that Appellant attempted to have the case removed to Federal Court. The Federal court rejected the

If it is this courts decision to get to the truth of the matter, which is the one of the primary functions of the court, then the Appellant and her counsel will be more then happy to accommodate the court. However, we will ask the court for more time as our efforts have been geared towards a motion to set aside for fraud and to collecting the monies confiscated in this criminal action.



Celia Lynn Cox
Appellant
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Acworth, GA 30102



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Inalienable Counsel by Marriage
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