

IN THE GEORGIA COURT OF APPEALS
47 TRINITY AVENUE, SUITE 501
ATLANTA, GEORGIA 30334

RECORDED IN COURT
2015 FEB 27 PM 2:06
COURT CLERK

DARNEIL DE'SHAWN DAVIS, #000901426
PLAINTIFF,

HABEAS CORPUS
28 U.S.C. § 2241

v.

A. F. GULLI, Cobb County Police
Officer, et al., enJOIN FRANK COX,
"Parole Board Member" BARBARA SAMPTON ^(Mich)

Civil ACTION No.
1:14-CV-3932-MHC-RGV

PRISONER CIVIL RIGHTS
42 U.S.C. § 1983

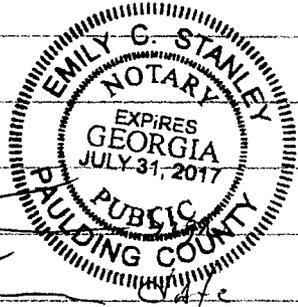
Civil ACTION No.
1:15-CV-0149-MHC-RGV.

("PERMISSION TO PROCEED"
IN THE COURT OF APPEALS)

NOW Here Comes: The Petitioner/Plaintiff, DARNELL D. DAVIS, TO Humbly
Seek TO APPEAL The Judge's (Final Order ON Report AND Recommendations.)
AND TO Humbly ASK FOR A CERTIFICATE OF APPEALABILITY, AS TO
Protect The Petitioner's Federal Constitutional Amendment RIGHTS.
Petitioner' HAS Provided you with The Judge's ORDER, AND with The
Petitioner's Petitions/Motions, AND COPIES OF his COMPLAINTS Filed in The
United States District COURT FOR The Northern District of Georgia, AND
Petitioner HAS Provided you with The Judge's ORDER OF GRANTING
Petitioner's Motion TO Proceed In (Forma Pauperis), UNDER The
Following Petitions stated Above Petitioner state That The Reason
FOR such A APPEAL IS That Petitioner's 5th 6th AND 14th AND AMENDMENT

Rights has been violated under The (Equal Protection of The Law) AND under The (Due Process clause) AND FOR THESE REASONS AND FOR THE REASONS STATED IN PETITIONER'S AMENDED BRIEFS AND PETITIONS. He Seeks ~~AT~~ A CERTIFICATE OF APPEALABILITY AND THAT HIS WRIT MAY BE GRANTED TO PROTECT PETITIONER'S AMENDMENT RIGHTS.

[Handwritten signature]
2/19/15



Respectfully AND Humbly
Written DARNELL DESHAWN DAVIS

Sign Darnell D Davis
date 02/19/2015

(1) GEORGIA COURT OF APPEALS
47 TRINITY AVE. SUITE 501
ATLANTA, GA 30334

Exhibit

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IN THE MAGISTRATE COURT FOR THE COUNTY OF COBB

STATE OF GEORGIA

STATE OF GEORGIA

*

VS.

*

14-W-2012

DARNELL DESHAWN DAVIS

*

PROBABLE CAUSE HEARING IN THE ABOVE-STYLED CASE, HELD
BEFORE THE HONORABLE JUDGE FRANK R. COX, ON THE 3RD DAY OF
JUNE, 2014.

APPEARANCE OF COUNSEL:

FOR THE STATE:

MARTY FIRST

FOR THE DEFENDANT:

MICHAEL SAUL

ROBERT G. HALVORSON

COURT REPORTER

P.O. BOX 1559

MARIETTA, GEORGIA 30061

(770) 528-8937

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THE COURT: DARNELL DESHAWN DAVIS.

(WHEREUPON, THE DEFENDANT ENTERED THE COURTROOM.)

THE COURT: ARE YOU DARNELL DESHAWN DAVIS?

THE DEFENDANT: YES, SIR.

THE COURT: MR. DAVIS, DO YOU UNDERSTAND YOUR CHARGES
IN WARRANT 14-2012, CHARGING YOU WITH MISDEMEANOR
STALKING, HARASSING PHONE CALLS, AND TERRORISTIC THREATS,
ALL ON THE EIGHTH DAY OF MARCH, THIS YEAR, AT 2128 FAVOR
ROAD, IN MARIETTA, COBB COUNTY, GEORGIA?

THE DEFENDANT: YES.

THE COURT: ALL RIGHT.

PROCEED.

ANTHONY GULLI,
HAVING BEEN FIRST DULY SWORN, WAS EXAMINED AND TESTIFIED AS
FOLLOWS:

DIRECT EXAMINATION

BY MR. FIRST:

Q ALL RIGHT, TELL US YOUR NAME AND WHERE YOU'RE
EMPLOYED, PLEASE.

A OFFICER ANTHONY GULLI, EMPLOYED BY THE COBB COUNTY
POLICE DEPARTMENT.

Q AND YOU TOOK OUT THE WARRANT ON DARNELL DAVIS IN THIS
CASE?

A I DID.

Q IF SO, COULD YOU IDENTIFY HIM FOR THE COURT?

1 A YES, SIR. HE'S THE DEFENDANT SITTING IN FRONT OF ME.

2 Q AND THIS ALL HAPPENED AT 2128 FAVOR ROAD, IS THAT
3 CORRECT?

4 A YES, SIR.

5 Q AND IS THAT IN COBB COUNTY?

6 A IT IS.

7 Q WHAT LED YOU TO TAKE THE WARRANT?

8 A BASICALLY, WE RECEIVED A 9-1-1 CALL FROM MR. DAVIS ON
9 THAT DATE STATING THAT AT THIS ADDRESS THERE WAS A FEMALE AT
10 THE LOCATION CURRENTLY USING NARCOTICS, AND THERE WERE GUNS
11 AROUND A JUVENILE. BASED UPON THAT INFORMATION, OFFICERS
12 RESPONDED TO THAT LOCATION TO DO A WELFARE CHECK ON THE CHILD.

13 ANOTHER OFFICER, OFFICER SANDRU, WHO WAS WORKING WITH
14 ME THAT AFTERNOON, ADVISED ME ON OUR PRIVATE RADIO CHANNEL THAT
15 THIS IS, IN FACT, THE SECOND TIME THAT THEY'VE RECEIVED A PHONE
16 CALL, ALMOST IDENTICAL INFORMATION, AT THAT ADDRESS, AND THE
17 FIRST TIME IT HAPPENED, WHICH WAS A FEW DAYS PRIOR TO, THEY
18 MADE CONTACT WITH MR. DAVIS ACROSS THE STREET FROM THIS
19 ADDRESS, AND HE WAS ALLEGING THAT THERE WAS SEVERAL PEOPLE IN
20 THAT HOUSE USING DRUGS, AND ALSO POSSESSING FIREARMS AROUND A
21 CHILD.

22 DURING THAT INVESTIGATION THAT OFFICER SANDRU
23 CONDUCTED, THERE WAS NO EVIDENCE OF ANY OF THAT OCCURRING AT
24 THE ADDRESS.

25 SO I WENT AHEAD AND WENT BY THE ADDRESS LISTED ON THE

1 WARRANT THERE, AND MADE CONTACT WITH THE HOMEOWNER, OR
2 ATTEMPTED TO MAKE CONTACT WITH THE HOMEOWNER. I ACTUALLY GOT
3 HER SISTER.

4 I ADVISED HER WHY WE WERE THERE, AND ASKED IF THE
5 HOMEOWNER WAS ANYWHERE AROUND. THE HOMEOWNER WAS IDENTIFIED IN
6 THIS AS MS. FLOWERS, AND SHE WAS NOT AT HOME AT THE TIME.

7 I ASKED FOR HER CONSENT TO, BARE MINIMUM, CHECK ON
8 THE CHILD, WHO THE SISTER WAS BABYSITTING AT THE TIME AT THE
9 HOUSE, JUST TO CHECK ON THE CHILD'S WELFARE. SHE CONSENTED. I
10 LOOKED AT THE CHILD. THE CHILD WAS HAPPILY ASLEEP IN ITS CRIB
11 -- BEDROOM, EXCUSE ME.

12 I MADE CONTACT WITH MS. FLOWERS, VIA PHONE, AND TOLD
13 HER WHY I WAS AT HER HOUSE. AND SHE WENT IN -- I ASKED HER.

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

March 2, 2015

To: Mr. Darnell De'Shawn Davis, GDC000901426, Cobb County Adult Detention Center, Post Office Box 100110, Marietta, Georgia 30061

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.

1 LEAST THREE TIMES IN THE RECENT ALL ALLEGING THAT CRIMES WERE
2 BEING COMMITTED AT MS. FLOWERS' HOME, AND ALL THREE TIMES NONE
3 -- NO CRIMES WERE BEING COMMITTED AT THAT TIME THAT MR. DAVIS
4 WAS ALLEGING.

5 AT THIS POINT I FELT THAT MR. DAVIS AT THIS POINT WAS
6 USING 9-1-1 TO BASICALLY HAVE OFFICERS RESPOND TO MS. FLOWERS'
7 HOME IN AN ATTEMPT TO USE US TO HARASS HER.

8 I FINALLY MADE CONTACT WITH MS. DAVIS. I ASKED HER
9 BASICALLY HOW LONG MR. DAVIS -- MS. FLOWERS, EXCUSE ME,
10 AND ASKED HER HOW LONG MR. DAVIS HAD BEEN OUT OF THE HOME, AND
11 SHE SAID AT LEAST FOR TWENTY-EIGHT DAYS NOW.

12 I ASKED HER TO DESCRIBE THE EXIT THAT MR. DAVIS HAD,
13 AND SHE SAID THAT MR. DAVIS WAS BECOMING INCREASINGLY VIOLENT
14 TOWARD HER, AND HE CONSENTED AND WILLFULLY LEFT THE HOME.

15 I ASKED HER THE LAST CONTACT THAT SHE HAD WITH MR.
16 DAVIS, AND SHE SAID IT WAS ABOUT A WEEK AGO, TO OBTAIN SOME
17 CLOTHING. MR. DAVIS WAS ALLEGED TO HAVE COME BY THE HOME, WITH
18 THE CONSENT OF MS. FLOWERS, TO OBTAIN HIS CLOTHING THAT HE HAD
19 LEFT AT THE HOUSE.

20 DURING THAT TIME THAT MR. DAVIS WAS AT THE HOME TO
21 SECURE HIS BELONGINGS, THE -- MS. FLOWERS STATED THAT MR. DAVIS
22 WAS TRYING TO PROVOKE SOME SORT OF VERBAL ALTERCATION. THAT'S
23 WHEN MS. FLOWERS DISCONTINUED THE CONVERSATION AND WENT BACK IN
24 HER HOME.

25 AFTER THIS OCCURRED, I ATTEMPTED TO MAKE CONTACT WITH