

# 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.
- 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.

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

RECEIVED IN THE COURT OF APPEALS  
2015 SEP 27 PM 2:06

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<sup>(Mich)</sup>

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

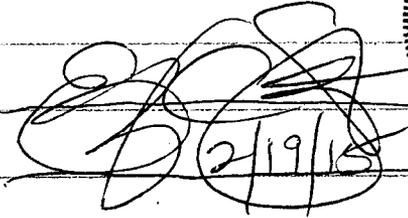
PRISONER CIVIL RIGHTS  
42 U.S.C. § 1983

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

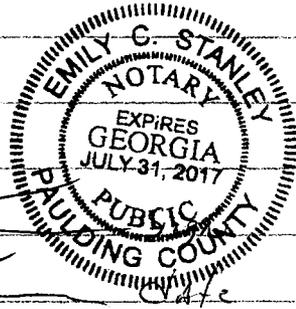
("Permission To Proceed")  
IN THE COURT OF APPEALS

NOW Here Comes The Petitioner/Plaintiff, DARNELL D DAVIS, To Humbly  
Seek To Appeal The Judge's (Final Order ON Report AND Recommendation.)  
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 5<sup>th</sup> 6<sup>th</sup> AND 14<sup>th</sup> 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.



2/19/15



Respectfully AND Humbly  
Written DARNELL Deshawn Davis  
Sign Darnell O Davis  
date 02/19/2015

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

Exhibit

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

WITNESS INDEX

PAGE NO.

ANTHONY GULLI

DIRECT:	MR. FIRST	3
CROSS:	MR. SAUL	11

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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,  
14 BASICALLY, WHAT'S OCCURRING TO WHY WE'RE CONTINUING COMING OVER  
15 TO HER HOME.

16 SHE TOLD US THAT SHE WAS IN A RELATIONSHIP WITH THE  
17 DEFENDANT, AND WAS VERY -- DISCONTINUED THAT RELATIONSHIP, AND  
18 THE DEFENDANT, SINCE THEN, COULD NOT UNDERSTAND THE WORD NO  
19 EVERY TIME SHE WOULD TELL HIM TO STOP CONTACTING HER, STAY AWAY  
20 FROM HER. THE DEFENDANT WOULD CONTINUALLY CALL HER, LEAVE  
21 PHONE MESSAGES ON HER PHONE, SHOW UP AT HER HOUSE WITHOUT  
22 CONSENT, AND BASICALLY SIT THERE AND WATCH HER OUTSIDE OF HER  
23 HOME.

24 I DID SOME MORE RESEARCH VIA OUR COMMUNICATION  
25 SYSTEM, AND WE FOUND THAT MR. DAVIS'S PHONE NUMBER POPPED UP AT

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