

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS

December 3, 2015

To: Mr. James M. Davis, GDC1000386104, Riverbend Correctional Facility, 198 Laying Farm Road,
Milledgeville, Georgia 31061

Docket Number: A16A0429 **Style:** James Davis v. The State

Your document(s) is (are) being returned for the following reason(s).

1. Your Appellant's Brief, was not accompanied by the statutory filing fee (\$300.00 civil; \$80.00 criminal *Effective July 1, 2009) or a sufficient pauper's affidavit. OCGA§5-6-4 and Rule 5 **Please be advised that your pauper's affidavit should be notarized by a notary public.**
2. A Request for Oral Argument must be filed as a separate document. Rule 28 (a) (3)
3. Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)
4. **No Certificate of Service accompanied your document(s). Rule 6**
5. **Your Certificate of Service must include the complete name and mailing address of each opposing party. Rules 1(a) and 6. You should provide a copy of your filing to the District Attorney and include his/her name and address on your Certificate of Service.**
6. There were an insufficient number of copies of your document. Rule 6.
7. Your document exceeds page limits. Rules 24 (f) and 27 (a)
8. Your document was submitted without permission to file (supplemental brief or second motion for reconsideration). Rules 27 (a) and 37 (d)
9. Letter briefs and letter cites are not permitted. Rule 27 (b)
10. Your request for court action must be submitted in motion form. Rule 41 (a) I have enclosed a copy of the Rules of the Court of Appeals of Georgia for your review.
11. Your motions were submitted in an improper form (joint, compound or alternative motions in one document). Rule 41 (b)
12. Type was on both sides of the paper; type font was smaller than 10 characters per inch; and/or the type was not double-spaced. Rules 1(c), 37(a) and 41(b).
13. The pages were not sequentially numbered with arabic numerals. Rule 24 (e)
14. Case and/or record citations were not made in the proper form. Rules 24 (d) and 25 (c) (2)
15. Margins were too small or paper size incorrect. Rules 1(c), 24(c), 37 (a) and 41(b)
16. Your document(s) was (were) not securely bound at the top with staples or round head fasteners. Rule 1 (c)
17. The Motion to Supplement has not been granted.
18. **Other: There was no signature on your Brief. Your correspondence was styled " In the Superior Court of Richmond County (Augusta)" please style your Brief in the "Court of Appeals of Georgia".**

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS

To: *James Davis*
Docket Number: *A16A0429*

Style: *James Davis v. The State*

Your document(s) is (are) being returned for the following reason(s).

1. Your Appellant's Brief, was not accompanied by the statutory filing fee (\$300.00 civil; \$80.00 criminal *Effective July 1, 2009) or a sufficient pauper's affidavit. OCGA §5-6-4 and Rule 5 **Please be advised that your pauper's affidavit should be notarized by a notary public.**
2. A Request for Oral Argument must be filed as a separate document. Rule 28 (a) (3)
3. Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)
4. No Certificate of Service or an improper Certificate of Service accompanied your document(s). Rule 6
5. Your Certificate of Service did not include the complete name and mailing address of each opposing counsel and pro se party. Rules 1(a) and 6. You should provide a copy of your filing to the District Attorney and include his/her name and address on your Certificate of Service.
6. There were an insufficient number of copies of your document. Rule 6.
7. Your document exceeds page limits. Rules 24 (f) and 27 (a)
8. Your document was submitted without permission to file (supplemental brief or second motion for reconsideration). Rules 27 (a) and 37 (d)
9. Letter briefs and letter cites are not permitted. Rule 27 (b)
10. Your request for court action must be submitted in motion form. Rule 41 (a)
11. Your motions were submitted in an improper form (joint, compound or alternative motions in one document). Rule 41 (b)
12. Type was on both sides of the paper; type font was smaller than 10 characters per inch; and/or the type was not double-spaced. Rules 1(c), 37(a) and 41(b).
13. The pages were not sequentially numbered with arabic numerals. Rule 24 (e)
14. Case and/or record citations were not made in the proper form. Rules 24 (d) and 25 (c) (2)
15. Margins were too small or paper size incorrect. Rules 1(c), 24(c), 37 (a) and 41(b)
16. Your document(s) was (were) not securely bound at the top with staples or round head fasteners. Rule 1 (c)
17. The Motion to Supplement has not been granted.
18. Other: *No signature on brief.*

For Additional information, please go to the Court's website at: www.gaappeals.us

In the Superior Court of Richmond County (Augusta)
State of Georgia

James M. Davis

✓
Richmond County
(State)

Appeal Case # A16A0429

FILED IN OFFICE

NOV 25 2015

COURT CLERK
CLERK OF SUPERIOR COURT OF GA

RECEIVED IN
2015 NOV -1 P 12:02 PM
COURT OF APPEALS
STATE OF GEORGIA

Brief for Appeal of Decision

Comes now James M. Davis and makes his
brief and final argument of his denial of appeal
decision for Remodification of Sentence

Part one (History of Case)

Arrest Warrant was issued in 2 counties on
7-1-09 for Richmond and Cobb for allegations
for child molestation and aggravated child
molestation. The allegations in Cobb were from
'04 to '06 and in Richmond for '02 to '05. The
allegations were made by 2 sisters in '09, after
relocating to ██████████ Richmond county in '06.
I lived with the mother Cynthia Thomas along
with her 2 daughters Shayla Green and
Brittany Thomas. The mother conceived 2 boys
born in 1999 James M. Davis Jr. and Ernest
Davis in 2000. I moved with the mother in
'99 after she found out she was pregnant. We
lived in Richmond from 99 to 2004. Cont -

(2)

In 2004 the Family moved to Cobb County due to a job transfer. The mother work for Maximus a Contractor for the State Child Support Agency. She was terminated for tampering with information concerning her 2 daughters 5 months on the job, in 04. We broke up in 05, and Feb-06 she relocated by herself, I did not want to go back to Richmond County. In 05 I met my wife and was married at the Courthouse in Marietta (Cobb) in 07. In 08 a argument concerning her mother Emma King having to pay back an income tax (IRS.) check she received from claiming my 2 boys James and Ernest. In 09 she (Cynthia Thomas) said she would make sure I regret claiming the boys on my taxes, and would not let me see them. On 7-1-09 I was arrested at my home in Austell, Ga by Cobb police for Child molestation of the 2 girls. I was indicted in March 2010, and on Sept 28, 2010 I took a Alford's Plea. I was told by my attorney in Cobb that these charges do not need any evidence or DNA, and that the charges in Richmond would run concurrent. But Richmond never come to transport me to their Jail. On Dec 22, 2010 I was sent to Prison, I made Parole on March 2013 but Richmond put a hold on me. The hold was related to the Richmond County Jail

(3)

I was booked on charges of Child molestation, and aggravated Child molestation, and was denied bond. My family contacted a Lawyer John Lewis who represented me in the case. He found out the statute of limitations had expired on the aggravated Child molestation. I was determined to prove these charges false. On the morning before the trial added the recidivist to the case. The judge Overstreet ask me had I considered taking the 10 year plea the State had offered. I asked the judge to give me credit for the time I already had done. But after taking the 10 year plea I learned that he only gave me credit for 6 months I had served in the Richmond County Jail. In 2014 my family hired David Ghazi for a modification which was denied.

Part TWO Enumeration of ERRORS

The charge of Child Molestation should have been Sexual Battery

Conclusion

I Pray this Honorable Court grant the Relief due the Preciseness of and truth of the Law.
These Charges are False. This Brief was Submitted on the 24th Day of Nov 2015