

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

June 1, 2015

To: Mr. Robert Jay Davis, GDC1000183793, Wheeler Correctional Facility, Post Office Box 466, Alamo, Georgia 30411

Docket Number: A15A1670 **Style:** Robert Jay 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)
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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 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.
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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)**
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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)
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17. ☐ The Motion to Supplement has not been granted.
18. ☐ Other: _____

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2015 MAY 29 PM 3:12

IN THE COURT OF APPEALS
STATE OF GEORGIA

ROBERT JAY DAVIS

vs

STATE OF GEORGIA

APPEALS NO. A15A1670

SUPPLEMENT THE APPELLANT BRIEF

Comes now the Appellant will attach an "Exhibit"
to Appellant's BRIEF Rule 24(g).

Appellant is attaching This Exhibit which is;
Appellant's Final Disposition Sentencing form
of September 6, 2011 "A Certified Copy"

The Reason for this Certified Exhibit is to
show this honorable Court of Appeals that
the trial Court placed a indefinite condition
in Appellant's Sentence "See section (15) of
the Final Disposition Sentencing form a
Special Condition of probation, "The defendant is
PERMANENTLY RESTRAINED etc., ...

making Appellant's Sentence an Indeterminate
Sentence Violating O.C.G.A 17-10-1-(g)(1).

This Appellant asks this honorable Court to
Add this Exhibit to his Direct Appeal.

Respectfully Submitted this 21th day of May 2015
(by) Robert J. DAVIS GDC# 1000183793
Wheeler Correctional Facility P.O. Box 466 Alamo, GA 30411

Certificate of Service

I do hereby Certify that I have placed the foregoing
by placing it into the U.S. mail, postage paid,
Addressed too;

- 1) Court of Appeals of Georgia
47 Trinity Avenue, S.W. Suite 501
Atlanta, GA 30334
- 2) District Attorneys office, Ms. Adams
P.O. Box 389, Fort Valley, GA 31630
- 3) Clerk of Superior Court Mr. Joe Wilber
P.O. Box 389, Fort Valley, GA 31630

IN THE SUPERIOR COURT OF PEACII COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

V.

ROBERT J DAVIS

0Th _____

AUGUST TERM, 2011

CRIMINAL NO. 10-CR-052

OFFENSE(S):

AGGRAVATED STALKING

AGGRAVATED STALKING

FIREARM POSSESSION BY CONVICTED FELON

ENTERING AN AUTO; ESCAPE

PLEA: X

VERDICT _____

OTHER X

DISPOSITION

☒ Negotiated Plea

☐ Guilty on Count(s) _____

☐ Nolle Prosequi Order on

Guilty on Count(s) 2 & 5

☐ Not Guilty on Count (s)

Counts 1 3 & 4

☐ Nolo Contendere on Count _____

☐ Jury

☐ Dead Docket Order on

☐ To Lesser Included

☐ Non-Jury

Count(s) _____

Offense(s)

WHEREUPON the defendant is hereby adjudged guilty of the above-stated offense(s); the defendant is hereby sentenced to confinement for a period of CT 2: 10 YEARS. SERVE 7 YEARS. CT5, 5 YEARS TO SERVE ON PROBATION CONSECUTIVE TO COUNT NO. 2 THIS SENTENCE TO RUN CONCURRENT WITH PROBATION REVOCATION AND WITH ANY OTHER SENTENCE.

in such institution as the Commissioner of the Georgia Department of Corrections may direct, to be computed as provided by law.

HOWEVER, it is the further order of the court:

 1) That the sentence may be served on probation.

X 2) That upon service of, 7 YEARS the remainder of 8 YEARS may be served on probation; PROVIDED, that the defendant complies with the following general and special conditions herein imposed as part of this sentence.

IT IS THE FURTHER ORDER of the court, and the defendant is hereby advised , that the court may at any time revoke or modify any condition of this probation as allowed by law. The defendant shall be subject to arrest for violation of any condition of probation herein imposed.

GENERAL CONDITIONS OF PROBATION

The court imposes the following general conditions of probation:

- 1) Do not violate the criminal laws of any governmental unit.
- 2) Avoid injurious and vicious habits; especially alcoholic intoxication, and use of controlled substances unless as prescribed lawfully.
- 3) Avoid persons or places of disreputable or harmful character.
- 4) Report to the Probation Officer as directed and permit such Officer to visit you at home or elsewhere.
- 5) Work faithfully at suitable employment insofar as may be possible.
- 6) Do not change your place of residence or leave the State without prior permission of the Probation Officer.
- 7) Support your legal dependents, if any, to the best of your ability.
- 8) Defendant shall submit to urinalysis at the request of the Probation Officer for testing of dangerous drugs, narcotics, or controlled substances. Defendant shall be liable for all costs of urinalysis.
- 8a) Submit to evaluations and testing relating to rehabilitation and participate in and successfully complete rehabilitative programming-as-directed be--the department

8b) In Detention Center cases the defendant must abide by all rules and regulations of the detention center and that failure to do so may result in revocation in full.

9) Defendant shall submit to evaluations and testing relating to rehabilitation and participate in and successfully complete rehabilitative programming as directed by the department.

10) Defendant shall submit to a search of his/her person, residence, papers, vehicle, and/or effects as these terms of the Fourth Amendment to the United States Constitution are defined by the courts, any time of the day or night with or without a search warrant whenever requested to do so by a Probation Supervisor or any law enforcement officer and specifically consents to the use of anything seized as evidence in a judicial or disciplinary proceeding.

11) Defendant shall not be in possession of any dangerous weapon or firearm to include buying, selling, pawning, or transporting of any such weapon.

12) For offenses committed prior to May 13, 2002, the monthly supervision fee is \$23.00 plus \$3.00 per month. For offenses committed on or after May 13, 2002, the monthly supervision fee is \$23.00 plus \$9.00 per month. In addition to those fees, a one-time fee of \$25.00 is imposed where the defendant was convicted in violation of a misdemeanor plus a one time fee of \$25.00 if the defendant was convicted of violation of Sec.40-6-391 or sentenced under Sec.16-13-2(b), or a one time fee of \$50.00 if the defendant was convicted of any felony pursuant to this sentence Sec. 42-8-34.

13) It is further ordered that defendant pay a fine in the amount of \$ _NONE_ on count _2 & 5_

14) The court assesses the following statutory surcharges-required by Georgia law:

(a) \$50 or 10% of the fine, whichever is less. Sec. 15-21-73(a)(1)(A);

(b) 10% of the original fine to the County Jail Fund Sec. 15-21-93;

(c) 5% of the original fine to the local Victim Assistance Fund Sec. 15-21-131;

(d) If an offense is for violation of Sec. 40-6-391 relating to driving under the influence of alcohol or drugs, the court imposes an additional penalty of \$26.00 or 11 percent of the original fine, whichever is less, for the Crime Victim Emergency Fund Sec. 15-21-112 plus an additional 10% of the fine for the Brain & Spinal Injury Trust Fund

Sec. 15-21-149 plus an additional \$25 pursuant to Sec. 40-6-391(j)(2) if applicable.

(e) If the offense is for violation of Sections.16-13-30, 16-13-30.1 or 16-13-31 relating to activities regarding marijuana, controlled substances or non-controlled substances, the court imposes the additional penalty of 50% of the original fine; and

(f) \$1.75 as costs Sec. 47-14-50, plus the amounts required in Sec. 47-16-60 and Sec. 47-17-60, together with all other authorized court costs;

(g) 10% of the fine to the Georgia Indigent Defense for offenses occurring after June 15, 2004 Sec. 15-21-73(a)(1)(B).

(h) \$50.00 Indigent Defense Application Fee within 30 days and provide proof of payment to the probation office. 15-21a-6c

15) Special Conditions: DEFENDANT IS TO HAVE NO CONTACT DIRECT OR INDIRECT WITH STEPHANIE GRANT. PURSUANT TO OCGA 16-5-90(d), THE DEFENDANT IS PERMANENTLY RESTRAINED AND ENJOINED FROM HAVING ANY CONTACT, DIRECT OR INDIRECT FROM THE FOLLOWING PERSONS: LUWANA WALTON, AMY KRISTEN WALTON, WAYNE WALTON. DEFENDANT TO BE GIVEN CREDIT FOR TIME SERVED FROM APRIL 20, 2010.

16) The court further orders that the defendant shall pay the following sums:

(a) [] appointed attorneys fees as approved by the Indigent Defense Committee

(b) Restitution of \$ _____ payable to _____

17) [X] Defendant advised of right to appeal.

18) [X] Defendant advised of Habeas Corpus limitation under Sec. 9-14-41-48 (copy served).

[] Sentenced under the Probation Options Management Act with a Cap of 60-120 days in the detention center.

The defendant was represented by C. YOUNG, Attorney at Law.

SO ORDERED this 6th day of September, 2011.

GEORGIA, PEACH COUNTY
Clerk's Office, Superior Court
Filed in Office

day of Sept 6 2011
Sherry Gonzales Deputy Clerk

[Signature]
JUDGE, SUPERIOR COURTS

MACON JUDICIAL CIRCUIT