

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

August 5, 2015

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

Dear Mr. Davis:

The Court is in receipt of your letter to Judge Phipps. Please note that I, the Court Clerk, sign all orders for the Court. The three judges assigned to your case entered the order of May 19, 2015, dismissing your appeal. The Clerk signs all of the Court's orders. You may also note that the last line in Rule 4(d) states the rule does not apply to Motions for Reconsideration.

I hope this is of assistance to you.

Sincerely,



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

SEC/ld

Steve Castlen - Robert Davis Letter

From: Steve Castlen
To: Lola Diamond
Date: 7/29/2015 11:16 AM
Subject: Robert Davis Letter

Mr. Davis,

The Court is in receipt of your letter to Judge Phipps. Please note that I, the Court Clerk, sign all orders for the Court, but that the Court - the three judges assigned to your case - entered the order of May 19, 2015, dismissing your appeal. The Clerk signs all of the Court's orders. You may also note that the last line in Rule 4(d) states that the Rule 4(d) does not apply to Motions for Reconsideration. I hope this is of assistance to you.

Steve

Stephen E. Castlen
Clerk/Administrator
Court of Appeals of Georgia
47 Trinity Avenue, S.W.
Suite 501
Atlanta, Georgia 30334

To: Justice Judge Phipps, P. J.
Georgia Court of Appeals
47 Trinity Avenue S.W.
Suite 501
Atlanta, Georgia 30334

From: Robert Jay Davis
CDC# 100183793
Wheeler Correctional Facility
Post Office Box 466
Alamo, GA 30411

Appeals No. A15A1670

Dear Honorable Sir,

I am writing to you Sir because there has been an unfair and an unjust decision made by your clerk Mr. Steven Castle. Sir, has denying me "access to the Courts", and has denying me my Right to Appeal my Appeal to the Supreme Court for application for writ of Certiorari, I'll explain: on May 19, 2015 your clerk dismissed the Above Appeal claiming "Res Judicata".

I then filed on May 26, 2015 a motion for Reconsideration I did not receive the order till May 26, 2015, because May 25 was Memorial Day, I filed the motion for Reconsideration the same day I ~~received~~ it, I apply Rule 4(d), the prison mail box rule, I even sent your clerk the
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Received

envelope the order came in showing your clerk that I did not receive the order from the prison mailroom until (8) eight days from the time the clerk sent the dismissal out.

Sir, it was (impossible) for me to have the motion for Reconsideration within your office pursuant to Rule 37(b) 10-days rule.

- 1.) But, I applied Rule 4(d). Doesn't that apply? what's the purpose of the rule if you don't honor it?
- 2.) However, the clerk made a ruling dismissing my appeal "Res Judicata", when the clerk cannot rule, Res Judicata must be ruled on by the judges.
- 3.) How can I take a ruling by the clerk to the Supreme Court when the appeal has not been ruled on by the judges? nor has the appeal been ruled on by the merits, nor has a judgment been issued, and nor is the character identical, in my appeal with my other appeal, A14A2326.

Sir, your clerk is denying me access to the courts denying me my right to appeal my case to Supreme Court and in violation of Rule 4(d), prison mailbox rule, and Rules of Appellant procedure Rule 9.420(a)(d). How many people does the clerk do this to? does the public newspaper know this is being done?

SIR, I wrote your clerk a letter asking the status of my appeal of my motion for Reconsideration, he sent me a notice today July 16, 2015 telling me that my motion for Reconsideration was untimely filed on June 1, 2015. "one day late"?

SIR, your clerk "never" sent me an order from the Court letting me know my motion for Reconsideration was "denied untimely", So How could I appeal it to the Supreme Court now, when I'm out of time because your clerk never sent me the order denying my motion for Reconsideration?

SIR, what is the purpose of the "prose" prison mailbox rules of appellant practice if your clerk don't honor them?

SIR, also in this motion for Reconsideration your clerk sent me a notice dated June 3, 2015 that he sent the Remittitur Back to the trial Court on June 3, 2015, then I received the very next day where your clerk on June 4, 2015 recalled the Remittitur from the trial Court due to clerical error.

So, why was there never a Ruling by the Justices on the motion for Reconsideration?

SIR, I feel like there is still error in your Clerk's decision here.

Mr. Steve Costler has been very good to me and I do understand we all make mistakes because we all have alot going on, I don't feel like I need to file a Grievance with the Board of Court Reporting or with the Atlant Journal Constitution newspaper. But, I wonder how many inmates this issue has been done too?

I find it hard to believe that the Clerk is allowed to make Ruling pertaining to "res judicata" on the merits of a Judgment on the issues of A Constitutional Claim,

OR, even deny inmates and me access to the Courts and deny me the prison mailbox Rule? appellate mailbox Rules 4, 6, and Rule 9, 420(a) & (d).

Your honorable Sir, please look into my Appeal, and my motion for Reconsideration.

I just believe error was made by your clerk if not then I don't believe he would of called the Remittitur back from the trial Court, So "I await your RESPONSE", before I move forward with this issue. If I have to file A Habeas Corpus I will have to subpoena your clerk.

Respect fully submitted this 23rd day of July 2015

(by) Robert Jay Davis

"PRO SE," QDC # 1000183793

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Court of Appeals of the State of Georgia

ATLANTA, May 19, 2015

The Court of Appeals hereby passes the following order:

A15A1670. ROBERT JAY DAVIS v. THE STATE.

Robert Jay Davis appeals from the trial court's March 9, 2015, order denying his motion to vacate a void sentence. Davis filed both a discretionary application, Case No. A15D0345, and this direct appeal, seeking review of the same trial court order.

We denied Davis's application for discretionary appeal on April 24, 2015. Because that denial was an adjudication on the merits, the doctrine of res judicata bars this direct appeal. See *Northwest Social & Civic Club v. Franklin*, 276 Ga. 859, 860 (583 SE2d 858) (2003); *Hook v. Bergen*, 286 Ga. App. 258, 261 (1) (649 SE2d 313) (2007). This appeal is therefore DISMISSED.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 05/19/2015

*I certify that the above is a true extract from
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court
hereto affixed the day and year last above written.*

Stephen E. Costello

, Clerk.