

**COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS**

September 14, 2015

To: Mr. Moussa Diarra, GDC1000010759, Hays State Prison, Post Office Box 668, Trion, Georgia 30753

Docket Number: A14D0200 **Style:** Moussa Diarra v. The State

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

1. Your Application was not accompanied by the statutory filing fee, \$300.00 civil; \$80.00 criminal, 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. Portions of the record included were not tabbed and indexed. Rules 30 (e) and 31 (c).
3. A stamped "filed" copy of the trial court's order to be appealed was not attached to your Application. Rules 30 (b) and 31 (e)
4. A stamped "filed" copy of the Certificate of Immediate Review was not attached to your Interlocutory Application. Rule 30(b)
5. Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)
6. There were an insufficient number of copies of your document. Rule 6
7. No Certificate of Service accompanied your document(s). Rule 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.
8. Your Certificate of Service did not include the complete name and /or mailing address of each opposing counsel and pro se party. Rule 1(a) and 6
9. Your document exceeds page limits. Rules 24(f) , 30(e) and 31(c)
10. Your request for court action must be submitted in motion form. Rule 41 (a)
11. No extension of time for filing an interlocutory application will be granted . Rule 30 (g) . No extension of time will be granted for filing a discretionary application unless the motion for extension is filed on or before the due date of the discretionary application.
12. The type font was smaller than 10 characters per inch; type was not double-spaced or/and type was on both sides of the paper. Rules 1(c), 24(b), 37(a) and 41(b).
13. Your motions were submitted in an improper form (joint, compound, or alternative motions in one document). Rule 41 (b)
14. Margins were too small or paper size was incorrect. Rules 1(c), 24(c), 30(e), 31(c) and 41(b).
15. **Your document was submitted for filing more than 30 days after the date of the order granting, denying or dismissing the application or the order granting, denying or dismissing the Motion for Reconsideration. Rules 30(j) and 31(j). Pursuant to the case number listed on your filing.**
16. **Other: Should you choose to file a 40(b) Motion, you should read Rule 40(b) so you will know the rules for filing an Emergency Motion with the Court. Your motion should contain a stamped filed copy of the order being appealed and have a sufficient pauper's affidavit for your filing costs. Always include a Certificate of Service with any filing you want considered by the Court.**

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

EMERGENCY MOTION (40B)

comes now Per se, moussa Diarra, defendant is seeking an special order to Preserve the jurisdictional matter in case A1410200 as well as "MOTION to Reconsider" due to it becoming moot

to be timely, a discretionary application must be filed within 30 days of the order in accordance with S.C. 35. The revocation order being appealed occurred on may 2nd 2011.

IF this court grants the motion the issues that defendant would raise would be of great worth, concern, gravity, and importance to the public.

RECEIVED
2015 AUG 21 PM 4:27
COURT OF APPEALS OF GA

MOUSSA DIARRA #DC1000010754
HAYS State Prison
PO BOX 668
TRION Ga 30753

THIS August 26th 2015
Per se *Moussa Diarra*

MOUSA DIARRA

PROBATION REVOCATION ORDER

The Petition for Revocation of the Defendant's probation filed on 5-2-11 ^{amended} having been heard, and after hearing evidence, the Court makes the following findings of fact:

Defendant has committed the subsequent offense(s) of Aggravated Assault on 5/5/10

Defendant has failed to abide by the following terms and conditions of probation:

- Failure to report
- Failure to pay fine and/or fees
- Failure to pay restitution
- Failure to complete Community Service
- Failure to advise Probation Officer of current residence address/employment
- Failure to complete
- Other

IT IS CONSIDERED, ORDERED AND ADJUDGED that the Defendant has violated the terms of probation ordered by the Court 5-4-09; therefore:

- Balance of probation revoked.
- revoked, remainder on probation under conditions originally imposed.
- revoked, probation terminated upon completion of this sentence.
- Credit for time serve since
- Additional condition of probation:

FIRST OFFENDER STATUS & SENTENCE VACATED; ADJUDICATION OF GUILT ENTERED; RESENTENCED TO:

Confinement for a period of _____ in the State Penal System or such other institution as the Commission of the State Department of Offender Rehabilitation may direct, to be computed as provided by law.

HOWEVER, IT IS FURTHER ORDERED BY THE COURT:

- That above sentence may be served on probation.
- Upon service of _____ of the above sentenced, the remainder of _____ may be served on probation.
- Defendant shall receive credit for time served on probation.
- Defendant is receive credit for time already served on probation that is to be applied to the probated portion of the sentence, not the term of incarceration.
- The defendant has been granted the privilege of serving all or part of the above-stated sentence on probation and must comply with the following general and other conditions of probation hereby imposed by the Court as a part of this sentence. The defendant shall:
 - Not violate any State or Federal laws.
 - Make regular reports to the Adult Probation Officer of DeKalb County as directed.
 - Keep the Adult Probation Officer informed at all times of the defendant's place of employment and residence address.
 - From time to time upon oral or written request by any probation officer, produce a breath, urine and/or blood specimen for analysis for the possible presence of a substance prohibited or controlled by law of the State of Georgia or of the United States.
 - Pay a fine in the amount of \$ _____, plus \$50.00 or 10% of said fine, whichever is less pursuant to the court costs in the amount \$ _____ through the Adult Probation Officer as provided by said officer.
 - Other condition(s) of probation: _____

PROBATION REINSTATED PETITION WITHDRAWN PETITION DISMISSED

.O.
felvin Marsh

SO ORDERED, this 2 day of MAY 2011

JUDGE DANIEL M. COURSEY, JR.
DEKALB SUPERIOR COURT
STONE MOUNTAIN JUDICIAL CIRCUIT

PROBATION CLOSED.
 Filed in Open Court
 This 2 day of May 2011

 deputy clerk
 Time 3:41 P. M.

MOUSA DIARRA

PROBATION REVOCATION ORDER

The Petition for Revocation of the Defendant's probation filed on 5-2-11 ^{amended} having been heard, and after hearing evidence, the Court makes the following findings of fact:

Defendant has committed the subsequent offense(s) of aggravated assault on 5/5/10

Defendant has failed to abide by the following terms and conditions of probation:

- Failure to report
- Failure to pay fine and/or fees
- Failure to pay restitution
- Failure to complete Community Service
- Failure to advise Probation Officer of current residence address/employment
- Failure to complete
- Other

IT IS CONSIDERED, ORDERED AND ADJUDGED that the Defendant has violated the terms of probation ordered by the Court 5-4-09; therefore:

Balance of probation revoked.

_____ revoked, remainder on probation under conditions originally imposed.

_____ revoked, probation terminated upon completion of this sentence.

_____ Credit for time serve since _____.

_____ Additional condition of probation: _____

FIRST OFFENDER STATUS & SENTENCE VACATED; ADJUDICATION OF GUILT ENTERED; RESENTENCED TO:

_____ Confinement for a period of _____
in the State Penal System or such other institution as the Commission of the State Department of Offender Rehabilitation may direct, to be computed as provided by law.

HOWEVER, IT IS FURTHER ORDERED BY THE COURT:

_____ That above sentence may be served on probation.

_____ Upon service of _____ of the above sentenced, the remainder of _____ may be served on probation.

_____ Defendant shall receive credit for time served on probation.

_____ Defendant is receive credit for time already served on probation that is to be applied to the probated portion of the sentence, not the term of incarceration.

_____ The defendant has been granted the privilege of serving all or part of the above-stated sentence on probation and must comply with the following general and other conditions of probation hereby imposed by the Court as a part of this sentence.

The defendant shall:

_____ Not violate any State or Federal laws.

_____ Make regular reports to the Adult Probation Officer of DeKalb County as directed.

_____ Keep the Adult Probation Officer informed at all times of the defendant's place of employment and residence address.

_____ From time to time upon oral or written request by any probation officer, produce a breath, urine and/or blood specimen for analysis for the possible presence of a substance prohibited or controlled by law of the State of Georgia or of the United States.

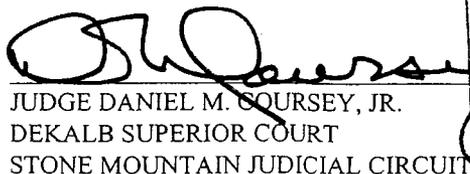
_____ Pay a fine in the amount of \$ _____, plus \$50.00 or 10% of said fine, whichever is less pursuant to the court costs in the amount \$ _____ through the Adult Probation Officer as provided by said officer.

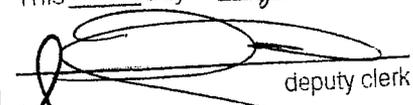
_____ Other condition(s) of probation: _____

PROBATION REINSTATED PETITION WITHDRAWN PETITION DISMISSED PROBATION CLOSED.

P.O.
Melvin Marsh

SO ORDERED, this 2 day of MAY 2011.

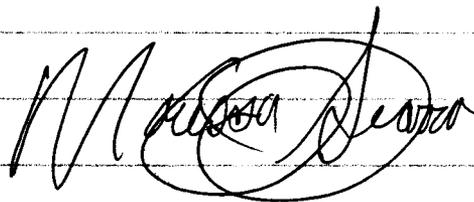

JUDGE DANIEL M. COURSEY, JR.
DEKALB SUPERIOR COURT
STONE MOUNTAIN JUDICIAL CIRCUIT

Filed in Open Court
This 2 day of May, 2011

deputy clerk
Time 5:41 P. M.

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY THAT I HAVE THIS DAY SERVED
A COPY OF THE FOREGOING EMERGENCY MOTION
ON THE DISTRICT ATTORNEY'S OFFICE STONE
MOUNTAIN JUDICIAL CIRCUIT SUITE 700, DEKALB
COUNTY COURTHOUSE 556 N. McDONOUGH ST.
DECATUR, GEORGIA 30030

THIS THE 27TH DAY OF AUGUST 2015

A handwritten signature in black ink, appearing to read "Moussa Diarra". The signature is stylized and somewhat cursive, with the first name "Moussa" and last name "Diarra" clearly visible.

MOUSSA DIARRA
HAYS STATE PRISON
PO BOX 668
TRION GA 30753