

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

December 28, 2015

To: Mr. Alvin El, 13130 S.E. Powell Boulevard #8, Portland, Oregon 97236

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 the name of Alvin El.
- 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. We do not have a file to append your copy.
- 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. The mailing address for the Supreme Court of Georgia is: 244 Washington Street, S.W., Suite 572, Atlanta, Georgia 30334.
- 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.

FORM 1 - NOTICE OF APPEAL (CIVIL or CRIMINAL CASE)

NOTICE OF APPEAL

IN THE _____ (SUPERIOR, STATE, ETC.) COURT
OF Dekalb COUNTY

STATE OF GEORGIA

PLAINTIFF

CASE NUMBER

Dianna Green,
Division of Georgia, Child Support,
vs. Dept. of Human Services, et al.

#8000009304 #CSJR

DEFENDANT

Alvin E. Gamble-EI,
Sui heredes,

NOTICE OF APPEAL

Notice is given that Alvin EL (Plaintiff/Defendant) in the above matter hereby appeals to the Court of Appeals of Georgia from the judgment of the trial court entered on the 10 day of 17 2014.

The clerk shall X/A (omit nothing from the record on appeal/will omit from the record on appeal the following: _____.)

A transcript of evidence and proceedings (will) will not) be filed for inclusion in the record on appeal.

The Court of Appeals, rather than the Supreme Court, has jurisdiction of this appeal because the issue involved is _____ and appeals of such cases are not reserved to the Supreme Court of Georgia pursuant to Article VI, Section VI, Paragraphs II and III of the Constitution of the State of Georgia.

Religious freedom Excercist Clause (1 st. Amendment)

CERTIFICATE OF SERVICE

I certify that I have this day served Dianna Green (opposing party or attorney) with a copy of this Notice of Appeal by US certified mail and delivery/ mailing a copy first class mail postage prepaid) to him/her at: 1835 Highland Ave. (complete address of party served).
Dablin, Ga 31021

This the 1 day of A.

(Sign your name.)

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COURT OF APPEALS OF GEORGIA

despite failure to cite proper legal authority, confusion of legal theories, poor syntax and sentence construction, or litigant's unfamiliarity with rule requirements. See Boag v. MacDougall, 454 U.S. 364, 102 S.Ct. 700, 70 L.Ed.2d 551 (1982) For the foregoing reasons the Appellant asks that the Notice of Hearing/Orders/Judgment(s) rendered by the lower court be reversed, funds unlawfully garnished be refunded along with any other relief this honorable courts sees fit to be granted. See Gibbons v. Ogden, 22 U.S. (9 Wheat.) at 189-90 (opinion of Marshall, C.J.); See Also O.C.G.A. 9-11-26; See Also Holy Bible KJV 1 Timothy 5:18.

"I affirm under penalty of perjury under the laws of these united states of America that the foregoing is true and correct. Executed Done and Ordered Under My Hand and Seal on this _____ Day of February 2014 of My Freewill Act and Deed."

Respectfully Submitted,

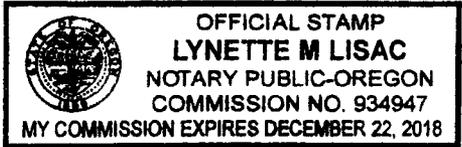
SUBSCRIBED AND AFFIRMED Alvin EL
Alvin E. Gamble EL, Sui Heredes

STATE OF OREGON)
Clackamas) VERIFICATION
MULTNOMAH COUNTY)

I hereby certify that on this 1st day of April, the above Alvin Gamble EL, whom I know, or has Identification satisfactorily proven to me, appeared to attest and affirm that he is the one executing the foregoing document.

I, THEREFORE set my hand and seal in affirmation to the execution thereof.

Lynette M Lisac
Notary Public in and for the State of Oregon



My commission expires: 12-22-2018

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing BRIEF OF APPELLANT, Alvin E. Gamble EI, has been sent by U.S. First Class mail with postage prepaid envelope to:

DIVISION OF CHILD SUPPORT SERVICES
ATTENTION: ALLIE GRIESER
1835 HIGHLAND AVENUE
DUBLIN, GA 31021
(877) 423-4746

COURT OF APPEALS CLERK
47 TRINITY AVE SW
ATLANTA, GA 30334

On this ____ day of February 2015.

Server, Non-interested party

IN THE COURT OF APPEALS FOR THE STATE OF GEORGIA

ALVIN E. GAMBLE-el,)
 Ex rel [ALVIN GAMBLE],)
)
 Appellant,)
 v.)
)
 DIANNA GREEN, DIVISION OF GEORGIA)
 CHILD SUPPORT, DEPT. OF HUMAN)
 SERVICES ET AL.)
)
 Appellees.)

Appeal from Case # 8000009304\$CSJR

FILED IN OFFICE
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 COURT OF APPEALS OF GA

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PART ONE: PROCEDURAL HISTORY AND STATEMENT OF FACTS

Alvin E. Gamble El (*hereinafter* "Mahometan") appeals from the trial court's (i.e. STONE MOUNTAIN JUDICIAL CIRCUIT COURT, case No. 800009304\$CSJR)) decision and ORDER of Child Support. Neither the procedural actions nor the statutory holdings under O.C.G.A. § 17-12-44 O.C.G.A. § 16-5-41 permit such servitude. Mahometan did not knowingly or willfully violate any court orders and holds a resolute 1st Amendment-protected religious objection to 42 U.S. Code § 666 and O.C.G.A. 19-6-26 (2010) respectively. (See Gamble-el v. United States of America; *See also* State ex rel. Stephan v. Smith, 747 P2d 816, 837-842 (Kan. 1987))

Mahometan has suffered from several medical conditions dating back to 1982, has repeatedly reiterated his religious convictions and has suffered unlawful arrests, imprisonment and confinement based on his non-compliance with said 'quasi-court' ORDER. Because of fraud, enticement to slavery and peonage, Mahometan shall seek damages arising out of the severe psychological pain, mental anguish, emotional distress and injuries he has suffered in his efforts to be involved with the rearing of his progeny according to his Moslem culture and religious creed. (See Thomas v. Review Bd. of Ind. Employment SEC. Div., 391 N.E.2d 1127 (Ind. 1979); *See also* (In Re Self v Rhay Wn 2d 261),

PART TWO: ENUMERATION OF ERRORS

1. The trial court erred in issuing *capias* orders facilitating the arresting and confining Mohametan for a 'Civil Contempt warrants' because the Appellees had no right under § O.C.G.A. 16-5-41 to do so.
2. The trial court abused its discretion in granting and aiding via collusion the effectuation of a "Set-off" levy against Mohametan, preventing him from obtaining a Passport and otherwise travel freely within the several states for fear of reprisal, arrest, detainment or confinement. *See* GA DEPT. OF HUMAN RESOURCES ex. rel. CHARLES R. REDDICK Special Assistant Attorney General o/b/o ROBIN KAYLA SWEAT SAMUEL E. SWEAT, JR. CYNTHIA M. SWEAT Plaintiff v. MICHELLE L. SWEAT And SAMUEL SWEAT, SR. Defendants * CIVIL ACTION NO. 2000 C 127 *

PART THREE: ARGUMENT

The deprivation of Mohametan's constitutionally protected rights, at all stages of the lower, "quasi-court" proceedings, constitutes structural error(s) in the absence of all jurisdiction. The Supreme Court has recognized that "when an officer acts under a state law in a matter violate the Federal Constitution, he comes into conflict with with the superior authority of that Constitution, and he is in that case stripped of his official or representative character and is subjected in his person to the consequences of his individual conduct. The State has no power to impart to him any immunity from responsibility to the supreme authority of the United States." [Emphasis supplied in original] By law, a judge is a state officer. The judge then acts not as a judge but as a private individual (in his person). These structural defects fundamentally "affect the framework within which the trial proceeds." *U.S. v. Gonzalez-Lopez* (2006), 126 S.Ct. 2557, 2564, 165 L.Ed.2d 409. These errors are so pervasive that they "taint the entire proceeding," *Gonzalez-Lopez*, 126 S. Ct. at 2563-64, and "necessarily render[] a trial fundamentally unfair." *See also* *Rose v. Clark*, 478 U.S. 570 (1986)

The record shall reflect and show that Appellees subsequent order of contempt, notice(s) of hearings, suit(s) were wholly void of a valid proof of claim, process of service, contract agreement, or acceptance of the same. Said proceeding gives rise to enticement to slavery and involuntary servitude, repugnant to the Constitution for the state of Georgia. *See Ex Parte Davis*, 344 SW 2d 925(1976); *See also* O.C.G.A.§ 16-5-46

Every U.S. Court of Appeals that has addressed this issue has held that child support is a common, commercial (and civil) debt, *See* *U.S. v. Lewko*, 269 F3d (1st Cir. 2001)(citations omitted) and *U.S. Parker*, 108 F.3d 28, 31 (3rd Cir. 1997). Mohametan maintains the reservation of his right not to be compelled to perform under any contract or commercial agreement that he did not enter knowingly, voluntarily and intentionally. As an American inhabitant of Moorish descent, Mohametan has unalienable treaty rights and religious prerogatives that preclude him from unlawful arrest, confinement or coerced child support of any kind of garnishment. *See* *Thompson v. Smith* 154 SE 583. The Appellees enforcing the de facto order(s), demands for

payments, judgment(s)/hearings to effectuate a garnishment of Mohametan's pay have failed to properly identify themselves or their delegation of authority, produce the original instrument, or signed receipt. *See ASIS v US 568 F2d, 284; See also 22 CFR 93.1-93.2; See also O.C.G.A. 11-3-501*

Moreover, Appellees are bound to comply with Supreme Court Rulings and court orders based upon the Supreme Court's interpretation of the Constitution. The record shall reflect that Georgia Child Support Enforcement Agency lacks jurisdiction and has acted improperly against the Appellant, a Moorish inhabitant of the several states, in absence of all jurisdiction. *See Stuck v. Medical Examiners, 94 Ca2d 751.211 P2s 389*

The unconstitutional acts of the Appellees give rise to involuntary servitude which is repugnant to the Georgia state Constitution. Appellant is of an order of persons to whom privileges are granted at the expense of the rest of the people. Mohametan's affairs with any his progeny a being private matter, he cannot be compelled to perform in this matter or be subjected to the arbitrary, de facto- „quasi-court“ proceedings/ hearings/ judgments of the Dekalb County District Court. *See Horst v. Moses, 48 Ala. 123 (1872)*

CONCLUSION

The defective and unconstitutional proceedings which resulted in the "Order of Support" depriving Mohametan of his liberty and freedom of movement was unlawful and procedurally devoid of due care in regards to his "worth of hire" under ecclesiastical law and canon law respectively as a Moorish rite. Wherefore, Mohametan respectfully requests that this Honorable Court reverse the grant of Georgia Child Support Enforcement Agency's IWO [Income Withholding for Support/Levy]; recognize and affirm that said trial court lacks jurisdiction in this matter to effectuate an order of contempt/ judgment, order the release of any and all levies/garnishments against Mohametan and return any and all funds unlawfully confiscated. Mohametan is not represented by a Georgia State Bar Attorney and as a pro se litigant would ask that the court submission be construed liberally and held to less stringent standards than submissions of trained lawyers. If the court can reasonably read the submissions, it should do so

FORM 2 - PAUPER'S AFFIDAVIT

COURT OF APPEALS OF GEORGIA

Alvin E

*

APPELLANT

*

vs

*

CASE NUMBER

Dianna Green

*

#80000093049CSJR

APPELLEE

PAUPER'S AFFIDAVIT

Comes now Alvin E (Appellant's name) first being duly sworn, deposes and states I am financially unable to pay the filing fee required for filing costs in the Court of Appeals of Georgia, and I request I be permitted to file C (Appellant's Brief or Appellant's Application) without having to pay filing fees. I further swear that the responses which I have made to the questions and instructions below are true.

1. Are you presently employed? Yes No

If the answer is "Yes", state the amount of your salary or wages per month, and give the name and address of your employer: _____

If the answer is "No", state the date of last employment and the amount of the salary and wages per month which you received: 1997 July 7, 97 @ 10.00 hr

2. Have you received within the past twelve months any money from any of the following sources? No

- Business, profession or form of self-employment? Yes No
- Pensions, annuities or life insurance payments? Yes No
- Rent payments, interest or dividends? Yes No
- Gifts or inheritances? Yes No
- Any other sources? Yes No

If the answer to any of the above is "Yes", describe each source of money and state the amount received from each source during the past twelve months: _____

NA
NA

3. Do you own any cash, or do you have money in a checking or savings account? (Include any funds in prison accounts) Yes No

If the answer is "Yes", state the total value of the items owned: _____

4. Do you own any real estate, stocks, bonds, notes, automobiles or other valuable property (excluding ordinary household furnishings and clothing)? Yes No

If the answer is "Yes", describe the property and state its approximate value:

5. List the persons who are dependent upon you for financial support, state your relationship to those persons, and indicate how you contribute toward their support: _____

_____ W/A _____

I understand that a false statement or answer to any question in this affidavit will subject me to penalties for perjury and that state law provides as follows:

(a) A person to whom a lawful oath or affirmation has been administered commits the offense of perjury when, in a judicial proceeding, he knowingly and willfully makes a false statement material to the issue on point in question.

(b) A person convicted of the offense of perjury shall be punished by a fine of not more than \$1,000 or by imprisonment for not less than one nor more than ten years, or both. OCGA §16-10-70.

I, Alvin El, do swear and affirm under penalty of law that the statements contained in this affidavit are true. I further attest that this application for in forma pauperis status is not presented to harass or to cause unnecessary delay or needless increase in the costs of litigation.

This the 1st day of April, 2015

Alvin El
(Your name printed or typed)

Alvin El
(Sign your name.)

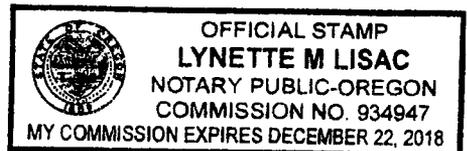
971-222-9418

13130 SE Powell Blv. #5 Portland OR 97236
(Your complete address and telephone number)

Sworn to and subscribed before me

SEAL

this the 1st day of April, 2015.
Lynette M Lisac Notary Public



FORM 3 - NOTICE OF INTENT

COURT OF APPEALS OF GEORGIA

Alvin EL,

*

APPELLANT

*

vs.

*

CASE NUMBER

*

80000009304 #CSJR

APPELLEE

NOTICE OF INTENT

Comes now Alvin EL (Appellant/Appellee) in the above appeal and files this Notice of Intent to apply for certiorari to the Supreme Court of Georgia.

This the _____ day of _____, _____.

(Sign your name.)

/

(Your complete address.)

CERTIFICATE OF SERVICE

I certify that I have this day served _____ (opposing party or attorney) with a copy of this Notice of Intent by _____ (hand delivery/ mailing a copy first class mail postage prepaid) to him/her at: _____

(complete address of party served).

This the _____ day of _____, _____.

(Sign your name.)