

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

February 23, 2015

To: Mr. William C. Ezell, GDC881705, Calhoun State Prison, Post Office Box 249, Morgan, Georgia 39866

Docket Number: A15A0988 **Style:** William Ezell 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.**
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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)
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17. The Motion to Supplement has not been granted.
18. Other: _____

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IN The Court of Appeals of Georgia

William C. Ezell

APPEAL Case No:

A15A0988

VS.

Case No:

12 CR012

STATE OF GEORGIA

Brief of Appellant

Comes Now appellant William C. Ezell
and files this brief in on appeal.

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A Copy of Brief and Facts
in Support of:

Now comes William C. Ezell
with Argument on appeal based on the
Grounds of ineffective assistance of
counsel and the Defendant's right to
appeal was violated due to him not
being notified at the hearing to withdraw
Plea, September 6th 2012. Here following
are Detail accounts of the basis to
Support facts and Grounds.

ON August 7th 2012, The
Defendant, William C. Ezell took plea

OF 30 years to serve on the CHARGES OF POSSESSION OF METHAMPHETAMINE. ON THE DAY OF August 13, 2012, THE DEFENDANT'S ATTORNEY RYAN C. CLEVELAND SUBMITTED A MOTION TO WITHDRAW THE GUILTY PLEA DUE TO INEFFECTIVE ASSISTANCE OF COUNSEL. CASE CITED IN SUPPORT OF WHARTON V. JONES 248 GA. 265, 266, 282 S.E. 2ND 310 (1981). ON THE DAY OF September 6TH, 2012, A HEARING WAS HELD AND PRESIDED OVER BY THE HONORABLE JUDGE CHASON. DEFENDANT'S ATTORNEY AT THIS HEARING WAS P.D. ERNIE SHEFFIELD.

DURING THIS HEARING THE DEFENDANT'S MOTION WAS DENIED. AT NO TIME DURING THE HEARING OR AFTERWARD WAS THE DEFENDANT NOTIFIED OF HIS RIGHT TO APPEAL.

.. AND Due to the DEFENDANTS ignorance
OF the Law an appeal was never filed,
until December 1st 2014. DEFENDANT
William C. Ezell filed a motion for
the request for an out of time appeal,
which was also Denied December 11th
2014.

As follows the defendant filed
an notice of appeal on December 22nd
2014 and it was docketed by the
Court of Appeals of Georgia on
January 27, 2015.

Preservation of error

The errors which have been addressed have been preserved by each error being listed as counsel to Defendant being ineffective.

through as follows the Defendants motion to withdraw Guilty Plea Sept. 6th 2012.

motion for out of time appeal Dec. 1st 2014

also notice of appeal December-20 2014.

enumeration of errors

1. The Court erred in inability to notify the Defendant his right to appeal.
2. The Court erred by not aiding the defendant with sufficient and effective counsel.

STANDARD Review

The first error in review is the inability to notify the Defendant his right to appeal following the Denied motion to withdraw Plea September 6, 2011

The Defendant's grounds in Declaring the err is supported by Case Cobb v. State (Case No. 508AD564 June 30, 2008) which shows Defendant's right to direct appeal of Denial of motion to withdraw plea.

This case alone should show both errors by the Court.

Where for Defendant Prays
The court will Grant the appeal
ON the Grounds and arguments
in the Brief.

Respectfully Submitted this 16th day of
February, 2015.

Sent to:

Court of Appeals of Georgia
47 Trinity Avenue S.W.
Suite 501
ATLANTA, GA. 30334

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