

**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)
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10.  Your request for court action must be submitted in motion form. Rule 41 (a)
11.  Your motions were submitted in an improper form (joint, compound or alternative motions in one document). Rule 41 (b)
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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)
16.  Your document(s) was (were) not securely bound at the top with staples or round head fasteners. Rule 1 (c)
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

VS.

STATE OF GEORGIA

APPEAL Case No:

A15A0988

Case No:

12 CR012

Brief of Appellant

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

~~RECEIVED IN OFFICE  
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CORRECTIONS~~

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 6<sup>th</sup> 2012. Here following  
are Detail accounts of the basis to  
support facts and Grounds.

ON August 7<sup>th</sup> 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. 2<sup>nd</sup> 310 (1981). On the Day of September 6<sup>th</sup>, 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 1<sup>st</sup> 2014. DEFENDANT  
William C. Ezell filed a motion for  
the request for an out of time appeal,  
which was also Denied December 11<sup>th</sup>  
2014.

As follows the defendant filed  
an notice of appeal on December 22<sup>nd</sup>  
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. 6<sup>th</sup> 2012.

motion for out of time appeal Dec. 1<sup>st</sup> 2014

also notice of appeal December-26 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, 201

The Defendants grounds in Declaring the err is supported by Case Cobb v. State (Case No. 508AD564 June 30, 2008) which shows Defendants 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 16<sup>th</sup> day of  
February, 2015.

Sent to:

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

*William C. Ezell*  
William C. Ezell  
GDC # 881705  
Calhoun State Prison  
P.O. Box 249  
MORGAN, GA. 30866