

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

September 19, 2015

**To:** Mr. Warren Fambro, GDC366162, Baldwin State Prison, Post Office Box 218, Hardwick, Georgia  
31034

**Docket Number:** A16A0040 **Style:** Warren Fambro 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 or an improper Certificate of Service accompanied your document(s). Rule 6
5.  Your Certificate of Service did not 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.
6.  There were an insufficient number of copies of your document. Rule 6.
7.  Your document exceeds page limits. Rules 24 (f) and 27 (a)
8.  Your document was submitted without permission to file (supplemental brief or second motion for reconsideration). Rules 27 (a) and 37 (d)
9.  Letter briefs and letter cites are not permitted. Rule 27 (b)
10.  Your request for court action must be submitted in motion form. Rule 41 (a)
11.  Your motions were submitted in an improper form (compound motions in one document). Rule 41 (b)
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)
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: **Our docket reflects Leah Madden of David Madden & Associates, 2001 Martin Luther King, Jr. Drive, Suite 307, Atlanta, Georgia 30310 as your attorney of record. 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. I am returning your documents to you.**

9.8.15

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

To: *Warren Fambro*  
Docket Number: *A16A0040*

Style: *Warren Fambro 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 or an improper Certificate of Service accompanied your document(s). Rule 6
- 5.  Your Certificate of Service did not include the complete name and mailing address of each opposing counsel and pro se 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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- 17.  The Motion to Supplement has not been granted.
- 18.  Other: *NT has an attorney of record.*

For Additional information, please go to the Court's website at: [www.gaappeals.us](http://www.gaappeals.us)

IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA

WARREN FAMBRO  
Petitioner

25832  
Inmate Number

vs.

THEODORE JACKSON  
Warden

FULTON COUNTY JAIL, 901 RICE ST.  
Respondent

(Name of Institution where you are now located)

Civil Action No. LCV95660

Habeas Corpus

A16A0040

RECEIVED IN OFFICE  
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COURT CLERK'S OFFICE OF GA

APPLICATION FOR WRIT OF HABEAS CORPUS

PART I: BACKGROUND INFORMATION ON YOUR CONVICTION

1. Name, county, and court which entered the judgment of conviction under attack :

SUPERIOR COURT, FULTON COUNTY, SUPERIOR COURT

2. Date of conviction : APRIL 9, 2007

3. Length of sentence(s) : LIFE SENTENCE

4. Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time?  Yes  No

5. Name of offense(s). List all counts : \_\_\_\_\_

6. What was your plea? Please check one :

Guilty

Guilty but mentally ill

Nolo contendere

Not guilty ✓

If you entered a guilty plea to one count or indictment, and a not guilty or nolo contendere plea to another count or indictment, give details : \_\_\_\_\_

7. Kind of trial. Please check one :

Jury ✓

Judge only

8. Did you testify at the trial?  Yes  No

9. Did you appeal from the conviction?  Yes  No ✓

10. If you did appeal, answer the following :

Name of appellate court to which you appealed : SUPERIOR COURT

Result of appeal : HUNG & JURY (FIRST TRIAL)

Date of result : APPROX. APRIL 4, 2007

11. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this conviction in any state or federal court?

G Yes  No

12. If your answer to 11 was "Yes", give the following information: (Note: if more than three petitions, please use a separate sheet of paper and use the same format to list them.)

A. Name of court and case number: SUPERIOR COURT, FULTON COUNTY, CASE NO: 07SC54056

What kind of case or action was this? HUNG JURY

All grounds raised (attach extra sheet of paper if necessary): INSUFFICIENT EVIDENCE / AND FALSE IMPRESSION OF SEXUAL ABUSE IMPLANTED BY OFFICIALS AND FATHER.

Did a judge hear the case?  Yes  No Did witnesses testify?  Yes  No

Name of Judge: JUDGE MICHAEL JOHNSON

Result: NEW TRIAL (SECOND)

Date of result: NOV. 15, 2007

B. As to any second petition, application or motion, give the same information.

Name of court and case number: SUPERIOR COURT, FULTON COUNTY, CASE NO: 07SC54056

What kind of case or action was this? INSUFFICIENT EVIDENCE OF RAPE.

All grounds raised (attach extra sheet of paper if necessary): NO PROOF OF PENETRATION AND NO PROOF OF PHYSICAL EVIDENCE.

Did a judge hear the case?  Yes  No Did witnesses testify?  Yes  No

Name of Judge: JUDGE MICHAEL JOHNSON

Result: NEW TRIAL

Date of result: NOV. 18, 2009 (THIRD)

C. As to any third petition, application or motion, give the same information.

Name of court and case number: SUPERIOR COURT, FULTON COUNTY, CASE NO: 07SC54056

What kind of case or action was this? APPEAL

All grounds raised (attach extra sheet of paper if necessary): VERDICT IS / WAS CONTRARY TO EVIDENCE, VERDICT IS / WAS STRONGLY AGAINST THE WEIGHT OF THE EVIDENCE OF NO PENETRATION, NO PROOF OF FORCE AND NO MEDICAL EXAMINATION AT TRIAL.

Did a judge hear the case?  Yes  No Did witnesses testify?  Yes  No

Name of Judge: JUDGE MICHAEL JOHNSON

Result: FOUND GUILTY BY JURY

Date of result: MARCH 31, 2011

D. Did you appeal to the Georgia Supreme Court or the Georgia Court of Appeals from the result taken on any petition, application or motion listed above?

First petition, application or motion: G Yes  No

Second petition, application or motion: G Yes  No

Third petition, application or motion: G Yes  No

E. If you did not appeal from the denial of relief on any petition, application or motion, explain briefly why you did not : RECD 3 NEW TRIALS IN SUPERIOR COURT AND 4th NEW TRIAL PENDING WAS DENIED 4th NEW TRIAL THIS 17 DAY OF OCT. 2014, BY JUDGE TOCH MARKLE ON INEFFECTIVE ASSISTANCE OF COUNSEL. SEE GROUND NUMBER # 3 ON PAGE 10.

F. If you appealed to the highest state court having jurisdiction, did you file a petition for certiorari in the United States Supreme Court to review the denial of your petition by the Georgia Supreme Court or the Georgia Court of Appeals?  Yes  No

13. Do you have any petition or appeal now pending in any court, either state or federal, as to the conviction under attack?  Yes  No

14. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein :

At preliminary hearing : UNKNOWN

At arraignment and plea : ATTORNEY TONY MATHIS

At trial : ATTORNEY TONY MATHIS FIRST AND SECOND NEW TRIAL; ATT. ELYSSA KOORMAN; ATTORNEY JIMMONIQUE ROCKIES AND ATTORNEY JENNIFER VENTURA ON 3rd NEW TRIAL

At sentencing : ATTORNEY JEFFREY FRATZER, ON 4th NEW TRIAL PENDING.

On appeal : ATTORNEY LEAH D. MADDEN.

In any post-conviction proceeding : \_\_\_\_\_

On appeal from any adverse ruling in a post-conviction proceeding : \_\_\_\_\_

15. Do you have any other sentence, either state or federal, to serve after you complete the sentence imposed by the conviction under attack?  Yes  No

If so, give the name and location of the court(s) which imposed any other sentence : \_\_\_\_\_

And give the date and length of any other sentence to be served : \_\_\_\_\_

Have you filed, or do you contemplate filing, any petition attacking the judgment(s) which imposed any other sentence?  Yes  No

If so, give the name and location of the court(s) which impose any other sentence:

N/A

State the date and length of any other sentence to be served: N/A

Have you filed, or do you contemplate filing, any petition attacking the judgment(s) which imposed any other sentence?  Yes  No

Double Jeopardy Mistrial, NEW TRIAL  
First Filed: 1-8-08

" Second Double Jeopardy - NEW TRIAL :  
11-27-08

" JURISDICTION CLAUSE,  
CLAIM FOR RELIEF.... REVERSA DECISIONS:  
JUL. 20, 2009.

" MOTION TO BLANKET BINDING AUTHORITY  
AMEND DIRECTED TO MATTERS OF FORM AND PROCEDURALS:  
DEC. 29, 2009

" BONAFIDE ON PETITIONER BEHALF  
of a EVIDENTIARY HEARING:  
OCT. 10, 2012

" BRIEF... SUPPLEMENTAL COMPLAINT  
MOTION FOR ACQUITTAL AT NEW TRIAL/  
ADEQUACY AND ADMISSIBILITY OF EVIDENCE:  
SEPT. 24, 2014 COURT OF APPEAL OF DEC. 16, 2014.

FILED EVIDENTIARY REQUIREMENTS:  
SEPT. 28, 2014

## PART II: STATEMENT OF YOUR CLAIMS

State concisely every ground on which you no claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. In necessary, you may attach pages stating additional grounds and facts supporting the same.

1.

GROUND ONE: INSUFFICIENT EVIDENCE OF RAPE AND A FALSE IMPRESSION OF SEXUAL ABUSE WAS  
IMPLANTED BY OFFICIALS AND THE FATHER IN CONCERT WITH COERCING A MISTAKE OF THE LAW, A  
SPECULATION OF WHAT HAPPEN INSTEAD OF WHAT SHOULD HAVE BEEN KNOWN TO A MEDICAL EXAMINATION  
SUPPORTING FACTS. (Tell your story briefly without citing cases or law): WHERE SUFFICIENT EVIDENCE  
OF RAPE WAS PRESENTED THAT A GROWN MAN WOULD NOT BE ABLE TO HAVE FORCIBLE SEX WITH A  
CHILD WITHOUT PHYSICAL EVIDENCE AND AN OUT CRY. (ALTHOUGH THE EVIDENTIARY REQUIREMENT  
OF RAPE WAS NOT BROUGHT FORTH WHICH SHOULD HAVE BEEN GUARANTEED OF DUE PROCESS UNDER  
ALLEGATION OF A MED. EXAM. BY COUNSEL'S STRATEGY OR EFFECTIVENESS. YET, REC'D A HUNGRY JURY.

2.

GROUND TWO: INSUFFICIENT EVIDENCE OF RAPE WITHOUT ANY PROOF OF PENETRATION (OR)  
EVIDENCE OF FORCE WHICH ARE THE ESSENTIAL ELEMENT TO A CONVICTION. A DENIAL OF THE  
EVIDENTIARY REQUIREMENT AND THE CONSTITUTIONAL DUE PROCESS VIOLATION.

SUPPORTING FACTS. (Tell your story briefly without citing cases or law): COERCING WAS BROUGHT  
FORTH IN THE COURT ROOM WHEN ATTORNEY TONY MATHIS, SAW THE FATHER MR. JOHNNY PILLETTE,  
COERCING HIS DAUGHTER TO THE ALLEGED ALLEGATION AND BROUGHT THIS AWARENESS TO THE  
COURT'S ATTENTION APRIL 7, 2007, AT SECOND NEW TRIAL REC'D NOV. 15, 2007. AND THIRD  
NEW TRIAL WAS REC'D IN THIS CASE NOV. 18, 2008; "EVIDENCE OF OTHER COERCING WAS AXX 28, 2008."

3.

GROUND THREE: DEFENDANT SHOWS THAT THE VERDICT IS CONTRARY TO THE EVIDENCE.  
DEFENDANT SHOWS THAT THE VERDICT IS / WAS STRONGLY AGAINST THE WEIGHT OF THE  
EVIDENCE OF NO PROOF OF PENETRATION, NO PROOF OF FORCE (PHYSICAL EVIDENCE.) NO TESTING WAS

SUPPORTING FACTS. (Tell your story briefly without citing cases or law): TRIAL COUNSEL JEFFREY  
FRAIZER, WAS INEFFECTIVE AND DEFICIENT WHEN MADE AN UNTRUTH STATEMENT AS A  
MATERIAL FACT IN OPEN <sup>COURT</sup> TO THE DEFUNCT CHARGE TO THE JURY MARCH 31, 2011  
WAS SO PREJUDICIAL AND A HARMFUL ERROR THAT CHANGED THE OUT COME OF  
THE CASE AS COUNSEL JEFFREY FRAIZER MADE AN OPEN STATEMENT THAT -  
(ATTACH SHEET)

4.

GROUND FOUR: A VIOLATION OF THE EVIDENTIARY REQUIREMENT OF RAPE WAS REFUSED TO AN OMISSION.

ATTACH SHEET FROM SUPPORTING FACTS ... PAGE 5:

THAT HIS CLIENT PLEADED GUILT OF RAPING ~~SUCH~~ WOMEN IN 1988, SAME DEFUNCT CHARGE WHICH JUDGE MICHAEL JOHNSON, ALLOWED AN UNLAWFUL ACT TO OCCUR BY LETTING THE PROSECUTOR, SUBMIT THIS INADMISSIBLE EVIDENCE TO THE JURY AS SIMILAR TRANSACTION WHEN IN FACT THIS DEFUNCT CHARGE WERE NOT SIMILAR AS STATED (MINDA IS NOT SIMILAR TO AN ALLEGED ADULT.) THIS CHARGE WERE NOT A CONVICTION (NO DISPOSITION) NOR DEAD-DOCKET, TO SUCH CHARGE AS FEMALE WAS A LIVE IN GIRL FRIEND AS TO A DRUG RELATED INCIDENT. WHERE CHARGE WERE DEFUNCT TO A CONSTANT DENIAL AND NEGLIGENCE TO TRY FROM 1988, WHERE LACK OF EVIDENCE STOOD UNTIL STATUTE OF LIMITATION HAD ATTACK AND CERTAINLY BEFORE APRIL 15, 2007 AT TRIAL ON THE PRESENT ALLEGED ALLEGATION.

PROSECUTOR KNEW ... AND THE JUDGE INEXCUSABLE ALLOWED SUCH CHARGE TO EXIST BY LETTING THE PROSECUTOR SUBMIT SUCH EVIDENCE TO THE JURY, THAT SUCH MATERIAL REPRESENTATION WOULD POISON THE MIND OF THE JURY TO THE PRESENT ALLEGED ALLEGATION.

WHEREAS, WITHOUT THIS INADMISSIBLE EVIDENCE THERE WERE ... NO OTHER EVIDENCE THAT THAT COULD BE PRESENTED OR INTRODUCED IN SAID CASE.

THERE WERE INSUFFICIENT EVIDENCE TO SUPPORT THE CONVICTION.

THE FINDINGS SHOULD SHOW THAT THE EVIDENCE "DOES NOT AUTHORIZE VERDICT..." AND CASE HAS BEEN IN BAD FAITH AND DECEPTION.

TO WIT: WAS AGAINST PROPER PROCEDURALS OF NOT HAVING THE EVIDENTIARY REQUIREMENT OF A MEDICAL EXAMINATION PRESENT TO THE COURT WHEN THE CASE IS BASED ON RAPE AS REQUIRED ... AND NOT BY DISCRETION.

THIS CASE HAS BEEN LITERALLY NEGLECTED FROM ITS PROBATIVE EVIDENCE AND VALUE AS PROSECUTOR HAS BROUGHT FORTH OTHER INFERIOR MATTERS TO AVOID THE "EVIDENTIARY REQUIREMENT" OF THIS CASE ... AS A LEGAL RIGHT.

THE PROCEDURAL DUE PROCESS AND SUBSTANTIAL DUE PROCESS WHERE LAW GOVERNING THE MANNER IN WHICH RIGHTS ARE FORCED... AND PRESCRIBING TO BE FOLLOWED IN A CASE.

SUPPORTING FACTS. (Tell your story briefly without citing cases or law): ON MONDAY APRIL 5, 2006, APPROX. 7:00AM, I WARREN FARBER, THE ACCUSED LEFT PATRICIA PILETTE WILLIS AND THE KIDS AT HER APARTMENT IN BURNHOMES, 1056 CHIVERS ST. NW. #312. GOING TO MY APARTMENT SUMMERHILL, 762 FRAIZER ST. SE #3 BEFORE GOING TO THE COLLEGE PARK RECREATION AND EDUCATION CENTER. APPROX. 11:AM AT THE RECREATION CENTER... I RECEIVED A CELL PHONE CALL FROM MS. PATRICIA PILETTE WILLIS COUSIN MS. DELORIS MATHEWS STATING PATRICIA AND THE KIDS WERE IN POLICE CUSTODY AND WANTED TO TALK WITH ME ABOUT SOME AWFUL DISGUSTING ACCUSATIONS. I LEFT THE CENTER CALLING FAMILY AND CALLED MY FRIEND JENNIFER TO GET THE NUMBER OF THE FUGITIVE SQUAD. ON ABOUT THE 9TH OF APRIL, 2006. OFFICER SPIKES, TOLD ME THE DETAILS OF THE CASE... AND THAT "THEY" PROBABLY HAVE TAKEN A MEDICAL EXAM. OF THE VICTIM. AND I SHOULD TURN MY SELF UP TO THE AUTHORITY. I SAID: I WOULD SOON AND ENDED THE CALL.

OFFICER JAMES MCNATT, DEPT. NO: 2806, WAS NOT FAITHFUL NOR TRUTHFUL TO HIS DATA AND TO HIS INVESTIGATION WHEN OFFICER MCNATT, AFFIRMED THAT ACCUSED LIVED IN SUMMERHILL, 762 FRAIZER ST. SE. #18, IN 2004. AND TO THE BEST OF HIS KNOWLEDGE THAT THIS ALLEGED INCIDENT OCCURRED IN ACCUSED'S RESIDENT AND EVEN MORE CONFUSING IN THE MOTHER'S BED. WHEN DISCLOSED THE DETAILS OF THIS INCIDENT APRIL 5TH 2006 WHEN THIS ALLEGED ALLEGATION WAS BROUGHT FORTH.

PROSECUTOR HAS CONSOLIDATED THIS IN LACK FAITH AND HAS REFUSED TO DO THAT WHICH IS PROPER AND WHAT IS REQUIRED ON THE ALLEGATION OF RAPE (BRING FORTH MEDICAL EXAM.) BUT YET, WANT A PROSECUTION FOR RAPE WITHOUT ANY PROOF THAT THIS ALLEGED INCIDENT HAS OCCURRED. AND HAS BROUGHT UP ANOTHER DOGUS ACCUSATION WHEN HAS VIOLATED THE TRUTH TO THIS TO AVOID THE MEDICAL EXAMINATION IN 2006.

HERE OFFICER MCNATT, TRIED TO USE ACCUSED'S FORMER RESIDENT AS PLACE OF THE ALLEGED INCIDENT IN 2004. WHEN OFFICER MCNATT, LACK OF INVESTIGATION SHOWS HE FAIL TO ESTABLISH THAT EVIDENCE CORRECTLY. (EXHIBIT A) WHEN ACCUSED HAS SHOWN HE DID NOT LIVE AT THAT ADDRESS: 762 FRAIZER ST. SE. #18 IN 2004. BUT MOVED OUT OF THESE APARTMENTS IN 2001... AND RETURNED BACK TO THE COMPLEX IN 2005 OF FEB. WHEN RELATIONSHIP STARTED BETWEEN THE VICTIM MOTHER MS. PATRICIA P. WILLIS, AND BEFORE THE BIRTHDAY OF THE VICTIM (AS ACCUSED PRESENTED THE CAKE.) AS OFFICER MCNATT, TRIED TO USE SUCH AS A STRATEGY FOR PROSECUTION TO NEGLECT THE MEDICAL EXAM. OF THE VICTIM APRIL 5, 2006. WHEN THE ALLEGED ALLEGATION WAS BROUGHT FORTH IN BURNHOMES APRIL 5TH, 2006. HERE ACCUSED DEMONSTRATE HIS INNOCENCE AS TO NONE OF HAS HAPPEN... IF THE ESSENTIAL ELEMENT OF RAPE IS PENETRATION..

ATTACH SHEET FROM SUPPORTING FACTS... PAGE 6:

How could the charge be rape.... when there has been no proof of penetration.  
IN THIS <sup>CASE</sup> THERE HAS BEEN NO EYE WITNESS TO THIS ALLEGED ALLEGATION.... AND NO OUT CRY OF THE VICTIM  
WHEN 4 OTHER MEMBER OF THE FAMILY WHO WERE IN THE APARTMENT AT THE TIME THE MOTHER, A  
SISTER, AND 2 BROTHERS AND NONE CAN TESTIFY THAT THEY HEARD OR SEEN THIS ALLEGED INCIDENT  
WHEN THE ACCUSED WAS IN THE APARTMENT WITH THE FAMILY APRIL 5, 2006 IN BURNHAMMES  
NOT SUMNER HILL, AT 762 FRAIZER ST. SE. #18. AS OFFICER MC-NATT VIOLATED THE TRUTH IN THIS CASE.

ALSO, THE MOTHER HAS STATED AND TESTIFIED THAT SHE BATHED HER DAUGHTERS DAILY... AND NEVER  
SEEN ANY SIGNS OF PHYSICAL EVIDENCE TO SUPPORT HER DAUGHTER ALLEGATION ~~AND STATED~~,  
THAT HER DAUGHTER HAD NO BLEEDING OR COMPLAINED OF ANY PAIN IN HER VAGINAL AREA.

FURTHER IN THIS CASE EVIDENCE WAS BROUGHT FORTH OF COERCING BY FORMER ATTORNEY TONY MATHIS,  
WHO STATED HE SAW MR. JOHNNY PILLETTE, COERCING HIS DAUGHTER IN THE COURT ROOM AND  
BROUGHT THIS AWARENESS TO THE COURT'S ATTENTION APRIL 7, 2007.

ALSO, ACCUSED HAS ADDITIONAL EVIDENCE WITH PROOF THAT MR. PILLETTE, WAS COERCING THE  
CHILDRENS TO THIS ALLEGED ALLEGATION IN AUG 28, 2006. BEFORE THE ACCUSED WAS IN COURT  
ON THIS ALLEGED ALLEGATION.

THE KEY TO UNLOCK THIS WHOLE CASE IS THE EVIDENCE THE PROSECUTOR HAS REFUSED AND  
NEGLECTED TO BRING FORTH TO THE COURT'S ATTENTION IS THE MEDICAL EXAMINATION  
WHICH IS REQUIRED OF THE ALLEGATION OF RAPE TO A CLEAR AND CONVINCING PROOF OF THE  
VICTIM FOR THE PURPOSE OF PELVIC ABDNORMALITIES, OR EVIDENCE OF SCABBING OR TEARING  
AROUND THE VAGINAL BY PENETRATION DUE TO THE AGE OF THE VICTIM UNDER FORCE  
WITHOUT FURTHER DISPUTE

THIS CASE HAS BECOME A GRAVE MISCARRIAGE OF JUSTICE TO AN ALLEGATION OF RAPE  
WITHOUT ANY EVIDENCE OR PROOF TO A CONVICTION... AND "DOUBLE JEOPARDY CLAUSE."  
REGARDLESS OF THE FACTS REMAINS... THE PROSECUTION HAS FAILED TO PROVE THAT  
ACCUSED GUILT IS IN ACCORDANCE WITH THE EVIDENTIARY REQUIREMENT WHICH IS GUARANTEED.  
FURTHER ACCUSED HAS SWORN THAT HE IS INNOCENT OF THIS ALLEGED ALLEGATION HE IS CHARGED WITH...  
AND SWears THIS WHOLE CASE IS A GRAVE MISCARRIAGE OF JUSTICE.

"THIS CASE HAS BEEN UTTERLY NEGLECTED AND HAS BROUGHT FORTH OTHER INFERIOR MATTERS WHICH  
PROSECUTOR HAS PRESENTED TO THE COURT INSTEAD OF THE EVIDENTIARY REQUIREMENT WHEN  
THE CASE IS BASED ON RAPE TO A "CLEAR AND CONVINCING PROOF..."

AFTER 3 YEARS AND 7 MONTHS ON MOTION FOR NEW TRIAL, JUDGE TODD MARKLE  
DENIED MOTION ON INEFFECTIVE ASSISTANCE OF COUNSEL ON ATTORNEY JEFFREY FRAIZER, WHEN  
MADE AN OPEN STATEMENT TO THE JURY THAT HIS CLIENT PLEADED GUILT OF RAPING  
~~SUCH~~ WOMEN IN 1988. (WHICH JUDGE TODD MARKLE, CALLED THE HARMFUL ERROR  
"A SLIP OF THE TONGUE." AFTER ACCUSED HAVING 3 NEW TRIAL (JUDGE MARKLE,  
PREVENTED ACCUSED 4th NEW TRIAL IN THIS CASE AS DENIED MOTION THIS MON. DAY OF OCT. 2014.

**PART III: OTHER CLAIMS NOT PRESENTED TO A COURT BEFORE THIS**

If any of the grounds listed in PART II were not previously presented in any other court, state or federal, state *briefly* what grounds were not so presented, and give your reasons for not presenting them:

THE EVIDENTIARY REQUIREMENT HAS NOT BEEN PRESENTED TO THE COURT EITHER BY THE PROSECUTOR NOR THE DEFENSE TEAM AS ACCUSED HAVE LITERALLY MENTION AND FILED THIS MATTER TO THE COURT ATTENTION BY MOTION AND CIVIL ACTION. WHETHER BY THE ATTORNEY OR NOT... THE ACCUSED HAS FILED A NUMBER OF TIMES TO THE COURT... AND SENT HIS ATTORNEY COPIES OF THE COMPLAINT. WHERE ACCUSED IS NOT AWARE OF HIS ATTORNEY'S STRATEGY AT TIMES. SO ACCUSE HAS SENT COPIES TO ATTORNEY AND THE COURT.

Wherefore, petitioner prays that the Court grant relief to which the petitioner may be entitled in this proceeding.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature and Address of Petitioner's  
Attorney (if any attorney)

I declare (or certify, verify, or state) under penalty of perjury that the foregoing statements made in this Application for Writ of Habeas Corpus are true and correct.

Executed on December 5th, 2014  
Date

Nakone Jamila  
Signature of Petitioner

Sworn to and subscribed before me this 31 day of December, 2014  
ANDREA THOMAS  
Notary Public  
June 28, 2014  
GA

Please note that under O.C.G.A. §9-14-45 service of a petition of habeas corpus shall be made upon the person having custody of the petitioner. If you are being detained under the custody of the Georgia Department of Corrections, an additional copy of the petition must be served on the Attorney General of Georgia. If you are being detained under the custody of some authority other than the Georgia Department of Corrections, an additional copy of the petition must be served upon the district attorney of the county in which the petition is filed. Service upon the Attorney General or the district attorney may be had by mailing a copy of the petition and a proper certificate of service.