

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

November 20, 2015

To: Mr. Terry M. Ferguson, #555081 H4B, D.W.C.C., 670 Bell Hill Road, Homer Louisiana 71040

Docket Number: Style: Terry M. Ferguson 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).
16. **Other:**

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

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS

11/20/15

GA
PB

To: Terry M. Ferguson

Docket Number: Style: Terry M. Ferguson v. The State

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15. Your document(s) was (were) not securely bound at the top with staples or round head fasteners. Rules 1(c), 30 (e) and 31 (c)
16. 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).

IN THE
GEORGIA STATE APPEALS COURT
STATE OF GEORGIA

RECEIVED IN OFFICE
2015 NOV 19 PM 3:06
CLERK OF APPEALS OF GA

STATE OF GEORGIA
VERSUS
TERRY M. FERGUSON

CRIMINAL ACTION
CAUSE #'S
EUHARLEE P.D.#
CASE 11-2888
WARRENT #'S 52909,
52908
SHERIFF DOCKET #'S
10423461, 10423462

FILED: _____
CLERK OF COURT

APPLICATION FOR WRIT OF MANDAMUS

Now comes defendant, Terry M. Ferguson, in proper person and respectfully approaches and moves this Honorable Court in good faith to issue a Mandamus in the above styled, caption and number case, for good cause defendant submits the following, to wit:

JURISDICTION

This Honorable Court jurisdiction is hereby invoked pursuant of the Georgia Constitution.

1.

On or about July 15, 2015, defendant filed a Motion for Demand for Copy of Indictment/Bill of Information and List of witnesses, in the Cherokee Judicial District, Superior Court of Bartow County.

1.

2.

On or about August 3, 2015, defendant filed a Motion to Quash Arrest Warrent(s) and Detainer(s), in the Cherokee Judicial District, Superior Court of Bartow County.

3.

Defendant has unsuccessfully attempted to have the Cherokee Judicial District, Superior Court of Bartow County, answer and/or respond to his aforementioned Motions.

4.

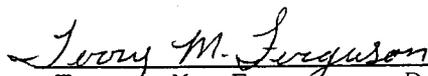
A period, more than the time allowed by law has elapsed since the initial filing of defendant's aforementioned Motions. Plaintiff has failed to respond, whether intentional or by neglect.

5.

Defendant is unable to seek redress of his motion(s) as a result of the plaintiff's failure to respond, whereas, the defendant currently suffers and in the immediate future faces the likelihood of suffering substantial and irreparable injury.

Therefor, defendant prays this Honorable Court issue a Mandamus, Ordering the plaintiff to answer and/or respond to defendant's Motion(s).

Respectfully submitted,



Terry M. Ferguson Defendant Pro-se'

DWCC #555081 H3B

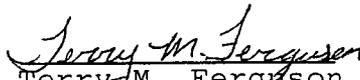
670 Bell Hill Road

Homer, Louisiana 71040

2.

CERTIFICATE OF SERVICE

I, Terry M. Ferguson, Hereby certify that I have mailed a true and exact copy of the Application for Writ of Mandamus, to the plaintiff by placing same in the U.S. Mail, postage pre-paid this 7, day of October, 2015.


Terry M. Ferguson

PLANTIFF'S

Honorable District Attorney
Cherokee Judicial District,
Superior Court Of Bartow County
135 W.Cherokee street
Cartersville, Ga. 30120

AND,

Melba Scoggins, CLERK
Bartow County superior Court
135 W.Cherokee street
Cartersville, Ga. 30120

DEFENDANT, PRO-SE'

Terry M. Ferguson
D.W.C.C #555081 H3B
670 Bell Hill Road
Homer, Louisiana 71040

15W230

IN THE
CHEROKEE JUDICIAL DISTRICT
SUPERIOR COURT OF BARTOW COUNTY
STATE OF GEORGIA

FILED
AUG 07 2015
CLERK OF SUPERIOR COURT
BARTOW CO., GA

STATE OF GEORGIA

VS.

TERRY M. FERGUSON

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§
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§

Euharlee P.D case#
11-2888
Sheriff Docket#'s
10423461, 10423462
DATE FILED: _____

DEPUTY CLERK

MOTION TO QUASH ARREST WARRENT AND DETAINER

NOW INTO COURT, comes accused, Terry M. Ferguson, Defendant Pro-Se', and moves pursaunt to O.C.G.A, that the arrest warrent and detainer against defendant be quashed, and in support thereof, shows the following, to-wit:

1.

The arrest warrent and detainer was filed against the accused on March 11, 2015, almost five(5) years after the alleged date of the offense. Subsequently the detainer was released on or about April 14, 2015. Whereas re-issued against him on or about May 27, 2015.

2.

Since the accused has been in the Louisiana Department of corrections system, The State of Georgia was on notice of his whereabouts, and had the capacity to proceed against him at any

time since the date investigation was initiated. The State has not done so. The Louisiana Department of Corrections was in control of him and his whereabouts at all times. The State of Georgia has failed miserably to bring him timely to trial.

3.

Said delay in arresting accused was either intentional or negligent on the part of the law enforcement authorities. During this time, the accused was not in hiding and was available for arrest.

4.

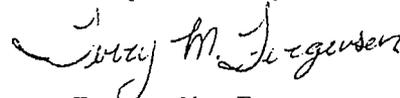
As of result of this delay, since the date of the alleged offense and delay of five(5) years since the institution of prosecution, the accused has been prejudiced in his institutional liberties, his ability to defend himself against the charge because his memory has faded and he cannot recall the circumstances, nor any sufficient recollection of facts or witnesses.

5.

The accused, after considering the seriousness of the charge, the facts and circumstances which caused the delay, and the impact the prosecution of this case would have on the administration of justice, believes that his case should be dismissed with prejudice.

WHEREFORE, accused prays that the arrest warrant and detainer be dismissed with prejudice.

Respectfully submitted,



Terry M. Ferguson, Defendant Pro-Se'

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury, that I have mailed a true and exact copy of this Motion to opposing counsel, by placing in the U.S. Mail depository at; David Wade Correctional Center, 670 Bell Hill Road, Homer, Louisiana.

This 31st Day of July, 2015.

Respectfully,


Terry M. Ferguson, Defendant Pro-Se'

CLERK, PLEASE SERVE:

TERRY M. FERGUSON
DWCC # 555081 H4B
670 BELL HILL ROAD
HOMER, LOUISIANA 71040

AND,

BARTOW COUNTY DISTRICT ATTORNEY
FRANK MOORE ADMINISTRATION BUILDING
CHEROKEE AVE.
CARTERSVILLE, GEORGIA 30120

15W.230
FILED
JUL 20 2015
CLERK OF SUPERIOR COURT
BARTOW CO., GA

IN THE
CHEROKEE JUDICIAL DISTRICT
SUPERIOR COURT OF BARTOW COUNTY
STATE OF GEORGIA

Bartow Sheriff Docket #s
10423461, 10423462
Eungrlee PD Case #
11-2888

STATE OF GEORGIA
VS.
TERRY M. FERGUSON

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CAUSE #
DATE FILED: _____
DEPUTY CLERK

DEMAND FOR COPY OF INDICTMENT/BILL OF INFORMATION AND
LIST OF WITNESSES

The Defendant, Terry M. Ferguson, moves the Court to order the District Attorney to produce a copy of the (Indictment) (Bill of Information) in this case and a list of the names and addresses of the witnesses on whose testimony the charges against the defendant were lodged and the names and addresses of the witnesses whom the State expects to call at the trial of this case. This information is essential in the interest of fundamental fairness and the defendant's right to effective counsel under the United States and Georgia Constitution.

Respectfully submitted,
Terry M. Ferguson
Terry M. Ferguson, Defendant Pro-Se'

IN THE
CHEROKEE JUDICIAL DISTRICT
SUPERIOR COURT OF BARTOW COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

VS.

TERRY M. FERGUSON

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CAUSE #

DATE FILED: _____

DEPUTY CLERK

ORDER

The foregoing motion considered:

The State of Georgia through its District Attorney for the county of Bartow, State of Georgia, or his duly designated assistant, is directed to answer each demands of the Defense contained in the foregoing motion, in writing, or show cause in this Court on the ____ Day Of _____, 20____, at _____ O'clock, WHY NOT.

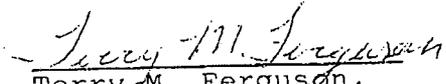
Judge, Cherokee Judicial District
Bartow County, State of Georgia

PLEASE SERVE;
BARTOW COUNTY DISTRICT ATTORNEY
Frank Moore Administration Building
Cherokee Ave.
Cartersville, Georgia 30120

AND
TERRY M. FERGUSON
D.W.C.C. #555081 H4B
670 Bell Hill Road
Homer, Louisiana 71040

CERTIFICATE OF SERVICE

I hereby certify by penalty of perjury, that I have mail a true and exact copy of this Motion to opposing counsel, by placing in the U.S. Mail depository located at; David Wade Correctional Center, 670 Bell Hill Rd., Homer, Louisiana 71040, this 15th day of July, 2015.


Terry M. Ferguson,
Defendant, Pro-Se'

Terry M. Ferguson
D.W.C.C. # 555081 H4B
670 Bell Hill Road
Homer, Louisiana 71040