

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

June 16, 2015

To: Mr. Travis Fleming, GDC1306980 E-2, Macon Correctional Facility, Post Office Box 426, Oglethorpe, Georgia 31068

Docket Number: **Style:** Travis Fleming 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. **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 must 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

RECEIVED IN OFFICE
2015 JUN 15 PM 2:38
CLERK/COURT ADMINISTRATION
COURT OF APPEALS OF GA

To: Clerk of Courts
From: Travis Fleming

Sir or Ma'am, I'm humbly writing to you about my right to appeal the verdict of my Probation Revocation sentence §5-6-35 Appeal in Certain Specified Cases. First of all, I went to Revocation Court on 12-9-14. On which Judge Chasteen resentence me and revoked "5 years" of my First offender Probation. The reason for my revocation hearing was that I violated condition 1 of my Probation, which was breaking any law. I was charged on 8-3-14 with a Domestic Dispute, in Irwin County, which was later dismissed. I bonded out of Irwin County Detention Center on 10-29-14. Then I was shipped to Ben Hill County Detention Center which is where my Probation is. I informed the District Attorney and my Public Defender that the charges against me were getting dropped. I went to my Revocation hearing on 12-9-14 and the Judge resentence me and revoked "5 years" of my Probation. I was being represented by the Assistant Public Defender of the Cordele Judicial Circuit, Steven W. Czarnota. Mr. Czarnota didn't inform me about my right to appeal. I found out from the Captain Studstill at the Ben Hill County Detention Center after Court that day. So I wrote Mr. Czarnota time after time about my appeal, which I never got an answer about.

So while I was in the Ben Hill County Detention Center, I put in a grievance on The Mayor of the Detention Center and Mr. Czarnota, for not having a Law library and insufficient Counsel.

On 12-23-14 I was shipped to Georgia Diagnostic and Classification Prison. So on 1-13-15 I wrote the County Clerk of Ben Hill County about my appeal. The only thing I knew about the appeal process was that I had 30 days to file, to file the appeal. So I wrote the Clerk of Ben Hill County Courts and the Clerk wrote back saying she forwarded my mail to the Judges office. So I thought my appeal was in on a timely manner.

On 3-10-15 I was shipped to the Prison I currently am at, Marion State Prison. I started going to the Law library shortly after I arrived at the Prison. Next I put in a motion to Compel to the Clerk of Courts of Ben Hill County and while I was writing that motion up a law library aid told me I put my appeal in wrong. So that's why I'm writing you now.

Inclosed in this package letter are 2 motions. A motion after time expires § 5-5-41 and a Notice of Appeal § 5-6-51. Also I've inclosed an Affidavit of Poverty and a Certificate of Service. Also inclosed is some of the Paperwork I've filed with the Clerk of Courts of Ben Hill County. Like I said before I filed my appeal in a timely manner, with the wrong Court.

Also inclosed is the a copy of the grievance form I put in at the Ben Hill County Detention Center and the reply. Last is the copy of the envelope I sent my Paperwork to the Clerk in.

In this Package I would like to submit some exhibits. The exhibits are as followed:

- Exhibit 1(a) Motion after time expires
 - (b) Notice of Appeal
 - (c) Affidavit of Poverty
 - (d) Certificate of Service

- Next will be the Paperwork I filed with the Clerk of Courts of Ben Hill County 2.(a) A return letter from Betty Lynn Johnson, Clerk of courts Ben Hill County.

2(b) A copy of A letter I sent to the Clerk while I was at Georgia Diagnostic and Classification Prison in Jackson, GA.

2(c) A copy of A letter I sent to the Clerk about my appeal

- Next will be the Inmate Grievance form I put in while I was at Ben Hill County Detention Center.

3(a) A copy of the Grievance form

3(b) A copy of the reply the Grievance Coordinator sent me.

- Last is a copy of the envelope I sent all my paperwork to the Clerk in. 4(a) copy of envelope
4(b) copy of back of envelope.

- IN THE COURT OF APPEALS OF GEORGIA -
- STATE OF GEORGIA -

EXHIBIT
1A-D

TRAVIS FLEMING

#1306990, defendant Pro, se

v.

STATE OF GEORGIA

Case # 09CR107

- MOTION MADE AFTER TIME EXPIRES -

§ 5-5-41

Now comes the defendant, Travis Fleming Prose to put in this motion after times expires. The defendant filed a notice of appeal with the wrong court, which was the SUPERIOR COURT OF BEN HILL COUNTY. Defendant filed his appeal within the time limit,

MOVANT avers that he is a pauper.

MOVANT also put in a grievance to the STATE BAR on his lawyer, which failed to inform him about his right to appeal the ruling of the Judge on his Probation Revocation sentence, and diligence. MOVANT lawyer willingly ignored letters and lawyer request.
"All Pro se Pleading are to be liberally construed"

This Pleading is respectfully submitted on this 8 day of JUNE 2015

Adrian D. Nelson
6-8-15



Travis Fleming 6-8-15
TRAVIS FLEMING, Prose
#1306990 E-2 P.O. Box 426
Ogletown, GA 31768

- IN THE COURT OF APPEALS OF GEORGIA -
- STATE OF GEORGIA -

TRAVIS FLEMING
#1306990, defendant Prose

V.
STATE OF GEORGIA

Case # 09CR107

- NOTICE OF APPEAL -

§ 5-6-35

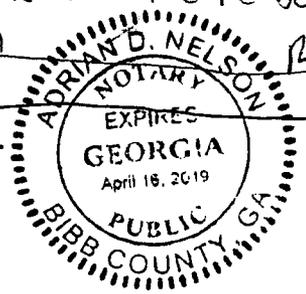
Notice is hereby given that Travis Fleming, Prose defendant above named, hereby appeals to The COURT OF APPEALS from the judgment of conviction and sentence herein on 12-9-14

The offenses for which defendant was convicted are 9 Counts of Burglary on the 21 day of April 2009 under the provision of first offender and the sentence imposed is as follows Probation Revocation 5 years to serve

Transcripts of evidence and proceedings will be filed for inclusion in the record of appeals.

This Court, rather than the Court of Appeals has Jurisdiction of this case on appeals for the reason that O.C.G.A. § 5-6-35 Appeal in certain specified cases. Probation Revocation O.C.G.A. § 42-8-34.1 Requirements for Probation or Suspended Sentence (B) and (C)

Adrian D. Nelson
6-8-15



Travis Fleming 6-8-15
TRAVIS FLEMING, Prose
#1306990 E-2 P.O. Box 426
Oglethorpe, GA 31068

IN THE SUPERIOR COURT OF Ben Hill COUNTY

STATE OF GEORGIA

TRAVIS FLEMING
PETITIONER,

CIVIL NO. 09CR107

VS

STATE OF GEORGIA

RESPONDENT.

AFFIDAVIT OF POVERTY

Travis Fleming, being first duly sworn, identifies himself as the Petitioner in the above-styled action and states upon his oath that he is an indigent state prisoner and that on account of his poverty cannot pay the fees and cost normally required to file and proceed in an action of this nature.

He executes this oath in order that he may proceed in forma pauperis.

Travis Fleming 6-8-15
Petitioner Pro Se
Travis Fleming 1306980
E-2 P.O. Box 426
Oglethorpe, GA 31068

Sworn to and subscribed before me this

8TH day of JUNE, 2015.

Adrian D. Nelson

NOTARY PUBLIC

(My commission expires: 4-16-19)



- CERTIFICATE OF SERVICE -

This is to certify that I have this day served a true and correct copy of the within and foregoing documents upon the Party listed below by depositing a copy of same in the United States Mail in a properly addressed envelope with adequate postage thereon to below addressee(s)

CLERK, COURT OF APPEALS OF GEORGIA,
Suite 501, 47 Trinity Avenue, S.W.
Atlanta, GEORGIA 30334

This the 8TH day of JUNE, 2015

Adrian D. Nelson
6-8-15



Travis Fleming 6-8-15
TRAVIS FLEMING
#1306980 E-2 P.O. Box 426
Oglethorpe, GA 31068

Betty Lynn Johnson
Clerk of Superior & Juvenile Courts
Ben Hill County, Georgia

P.O. Box 1104, Fitzgerald, GA 31750

Phone: 229.426.5135

Exhib.
2 A-C

Date: 1.27.2015

To: Travis Fleming #1306980
P.O. Box 3877
Jackson, GA 30233

We are returning the enclosed document:

- Your paperwork was sent to DOC - DOC calculates your time of service and release date.
- Your transcripts from the revocation hearing need to be ordered from the court reporter Ms. Ledbetter, P.O. Box 674, Perry, GA 31069 you would get the cost of those from her as well.
- We have forwarded your mail to the Judge's office.
- We have enclosed a copy of your filing for your records. (Please, enclose a copy on the original on your next filing.)

1-13-15

To: Mrs Betty Lynn Johnson
= Clerk of Superior Court
Fitzgerald Ga, 31750

FILED IN OFFICE
JAN 27 2015 *XX*

Re: TRAVIS Fleming ^{GA#} 1306980
= P.O. Box 3877
Jackson GA 30233

Betty Lynn Johnson
CLERK SUPERIOR COURT, BEN HILL CO., GA.

Criminal Action # 09CR107

Mam, I'm humbly writing to you, in reference to the probation Revocation sentence that I am now serving. I just arrived at Georgia Diagnostic and Classification Prison in Jackson Ga, and learned that I was not given the proper amount of time served on this sentence. My revocation was for 5 yrs to serve, I was arrested on 8-2-14, yet my maximum release Date, is for 12-9 which means I didn't receive the credit for the time I served up until my Court Date, please look into that and if possible correct that mistake with D.O.C. Also I'm an indigent inmate, I have written my public Defender on several occasions to request my Court transcripts, from my revocation hearing will you please, help me to retain my transcripts from the Above Cited Case!

Thank you: TRAVIS Fleming

1-13-15

TO: Ben Hill County Clerk of Courts
 Mrs. Betty Lynn Johnson
 Fitzgerald GA 31750
 P.O. Box 1104.

From: Travis S. Fleming 1306980
 P.O. Box 3877
 Jackson GA 30233
 GDCP

To County Clerk: I writing
 about my Appeal for my revocation sentence.
 I've wrote my Public Defender Steven W. Czarnota
 countless times at this address 117 South Sheridan Street
 Fitzg. GA. 31750. And he went respond. So I asking
 could you please tell me if he put my appeal in? If
 not could you please appoint me another court
 appointed lawyer please. I've got a letter inclosed in
 this envelope saying I've been asking for Mr Czarnota
 and I haven't received an answer.

If Mr. Czarnota put my appeal in could you
 please tell me what date I'm going to court. If not
 could you please put it in for me.
 could you please read the next page back and front

Received

12-22-14

INMATE GRIEVANCE FORM

Exhibit
3 A-B

Inmate's Name: Travis Fleming Date: 12-22-14

Grievance Number: _____

Complaint: The Use of Law Library, Insignificant Counsel

Other Person's Involved: Ben Hill County Jail Staff

Taylor: Major Taylor

Stedstill: Cpt. Stedstill

Witness:

Ben Hill County Jail Inmates

Terrance Thornton

Jacquaricus King

Narrative of Incident: Since I've been to Adjudication court, I've been trying to talk to my Public Defender about my appeal. I've wrote the Public Defender time after time. I've asked Cpt. Stedstill to use the Law Library she says no, Its up to Major Taylor. I need the Law Library to write the courts about my Public Defender, for insignificant counsel and to put my appeal for adjudication court and file a civil suit

Travis Fleming
Inmate's Signature

12-22-14
Date

Andy McDonald
Officer's Signature

Inmates have the right to access courts. 3(b)

We allow that through the use of Public Defenders. We do not have to have a law library. If a Public Defender does not respond, that is the Public Defender - not the jail.

Rob Fleming
1306980
GDCP
P.O. Box 3877

Jackson GA
30233

FILED IN OFFICE

JAN 27 2015

PH

Betty Lynn Johnson
CLERK/SUPERIOR COURT, BEN HILL CO., GA.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED

22 JAN 2015 09:51



Ms. Betty Lynn Johnson

Clerk of Superior Court
P.O. Box 1104

Fitzgerald GA 31750

31750110404



Ga. Diag. & Class. Center/State Prison

The enclosed letter is processed through special mailing procedures for forwarding to you. The letter has been neither opened nor inspected. If the writer raises a question or problem over which the facility has jurisdiction, you may wish to return the material for further information or clarification. If the writer encloses correspondence for forwarding to another addressee, please return the enclosure to the above address.



- IN THE COURT OF APPEALS OF GEORGIA -
- STATE OF GEORGIA -

TRAVIS FLEMING
#1306980, defendant Pro, se

v.

STATE OF GEORGIA

Case No. 09CR107

- MOTION MADE AFTER TIME EXPIRES -

Now comes the defendant, Travis Fleming Pro, se to put in this motion after times expires. The defendant filed a notice of appeal with the wrong court, which was the Superior Court of Ben Hill County. Defendant filed his appeal within the time limit. § 5-5-41.

Movant avers that he is a pauper.

Movant also put in a grievance to the STATE BAR on his lawyer, which failed to inform him about his right to appeal. The rulings of the judge on his Probation Revocation sentences, and Diligence. Movant lawyer willingly ignored letters and lawyer requests. "All Pro se pleadings are to be liberally construed!"

This Pleading is respectfully submitted on this the 9 day of June 2015

Adrian D. Nelson
6-8-15



Travis Fleming 6-8-15
TRAVIS FLEMING, Pro se
#1306980 E-2, P.O. Box 426
Oglethorpe, GA 31068

- IN THE COURT OF APPEALS OF GEORGIA -
- STATE OF GEORGIA -

TRAVIS FLEMING

#1306980, defendant Prose

V.

Case # 09CR107

STATE OF GEORGIA

- Notice of APPEAL -

§ 5-6-35

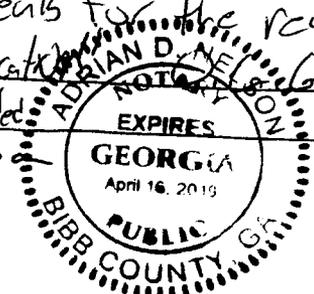
Notice is hereby given that Travis Flemings, Prose
defendant above named, hereby appeals to The COURT OF APPEALS
from the judgment of conviction and sentence herein on
12-9-14

The offenses for which defendant was convicted are 9 counts
of Burglary on the 21 day of April 2009 under the Provision of First
Offender and the sentence imposed is as follows Probation Revocation
5 Years to serve

Transcripts of evidence and Proceedings will be filed for inclusion
in the record of appeals.

This Court, rather than the Court of Appeals has Jurisdiction of this
case on appeals for the reason that O.C.G.A. Appeal in certain specified cases
Probation Revocation O.C.G.A. § 42-8-34.1 Requirements for revocation of
Probation or Suspended Sentence (B) one(c)

Adrian D. Nilsen
6-8-15



Travis Fleming 6-8-15
TRAVIS FLEMING
#1306980 E-2 P.O. Box 426

To: The Judge over this case
From: James Fleming #1306980
P.O. Box 426
Oglethorpe GA. 31069

To Judge, Judge I'm humbly writing you today about why I'm putting in for an Appeal. First of all I was on First offender Probation, which means I was resentenced now and I looking to appeal my revocation sentence. I did 5 years in prison off the charges that I was on first offender for. I got out of prison a rehabilitated man. I learned from my mistakes and grew as a man. I was working the entire time I was free. The main reason I took the First offender Act, was so I could get my record clean once I was done with Probation.

I went to my revocation hearing on 12-9-14. On that day I did not admit to no crimes. To All MY knowledge All charges against me were dismissed before I went to my revocation hearing. But at the revocation hearing I didn't get a chance to say nothing. The Judge, Judge Chastain asked my lawyer a question and then the Judge gave me 5 years. I informed the Assistant District Attorney and my Public Defender All charges against me were dismissed and the Judge still gave me 5 years to serve. The Law states in O.C.G.A. 42-8-34.1 (B) A Court can not revoke any part of any Probated or Suspended sentence, unless the defendant admits the violation or unless the evidence produced at revocation hearing establishes by preponderance of evidence the violation or violations alleged. I did NOT admit to nothing

The Charges against me were dismissed before I went to my revocation hearing. But the Court system still gave me 5 years to serve. The Law states (C.C.G.A. 42-8-34.1(c)) At any revocation hearing upon proof that the defendant has violated any general provision of Probation or Suspension other than by commission of a new felony offense the Court shall consider the use of alternative incarceration. In the event the Court determines the defendant doesn't meet that criteria that Court may revoke NO more than "2 years".

That's the main reason I try to get my appeal in.

Like I said before my lawyer didn't help me at all. I've put a Grievance to the State Bar on him for Diligence. He didn't help me at all. He didn't even tell me I had a right to appeal.

Last but not least, Thank you for looking into all these matter for me. Thank you Truss Flagg
God Bless