

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

August 5, 2015

To: Mr. Courtney Kirk Fuller, 5075 Memorial Drive, Stone Mountain, Georgia 30083

Case Number: _____ Lower Court: _____ County Superior Court

Court of Appeals Case Number and Style: _____

Your document(s) is (are) being returned for the following reason(s).

- There is no case pending in the Court of Appeals of Georgia under your name.**
- A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37.** Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.
- The Notice of Appeal must include a proper Certificate of Service.** A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.
- An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____
_____ The remittitur issued on _____
divesting this Court of jurisdiction. The case decision is therefore final.
- Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the _____ is: _____
- If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** 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.
- A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.
- Your court order must be stamped "filed" by the Clayton County State Court.**

COPY

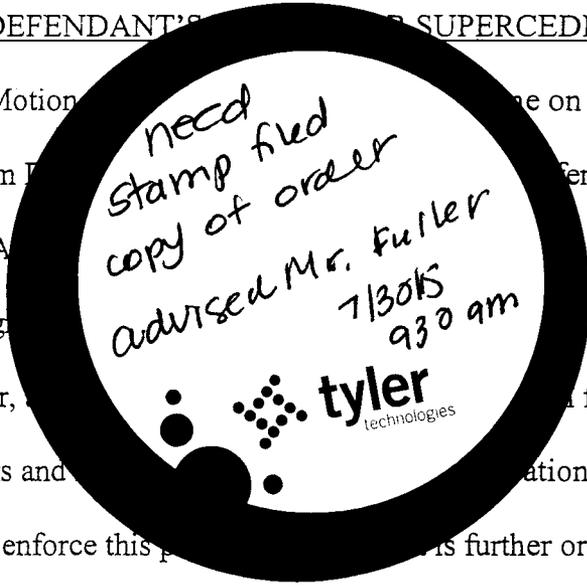
IN THE STATE COURT OF CLAYTON COUNTY

STATE OF GEORGIA

State of Georgia)
 v.) CASE NO. 2015CR00179
 COURTNEY FULLER,)
 Defendant.)

ORDER ON DEFENDANT'S MOTION FOR SUPERCEDEAS BOND

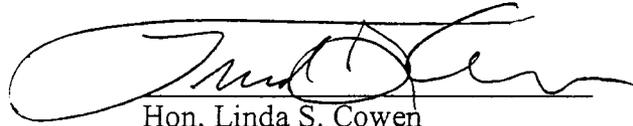
Defendant's Motion for Supercedeas Bond is on for a hearing, the Court having heard from Defendant having submitted a "Pauper's Affidavit". Defendant is granted \$1000 own recognizance. However, Defendant is prohibited from the use of alcohol and illegal drugs and probation, who will continue to do random testing to enforce this prohibition. It is further ordered as a condition of this bond to do an evaluation for treatment for substance abuse issues with a mental health professional, and do treatment if recommended. Clayton County Probation Department is authorized to impose drug screen fees, but not supervision fees, if the Defendant is being supervised for the bond.



RECEIVED
 2015 JUL 31 PM 3:26
 CLAYTON COUNTY, GEORGIA

Defendant must "post" this bond with the Clerk in order for the sentence on this case to be stayed.

So Ordered this 22nd day of July, 2015.

A handwritten signature in black ink, appearing to read "Linda S. Cowen", written over a horizontal line.

Hon. Linda S. Cowen
Judge, State Court
Clayton County, Georgia

cc: Solicitor General
Courtney Fuller, Defendant
Clayton County Probation

MOD

OFFENDER INFORMATION RECORD

Office of Probation Services
Clayton Judicial Circuit

CASE ID NUMBER		COURT <input type="checkbox"/> MAGISTRATE <input type="checkbox"/> SUPERIOR <input checked="" type="checkbox"/> STATE			PROBATION OFFICER Wright		JUDGE Conen		PIC #	
FIRST NAME Courtney		MIDDLE NAME Kirk		LAST NAME Fuller		AKA/STREET NAME				
SOCIAL SECURITY NUMBER		MARKS / SCARS / TATTOOS			HGT	WGT	SEX	EYES	RACE	HAIR
DOB	BIRTH STATE	BIRTH COUNTY		PRIMARY PHONE NUMBER			ALT PHONE #			
EMPLOYER	EMPLOYER ADDRESS			PHONE #		SUPERVISOR NAME				
PHYSICAL ADDRESS				CITY		STATE	ZIP CODE			
MAILING ADDRESS (IF DIFFERENT)				CITY		STATE	ZIP CODE			
LICENSE NUMBER	STATE	EXP DATE	SUSPENDED Y / N	EMAIL			PASSWORD			
CONTACT # 1: NAME AND RELATIONSHIP/PHONE #				CONTACT # 2: NAME AND RELATIONSHIP/PHONE #						
COURT DATE: 4-27	OFFENSE DATE:			TERM OF PROBATION 24 MONTHS		<input type="checkbox"/> 1 ST OFFENDER				
DOCKET #	OFFENSE		PLEA	BASE COURT FINE		TOTAL				
15CR00174DI	DUI		G / NC	500		1037.50				
II	POSS		G / NC							
			G / NC							
<input type="checkbox"/> RESTITUTION	PAY TO:			<input checked="" type="checkbox"/> PD FEE 50		TOC	SOC			
<input checked="" type="checkbox"/> DRUG SCREENS	\$10.00 each		<input type="checkbox"/> FINANCIAL MANAGEMENT CLASS							
<input type="checkbox"/> PARENTING CLASS				<input checked="" type="checkbox"/> GCVEF		\$9 per month		50/mo		
<input type="checkbox"/> ANGER MANAGEMENT				<input checked="" type="checkbox"/> PROBATION SUPERVISION		\$41 per month				
<input type="checkbox"/> DOMESTIC VIOLENCE				<input checked="" type="checkbox"/> SUBSTANCE ABUSE COUNSELING		Within 10 Days				
TOTAL OWED \$	MONTHLY PAYMENT \$	BALANCE DUE \$	PAYMENT SCHEDULE		1 ST REPORT DATE					
	170/mo		160 hrs		5-11-15 @ 10:00					
<input type="checkbox"/> WKLY ALCOHOL TX	<input checked="" type="checkbox"/> CSW		<input type="checkbox"/> JAIL TIME							
<input checked="" type="checkbox"/> RISK REDUCTION / DUI	<input type="checkbox"/> OBTAIN DL		<input type="checkbox"/> JT START DATE							
<input type="checkbox"/> SUPERVISE FOR	<input type="checkbox"/> STAY AWAY		<input type="checkbox"/> PDF DUE DATE							
<input type="checkbox"/> REST LEG LIABLE	<input type="checkbox"/> PUBLIC DEFENDER		<input type="checkbox"/> CF DUE DATE							
<input type="checkbox"/> DO NOT DRIVE	<input type="checkbox"/> ATTORNEY		<input type="checkbox"/> PHONE/MAIL RPT							
<input checked="" type="checkbox"/> NO ALCOHOL / DRUGS			<input type="checkbox"/>		<input type="checkbox"/>					
CURRENTLY ON PROBATION OR PAROLE?			WHERE / FOR WHAT?		OFFICER NAME / PHONE #					
<input type="checkbox"/> PROBATION <input type="checkbox"/> PAROLE <input checked="" type="checkbox"/> NA										

I acknowledge receipt of a copy of the court's conditions and a copy of my specific sentence. Furthermore, my probation conditions were fully explained to me by the undersigned probation officer.

4-27-15
DATE

[Signature]
PROBATIONER

[Signature]
PROBATION OFFICER

Court Wed @ 8:30

OFFENDER INFORMATION RECORD

Office of Probation Services
Clayton Judicial Circuit

CASE ID NUMBER		COURT <input type="checkbox"/> MAGISTRATE <input type="checkbox"/> SUPERIOR <input checked="" type="checkbox"/> STATE		PROBATION OFFICER NIGHT	JUDGE COWEN	PIC #			
FIRST NAME Courtney		MIDDLE NAME Kirk		LAST NAME Tuller		AKA/STREET NAME			
SOCIAL SECURITY NUMBER 313-25-7151		MARKS SCARS TATTOOS forehead		HGT 6	WGT 170	SEX M	EYES BRN	RACE BLK	HAIR BLK
DOB 12-17-1976	BIRTH STATE JAMAICA	BIRTH COUNTY JAMAICA		PRIMARY PHONE NUMBER 678-7402933		ALT PHONE # 404-294-5275x6332			
EMPLOYER SSA		EMPLOYER ADDRESS		PHONE #		SUPERVISOR NAME			
PHYSICAL ADDRESS 5075 Memorial Dr #332				CITY STN MTN		STATE GA	ZIP CODE 30083		
MAILING ADDRESS (IF DIFFERENT) 5075 Memorial Dr #332				CITY STN MTN		STATE GA	ZIP CODE 30083		
LICENSE NUMBER 052366483	STATE GA	EXP DATE 12-17-2019	SUSPENDED <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	EMAIL KIRKNYC28@hotmail.com			PASSWORD		
CONTACT # 1: NAME AND RELATIONSHIP/PHONE # Dwan Moss 678-287-6171 Cousin				CONTACT # 2: NAME AND RELATIONSHIP/PHONE # Cheryl Williams 347-403-5115 Friend					
COURT DATE: 4-27	OFFENSE DATE:		TERM OF PROBATION 24 MONTHS		<input type="checkbox"/> 1 ST OFFENDER				
DOCKET #	OFFENSE	PLEA	BASE COURT FINE	TOTAL					
15CR00174DI	DUI	G / NC	500	1037.50					
II	POSS	G / NC	500	1087.50					
<input type="checkbox"/> RESTITUTION		PAY TO:		<input checked="" type="checkbox"/> PD FEE 50	<input type="checkbox"/> TOC	<input type="checkbox"/> SOC			
<input checked="" type="checkbox"/> DRUG SCREENS	\$10.00 each	<input type="checkbox"/> FINANCIAL MANAGEMENT CLASS		<input checked="" type="checkbox"/>					
<input type="checkbox"/> PARENTING CLASS		<input checked="" type="checkbox"/> GCVEF		\$9 per month		50/mo			
<input type="checkbox"/> ANGER MANAGEMENT		<input checked="" type="checkbox"/> PROBATION SUPERVISION		\$41 per month					
<input type="checkbox"/> DOMESTIC VIOLENCE		<input checked="" type="checkbox"/> SUBSTANCE ABUSE COUNSELING		WITHIN 10 DAYS					
TOTAL OWED \$	MONTHLY PYMT AMT \$ 250/mo	BALANCE DUE \$	PAYMENT SCHEDULE 100 hrs		1 ST REPORT DATE 5-11-15 @ 10:00				
<input type="checkbox"/> WKLY ALCOHOL TX	<input checked="" type="checkbox"/> CSW	<input type="checkbox"/> OBTAIN DL		<input type="checkbox"/> JAIL TIME					
<input checked="" type="checkbox"/> RISK REDUCTION / DUI	<input type="checkbox"/> SUPERVISE FOR	<input type="checkbox"/> STAY AWAY		<input type="checkbox"/> JT START DATE					
<input type="checkbox"/> REST LEG LIABLE	<input type="checkbox"/> DO NOT DRIVE	<input type="checkbox"/> PUBLIC DEFENDER		<input type="checkbox"/> PDF DUE DATE					
<input type="checkbox"/> ATTORNEY	<input type="checkbox"/>		<input type="checkbox"/> CF DUE DATE						
<input checked="" type="checkbox"/> NO ALCOHOL / DRUGS		<input type="checkbox"/>		<input type="checkbox"/> PHONE/MAIL RPT					
CURRENTLY ON PROBATION OR PAROLE? <input type="checkbox"/> PROBATION <input type="checkbox"/> PAROLE <input checked="" type="checkbox"/> N/A		WHERE / FOR WHAT?		OFFICER NAME / PHONE #					

I acknowledge receipt of a copy of the court's conditions and a copy of my specific sentence. Furthermore, my probation conditions were full, by the undersigned probation officer.

to me

5-27-15
DATE

[Signature]
PROBATIONER

[Signature]
PROBATION OFFICER

IN THE COURT OF APPEALS
STATE OF GEORGIA

THE STATE OF GEORGIA
VS
COURTNEY FULLER

Case Number A15D0415

FILED IN CLERK'S OFFICE
15 JUL 27 PM 3:12
CLAYTON COUNTY, GEORGIA

MOTION FOR WRIT OF SUPERSEDEAS

Comes now I, Courtney Fuller, motioning in the above styled action, to petition THE COURT OF APPEALS to issue a writ of supersedeas (pursuant to rule 40b) halting the enforcement of the judgment of the State Court of Clayton County Case Number 2015CR00179 D, pending the resolution of Appeal docket number A15D0415.

Reasons Emergency Action Needed by Court of Appeals

1. To Prevent Future Incarceration

On April 27th, 2015 the trial court imposed a sentence of 12 months probation for the convictions that are currently being appealed. This appellant did serve the State Court of Clayton County with Notice of Appeal, has paid appeal transcript costs and complied with the conditions of probation. Upon the discretionary application being granted, a Motion for Supersedeas Bond was filed and granted by the Trial Court on July 15th, 2015. No written order has been received by the appellant to date from the trial court regarding the Supersedeas Bond or the Pauper's Affidavit filed in response thereto.

Despite filings for Motion of Supersedeas Bond pending in the trial court, I was jailed for 36 hours for a violation of probation on July 14th, 2015. I subsequently was released because the Violation Charge was Dismissed. A Writ of Supersedeas will prevent such from happening again pending the resolution of the appeal.

2. To Prevent Irreparable Harm to Appellant

Being jailed will cause irreparable harm to myself. I currently suffer from Glaucoma, an eye condition that must be treated daily. Being confined in a cold place without access to a daily medication regimen, can cause permanent vision loss, even if that jail time is short. With the punitive power of the State Court of Clayton County, I can and will suffer irreparable vision loss if I am confined for 12 months, which is the term of the probation sentence.

I am also a single father. I care for my son Shakeel Fuller, age 16, who has documented developmental and social disabilities. His condition is such he must be

under daily supervision. Being jailed for any amount of time puts my child at risk for he is not to be left alone for long periods of time.

I am also a student. Being jailed for any amount of time will cause damage to my standing as a student. I am currently enrolled in the Criminal Justice Program at Georgia Piedmont Technical College. I have already missed class time due to probation reporting requirements and my recent incarceration.

3. To Stop Current Injury Being Suffered by Appellant

I am currently on disability due to my glaucoma condition. I do not have a car and I am required to report to probation at the Clayton County State Court every two weeks. I cannot afford the taxi rides from where I reside in DeKalb County to Clayton County. I am also under constant pressure from the probation office to pay the fine which I am unable to pay. The constant fear of being jailed due to a violation of probation because I am unable to pay the fine or simply unable report to probation is becoming injurious to my daily living routine.

4. To Preserve the Jurisdiction of Court of Appeals and Protect Integrity of Appeal

Despite numerous filings, I am suffering injury at the hands of the trial court during this appeals process. Incarceration deprives me of the rights afforded a successful appeal. Considering that a Magistrate Court Judge initially dismissed one of the charges that substantiated my initial arrest, it is likely that upon appellate review this appeal will be successful. In order to not nullify the appeal process, I ask the Court of Appeals to issue such Writ of Supersedeas halting all enforcement in this matter immediately.

Pray Ye,


7-24-2015

Courtney Kirk Fuller
(678) 740-2933
5075 Memorial Drive #332
Stone Mountain, Ga 30083

Enclosure(s) -- Docket Entries of State Court of Clayton County Case No. 2015CR00179 D
Copy Of Notice of Appeal filed in Clayton County State Court

NOTICE OF APPEAL

IN THE STATE COURT
OF CLAYTON COUNTY
STATE OF GEORGIA

THE STATE OF GEORGIA
VS
COURTNEY FULLER

Case Number 2015CR00179 D

RECEIVED IN APPEALS
2015 JUL 27 PM 3:13
CLAYTON COUNTY APPEALS OF GA

NOTICE OF APPEAL

Notice is given that COURTNEY KIRK FULLER in the above matter hereby appeals to the Court of Appeals of Georgia from the judgment of the trial court entered on the 27th DAY OF APRIL 2015.

The clerk shall omit nothing from the record on appeal.

A transcript of evidence and proceedings WILL be filed for inclusion in the record on appeal.

The Court of Appeals, rather than the Supreme Court, has jurisdiction of this appeal because the issue involved is A MISDEMEANOR and appeals of such cases are not reserved to the Supreme Court of Georgia pursuant to Article VI, Section VI, Paragraphs II and III of the Constitution of the State of Georgia.

CERTIFICATE OF SERVICE

I certify that I have this day served the state Attorney of the CLAYTON COUNTY STATE COURT with a copy of this Notice of Appeal by mailing a copy first class mail postage prepaid to him/her at:

**Adrian Nash and/or Steven Snider
9151 Tara Boulevard
Room 1CL181
Jonesboro, GA 30236**

This the 4 day of June, 2015.

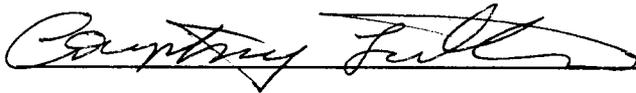
 (Sign your name.)

CERTIFICATE OF SERVICE

I certify that I have this day served the STATE ATTORNEY of the CLAYTON COUNTY STATE COURT with a copy of this MOTION FOR WRIT OF SUPERSEDEAS by mailing a copy first class mail postage prepaid to him/her at:

**Adrian Nash and/or Steven Snider
9151 Tara Boulevard
Room 1CL181
Jonesboro, GA 30236**

This the 4 day of June, _____.

 (Sign your name.)

06/10/2015	Motion filed	Motion for Supersedeas Bond. Rnisi:7/13/15 @ 9:00 a.m.
06/08/2015	Miscellaneous	Court of Appeals Grants defendant's Motion for Discretionary Appeal.
06/08/2015	● Calendar	09:00 AM Room 303 Motion Calendar
06/05/2015	Miscellaneous	Appeal Bill of Costs
06/05/2015	Appeal	Appeal
06/02/2015	Image Document	Defendant's Correspondence
05/04/2015	Motion filed	Motion to Withdraw Guilty Plea. Rnisi:6/8/15 @ 9 a.m.
04/27/2015	Image Document	Bench Warrant Recalled/Wdrawn
04/27/2015	Plea	Defendants Plea Statement
04/27/2015	Plea	Nolo Contendere - Cnt 2
04/27/2015	Sentence	CT 2: 12 MOS; PROB, 120 HRS COMM SERV, CONS WITH CT 1, (FULLER COURTNEY KIRK) Sentence
04/27/2015	Final Case Disp	FINAL CASE DISPOSITION
04/27/2015	Event Outcome	Guilty Released Probation - Cnt 2 FULLER COURTNEY
04/27/2015	Sentence	CT 1: 12 MOS; PROB, 40 HRS COMM SERV, FINE \$500.00, SPECIAL CONDITIONS (FULLER COURTNEY KIRK)