

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

August 4, 2015

To: Mr. Jimmy Luke Giles, GDC99905, Washington State Prison, Post Office Box 206, Davisboro, Georgia 31018

Docket Number: Style: Jimmy Luke Giles 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. Rule 6**
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

To The Georgia Court of Appeals.

Jimmy Luke Giles
Petitioner GDC# 99905.

vs.
The State

DATE MAILED Original Case #
2004-C-31412-N.
JUL 21 '15 Special Presentment.

Washington State Prison
Mailroom

Petition to Appeal the denial of the Superior Court of Houston County of the "Motion to vacate an illegal Conviction for lack of Jurisdiction and Structural Errors". This is a Pro-Se motion. Denial date was July 10, 2015 and received by petitioner at Washington State Prison in Davisboro, Ga. on July 15, 2015. at legal mail. Petitioner has given notice of intent to appeal to the Superior Court of Houston County Clerk of Court.

Please docket this Appeal and send me the docket number. As I am indigent, I will send to you a inform of paupers form complete with verification from the business office here.

This 21st day of July 2015.

Respectfully Submitted

Jimmy Luke Giles
Petitioner

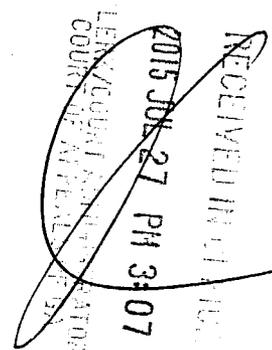
My mailing address:

Jimmy Luke Giles GDC# 99905.

Washington State Prison. J1-151B.

P.O. Box 206.

Davisboro, Ga., 31018.



IN THE SUPERIOR COURT OF HOUSTON COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

v.

JIMMY LUKE GILES

Defendant.

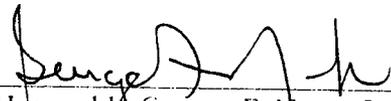
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Criminal Action Number:
2004-C-31412-N

ORDER

The Court is in receipt of Defendant's "Motion to Vacate an Illegal Conviction" filed on March 20, 2015. Under Georgia law, criminal convictions may be vacated for good cause shown if the attack is made during the term of court in which the conviction was rendered. However, after the original term has passed, a motion to vacate and set aside the judgment is not an appropriate remedy in a criminal case. *Thigpen v. State*, 165 Ga. App. 837 (1983). Furthermore, the Defendant's sentence is one in which the law provides under the recidivist statute O.C.G.A. § 17-10-7. Therefore, the Defendant's Motion is hereby **DENIED**.

SO ORDERED AND DECREED, this the 10 day of July, 2015.



Honorable George F. Nunn, Jr.
Chief Judge of the Superior Court
Houston Judicial Circuit

FILED IN OFFICE, SUPERIOR COURT OF
HOUSTON COUNTY

JUL 16 2015



Deputy Clerk

Certificate of Service.

I Jimmy Luke Giles, hereby certify that I have cause to be served a copy of the foregoing Notice of Request to appeal upon all the All parties concerned by sending a true copy of the same by United State Mail in a proper envelope with adequate postage, properly addressed to:

(1) Georgia Court of Appeals.
47 Trinity Ave Suite 501
Atlanta, Ga., 30334

(2) Clerk of Superior Court.
Houston County Courthouse
201 Perry Parkway.
Perry, Ga., 31069.

This 21st day of July 2015.


Plaintiff, Pro Se.
Washington State Prison.
P.O. Box 206
Davisboro, Ga., 31018.

Stamp File
copy

This is a copy of the motion "May Denied"

IN THE SUPERIOR COURT OF HOUSTON COUNTY
State of Georgia

Jimmy Luke Giles
Petitioner
vs.
THE STATE

original case # 2004K31412N
Special Presentment

MOTION TO VACATE AN ILLEGAL CONVICTION
For lack of Jurisdiction and Structural Errors

Comes now, Jimmy Luke Giles, Petitioner, GDC # 99705
To move this Court for a "Motion to vacate an illegal conviction
for lack of Jurisdiction and Structural Errors" this 15th Day of
March, 2015

HOUSTON SUPERIOR COURT
ORIGINAL OF THIS PLEADING FILED

MAR 20 2015
BY [Signature]
DEPUTY CLERK

Jurisdiction

Jurisdiction is proper in this Court to hear this motion
and to vacate this conviction and for this instant purpose
only; ALSO UNDER O.C.G.A. § 17-7-4, the Court always
retains its Jurisdiction to vacate, Zugar v. State, 114 Ga. 295,
21 S.E. 641 (1942) Davis v. State, 74 Ga. 869 (194 Ga. 297) Van Pelt v. State,
75 Ga. 414, 50 S.W. 2d 980; Sampson v. State 124 Ga. 170, 5 S.E. 232, 4-11-01
(Ga. 5525 (1901); Brown v. State, 81 Ga. 492, 8 S.E. 736 (1903) Naylor v. State,
112 Ga. 496 (1904) (Ga. 1107) City of Atlanta v. State, 107 Ga. 111 v. Cooper 112 S. 236
(1902); [unclear] v. Fry - 152 S. 236 (1902); [unclear] v. [unclear] 112 S. 236 (1902)
[unclear] v. [unclear] 112 S. 236 (1902); [unclear] v. [unclear] 112 S. 236 (1902); [unclear] v. [unclear] 112 S. 236 (1902)