

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

January 26, 2015

To: Mr. Robert D. Glover, GDC813029, Dodge State Prison, Post Office Box 276, Chester, Georgia 31012

Docket Number: **Style:** **Robert D. Glover 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 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

GEORGIA COURT OF APPEALS

Robert D. Glover GDC# 813029
Appellant

v.
State of Georgia
Appellee

RECEIVED
JAN 20 2015
Forsyth County JUDGE S.P.
Case No.: 10CR0065

INDEX

FOR APPLICATION FOR A DISCRETIONARY APPEAL

- Application - 2 pages pages 1-2
- Exhibit 1 - Prisoners Personal History Sheet pages 3-4
Affidavit of Custodian
- Exhibit 2 - Petition for Probation Revocation page 5
- Exhibit 3 - Sentence Computation Report page 6

Request to Proceed in Forma Pauperis is enclosed.

Submitted,
1-6-2015

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COURT OF APPEALS OF GA.

O.C.G.A. 42-8-38 c and the Georgia Court of Appeals ruling in Anderson v. State (166 Ga App 521 304 S.E. 2d 747 (1983)) states that thirty (30) days has been deemed a reasonable time period between petition and hearing, absent special circumstances. There was no new evidence presented nor any special witnesses presented and the hearing was held more than six (6) months prior to Appellant's hearing on the new charge of Aggravated Stalking (for which Appellant received ten (10) years probation) that had been the reason for the violation of probation so no special circumstances were presented nor appears to have existed.

Wherefore the Appellant prays this Court will grant this Application for a Discretionary Appeal on the reversible error of a delay in excess of thirty (30) days between the petition (August 31, 2011) and the hearing for the revocation of probation (April 10, 2012) without an extenuating circumstance and grant the Appellant credit for time served for the seven (7) months and ten (10) days spent in custody awaiting the revocation hearing.

Respectfully Submitted,



Robert D. Glover
GDC# 813029

1-6-15

Michael Rogers

1-6-15

commexp/res

04-27-2017

Prisoners Personal History Sheet	
Prepared By: JULIE COULTER	Date: 04/11/12

To be furnished to the Georgia Department of Corrections, Atlanta, Georgia by Clerks of the Superior Court of the State of Georgia at the same time notice of sentence is furnished.

SENTENCE DATA

From Superior Court of Forsyth County Adjourn JULY ADJ Term 2010

IDENTITY OF PRISONER (NOTE: AREA BELOW MUST BE COMPLETED)

Name of Prisoner: **ROBERT DEE GLOVER**
 RACE: W SEX: M DOB: **11/09/1973** SSN: [REDACTED]
 EYE: **BRO** HAIR: **BRN** HEIGHT: **510** WEIGHT: **210**
 FBI: **692338WA4** SID: **GAGA2081399X** OTN: **88380743205**
 Last known home address: **4710 TREE LODGE PARKWAY ATLANTA GA**

FORSYTH COUNTY GEORGIA
 FILED IN THIS OFFICE
MAY 07 2012
 A. A. COLE
 CLERK SUPERIOR COURT

Place of Birth: **TX**
 Distinguish marks and scars and/or tattoos: **NONE LISTED**
 State any medical or physical conditions required: **770-781-3054**
 Marital Status: **DIVORCED** Spouses Name: [REDACTED]

Name, the relation of nearest relative, or friend and address:

HEATHER GLOVER - EX-WIFE - NO ADDRESS LISTED

Was subject picked up from Department of Corrections to answer these charges?
 YES NO ~~XXX~~

From what jail can Department of Corrections assume custody of this subject?

CURRENTLY HOUSED AT FORSYTH COUNTY

AFFIDAVIT OF CUSTODIAN

The undersigned custodian of the defendant does swear and affirm that the following is true and correct to the best of my knowledge.

Case number(s) **10CR0065** for
ROBERT DEE GLOVER was confirmed on the following dates:
 (Prisoners Name)

ENTERED: 07/04/11	DEPARTED: HERE	REASON: ARRESTED/BOOKED/SENTENCED
ENTERED: [REDACTED]	DEPARTED: [REDACTED]	REASON: [REDACTED]
ENTERED: [REDACTED]	DEPARTED: [REDACTED]	REASON: [REDACTED]
ENTERED: [REDACTED]	DEPARTED: [REDACTED]	REASON: [REDACTED]

DISPOSITION:

10CR0065: REVOCATION OF PROBATION - AGGRAVATED STALKING

REVOKED TO SERVE FIVE (5) YEARS IN THE STATE PENAL SYSTEM

AFTER FIVE (5) YEARS, THE BALANCE EXPUNGED



EXHIBIT 1

Johnny R. Henry, 2368 Forsyth County, Georgia
Custodian

I the undersigned (Deputy) Clerk of the Superior Court, in and for said county, do hereby certify that the above is a true and complete copy the affidavit of custodian, a part of the official record of the trial of said the defendant, as appears of record and from the minutes of said court.

Given under my official signature and the seal of this court on this 7th day of May, 2012.

Shelia Heard
(Deputy) Clerk

EXHIBIT 2

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing petition upon the defendant in person (or by registered mail).

This 31st day of August, 2011 Kim New
Probation Officer I

ACKNOWLEDGEMENT

I hereby acknowledge service of the foregoing petition and that I am aware that I may employ legal representation at said hearing or be represented otherwise as the Court may direct.

This 31st day of August, 2011 Refused to sign
Defendant

Whereas, pursuant to notice given to the defendant, a full hearing was conducted by the Court on the date aforesaid in accordance with O.C.G.A. 42-8-38, & 17-10-1(a)(3)(A) and the Court has adjudicated that the terms and conditions of probation had been violated as set forth in the following

particulars: The defendant was found by preponderance of the evidence to have violated the terms and conditions of his probation as alleged in this petition

- Technical violation of probation conditions or
- New non-violent misdemeanor offense

And Revocation/Modification is therefore limited in accordance with O.C.G.A. 17-10-1(a)(3)(A) to a Probation Division Alternative or County Jail.

OR

- New violent misdemeanor offense, or
- Serious infraction of rules or regulations in a Community Corrections facility, or
- New felony offense.
- Violation of Special Condition of Probation so worded and ordered at initial sentencing.
- Violation of Special Condition of Probation ordered at a Revocation Hearing or by Waiver/Consent.

And the defendant is therefore eligible in accordance with O.C.G.A. 17-10-1(a)(3)(A) for Revocation/Modification of sentence to Prison, or a Probation Division Alternative, or County Jail.

NOW, THEREFORE, it is ordered and adjudged that the probation provisions in said original sentence be: Revoked in accordance with O.C.G.A. 42-8-38 and the defendant is required to serve 5 years Indicate: In the County Jail, County Correctional Institution, ~~State Penal System~~ or other such place as the Court may direct, OR Continued on probation subject to the added further provisions that: After 5 years, the balance expunged.

So ordered, this the 10th day of April 2012
[Signature]
Restitution Owed _____
Judge, Bell Forsyth Judicial Circuit

GDC # 813029

GEORGIA DEPARTMENT OF CORRECTIONS



Nathan Deal
Governor

SENTENCE COMPUTATION REPORT
1/30/13 3:29 PM



Brian Owens
Commissioner

Computation Reason :
Computation Comments :

Name: **Glover, Robert Dee** GDC#: **813029** Case Number#: **756590**
 Alias: **Glover, Robert Dee; Glover, Robert Lee**
 Previous Case Number(s): **756590, 397327**
 Race: **WHITE** Sex: **M** DOB: **11/09/1973**
 Sex Offender: **N/A** SSN#: **252559165**
 FBI#: **892338WA4** SID#: **2081399X** Assigned Location: **DODGE STATE PRISON**
 Current Security: **MEDIUM** Education Level: **17**

Tentative Parole Date: Actual Parole date: Maximum Release Date: **04/09/2017** ←

Boot Camp

No Boot Camp decisions have been made for this offender.

Sentence date :	09/08/2010	Sentence Start Date:	10/07/2009	MRD:	04/09/2017
Probation Start Date:		Sentence End Date:	04/09/2017	Special Considerations:	NONE
Judge:	BAGLEY, JEFFREY S	District Attorney:	PARTRIDGE	Consecutive To:	
SB 440 :	N	SB 441:	N		

Count :1 **AGGRAV STALKING - FELONY** **Consecutive To :**
Sentence Run Type: GUILTY - SENTENCE **Crime Committed date:** 10/02/2009
Sentence Length : 10 Years, 0 Months, 0 Days **Serv Time:** 0 Years, 18 Months, 0 Days
Comments: CREDIT FOR TIME SERVED SINCE 10/8/2009.

Sentence Adjustments

PROBATION BALANCE SUSPENDED	04/10/2017	10/07/2019	MINUS	911	NO
JAILCREDIT	10/08/2009	09/08/2010	MINUS	336	NO

Revocations

PROBATION	NO	04/10/2012	04/10/2012	NEW SENTENCE	STATE PRISON	5 Year, 0 Months 0 Days	NO
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↑
Should be
07/04/2011
This was
date of hearing
for probation violation

CERTIFICATE OF SERVICE

This is to certify that I have this day served the opposing party to this action with a true and correct copy of the within and foregoing APPLICATION FOR A DISCRETIONARY APPEAL by placing a copy of the same in the United States Mail with adequate postage thereon to ensure prompt delivery and addressing it to:

Greg G. Allen
Clerk of Superior Court
of Forsyth County
100 Courthouse Square
Suite 010
Cumming, Georgia 30040

Court of Appeals of Georgia
Suite 501
47 Trinity Avenue
Atlanta, GA 30334

Respectfully Submitted,



Robert D. Glover

GDC # 813029

1-21-15

GEORGIA
IN THE SUPERIOR COURT OF APPEALS
STATE OF GEORGIA

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ROBERT D. GLOVER,
APPELLANT-Petitioner
813029
Inmate Number

FORSETH COUNTY
CASE NO. 10CR0065
Civil Action No.

vs.
STATE OF GEORGIA,
APPELLEE Warden
Respondent
(Name of Institution where you are now located)

~~Habeas Corpus~~

REQUEST TO PROCEED IN FORMA PAUPERIS

I, Robert D. Glover, depose and say that I am the plaintiff in the above entitled case; that in support of my request to proceed without being required to prepay fees, costs, or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to redress.
I further swear that the responses which I have made to questions and instructions below are true.

1. List any and all aliases by which you are known: None

2. Are you presently employed? Yes No
If the answer is "Yes," state the amount of your salary or wages per month, and give the name and address of your employer: _____

If the answer is "No," state the date of last employment and the amount of the salary and wages per month which you received: October 2007 ≈ \$120K YEARLY SALARY

2. Have you received within the past twelve months any money from any of the following sources?
Business, profession, or form of self-employment? Yes No
Pensions, annuities, or life insurance payments? Yes No
Rent payments, interest or dividends? Yes No

Gifts or inheritances?

Yes

No

Any other sources?

Yes

No

If the answer to any of the above is "Yes," describe each source of money and state the amount received from each source during the past twelve months: _____

3. Do you own any cash, or do you have money in a checking or savings account? (Include any funds in prison accounts): Yes No

If the answer is "Yes," state the total value of the items owned: _____

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? Yes No

If the answer is "Yes," describe the property and state its approximate value: _____

5. List the persons who are dependant upon you for financial support, state your relationship to those persons, and indicate how you contribute toward their support: _____

I understand that a false statement or answer to any question in this affidavit will subject me to penalties for perjury and that state law provides as follows:

- a. A person to whom a lawful oath or affirmation has been administered commits the offense of perjury when, in a judicial proceeding, he knowingly and willfully makes a false statement material to the issue on point in question
- b. A person convicted of the offense of perjury shall be punished by a fine of not more than \$1,000 or by imprisonment for not less than one nor more than ten years, or both. O.G.C.A. § 16-10-70.



Signature of Petitioner

1-6-15

Date

VERIFICATION

I, _____, do swear and affirm under penalty of law that the statements contained in this affidavit are true. I further attest that this application for in forma pauperis status is not presented to harass or to cause unnecessary delay or needless increase in the costs of litigation.

I am the plaintiff in this action and know the content of the above Request to Proceed in Forma Pauperis. I verify that the answers I have given are true of my own knowledge, except as to those matters that are stated in it on my information and belief, and as to those matters I believe them to be true. I have read the perjury statute set out above and am aware of the penalties for giving any false information on this form.

Signature of Affiant Petitioner

Date

Sworn to and subscribed before me this
_____ day of _____, 20____.

Notary Public or Other Person Authorized to Administer Oaths

Please note that under O.G.C.A. § 42-12-5 service of an affidavit in forma pauperis, including all attachments, shall be made upon the court and all named defendants. Failure by the prisoner to comply with this code section shall result in dismissal without prejudice of the prisoner's action.

THIS FORM IS TO BE COMPLETED ONLY BY AN AUTHORIZED INDIVIDUAL AT THE INSTITUTION WHERE THE INMATE PLAINTIFF IS PRESENTLY INCARCERATED, OR HIS/HER DESIGNEE.

CERTIFICATION

I hereby certify that the Plaintiff herein, ROBERT GLOVER, 813029
has an average monthly balance for the last twelve (12) months of \$ 0.00 on account at
the DODGE STATE PRISON institution where confined. (If not
confined for a full twelve (12) months, specify the number of months confined. Then compute the average monthly
balance on that number of months.)

I further certify that Plaintiff likewise has the following securities according to the records of said
institution : 0
DODGE STATE PRISON

Gena Allgood
Authorized Officer of Institution

11-25-2014
Date

NOTE: Please attach a copy of the prisoner's inmate account of the last 12 months or the period of incarceration, whichever is less.

Account Statement

GLOVER, ROBERT

Printed By: ALLIGOOD, GENA

GDC ID: 813029

Spendable Amount	Reserved Amount	Receipts On Hold	Funds Balance	Obligations/Court Charges
\$0.00	\$10.00	\$0.00	\$10.00	\$8,299.83

RECEIPTS

Receipt Date	Transaction ID	Receipt Type	Receipt Details	Receipt Amount
07/16/2013	11861461	JPAY DEPOSIT RECEIPT	JPAY - GLOVER, HEATHER - 26902451	\$20.00
06/02/2013	11689781	JPAY DEPOSIT RECEIPT	JPAY - FREEMAN, SHERYL - 25967728	\$40.00
04/07/2013	11478955	JPAY DEPOSIT RECEIPT	JPAY - OSUNRO, TOPE - 24899177	\$60.00
03/30/2013	11446805	JPAY DEPOSIT RECEIPT	JPAY - GLOVER, HEATHER - 24705283	\$20.00
02/19/2013	11284952	JPAY DEPOSIT RECEIPT	JPAY - GLOVER, HEATHER - 23907359	\$80.00
01/16/2013	11161789	JPAY DEPOSIT RECEIPT	JPAY - GLOVER, HEATHER - 23257091	\$60.00
12/13/2012	11044062	JPAY DEPOSIT RECEIPT	JPAY - GLOVER, HEATHER - 22643039	\$18.00
11/16/2012	10944570	JPAY DEPOSIT RECEIPT	JPAY - GLOVER, HEATHER - 22141007	\$30.00
09/29/2012	10762638	JPAY DEPOSIT RECEIPT	JPAY - GLOVER, HEATHER - 21273906	\$20.00
09/01/2012	10661059	JPAY DEPOSIT RECEIPT	JPAY - GLOVER, HEATHER - 20792113	\$20.00
07/24/2012	10522038	MAIL ROOM RECEIPT	FORSYTH COUNTY - 73023	\$35.12

WITHDRAWALS

Date	Location Paid	Withdrawal Type	Payable To	Detail	Amount	Check No
08/01/2013	CENTRAL ACCT-OFFENDER TRUST	WITHDRAWAL FOR OBLIGATION	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee 08/2013	\$0.03	109143
07/30/2013	CENTRAL ACCT-OFFENDER TRUST	STORE PURCHASE	DODGE STATE PRISON	STORE PURCHASE	\$0.78	BOA ACH-2010000053
07/16/2013	CENTRAL ACCT-OFFENDER TRUST	STORE PURCHASE	DODGE STATE PRISON	STORE PURCHASE	\$18.38	BOA ACH-2010000053
07/16/2013	CENTRAL ACCT-OFFENDER TRUST	WITHDRAWAL FOR OBLIGATION	GEORGIA DEPARTMENT OF CORRECTIONS	MONTHLY PROCESSING FEE FOR 07/2013	\$0.81	109142
07/01/2013	CENTRAL ACCT-OFFENDER TRUST	WITHDRAWAL FOR OBLIGATION	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee 07/2013	\$0.19	109142
06/03/2013	CENTRAL ACCT-OFFENDER TRUST	STORE PURCHASE	DODGE STATE PRISON	STORE PURCHASE	\$38.81	BOA ACH-2010000052
06/02/2013	CENTRAL ACCT-OFFENDER TRUST	WITHDRAWAL FOR OBLIGATION	GEORGIA DEPARTMENT OF CORRECTIONS	MONTHLY PROCESSING FEE FOR 06/2013	\$1.00	107992
05/01/2013	CENTRAL ACCT-OFFENDER TRUST	WITHDRAWAL FOR OBLIGATION	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee 05/2013	\$0.35	105571
04/23/2013	CENTRAL ACCT-OFFENDER TRUST	STORE PURCHASE	DODGE STATE PRISON	STORE PURCHASE	(\$0.33)	BOA ACH-2010000050
04/23/2013	CENTRAL ACCT-OFFENDER TRUST	STORE PURCHASE	DODGE STATE PRISON	STORE PURCHASE	\$0.48	BOA ACH-2010000050
04/15/2013	CENTRAL ACCT-OFFENDER TRUST	STORE PURCHASE	DODGE STATE PRISON	STORE PURCHASE	\$17.41	BOA ACH-2010000050
04/11/2013	CENTRAL ACCT-OFFENDER TRUST	WITHDRAWAL FOR OBLIGATION	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee 04/2013	\$1.00	105570
04/08/2013	CENTRAL ACCT-OFFENDER TRUST	STORE PURCHASE	DODGE STATE PRISON	STORE PURCHASE	\$56.21	BOA ACH-2010000050

GEORGIA COURT OF APPEALS

The State of Georgia
Appellee

Forsyth County

Case No.: 10CR00015

v.
Robert D. Glover GDC # 813029
Appellant

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COURT OF APPEALS OF GA.

APPLICATION FOR A DISCRETIONARY APPEAL

Comes now the Defendant/Appellant, Robert D. Glover, in the above styled matter to grant him leave to file an application for a discretionary appeal on an order to revoke five (5) years of probation to be served in the State penal system. In support of this motion in accordance with O.C.G.A. 5-6-35 the Appellant shows the following:

A reversible error appears to exist. There was a delay of seven (7) months and ten (10) days between the petition for revocation of probation and the date of the hearing, for which Appellant did not receive credit. The Georgia Court of Appeals previously ruled that thirty (30) days is a reasonable time period between petition and final hearing. Appellant is seeking credit for the seven (7) months and ten (10) days spent in custody between the date of petition and date of hearing.

As is shown under the Affidavit of Custodian of the Prisoners Personal History Sheet (Exhibit 1) the Appellant was arrested on 7/4/11 for Aggravated Stalking and Violation of Probation for the above case by Forsyth County. The Probation Officer presented the Appellant with the petition for probation revocation almost two months later, August 31, 2011 (Exhibit 2). The Appellant was heard and sentenced to five (5) years to serve with the balance to be expunged on 4/10/12 (Exhibits 1 and 3).

It is stated in the procedures for probation revocation hearings that, "The final hearing must be available to probationers within a reasonable time if he is in custody."

O.C.G.A. 42-8-38 c and the Georgia Court of Appeals ruling in Anderson v. State (166 Ga App 521 304 S.E. 2d 747 (1983)) states that thirty (30) days has been deemed a reasonable time period between petition and hearing, absent special circumstances. There was no new evidence presented nor any special witnesses presented and the hearing was held more than six (6) months prior to Appellant's hearing on the new charge of Aggravated Stalking (for which Appellant received ten (10) years probation) that had been the reason for the violation of probation so no special circumstances were presented nor appears to have existed.

Wherefore the Appellant prays this Court will grant this Application for a Discretionary Appeal on the reversible error of a delay in excess of thirty (30) days between the petition (August 31, 2011) and the hearing for the revocation of probation (April 10, 2012) without an extenuating circumstance and grant the Appellant credit for time served for the seven (7) months and ten (10) days spent in custody awaiting the revocation hearing.

Respectfully Submitted,



Robert D. Glover

GDC# 813029

1-6-15

Michael Roys

1-6-15

commexples

04-27-2017