



Court of Appeals of Georgia

June 5, 2015

TO: Mr. Jimmie Lee Green, Jr., GDC961894, Johnson State Prison, Post Office Box 344,
Wrightsville, Georgia 31096

RE: **A15A1178. Jimmie Lee Green, Jr. v. The State**

CHECK RETURN

- Your check number _____ in the amount of _____ written on the account of your firm for the filing fee in _____ is enclosed. Please be advised that this Court is returning your check since the filing fee was already paid by _____.

CASE STATUS - DISPOSED

- The referenced appeal was _____ on _____. The remittitur issued on _____, divesting this Court of any further jurisdiction of your case. The case is therefore, final.

CASE STATUS - PENDING

- The above referenced appeal is pending in your name before this Court. I am not sure what you are trying to communicate to this Court.**

I am returning the "Entry of Special Appearance" to you.

APPLICATION FOR PERMISSION TO APPEAL A PROBATION REVOCATION

- To appeal a probation revocation, you will need to file a Discretionary Application with this Court. Rule 31 of the Rules of the Court of Appeals of Georgia describes a Discretionary Application and the items you would need to include with your application.

A Discretionary Application must be filed within 30 days of the stamped filed date on the order that you are appealing and the application must be accompanied by a proper Certificate of Service and a pauper's affidavit or the \$80.00 filing fee. You must also comply with all the other applicable rules of Court regarding filing with the Court of Appeals of Georgia.

Enclosed, please find a copy of the Rules of the Court of Appeals for your review.

IN THE COURT OF APPEALS

STATE OF GEORGIA

Republic De Jure

THE MOORISH NATIONAL REPUBLIC ~~DAVINE~~ AND NATIONAL MOVEMENT OF THE WORLD
Aboriginal and Indigenous Natural People of Northwest Amexem / North America /
The North Gate
(Exercise of Constitutional - Secured Right)

JIMMIE LEE GREEN

Appellant

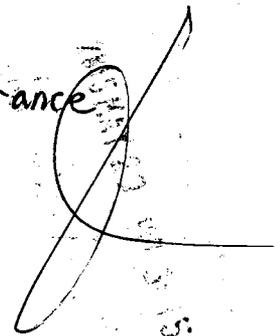
vs.

THE STATE OF GEORGIA, INC.

Appellee

Case No: A15A1178

Entry of Special Appearance



ENTRY OF SPECIAL APPEARANCE

NOW COMES, Mico Atum-Re El (ex rel) Jimmie Lee of the Green Family, and enters his special appearance, not general, as the Authorized, Natural Person, In Propria Persona; Not a Corporate Person or Entity, Misrepresented by Fraudulent Construct of the above ALL CAPITAL LETTER NAME / BRAND.

Please direct all future correspondences to the undersigned, as well the Agent at:
c/o P.O. Box 344

JOHNSON COUNTY PRISON (JOHNSON STATE PRISON)

WRIGHTSVILLE, GA. 31096

Respectfully Submitted this 26 day of May, 2015 = 1935 M.C.

(ex rel)

I Am: Jimmie Lee Moon / Jimmie

Natural Person, In Propria Persona;

U.C.G. 1-207 / 1-308; U.C.C. 7-103

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Recourse

IN THE COURT OF APPEALS

STATE OF GEORGIA

Republic De jure

(ex rel) Jimmie Lee Green Junior, Natural Person,
In Propria Persona, Not a Corporate Person or Entity,
Misrepresented by Fraudulent Construct of ALL CAPITAL
LETTERS; JIMMIE LEE GREEN / Fiction GDC#961894
Aggrieved Party / Appellant

vs.

THE STATE OF GEORGIA, INC. (etal), (en bloc)
CHATHAM COUNTY SUPERIOR COURT, INC

Appellee

Case No: A15 A1178

Appeal

Affidavit of Fact, Writ of Discovery,
Mistake of Law defense,
Declaratory Judgment that the
Statutes are Unconstitutional;
Remedy; Motion to Quash Indictments
Copy of "Certified Delegation of Authority"

AFFIDAVIT OF FACT

WRIT OF DISCOVERY, MISTAK OF LAW DEFENSE
DECLARATORY JUDGMENT THAT THE STATUTES ARE UNCONSTITUTIONAL;
REMEDY; MOTION TO QUASH INDICTMENT(S); COPY OF "CERTIFIED
DELEGATION OF AUTHORITY"

This is a formal request for a certified copy of the "Certified Delegation of Authority Order" issued to the CHATHAM COUNTY SUPERIOR COURT for the Eastern Judicial Circuit for Georgia, and confirmed by Congress.

The above petitioner is Challenging the delegation to this administrative agency of its responsibility to ascertain certain particulars with respect to a specific criminal statute. Supreme court, back in 1935 invalidated congressional delegations for lack of sufficient standards.

The 5th Amendment required that all persons within the United States must be given due process of the law and equal protection of the law.

II. INVALIDITY OF THE REGULATIONS AS A DEFENSE

Fair warning to the public of what constitutes criminal conduct is a necessary requirement of fair play, and for the record, administrative regulations are not published.

III. MISTAK - OF - LAW DEFENSE

The above Appellant believes his conduct to be noncriminal and the administrative regulation defining the offense was not reasonably made available.

IV. LEGAL FACTS

1) While administrative crimes are generally valid where the statute fixes the penalty, the due process requirement that statutes must set forth a reasonable definite standard of conduct applies with equal force to administrative

regulations having the effect of law.

"Courts in administrative issues are prohibited from even listening to or hearing arguments, presentation, or rational." *ASIS v. US*, 568 F.2d 284.

2) Like wise, administrative rules in the criminal law field are strictly construed in the same fashion as criminal statutes, and cannot be utilized to create crimes by implication.

"Criminal law magistrates have no power of their own and are unable to enforce any ruling." *V. T. C. A.*, Government Code Sec. 59.651 et seq.; *Davis v. State*, 956 S.W.2d 555 (1997); *Basso v. UPL*, 495 F.2d 906

3) - The typical delegation statutes provides, expressly or by implication, that violations of valid regulations are criminal. In such a case an administrative crime may be invalid (although the statute prescribed sufficient standards, and the regulation definitely set forth the forbidden conduct) because the regulation exceeded the authority set out in the statute.

"When acting to enforce a statute and its subsequent amendments to the present date, the judge of the municipal court is acting as an administrative officer and not in a judicial capacity; courts in administering or enforcing statutes do not act judicially, but merely ministerially." *Thompson v. Smith* 154 SE 583.

(A) Constitutionality of a Statute

Example, assume that a statute, setting forth proper standards to guide the agency, provides that the agency shall issue regulations and that violation of the regulations shall be a misdemeanor "if the regulation so provides." This type of statute has been held unconstitutional as an invalid delegation of the legislative power to define a crime. The problem is that the legislature has given no guidance on when a penal sanction should be used.

"Where rights secured by the Constitution are involved, there can be no 'rule making' or legislation which would abrogate them." *MIRANDA v. ARIZONA*, 384 U.S. 436 (1966) 491; 86 S. Ct. 1603.

V. CONCLUSION

DELEGATION OF POWER TO ADJUDICATE

- May the legislative delegate to an administrative agency the power of adjudication (that is, the authority to determine guilt or innocence in individual cases) when the proceedings are criminal in nature?

The answer clearly is NO; as the Supreme Court declared, "[C]ivil procedure is incompatible with the accepted rules and constitutional guaranties governing the trial of criminal prosecutions."

"Ministerial officers are incompetent to receive grants of judicial power from the legislature, their acts in attempting to exercise such powers are necessarily nullities." *Burns v. Supp. Ct.*, 5F, 140 Cal. 1.

VI. LEGAL REASONING

citing: *Gilbert v. Stockton Port Dist.*, 7 Cal.2d 384, 60 P.2d 847

(1936); State v. Gallion, 572 P.2d 683 (Utah 1977)

- The above Appellant Moves to quash all indictments before and after sentencing.
- The above Appellant request a declaratory judgment that the Statutes in these cases before this honorable Appeals Court be proven unconstitutional.
- The Appellant formally request for a copy of the "Certified Delegation of Authority Order" issued to The Chatham County Superior Court Administration, and confirmed by Congress.

I declare under the penalty of perjury under the law of the UNITED STATES CODES that the above is true and correct to the best of my knowledge and honorable intent. Respectfully submitted this 26 day of May, 2015 = 1935 M.C.

(ex rei)
I Am: Jimmy (a) Lee (now) Junior
Natural Person, In Propria Persona:
U.C.C. 1-207 / 1-308; U.C.C. 9-703
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Recourse

CERTIFICATE OF SERVICE

This is to certify that I have served the opposing party with a complete and accurate copy of the foregoing documents. Service was made by placing the same in an envelope, and with sufficient postage affixed, placed in the U.S. Mail, and on this day mailed to the party(s) as follows:

<u>LYNDSAY RUDDER</u>	<u>Clerk of Georgia Appeals Court</u>
<u>133 Montgomery St</u>	<u>47 Trinity Ave</u>
<u>Suite: 600</u>	<u>Suite: 501</u>
<u>Savannah, GA. 31401</u>	<u>Atlanta, GA. 30334</u>

This the 26 day of May, 2015 = 1935 M.C.

(ex rel) Jimmie Lee Green Senior PRO PER
JIMMIE LEE GREEN GDC# 961894
JOHNSON STATE PRISON
P.O. BOX 344
WRIGHTSVILLE, GEORGIA 31096