

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

October 27, 2015

Mr. Tobias A. Hayden
GDC966683
Georgia Diagnostic and Classification Center
State Prison
Post Office Box 3877
Jackson, Georgia 30233

RE: A16D0036. Tobias A. Hayden v. The State

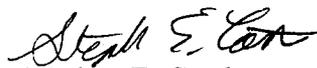
Dear Mr. Hayden:

Enclosed are the documents you have submitted to this Court more than 30 days after the date of the order dismissing the above referenced application. Your application was dismissed on September 23, 2015. This Court cannot accept the documents for filing.

If you feel you are being illegally detained, an Application for Writ of Habeas Corpus should be filed in the superior court of the county where you are claiming to be illegally detained. An appeal from the denial of an Application for Writ of Habeas Corpus is to the Supreme Court of Georgia, not the Court of Appeals.

Also, for future reference, your Certificate of Service must include the name and mailing address of each opposing counsel and/or pro se party. You do not need to list the Court of Appeals of Georgia on your Certificate of Service.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld
Enclosures

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS

(pb) (CIA)

10/26/15

To: Tobias A. Hayden

Docket Number: A16D0036 Style: Tobias A. Hayden v. The State
- (Amended Application)

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 Service was not attached to your Interlocutory Application. Rule 30(b)
5. Your document(s) was (were) not signed before returning. expressed permission are permitted). Rule 1 (a)
6. There were an insufficient number of copies.
7. No Certificate of Service accompanied your document(s). Rule 6 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(s) was (were) not securely bound at the top with staples or round head fasteners. Rules 1(c), 30 (e) and 31 (c)
16. 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).

For Additional information, please go to the Court's website at: www.gaappeals.us

I IN The courts of Appeals
OF
Georgia



Tobias A. Hayden 1
Pro-se, Plaintiff
vs.
The courts of Appeals
of
State of Georgia 1
Defendant 1

- APPLICATION NO:
1. A-16-0036
CASES:
2. 03-CR-991C
3. 15-DA-52J
4. 15-CR-471J

10 OCT 23 PM 3:14
CLERK OF SUPERIOR COURT

10-13-2015 Tobias Hayden

Habeas corpus, Amended Incorporation:
of Application No. A-16-D-36, cases: 03-CR-991C,
15-DA-52J, 15-CR-471J, that was submitted
9-2-15. For this above courts. For they
shall be judged upon all cases
named but not limited to. other for
Evidences ongoing showing of misconducts,
and miscarriages of justice in dealing
with ONE Tobias A. Hayden, E.A. DC # 966683.

Comes now, Tobias A. Hayden E.A. DC # 966683
in the above-styled Habeas corpus Amended
Incorporation of the above cases, Application
No. on this 10, Oct. 2015. In the above courts
of Appeals of GA at 47 Trinity Avenue
SW. Suit 501, Atlanta, GA 30334. Pro-se, Hayden
institution 2978 Hwy 36 W: Jackson, GA 30233
Address.

John A Young
1-10-15
7/1/2015

On thereof dated Docket in 9-1-15. In thereof
Application No. A-16-D-36, I dealing with thus
03-CR-99K being the grantist case AND Footing
of those incorporation of cases. ① 15-DA-52J
② 15-CR-471J. NEW EVIDENCE of misconducts
AND miscarriages of ongoing faults. IN cases
sentenced by Judge, Bonnie Oliver, on Date
9-28-15. IN cases 15-CR-471J. A bunch trail
where pro-se, HAYDEN ~~ACT~~ AS pro-se. sentenced
to a term of 2 year, to serve, 3 years on probation.
on that one day... 3 hours for the hold bunch
trail AND sentenced in just 3-hours 9-28-15.
The next day 9-29-15 (F) Probation won't
me to sign papers. while looking over those
paper. this is not thus case in dealing with
MR. Danny woods IN with case docket No.
15-DA-52J. NOT case ~~is~~ which errors
Case on probation docket No. 15-CR-471J.
is The case docket in dealing with MR.
Tyler Johnson AT the county jail on Dates
5-2-15. pro-se, HAYDEN, Tolded Judge, OLIVER in
open court that 9-28-15 bunch trail. That
MR. Woods case has been Lowered to
A (M) obstruction From A (F) obstruction
AT probation Revocation hearing 7-8-15.
By Judge, DAVID Burroughs in the above
MR. Woods case 15-DA-52J. NOT 15-CR-471J

Judge, Bonnie Oliver, that point Ms. Oliver states that "she did not care" in open court At Hall County court house that 9-28-15. Record by court reporter Joel Epps certified court Reporter At Proceeds. A verdict of Guilty for A(F) obstruction of Mr. Woods case #15-CR-471J... Pro-se, Hayden Awaits A copy of the above Proceeds.

Evidence of Transcript by MARY JANE #2596 Hargett, CCR Post Box 943, Blairsville, GA. 30514. Phone #706-745-4455.

Course of Action, At Probation Revocation hearing And sentencing on July 8th, 2015 At 2:34 P.M. At Hall County Courthouse, Gainesville, GA 30501 Before, Judge, DAVID BURROUGHS in the above time and dates. IN case No. 15-DA-52J MR. Danny Woods Deputy of Hall Co.

Wanda Vance, Assistant U.A. Northeastern Judicial Circuit 225 Broad St. SE #350 Gainesville, GA. 30501 For the state.

LARRY Duttweiler, public Defender's, For the Defendant

On that July 8, 2015. Judge, BURROUGHS in above transcripts Page #2, line 25. Calling of DA. VANCE ~~First~~ First witness. Page #3, line 2. Page, 3, line 11, Danny Woods Page #2, line, 25 + Page #3, line 2 + Page, 3, 11 Date beginning December, 21 of 2014.

3 of 10

ON the Dates of 9-28-15. Pro-se, HAYden had A
Arraignment on case #15-CR-4715. At this
Arraignment P.D. Counsler, LARRY Duttweiler GA.
Bar No. 235978, P.O. Box 390, Gainesville, GA. 30503
Phone # 770-718-5523. At the above proceedings
Pro-se, HAYden did Fired P.D. MR. Duttweiler. then
Requested to proceed AS pro-se. IN open court
of HALL county. Before Judge Oliver. In which
she granted. Pro-se, HAD respectfully requested
A bench trial, was Also granted that 9-28-15.

At the above proceeds pro-se. by Firing MR.
Duttweiler has received ineffectiv counsle
from him A violation of 14th, 6th, 4th Amendments.

Due to MR. Duttweiler many years of experience
He should be prudent. And or A judicious in Laws.

Thus MR. Duttweiler has been A judiciary to
LAW, AND Blacks and poor people of HALL county for
many years. By this latist NONE Acts to uphold
Justice. MR. Duttweiler pressed A Guilty plea
on that 9-28-15. stating there know way to
win. so pro-se should take A plea for 5 serv 2.
MR. Duttweiler has try to obtrude Guilty. on pro-se.
HAYden many times. If MR. Duttweiler did was
Vogue in my case by Filing A motion to
suppress. on the fact of Amendment 4th for
Starters. MR. Duttweiler Didnt file A one
Motion

Clearly, A Prudent Counselor would. At the
less, put A stat~~at~~ to A 4th Amendment violation.
To suppress this week evidence, maybe most
likely MR. Woods case would've been null

Clearly. IN transcript Probation Revocation
Judge, DAVID BURROUGHS. states to MR. Duttweiler
that "there's A good chance that pro-se would've
survived A motion to suppress. see Page 25, lines-
4-6. on Page 25, lines-1-3 Action dealing with MR.
Woods. MS. Wanda Vance A. DA WAS AT
Probation Revocation hearing that 7-8-15. MR. Vance
called her first witness being Officer, Danny
Woods Action Date Dec. 21, 2014. see Revocation
transcript Dates 7-8-15, Page, 3, lines 1-25.
MS. Vance AT that bench trial 9-28-15. put
before pro-se, Hayden A Dateless, A caseles
Accusation in dealing with officer's, Johnson &
Jeffries 2 AND 1 (F) obstructions From the County
Jail. on Page 33, -lines 13-22. IS where Judge, Burroug
dropped MR. Jeffriess case, Due to he didn't even take
the stand AT All. MR. Johnson case 15-CR-4715 stood
that 7-8-15 For violation of Probation 1 (F) obstruction
of MR. Johnson.

50/10

IN which is A court ruling on 7-8-15
on page 28, -lines-3-17. Are showings of courts rulings
MS. DA. Vance WAS AT. Pro-se, HAYden had his first
look AT Revocation 7-8-15 hearing transcripts
before Judge, Oliver AT that bench trial. that
9-28-15. Inspection of the above transcript 7-8-15,
AND ALSO bench trial took place within 3 hours AND
sentencing 5-serv-2 years. Thus 16.1 Pretrial Discovery
AND Inspection (520-1) Fed. R. crim. P. 16. states that
Pro-se, HAYden shall 21 days prior to trial. Just
3 hours violation of above Rule. Also 14th Due process,
6th Amendment the P. 1). Duttweiler ineffective
here AS well. Pro-se, submitted A 4.1 order granted
by Judge, Oliver. Pro-se, should have had A Papers
Already. MR. Duttweiler, violated Pro-se, 4th
Amendment of 13Y not giving these papers to
Pro-se. MR. Duttweiler did seizures. showing by
by receiveing transcript that trial date 9-28-15.
AND knowingly done. These WAS more Acts of
The HALL Co. Good ol' BOYS of Government. And
there Racism. Records are evidence fact ongoing
faults in HALL Co. Government Day to day. The
8th Amendment is clear Cruel and unusual
Punishment. HAS AND is Against ~~the~~ Pro-se, HAYden
AND poor People of HALL Co. MR. Duttweiler HAS
been.

60/10

ON Page 28, line 5-17 court ruling at revocation lowered (F) to (M) obstruction to show AS facts of Deputy Woods status, thus Above case 15-DA-525 FACT.

ON Page 33, 18-22, PAGE 33, 13-18. IS where Judge, BURROUGHS Lowered 2 (F) obstruction in to 1 (F) obstruction IN the above pages AS facts Above case AT Jail officer, ~~JOHNSON~~ JOHNSON being the only (F) obstruction 1.. NO. 15-CR-4715

Pro-se, Tobias A. HAYDEN will ~~KNOW~~ write violation of the procedures, LAWS, AND Bill of Rights of errored cases 15-CR-4715 IN dealing with officer, WOODS. IN subject wrong cases. 15-CR-4715 Read case No. 15-DA-525.

ON the Date of 9-28-15, bench trial pro-se, told Judge, OLIVER & D.A. WANDA VANCE. MS. VANCE WAS AT probation revocation 7-8-15 procedure AND she did have knowledge of cases 15-DA-525 & 15-CR-4715. These Action WAS NOT A mere error of just a wrong NO. OF DOCKET TO SAY the less. Pro-se, HAYDEN told the court of the above Facts on 9-28-15 bench trial. Yet MS. VANCE COERCE Justice Along side of the Judge, OLIVER that HAS manifest in to Miscarriage of Justice.

MS. DA Vance, Now back to her trick. She
Did throw pro-se, HAYDEN off AS well as the court
of HALL county or was I the only one that got binded.
that MS. Vance has done OK Pro-se, HAYDEN
did file A Dismissal for No jurisdiction At the
county Jail. Due to pro-se HAS be punished At the
Jail 28 day in hole. If to proceed would've manifest
in to double Jeopardy ANYWAY 6-3-15. That I've
Already sent to you All At the courts of APPEALS
of GA AS well AS HALL Co. Courts. null is in order by
those grounds Alone. 5th Amendment Violation.
ON case 15-CR-471J the above MR. Johnson is the
only (F) obstruction and it don't have power do to the
above fact. MS. DA Vance knew that she only had
one (M) obstruction. she wouldn't have that (M) obstruc-
-ion. If my P.D. MR. Duttweiler would have suppressed
under his 4th Amendment violation. So where is
her case 15-DA-52J is on the floor also dead. "null!!"
So there's no other way to win any of the above
case. Thus MANIPULATION is All MS. Vance has in
the end so she did. But Pro-se, HAYDEN seen the
MANIPULATION At trail that 9-28-15, And states that
MR. Woods case was A (M) obstruction case 15-DA-52J
NOT MR. Johnson At jail case No. 15-CR-471J. In
which is ON Records AS the above cases No's FACT.

80 of 10

In Transcript 7-8-15, even The Judge,
David Burroughs states in open court in
the above proceeds. says to MR. Duttwilet on
Page 25, lines 4-6 saying "I do think that there's
A good chance that pro-se, would've survived
A motion to suppress. On Page 25, lines 1-3 showing
of Actions in dealing with MR. Woods.
Thus officer, woods did not state that he
Smell any drugs are Alcohol to support his
Actions. Nor did the phone of ram containe any
controband. MR. wood HAS nothings to support
this violations of 14th Amendment. In fact
MR. Woods shows he's Racism, By going on +
on About crack the drug, A Pipe. There was n +
any of these things ~~got~~ Around to says Reasonable,
Other then I'm pro-se, A Black man, And White
People like him officer, woods thinks we all do
crack and have crack pipes. The real story MR.
Woods was on so kind of Drug that Dec. 21. 2014
I told him he looked high and he was. That why
MR. Woods got mad and pull out his Gun and
told me to get out of the truck. I pro-se did
write A statement and submited to
Probation telling them what happen. Pro-se,
GAVE that paper to MR. Central At the jail.

BY Filing on the Ground 4th Amendment Violation. A null shall be in order. There was Not good reason Given to even Ask pro-se, From truck At All. Bad Intention of officer, woods is Clear see Page, 4-lines 1-25, Page 5, line-1. on Page 4, lines-24-25. It's First Dark, officer, woods never state what he used to see on console, on top of that MR. woods states that he seen A cigarette cellophane that was crinkled and one end WAS melted. Who is he Superman, And seen threw my body. console is beside my upper right leg the rest of console by pro-se, Butt. It's unreasonable. IN All Procedures of stating some kind of Guilt. His Acts unreasonable to here the statements of MR. woods. "Lyer he is!!". A bad one At that. The pull over on Page. 4: line-1-25, on lines-5-17. He MR. woods states that "pulled ~~over~~ over he got out of his vehicle, He could hear pro-HAYden driver speaking. Did officer Ask how was pro-se WAS talking to? No he didn't.. pro-se, HAYden was on the phone cell, talking to Girl friend At the time. MR. woods states At banch trail that pro-se WAS on cellphone. 12-lines down are just lies to help the rest of his lies. supported by No Reasonable Act of ZAWS or by any Treat to MR. wood. 10-0510

Claim INSUBPOST statement

Due to the latest 9-28-15. Bunch trail in HALL county courts. Are showings of the Good ol' boys in Government Giang. those People Threwout 10-10-15 package Are Apart of these Above called the Giang The Good ol' Boys. Pro-se, HAYDEN Claims that the HALL county courts system are unequal, unfair, AND, Racist. Threw out THESE cases of one Tobias A. Hayden Pro-se, A Black man & poor. He has been A Victim in

The following cases: 03-CR-991C, 15-CR-471J, 15-DA-52J All ARE showing of MISCONDUCTS of these People. BY The Law, Rule, Amend ments, Violation in the latist 15-CR-471J MR. Danny Woods shows that HALL county thinks they ARE above the LAW for they ARE the LAW. Those inquestion cases the above not limited too.

These People: A. ISA. WANDA VANCE, Judge, Bonnie Oliver, Judge, David Borroughs, P.D. LARRY Duttweiler, Dupty, Danny Woods, officer Jailer, Tyler, Johnson, & officer Jeffiers. The above People work for HALL county justice system probe is in order the Feds.

By the named people that works for HALL
County Government. Pro-se, Tobias A. Hayden wishes
to sue those each people's for the ~~sum~~^{sum} of
\$ 150000 per for there violations of pro-se, HAYDEN
Bill of Rights stated in Amended 10-10-15. Ranges
From the 4th Amendment to 14th Amendments. For
the Damages mentality, physical, per-se, HAS
underwent in cases, 03-CR-991C, 15-CR-471J,
15-DA-525.. Not limited to. pro-se HAYDEN shall
Also sue the County of HALL GA. For housing
these kind of Government RACIST. By not unholding
the facts of evidence, to MAKE Prudent
Judgement of 2AWS, AND Rule, the Bill of
Rights. These violation. Are Exrate in this
one GA. County (HALL). in the sum for
IN this latist banch trail That errored
15-CR-471J MR. Danny woods but Realy case# -
15-DA-525. 5,000,000, for each proven violation
in Governments of HALL County. NOT limited
too. Also Request immunity for Above cases.

Statement of Claims

On the subsequent Pages 1-6. In dealing with Judge, Bonnie, Oliver and, Assistant District Attorney. In Superior courts of Hall County, pro-se, Hayden HAS summarize the faults of the Judge, & A. DA. to show this court of Appeal of GA. the ongoing injustice pro-se, Hayden HAS underwent in Hall County.

Pro-se, HAS Reference threw out this Package the Transcript of Revocation 7-8-15. IN which is also Evidence on faults that helps PROVE pro-se, claim of injustice, unfair courts Racism, equalness is NOT in Hall County Court system. Pro-se, HAS A custom to the wrong doing of Hall County courts, the facts are here within that ~~the~~ package dated 10-10-15. Justice HAS yet to come by Pro-se, Tobias A. Hayden WAY. "Not limited too"

106

Judge, Bonnie Oliver
Courts Violation
Superior court of Hall County

ON Dates 9-28-15, Pro-se, Tobias A. Hayden, G.I.C. #
966683. Did have a bench trial on the above
dates courts & Judge. Whereof Pro-se, Acted As
Pro-se, counsel. Frist, By the above courts &
Judge Not being fair. When pro-se had only 3 to
5 hours maybe the time proper to trial. Violated
Pro-se, equal Rights 14th Amendment Due process
of Procedures in court & Rules. Thus 16.1 pretrial
Discovery And Inspection 520-1, Fed. R. crim. P. 16.
States that Pro-se, shall have 21 days prior to
to trial (2) # At court in the same procedures
Pro-se, GAVE notice to the courts error. Pro-se
states in open court that Officer, Danny Woods
Case was A(M) Obstruction Not A(F) Obstruction.
15-DA-525. These violations are 5th Amendment
Double Jeopardy when the arose A(M) obstruction
that was a court ruling that 7-8-15 From A
(F) obstruction. on ruling of Judge, David Burroughs.
Ms. Oliver Judge, arose A(M) to A(F) obstruction
Unfair. Facts are in transcript. Needless to
say exceptions, deprived of life, liberty, Property,

Without the Due Process of LAW. The above facts are violations of 14th Amendments.

③ When pro-se, Graven notice, when Judge, Oliver did not act on her sworn obligation to uphold the laws and rule of this. When an error is stated in open court, error being Mr. Woods case was a (M) obstruction 8th Amendment as well cause judge was informed of error.

④ Pro-se, did not get to confront the witnesses against pro-se or compulsory process for obtaining witnesses in pro-se favor violation of pro-se 6th Amendment 14th as well. Due to the facts ② this case with Mr. Danny Woods is a (M) obstruction in which is a case #15-DA-525; NOT case 15-CR-476J dealing with jail officer Tyler Johnson one

(F) obstruction. Thus no jurisdiction of case. Thus pro-se can't have thus privileges of ANY of this Bill of Rights due to fact of error case #15-CR-476J under Danny Woods (F) obstruction Mr. Danny Woods case #15-DA-525.

The 14th Amendment specifically provides that: No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor deny to any person ~~it~~ with its jurisdiction the equal protection of the laws.

Pro-se, Hayden has been very much violated.

Pro-se, has proven the faults of misconduct & miscarriages of justice. 3 of 6

ON AROUND 10-8-15, PRO-SE, HAYDEN, WAS
inquiring or probe on status from bench
trail 9-28-15. Here At Jackson S.P. while
conducting this probe, PRO-SE, learned that
of more misconducts & miscarriage's
of justice, PRO-SE, HAD to cases ① The
errored case # 15-CR-4715 of MR. DANNY
WOODS. other being MR. TYLER JOHNSON
AT COUNTY IN WHICH IS THE ABOVE TRUE CASE
NUMBER. MR. WOODS CASE NO. IS 15-DA-525.

② PRO-SE, HAD I-(F) OBSTRUCTION I-(M) OBSTRUCTION
THE ERRORED MR. WOODS IS THE (F) OBSTRUCTION IN-
WHICH IS VOID. Thus (M) OBSTRUCTION PRO-SE HAS
NOT WENT TO COURT FOR A SENTENCE AS YET.
SOME ONE PLEASE TELL PRO-SE HOW CAN
COMPUTER SHOW THAT I GOT SENTENCED ON
BOTH CASES ON 9-28-15 BENCH TRAIL. I
~~WENT~~ WENT TO TRAIL ON I-(F) OBSTRUCTION. MORE
AND MORE MISCONDUCTS OF HALL COUNTY GOVERNMENT.
PRO-SE, AWAITS TRANSCRIPTS FOR BENCH TRAIL
THAT 9-28-15.

4-05-6

ASSISTANT DISTRICT ATTORNEY
NORTHEASTERN JUDICIAL CIRCUIT
225 BROAD STREET S.E. #350
GAINESVILLE, FLA. 30501

NAME: WANITA VANCE

On Dates, 9-28-15, Pro-se, Tobias A. Hayden G.D.#
96683. Did have a bench trial on the above
dates, courts and A.D.A. VANCE. In which was at
Probation Revocation hearing that 7-8-15.
Where MS. VANCE did question first, called
MR. Danny Woods, case #15-DA-52J. 2nd called
MR. Tyler Johnson officer case #15-CR-471J
Case there of County Jail. Took place dates
5-2-15. MR. Woods 12-21-14. MS. VANCE did have
knowledge of the above case. When pro-se,
gave notice to the court, that 9-28-15 of
the errors in question MR. Woods case 15-DA-52J
was a (M) obstruction NOT A(F) obstruction. Thus
MS. VANCE manipulation of the court and pro-se
with case #15-CR-471J. Knowingly done so
does more than merely violation of Bill of Rights.
Down Right Criminal what she has done.
Pro-se, has come a custom to foresee faults, &
violations of Rules, & 2A.N.S, Amendments in Hall
County Court System.

Pro-se, Hayden BANKED ON HALL county
Court to Violation of Rights forseen. In which is
why Pro-se Requested A move from this ~~unequal~~
unequal Government in HALL county. To the Federal
Courts IN Proceeds submitted 9-2-15 to the courts
of Appeal. NOW AS FOR AS THE VIOLATIONS MS. VANCE:

④ 4th Amendment when she manipulated pro-se, +
courts she had back facts + papers with those facts
being MR. Danny woods case WAS A (M)obstruction,
14th Due process violation MS. VANCE could have stoped
this misconduct that manifest in to miscarriage
of justice today. 8th Amendment violation done too.

6th Amendment violation, Pro-se, can't confront the
witnesses against him. Because this is not the
Right cases 15-CR-4715 is case with MR. Tyler
Johnson, Not case 15-DA-525 with MR. Danny
woods, Also the violation the right to be informed
of the nature of the charges against him. Due

to the Above misconducts of Rule, 2AWS, Amendme
Pro-se, WAS deprive the 14th Amendment specifically
Provides that: No state shall make or enforce
any law which abridge the privileges or immunities
of citizens of the United States; nor shall any
state deprive any person of life, liberty or property
~~the~~ without due process of law nor deny to any
person within it's jurisdiction the equal protection
of the laws. IN case 15-DA-525 + 15-CR-4715 is
clearly violations of All Amendment NAMED but
NOT limited too.

60fb

Certificate of service

On this 10-13-15, Per-se Tobias A Hayden
E.I.D.C # 96683. That I have given to E.I.D.C
Book Keeping For these people in the
Mail Room here At Jackson State
Prison. To them fore Admit Amount
of Postage And to be places in the

U.S. Post Box to be sent to the
Court of Appeal of Georgia
Address 47 Trinity Avenue, S.W. Suite
501 Atlanta, GA. 30334. Thus Package
Habeas Corpus, Amend Incorporation of
Application No. A-16-D-36, cases, 03-CR-991C,
15-DA-525, 15-CR-4815, THAT WAS Sumited
9-2-15. For this Above court For they shell
be Judge Upon All case Named but NO
limited to. other for Evidence on going showing
of misconduct & miscarriage of justice
in dealing with one Tobias A. Hayden

Tobias Hayden
E.I.D.C # 96683
P.O. Box 3877
JACKSON GA. 30233

Exhibit A / I enclosed

Pro-se, HAYDEN shall submit 7-8-15
Probation Revocation hearing. Where facts
are found of misconduct, also miscarriage
of justice ongoing hard facts. In which is
the footing of all ~~the~~ evidence for the
latest violation of Bill of Rights, Rules
Procedures ect. Also while seeing the above
Transcript will and shall show as facts of
Exhibit-B... Thus transcript 7-8-15 helps
support Arguments of 15-DA-525 with
MR. Danny Woods starting dates 12-21-15, and
case 15-CR-4715 with MR. Tyler Johnson.
Transcript number of pages 1-36.

A.

Exhibit B

On the Date 28th of Sept. 2015, Before Pro-se, HAYDEN
Banch Trail Pro-se, submit to Judge, OLIVER
in open court a A.D.A. TACIT motion for a
Dismissal Pro-se, did request copys that Pro-se
may have and for the Jailer or Bailif to give to
copys at court that 28th hearing. This was before
Pro-se, Received Probation transcript Note. Enclosed
Also.

1 of 2

Exhibit B / Inclosed

- Final Disposition Felony with Probation
- ① Sentence Summary on Page 1, lines 2 upon service of 2 years. Are A showing of sentencing for time. ② Let the Record show on P. 5 of 7 lines 2. The fact Dates of A day bench trial From. 9-28-5 starting Date. See P. 7 of 7 9-29-15 Fine Calculation Worksheet whereof Probation signing with A certificate of service.
- ③ On P. 5 of 7, lines 12. No contact, Officer, Woods Let the record show this Felony sentence is in dealing which MR. Woods, also errored case. 15-CR-4715. Thus MR. Woods and I case are 15-DA-525 Not the above. Also in transcript Probation Revocation shows MR. Woods and Case was lowed to a misdemeanor on 7-8-15. MR. Johnson at County Jail case is 15-CR-4715 not woods, per-se, shall inclosed 2-7 Probation paper to show as facts of evidence of these unreasonable faults. Also Accusation in dealing with officer, Jeffries, officer, Johnson. 2-2 Pages. Evidence inclosed
- In The Superior court of Hall County GA.
Judge, Bonnie Oliver
2012

IN THE Superior court
of
HALL County

Tobias A HAYden
Pro-se, Plaintiff

Cases NO. 03-CR-991C
① 15-DA-525
② 15-CR-4715

VS
The state of
GA.
Defendant

A.I.A.
"TACIT..."

MOTION For Dismissal

COMES NOW, Pro-se, Tobias A. HAYden
48950 County I.D., E.D.C #966683. IN THE ABOVE-
STYLED motion For Dismissal on THE SEPT.
28th DAY of 2015. IN HALL county superior
court, state of Georgia. IN the above cases.

Pro-se, HAYden has a many scheduled other
then, the last 7-8-2015. Whereof pro-se, WAS
sentenced for a technical violation, A term of
2 years to serve in prison. IN Agitation
of Probation Revocation cases: 15-DA-525,
AND 15-CR-4715. Also other violations while
serving probation. That shows as facts of
being probation. Thus, pro-se, Tobias A HAYden
is not on Probation, and nor should he be. At
these proceeds.

2 of 7

On Around Date of 12-21-15, A Warrant was
TAKEN out. Subsequently, on 12-23-14th, Pro-se
WAS charged for obstruction (F), obstruction (M),
NO Tag EXPIRED, BY officer, Woods. ALSO A
Probation warrant hold. Having Appeared
before the magistrate Judge, Ms. Loggins
that 24th day of Dec, 2014. At that procedure
Pro-se, Hayden Requested A committal hearing
Scheduled on Jan. 9, 2015. At 9:00 AM. NO bond
Due to probation hold statements of Ms. Loggins
That 24th day of Dec. 2014. Signature of Jail
Personnel DA 4745. Above ² Case No. 15-VA-52J

² Case # 15-CR-4715, on Dates 5-2-15, pro-se, was
re-arrested while at the Hall County Jail
charged with 2x obstruction (F) here at
the jail by officer's Johnson and Jeffries
on 5-5-15 pro-se, appeared before Judge, ~~Ms.~~
Ms. Loggins magistrate Judge. pro-se, Hayden
did receive A bond for 10,000, and Requested
A committal heat scheduled around 5-16-15.

~~Page #1~~ # Case # 15-DA-52J

Course of Actions Submitted to Judge Oliver And or to the Court of Hall Co.

AS FOLLOWS: Requested order to show cause Deined Frist then, Granted Around Jun. 2015

Deining Grounds Judge, Oliver, states that A layperson can't File motion cause of Pro-se, has A LAWER on his case. pro-se, HAYDEN didn't have A LAWER at the time of Filing. on the above fact of NOT HAVE A LAWER,

Pro-se, WAS granted.

In case 15-DA-52J Pro-se, HAYDEN has not received A response AS of yet in writing, NOR Response on submitted Agreement 6, month of 2015.

Next, pro-se, HAYDEN WAS scheduled for A Probation Revocation 7-8-15. Subsequently to the above facts pro-se, HAYDEN Telling AND showing to Public Defender ZARRY Duttweiler AND ALSO stating to him that pro-se, HAYDEN shouldn't even be on Probation in the first Place. MR. Duttweiler stated to pro-se, many times that the Above course of Actions Don't matter. THUS AT the above 7-8-15 Revocation. MR. Duttweiler DIDN'T bring UP ANY recorded fact AT ALL. AT the revocation Judge, Burroughs did lower charges to one (M) Obstruction. "shell In Close Filed Agreement."

~~Page #1~~

#2 - Case #15-CR-471J

Course of Actions to Judge, Oliver and or to the Hall Co. Courts.

AS follows. 2 Awer given 5 min before committal hear Around 6-16-15 Public Defender, MR. DAVID HUFF.

MR. Huff, briefly talked to pro-se, HAYDEN. At that briefing with MR. Huff. pro-se, Requested to MR. Huff to get this procedure put off. To give MR. Huff more time to look over the records. Pro-se, was later bring in the court room. MR. Huff stated to me that the Judge, Over the court that Day. Deined my request to put off, to A later day. Then pro-se, HAYDEN showing those motion to dismiss for NO Jurisdiction AND thereof reseached facts in which. Also pro-se did not have his withnnesses there also telling MR. Huff. MR. Huff stated That he was going record this procedure.

In highlighting of motion Filed 6th month 2015 year shall be Inclosed to MAKE Apart of this Dismissal for judgment. WAS Subsequently to the committal hear case Was bound over that Around 6-16-15.

4 of 7

Case # 15-DA-525

Part #
2

COURSE OF ACTIONS UP INVADE.

In addition to re-filing the inclosed documents. Pro-se, HAYDEN must Amend the fact of the case and or records for inspection. We must start from the fact that the Independent source in which would be no tag expired. A mere traffic stop. (1) statements of officer, woods are incessant, (2) what does the warrant statement says, to even get a warrant. (3) what was the cause given, In Report of Action for charges (4) pro-se, HAYDEN did and has request a order to show cause to Judge, OLIVER and copy of them to D.A. and clerks office. No response has been give, it HAS deemed it's self as no grounds to show cause. But the procedures must be in written form in response. (5) NEXT, the warrant officers arrested pro-se, HAYDEN that 12-23-14, on 12-24-14 pro-se, was bring to commitment judicial hearing. that must be done with in 72 hours of arrest. In which O.C.B.A-17-4-26, Also bond, At this Above Procedure. A officer arresting under a warrant must bring Pro-se before Authorized officer, In which would be Judge, Loggins LAWS 1959, Pg. 796 Z.

5 of 7

The warrant officers, WAS NOT AT
pro-se, HAYDEN commitment hear that
12-24-14. This is A must do, O.C.B.A-17-4-26
was violated. Due process violation,
14th Amendment, AS WELL AS 4th, 5th manifest
into this 8th Amendment violation.

⑥ pro-se, HAYDEN has not AS yet, been Given
A bond AS of yet sum 9-months later.

This is A violation of the Bail Reform Act,
18 U.S.C §§ 3141(A)-3142, 3144. [46.1.E.(2) Bail]

⑦ IN THIS ONE CASE # 15-DA-52J violation
are overwhelming. This above case is
NOW 1 charge of obstruction (M) lowered
that 7-8-15. At Revocation hear. needless to
say A 6th Amendment violation BY MR. Duttwiler.

⑧ Thus 15-CR-4715 case subsequently
to case 15-DA-52J. HAS NO power Due to facts
of the above are fruit of the poisonous tree.
NARDONE V. UNITED STATES.

⑨ ALSO AT Revocation hearing is void. within
it's self. Whereof these charges 15-DA-52J
15-CR-4715 WAS used in Agitation for that
void processings, The Hall co courts has
violated 5th Amendment. To go on from this
miscarrige of justice would be A violation
8th Amendment Again.

#2-Case#15-CR-4715

Part #
2

COURSE OF ACTION up for a grade.

In addition to re-filing. The motion to dismiss due to no jurisdiction.

① This case Arrest Date 5-2-2015 WAS ALSO A VIOLATION OF O.C.G.A 17-4-26 WHEREOF 5-5-15 ARRESTINGS DID NOT SHOW IN WITH IS A 14th Amendment 4th 6th 5th MANIFEST IN THIS 8th Amendment VIOLATIONS.

② Pro-se, HAYDEN would not even had this case if Pro-se, would have been gave a bond in the first place, plus the overwhelming faults of the courts of Hall Co. Both case are null.

Statement of Claims

Pro-se, HAYDEN HAS SHOWN WITHIN THIS MOTION FOR DISMISSAL OF CASES, 15-DA-52J, 15-CR-4715 DUE TO THE VIOLATION AND PROCEDURES VIOLATION OF THE INQUESTION ABOVE CASE. THE REASONS WITHIN AND REASONS WITHIN THEM ARE CLAIMS OF INJUSTICE OF 2AW. Pro-se, Tobias A. Hayden Respectfully Request the Dismissal of the above cases. Due to 14th 4th 6th 8th 5th Amendments violation. Immunity is in order for these violations.

7 of 7

Certificate of Service

On this 28th day of Sept. 2015, I Tobias A. Hayden NO. 48950, E.I.C. 966683. Acted as pro-se counsler. That I did bring to court with me The handwrote motion for Dismissal, Also copy's of Aggument 1-6 in Case #15-DA-525, Copy's of motion to Dismiss Due to No Jurisdiction 1-3, in case # 2015 CR-4715. To Give to Judge at proceeds for copy may be made. for All parties 3-copy's of each Pages hand Delivered by officer on the floor This 28th day of sept. 2015 To:

copy Parties:

1 Judge At this scheduled Proceeds

1 D.A. At this scheduled Proceeds

1 Clerks office to be Filed by same officer

Officer of Action shall Sign, Date, time.

X _____

County No. 489501
~~Tobias Hayden~~
Tobias A. Hayden
E.I.C. #966683
P.O. Box 908030
Gainesville, GA 30501

IN THE SUPERIOR COURT OF HALL COUNTY, STATE OF GEORGIA

**STATE OF GEORGIA VERSUS
TOBIAS ANTWANE HAYDEN**

**CRIMINAL ACTION #:
2015CR000471J
July Term of 2015**

Clerk to complete if incomplete:

OTN(s): _____
 DOB: 07/11/1979
 Ga ID#: GA2178232X



FINE CALCULATION WORKSHEET

Count	Base Fine	County Jail Fund (10% of Fine)	Victim Asst Program Fund (5% of Fine)	POPIDF (10% of Fine / \$50 Max)	POPIDF2 (10% of Fine)	DUI Surcharge (10% of Fine / \$26 Max)	Drug Surcharge (50% of Fine)	Brain and Spinal Injury Fund (10% of Fine)	Driver Ed Training Fund (1.5% or 5% of Fine)	Photo Fee (\$25)
1	\$1,000.00	\$100.00	\$50.00	\$50.00	\$100.00					

Fine Subtotals:

\$1,000.00 \$100.00 \$50.00 \$50.00 \$100.00 \$0.00 \$0.00 \$0.00 \$0.00 \$0.00

Fine Grand Total:

\$1,300.00

DAB: 9/15/15

In addition to the fine amounts listed above, the Defendant, TOBIAS ANTWANE HAYDEN, is ordered to pay **COURT COSTS** in the amount of \$135.00 (\$100.00 plus \$20.00 toward the Peace Officer's Training Fund, \$10.00 toward the County Jail Fund and \$5.00 toward the Victim Assistance Program Fund), a **GBI CRIME LAB FEE** of in the amount of \$50.00 for Felony Probation cases, and any and all fines or fees or restitution as listed in the aforementioned sentence. All Court ordered monies will be paid by the Defendant, TOBIAS ANTWANE HAYDEN, as directed by the Probation Officer.

Certificate of Service: This is to certify that on this date a true and correct copy of this document, Fine Calculation Worksheet, has been delivered in person to the Defendant, TOBIAS ANTWANE HAYDEN, and the Defendant has been instructed regarding the fine amounts as set above.

This 29 day of September, 2015.

 Probation Officer

Acknowledgment: I have been provided with a copy of this document, Fine Calculation Worksheet. I have read the terms of this document or had them read and explained to me.

This 29 day of September, 2015.

 TOBIAS ANTWANE HAYDEN, Defendant

BLO

GENERAL CONDITIONS OF PROBATION

The Defendant is subject to arrest for any violation of probation. If probation is revoked, the Court may order incarceration. The Defendant shall comply with the following General Conditions of Probation: 1) Do not violate the criminal laws of any governmental unit and be of general good behavior. 2) Avoid injurious and vicious habits. 3) Avoid persons or places of disreputable or harmful character. 4) Report to the Probation Officer as directed and permit the Probation Officer to visit you at home or elsewhere. 5) Work faithfully at suitable employment insofar as may be possible. 6) Do not change your place of abode, move outside the jurisdiction of the Court, or leave Georgia without permission of the Probation Officer. If permitted to move or travel to another state, you agree to waive extradition from any jurisdiction where you may be found and not contest any effort by any jurisdiction to return you to this State. 7) Support your legal dependents to the best of your ability. 8) When directed, in the discretion of the Probation Officer: (a) submit to evaluations and testing relating to rehabilitation and participate in and successfully complete rehabilitative programming; (b) wear a device capable of tracking location by means including electronic surveillance or global positioning satellite systems; (c) complete a residential or nonresidential program for substance abuse or mental health treatment; and/or (d) agree to the imposition of graduated sanctions as defined by law. 9) Make restitution as ordered by the Court.

FINE SURCHARGES or ADD-ONS: The Court assesses all fine surcharges or add-ons as required by the laws of the State of Georgia and as are applicable to offense(s) for which the Defendant has been convicted.

- 1) The Court orders that: () the Defendant shall pay a probation supervision fee of \$32.00 per month to the Probation Office beginning 30 days from 09/28/2015 or, if the defendant is in custody, within 30 days of his/her release from custody (If attached, see Restitution Order for additional conditions and explanation); or () the probation supervision fee is waived.
- 2) If counsel was provided under the Georgia Indigent Defense Act: () the Defendant shall pay the \$50 Public Defender Application Fee; () the Public Defender Application Fee is waived.
- 3) If counsel was provided at public expense: () the Defendant shall pay attorney's fees of \$ _____ to Hall County; or () attorney's fees are waived.
- 4) The Defendant shall pay the Crime Lab Fee as required by law.

SPECIAL CONDITIONS OF PROBATION

The Defendant is advised that violation of any Condition of Probation may subject the Defendant to a revocation of probation and the Court may require the Defendant to serve up to the balance of the sentence in confinement. The Defendant shall comply with all Special Conditions of Probation: () as designated on the attached Inventory of Conditions of Probation; or () as follows: (*import conditions to be imposed from Inventory of Conditions of Probation*).

The Hon. pro se, Attorney at Law, represented the Defendant, by _____. The Hon. Wanda Vance represented the State. The proceedings were reported by Joel Epps, Certified Court Reporter.

Paul

INDEX OF SPECIAL CONDITIONS

1. Restitution finding
- BCO** 2. Report to Probation Office
3. Perform Community Service
4. Probation Management Act Sentencing Options System
5. Accountability Court; enter and complete
6. Intensive Probation Supervision
7. Detention Center, Diversion Center or Boot Camp: enter and complete
8. Regional Substance Abuse Treatment (RSAT) Facility: enter and complete
9. Day Reporting Center: enter and complete
10. Fourth Amendment waiver; consent to use at trial
- BCO** 11. Provide bodily specimen for testing; waive evidentiary foundation for admissibility
- BCO** 12. Limited or no contact condition
13. No harassment or threats toward specific person(s)
14. Family Violence Intervention Program (FVIP): enter and complete
- BCO** 15. Provide records release: medical, treatment, work, driving, criminal history
16. Undergo evaluation and treatment: mental health, substance abuse, etc.
17. Attend 12-step meetings
18. Obtain high school diploma, GED, or training certificate
19. Abide by curfew
20. Barred from County or Circuit
21. Surrender driver's license
22. Ignition interlock
23. Electronic monitoring device: voice, electronic, GPS, SCRAM
24. Probation may be made administrative or may terminate
- BCO** 25. Provide DNA sample: certain Title 16 offenses - O.C.G.A. § 24-4-60
26. Sex Offender special conditions
27. Dangerous/Sex Offense Against Minor special conditions - O.C.G.A. § 42-8-35(b)
28. Stalking or Aggravated Stalking special conditions - O.C.G.A. §§ 16-5-90 & 16-5-91
29. No contact with criminal street gang activity
30. Special probation for drug offense - O.C.G.A. §§ 16-13-30(b),(d), 16-13-31; 42-8-35.2
31. Obligation to testify truthfully
32. Avoid use or being in presence of alcohol, drugs
33. Undergo evaluation for contagious communicable disease
- BCO** 34. Other special condition(s) defined by Court

BCO

INVENTORY OF SPECIAL CONDITIONS

These conditions are hereby incorporated into the Defendant's sentence by reference. The Defendant is advised that violation of any Special Condition of Probation may subject the Defendant to a revocation of the balance of the period of probation and the Defendant may be required to serve up to the balance of sentence in confinement. *(Judge to designate conditions to be applied.)*

2. **The Defendant shall report to the Probation Office at Gainesville State Probation Office, 1002 Aviation Blvd, Gainesville, GA 30501**, by no later than 30 days from 09/28/2015 or, if the defendant is in custody, within 72 hours of his/her release from custody.

11. **Specimen; admissibility.** The Defendant shall produce from time to time upon oral or written request by a Probation Officer, a law enforcement officer, or official of a Georgia DHS-approved substance abuse or mental health provider personnel a breath, spittle, urine and/or blood specimen for analysis for the presence of drugs including alcohol. (X) The Defendant shall waive evidentiary foundation for admissibility of the laboratory results.

12. **Limited or no contact.** The Defendant shall: () stay 0 yards away from () have no violent contact with (X) have no contact of any kind, in person, or by telephone, mail, or otherwise, with Officer Woods. () or with his/her family members () and the Defendant shall not enter the premises of _____.

15. **Records release.** The Defendant shall provide a release which allows the Probation Office to have access to all medical, clinical, treatment, attendance or work records, and for driving and criminal history.

25. **DNA sample.** The Defendant has committed a Title 16 felony offense enumerated in O.C.G.A. § 24-4-60 and shall provide a DNA sample in accordance with that statute.

34. **Other Special Condition(s).** The Defendant shall abide by the following additional special conditions.

Banishment from Government Housing. IT IS FURTHER ORDERED AND ADJUDGED that the Defendant is barred from entering onto the property of government owned housing in Hall County.

Risk Reduction School. IT IS FURTHER ORDERED AND ADJUDGED that the Defendant shall complete the Risk Reduction program within 3 months of 09/28/2015 or, if the defendant is in custody, within 3 months of his/her release from custody.

Fines and Fees timeline. IT IS FURTHER ORDERED AND ADJUDGED that the Defendant shall begin paying any fines and fees ordered in this sentence within 30 days of 09/28/2015 or, if the defendant is in custody, within 30 days of his/her release from custody.

Community Service timeline. IT IS FURTHER ORDERED AND ADJUDGED that the Defendant shall begin performing community service as ordered in Special Condition #3 within 60 days of 09/28/2015 or, if the defendant is in custody, within 60 days of his/her release from custody. The Defendant shall perform community service at a minimum rate of 8 hours per week until complete.

Other. Defendant must complete the day reporting center
this sentence will run concurrent with any other sentence the defendant is currently serving
defendant must support his dependants
the fine will be eliminated if teh defendant gets his GE while in custody

BAW

SO ORDERED this 28th day of September, 2015.



BONNIE CHESSHER OLIVER
Judge of Superior Court
Northeastern Judicial Circuit

FIREARMS - If your disposition involves a crime punishable by imprisonment for a term exceeding one year, or of a misdemeanor crime of domestic violence where you are or were a spouse, intimate partner, parent, or guardian of the victim, or are or were involved in another similar relationship with the victim, it is unlawful for you to possess or purchase a firearm including a rifle, pistol, or revolver, or ammunition, pursuant to federal law under 18 U.S.C. § 922(g)(9) and/or applicable state law.

APPEAL. You have the right to appeal your conviction and sentence by filing a written notice of appeal with the Clerk of Superior Court within 30 days from today. If you are not able to pay the cost of an appeal or for an attorney, you may request that the Court waive the filing fee and appoint appellate counsel.

HABEAS CORPUS. Pursuant to O.C.G.A. § 9-14-42 and O.C.G.A. § 40-13-33, you have a right to file a habeas corpus action if there has been a substantial denial of your constitutional rights under the State of Georgia or U.S. Constitution. Any action brought pursuant to these code sections must be filed within 180 days for traffic offenses, one year in the case of misdemeanor offenses, or within four years in the case of felony offenses. The time for filing begins running upon judgment of conviction becoming final by conclusion of direct review [Appeal] or the expiration of time for seeking such review [30 days from sentencing or ruling on motion for new trial or order granting out of time appeal].

Certificate of Service: This is to certify that on this date a true and correct copy of this sentence order has been delivered in person to the Defendant, TOBIAS ANTWANE HAYDEN, and the Defendant has been instructed regarding all conditions set forth above.

This 29 day of September, 2015.


Probation Officer

Acknowledgment: I have read the terms of this sentence or had them read and explained to me. If all or any part of this sentence is probated I certify that I understand the meaning of the order of probation and the conditions of probation. I understand that violation of a special condition of probation could result in revocation of all time remaining on the period of probation.

Refused

TOBIAS ANTWANE HAYDEN, Defendant

SO ORDERED this 28th day of September, 2015.

Bonnie Chessher Oliver

BONNIE CHESSHER OLIVER
Judge of Superior Court
Northeastern Judicial Circuit

Acknowledgement: I have read the terms of this document or had them read and explained to me. I understand that violation of a special condition of probation could result in revocation of all time remaining on the period of probation.

Refused

TOBIAS ANTWANE HAYDEN, Defendant

Bul

COUNT ONE

I, LEE DARRAGH, District Attorney of the Northeastern Judicial Circuit of Georgia, on behalf of the people of the State of Georgia, charge and accuse **TOBIAS HAYDEN** with the offense of **OBSTRUCTION OF LAW ENFORCEMENT OFFICER (F)**, for that the said accused in the County of Hall and State of Georgia, on the **2ND DAY OF MAY, 2015**, did knowingly and willfully resist and oppose Officer Jeffries, a law enforcement officer in the lawful discharge of his official duties, by offering and doing violence to such officer by striking Officer Jeffries in violation of O.C.G.A. § 16-10-24, contrary to the laws of this State, the good order, peace and dignity thereof.

COUNT TWO

I, LEE DARRAGH, District Attorney of the Northeastern Judicial Circuit of Georgia, on behalf of the people of the State of Georgia, charge and accuse **TOBIAS HAYDEN** with the offense of **OBSTRUCTION OF LAW ENFORCEMENT OFFICER (F)**, for that the said accused in the County of Hall and State of Georgia, on the **2ND DAY OF MAY, 2015**, did knowingly and willfully resist and oppose Officer Johnson, a law enforcement officer in the lawful discharge of his official duties, by offering and doing violence to such officer by pushing Officer Johnson in violation of O.C.G.A. § 16-10-24, contrary to the laws of this State, the good order, peace and dignity thereof.

IN THE SUPERIOR COURT OF HALL COUNTY
NORTHEASTERN JUDICIAL CIRCUIT
STATE OF GEORGIA

ACCUSATION

WITNESSES

CASE NO. _____
July Term, 2015

THE STATE OF GEORGIA

vs.

TOBIAS HAYDEN

OFFENSE(S): CT 1 - 2: OBSTRUCTION OF LAW
ENFORCEMENT OFFICER (F)

Officer Jeffries
Hall County Sheriff's Office

Officer Johnson
Hall County Sheriff's Office

The Defendant herein waives formal arraignment/indictment
by grand jury and pleads:
GUILTY NOT GUILTY NOLO CONTENDERE
This ____ day of _____, 20____.

Defendant

Attorney for Defendant

By: _____
Assistant District Attorney

The Defendant herein waives formal arraignment/indictment
by grand jury and pleads:
GUILTY NOT GUILTY NOLO CONTENDERE
This ____ day of _____, 20____.

Defendant

Attorney for Defendant

By: _____
Assistant District Attorney



IN THE SUPERIOR COURT OF HALL COUNTY
STATE OF GEORGIA

STATE OF GEORGIA)
)
vs.)
)
TOBIAS HAYDEN,)
)
Defendant.)
_____)

CASE NO: 07-CR-532-J
03-CR-911-C *error*
07-CR-1223-J
03-CR-991C

PROBATION REVOCATION HEARING AND SENTENCE
BEFORE THE HONORABLE DAVID BURROUGHS, JUDGE,
ON JULY 8, 2015 AT 2:34 P.M.
AT THE HALL COUNTY COURTHOUSE, GAINESVILLE, GEORGIA

A P P E A R A N C E S:

WANDA VANCE
ASSISTANT DISTRICT ATTORNEY
NORTHEASTERN JUDICIAL CIRCUIT
225 BROAD STREET, SE, #350
GAINESVILLE, GEORGIA 30501

FOR THE STATE

LARRY DUTTWEILER
PUBLIC DEFENDER'S OFFICE
NORTHEASTERN JUDICIAL CIRCUIT

FOR THE DEFENDANT

MARYJANE HARGETT, CCR
APPALACHIAN COURT REPORTING
POST OFFICE BOX 943
BLAIRSVILLE, GEORGIA 30514
(706) 745-4455

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The State calls Deputy Woods.

DANNY WOODS,

the witness herein, after being first duly sworn,
was examined and testified as follows:

DIRECT EXAMINATION

BY ASSISTANT D.A. VANCE:

Q. Tell the Judge your name and where you work.

A. Deputy Danny Woods with the Hall County Sheriff's
Office.

Q. Were you working with the sheriff's office on or
about December 21st of 2014?

A. I was.

Q. Are you a patrol deputy?

A. I am.

Q. Did you encounter somebody in a silver Chevrolet
Silverado on that date?

A. Yes, ma'am, I did.

Q. Tell me what you observed about that vehicle?

A. I was traveling East Ridge Road near Athens Street.
The vehicle in question passed me, a silver Chevy Silverado. I
looked in my rearview or my side mirror and noticed that the
truck did not have a tag displayed. *WAS ANY in front*
of you?

Q. Once you observed that there was no tag on the
vehicle, what did you do?

[A. I turned around on the vehicle and performed a

1 shut. That -- since I've been on the road and in my
2 experience, that is indicative of it having housed illegal
3 substances.

4 Q. Did you ask the defendant to get out of the vehicle
5 at that point?

6 A. I did.

7 Q. What happened next?

8 A. I asked Mr. Hayden to step to the rear of the truck.
9 He still appeared very nervous, kind of moving around. I asked
10 him to place his hands on the rail of the truck. I asked him
11 if I could search the truck as well as pat search him and
12 search him for weapons or drugs, and he stated that I could.

13 Q. Okay. Did you search and pat him down and did you
14 find anything?

15 A. I was patting Mr. Hayden down. While I was patting
16 him down, I felt a round object in his coin pocket that
17 depressed when I touched it and it felt kind of soft. I asked
18 Mr. Hayden what it was. He stated that it was nothing and put
19 his hand down to where the item was and was trying to reach for
20 it. I advised him to not put his hands in his pockets and
21 asked him again what it was in his pocket. And he stated it
22 was nothing. As soon as he said nothing the second time, he
23 turned and fled.

24 Q. Okay. So he fled on foot?

25 A. Yes, ma'am.

How
during
scuffle?
↓
when
tackled?

1 A. I was not. I was actually tangled in the vines, so I
2 was not able to get my leg free. Shortly thereafter, another
3 deputy arrived on scene and was able to free me from the vines.
4 Q. Did you have any minor injuries or marks on you?
5 A. My was thumb was injured in the altercation, my
6 fingernail was bent back and caused some swelling and bleeding,
7 and bruising, but it did not require medical attention.
8 Q. Did you search the vehicle and did you find anything
9 in the vehicle after you were I guess --
10 A. After we checked the area a little bit from where he
11 entered the wood line, I went back to the truck and located his
12 wallet that he actually displayed to me during the traffic
13 stop. He left it on the railing of the truck.
14 Q. Did you find any kind of drug objects or any items
15 that were suspicious to you?
16 A. There was the cigarette cellophane and there was also
17 Brillo pad material inside the truck, which is commonly used in
18 crack pipes and things like that to smoke illegal substances.
19 Q. Okay. Did you take out warrants for Mr. Hayden?
20 A. I did, after I located his ID and Social Security
21 card inside the wallet.
22 Q. You didn't know him at that time?
23 A. I did not. I never met Mr. Hayden before, but I
24 recognized him from his ID photo.
25 Q. Based on your encounter with him on December 21st of

1 I thought you would like to know why he missed court that
2 day but was able to come to court the very next day.

3 ASSISTANT D.A. VANCE: I maintain my relevance
4 objection, Judge. I don't see why it's relevant.

5 THE COURT: Overruled. Go ahead.

6 THE WITNESS: How I injured it to begin with?

7 BY MR. DUTTWEILER:

8 Q. Yes.

9 A. I believe the injury came when I was struck by a
10 motor vehicle in 2013.

11 Q. The next day, what was the injury that kept you from
12 court and you told us it was a basketball injury?

13 A. Yes. I played basketball and re-injured it, it's a
14 herniated disc.

15 Q. And you were in court the next day, June 4th?

16 A. That's correct, in pain.

17 Q. This was a stop for no tag?

18 A. That's correct, no tag displayed.

19 Q. Later on, did you take a vehicle number and see if
20 it's registered to anyone at all?

21 A. I believe I did.

22 Q. And?

23 A. I believe it come back to Mr. Hayden.

24 Q. He ran from you?

25 A. That's correct.

1 or something?

2 A. Yes, it's like a natural fence made of vines.

3 ~~J~~ Q. The Brillo pad material, it's not inside a pipe of
4 any kind?

5 A. No, sir, it's not.

6 Q. A little piece floating somewhere in the car?

7 ~~/~~ A. No, it was a ball of Brillo pad material.

8 Q. A what?

9 A. A ball.

10 Q. A ball. Okay. On the floor, on the seat?

11 A. I believe it was in the back floorboard.

12 Q. Any other junk in there like that?

13 A. There was miscellaneous items throughout the car.

14 MR. DUTTWEILER: Thank you, sir.

15 ASSISTANT D.A. VANCE: I have no further questions.

16 THE COURT: No other questions?

17 ASSISTANT D.A. VANCE: Not from this witness.

18 THE COURT: Deputy, you may come down.

19 ASSISTANT D.A. VANCE: The State would call Officer
20 Johnson to the stand.

21 TYLER JOHNSON,

22 the witness herein, after being first duly sworn,

23 was examined and testified as follows:

24 DIRECT EXAMINATION

25 BY ASSISTANT D.A. VANCE:

1 from the cell. I took the right side or right arm and Officer
2 Jeffries attempted to get hold of the left arm. When we could
3 not, Inmate Hayden began to actively resist by trying to shrug
4 us off, at which point, Officer Jeffries pushed him up against
5 the wall to try to gain control of him. From there, he was
6 able to push Officer Jeffries off and actually pinned me up
7 against the wall and grabbed both of my legs pulling in an
8 outward motion.

9 Q. Let me stop you. How did he pin you against the
10 wall?

11 A. With his shoulder.

12 Q. He literally put his shoulder into --

13 A. Yes, ma'am.

14 Q. What part of you?

15 A. My chest right here (indicates).

16 Q. You said you were pinned against the wall. Did he
17 use any amount of force or speed to do that?

18 A. Yes, ma'am. He was able to -- from where we were
19 standing, I was directly in front of him. He was able to use
20 force and pinned me against the wall.

21 Q. Did you say he grabbed your legs?

22 A. Yes, ma'am. He grabbed my legs. He was pulling in
23 an outward manner.

24 Q. If he had continued to pull, what would've happened
25 to you?

1 Q. Now, did you try to get Mr. Hayden off of you?

2 A. Yes, I did. I was able to -- I was able to strike
3 him a few times to try to get him off of me, somewhere in the
4 upper torso, I'm not real sure.

5 Q. Were you able to, on your own --

6 A. No, no, I was not.

7 Q. So it took Officer Jeffries working with you to get
8 Mr. Hayden off of you?

9 A. Yes, ma'am.

10 Q. After Officer Jeffries succeeded in getting
11 Mr. Hayden off of you, what did Mr. Hayden do?

12 A. Mr. Hayden was able to get passed Officer Jeffries
13 and exit the cell. At which point, as I was leaving the
14 D-cell, I pulled out my pepper spray and once exiting the cell,
15 I was able to -- I had to spray Inmate Hayden.

16 Q. Why did you have to spray him?

17 A. He was posing a threat and he had taken an aggressive
18 stance and was threatening to fight us some more. I felt it
19 was time for this to come to an end, you know, with as little
20 damage as possible to everyone.

21 Q. Did he attempt to run out of the cell or to leave the
22 cell?

23 A. He did, he was actually able to exit the cell.

24 Q. Okay. Did he land any blows on either you or Officer
25 Jeffries at this point, once he exited the cell?

1 A. Absolutely, yes, sir.

2 Q. Is he kind of a chatty, nervous individual normally?

3 A. From time to time.

4 Q. It starts off with cornbread?

5 A. Yes, sir.

6 Q. Which you offered to go get for him?

7 A. Yes, sir.

8 Q. Someone else, who is not here, took offense to

9 something he said to her?

10 A. Yes, sir.

11 Q. Is there any kind of in between process, sergeant,

12 lieutenant, anything that comes from whatever happened to, I

13 want him moved?

14 A. Yes, Deputy Gable (phonetic) then informed the

15 supervisor what he said, and that she wanted him placed in

16 lockdown.

17 Q. How many moments or minutes did that process consume?

18 A. I'm not sure, sir. I wasn't in the tower, I was on

19 the floor.

20 Q. Five or ten minutes?

21 A. No more than five minutes.

22 Q. He's being moved to what?

23 A. Just to another cell in a different dormitory,

24 because lockdown is only 5-B anyway.

25 THE COURT: I'm sorry, lockdown is what?

1 to what he said, we had to take him to lockdown. He requested
2 to see the sergeant. We said, once he gets to lockdown, a
3 sergeant can come talk to him. But for now they already
4 approved him to go.

5 Q. All right. There's two of you there already?

6 A. There is.

7 Q. Does he do anything physical to resist you at that
8 point before you put hands on him?

9 A. No.

10 Q. Is there a second warning process to say, look, we're
11 going to have to muscle you up or something?

12 A. We explained to him that if he did not go on his own,
13 we would have to escort him.

14 Q. You punched him several times?

15 A. Yes, sir.

16 Q. What you're telling us is -- with you -- was he
17 trying to grab, was it your ankles or legs?

18 A. Legs, not ankles.

19 Q. To just hug and hold or to lift you?

20 A. He was pulling, yes, sir.

21 Q. If he continued to pull, then maybe you would've been
22 lifted up?

23 A. I would have fallen. There was a toilet directly
24 behind me so I was already off-balance.

25 Q. Are you and he roughly the same weight do you think?

1 happens to be?

2 A. Yes, sir.

3 Q. And he went along with that just fine?

4 A. Yes, sir.

5 Q. Sound like it but you didn't say that.

6 MR. DUTTWEILER: All right.

7 ASSISTANT D.A. VANCE: Nothing else for this witness.

8 THE COURT: It seems to me there was a time when the
9 jail had an extraction team or maybe called a CERT team.
10 Do you all not have that?

11 THE WITNESS: No, sir. No, your Honor, we don't. they
12 got rid of that several years ago I believe.

13 ASSISTANT D.A. VANCE: Budget cuts.

14 THE COURT: What?

15 ASSISTANT D.A. VANCE: Budget cuts maybe.

16 THE COURT: Anything other questions for this officer?

17 MR. DUTTWEILER: Nothing, thank you.

18 ASSISTANT D.A. VANCE: Not from the State.

19 THE COURT: You may come down.

20 ASSISTANT D.A. VANCE: The State calls Dapheny Virgil.
21 DAPHENY VIRGIL,
22 the witness herein, after being first duly sworn,
23 was examined and testified as follows:
24 DIRECT EXAMINATION
25 BY ASSISTANT D.A. VANCE:

1 THE COURT: Cross-examination, Mr. Duttweiler.

2 CROSS-EXAMINATION

3 BY MR. DUTTWEILER:

4 Q. Before this arrest, can you tell us whether anyone
5 ever said to him, you need to ante up some money?

6 A. Yes. I have, myself, told him that he needs to make
7 some sort of effort. If he can't make the full required -- I
8 believe X-amount of money every month, he needs to put forth
9 some effort. Mr. Hayden has expressed to me in the past that
10 he worked for Dyer Roofing.

11 MR. DUTTWEILER: Thank you.

12 ASSISTANT D.A. VANCE: Nothing further, Judge.

13 THE COURT: Ms. Vigil, you may come down.

14 Call your next witness.

15 ASSISTANT D.A. VANCE: The State doesn't have any
16 further witnesses, Judge. The State rests on the matter
17 of the revocation.

18 MR. DUTTWEILER: May we have a moment, please?

19 We rest as well.

20 THE COURT: Ms. Vance gets the last word.

21 MR. DUTTWEILER: Your Honor, there may be a
22 misdemeanor obstruction for running from a no-tag stop,
23 the vehicle was registered. The no-tag stop would
24 probably not even jailable or really arrestable. As the
25 witness said, it was a struggle for him to leave the guy

1 a misdemeanor obstruction there, if no tag is a jailable
2 offense or that the coin purse was enough of a suspicion
3 to tackle somebody, honestly. I mean, it's silly, but --

4 THE COURT: Don't you think that if your client had
5 not run, that there's a good chance that he would've
6 survived a motion to suppress?

7 MR. DUTTWEILER: As I said, it's stupid, it's
8 inappropriate, its childish, it's not cool. There's no
9 crime in the State of Georgia for awkward people.

10 THE COURT: Ms. Vance.

11 ASSISTANT D.A. VANCE: Judge, the State would argue
12 that the State has met its burden, especially when we're
13 talking about preponderance here. He swings at Officer
14 Woods during a traffic stop, then he runs, which is a
15 misdemeanor obstruction. They're in the weeds, they are
16 wrestling with each other. The State's argument is
17 whether it's -- you know, whether he intends to hit the
18 officer or whether he's flailing. If he's intentionally
19 doing an action, then intent is presumed to be a natural
20 course of action. He's struggling to get away. So we
21 would argue by a preponderance of the evidence, certainly,
22 we've proven that felony obstruction.

23 As for the incident at the jail, he used force, that
24 was the testimony. Officer Jeffries was here, but under
25 the preponderance standard to a Court, the State felt like

1 This is indicted, it's set for trial next week, the
2 incident from December. The State has tried felony
3 obstructions like this. Our position is that violence was
4 offered in each of these incidents and we have proven it,
5 especially to a preponderance standard.

6 And as for the arrearage, I would just argue, you
7 know, that evidence is clear, there's certainly no dispute
8 that he has an arrearage in his fines. I ask that you
9 grant the revocation, Judge.

10 THE COURT: As the far as the technical violations are
11 concerned, the evidence is uncontroverted on that.
12 The State has certainly met its burden on that. In regard
13 to the incident in the jail, again, as to both officers, I
14 think the evidence is uncontroverted that Mr. Hayden
15 offered violence to both officers. Putting your shoulder
16 into somebody when you've got them pinned against the wall
17 and trying to pull their legs out from under them, and --
18 I mean, I think the jailer is thinking, I'm going down,
19 I'm going to crack my head on this toilet or on the floor
20 or something.

21 This is beside the point, Mr. Hayden, but I don't
22 know -- you know, you knew this guy. Why would you want
23 to take him on like that after he had gone to get you some
24 cornbread? I mean, that just kind of amazes me.) Again, I
25 think the State has met its burden showing felony

1 revoked to the state penal system or as the Commissioner
2 of the Department of Corrections may direct with credit
3 for time served since December 21st, 2014.

4 On 03-CR-991-C, he's got 12 years, 11 months, and 29
5 days remaining on probation since beginning probation and
6 being released from parole on 4/10/2015. We would
7 recommend that the balance in that case be revoked in the
8 state penal system as well.

9 THE COURT: 12 years?

10 PROBATION OFFICER VIGIL: Yes, sir, with credit --

11 THE COURT: Why 12 years?

12 PROBATION OFFICER VIGIL: He obstructed two officers.
13 Initially, I was under the impression it was three felony
14 obstructions, now it is two felonies and one misdemeanor.

15 [He has not been compliant with probation.] Probation feels
16 he's not motivated for probation. Whenever he's asked to
17 report, he doesn't report and hangs up on people. [And we
18 just don't think he's good candidate for probation.]

19 THE COURT: I'm not arguing with you, but if he has --
20 on one of the dockets he has no prior revocations. On the
21 other two dockets, he has one prior revocation.

22 PROBATION OFFICER VIGIL: Correct. Your Honor,
23 07-CR-1223-J and 07-CR-532-J, he's got a failure to report
24 waiver that he served 30 days for. And the 03-CR-991-C,
25 again, he was on parole prior to the December 21st

1 Anything other than that was double jeopardy, it was
2 supposed to go to immunity.

3 And what's the primary objective of him -- you know
4 what I'm saying, what he's doing pulling me over? Is he
5 coming looking for a license or is he coming looking
6 for -- you know what I'm saying. I got no tag, it's a
7 civil problem. He ain't come looking for a license, he
8 came, get out of the truck. There's more to the story but
9 I wish I got on the stand now. There's more to the story
10 than what they was making it out to be.

11 MR. DUTTWEILER: The Judge wants to know if you have
12 cooled off from this, knowing how your like, as the deputy
13 says. Do you need prison time after seven months in
14 jail?

15 THE DEFENDANT: This whole ordeal destroyed my life.
16 I ain't got nothing. [I've been in seven months without a
17 bond or nothing,] you know what I'm saying. Because why I
18 ain't got no bond I feel like is because [his father was
19 captain of the jail at the time.] [You know, and they
20 corresponded together, that's what I really feel like,] you
21 know.

22 THE COURT: You're talking about the guy that was
23 going to get you some cornbread, Mr. Hayden?

24 THE DEFENDANT: Correct. This is the situation with
25 the cornbread, sir. Nobody put cornbread on my plate. I

1 this.

2 Is there anything else you want to say,
3 Mr. Duttweiler?

4 MR. DUTTWEILER: No, sir.

5 THE COURT: I'm sorry, I got confused, you're talking
6 about -- you were talking about the officer who made the
7 traffic stop?

8 THE DEFENDANT: What was his main objective?

9 THE COURT: Well, I'm not going to revoke 12 years,
10 but you just -- you can't run from -- regardless of
11 anything, you just cannot run -- you can't run from a
12 law-enforcement officer. And you can't fight with
13 people -- you can't fight with the jailers in the jail.
14 They're just all trying to do their job. They're just --
15 in my -- you may want to tell me you've experienced
16 something different, by in my experience, all they're
17 doing is just trying to do their job.

*18 I'm going to -- I mean, one of these I found is a
19 felony obstruction, and that serious. I'm going to revoke
20 two years. I am going to require that you serve that in
21 the state prison system or as the Commissioner of the
22 Department of Corrections directs. You'll return to
23 probation after you've served that time, and you'll report
24 to probation within 72 hours of your release from custody.

25 You'll get credit for time served. He's been in

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MR. DUTTWEILER: I'm going to come see you next week.

PROBATION OFFICER VIGIL: May we be excused, your Honor?

THE COURT: Go ahead.

(Proceedings concluded.)