



**Court of Appeals of Georgia**

February 19, 2015

TO: Mr. Smith Hillman, 635 Cleveland Road, Fort Valley, Georgia 31030

RE:

**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**

- There is no current case filed in this Court in your name.**

**An older appeal, A06A0080. Smith Hillman v. The State, (2003C30067) was dismissed on September 1, 2005. The remittitur issued on September 20, 2005, divesting this Court of any further jurisdiction of your case. That case is therefore, final.**

**I am returning your documents to you.**

**CASE STATUS - PENDING**

- The above referenced appeal is pending in your name before this Court. The appeal was docketed in the \_\_\_\_\_ Term and a decision must be rendered by the Court by the end of the \_\_\_\_\_ Term which ends on \_\_\_\_\_.

**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.

## Court of Appeal

Smith Hillman

No's 0067, An. No 2003C 30067

vs:

State of Ga.

Appealing the original charge of child molestation.  
A motion to prove my innocence on my original charge.

I, Smith Hillman, am sending you information that I would like you to consider, my original charge which the indictment has no ones' name on it. I was not arrested or charged with anything, until I was indicted in 2003. Two years after my release from prison, I was put on probation by Houston County Probation Office in 2012. On the 30th day of September, I was kidnapped by Houston County Probation Office and placed in isolation under a camera 24hrs a day for 43 days. I appealed this case to the judge on double jeopardy, and I was told by my lawyer and the judge that it was not double jeopardy. My court appointed lawyer and the judge stated that they are going to have the head Probation Officer to go back and rewrite my probation and make it so it goes into 2018.

When did the law change and what is the code stating you have to pay for someone elses' mistake?

If you would please examine my record, you will see that for the last twelve years I have been charged for the same crime. According to the Superior Court, if no name is on the indictment then that makes it invalid. Therefore, I should

RECEIVED IN  
2018 FEB 18 PM 2:05  
COUNTY OF APPEALS

have never been arrested and put on probation after two years of not being on probation and having legal documents from Pardon and Parole stating that I do not have parole, and to lock me up for 43 days for probation violation that I do not have. I am requesting for all charges (original charge and probation) to be dropped and my record cleared. Also, I'm asking for 5 million dollars for the twelve years, my civil rights, my legal rights, my rights as an American Citizen and for my pain and suffering even to the point of a stress heart attack and having a stent placed in my heart. This is why I'm asking for my name to be cleared from all charges in the beginning, because I should have never been arrested.

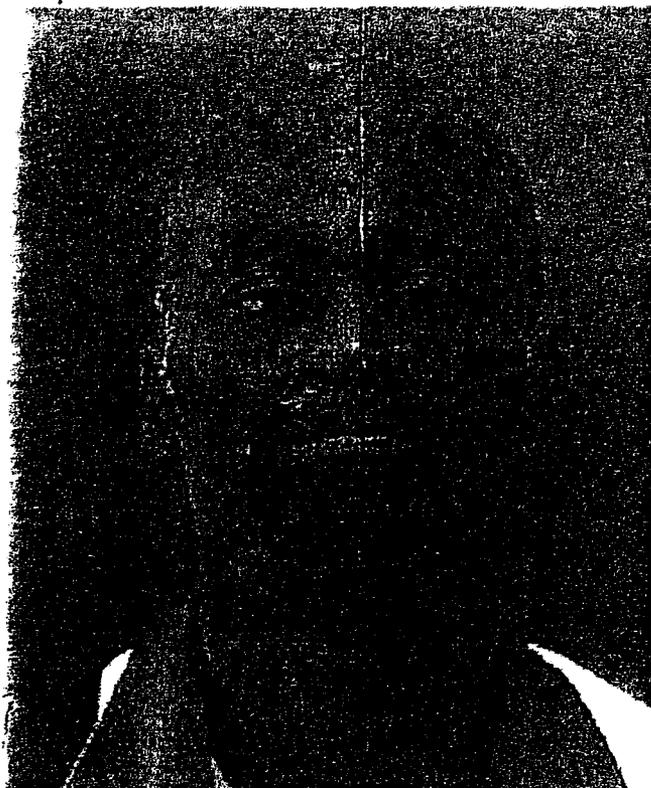
P.S. If anything should happen to Smith Hillman, all financial gains is to go to my wife, Laverne Hillman. If anything should happen to the both of us, 50% of financial gain should be giving to Teresa L. Brown and the other 50% will go to Prichard J. Hillman.

Court of Appeals of Georgia  
47 Trinity Avenue S.W. Suite 501  
Atlanta, G.A. 30334 478-825-8246

smith  
Hillman  
478-825-  
8246

Smith: Hillman  
Smith: Hillman

Arthur B. Taylor  
02/12/15  
04/16/15



**PHYSICAL DESCRIPTION**

**YOB:** 1952  
**RACE:** BLACK  
**GENDER:** MALE  
**HEIGHT:** 5'08"  
**WEIGHT:** 182  
**EYE COLOR:** BROWN  
**HAIR COLOR:** SLT&PEP

**SCARS, MARKS, TATTOOS**

SCAR THIGH/RT

**INCARCERATION DETAILS**

**MAJOR OFFENSE:** CHILD MOLESTATION  
**MOST RECENT INSTITUTION:** HOUSTON COUNTY JAIL  
**MAX POSSIBLE RELEASE DATE:** 01/06/2010 Important Release Information  
**TENTATIVE PAROLE MONTH:** NOT ALLOWED IN THIS CASE Important Parole Information

**ACTUAL RELEASE DATE:** 06/08/2010  
**CURRENT STATUS:** INACTIVE

**KNOWN ALIASES**

**STATE OF GEORGIA - CURRENT SENTENCES**

**CASE NO:** 541817  
**OFFENSE:** CHILD MOLESTATION  
**CONVICTION COUNTY:** HOUSTON COUNTY  
**CRIME COMMIT DATE:** N/A  
**SENTENCE LENGTH:** 6 YEARS, 0 MONTHS, 0 DAYS

**STATE OF GEORGIA - PRIOR SENTENCES**

**STATE OF GEORGIA - INCARCERATION HISTORY**

**INCARCERATION BEGIN INCARCERATION END**

7



PHYSICAL DESCRIPTION

<b>YOB:</b>	1952
<b>RACE:</b>	BLACK
<b>GENDER:</b>	MALE
<b>HEIGHT:</b>	5'08"
<b>WEIGHT:</b>	180
<b>EYE COLOR:</b>	BROWN
<b>HAIR COLOR:</b>	SLT&PEP

SCARS, MARKS, TATTOOS

INCARCERATION DETAILS

<b>MAJOR OFFENSE:</b>	CHILD MOLESTATION
<b>MOST RECENT INSTITUTION:</b>	HOUSTON COUNTY JAIL
<b>MAX POSSIBLE RELEASE DATE:</b>	01/06/2010 <u>Important Release Information</u>
<b>DATE:</b>	For parole information please go to <u>Georgia State Board of Pardons and Paroles website.</u>

<b>ACTUAL RELEASE DATE:</b>	06/08/2010
<b>CURRENT STATUS:</b>	INACTIVE

KNOWN ALIASES

**A.K.A.** HILLMAN, SMITH

STATE OF GEORGIA - CURRENT SENTENCES

<b>CASE NO:</b>	541817
<b>OFFENSE:</b>	CHILD MOLESTATION
<b>CONVICTION COUNTY:</b>	HOUSTON COUNTY
<b>CRIME COMMIT DATE:</b>	01/01/1998
<b>SENTENCE LENGTH:</b>	<del>THIRTY MONTHS</del>
<b>CASE NO:</b>	541817
<b>OFFENSE:</b>	CHILD MOLESTATION
<b>CONVICTION COUNTY:</b>	HOUSTON COUNTY
<b>CRIME COMMIT DATE:</b>	01/01/1994

1066829

5



Nathan Deal  
Governor

# GEORGIA DEPARTMENT OF CORRECTIONS

STATE OF GEORGIA



Brian Owens  
Commissioner

## NOTICE OF TRANSFER

### Probation Operations

<del>Date:</del>	GDC ID: 28203	Docket #:	2003C30067
Name: HILLMAN, SMITH		Supervision Level:	SPECIAL
Address: 635 CLEVELAND RD.		Telephone:	478-825-8007
City: FORT VALLEY	State: GA	Zip:	31030

Your transfer from the WARNER ROBINS PROBATION Office to the FORT VALLEY PROB Office has been approved.

You are to report within 5 days to the following address:

**TRANSFER OFFICER/IPS OFFICER/SPS OFFICER**  
**205 WEST CHURCH STREET STE 226**  
**FORT VALLEY, GA 31030**  
**478-825-3136**

Failure to do so could result in a warrant being issued for your arrest.

**WARNER ROBINS PROBATION**  
**281-D CARL VINSON PKWY**  
**WARNER ROBINS, GA 31088**  
**478-929-6832**

*Russell Holt*  
  
 Probation Officer  
 HOUSTON CIRCUIT

*Smith Hillman*  
 \_\_\_\_\_  
 Probationer's signature

=====  
**Comments:**  
 DOCKET # 2003C30067 : TRANSFER REQUESTED : DEFENDANT RESIDES IN CRAWFORD COUNTY AND IS CURRENTLY REGISTERED.

Reporting Instructions:  
 Date: 11/3/11  
 Time: 9:00 AM  
 Office to report to: Fort Valley

**RECEIVED**  
**JAN 09 2012**  
 BY: ARTH

IN THE SUPERIOR COURT OF HOUSTON COUNTY,  
STATE OF GEORGIA

STATE OF GEORGIA

vs.

SMITH HILLMAN  
Defendant(s)

Case No: 2003-C-30067

Judge: Katherine K. Lumsden

Rule Nisi Order

**STIPULATION ORDER**

**IT APPEARING** that this matter having come on regularly to be heard and all evidence and arguments of counsel having been heard and considered, and the defendant having been heard and considered, and the defendant having stipulated that he did, in fact, violate the terms and conditions of his probated sentence in the following manner:

**VIOLATION 1:** did fail to attend Sex Offender Treatment Classes on September 4, 2014 and September 8, 2014, in violation of a special sex offender condition of probation.

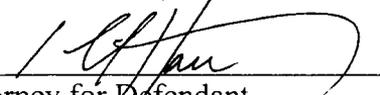
**VIOLATION 2:** did fail to pay court ordered monies, to wit: Defendant is currently \$712.75 in arrears in court ordered fines and surcharges.

**IT FURTHER APPEARING**, that the defendant waives issuance of and service of a Rule Nisi.

**IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED** as follows:

1. Probationer is revoked with credit for time served.
2. The Court has found that the defendant is on probation.
3. The Court has found that the affidavit of fact (declaring Sovereign Citizenship) has no effect of the defendant's sentence.
4. Upon successful completion of his time, probationer will be restored to regular probation and must report 11/14/14.

**SO ORDERED**, on this the 13th day of November, 2014

  
\_\_\_\_\_  
Attorney for Defendant

  
\_\_\_\_\_  
JUDGE, S.C.H.J.C.

FILED IN OFFICE, SUPERIOR COURT OF  
HOUSTON COUNTY

NOV 13 2014

  
\_\_\_\_\_  
Deputy Clerk

STATE BOARD OF PARDONS AND PAROLES

1066727 (1)



L. Gale Buckner  
Chair

2 Martin Luther King, Jr., Drive, S.E.  
Balcony Level, East Tower  
Atlanta, Georgia 30334-4909  
(404) 656-5651  
[www.pap.state.ga.us](http://www.pap.state.ga.us)

Robert E. Keller  
Vice-Chair  
Milton E. "Buddy" Nix, Jr.  
Member  
Garland R. Hunt, Esq.  
Member  
James E. Donald  
Member

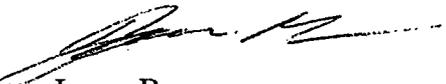
January 6, 2010

To Whom It May Concern

Mr. Smith Hillman, DOB 01/31/1952, SSN 256-86-8222 entered the Georgia Prison System on January 14, 2004. He was paroled October 21, 2009. Mr. Hillman's parole ended on January 6, 2010. He has no probation to follow.

Mr. Hillman is currently residing at: 585 Cleveland Road, Fort Valley, Georgia, 31030.

If you have any questions, please feel free to contact this office at (478) 329-4730.

  
James Bergman  
Chief Parole Officer

Autry, SP (6)

# PAROLE CERTIFICATE



## STATE BOARD OF PARDONS AND PAROLES ATLANTA, GEORGIA

**KNOW ALL MEN BY THESE PRESENTS:**

It having been made to appear to the Georgia State Board of Pardons and Paroles that there is reasonable probability that the inmate named below **WILL REMAIN AT LIBERTY WITHOUT VIOLATING THE LAWS**, and it being the opinion of said Board that the release of this inmate is not incompatible with the welfare of society, and it appearing further that the Board is satisfied that this inmate will be suitably employed in self-sustaining employment or will not become a public charge on release.

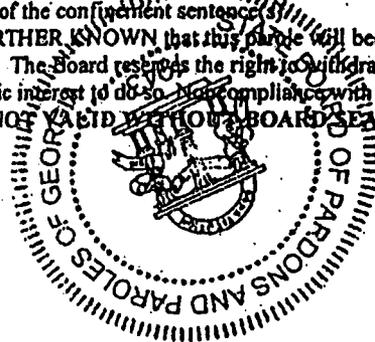
Under the authority vested in the State Board of Pardons and Paroles by the laws of Georgia, it is hereby **ORDERED** that the inmate named below be paroled, pending good behavior under supervision, subject to the conditions of parole listed here and on the reverse side of the Order until the expiration of the confinement sentence(s).

**BE IT FURTHER KNOWN** that this parole will become effective only on the date stated below and after the conditions of parole are agreed to by the inmate. The Board reserves the right to withdraw the grant of all forms of relief prior to the effective date if in its discretion, it believes it to be in the public interest to do so. Non-compliance with any condition may result in revocation of parole in accordance with Georgia Law.

NOT VALID WITHOUT BOARD SEAL

In witness whereof this Certificate bearing the Seal of the State Board of Pardons and Paroles is issued.

STATE BOARD OF PARDONS AND PAROLES



*Shuman R. Henderson*

FOR THE BOARD

**ORDER NUMBER:** 432921  
**INMATE:** EF541817 HILLMAN, SMITH  
**OFFENSE(S) AND COURT(S):**  
CHILD MOLESTATION(2003C30067)(CTS.2,5) HOUSTON SUPERIOR  
**EFFECTIVE PAROLE DATE:** 10/21/2009  
**EXPIRATION DATE:** 01/06/2010  
**ISSUE DATE:** 10/06/2009  
**PAROLE OFFICER:** 13-0 JAMES BERGMAN 478/329-4730  
2505 MOODY ROAD WARNER ROBINS 31088  
**RESIDENCE PLAN:** WILLIE JAMES HILLMAN UNCLE 478/825-8950  
585 CLEVELAND ROAD FORT VALLEY GA 31030 (PEACH)  
**EMPLOYMENT PLAN:** D.O.L.

**SPECIAL CONDITIONS:**

IN ACCORDANCE WITH INSTRUCTIONS ISSUED TO ME BY MY PAROLE OFFICER, I WILL PAY \$30.00 PER MONTH TO THE GEORGIA CRIME VICTIMS EMERGENCY FUND. I will be placed on ELECTRONIC MONITORING immediately upon release. I understand that I will be required to pay for this service. I will comply with the applicable SEX OFFENDER NOTIFICATION LAW, O.C.G.A. 42-9-44.1 AND/OR 42-1-12. I AGREE TO COMPLY WITH THE SPECIAL CONDITIONS OF SUPERVISION ATTACHED HERETO. I will obtain a mental health assessment and follow through with any treatment/ service recommendation(s) until my Parole Officer authorizes termination. I agree to pay all costs of any treatment/services provided to me.

AB

1066829

(5)



Nathan Deal  
Governor

# GEORGIA DEPARTMENT OF CORRECTIONS

STATE OF GEORGIA



Brian Owens  
Commissioner

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Probation Operations

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**281-D CARL VINSON PKWY**  
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*Russell Holt*  
*[Signature]*  
Probation Officer  
HOUSTON CIRCUIT

*[Signature]*  
Probationer's signature

=====  
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IN THE SUPERIOR COURT OF HOUSTON COUNTY,  
STATE OF GEORGIA

STATE OF GEORGIA

vs.

SMITH HILLMAN  
Defendant(s)

Case No: 2003-C-30067

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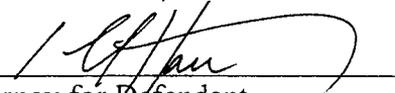
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**SO ORDERED**, on this the 13th day of November, 2014

  
\_\_\_\_\_  
Attorney for Defendant

  
\_\_\_\_\_  
JUDGE, S.C.H.J.C.

FILED IN OFFICE SUPERIOR COURT OF  
HOUSTON COUNTY

NOV 13 2014

  
Deputy Clerk

# STATE BOARD OF PARDONS AND PAROLES



Terry E. Barnard  
Chairman

2 Martin Luther King, Jr. Drive, S.E.  
Balcony Level, East Tower  
Atlanta, GA 30334-4909  
(404) 656-4661  
[www.pap.georgia.gov](http://www.pap.georgia.gov)

James W. Mills  
Vice Chairman  
James E. Donald  
Member  
Albert R. Murray  
Member  
Braxton T. Cotton  
Member

November 13, 2014

Re: Smith Hillman dob 01/31/52; SSN: 256-86-8222

To Whom It May Concern:

This letter is to clear up confusion caused by a letter that I wrote for Mr. Hillman on January 6, 2010. In that letter, based on information available to me at the time, I stated that Mr. Hillman had discharged from parole and did not have probation to follow. However, it has come to my attention that Mr. Hillman did in fact have probation to follow and should have started probation immediately after discharging from parole.

If you need further information, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "James Bergman", is written over a horizontal line.

James Bergman  
Chief Parole Officer

***Office of the Public Defender***  
***Houston Judicial Circuit***  
*Nicholas White, Public Defender*

***Carolyn Hall***  
***Assistant Public Defender***

***P.O. Box 474***  
***Perry, Georgia 31069***  
***478-218-4870 (phone)***  
***478-218-4875 (facsimile)***

November 24, 2014

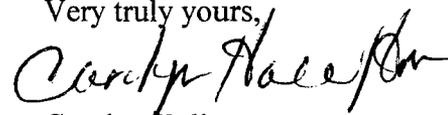
Smith Hillman  
635 Cleveland Rd.  
Fort Valley, GA 31030

**Re: State v. Smith Hillman**  
**Houston County Superior Court Case No. 2003-C-30067**

Dear Mr. Hillman:

Although your above mentioned case in the Public Defender's Office is now closed, I wanted you to have a copy of your sentence(s).

I pray for your success.

Very truly yours,  
  
Carolyn Hall

CLH/tm

Enclosure:

IN THE SUPERIOR COURT OF HOUSTON COUNTY  
STATE OF GEORGIA

Smith Hillman  
Petitioner,

VS

State of Georgia  
Respondent Clerk.

Civil Action No: \_\_\_\_\_

MANDAMUS

Comes now, Smith Hillman, Petitioner in the above captioned action, drafting pro se and pro forma in support of the instant Mandamus action, and states the following:

"An indigent, on appeal, is entitled as a matter of right to a free copy of the transcript of trial court proceedings in which he has been a party. Stalling v. State, 231 Ga. 37, 200 S.E. 2d 121 (1973).

There must also be some justification or showing of necessity beyond a mere naked demand for a transcript. While there is a basic right to a free transcript to perfect a timely direct appeal, there is no absolute right to a free transcript without direct appeal, habeas corpus, or related collateral proceedings justification to establish entitlement. Mydell v. Clerk, Superior Court of Chatham County, 241 GA. 24, 243 S.E. 2d 72 (1978).

FILED IN OFFICE, SUPERIOR COURT OF HOUSTON COUNTY

OCT 14 2005

*Quinn K. Patten*, Deputy Clerk

Pursuant to Mydell, *id.*, Petitioner carries the burden of showing entitlement through submittal, or in the alternative, proving proving past filing with this Court, of the following documentary evidence:

Collateral attack proceeding

That the Petitioner has evidenced the necessity or justification entitlement for trial transcript and records

In view of the preceding, Petitioner is being denied due process rights to appeal as a result of trial transcripts and records not being available due to his or her indigence. Wade v. State, 231 Ga. 131, 200 S.E. 2d 271 (1973); Knowles v. State, 156 Ga App. 389, 274 S.E. 2d 590 (1980)

Wherefore, Petitioner respectfully requests this Honorable Court to issue an order directing the Clerk to transmit a copy of the requested trial transcript and records to Petitioner pursuant to O.C.G.A. Sections 5-6-39 et seq. 5-6-43 within (60) sixty days.

Respect fully submitted,

Smith Hillman

Smith Hillman, Pro Se

CERTIFICATE OF SERVICE

This is to certify that I have this date served a true and correct copy of the attached Mandamus up the Clerk of Court of Houston County, by United States mail.

This 11<sup>th</sup> day of October, 2005

Michell J. Rawls  
Notary of Public

Smith Hillman

Smith Hillman, Pro Se

Expires: 10/17/05