

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

April 17, 2015

To: Mr. Leonard Hopkins, GDC420549, Hancock State Prison, Post Office Box 339, Sparta, Georgia 31087

Case Number: _____ Lower Court: _____ County Superior Court _____

Court of Appeals Case Number and Style: A14A2277. Leonard Hopkins v. The State

Your document(s) is (are) being returned for the following reason(s).

- There is no case pending in the Court of Appeals of Georgia under your name.**
- A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37.** Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.
- The Notice of Appeal must include a proper Certificate of Service.** A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.
- An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____
divesting this Court of jurisdiction. The remittitur issued on _____
The case decision is therefore final.
- Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the _____ is: _____
- As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney, Timothy Hoffman, Esq., 120 West Trinity Place, Suite 310, Decatur, Georgia 30030, must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.**

Again, I am returning the Motion for Reconsideration to you.

- A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

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2015 APR 15 PM 3:17

4/12/15

HENRY COUNTY DISTRICT CLERK
COURT OF APPEALS OF GA

DEAR SIR,

I AM WRITING YOU THIS LETTER TO INFORM YOU THAT I DON'T HAVE A LAWYER. MY LAWYER TOLD MY BROTHER THAT HE DIDN'T SEE ANY GROUNDS TO FILE A MOTION FOR RECONSIDERATION, WHICH IS EVEN MORE PROOF THAT HE WAS NOT WORKING FOR MY BEST INTEREST. ENCLOSED IS THE LETTER THAT HE SENT ME WHICH TERMINATED HIS SERVICES I AM RE-SUBMITTING THIS MOTION WITH THE HOPES THAT YOUR HONORABLE COURT ACCEPTS IT AND GIVES ME THE OPPORTUNITY TO BE HEARD. THE REASONS I AM LISTING ARE QUITE VALID AND LINE UP WITH LAW. THE DA DELIBERATELY LEFT OUT INFORMATION (DEAD DOCKET: PROOF OF NOT GUILTY) AND ADDED EVIDENCE THAT WAS NOT A PART OF TRIAL AND IS COMPLETELY UNTRUE. MY CONVICTION IS BASED ON UNPROVEN, UNSUBSTANTIATED ALLEGATIONS THAT THEY HAVE NO PROOF OF BUT THAT WAS USED AS A FACT TO GAIN A CONVICTION. FOR A DA TO USE THE ALLEGATIONS OF A PREVIOUS ARREST AS A FACT TO MISLEAD THE JURY BUT THEN WHEN I CHALLENGE HIM TO PROVE MY GUILT, HE DEAD DOCKETS THE CASE TO PREVENT ME FROM PROVING MY INNOCENCE. HE REALIZES THAT WITHOUT THAT CONNECTION, THIS CONVICTION CANNOT STAND FOR HIM TO SUBMIT EVIDENCE THAT I WAS CAUGHT WITH A LARGE SUM OF CASH, IS A COMPLETE "LIE" AND CAN BE PROVED. FOR THE STATE TO BE ABLE TO USE THE CONNECTION OF THOSE ALLEGATIONS AS A FACT OF EVIDENCE

CAN'T PROVE THAT I COMMITTED THE ACT GOES AGAINST THE PRINCIPLES OF LAW, THE RULES OF EVIDENCE, AND GOES AGAINST THE FACTS OF LAW AND TRUTH. THE ARGUMENTS I AM USING ARE FACTS CORROBORATED BY LAW AND ALL I ASK IS THAT THE COURT HEAR THEM AND/OR GIVE ME THE OPPORTUNITY TO PRESENT THEM. THE DA OFFICE OF DEKALB COUNTY HAS ALREADY GOTTEN AWAY WITH ~~MISTEDING~~ MISLEADING THE JURY WITH THESE FALSE ALLEGATION, PLEASE DON'T ALLOW THEM TO MISLEAD YOUR HONORABLE COURT ALSO. IF IT DIDN' MATTER ABOUT THE GUILT ~~IN~~ AND IT WAS A FACT THAT I POSSESSED COCAINE IN THE SIMILAR TRANSACTION, WHY NOT PROVE IT IN A COURT OF LAW AND SOLIDIFY YOUR CONVICTION. THE CONSTITUTION GUARANTEES A FAIR TRIAL, SO THEREFORE IF THE FACTS AREN'T PROVEN THEN THE TRIAL LACKS THE VALIDITY TO PROVE GUILT.

IN CLOSING, THE LAW SAYS; IN ORDER TO PROVE CONSTRUCTIVE POSSESSION, THE STATE MUST SHOW THAT A DEFENDANT KNOWINGLY HAD POWER AND INTENT TO EXERCISE CONTROL OVER THE DRUGS. THIS WAS A BASIC TRAFFIC STOP FOR A DEFECTIVE TAIL LIGHT. THERE WAS NO DRUG TRANSACTION MADE OR OBSERVED. MR. HOPKINS WAS NOT FOUND ON THE SCENE, ANOTHER INDIVIDUAL CLAIMED POSSESSION OF THE VAN AND IT WAS OWNED BY THE COMPANY IN WHICH I ONLY WORKED. THE OWNER STATE THAT THERE WERE OTHER PEOPLE EMPLOYEES WHO DROVE THE VAN AND MR. HOPKINS WASN'T AN AUTHORIZED DRIVER. MR. HOPKINS' ALIBI WAS CORROBORATED BY ALL 3 WITNESSES, WITH ONE OF THE WITNESSES BEING THE POLICE ON SITE.



STONE MOUNTAIN CIRCUIT CONFLICT DEFENDER OFFICE

120 W. Trinity Place, Suite 310, Decatur, GA 30030 · (404) 687-4001 · Facsimile (404) 371-2109

March 24, 2015

Mr. Leonard Hopkins
GDC# 420549
Hancock State Prison
PO Box 339
Sparta, GA 31087

Re: 12CR5192-5

Dear Mr. Hopkins:

Regrettably, I am writing to inform you that the Court of Appeals has affirmed your conviction. The decision is enclosed. Once your case has been remitted back to the trial court, your direct appeal will end. That means that I will cease to act as your counsel. Any further action on your case will be without the assistance of indigent counsel.

I want to explain your habeas corpus remedy. This is a civil suit, available first in the state courts and then in the federal courts, brought against the custodian, who stands in for the State. Because there is no right to counsel on habeas, most are filed "pro se," that is by the prisoner himself. A petition for a writ of habeas corpus draws into question the validity of his conviction on constitutional grounds.

There are limitations periods, however, after which a habeas cannot be filed except in very exceptional circumstances: one year for federal habeas and four years for state habeas. Because these periods are different and because they work differently, their interplay can be complicated. These limitations periods do not run serially—that is, one after the other for a total of five years. They run together from the date on which the conviction became "final." That date varies with the circumstances of the conviction. For cases in which there is no appeal, it is 30 days after the conviction, the time period for initiating a direct appeal (usually by moving for a new trial). For convictions on guilty pleas, it is the end of the term of court, the period in which a person can attempt to withdraw the plea. For convictions appealed to the State Court of Appeals, like yours, finality occurs 20 days after the opinion or after the disposition of any motion to reconsider, which is the period for filing a petition for further review ("certiorari") in the State Supreme Court. For convictions appealed to the State Supreme Court (including those decided in the Court of Appeals where further review was sought in the State Supreme Court), "finality" occurs 90 days after the State Supreme court has dispatched the case. This is the period in which a person can seek further review (again by "certiorari") in the United States Supreme court. For cases where such further review was actually sought, "finality" occurs when those proceedings have run their course in the United States Supreme Court.

Before seeking federal habeas, a person must first "exhaust" his state remedies. That is, he must take his claims to the highest state court he can reach as a matter of right. If he seeks federal habeas only on grounds raised and resolved in a direct appeal, then the direct appeal "exhausts" his state remedies and he can proceed straight to federal court. If he wishes to raise new grounds, however, which were not raised on the direct appeal (as is often the case), then he has to go through state habeas in order to "exhaust" state remedies with regard to them before the federal courts can address them. In

Court of Appeals
of Georgia

LEONARD Hopkins

DOCKET # A14A2277

v

The State of Georgia

FILED IN OFFICE

APR - 6 2015

COURT CLERK
CLERK COURT OF APPEALS OF GA

DISMISSAL
P. 13:45

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MOTION FOR RECONSIDERATION

Comes Now, the defendant, LEONARD CARL Hopkins, Pro Se requests that this Honorable Court RECONSIDERS ITS decision to AFFIRM the defendant's CONVICTION. IN support of the defendant's REQUEST, he CITES the following facts AND LAWS;

I

The EVIDENCE that WAS PRESENTED AT TRIAL WAS IN-SUFFICIENT to support this CONVICTION.

A) THE STATE IS USING the possible fact that the defendant could be guilty of the traffic offenses, so therefore he is guilty of possession charge also, THERE WAS NO EVIDENCE PRESENTED that put MR. Hopkins IN POSSESSION OF COCAINE. THE INITIAL REASONING behind the traffic stop WAS A defective TAIL light, therefore THERE WAS NO REASON for the officer to BELIEVE that drugs WERE BEING sold OR transported.

B) DURING trial, MR. LITTLE testified that he and J.T. physically put MR. Hopkins IN bed, then J.T. took MR. LITTLE home, Ms. LEWIS corroborated that by testifying that when she WAS finally able to get IN the house;

BECAUSE SHE HAD GIVEN J.T. HER KEYS, SHE FOUND MR. HOPKINS IN BED ASLEEP. OFFICER CANIPE TESTIFIED THAT WHEN SHE SAW THE INDIVIDUAL WALK OFF AND SHE APPROACHED THE BACK YARD, SHE HEARD FOOTSTEPS RUNNING AWAY FROM THE HOUSE AND SHE WAS POSITIVE THAT THE INDIVIDUAL DIDN'T GO IN THE HOUSE. ALL THESE ARE FACTS THAT WERE STATED BY TWO STATE WITNESSES AND ONE DEFENSE WITNESS THAT ALL RELATED TO EACH OTHER AND MR. HOPKINS ALIBI. THE STATE IS TRYING TO USE THE INCONSISTENCIES OF MS. LEWIS' TESTIMONY OF OUR PERSONAL RELATIONSHIP AS EVIDENCE. THE BASIS OF THESE CHARGES HAS NOTHING TO DO WITH WHERE MR. HOPKINS LIVES, WHERE YOU PICKED HIM UP AT OR WHETHER SHE IS MY GIRL FRIEND OR NOT,

C) MS. LEWIS STATED IN HER TESTIMONY THAT WHEN SHE GOT INTO THE HOUSE, MR. HOPKINS WAS IN THE BED ASLEEP AND THAT THE ONLY WAY HE COULD HAVE GOTTEN IN WAS BY THE KEY, WHICH WAS ON THE KEY CHAIN WITH THE VAN KEYS, THAT SHE GAVE TO J.T. MR. LITTLE TESTIFIED THAT HE AND J.T. PHYSICALLY TO-CARRIED MR. HOPKINS INTO THE HOUSE AND PUT HIM IN BED, THEN J.T. PRE-TOOK MR. LITTLE HOME. THEREFORE EXPLAINING HOW MR. HOPKINS GOT IN THE HOUSE. THE STATE PRODUCED NO EVIDENCE TO DISPUTE THESE FACTS. EACH WITNESS GAVE UNDISPUTED TESTIMONY SUPPORTING MR. HOPKINS ALIBI THAT HE WAS HIGHLY INTOXICATED AND TAKEN TO MS. LEWIS' HOUSE AND PUT IN THE BED. THE STATE OFFERED NO EVIDENCE TO DISPUTE OR QUESTION THESE FACTS. TO DISPUTE THIS FACT THE STATE TRIES TO MAKE MS.

LEWIS' TESTIMONY A LIE BECAUSE OF HER INCONSISTENCIES ABOUT OUR RELATIONSHIP. HER TESTIMONY ABOUT THE FACTS OF THIS CASE WERE CORROBORATED BY OTHER WITNESSES.

II

THE LAW STATES THAT; IN A DRUG POSSESSION CASE BASED UPON WHOLLY CIRCUMSTANTIAL EVIDENCE, THE STATE MUST ADDUCE EVIDENCE ESTABLISHING A "MEANINGFUL CONNECTION" BETWEEN THE DEFENDANT AND THE DRUGS. "MERE PRESENCE, WITHOUT PROOF OF PARTICIPATION, IS INSUFFICIENT TO SUPPORT A CONVICTION. RATHER, THE STATE MUST SHOW THAT THE DEFENDANT KNOWINGLY HAD THE POWER AND INTENT TO EXERCISE CONTROL OVER THE DRUGS. THE INITIAL REASONING BEHIND THE STOP WAS A DEFECTIVE TAIL LIGHT, THE VAN WASN'T OBSERVED DOING ANY TYPE OF DRUG TRANSACTION, MR. HOPKINS WAS NOT FOUND AT THE SCENE OF THE TRAFFIC STOP, THEREFORE THERE IS NO WAY TO PROVE THAT MR. HOPKINS HAD KNOWLEDGE OR POWER OR CONTROL OF DRUGS BEING POSSESSED IN THE VAN. STEVENS V STATE, 245 GA APP 237, 238 (1) 537 S.E. 2d 688 (2000) U.S. V BIRMLEY 529 F.2d 103, 107-08 (6TH CIR. 1976).

A) THE STATE IS BASING MR. HOPKINS PRESENCE ON THE OFFICER'S TESTIMONY THAT THE MAN SHE SAW EXIT THE DRIVER'S SIDE MATCHED THE PHOTO AND PHYSICAL DESCRIPTION CONTAINED ON HOPKINS' DRIVER'S LICENSE. MR. HOPKINS HASN'T HAD A DRIVER'S LICENSE IN 15-20 YEARS, SO THAT DESCRIPTION AND PHOTO ARE VERY DIFFERENT. ALSO IN COMMON SENSE, THERE IS NO WAY FOR OFFICER CANIPE TO VISUALLY DETER-

MINE the FACIAL FEATURES of AN INDIVIDUAL AT 3:00 AM IN THE MORNING IN A BACKYARD AT LEAST 25-30 YARDS FROM HER. THE CAMERA ON HER CAR HAS A LIGHT ON IT AND IT DIDN'T DISTINGUISH A CLEAR PHOTO. THE STATE IS SAYING THAT THE JURY MADE A DETERMINATION BY WATCHING THE VIDEO, WHICH IS TOTALLY UNTRUE BECAUSE WHILE THE JURY WAS DELIBERATING THEY CAME BACK FROM DELIBERATIONS AND ASKED TO SEE THE VIDEO ~~ONE~~ AGAIN. BUT THE JUDGE DENIED IT SAYING HE DIDN'T WANT THEM FOCUSING ON ONE SPECIFIC PART OF THE EVIDENCE. BECAUSE THE JURY MADE THIS REQUEST PROVES THAT THERE WAS DOUBT AS TO MR. HOPKINS GUILT.

B) THE STATE IS CONTENDING THAT MR. HOPKINS WAS THE DRIVER OF THE VEHICLE, THEREFORE, HE POSSESSED THE CONTRABAND FOUND IN THE VEHICLE. BUT THE LAW STATES; THE EQUAL ACCESS RULE, AS IT APPLIES IN THE AUTOMOBILE CONTEXT, IS MERELY THAT EVIDENCE SHOWING THAT A PERSON OR PERSONS OTHER THAN THE OWNER OR DRIVER OF THE AUTOMOBILE HAD EQUAL ACCESS TO CONTRABAND FOUND IN THE AUTOMOBILE MAY OR MAY NOT DEPEND UPON THE STRENGTH OF THE EVIDENCE, OVERCOME THE PRESUMPTION THAT THE CONTRABAND WAS IN EXCLUSIVE POSSESSION OF THE OWNER OR DRIVER. IN REID AND WHIPPLE, THE COURT REVERSED CONVICTION INVOLVING ILLEGAL POSSESSION OF COCAINE BECAUSE STATE FAILED TO LINK DEFENDANT TO CONTRABAND FOUND IN THE VEHICLE. THESE DECISIONS, BALANCE ON THE FACT THAT OTHERS HAD EQUAL ACCESS TO THE VEHICLE WHERE CONTRABAND WAS FOUND AND INVOLVE A LACK OF EVIDENCE

of the contraband in close spatial proximity or accessibility to the defendant. There were at least 3 other individuals that had access to this vehicle from the time we went to the party until the traffic stop. Ms Lewis testified to picking Mr. Little and Mr. Hopkins up, then driving to the party. She stated she gave the keys to J.T, and asked him to take Mr. Little and Mr. Hopkins home. Mr. Little testified to dropping Mr. Hopkins off and physically putting him in bed, then J.T. took him home. Ms. Lewis testifies to being the authorized driver of the van and this fact is corroborated by the owner of the van, Charles Smith. Therefore, in essence and through definition of the equal access rule, this rule definitely applies to this case because other people had the same opportunity as Mr. Hopkins to commit this crime. The state can only circumstantially place Mr. Hopkins at the scene of the crime, which proves that the evidence lacks strength. The equal access rule disputes any facts that put Mr. Hopkins in possession of cocaine because others had access and power to control the van and its contents.

III

The state also used two similar transactions to try to booster their case. In the 2010 transaction, the trial court denied the use of this transaction in the similar transaction hearing held before trial. But during

TRIAL HE DECIDED THAT THE TRANSACTION SHOULD HAVE BEEN ADMITTED AND ALLOWED THE TRANSACTION TO BE USED. THE LAW STATES THAT; BEFORE EVIDENCE OF A PRIOR CRIME IS ADMISSIBLE, THE TRIAL COURT MUST DETERMINE THAT THE STATE HAS AFFIRMATIVELY SHOWN THAT; (1) THE STATE SEEKS TO ADMIT EVIDENCE OF THE INDEPENDENT OFFENSE OR ACTS FOR AN APPROPRIATE PURPOSE; (2) THERE IS SUFFICIENT EVIDENCE THAT THE ACCUSED COMMITTED THE INDEPENDENT ACT OR OFFENSE; AND (3) THERE IS SUFFICIENT CONNECTION OR SIMILARITIES BETWEEN THE INDEPENDENT OFFENSES OR ACTS AND THE CRIME CHARGED SO THAT PROOF OF THE FORMER TENDS TO PROVE THE LATTER. *LORE V. STATE*, GA APP 814, 406 S.E. 2d 137 (1991); *KILGORE V STATE* 251 GA 291, 305 S.E. 2d 82 (1983). THE STATE HAS NO PROOF (OIA CERTIFIED CONVICTION) OR ANY OTHER DOCUMENT THAT SAYS MR. HOPKINS POSSESSED COCAINE IN THE 2010 ARREST. THEREFORE AS A MATTER OF LAW, THIS INCIDENT CAN NOT BE USED AS A FACT OF EVIDENCE AGAINST MR. HOPKINS BECAUSE IT HAS NEVER BEEN ESTABLISHED THAT MR. HOPKINS POSSESSED DRUGS IN THE 2010 INCIDENT. THE DRUGS THAT WERE FOUND WERE ~~EN~~ FOUND IN THE WAISTBAND OF THE PASSENGER (DIRECT PHYSICAL CONTROL) AND SHE HAS ALREADY PLEAD GUILTY TO THAT FACT. AFTER MY CONVICTION, MR. HOPKINS FILED FOR A SPEEDY TRIAL AND A MOTION TO DISMISS THIS ALLEGATION TO PROVE HIS INNOCENCE AND TO VALIDATE HIS CLAIM OF INNOCENCE ON THIS ~~CHARGE~~ CONVICTION. BUT THE STATE AND TRIAL COURT DECIDED TO DEAD DOCK THE CASE UNTIL ALL MY APPEALS ARE EXHAUSTED.

BECAUSE THE STATE DECIDED UPON THIS ACTION FURTHER PROVE ~~THE~~ THAT THE ACCUSATIONS USED AS EVIDENCE IN THIS CONVICTION ARE UNPROVEN, UNJUST AND WITHOUT MERIT, (DEAD DOCKET ENCLOSED) THEREFORE, BECAUSE THERE IS NO PROOF THAT MR. HOPKINS POSSESSED COCAINE IN THE 2010 ARREST, VERIFY THAT THIS TRANSACTION SHOULD ^{NOT} HAVE BEEN USED AS A CONNECTION TO DRUGS FOR MR. HOPKINS, AND SHOULD NOT HAVE BEEN ALLOWED, BY ALLOWING THIS EVIDENCE TO BE USED AS A FACT OF GUILT PREJUDICE THE JURY AGAINST MR. HOPKINS AND VIOLATED HIS DUE PROCESS, HIS RIGHT TO EQUAL PROTECTION OF THE LAW AND DENIED MR. HOPKINS FUNDAMENTAL FAIRNESS AND ANY POSSIBILITY OF A FAIR TRIAL. AS FOR THE 2011 SIMILAR TRANSACTION, THERE WAS A NO LO CONTENDERE PLEA USED IN THIS CASE. THE LAW STATES IN O.C.G.A. 17-7-95(C) THAT; EXCEPT AS OTHERWISE PROVIDED BY LAW, A PLEA OF NO LO CONTENDERE ~~PLEA~~ SHALL NOT BE USED AGAINST THE DEFENDANT IN ANY OTHER COURT OR PROCEEDINGS AS AN ADMISSION OF GUILT OR OTHERWISE OR FOR ANY PURPOSE AND THE PLEA SHALL NOT BE DEEMED A PLEA OF GUILT FOR THE PURPOSE OF PUBLIC OFFICE, WITHOUT THE USE OF THESE SIMILAR TRANSACTIONS THE STATE HAS NO PROOF, EITHER DIRECT OR CIRCUMSTANTIALLY, THAT PROVES MR. HOPKINS GUILT BEYOND A REASONABLE DOUBT. THE STATEMENTS AND TESTIMONY THAT THE STATE USED ARE UNPROVEN, UNSUBSTANTIATED CLAIMS USED TO JUSTIFY A CONVICTION THAT SHOULDN'T HAVE HAPPENED. THIS EVIDENCE THAT USED BY THE STATE TOTALLY BIASED AND PREJUDICE THE JURY AGAINST MR. HOPKINS AND PREVENTED HIM FROM HAVING A FAIR TRIAL.

IV

Now as a final point to the case at hand, the trial court submitted unfounded, untrue information to this Honorable Court, in hopes of ~~justifying~~ justifying their conviction. In your brief of my denial, it was stated that the defendant had a large sum of cash on his person consistent with being a drug dealer. At no point during the defendant's arrest (which happened 2 weeks after the incident) was the defendant found with a large sum of cash. This evidence was never introduced in my trial, in my discovery nor was it a part of my jail inventory. The state realizes their mistake in this conviction and is deliberately and unjustly trying to justify this conviction by providing untrue, fraudulent unsubstantiated, unproven claims which directly violates Mr. Hopkins rights and ability to have a fair trial.

V

In closing, I am enclosing several documents that prove that my defense counsel, the DA and the judge knew of these arguments that I am presenting before this Honorable Court but for some reason chose to ignore these issues. For the trial court to use unsubstantiated, unproven claims as facts of evidence and then when the defendant tries to challenge these accusations, they deny him his due right by Dead Docketing the case but continues to use it as evidence to your Honorable Court. This is a complete miscarriage of justice and

GOES TOTALLY AGAINST THE LAWS OF THIS LAND. FOR THE DEFENSE COUNSEL AND APPEALS COUNSEL TO ALLOW THIS TREATMENT TO MR. HOPKINS TOTALLY VIOLATES THE GEORGIA STATE BAR RULES OF PROFESSIONAL CONDUCT AND THE 6th AMENDMENT RIGHT TO COUNSEL, WHICH STATES; THAT THIS RIGHT EXISTS AND IS NEEDED IN ORDER TO PROTECT THE FUNDAMENTAL RIGHT TO A FAIR TRIAL, SINCE ACCESS TO COUNSEL'S SKILLS AND KNOWLEDGE IS NECESSARY TO ACCORD DEFENDANT'S THE AMPLE OPPORTUNITY TO MEET THE CASE OF THE PROSECUTION TO WHICH THEY ARE ENTITLED. BECAUSE OF THESE FACTS, THEIR CONDUCT FURTHER PROVES THEIR INSUFFICIENCY AS COUNSEL.

O.C.G.A. 24-1-1 SAYS THE OBJECT OF ALL LEGAL INVESTIGATIONS IS THE DISCOVERY OF TRUTH. RULES OF EVIDENCE SHALL BE CONSTRUED TO SECURE FAIRNESS IN ADMINISTRATION, ELIMINATE UNJUSTIFIABLE EXPENSE AND DELAY AND PROMOTE THE GROWTH AND DEVELOPMENT OF THE LAW OF EVIDENCE TO THE END THAT THE TRUTH MAY BE ASCERTAINED AND PROCEEDINGS JUSTLY DETERMINED.

AS AN ESSENTIAL OF THE DUE PROCESS GUARANTEED BY THE 14th AMENDMENT, NO PERSON SHALL BE MADE TO SUFFER ONUS OF A CRIMINAL CONVICTION EXCEPT UPON SUFFICIENT PROOF WHICH IS DEFINED AS THE EVIDENCE NECESSARY TO CONVINCE A TRIER OF FACT BEYOND A REASONABLE DOUBT OF THE EXISTENCE OF EVERY ELEMENT OF THE OFFENSE.

The motion set forth in this Honorable Court deals with facts of law and shows how this conviction lacks validity, is contrary to law, violates the principles of Justice and Equality, and cannot be lawfully substantiated by facts. Therefore because of the above stated reasons, the defendant, respectfully asks this Honorable Court to reconsider its decision to affirm and grant him relief. The defendant is prepared to present these arguments in person to further substantiate his claims. Thank you for your time and may God Bless You!

Respectfully submitted this 2nd day of April, 2015,

LEONARD HOPKINS 420549
HANCOCK STATE PRISON
P.O. Box 339
SPARTA, GA 31087

IN THE SUPERIOR COURT OF DEKALB COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

v.

Leonard Carl Hopkins

INDICTMENT NO.: 11CR6611-05

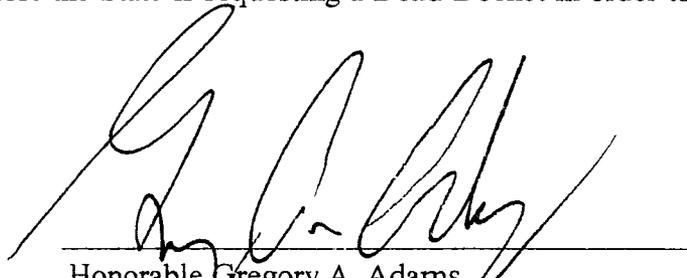
CHARGE(S): Possession of Cocaine with
Intent to Distribute, Driving While License
Suspended and Open Container

DEAD DOCKET ORDER

It is hereby considered, ordered, and adjudged that the above-styled case be placed on the Dead Docket for the following reasons(s):

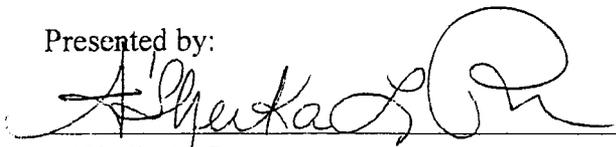
The Defendant requested a jury trial on Indictment #12CR5192 whereupon a jury trial was began on May 28, 2013. The Defendant was found guilty and sentenced to serve 30 years and 36 months in custody. Since the sentencing date, the Defendant has filed for a Motion for a New Trial. The Motion for New Trial was heard and denied on May 20, 2014. The Defendant filed a Notice of Appeal to the Georgia Court of Appeals on May 29, 2014. There has not any indication that the case has been docketed yet. Therefore the State is requesting a Dead Docket in order to await the outcome of 12CR5192.

This 1st day of August, 2014.



Honorable Gregory A. Adams
DEKALB COUNTY SUPERIOR COURT
STONE MOUNTAIN JUDICIAL CIRCUIT

Presented by:



A'Sheika L. Penn
Assistant District Attorney
Stone Mountain Judicial Circuit
Main Office: (404) 371-2561
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Bar Number: 571303
Stone Mountain Judicial Circuit
556 N. McDonough Street; Suite 700
Decatur, Georgia 30030-3355

DEKALB COUNTY SUPERIOR COURT
DEKALB COUNTY GA

2014 AUG -4 PH 3:30

FILED

SCANNED

THE SUPERIOR COURT
OF DEKALB COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

CASE # 11CR6611-5

v/s

POSSESSION OF COCAINE

LEONARD CARL HOPKINS, JR.

WITH INTENT TO DISTRIBUTE

DEMAND FOR SPEEDY TRIAL

COMES NOW, the defendant, LEONARD CARL HOPKINS, JR. MOVES THIS HONORABLE COURT TO GRANT A SPEEDY TRIAL IN THE ABOVE LISTED CASE, IN ACCORDANCE TO HIS SIXTH AMENDMENT RIGHT TO A SPEEDY TRIAL.

I

BECAUSE OF THIS PENDING CHARGES, THE DEFENDANT IS BEING DENIED OF THE POSSIBILITY OF REHABILITATION AND BEING HINDERED IN HIS ADVANCEMENT OF REHABILITATION BECAUSE OF SECURITY CONCERNS. THESE ACCUSATIONS ARE BEING HELD AGAINST THE DEFENDANT TO AID IN THE ADVANCEMENT OF A CONVICTION THAT IS IN THE APPEAL PROCESS. THE DEFENDANT WISHES TO DEAL WITH THESE ACCUSATIONS, SO HE CAN BETTER HIS CHANCES OF AN APPEAL AND CONTINUE HIS REHABILITATION.

Respectfully submitted this 13th day of July, 2019

DEKALB COUNTY
JUL 17 11:02 AM '19

CERTIFICATE OF SERVICE
This is to certify that
Judge Adams has received a
copy of this Document from
the Superior Court.

LEONARD HOPKINS 420549
Leonard Hopkins

THE SUPERIOR COURT
OF DEKALB COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

CASE # 11CR6611-5

v/s

POSSESSION OF COCAINE

LEONARD CARL HOPKINS, JR.

WITH INTENT TO DISTRIBUTE

MOTION TO DISMISS

COMES NOW, the defendant, LEONARD CARL HOPKINS, JR. AND PURSUANT TO GEORGIA LAW, MOVES THIS HONORABLE COURT TO DISMISS THE ABOVE STYLED CASE. AS JUST CAUSE FOR THE INSTANT ACTION, DEFENDANT SHOWS AND STATES THE FOLLOWING FACTS OF LAW;

I

ON OR ABOUT THE 23RD DAY OF DECEMBER, 2010, THE DEFENDANT WAS INVOLVED IN A TRAFFIC STOP BY A DECATUR CITY POLICE OFFICER. THE OFFICER INFORMED THE DEFENDANT THAT HIS REASON FOR PULLING HIM OVER WAS BECAUSE A TAIL LIGHT WASN'T WORKING OR WAS OUT. THE DEFENDANT WAS SUBSEQUENTLY ARRESTED AND CHARGED WITH DRIVING WITH A SUSPENDED LICENSE, OPEN CONTAINER, AND POSSESSION OF COCAINE WITH THE INTENT TO DISTRIBUTE AFTER THE PASSENGER WAS FOUND TO BE IN POSSESSION OF COCAINE IN HER CLOTHING. (PANTIES)

SCANNED

II

THE DEFENDANT SUBMITS THAT THE CHARGES ARE WHOLLY

AGAINST the principles of law, The arresting officer did NOT ISSUE A CITATION for the alleged non working tail light. The defective tail light was the reasoning behind the INITIAL stop which would have given the officer authority to make arrest. Also, no drugs or drug paraphernalia were found in the van. The passenger was found in actual possession of drugs in her underwear. And has plead guilty to this fact. Therefore, making the charge against ~~the~~ defendant (~~the~~ Hopkins) of possession with the intent to distribute VOID and ERRONEOUS.

A) BECAUSE THIS WAS A TRAFFIC STOP AND CO-DEFENDANT (MECRARY) WAS A PASSENGER, SHE WAS ONLY SUBJECT TO A PAT-DOWN SEARCH, IF SHE WAS SEARCHED AT ALL. THERE WAS NO REASON FOR THE OFFICER TO DETAIN HER, LET ALONE GO INSIDE HER CLOTHING IN THE MIDDLE OF THE ROAD. THE LAW STATES; WHEN A LAWFUL ARREST IS EFFECTED, A PEACE OFFICER MAY REASONABLY SEARCH THE PERSON ARRESTED BECAUSE A PASSENGER HAS STANDING TO CHALLENGE HIS/HER OWN DETENTION. WHERE A DEFENDANT'S CONSENT RESULTS FROM ILLEGAL CONTINUED DETENTION, IT IS INVALID AND THE FRUITS OF THE SEARCH SHOULD BE SUPPRESSED. FINNEY V. STATE, 270 GA APP 422, 606 S.E. 2d 637 (2004).

B.) TO COMPORT WITH CONSTITUTIONAL DUE PROCESS AN INDICTMENT CHARGING A DEFENDANT WITH A CRIMINAL OFFENSE MUST SATISFY 2 CRITERIA; (1) IT MUST SHOW THE ESSENTIAL ELEMENTS OF THE CRIME AND APPRISE A DEFENDANT OF WHAT HE MUST BE PREPARED TO MEET AT TRIAL; (2) IT MUST

show accuracy to what extent the defendant may plead a former acquittal or conviction. The basic element of possession cannot be satisfied, as it pertains to defendant (Hopkins), because drugs were found in direct physical control (actual possession) of co-defendant (McCrary's) clothing. The law requires every element of a crime to be proved beyond a reasonable doubt, Gosha v. State, 56 GA 36 S.E. 2d (1876), Possession has been established on co-defendant's person, therefore should not be charged to defendant (Hopkins), making the indictment fatally defective and void.

III

The law says: If a defendant is charged with possession of cocaine, the state must prove: ~~possession~~ (1) possession; (2) an illegal substance. The law defines possession as; the fact of having or holding property in one's power; the exercise of dominion over property. The right under which one may exercise control over something to the exclusion of all others; the continuing exercise of a claim to the exclusive use of a material object. The detention or use of a physical thing with the intent to hold it as one's own; something that a person owns or controls. In common speech, a man is said to possess ^{SCANNED} or to be in possession of anything of which he has apparent control or from the use of which he has apparent power to exclude other's.

A) THE LAW RECOGNIZES TWO KINDS OF POSSESSION, ACTUAL POSSESSION AND CONSTRUCTIVE POSSESSION. A PERSON WHO HAS DIRECT PHYSICAL CONTROL OVER A THING AT A GIVEN TIME IS IN ACTUAL POSSESSION. A PERSON WHO, THOUGH NOT IN PHYSICAL POSSESSION, KNOWINGLY HAS BOTH THE POWER AND INTENTION AT A GIVEN TIME TO EXERCISE DOMINION OR CONTROL OVER A THING IS IN CONSTRUCTIVE POSSESSION OF IT, LEE V STATE, 126 GA APP 38, 189 S.E. 2d 872 (1972). IF ONE PERSON ALONE HAS ACTUAL OR CONSTRUCTIVE POSSESSION OF A THING, POSSESSION IS SOLE! ANDERSON V STATE, 166 GA APP 459, 304 S.E. 2d 550 (1983).

B) THE LAW ALSO SAYS; THE PRESENCE OF A CONTROLLED SUBSTANCE IN A AUTOMOBILE, OTHER THAN A PUBLIC OMNIBUS (COMPANY VAN), IS PRESUMED EVIDENCE OF KNOWING POSSESSION THEREOF BY EACH AND EVERY PERSON IN AUTOMOBILE AT THE TIME SUCH CONTROLLED SUBSTANCE WAS FOUND, EXCEPT THAT SUCH PRESUMPTION DOES NOT APPLY; (1) TO A DULY LICENSED OPERATOR OF AN AUTOMOBILE WHO IS AT THE TIME OPERATING IT FOR HIRE IN THE LAWFUL AND PROPER PURSUIT OF HIS/HER TRADE, (2) TO ANY PERSON IN CAR, IF ONE OF THEM, HAVING OBTAINED THE CONTROLLED SUBSTANCE AND NOT BEING UNDER DURESS, IS AUTHORIZED TO POSSESS IT AND SUCH CONTROLLED SUBSTANCE IS IN SAME CONTAINER AS WHEN HE RECEIVED POSSESSION THEREOF; (3) WHEN CONTROLLED SUBSTANCE IS CONCEALED UPON THE PERSON OF ONE OF THE OCCUPANTS.

C) ACTUAL POSSESSION EXISTS WHEN A TANGIBLE OBJECT IS IN THE ~~FROM~~ IMMEDIATE POSSESSION OR CONTROL OF THE PARTY, ^{SUMMER}

U.S. v. Bederly, 750 F.2d 3437 (6th Cir. 1984) quoting U.S. v. Craden, ~~478~~ 478 F.2d 1329, 1333 (6th Cir. 1973). Put another way, "A person who knowingly has direct physical control (in underwear) over a thing at a given time, is in actual possession of it. U.S. v. Frederick, 406 F.3d 757, 765 (6th Cir. 2005). However, a defendant's presence when contraband is found, without more, is insufficient to establish the requisite knowledge, power or intention to exercise control over the contraband. U.S. v. Birmley, 529 F.2d 103, 107-08 (6th Cir. 1976). In order to prove constructive possession, the state must show that a defendant knowingly, had power and intent to exercise control over drugs. STEVENS VS STATE, 245 GAAPP 237, 238(1) 537 S.E 2d 688 (2000).

IV

O.C.G.A. 24-1-1 says the object of all legal investigation is the discovery of truth. Rules of evidence shall be construed to secure fairness in administration; eliminate unjustifiable expense and delay and promote the growth and development of the law of evidence to the end that the truth may be ascertained and proceedings justly determined. The drugs that were found, were not found in the van, nor was there any drug paraphernalia found in the van. They were found in ^{SEARCHED} co-defendant's (McCrary) underwear, in her direct physical control hidden from view of defendant (Hopkins). Therefore, the

BASIC TRUTH OF THIS INCIDENT IS THAT CO-DEFENDANT (MECRAA) WAS IN TOTAL POSSESSION OF COCAINE AND PROVED HER GUILT BY PLEADING GUILTY TO THIS FACT. THERE IS NO WAY THAT TWO PEOPLE CAN BE IN POSSESSION OF THE SAME OBJECT AT THE SAME TIME, ESPECIALLY WHEN IT IS FOUND IN ONE'S UNDERCLOTHING. THIS ACCUSATION HAS CAUSED THE DEFENDANT UNJUSTIFIABLE HARM, DENIED FUNDAMENTAL FAIRNESS, DUE PROCESS, AND EQUAL PROTECTION OF LAW. THIS ACCUSATION IS ONLY BEING HELD AGAINST THE DEFENDANT (HOPKINS) BECAUSE IT IS AN AID TO ASSIST THE ADVANCEMENT OF ANOTHER CONVICTION TO PREJUDICE THE JURY AGAINST HIM. IT IS BEING USED AS A CONNECTION TO DRUGS IN ANOTHER CONVICTION WHICH VIOLATES THE DEFENDANT'S RIGHT TO A FAIR TRIAL. THIS ACCUSATION HAS NO BASIS, IS CONTRARY TO LAW AND CANNOT BE LAWFULLY SUBSTANTIATED.

V

THE MOTION SET FORTH IN THIS COURT DEALS WITH FACTS OF LAW AND SHOWS THAT THE OFFENSES CHARGED LACKED VALIDITY, ARE CONTRARY TO LAW, THE PRINCIPLES OF JUSTICE AND EQUALITY AND CANNOT BE SUBSTANTIATED BY LAW. THEREFORE, BECAUSE OF THE ABOVE STATED REASONS, THE DEFENDANT, RESPECTFULLY ASKS THIS HONORABLE COURT TO GRANT THIS MOTION TO DISMISS WITHOUT PREJUDICE. IF THIS HONORABLE COURT DOESN'T SEE FIT TO RULE IN DEFENDANT FAVOR, DEFENDANT WISHES TO ACTIVATE HIS RIGHT ^{FOR A} SPEEDY TRIAL, SO THAT HE CAN BEGAN WORKING ON THIS CONVICTION AND APPEAL.

Respectfully submitted this 13th day of July, 2014

LEONARD HOPKINS 42054

P.O. Box 339

Sparta, GA 31087

2014 JUL 17 PM 2:03
CLERK OF SUPERIOR COURT
DEKALB COUNTY GA

FILED

SCANNED

THE SUPERIOR COURT
OF DEKALB COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

CASE # 12CR5192-5

v/s

POSSESSION OF COCAINE

LEONARD CARL HOPKINS, JR.

WITH INTENT TO DISTRIBUTE

CERTIFICATE OF SERVICE

This is to certify that
Judge Adams has received a
copy of this document from
Superior Court. This is the
day of April, 20 14.

MOTION TO MODIFY SENTENCE

COMES NOW, the defendant, LEONARD C. Hopkins, Jr.
(PRO SE) and pursuant to O.C.G.A. 17-10-3, moves
this Honorable Court for modification of his
SENTENCE. IN support thereof, the defendant ^{CITES} ~~SETS~~
the following facts and laws;

I

ON JUNE 3, 2013, the defendant, LEONARD C. Hopkins
JR WAS SENTENCED to 33 years INCARCERATION for
the crimes of ONE count of POSSESSION of COCAINE
with the intent to distribute, IN which, he WAS SENTEN
to the lesser included count of possession of COCAINE,
ONE count of DRIVING while LICENSE suspended, ONE
COUNT OPEN CONTAINER AND ONE COUNT TAIL Light
VIOLATION. The defendant WAS SENTENCED to 30 years
for the possession offense AND 3 consecutive 12
months SENTENCES for the MISDEMEANORS, for a total
of 33 years.

II

The defendant IS A 49 year old father of 3 children
A SON IN COLLEGE, A daughter IN the ARMED FORCES,

AND ANOTHER DAUGHTER PREPARING TO GO TO COLLEGE WITH 2 KIDS. THE DEFENDANT IS VERY ACTIVE IN HIS KIDS LIVES AND TEACHES THEM THE RIGHT WAY. THE DRUGS THAT WERE FOUND ONLY AMOUNTED TO 2 GRAMS BUT YET HE RECEIVED 33 YEARS. THIS SENTENCE IS EXTREME AND HARSH AND THE DEFENDANT ASKS FOR RELIEF OF THE SENTENCE THROUGH THE FOLLOWING FACTS AND LAWS;

① O.C.G.A. 16-1-5 SAYS, EVERY PERSON IS PRESUMED INNOCENT UNTIL PROVED GUILTY. NO PERSON SHALL BE CONVICED OF A CRIME UNLESS EACH ELEMENT OF SUCH CRIME IS PROVED BEYOND A REASONABLE DOUBT. GUILT MUST AFFIRMATIVELY APPEAR BY EVIDENCE. ONE ACCUSED OF CRIME HAS RIGHT TO STAND MUTE AND UNLESS IT AFFIRMATIVELY APPEARS BY EVIDENCE ONE IS GUILTY, ONE CANNOT BE LEGALLY HELD. SOKOLIC V STATE, 228 GA 788, 187 SE. 2d 822 (1972)

② THE LAW SAYS; WHERE STATE PROVIDES NO DIRECT EVIDENCE OF ACTUAL POSSESSION, A CONVICTION MAY BE SUSTAINED WITH PROOF OF CONSTRUCTIVE POSSESSION. TO PROVE CONSTRUCTIVE POSSESSION, THE STATE IS REQUIRED TO SHOW THAT ALTHOUGH NOT IN ACTUAL POSSESSION, THE DEFENDANT KNOWINGLY HAD POWER AND INTENTION AT A GIVEN TIME TO EXERCISE CONTROL OVER DRUGS. EVIDENCE MERELY SHOWING THAT CONTRABAND WAS FOUND ON PREMISES OCCUPIED BY DEFENDANT IS NOT SUFFICIENT TO SUPPORT A CONVICTION ESPECIALLY WHERE OTHER PERSONS HAD EQUAL ACCESS TO CONTRABAND AND THEREFORE EQUAL OPPORTUNITY TO COMMIT THE CRIME.

③ The law also says that a finding of constructive possession must be based upon a connection between the defendant and the contraband other than spacial proximity. When a constructive possession case is based wholly on circumstantial evidence, the law requires that the proved facts shall not only be consistent with the hypothesis of guilt but shall exclude every other reasonable hypothesis, save that of guilt of the accused. Other individuals had access to ~~the~~ ^{the} van.

④ The equal access rule, as it applies in the automobile context, is merely that evidence showing that a person or persons other than the owner or driver of the automobile had equal access to contraband found in automobile may or will, depending upon the strength of the evidence, overcome the presumption that the contraband was in exclusive possession of owner or driver. In Reid and Whipple, the court reversed conviction involving illegal possession of cocaine because state failed to link defendant to contraband found in vehicle. These decisions balance on the fact that others had equal access to the vehicle where contraband was found and involve lack of evidence of the contraband in close spacial proximity or accessibility to defendant.

⑤ A long standing rule, O.C.G.A. 24-4-6 says it is error for the trial court to fail to give an appropriate charge on circumstantial evidence, even

without request, if the state's case is composed solely of such evidence. In such a case, the omission of the charge fails to provide the jury with the proper guidelines for determining guilt or innocence, and unless the wholly circumstantial evidence is not doubtful and the charge on reasonable doubt is full and fair, a reversal and retrial is required. Willza v. State 239 GA 12, 13 (2) 235 SE 2d 504 (1977)

* ⑥ The due process clause of the Federal Constitution prohibits the criminal conviction of any person except upon proof of guilt beyond a reasonable doubt. As an essential of the due process guaranteed by the 14th Amendment, no person shall be made to suffer onus of a criminal conviction except upon sufficient proof which is defined as the evidence necessary to convince a trier of fact beyond a reasonable doubt of the existence of every element of the offense. State never put defendant in possession of contraband.

⑦ The rule that no person, consistently with due process, may be convicted of a crime except upon proof of guilt beyond a reasonable doubt requiring also that the fact finder will rationally apply that standard to the facts in evidence. By virtue of the due process clause of the 14th Amendment, a state must satisfy the reasonable doubt standard of proof in criminal case: Every element of a crime must be proved beyond a reasonable doubt. Gosha v. State 56 GA 36 (1876). There

IS NO DIRECT EVIDENCE THAT THE DRUGS FOUND WERE PROPERTY OF THE DEFENDANT NOR WAS THERE A CONNECTION TO THE DRUGS TO THE DEFENDANT. GEE V STATE, 121 GA APP 41, 172 SE 2d 480 (1970)

⑧ THE DEFENDANT'S COURT APPOINTED COUNSEL, WILLIAM MATOS WAS TOTALLY UNPREPARED FOR A POSSESSION CHARGE, WHERE THERE WAS NO DIRECT EVIDENCE THAT PUT THE DEFENDANT IN POSSESSION OF THE DRUGS. HE DIDN'T INVESTIGATE THE CASE THOROUGHLY. THE GEORGIA STATE BAR RULES OF PROFESSIONAL CONDUCT 1.3 AND 1.4 REQUIRES ALL ATTORNEYS TO THOROUGHLY INVESTIGATE EACH CLIENTS CASE DILIGENTLY AND COMMUNICATE EFFECTIVELY WITH THE CLIENT. THE 6TH AMENDMENT RIGHT TO COUNSEL EXISTS AND IS NEEDED IN ORDER TO PROTECT THE FUNDAMENTAL RIGHT TO A FAIR TRIAL, SINCE ACCESS TO COUNSEL'S SKILL AND KNOWLEDGE IS NECESSARY TO ACCORD DEFENDANT'S THE AMPLE OPPORTUNITY TO MEET THE CASE OF THE PROSECUTION TO WHICH THEY ARE ENTITLED. MR MATOS WAS APPOINTED TO THE DEFENDANT APPROXIMATELY 12 DAYS BEFORE TRIAL. HE ONLY SPENT 15 MINUTES WITH THE DEFENDANT, ANOTHER 15 MINUTES WITH A WITNESS, OMITTED OTHER WITNESSES WHO COULD HAVE TESTIFIED TO DEFENDANT'S STATE OF MIND (INTOXICATED) AND HAD NO STRATEGY PREPARED. ADDITIONALLY, HE DIDN'T PROVIDE THE DEFENDANT WITH ANY DISCOVERY MATERIAL, IN COMPLIANCE WITH BRADY V MARYLAND 373 US, 83 S.Ct 1194 10 L. Ed 2d 215 (1963), WHICH HELPED HANDICAP DEFENDANT'S DEFENSE. HE WAS TOTALLY UNPREPARED FOR

TRIAL AND HE did NOT provide the defendant with the ASSISTANCE GUARANTEED by the U.S. Constitution, (Amendment 6 AND 14).

III

The drugs that WERE found IN this case WEREN'T found on the defendant's person, defendant WASN'T IN vehicle when the drugs WERE found AND the STATE NEVER connected the defendant to the drugs, THEREFORE BECAUSE OF THE EQUAL ACCESS RULE AND THE LAWS GOVERNING POSSESSION, the STATE did NOT PROVE the BASIC ELEMENT of the defendant BEING IN POSSESSION of the drugs BEYOND A REASONABLE doubt. THERE BEING, making the POSSESSION of COCAINE CONVICTION IMPROPER AND ILLEGAL.

IV

Specifically, the defendant respectfully REQUESTS this HONORABLE COURT to VOID the POSSESSION charge AND allow him to be RELEASED with TIME SERVED for the MISDEMEANOR counts BECAUSE OF THE ABOVE STATED facts AND LAWS AND HIS COURT APPOINTED COUNSEL NOT BEING PREPARED. If this MOTION IS to be CONSIDERED, the defendant respectfully REQUESTS a HEARING IN which the COURT deems proper to ADDRESS this REQUEST FOR SENTENCE MODIFICATION.

Respectfully submitted this 25th day of MARCH, 2014

Leonard Hopkins

STATE OF GEORGIA
DEKALB COUNTY
SUPERIOR COURT
MARCH 25 2014
PH 11:30

FILED
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