

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS

June 4, 2015

To: Mr. Neal Howard, GDC977722, Dooly State Prison, Post Office Box 750, Unadilla, Georgia 31091

Docket Number: A15A1135 **Style:** Neal Howard v. The State

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

1. Your Appellant's Brief, was not accompanied by the statutory filing fee (\$300.00 civil; \$80.00 criminal *Effective July 1, 2009) 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. A Request for Oral Argument must be filed as a separate document. Rule 28 (a) (3)
3. Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)
4. No Certificate of Service or an improper Certificate of Service accompanied your document(s). Rule 6
5. Your Certificate of Service did not include the complete name and mailing address of each opposing party. Rules 1(a) and 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.
6. There were an insufficient number of copies of your document. Rule 6.
7. Your document exceeds page limits. Rules 24 (f) and 27 (a)
8. Your document was submitted without permission to file (supplemental brief or second motion for reconsideration). Rules 27 (a) and 37 (d)
9. Letter briefs and letter cites are not permitted. Rule 27 (b)
10. Your request for court action must be submitted in motion form. Rule 41 (a)
11. Your motions were submitted in an improper form (joint, compound or alternative motions in one document). Rule 41 (b)
12. Type was on both sides of the paper; type font was smaller than 10 characters per inch; and/or the type was not double-spaced. Rules 1(c), 37(a) and 41(b).
13. The pages were not sequentially numbered with arabic numerals. Rule 24 (e)
14. Case and/or record citations were not made in the proper form. Rules 24 (d) and 25 (c) (2)
15. Margins were too small or paper size incorrect. Rules 1(c), 24(c), 37 (a) and 41(b)
16. Your document(s) was (were) not securely bound at the top with staples or round head fasteners. Rule 1 (c)
17. The Motion to Supplement has not been granted.
18. **Other: All Briefs have been filed in the above referenced appeal. If you would like to file another Brief, you must motion the Court for permission to file a Supplemental Brief.**

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

Court of Appeals of the State of Georgia

The Appellant hereby present the following :

AISA1135 . NEAL HOWARD v. THE STATE OF GEORGIA .

RECEIVED IN OFFICE
2015 JUN -3 PM 2:45
- FIRST DEPT. CLERK
COURT OF APPEALS OF GA

I have been subjected to constitutional deprivation and retaliation from the filing of grievances for being denied access to the courts when I am prevented or obstructed from the law library and indigent mailing process at Dooly State Prison .

It is now established beyond doubt that prisoners have a constitutional right to access to the court in accordance with S.O.P. II A14-0001 (policy governing the Georgia Department of Corrections), citing the due process clause, equal protection clause, First Amendment, and privileges and immunities clause of Art. IV of the United States Constitution which shall not be denied or obstructed. Bounds v. Smith, 430 U.S. at 817; Murray v. Giarranto, 492 U.S. at 1; and John L. v. Adams, 962 F.2d at 228

S.O.P. II B02-0001 provides no disciplinary actions will be capricious or retaliatory in nature.

May 12, 2015 I was placed in segregation for refusing housing when I have been in the same dormitory and housing unit for more than 1 year so how could I have refused housing. In lieu of the fact that I have been in compliance with the rules and policy of the department since filing my habeas corpus.

Staff at Dooly State Prison is retaliating against me by delaying, obstructing, or denying me access to the court, law library, and indigent mail services as well as no longer providing me legal supplies.

I had to use my cell mates indigent postage stamps to forward this correspondence to the court. I do not have access to white-out or any other supplies to correct my errors and my paper is limited.

I pray that your Honorable Court provide me counsel and not dismiss my appeal for reasons beyond that of my control and no fault of my own, I do not know when I will have another opportunity to correspond or respond to the court.

I fear that I may become a danger to myself or staff at Dooly State Prison if I continue to be subjected to constitutional deprivation or that this Honorable Court dismiss my appeal. I fear for my safety and well-being and the safety and well-being of others at Dooly State Prison for harrassing me and violating my rights and jeopardizing my liberty and appeal.

It is evident that my case has merits when the only argument the state can produce is my ignorance of complying with the court rules rather than refute my claims or argument. The state can not challenge my claims when my claims agree with the evident and together do my claims and evidence leave no room for rebutal.

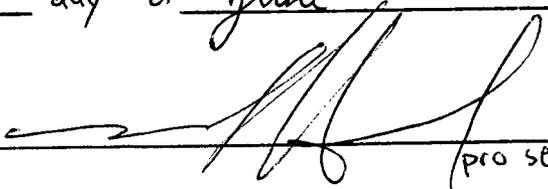
In conclusion do I pray that this Honorable Court appoint counsel to Finish my case and properly prepare and present my case in compliance with the Court rules to prevent my case from being dismissed because I am no longer accessible to the law library or indigent mail supplies or procedures.

I also pray that this Honorable Court expedite a ruling due to I have been waiting more than 3 years from the original filing October 4, 2011 where the Fulton County Superior Court has unjustly delayed and obstructed my appeal by failing to transmit the record.

Finally, if the Court has dismissed my appeal for reasons beyond my control, please send lawenforcement to take me into custody and transfer me to another facility to protect the lives, liberties, safety, and well-being of myself, staff, and other inmates at the Dooly State Prison prior to incident.

I have Forwarded a copy of this correspondence via in/house mail to the Warden, Deputy Warden of Care & Treatment, Deputy Warden of Security, and the Chief Counsel to aprise staff.

Respectfully submitted this 31st day of June 2015.


pro se

Neal Howard, 977722
Dooly State Prison
Unadilla, GA. 31091

Enclosed: Two (2) call-outs dated May 26, and May 28, 2015 and a Request for Indigent Postage as evidence as follow(s):

Request for Indigent Postage show that I filled out the request May 12, 2015. Mail Room / Business Office stamp show that this request was recieved May 13, 2015. Verifying staff did not sign request until May 14, 2015. Portion to be completed by mail room staff show that this mail wasn't mailed out until May 23, 2015 which shows this process took 11 days with no regard to prescribed time limits provided by courts.

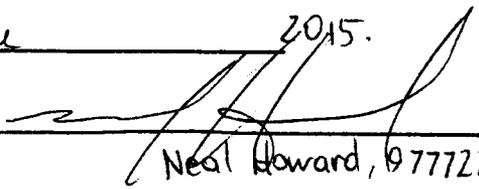
Two Call-Outs date May 26, and May 28, 2015 is mail in the possession of the mail room I have been trying to mail out since May 14, 2015 until now June 3, 2015 (20 days). Again, no regard to any deadlines prescribed by the courts.

Upon complaining and grieving the indigent request mailing process did staff retaliate May 12, 2015 taking my commissary and property. Staff also took my identification and clothes to ensure that I couldn't send out any more mail or use the law library because you need I.D. and clothes to utilize either/or.

I am not allowed the use of the law library nor the indigent mail procedures at this time. Ms. Porter and Mr. Gills at Dooly State Prison is obstructing justice and violating my constitutional rights and retaliating against my persons.

I swear under the penalty of perjury that the afore-mentioned is true and correct to the best of my ability and I will suffer the full penalty of the law if any of this correspondence is incorrect.

Respectfully submitted this ~~15~~^{1st} day of June 2015.


Neal Howard, 977722

*cc: I am not privileged at this time to the law library, indigent mail, nor a notary public.

Had stamps

I will need to subpoena or purchase this mail from appeal court

Attachment 3
SOP 11B04-0001
(9/15/09)

REQUEST FOR INDIGENT POSTAGE

() NON-LEGAL FIRST CLASS POSTAGE (Maximum -- three)
AMOUNT

(5) LEGAL POSTAGE (Maximum -- five)
AMOUNT

() SPECIAL MAILING (Maximum -- one)

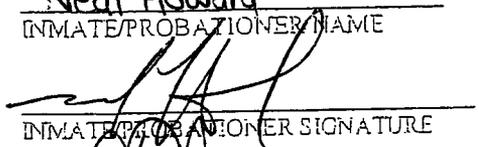
RECEIVED
MAY 13 2015
DOOLY STATE PRISON
Business Office
RECEIVED
MAY 13 2015
DOOLY STATE PRISON

I fully understand that the funds for the purchase of Indigent Postage will be a loan from the Inmate Benefit Fund. If I receive any funds to my account, I will be required to reimburse the Inmate Benefit Fund in accordance with SOP 11B04-0001, Inmate Mail and Receipt of Funds.

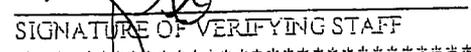
Neal Howard
INMATE/PROBATIONER NAME

477722
GDC NUMBER

22 203
DORM


INMATE/PROBATIONER SIGNATURE

May 12, 2015
DATE


SIGNATURE OF VERIFYING STAFF

5/14/15
DATE

TO BE COMPLETED BY MAIL ROOM STAFF

NON-LEGAL POSTAGE USED:

DATE	MAILED TO	AMOUNT
_____	_____	_____
_____	_____	_____
_____	_____	_____

LEGAL POSTAGE USED:

DATE	MAILED TO	AMOUNT
<u>5-23-15</u>	<u>Court of Appeals of Georgia 47 Trinity St. SW suite 501 Atlanta, Ga. 30334</u>	<u>\$ 2.23</u>

SPECIAL MAILING:

DATE	MAILED TO	AMOUNT
_____	_____	_____

TOTAL POSTAGE USED: \$ 2.23


SIGNATURE OF MAIL ROOM STAFF

XC: Mail Room
Bookkeeping
Inmate/Probationer File

RETENTION SCHEDULE:
Upon completion, this form will be placed in the inmate/probationer case history file.

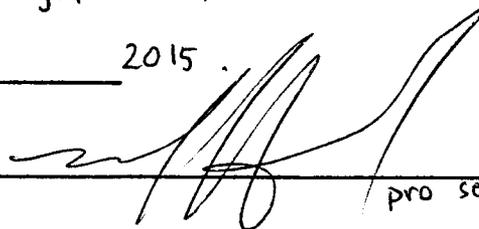
CERTIFICATE OF SERVICE

I have this day served the following party with a copy of the foregoing by placing the same in U.S. Mail with sufficient postage affixed thereon, to :

Georgia Court of Appeals
47 Trinity St., S.W.
Suite 501

Atlanta, Georgia 30334

This ~~1st~~ ^{1st} day of June 2015.



pro se

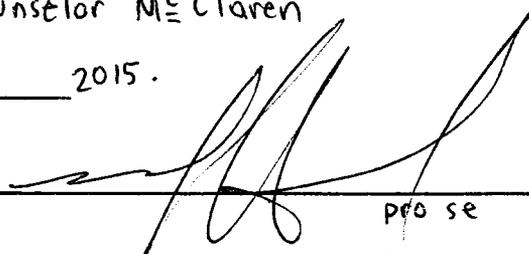
Neal Howard, 97722
Dooly State Prison
Unadilla, Ga. 31091

I have also this day served the following parties with a copy of the foregoing by placing the same in the Mail box at the Dooly State Prison via in/house mail using the same mail box in a sealed envelope therein, to :

Warden Johnson
Deputy Warden Care and Treatment Cheney
Deputy Warden of Security Hinton
&

The Chief Counselor M^E Claren

This ~~1st~~ ^{1st} day of June 2015.



pro se

Neal Howard, 97722
Dooly State Prison
Unadilla, Ga. 31091

House: E-1

The officer confiscated my property and I.D. preventing me from mailing out mail on May 12, 2015. I haven't been provided any gear has my property been returned

Offender Name: HOWARD, NEAL RODRIGUS GDC ID: 977722 Security Level: CLOSE
 House: E-1 Bed: 222-T Age: 38

Date	Activity Name	Start Time	End Time	Report To	Activity Location
05/26/2015	PPD TESTING	09:00	12:00	MEDICAL	MEDICAL
05/26/2015	OFFENDER INTERVIEW	09:30	09:45	STORE	WEST STORE

Comments: INDIGENT/WITHDRAWAL

Offender Name: HOWARD, NEAL RODRIGUS

House: J-1 Bed: 122-B NO GDC ID: 977722 Age: 38 Security Level: CLOSE

I was placed in segregation May 26, 2015 and when you're in the hole you're not allowed mail while I'm in segregation therefore was I again prevented from sending out legal mail this mail is from May 21, 2015

Date	Activity Name	Start Time	End Time	Report To
05/28/2015	OFFENDER INTERVIEW	09:30	09:45	STORE

Comments: INDIGENT/WITHDRAWAL

WEST STORE From sending out legal mail this mail is from May 21, 2015