



Court of Appeals of Georgia

August 6, 2015

TO: Mr. Anthony Humphries, GDC1000832830 E-1, Georgia Diagnostic and Classification Center, State Prison, Post Office Box 3877, Jackson, Georgia 30233

RE: **A15D0447. Anthony Humphries v. The State**

CHECK RETURN

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

APPLICATION - DISPOSED

- The referenced application was denied on June 29, 2015. The Motion for Reconsideration was dismissed as untimely on August 6, 2015.**

Enclosed, please find the order denying the application and the order dismissing the Motion for Reconsideration.

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 Appeals of the State of Georgia

ATLANTA, June 29, 2015

The Court of Appeals hereby passes the following order

A15D0447. ANTHONY HUMPHRIES v. THE STATE.

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby DENIED.

LC NUMBERS:

12CR00626



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, June 29, 2015.*

*I certify that the above is a true extract from the minutes of
the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto
affixed the day and year last above written.*

Stephen E. Caston, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, August 06, 2015

The Court of Appeals hereby passes the following order

A15D0447. ANTHONY HUMPHRIES v. THE STATE.

Upon consideration of the APPELLANT'S Motion for Reconsideration in the above styled case, it is ordered that the motion is hereby DISMISSED as untimely filed.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, August 06, 2015.

*I certify that the above is a true extract from the minutes of
the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto
affixed the day and year last above written.*

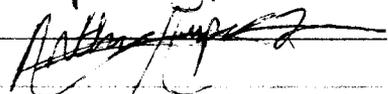
Stephen E. Caston, Clerk.

7-19-15

My name is Anthony Humphries and I would like to know the status of my appeal the application number is A15DC447, Docketing Date was 6-05-15, I was requesting a appeal due to the fact that I took first offender on a commercial burglary in 2012 and was sentenced a 10 due 2. But on 5-18-15 the court in Douglas county revoked my probation which I had not started yet and resentence me under residential burglary which carries the maximum of 20 years when the original charge only carried a maximum of 10 years. I was also sentenced before 7-01-12, which is the date the law for burglary was changed so my sentencing should be according to the old law and not the new law. If they do go by the new law the max for commercial burglary now is only 8 years. But please get back to me as soon as possible and thank you in advance.

P.S. Enclosed is a copy of a demurrer I sent to my judge that he sent back and would not grant to me

MFR
pending
in this
application.

Respectfully,


Anthony Humphries Jr.

FILED IN OFFICE

JUL 21 2015

COURT CLERK
CLERK COURT OF APPEALS OF GA

In The Superior Court of Douglas County, State of Georgia

State of Georgia

Indictment No:

V.

Humphries, Anthony D

12 CR 00626 A

Demurrer

Now comes the defendant, in the above stated case without waiving any rights which he is entitled, and files this demurrer for grounds of:

1. The defendant's 1st offender sentence was comprised of 10 years to serve 2 years. At probation revocation hearing the court sentenced the defendant to 20 years to serve 12 years with 8 years probation. - see *Housline v. State* (2004) 761 S.E. 2d 576, 577. Ga App

2. § 31:56 Imposition of sentence originally imposed - A probationer is ordered to serve the sentence originally imposed or a portion of it.

3. § 31:57 Increase in original - When probation is revoked the court is not authorized to increase the original sentence.

The defendant prays that each and all of the grounds of demurrer be examined into by the court and that they be sustained and that the court grant relief to defendant.

Respectfully,



Humphries, Anthony D