

**COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS**

August 25, 2015

To: Mr. Lonny M. Ireland, GDC1179295 Y-1-B, Hays State Prison, Post Office Box 668, Trion, Georgia 30753

Docket Number: A15D057 **Style:** Lonny M. Ireland v. The State

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, Appointment of Counsel or affidavit of counsel. 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 Immediate Review was not attached to your Interlocutory Application. Rule 30(b)
5. Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)
6. There were an insufficient number of copies of your document. Rule 6
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. **The referenced application was granted on August 21, 2015. There are no oral arguments on applications.**

Court of Appeals of the State of Georgia

ATLANTA, August 20, 2015

The Court of Appeals hereby passes the following order:

A15D0527. LONNY M. IRELAND v. THE STATE.

In 2004, Lonny Ireland pled guilty to two counts of aggravated assault, two counts of kidnapping with bodily injury, aggravated sexual battery, aggravated sodomy, and possession of a firearm or knife during the commission of a felony. He later filed a pro se motion for out-of-time appeal, which the trial court denied. Ireland then applied for discretionary review in the Supreme Court, which transferred the case here.

A defendant who pled guilty may be entitled to an out-of-time appeal if a direct appeal was not taken due to ineffective assistance of counsel and the issue on appeal can be resolved by reference to facts on the record. *Hicks v. State*, 281 Ga. 846, 836-837 (642 SE2d 31) (2007). “The denial of a motion for out-of-time appeal is directly appealable when the criminal conviction at issue has not been the subject of direct appeal.” *Grace v. State*, 295 Ga. 657, 658 (763 SE2d 461) (2014). Thus, Ireland had a right of direct appeal here.

We will grant a timely discretionary application if the lower court’s order is subject to direct appeal. See OCGA § 5-6-35 (j). Accordingly, this application is hereby GRANTED, and Ireland shall have ten days from the date of this order to file a notice of appeal with the trial court. If he has already filed a notice of appeal in the trial court, he need not file a second notice. The clerk of the trial court is DIRECTED to include a copy of this order in the record transmitted to the Court of Appeals.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 08/20/2015

*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. Carlton, Clerk.

LOOK UP APPELLATE
COURT

IN THE COURT OF APPEAL FOR GEORGIA
STATE OF GEORGIA

LONNY M. IRELAND.

APPELLANT

VS.

THE STATE

APPELLEE.

CASE DOCKET NUMBER

A15 00527

RECEIVED IN OFFICE OF
CLERK OF COURT
15 AUG 21 PM 3:37

NOTICE FOR ORAL ARGUMENT

APPELLANT HAS GIVE NOTICE FOR THIS CASE
LONNY M. IRELAND. VS THE STATE A15 00527, TO
BE ARGUED BETWEEN HIM, AND THE DISTRICT
ATTORNEY, HAS AGREED THAT THIS ORAL ARGUMENT
WILL DEMONSTRATE ELEMENT WITH ERROR. MADE
FROM THE GEORGIA CONSTITUTIONAL PRACTICE
IN LAW. HAS SAID, BOTH PARTY SHALL BE ALLOWED
TO RESOLVE THEIR DISPUTE AND DEBATE, WHEN A
CHANGE IN LAW IS RECOGNIZE. APART OF THIS
COURT OWN ENACTED RULES AND LAWS, FOR THE ACCUSE
OUT OF TIME. DENOVE NEW TRIAL PROCEDURE, TO ALLOW
THE TRIAL COURT A OPPORTUNITY IN MAKING CORRECTION.
AFTER THIS CASE. HAS BEEN ORAL. ARGUED.

THEREFORE? APPELLATE PRAYS. (A). THAT THIS COURT
SHALL GIVE HIM A APPROPRIATE OPPORTUNITY TO AFFORD LEAVE.
IN FILING A APPEAL COURT Rule. 22. AND. 28. (A)-3.

AS RESOLVING MERIT. IN ELEMENT MADE ON RECORD.
(B). THIS ORAL ARGUMENT WILL MAKE NEW CONSTITUTIONAL
AL. LAW, FOR CASES ON COLLATERAL ATTACK.

(1)

while pending on APPELLATE APPEAL. to be Resolved.

(C). IT will be Bias to Place APPELLATE FALSELY IMPRISONMENT, After such NOTICE FOR ORAL ARGUMENT HAS BEING GIVEN AS REQUIRE IN ENACTED APPEAL COURT RULE. 28 (A)-3. Seeing "A RULE. 22. Awaiting FOR PROSECUTION IN THIS CASE PROCEDURE, TO OCCUR. ONCE THIS OFFICER ISSUE A ORDER UPON BOTH PARTY TO FILE OR SUBMIT. They

BRIEF

This 19th DAY OF AUGUST 2015

Respectfully Submitted

LONNY IRELAND G.D.C. 117.9295.
Y-1-B bed. 31. HAYS STATE PRISON
P.O. BOX 666. TRION GA. 30753.

MR. Lonny IRELAND
(SIGNATURE).

CERTIFICATE OF SERVICE

I LONNY IRELAND has declare and sworn ON THIS 19th DAY OF AUGUST 2015. He HAS ATTACHED THIS CERTIFICATE OF SERVICE THERE TO THIS NOTICE FOR ORAL ARGUMENT BEFORE depositing in the U.S. MAIL .. BOX. WITH SUFFICIENT POSTAGE ATTACHED TO ENVELOPE ADDRESSED FOR DELIVER TO PERSON(S). AS LISTED HERE. → ADMINISTRATOR CLERK OFFICE, MR. STEPHEN E. CASTLE 47. TRINITY AVE. S.W. STE 501. ATLANTA GA 30334. DISTRICT ATTORNEY OFFICE RICHARD ALEXANDER P.O. BOX 860 LAWRENCEVILLE GA. 30046.

PLACE OF SERVICE

LONNY IRELAND G.D.C.
1179.293. Y-1-B-bed. 31.
HAYS STATE PRISON P.O.
BOX 666 TRION GA 30753

MR. LONNY IRELAND
(SIGNATURE)
Lonny Ireland

(2).