

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

December 14, 2015

To: Mr. Johnny Jackson, III, Fulton County Jail, 901 Rice Street, Atlanta, Georgia 30318

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

Court of Appeals Case Number and Style: _____

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 the name of Johnny Jackson.
- 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. We do not have a file to append your copy.
- 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. The mailing address for the Supreme Court of Georgia is: 244 Washington Street, S.W., Suite 572, Atlanta, Georgia 30334.
- Your appeal was disposed by opinion (order) on _____. The Court of Appeals _____ The remittitur issued on _____ divesting this Court of jurisdiction. 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: _____
- If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court. As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.
- 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.

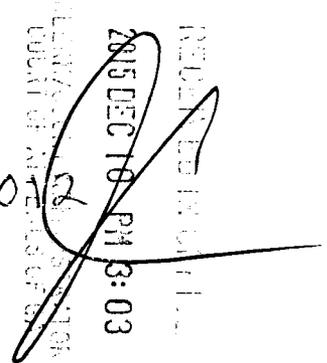
IN THE GEORGIA COURT OF APPEALS
STATE OF GEORGIA

JOHNNY JACKSON
Petitioner
V.
STATE OF GEORGIA

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CASE NO. 12SC110012

MOTION OF APPEAL BRIEF



Now comes the Petitioner Johnny Jackson and files this Motion To Appeal Brief, and Challenges the Judge Ruling in denying his Motion in Arrest of Judgement heard in the Fulton county Superior court on 11-6-2015. The Petitioner brings Just cause for this honorable court to reverse as follows.

(1)

The Judge Denied The Petitioner's Motion In Arrest of Judgement, stating "It holds no merits because The Petitioner was still represented by his Trial Attorney." When Petitioner filed his Motion he also filed A letter Affidavit To The Trial Judge firing his Trial attorney and Putting the courts on notice That he will be proceeding forward Pro se." Which is his Right Pursuant (28 U.S.C. §1654) which states, "In all the courts of the United States the parties may Plead and manage their own cases personally, or by the assistance of such counsel or attorneys at law."

Further Pursuant O.C.G.A. §9-11-60(a), It states "A judgement void on its face May be attacked in any court by any person." on the above Date The Petitioner was that any person, which is his right according to Ga. law.

Our Supreme court Judge UNDERCOFLER stated
"A void Judgement is a mere nullity and has no vital force
under any consideration or at any time. There is no pre-
-sumption of validity. Since this is true, such a judgement
may be attacked in any court and by anybody whenever it
becomes necessary. Nothing can occur which will give the
judgement life, and even if an execution has been issued
upon it, it may still be attacked." That's Georgia Procedure
and Practice (since 1957) see Wasden v. Rusco Industries Inc,
233 Ga. 439, 211 S.E. 2d 733 (1975)

(2)

Judge Stated on the record that the
"Petitioner keeps saying the indictment is void when
the indictment is not void." The Judge stated that with
out any Authority of law to back what he said. It can
not be intended that he was indicted properly by a
valid indictment; it must be Shewn by the record
of the finding. The recording of the finding of the grand
jury is as essential, as the recording of the verdict
of the jury. See Commonwealth v. Cawood, 2 Va. Cas 527.

(3)

Petitioner not only stated why his indictment against
him was void he showed it was void, and backed it with
fact, evidence, case law, Georgia law and The U.S. Constitution.
See Petitioner's Motion in arrest of Judgement as Exhibit (b)
Petitioner indictment, case no. 12SC110012 has 26 Grand
jurors on the face of his indictment. When Pursuant to
Georgia law O.C.G.A. § 15-12-61(a), It clearly States,

"A grand jury shall consist of not less than 16 nor more than 23 persons." "Three alternate grand jurors may be sworn and, subject to the maximum number fixed in this subsection".

In the Georgia criminal Trial Practice §12-5 (2014-2015 ed.) It states, "The law has been changed so as to provide that three alternate grand jurors may also be sworn and an alternate may serve so long as the number serving does not exceed 23 at any sitting." [4]

See EVANS v. State, 17 Ga. App. 120 (1915) It states "The number of persons composing a grand jury in this state being limited by law to 23 (Pen. code 1910, § 812), the finding of a body purporting to act as a grand jury, but consisting of more than that number, are void." It's clearly seen Petitioner indictment is void. See Indictment Exhibit (a).

(4)

The Petitioner indictment CASE NO. 12SC110012, was not returned into open court with the minutes and facts Recorded on the record, as required by Law. See in this connection, Sampson v. State, 124 Ga. 776, Bowen v. State, 81 Ga. 482, and ZAGAR v. State 194 Ga. 255.

To further Prove this as a fact, the Petitioner filed with the Fulton county Superior court clerk office a open records Request Act Pursuant O.C.G.A. § 50-18-70 requesting a copy of his Grand Jury indictment minutes, records, and Transcript etc. The clerk responded saying "IF its not on the case summary then we do not have

The document." see Exhibit (c), The documents and records I was requesting were not in the case summary. See Exhibit (d).

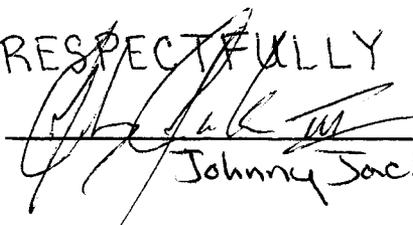
(5)

There was no witnesses who Gave sworn testimony before the Grand Jury, for case No. 12SC110012 held on April 20, 2012 that is affirmatively Shown by the record entry in the minutes of the court. Therefore the above case number should be Quashed. If the state can not produce and present proof and evidence of the indictment's validity by the record, The Petitioner Demands that the above indictment be Quashed. See Switzer v. State, 7 Ga. App. 7.

The Petitioner Prays this honorable court Grants his Appeal and Reverse the Judgement against him, and Quash the above indictment, and that he be forever discharged from the crime.

This 11th day of December, 2015

RESPECTFULLY SUBMITTED



Johnny Jackson III

Certificate of Service

This is to certify that I have this day served a true and correct copy of the within and foregoing document(s) upon the party(s) listed below by depositing a copy of same in the United States Mail in a properly addressed envelope with adequate postage thereon to below addresse(s). NOTICE OF APPEAL, CASE NO. 12SC110012

District Attorney office
Fulton county Superior court
136 Pryor Street S.W. 3rd floor
Atlanta, Ga. 30303

Judge C. Blasher
Fulton County Superior Court House
136 Pryor Street S.W
Atlanta, GA. 30303

Cathelene Tina Robinson
Fulton county Superior
court clerk office
136 Pryor street SW
Atlanta, Ga. 30303

This the 11th day of December, 2015.
901 RICE STREET
Atlanta, Ga. 30318

Signature


JOHNNY JACKSON PROSE.
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