

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

July 21, 2015

To: Mr. Michael Jefferson, GDC505633, Coffee Correctional Facility, 1153 North Liberty Road, Nicholls, Georgia 31554

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 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. The 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 _____ . 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.

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 the same in the United States mail in a properly addressed enveloped with adequate postage thereon or submitted same to the institutional legal mail system, to bellow addressee(s)

Court of Appeals of Georgia
Suite 501 47 Trinity Avenue
Atlanta, GA 30334

Document(s) Included:
1) _____

This 14th Day of July, 2015



Linda Faye Walker

Respectfully submitted,
Michael Lee Jefferson
Pro Se
Signature: Michael Lee Jefferson
Print: Michael Lee Jefferson
GDC#: 505633
Address: P.O. Box 650
Nicholls, Georgia
31557

IN THE SUPERIOR COURT OF Henry COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,

vs.

Case No. 2014SLCR285AM

Michael Lee Jefferson,
Defendant.

MOTION TO WITHDRAW GUILTY PLEA

COMES NOW, the Defendant, Michael Lee Jefferson, appearing in PROPRIA PERSONA, and in FORMA PAUPERIS, and MOTIONS this Honorable Court to allow him to withdraw the guilty plea pursuant to the Uniform Court Rule 33.12, to wit;

1.

The Defendant entered a plea of guilty on Feb 2, 2015, to the offenses of; Theft by Receiving less than Burglary in the 1st degree.

2.

The Defendant maintains that his plea was not freely and voluntarily entered.

3.

The Defendant maintains that he was not adequately advised of the consequences of his plea by his former attorney, Christine McDonald.

4.

The Defendant maintains that his attorney did not discuss any other possible options other than entering a guilty plea, that there was no meaningful discussion regarding going to trial, and/or possible defenses that could be raised on behalf of the Defendant.

5.

The Defendant maintains that the withdrawal of his guilty plea is necessary to correct a manifest injustice.

6.

The Defendant entered his guilty plea under the erroneous assumption that he had no other alternatives, and would receive a sentence of 1-20 years if he took this matter to trial.

§ 4:3 Motion to suppress evidence

IN THE SUPERIOR COURT OF Henry COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

INDICTMENT NO. 2014SLCR285AM

vs

Michael Lee Jefferson
Defendant

MOTION TO SUPPRESS EVIDENCE

Now comes the Defendant in the above-styled case and files this his Motion to Suppress Evidence and shows to the Court as follows:

1. Defendant herein, Michael Lee Jefferson, is charged in the above indictment with Burglary.
2. Defendant shows that a search warrant allegedly issued authorized officers to search the Defendant in the premises at 10425 Oakley Rd, Fulton County, Georgia.
3. Certain items were allegedly seized as a result of said search which the Defendant anticipates will be offered as evidence against him in any trial of the charges in the above-captioned indictment.
4. Defendant shows that the issuance of said warrant, the affidavit upon which said issuance was based, the execution of said warrant and the return to the issuing Judge by the officers executing said warrant and the seizure itself was illegal and served to violate the rights of the defendant under the laws and Constitution of the State of Georgia and under the Constitution of the United States, and that any evidence obtained thereby should be suppressed by this Court, as provided by Georgia Law, and ruled inadmissible in any trial of the charges hereinbefore set forth.
5. Defendant specifically shows that the search and seizure was illegal, in violation of his rights and unconstitutional for the following reasons:
 - (a) The affidavit submitted to the issuing officer was improperly and illegally executed;
 - (b) The warrant was illegally issued because the verified information presented to the magistrate does not show probable cause sufficient to justify the issuance of a search warrant;
 - (c) The time of the search and seizure and the manner of the execution of the warrant was illegal and improper;

IN THE SUPERIOR COURT OF HENRY COUNTY, STATE OF GEORGIA

STATE OF GEORGIA versus

JEFFERSON, MICHAEL LEE

CRIMINAL ACTION #:

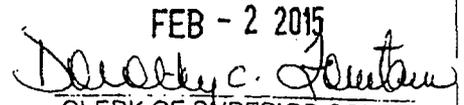
2014SUCR285AM

January Term of 2015

Clerk to complete if incomplete:

OTN(s): 88393653353
 DOB: 4/23/1966
 Ga. ID#: 1471932A

FILED IN OPEN COURT
 SUPERIOR COURT
 HENRY COUNTY, GA

FEB - 2 2015

 CLERK OF SUPERIOR COURT

Final Disposition:
FELONY with PROBATION

First Offender/Conditional Discharge entered under:

- O.C.G.A. § 42-8-60 O.C.G.A. § 16-13-2
 Repeat Offender as imposed below
 Repeat Offender waived

PLEA:

- Negotiated Non-negotiated

VERDICT:

- Jury Non-jury

The Court enters the following judgment:

Count	Charge (as indicted or accused)	Disposition (Guilty, Not Guilty, Guilty-Alford, Guilty- Lesser Incl, Nolo, Nol Pros, Dead Docket)	Sentence	Fine	Concurrent/ Consecutive, Merged, Suspended
1	BURGLARY IN THE 1 ST DEGREE	GUILTY - LESS THEFT BY RECEIVING	5 YRS (1 YR TO SERVE & 4 YRS PROBATION)		CONCURRENT WITH ANY SENTENCE SERVING
2					
3					
4					

The Defendant is adjudged guilty or sentenced under First Offender/Conditional Discharge for the above-stated offense(s); the Court sentences the Defendant to confinement in such institution as the Commissioner of the State Department of Corrections may direct, with the period of confinement to be computed as provided by law.

Sentence Summary: The Defendant is sentenced for a total of 5 YRS, with the first 1ST YEAR to be served in confinement and the remainder to be served on probation; or to be served on probation.

The Defendant is to receive credit for time served in custody: from _____; or as determined by the custodian.

1. The above sentence may be served on probation provided the Defendant shall comply with the Conditions of Probation imposed by the Court as part of this sentence.

2. Upon service of 1 YEAR, the remainder of the sentence may be served on probation; PROVIDED, that the Defendant shall comply with the Conditions of Probation imposed by the Court as part of this sentence.

3. The Court sentences the Defendant as a recidivist under O.C.G.A.:

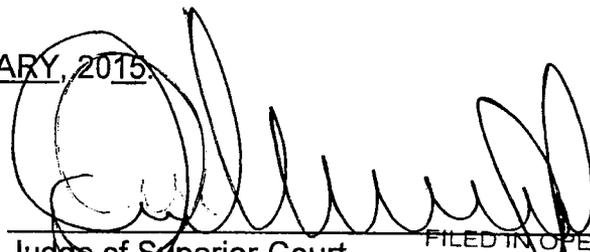
under the First Offender Act or for Conditional Discharge, the Court may enter an adjudication of guilt and proceed to sentence the Defendant to the maximum sentence as provided by law.

Upon fulfillment of the terms of this sentence, or upon release of the Defendant by the Court prior to the termination of this sentence, the Defendant shall stand discharged of said offense without court adjudication of guilt and shall be completely exonerated of guilt of said offense charged.

For Court's Use: THIS BLOCK AREA WILL EXPAND AS INFORMATION IS TYPED. PLEASE NOTE THAT SPECIAL SENTENCING CONDITIONS SHOULD BE ENTERED ON PAGE 2 IN THE SECTION TITLED AS 'SPECIAL CONDITIONS OF PROBATION' AND SHOULD NOT BE LISTED IN THIS SECTION.

The Hon. CHRISTINE MCDONALD, Attorney at Law, represented the Defendant by: employment; or appointment.

SO ORDERED this 2ND day of FEBRUARY, 2015.



Judge of Superior Court
Flint Judicial Circuit

FILED IN OPEN COURT
SUPERIOR COURT
HENRY COUNTY, GA

Arch W. McGarity

FEB - 2 2015

FIREARMS – If you are convicted of a crime punishable by imprisonment for a term exceeding one year, or of a misdemeanor crime of domestic violence where you are or were a spouse, intimate partner, parent, or guardian of the victim, or are or were involved in another similar relationship with the victim, it is unlawful for you to possess or purchase a firearm including a rifle, pistol, or revolver, or ammunition, pursuant to federal law under 18 U.S.C. § 922(g)(9) and/or applicable state law.

CLERK OF SUPERIOR COURT

Acknowledgment: I have read the terms of this sentence or had them read and explained to me. If all or any part of this sentence is probated I certify that I understand the meaning of the order of probation and the conditions of probation. I understand that violation of a special condition of probation could result in revocation of all time remaining on the period of probation.

Refused to Sign
Defendant

§ 4:3 Motion to suppress evidence

IN THE SUPERIOR COURT OF Henry COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

vs

Michael Lee Jefferson
Defendant

INDICTMENT NO. 2014SLCR283AM

MOTION TO SUPPRESS EVIDENCE

Now comes the Defendant in the above-styled case and files this his Motion to Suppress Evidence and shows to the Court as follows:

1. Defendant herein Michael Lee Jefferson, is charged in the above indictment with Burglary.
2. Defendant shows that a search warrant allegedly issued authorized officers to search the Defendant in the premises at 6425 Oakley Rd, Fulton County, Georgia.
3. Certain items were allegedly seized as a result of said search which the Defendant anticipates will be offered as evidence against him in any trial of the charges in the above-captioned indictment.
4. Defendant shows that the issuance of said warrant, the affidavit upon which said issuance was based, the execution of said warrant and the return to the issuing Judge by the officers executing said warrant and the seizure itself was illegal and served to violate the rights of the defendant under the laws and Constitution of the State of Georgia and under the Constitution of the United States, and that any evidence obtained thereby should be suppressed by this Court, as provided by Georgia Law, and ruled inadmissible in any trial of the charges hereinbefore set forth.
5. Defendant specifically shows that the search and seizure was illegal, in violation of his rights and unconstitutional for the following reasons:
 - (a) The affidavit submitted to the issuing officer was improperly and illegally executed;
 - (b) The warrant was illegally issued because the verified information presented to the magistrate does not show probable cause sufficient to justify the issuance of a search warrant;
 - (c) The time of the search and seizure and the manner of the execution of the warrant was illegal and improper;

§ 4:3 Motion to suppress evidence

IN THE SUPERIOR COURT OF Henry COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

INDICTMENT NO. 2014SLCR285AM

vs

Michael Lee Jefferson
Defendant

MOTION TO SUPPRESS EVIDENCE

Now comes the Defendant in the above-styled case and files this his Motion to Suppress Evidence and shows to the Court as follows:

1. Defendant herein Michael Lee Jefferson, is charged in the above indictment with Burglary.
2. Defendant shows that a search warrant allegedly issued authorized officers to search the Defendant in the premises at 12425 Oakley Rd, Fullerton County, Georgia.
3. Certain items were allegedly seized as a result of said search which the Defendant anticipates will be offered as evidence against him in any trial of the charges in the above-captioned indictment.
4. Defendant shows that the issuance of said warrant, the affidavit upon which said issuance was based, the execution of said warrant and the return to the issuing Judge by the officers executing said warrant and the seizure itself was illegal and served to violate the rights of the defendant under the laws and Constitution of the State of Georgia and under the Constitution of the United States, and that any evidence obtained thereby should be suppressed by this Court, as provided by Georgia Law, and ruled inadmissible in any trial of the charges hereinbefore set forth.
5. Defendant specifically shows that the search and seizure was illegal, in violation of his rights and unconstitutional for the following reasons:
 - (a) The affidavit submitted to the issuing officer was improperly and illegally executed;
 - (b) The warrant was illegally issued because the verified information presented to the magistrate does not show probable cause sufficient to justify the issuance of a search warrant;
 - (c) The time of the search and seizure and the manner of the execution of the warrant was illegal and improper;