

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

May 26, 2015

To: Mr. Craig L. Jones, GDC259577, E-7-121-M, Calhoun State Prison, Post Office Box 249, Morgan, Georgia 39866

Docket Number: ----- **Style:** **Craig L. Jones 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. 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. Margins were too small or paper size was incorrect. Rules 1(c), 24(c), 30(e), 31(c) and 41(b).
15. Your document was submitted for filing more than 30 days after the date of the order granting, denying or dismissing the application or the order granting, denying or dismissing the Motion for Reconsideration. Rules 30(j) and 31(j).
16. **Other:**

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

IN THE SUPERIOR COURT OF THOMAS COUNTY
STATE OF GEORGIA

CRAIG L. JONES, Prose
Plaintiff

CASE NO. 12-CR-524

-VS-

STATE OF GEORGIA
Respondent(s)

MAY 22 2 50 PM '15
THOMAS COUNTY SUPERIOR COURT

NOTICE OF APPEAL

I Craig L. Jones, plaintiff prose in the above styled case, and hereby filed this his said Notice of Appeal. Notice of Appeal is hereby given that the state of Georgia taken the Appeal Craig L. Jones, the plaintiff in the above name case, and hereby appeal to the Court of Appeals of Georgia from the final judgment may 6, 2015, from the Courts ordered dated may 6, 2015, and for the reason stated herein, Judgment is hereby entered by Judge James E. Hardy denying this Plaintiff case number 2012-CR-524 on may 6, 2015. Plaintiff request this Clerk of Court to forward this plaintiff, case, records, motion Motion For Certified Copies of the State Grand Jury minutes and Inspection of State Grand Jury minutes In Plaintiff Case to the Court of Appeals of Georgia to be reviewed and entertained by the Court of Appeals Tribunal to be Officially ruled on. Plaintiff received this order on May 15, 2015.

This 15th day of May, 2015.

151 Craig L. Jones, Prose
Craig L. Jones GDC259577
E-1-121-M
Culhoun State Prison
P.O. Box 249
Morgan, Georgia 39866.

CERTIFICATE OF SERVICE

This is to certify that I Craig L. Jones have this day served a true and correct copy of the within and foregoing documents "Notice of Appeal" upon the party listed below by depositing a copy of same in the United States mail in a properly addressed envelope with adequate postage thereon to below addresses.

This 15th day of May, 2015
C.C. To: Clerk of Court
David Hutchings, JR.
325 N. Madison Street
Thomasville, Ga. 31792

C.C. To District Attorney -
- Robert Ray Avman
P.O. Box 2596
Thomasville, Ga. 31799

C.C. To: Clerk of Court of
Court of Appeals of Georgia
Suite 501
47 Trinity Avenue
Macon, Ga. 31201

151 Craig L. Jones, Prose
Craig L. Jones GDC259577
E-1-121-M
Culhoun State Prison
P.O. Box 249
Morgan, Ga. 39866.

DAVID HUTCHINGS, JR.

Clerk of Superior, State, Juvenile Courts

Thomas County, Georgia

RECEIVED

OCT 15 2014

Mailroom
Macon S.P.

Memorandum

To: Craig L. Jones

From: David Hutchings

Date: October 8, 2014

Re: records request

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1. There are no minutes of the witnesses sworn testimony before Grand Jury pursuant to Georgia law.
 2. No minutes for material evidence, etc. before Grand Jury pursuant to Georgia law.
 3. Grand Jury is convened according to a master calendar for the Circuit per the court's instructions.
 4. Witnesses are listed on back of indictment.
 5. No minutes of oath being given to Grand jury bailiffs. There is no court reporter present during the court's charge to the grand jury.
 6. I have already sent you a copy of indictment number 12-CR-524 but will send you a certified copy.

Exhibit A-A

2011/12/12 PM 2:50

IN THE COURT OF APPEALS OF GEORGIA
STATE OF GEORGIA

Craig L. Jones, Prose
Appellant

- vs -

STATE OF GEORGIA
Appellee

APPEAL

CASE NO. _____

Criminal Case No. 12-CR-524

APPELLANT CRAIG L. JONES APPLICATION
FOR DISCRETIONARY APPEAL TO THE SUPERIOR
COURTS ORDER, PURSUANT TO RULE 31, UNDER
O.C.G.A. Title 5-6-35

I Craig L. Jones, the appellant, prose and indigent. The appellant avers that he is a pauper. Appellant further avers that he did not receive the Thomas County Superior Court Judge James E. Hardy Order until Friday at Calhoun State Prison For Legal Mail on May 15, 2015. Appellant states that the said Judge James E. Hardy order was May 6, 2015 and stamped filed by the Thomas County Clerk of Court by the said name CAT, clerk, deputy clerk, stamped filed May 6, 2015.

The appellant is moving this Court to consider the following argument challenging the lower Superior trial Court judge Hardy order denying appellant motion for Certified Copies of the state Grand Jury Minutes

and Inspection of State Grand Jury minutes in plaintiff Case pursuant to O.C.G.A. title 15-12-60 through 15-12-83 filed in the Thomas County Clerk of Court on March 30, 2015 and the Superior Trial Court denied appellant said mentioned above Motion For Certified Copies of the State Grand Jury minutes in Plaintiff Case on May 6, 2015, and the appellant is moving this Court to consider the following argument challenging the trial Court Judge Hardy denial of appellant Motion For Certified Copies of the State Grand Jury minutes and Inspection of State Grand Jury minute in plaintiff Case citing case FARETTA v. CALIFORNIA 422 U.S. 806 (1975).

JURISDICTION

Jurisdiction lies in this Court of Appeals of Georgia in Atlanta Georgia due to the appellant of Craig L. Jones is presently incarcerated and housed at the Calhoun State Prison Facility herein Morgan, Georgia 39866.

APPELLANT CASE HISTORY OF HIS CASE

- (1). The said appellant Craig L. Jones on January 19, 2012 was falsely arrested on a misdemeanor warrant for probation violation for simple stalking, case number 11-CR-771, Simple Battery, Criminal Trespass, misdemeanor Stalking, and Aggravated Stalking, and appellant Craig L. Jones was denied bond on all said mentioned above charges before a magistrate trial court Judge Andrew Seary on January 19, 2012.
- (2). On January 30, 2012, the said appellant Craig L. Jones appeared before a lower state trial court judge Elliot McCullum on said misdemeanor warrant for probation violation for misdemeanor stalking, case number 11-CR-771 which was dismissed on January 30, 2012 by said judge Elliot McCullum before appellant Craig L. Jones was ever indicted and charged for, with Simple Battery, Criminal Trespass, misdemeanor stalking and felony Aggravated Stalking, but court three, misdemeanor stalking, case number 12-CR-524 was nolle prosequi on November 7, 2012 by the Superior Court Judge James E. Hardy.
- (3). The state assistant district attorney Robert Ray Auman on October 11, 2012 grand jury proceeding day violated appellant Craig L. Jones fifth and fourteenth amendment substantive due process of law Civil Rights for falsifying a void indictment that appellant criminal case number 12-CR-524, Simple Battery, Criminal Trespass, misdemeanor Stalking and felony Aggravated Stalking was not filed, was not presented with no grand jury minutes not recorded in open court to a legally qualified grand jury on October 11, 2012 because the Thomas County Clerk of Court officer David Hutchings, JR informed -

- appellant Craig L. Jones on October 15, 2014 in a memorandum letter dated for October 8, 2014 concerning appellant Craig L. Jones criminal case number 12-CR-524 that there was no witnesses sworn testimony minutes before the grand jury for the term pertaining to case number 12-CR-524; No minutes in the form of material evidence, documents, tangible items, and testimony minutes of all witnesses who gave testimony in the appellant Craig L. Jones case, before the grand jury in case number 12-CR-524; No Superior Court judge's order to convene the October 11, 2012 term grand jury for Thomas County; No all summons not issued for witnesses to appear before the grand jury to give testimony in case number 12-CR-524; No minutes of oath being given to Grand Jury bailiffs. There was no court reporter present during the courts charge to the grand jury, and there was no certified copy of indictment number 12-CR-524 was not sent to appellant Craig L. Jones. "See Attach Exhibit A-A. The State District Attorney Robert Ray Arman failed to establish the course of conduct or pattern of behavior required by D.C.G.A. title 16-5-90(A)(1) in it prosecution against appellant Craig L. Jones which was not argued before the grand jury on October 11, 2012 grand jury proceeding day with no grand jury minutes not recorded in open court to a legally qualified grand jury with no court reporter not present not transcribing the grand jury proceedings on October 11, 2012 State v. Craig L. Jones, case number 12-CR-524, and the question is to this Court of Appeals from appellant Craig L. Jones "What am I appellant Craig L. Jones is doing in prison falsely locked up on a false and void indictment being with no grand jury minutes not recorded in Open Court October 11, 2012 to a legally qualified grand jury being that there was no court

never existed and not presented to a legally qualified grand jury not transcribed by no court reporter not on October 11, 2012, this is a subject matter lack of jurisdiction, the appellant guilty plea is void and made unintelligently without explanation by the court or district attorney Robert Ray Auman, void sentence (4). The state prosecutor Robert Ray Auman, the said district attorney violated appellant Craig L. Jones fifth and fourteenth amendment substantive due process of law Civil Rights being that the facts was brought to appellant Craig L. Jones attention of a Grand Jury impropriety to which the state district attorney Robert Ray Auman failed in his inference to produce evidence that the violation's appellant complain of did not occur. The state assistant district attorney Robert Ray Auman was without proof that a conduct of a crime had in fact occurred. During numerous telephone conversations on October 30, 2013, March 15, 2015, May 2, 2015, May 14, 2015 and May 15, 2015 with appellant Craig L. Jones Fiance, "(victim)" it was learned through victim Susie M. Henderson, she victim "Susie Henderson never attended the Grand Jury proceedings on October 11, 2012 and never testified on the issue of appellant Craig L. Jones Conduct. The victim Susie Henderson of the crimes never testified on October 11, 2012 grand jury proceeding day, nor victim Susie M. Henderson on October 11, 2012 was never sworn in before the grand jury not on October 11, 2012 for there to be a "conduct" of a crime against the victim Susie Henderson of victim Susie Henderson Rights under the Eleventh Amendment. There are no

- grand jury minutes not recorded in open court to a legally qualified grand jury as the appellant was informed through a memorandum letter dated for October 8, 2014 being informed by Thomas County Clerk of Court Officer David Hutchings, JR informing appellant Craig L. Jones in the said Memorandum letter dated October 15, 2014. See Exhibit 1-A.

(5). The state assistant district attorney Robert Ray Auman violated appellant Craig L. Jones fifth and fourteenth amendment substantive due process of law Civil Rights for failing to inform the trial court, the grand jury, the appellant and appellant trial counsel Steven B. Kelley that appellant criminal case number 12-CR-524 for Simple Battery, Criminal Trespass, misdemeanor Stalking and Aggravated Stalking charges was not presented in open court with no grand jury minutes not recorded to a legally qualified grand jury on October 11, 2012 in open court grand jury proceeding day.

(6). On October 21, 2014 appellant filed a Freedom of Information Act Form Requesting the minutes of the grand jury proceeding for October 11, 2012 to district attorney Robert Ray Auman, said Mr. Auman failed to avail, and also on May 8, 2015 appellant filed another Freedom of Information Act form requesting once -

(6)

- more time for the grand jury minutes in appellant case number 12-CR-524 from the appellee district attorney Robert Ray Auman and appellee Mr Auman once again failed to avail not turning over the grand jury minutes of the whole grand jury proceedings on October 11, 2012 grand jury court terms within ten working days.

ARGUMENT AND CITATION OF LAW

Question Presented To This Court of Appeals
Justices:

What is and why is Appellant incarcerated in the Georgia Penal Prison System on a false and void indictment being that his trial case number 12-CR-524 was never presented in open court with no grand jury minutes not recorded in open court on October 11, 2012 to a legally qualified grand jury with no court reporter not present in the courtroom open court grand jury proceeding day as where the state prosecutor, the appellee, district attorney Robert Ray Auman failed in his duty under oath did not inform the trial court, the grand jury, the appellant and the appellant counsel on grand jury proceeding day October 11, 2012 that the appellant case, criminal number 12-CR-524 was never presented in open court with no grand jury minutes not recorded in open court

- to a legally qualified grand jury on grand jury proceeding day October 11, 2012 as where the appellee, the state district attorney Mr. Robert Ray Auman failed to prove, failed to establish the course of conduct or pattern of behavior required by O.G.A. title 16-5-90 (A)(1) being that the Thomas County Clerk of Court officer David Hutchings, JR. informed Appellant Craig L. Jones in a typed written letter "memorandum" informing Appellant Craig L. Jones October 15, 2014 that there are no minutes of witnesses sworn testimony minutes before the grand jury for the term pertaining to case number 12-CR-524, no minutes in the form of material evidence, documents, tangible items, and not testimony minutes of all witnesses who gave testimony in reference to appellee Craig L. Jones case, before the grand jury in case number 12-CR-524, no Superior Court judges order to convene the October 11, 2012 term grand jury for Thomas County, no all summons issued for witnesses to appear before the grand jury to give testimony in case number 12-CR-524, No minutes of oath of bailiff being sworn before the grand jury in case number 12-CR-524. There was no court reporter present during the court's charge to the grand jury in case number 12-CR-524, No certified copy of indictment number 12-CR-524 not present to appellant, needed a supporting evidence in the appellant appeal process, and see Exhibit A-A. This is a violation of appellant fifth and fourteenth amendment substantive due process of appellant Civil Rights have been violated by appellant district attorney Mr. Auman.

Appellant asserts that the lower superior court judge James E. Hardy abused his discretion of denying appellant motion for Certified Copies of the State Grand Jury minutes and Inspection of State Grand Jury minutes in appellant case when there was no grand jury minutes not recorded in appellant case as where the Thomas County Clerk of Court officer informed appellant in dated October 8, 2014 Memorandum Letter informing appellant on October 15, 2014 that his case, criminal number 12-CR-524 that there are no grand jury minutes not recorded in open court to a legally qualified grand jury on grand jury proceeding date October 11, 2012 being informed by the Thomas County Clerk of Court officer Mr. David Hutchings, JR on date October 15, 2015 as appellant received this said Memorandum letter being incarcerated at Macor State Prison which is appellant proof as evidence to proved that his case, criminal number 12-CR-524 was never presented in open court with no grand jury minutes not recorded in open court to a legally qualified grand jury October 11, 2012. See case cite Zuglar v. State, 21 S. E. 2d 647 (1942).

For over a century the rule in Georgia has been that a grand jury indictment must be returned into open court. See, Sampson v. State 53 S. E. 332 (1906), see also Zuglar v. State, 21 S. E. 2d 647 (1942); -

- Barlow v. State, 56 S.E. 131 (1906); Sellers v. State, 149 S.E. 2d 158 (1966); Clinkscates v. State, 117 S.E. 2d 229 (1960); Cadle v. State, 113 S.E. 2d 180 (1960). It is a fundamental part of our judicial system that the general public be permitted to witness court proceedings sufficiently to guarantee that there may be practiced in this state secret or star chamber court proceedings, the deliberations of the judges alone excepted. "Zuglar 194 Ga. at 290, 21 S.E. 2d 647. The term "open court," as far as returning the indictment is concerned, means that the indictment is returned in a "place where court is being held open to the public with the judge and the clerk present, 21 S.E. 2d 647. See also Cadle 113 S.E. 2d 180 ("the place of the reception of the indictment must be one where the court is being held open to the public.") A failure to return the indictment in open court is per se injurious to the appellant Craig L. Jones. Zuglar, 194 Ga. 291, 21 S.E. 2d 647. Appellant asserts

Thomas County, Georgia confirms that the persons listed as members of Grand Jury on page two of the alleged indictment was not present and in session in Thomas County Court on October 11, 2012 and did not return the alleged indictment in open court as a True Bill. The alleged indictment is a false indictment, illegally endorsed and illegally filed in the clerk's office of Thomas County Superior Court, which constitutes fraud and a Non-Amenable defect which appears on the face of the record of this case. The foregoing facts confirms that the appellee

- district attorney Robert Ray Auman, judge James E. Hardy and appellant trial attorney Steven B. Kelley did not have legal authority to prosecute, convict, sentence, and imprison - ment this appellant Craig L. Jones because this his said case, criminal number 12-CR-524 was never presented with no grand jury minutes not recorded in open court to a legally qualified grand jury on October 11, 2012 grand jury proceedings. Therefore, lack of subject matter jurisd - iction in this appellant case has been shown, and all judgments rendered against this appellant Craig Jones by judge James E. Hardy on November 7, 2012 when Appellant was found guilty unintelligently in a non staged jury without the jury trial of Simple Battery, Criminal Trespass, Stalking which was nolle prosequi by the trial Court judge Hardy and aggravated Stalking. Those judg - ments must be set aside because there is no grand jury minutes not recorded in open court to a legally qualified grand jury which was not presented in open court on October 11, 2012 to a legally qualified grand jury.

Appellant assert that superior court judge James E. Hardy as a non-constitutional judge, non-partisan, corporate judicial officer for Thomas County, Thomas - ville, Georgia municipal Corporation, is liable to this appellant Craig L. Jones under the Crimes and Torts of false arrest, false imprisonment, malicious prose - cution, and conspiracy, and cannot claim "absolute immunity" be judge Hardy acted maliciously, corruptly without authority of law, via a complete misapplicat - ion of Georgia Statute when he judge Hardy rendered judgment against this appellant Craig L. Jones.

Therefore, this appellant suffer under continuous violations of his fifth and fourteenth amendment substantive due process of law Civil Rights are being constantly violated and continuous Torts and sustains special damages against judge James E. Hardy and Thomas County Superior Court.

Appellee assistant district attorney Robert Ray Auman as corporate assistant district attorney of Thomas County Judicial Circuit, District Attornies office, Thomasville, Georgia Municipal Corporation is liable to this appellant Craig L. Jones under the crimes and torts of false arrest, false imprisonment, malicious prosecution, and conspiracy because he appellee district attorney Robert Auman acted maliciously, corruptly and without Authority of law, via complete misapplication of Georgia Statutes when he appellee Robert Ray Auman willfully, knowingly and intentionally pursued prosecution against this appellant Craig L. Jones pursuant to the accusations alleged in the false and void indictment number 12-CR-524 which resulted in this appellant Craig L. Jones Conviction.

Appellant asserts that his court so called appointed trial counsel Steven B. Kelley who by virtue of his representative capacity a "Corporate attorney agent of the Bar, British accredited registry accepted the statutory jurisdiction and contracted with the court in mystead and not with my informed consent. Through misrepresentation, fraud and deceit and conspiracy, attorney Steven B. Kelley failed to give full disclosure of the non-constitutional corporate commercial nature of the court, thereby, becoming a party to appellant Craig L. Jones false arrest, false imprisonment and violati

of appellant Civil rights and is liable to this appellant for damages

Appellant asserts neither appellee Robert Roy Avmar Superior Court Judge James E. Hardy and appellant trial counsel Steven B. Kelley did not give full disclosure to this appellant Craig L. Jones, the nature and status of their corporate court and are further liable to this appellant Craig L. Jones under fraud and deceit pursuant to the Georgia Tort Claims Act.

The statutes under the Charges Simple Battery, Criminal Trespass, Misdemeanor Stalking and Felony Aggravated Stalking this appellant Craig L. Jones violated were codified and enacted into law by the Georgia state legislature, the General Assembly and therefore, don't exist in their current state as valid official laws. Appellant Craig L. Jones asserts said statutes are void, and an offense created by them is not a crime and a conviction under them cannot be a legal cause of imprisonment for no court can require jurisdiction to try a person for acts which are made criminal only by statutes that are not laws. The alleged indictment case number 12-CR-524 in this case was not constructed in the particular made or form prescribed by constitution or statute nor returned in open court and is not only void but also illegal because it is forged, therefore, the subject matter jurisdiction of a court does not exist.

Wherefore, Appellant pray that this Court of Appeals Grant this his said Application for Discretionary Appeal to The Superior Courts Order.

This 15th day of May, 2015

By Craig L. Jones
GDC 259577
E-1-121-m
Cathoun State Prison
P.O. Box 249
Morgan, Ga. 39866

cc To District Attorney
Robert R. Auman
P.O. Box 2596
Thomasville, Ga. 31799-2596