

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

December 3, 2015

To: Mr. Jules Jones, GDC1001612019, Coastal State Prison, Post Office Box 7150, Garden City, Georgia 31418

Docket Number: Style: Jules V. Jones v. Officer Christopher Smith, Covington Police Department

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

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS

104
PB

To: *Jules V. Jones* 12/11/15

Docket Number: Style: *Jules V. Jones v. Officer Christopher Smith Covington, PMA*

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- 15. Your document(s) was (were) not securely bound at the top with staples or round head fasteners. Rules 1(c), 30 (e) and 31 (c)
- 16. 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).

GEORGIA COURT OF APPEALS

JUKES V. JONES

v

OFFICER CHRISTOPHER
SMITH COVINGTON, P.D.
BADGE # 126

RECEIVED
2015 NOV 30 PM 3:44
COURT OF APPEALS OF GEORGIA

CIVIL ACTION No.
1:15-CV-1676-AT-JFK

NOTICE OF APPEAL

UNDER FEDERAL RULES OF APPELLATE PROCEDURE, BECAUSE THE DISTRICT COURT GOT THE LAW WRONG CONCERNING THE CASE:

1. Plaintiff's complaint was largely based on warrantless arrest statutes and statutes pertaining to investigative warrant used in drug crimes he was arrested on, which complaint stated not to cite, to only give brief statement of facts, and plaintiff therefore was never given a chance to show that based off statutes officer lacked probable cause based of the following:
- 2.) District Court states officer had probable cause based off a warrant for a Maurice Johnson, assumed to be the plaintiff, officer only states in reports he had a warrant, but never presented any warrant, never in reports states he advised plaintiff he had such a warrant for a Maurice Johnson, and was placing plaintiff under arrest as such, neither did he state he placed plaintiff under arrest and read Miranda rights, officer rushed into plaintiff's home empty-handed stating he had a 911 call from the residence, which was a lie, furthermore according to the statute where a lawful arrest cannot be made except under a warrant the warrant must be at the time of the arrest in possession of the arresting officer and where it is in his house at some distance from the scene of the arrest the arrest is unlawful.
- 3.) District Court states plaintiff did not dispute the drug charges he was arrested on, plaintiff was not aware he had to state his guilt or innocence in civil proceeding, furthermore, the illegally obtained evidence used to prosecute and convict the plaintiff was obtained off a investigative warrant for a Dexter Jones Jr, the officers conducting sale of cocaine investigations knew full and

Well that the Plaintiff should not have been arrested or prosecuted at all as statute 16-11-64 16-11-62, and 16-11-60 specifically state = Any publication of the information or evidence obtained under a warrant issued under this code section other than that necessary and essential to the preparation and prosecution for the crime specified in the warrant shall be unlawful invasion of privacy under this part and shall cause such evidence and information to be inadmissible in any criminal prosecution, furthermore in the event no evidence of one of the specific crimes set forth in this code section has been obtained thru the use of such devices or device, it shall be the duty of the applicant physically to "destroy" all evidence obtained by surveillance and to certify that fact in writing. Plaintiff should of never been pursued at all and the officer knew it.

4.) Officer Smith showed more malice intent by failing still to date to arrest, charge or prosecute Dexter Jones Jr for the crimes he committed under the Investigative Warrant for him under this code section, Plaintiff submitted copies of reports for Drug crimes D. Jones committed and still to date not charged with any crime under the Investigative Warrant for him that I was prosecuted under

5.) Plaintiff knows in fact Officer Smith never had any warrant for anybody the date of arrest, furthermore Plaintiff requested to see the warrant numerous times during his criminal proceeding it was never produced in one report officer states he voided it out after Plaintiff's arrest in which if a warrant is void the action will lie of false imprisonment.

6.) Officer contends Plaintiff gave false name 2 months prior on Dec. 4, which also could not be considered as probable cause according to the statute a Municipal officer has no authority, without a warrant to arrest the offender when he has ample time and opportunity since the commission of the offense to procure a warrant, furthermore under Georgia law if a suspect had committed offenses in the presence of officers a suspect has the right to be free from warrantless arrest for those offense in the presence of officers if officers had ample time and opportunity to procure a warrant between time of commission of offense and the arrest on 2-6-15 2 months time lapse

7.) The mere fact that the officer alleges Plaintiff gave false name on Dec. 4 and supposedly several occasions prior to that was not sufficient probable cause the officer states in report the info provided allegedly by the Plaintiff would never come back through G.C.I.C but never arrested whoever provided that info so why would officer take out a warrant supposedly for sake of cocaine

Under a name you know never came back through C.C.I.C., a reasonable officer would have investigated the simplest thing such as who owned the residence to find out who his was after allegedly, furthermore evidence was insufficient to charge or even convict anyone for giving false info, evidence simply established that on three different occasions (several in report) that Plaintiff gave different names to officer and did not support inference that the Plaintiff gave false name to the officer on present occasion rather than on prior occasions.

8.) If a reasonable person would have investigated to determine if probable cause existed prior to swearing out a warrant (supposedly) then such a failure to make an investigation may imply malice, as well as go to whether probable cause existed for purposes of false imprisonment or malicious prosecution

9.) Plaintiff believes District Court dismissed complaint unfairly before Plaintiff ever had a chance to present his ~~case~~^{case} and according to original complaint form Plaintiff was barred from citing any laws or statutes a major part of his defense

10.) Plaintiff prays the court grant him opportunity to present his case so that court may make a more fair decision.

Submitted By: Jules Jones

DATE 11-17-15

sign Jules Jones

FURTHERMORE, I had submitted the WARRANTLESS Booking Affidavit USED TO ARREST ME INSIDE MY HOME, THE JAIL Booking SHEET showing they had NO WARRANT, AND signed JAIL Documents showing months later NO WARRANT(S) STILL HAD BEEN submitted to the JAIL along with signed documents by JAIL official REFUSING my REQUEST to obtain the WARRANT(S) to hold me AT THERE facility, along with that info I provided the COURT COPIES of the WARRANTS finally obtained AND submitted to the JAIL 70-80 days later AFTER my indictment was handed-down AND still signed by a JUDGE AFTER I had ALREADY BEEN INCARCERATED, the COURT CLAIMED this contradicted my story AND I explained I obtained these WARRANTS months later

The COURT initial complaint form STATED SPECIFICALLY NOT to cite ANY ~~CASES~~ ^{CASES} OR law to give a BRIEF STATEMENT of what happened AND the plaintiff did so the COURT NEVER GAVE Plaintiff a CHANCE AT ALL to show going by G.A. STATUTES AND law OFFICER had violated his rights AND EXIGENT CIRCUMSTANCES did NOT exist to WARRANT AN ARREST in his home NOR did he CONSENT to AN ARREST without WARRANT, OFFICER ALSO NEVER had ANY WARRANT present on the SCENE AT the Plaintiff's home (UNLAWFUL) ACCORDING to STATUTES EVEN if AT SOME distance FROM the SCENE, HOWEVER the Plaintiff HAS shown the COURT AND CAN show that this

NEWARK COUNTY
SHERIFF'S OFFICE **WARRANTLESS**
ARREST BOOKING AFFIDAVIT

NOTE: The arresting/transporting officer MUST fill out this form completely before leaving the facility.

Case Number:		Agency ORI: GA1070100	
Last Name: <i>JONES</i>	First Name: <i>Jules</i>	Middle: <i>Verdean</i>	
Address (city/state/zip): <i>3250 West St. Covington GA 30014</i>			
Telephone:			
Race: <i>B</i>	Sex: <i>M</i>	Hair: <i>Blk</i>	Eyes: <i>Bro</i>
Height: <i>600</i>	Weight: <i>200</i>	DOB: <i>6/11/79</i>	SSN: <i>169-60-7291</i>

Charges:	Fel/Misd.	Warrant #	TBI	Bond Amount	Agency
<i>Sale of Cocaine (2 Counts)</i>					CPD
<i>NEVER had a WARRANT AT TIME OF ARREST for the charge HEREON</i>					CPD
<i>OFR Smith LIED to a GRAND JURY No WARRANT FOR BIVING FALSE info CHARGED NOT EVEN AFTER UNTIL NOT DEC. 4</i>					CPD
			<i>No WARRANT till AFTER INCARCERATION NOT EVEN AFTER 60-70 DAYS AFTER THE FACT (ILLEGAL ARREST)</i>		CPD

Victim Notification: Yes No Victim Contact Information: _____

Hold for CID Inv: _____ Keep separate from: _____

Hold for other agency: *Probation Rockdale County*

Arresting Officer: *C. SMITH* Date: _____ Time: _____ Badge #: *126* Agency: *CPD*

Details of arrest (Please fill out for Judge/first appearance) NOTE: If warrant is attached, narrative is not required.

Arrest Location: _____

Details: *Jones did sale cocaine to a CT on two separate occasions (Alleged to had happen 2 months prior no warrant signed) by a Judge*

Vehicle Impounded: Yes No Vehicle Removed by: _____

Was person(s) tased or OC sprayed? Yes No Intox applied: Yes No
(Please attach copy of Intox report to folder)

← WHERE'S YOUR WARRANTS ?

Pursuant to O.C.G.A. § 17-4-62, with an arrest without a warrant, the person arresting shall, without delay, convey the offender before the most convenient judicial officer authorized to receive an affidavit and issue a warrant.

STATE WARRANT AND MITTIMUS

Georgia, Newton County

Personally came Off. Chris Smith, who on oath says that, to the best of his knowledge and belief, Jules Verdean Jones (defendant) did, in the County aforesaid, commit the offense(s), of, TO-WIT Sale of Cocaine

16-13-30

in said County, between the hours of 2 P.M. and 3 P.M., on the 3 day of December 2014. The place of occurrence of said offense(s) being

3127 Bohannon St. Newton County, Georgia

and against Laws of Ga.

Said offense(s) being described as At 3127 Bohannon St. Jules Jones did

sale suspected cocaine to a confidential source of information

This warrant presented 70-80 days later after indictment at a hearing

and thus deponent makes this affidavit that a warrant may issue for his arrest.

Still signed afterwards

Chris Smith #126

Affiant

To any Sheriff or his deputy, Coroner, Constable, or Marshall of said state, GREETING:

For sufficient causes sworn before me in the above affidavit, you are hereby commanded to arrest the defendant named in the foregoing affidavit charged by the prosecutor therein with the offense against the laws of this State as enunciated in said affidavit and bring him before me or some other Judicial Officer of this State to be dealt with as the law directs.

Herein fail not. This February 9, 2015

Henry A. Baker

Judge

Magistrate

Georgia, Newton County

After hearing the evidence in the above case it is ordered that said defendant (be released) (be bound in a bond of _____)

_____ Dollars for his appearance on the first day at the next term or session next after this day of the _____ Court of Newton County to be held in and for said County to answer the charge of _____

In default thereof that he be committed to the common jail of said County, there to be safely kept until thence delivered by due course of law.)

Given under my hand and seal this _____ day of _____, 20_____.

Judge

(L.S.)
Magistrate

IN THE SUPERIOR COURT OF NEWTON COUNTY
STATE OF GEORGIA

(IN RE: APPLICATION FOR AN
EX PARTE ORDER FOR AN
INVESTIGATIVE WARRANT)

VERIFICATION OF APPLICATION
FOR THE INVESTIGATIVE WARRANT

Pursuant to Georgia Law, I verify under the penalty of perjury that the factual statements in the foregoing application for an investigative warrant for investigation involving narcotics possession or distribution by Dexter Lamar Jones Jr. at 3127 Bohannon Street, Covington Georgia are true and correct to the best of my knowledge and belief.

Executed this 25 day of November, 2014.

Officer Satterfield
Officer Satterfield
Covington Police Department

Sworn to and subscribed before me on this 25 day of November, 2014.

[Signature]
Judge, Newton County
Superior Court

with CRIME they SAY this
man ALLEGEDLY committed on Dec 3
SEE NEXT PAGE

Jarvis



COVINGTON POLICE DEPARTMENT

C.I. TIMELINE

Date: 12-03-14 Case#: 14-033751

Target Name: DET. RON JONES C.I.: 14-12

Target Location: Bohannon St.

Times:

2:10 Leaving Office

2:13 Arrive at Meet Location

2:17 ²¹⁶ Searched CI and CI Vehicle

2:18 ^{124, 217} Bug on CI

2:43 Money to CI, Amount \$ 40⁰⁰

2:46 ~~2:46~~ Leave Meet Location for Target out of car 2:57

2:57 Arrive at Target's house or location

2:57 CI meets with Target

2:58 CI Makes Buy

2:58 CI Leaves Target house or location

3:04 Returned to Meet Location Back in car

3:11 ¹²⁶ Searched CI and CI Vehicle ~~Back in car~~

3:04 Drugs received from CI

3:04 Money back from CI, Amount \$ 10⁰⁰

3:15 Bug Removed

_____ Debriefing statement

_____ Left Meet Location

_____ Arrive at Office

_____ Evidence Secured in Evidence Room

COVINGTON POLICE DEPARTMENT

SPECIAL UNIT

REPORT OF INVESTIGATION

REPORT BY: Officer Smith

CASE NUMBER: 14-034748

DATE PREPARED: 12/05/2014

CASE NAME: Maurice Johnson

OTHER OFFICERS: Lt. Miller, Off. Payne, Off. Pierce and Sgt. Dozier.

REPORT REF: Identification Report

OFFICER CLAIMS HE ENCOUNTERED ME ON THESE DAYS AND ON THE SAME DAY I ALLEGEDLY GAVE A FALSE NAME WHICH WOULD NOT COME BACK THRU GCIC AND NEVER ARRESTED TILL A FULL 2 1/2 MONTHS LATER

DETAILS:

1. On 12/04/2014, Officers assigned to the Covington Police Department's Special Unit made a controlled purchase of suspected cocaine from a black male at 10166 Alcovy Road and recognized him as the same male that another controlled purchase was made from on 12/03/2014 at 3127 Bohannon Street. IF I had committed such an offense why not ARREST AND ID if info did not come back
2. At approximately 2338 hours on 12/04/2014, Off. Smith made contact with a group of individuals in front of the residence of 3127 Bohannon Street due to being loud in the street. While speaking with the individuals they stated that they were visiting at the residence of 3127 Bohannon Street. Off. Smith knocked on the door to make sure the people did belong on location and during this encounter he came into contact with the black male that had sold cocaine to a confidential source from that residence. Off. Smith asked if that was his residence and he stated yes it was. Off. Smith also asked if he could provide some identification and he said he had lost it but gave Off. Smith the name of Maurice Edward Johnson with a date of birth of 09-24-1982. Dispatch attempted to run the information several times and was unable to get anything to return. Officers left the location at this time upon giving a verbal warning to the individuals for being too loud.

SIGNATURE: Officer Smith *[Signature]*

DATE: 12/05/14

APPROVED (SUPERVISOR): Captain Bradford

DATE:

IN OTHER REPORT SUBMITTED TO COURT OFFICER SAY HE ENCOUNTER ME ON SEVERAL OCCASSIONS BEFORE THIS DATE AND I GAVE A FALSE NAME (ALLEGEDLY) → OFFICER