

# COURT OF APPEALS OF GEORGIA

## RETURN NOTICE

March 31, 2015

To: Mr. Scott Kirkland, GDC690155, Baldwin State Prison, Post Office Box 218, Hardwick, Georgia 31034

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.**

**The red "X" on your correspondence is the date the correspondence was received in this Court "X" off and returned to you.**

**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.** 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.

**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.

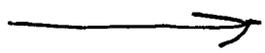
**Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the \_\_\_\_\_ is:

**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.

**Other: Please understand that the Court of Appeals does not have the power or authority to appoint counsel for you. Any requests for appointed counsel should be directed to the trial court.**

DEAR: COURT OF APPEALS CLERK I NEEDED AN ATTORNEY TO REPRESENT ME THIS IS WHY IM SENDING YOU THIS REQUEST PLUS I NEEDED APPEAL PAPERWORK SENT TO YOU BECAUSE YOU DONT HAVE ON FILE MY REQUEST FOR APPEAL AND I WAS SENTENCED BEFORE HONORABLE JUDGE WILLIE LOCKETT ON APRIL 23, 2014 IN THE SUPERIOR COURT OF DOUGHERTY COUNTY, GEORGIA, FOR THE CHARGES OF SENTENCING A CHILD FOR INDECENT PURPOSES, CHILD MOLESTATION, AND STATUTORY RAPE AND I HAVINT RECEIVED MY COPY OF THE COURT TRANSCRIPT SO I CAN PREPARE FOR MY APPEAL TRIAL ON CASE NUMBER 13R049 AND KIRKLAND, SCOTT CASE NUMBER 14R201 THAT OF WHICH I RECEIVED A SENTENCING OF 12 YEAR TO 30 YEARS AND THEY CHARGED ME UNDER A RECIDIVIST ACT BECAUSE I HAD A PRIOR FELONY I COMPLETED PROBATION FOR AND I WAS ON PROBATION FOR AGGRAVATED ASSAULT NOW THE DOUGLAS COUNTY PROBATION DEPARTMENT SAYS I HAVE A RAPE CHARGE PENDING IN THERE COUNTY AND I HAVENT BEEN KNOW WHERE IN CONTACT WITH THEM SINCE I WAS TRANSFERRED FROM DOUGLAS COUNTY PROBATION TO ALBANY PROBATION IN JUNE OF 2011. AND IF MY CASE IS NOT FILED IN YOUR COURT I NEEDED AN APPEALS ATTORNEY APPOINTED FROM YOUR JURISDICTION FULTON COUNTY TO REPRESENT ME,

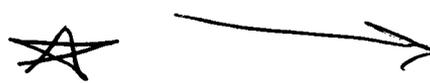
BACK 

DEAR: COURT OF APPEALS CLERK, IN THIS ENVELOPE I HAVE ENCLOSED  
THE PARTIES I WERE NOTIFIED ABOUT THE CIVIL ACTION BEING BROUGHT  
AGAINST THEM SO I'M SENDING THEM TO YOU TO PUT ON FILE

Sincerely: Mr. Kirkland, Scott # 690155  
MA-118-T BALDWIN STATE PRISON  
100 LANS FARM ROAD  
P.O. BOX 218  
HARDWICK, GEORGIA

31034-0218

DEAR: COURT OF APPEALS CLERK WHAT IS THIS  
RED ARROW DOES THIS MEAN THAT  
YOU ARE IN RECEIPT OF MY COMPLAINT  
OR WHAT DOES IT MEAN?



PLEASE EXPLAIN

~~RECEIVED IN THE  
COURT OF APPEALS  
2015 MAR 16 PM 4:12~~

~~RECEIVED IN THE  
COURT OF APPEALS  
2015 MAR 30 PM 2:43~~

Georgia Public Defender Office  
DOUGHERTY JUDICIAL CIRCUIT  
P.O. BOX 1827  
ALBANY, GA 31702  
(229) 483-6240

KIRKLAND SCOTT / GDC 690155  
Baldwin State Prison  
P.O. Box 218  
Hardwick, Georgia 31034-0218

March 18, 2015

Mr. SCOTT,

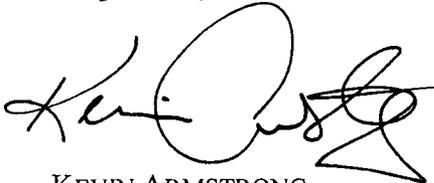
This letter is to update you about your case. The Court has rescheduled the Show Cause Hearing. It is now scheduled for May 29, 2015.

As I explained before, the Show Cause Hearing will involve matters relevant to scheduling and transcripts only, so you will not be brought back to Dougherty County for that hearing. **Enclosed** with this letter is **a copy of the Rule Nisi setting the new hearing date.** Please keep it safe for your records, as I will not be able to send you additional copies of it in the future.

I have always asked the Court Reporter to file transcripts in the order they were requested. Among the requests I have made for trial transcripts in Judge Lockette's courtroom, yours is now the **eleventh-oldest** pending request. I will let you know when I receive a copy of that transcript and begin my review of your trial.

The delay in your case is unacceptable and I will express that to the Court at the hearing.

Respectfully,



KEVIN ARMSTRONG  
Assistant Public Defender  
Georgia Bar No.: 987456

In the Superior Court of Dougherty County of the State of Georgia

STATE OF GEORGIA

\*

\*

versus

\*

\*

MONTREVIOUS SPURLIN, *Defendant* (Case Number 10 R 0682);  
CHERI ANN RANDLE, *Defendant* (Case Number 10 R 1112);  
KENNETH ALLEN WHITLEY, *Defendant* (Case Number 10 R 1243);  
JOHNNY CARR, *Defendant* (Case Number 12 R 0440);  
COREY SHAW, *Defendant* (Case Number 12 R 0604);  
KAWASKI BUSH, *Defendant* (Case Number 11 R 0662);  
CHRISTIAN MCCARGO, *Defendant* (Case Number 12 R 1036);  
JERMAINE HARRISON, *Defendant* (Case Number 12 R 1042);  
LESLIE BALLARD, *Defendant* (Case Number 12 R 0496);  
JOWASKEE PEMBERTON, *Defendant* (Case Number 13 R 0151);  
KIRKLAND SCOTT, *Defendant* (Case Number 14 R 0201);  
NATHAN WITTER, *Defendant* (Case Number 12 R 0279);  
EUGENE MCARTHUR, *Defendant* (Case Number 14 R 0273);  
CALVIN BROOKS, *Defendant* (Case Number 11 R 0888); and  
MONTRAVIOUS STEPHENS, *Defendant* (Case Number 13 R 0660).

*Certificate of Service*

I hereby certify that on this 18th day of March 2015, true copies of the attached Rule Nisi: Show Cause Hearing were served by hand delivery upon the Office of the District Attorney, 225 Pine Ave. Room 231, Albany, Georgia 31702, ATTN: GREG EDWARDS, District Attorney; APRIL WYNNE, JARED PARRISH, KATHRYN FALLIN, and HEATHER LANIER, Assistant District Attorneys.



KEVIN ARMSTRONG 987456  
Assistant Public Defender  
P.O. Box 1827 / 225 Pine Ave. Room 100  
Albany, Georgia 31702  
(229) 483-6240 / Fax: (229) 483-6259  
karmstrong@dougherty.ga.us

IN THE SUPERIOR COURT OF DOUGHERTY COUNTY, GEORGIA

STATE OF GEORGIA

CA# 13R0049

vs. Kirkland Bernard Scott

OTN(S) 88385665336

DOB: 05/26/1969

GA ID#: GA1700498M

Term of 20

**PLEA AND SENTENCE RECOMMENDATION**

The defendant and the District Attorney hereby submit to the Court the following plea and sentence recommendation which was reached pursuant to discussions initiated by them. The Defendant consents to the Court receiving evidence in Aggravation and Mitigation following tender of the plea.

This offer is valid until Cal. Call \_\_\_\_\_, after which date the State shall deem the recommendation to be unacceptable to the Defendant and shall be deemed withdrawn. The District Attorney agrees to recommend a sentence in this case as follows:

**First Offender/Conditional Discharge under:**  
 OCGA 42-8-60  OCGA 16-13-2  
 Repeat Offender as imposed  
 Repeat Offender waived

**PLEA**  
 Negotiated  Non-negotiated

**VERDICT**  
 Jury  Non-jury

COUNT	CHARGE (as indicted or accused)	DISPOSITION (Guilty, Not Guilty, Guilty-Alford, Guilty-Lesser Included, Nolo, Nol Pros., Dead Docket)	SENTENCE	FINE	Concurrent/ Consecutive, Merged, Suspended
1	Rape	NP		0	
2	Aggravated Child Molestation	Guilty	25 yrs to serve followed by lifetime probation	\$500	
3	Enticing a Child for Indecent Purposes	Guilty	10 yrs to serve	0	Concurrent with ct. 2
4	Child Molestation	NP		0	
5	False Imprisonment	Guilty	5 yrs prob.	\$500	Concurrent with ct. 2
6	Simple Battery	NP		0	

The Defendant shall be adjudged guilty or sentenced under First Offender/Conditional Discharge for the above stated offense(s) The Defendant's confinement shall be 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 shall be sentenced to a total of \_\_\_\_\_,  with the first 25 yrs 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 the 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 \_\_\_\_\_, 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 OCGA:

Sec.17-10-7(a)  Sec. 17-10-7(c)  Sec.16-7-1(b)  Sec. 16-8-14(b) or  § \_\_\_\_\_

ATTACHMENT A

SPECIAL CONDITIONS OF PROBATION ~ State v. Kirkland Bernard Scott CA# 13R0049

(All conditions circled and filled in shall apply)

1 Restitution finding: \$ \_\_\_\_\_, payable to: \_\_\_\_\_, Address \_\_\_\_\_

X 2. Report to Probation Office

3. Perform community service \_\_\_\_\_ hours

4. Probation Management Act Sentencing Options System

5. Accountability Court: enter and complete

6. Intensive Probation Supervision \_\_\_\_\_ months

7. Detention Center, Diversion Center, or Boot Camp (circle): enter and complete \_\_\_\_\_ days

[ ] \_\_\_\_\_ days of confinement, with that time suspended upon acceptance into facility

[ ] Time in confinement awaiting acceptance into facility shall be credited toward the time served in the facility

[ ] Defendant may be at liberty until the date of acceptance into the facility

8. Regional Substance Abuse Treatment Center (RSAT) facility: enter and complete [ ] Defendant to be sentenced to \_\_\_\_\_ in confinement, with that time suspended upon acceptance into the facility.

9. Day Reporting Center: enter and complete

X 10. Fourth Amendment waiver; consent to use at trial

X 11. Provide bodily specimen for testing; waive evidentiary foundation for admissibility

X 12. Limited or no contact condition [ ] stay \_\_\_\_\_ yards from [ ] have no violent contact with [ X ] have no contact of any kind, in person, or by telephone, mail, or otherwise, with Kanessia Morris \_\_\_\_\_ [ X ] or with his/her family members [ ] and Defendant shall not enter the premises of \_\_\_\_\_.

13. No harassment or threats toward: \_\_\_\_\_.

14. Family Violence Intervention Program (FVIP): enter and complete

15. Provide records release: medical, treatment, work, driving, criminal history

X 16. Undergo evaluation and treatment for [ X ] mental health [ ] substance abuse [ ] clinical evaluation [ ] anger management [ ] cognitive skills training [ ] educational training or [ ] \_\_\_\_\_ at a State- or Court-approved provider at his/her own expense, and comply with all rules, regulations, aftercare

17. Attend 12-step meetings or an equivalent per week for \_\_\_\_\_ consecutive [ ] weeks [ ] months [ ] years

18. Obtain high school diploma, GED, or training certificate: at \_\_\_\_\_

19. Abide by curfew [ ] established by probation officer or [ ] from \_\_\_\_\_

20. Barred from [ ] \_\_\_\_\_ County or [ ] \_\_\_\_\_ judicial circuit [ ] other: \_\_\_\_\_ during the period of probation for any reason whatsoever

21. Surrender driver's license

22. Ignition interlock

23. Electronic monitoring device. Defendant to submit to [ ] alcohol monitoring device [ ] voice verification monitoring [ ] electronic monitoring [ ] GPS monitoring [ ] SCRAM monitoring for a period of: \_\_\_\_\_ [ ] week [ ] months [ ] years. [ ] Defendant is required to have the device installed prior to release from custody

24. Administrative or terminated probation. Defendant's probation sentence shall [ ] become administrative [ ] terminate upon full and timely payment of all sums due and compliance with all general and special conditions

X 25. DNA sample

X 26. Sex offender special conditions

X 27. Offense against a minor or dangerous sexual offense special conditions

28. Stalking or aggravated stalking special conditions

29. No contact with criminal street gang activity: \_\_\_\_\_

30. Special probation for drug offense

31. Obligation to testify truthfully \_\_\_\_\_

X 32. Avoid use or being in presence of alcohol, drugs

33. Undergo evaluation for contagious communicable disease

34. OTHER (specify) \_\_\_\_\_

# COURT OF APPEALS OF GEORGIA

## RETURN NOTICE

March 20, 2015

To: Mr. Kirkland Scott #690155, Baldwin State Prison, P. O. Box 218 Hardwick, GA 31034

Case Number: \_\_\_\_\_ Lower Court: County Superior Court  
Court of Appeals Case Number and Style: \_\_\_\_\_

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## INMATE FORM FOR CIVIL ACTION INSTRUCTIONS - READ CAREFULLY

**(NOTE: O.C.G.A. 9-10-14(a) requires the proper use of this form, and failure to use this form will result in the clerk of any court refusing to accept the action for filing)**

1. Any action filed by an inmate of a state of local panel or correctional institution against the state or a local government or against any agency or officer of a state or local government must be filed on the appropriate form or forms promulgated by the Administrative Office of the Courts.
2. This application must be legibly handwritten or typewritten, and signed by the petitioner. Any false statement of a material fact may serve as the basis for prosecution for perjury. All questions must be answered concisely in the proper space on the form.
3. O.C.G.A. 42-12-1 et.seq. provides that an inmate's institutional account shall be subject to seizure for the filing of frivolous litigation.
4. Any inmate may submit with the complaint or other initial pleading any additional matter in any form if the pleading includes the form of forms attached hereto. Materials attached to the forms should be legibly handwritten, typewritten or copied.
5. Upon receipt of the appropriate filing fee or if permission to proceed in forma pauperis has been granted, your petition will be filed if it is in the proper order.
6. If the inmate wishes to file an affidavit of indigency, it must be accompanied by a certification from the institution wherein the inmate is incarcerated that the financial statement correctly states the amount of funds in any and all custodial accounts held with the institution.
7. Any inmate Form for Civil Action which does not conform to these instructions will be returned with a notation as to the deficiency.
8. These forms may be obtained from the Administrative Office of the Courts through the head of the institution in which the inmate is incarcerated.

SCOTT, KIRKLAND  
Plaintiff

#690155  
Inmate Number

Civil Action No. \_\_\_\_\_

Vs. Nature of Action:

GEORGIA DEPARTMENT OF CORRECTIONS CIVIL ACTION LAWSUIT  
DOUGLAS COUNTY PROBATION  
WAYNE COUNTY JAIL  
Defendant(s)

RECEIVED IN OFFICE  
2015 MAR 16 PM 4:12  
CLERK OF SUPERIOR COURT  
DOUGHERTY COUNTY, GEORGIA

**INMATE FORM FOR CIVIL ACTION**

**PART I: BACKGROUND**

1. Name and location of prison in which you are now confine: BALDWIN STATE PRISON  
100 LAND FARM RD HARDWICK GA 31034
2. Sentence you are now serving: 12 TO 30 CHILD MOLESTATION ENTICING  
A CHILD FOR INDECENT PURPOSES & STATUTORY RAPE  
4 TO 15 YEARS AGGRAVATED ASSAULT  
Name and location of court, which imposed sentence: DOUGLAS COUNTY COURTHOUSE  
DOUGLASVILLE GA. DOUGHERTY JUDICIAL CIRCUIT ALBANY GA  
Approximate date your sentence will be completed: 2045
3. The indictment number or numbers (if known) upon which, and the offense or offenses for which sentence was imposed:
  - a. AGGRAVATED ASSAULT JUDGE S CAMP DOUGLAS CO. GA
  - b. CHILD MOLESTATION, ENTICING A CHILD FOR INDECENT PURPOSES  
& STATUTORY RAPE JUDGE WILLIE LOCKETT DOUGHERTY
  - c. JUDICIAL CIRCUIT ALBANY GA
4. Give the approximate date which sentence was imposed and the terms of the sentence:
  - a. APRIL 4, 2004 PIRA BARRMAN TO STATE 4 TO 15 YEARS  
FOR AGGRAVATED ASSAULT CHARGE
  - b. APRIL 21, 2004 SENTENCED TO 12 TO 30 YEARS BY  
JUDGE WILLIE LOCKETT ON SUPERIOR COURT DOUGHERTY JUDICIAL
  - c. CIRCUIT.

5. Check whether a finding of guilty was made after a plea of:
- Guilty                       Guilty but mentally ill  
 Nolo Contendere         Not Guilty
6. If you were found guilty after a plea of not guilty, check whether that finding was made by:
- A Jury                       A Judge without a Jury
7. Did you appeal from the judgement of conviction or the imposition of sentence?
- Yes                       No                      If your answer is "Yes", complete the following:
- a. The name of each court to which you appealed:
1. DOUGHERTY CO. JUDICIAL CIRCUIT  
2. \_\_\_\_\_  
3. \_\_\_\_\_
- b. The result in each such court to which you appealed:
1. DOUGLAS COUNTY SENTENCE TO 4 TO 15 YEARS  
2. DOUGHERTY COUNTY SENTENCED TO 12 TO 30 YEARS  
3. \_\_\_\_\_
- c. The approximate date of each such result:
1. APRIL 4, 2009  
2. APRIL 21, 2009  
3. \_\_\_\_\_
- d. If known, citations of any written opinion or orders entered pursuant to such results:
1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_

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**PART II: OTHER LAWSUITS**

8. OTHER THAN LAWSUITS ALREADY LISTED in questions 3 through 7, have you ever begun or are you now beginning other lawsuits in federal or state courts dealing with the same facts involved in this action or relating to your imprisonment?
- Yes                       No
9. If your answer to number 8 is "Yes" describe the lawsuit in the space below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline for each lawsuit.)
- a. Parties to the previous lawsuit:
- Plaintiffs: \_\_\_\_\_  
\_\_\_\_\_
- Defendants: \_\_\_\_\_  
\_\_\_\_\_
- b. Court (If federal court, name the district. If state court, name the court and county):  
\_\_\_\_\_
- c. Docket Number: \_\_\_\_\_

- d. Name of judge to whom the case was assigned: SUSAN S. CAMP, WILLIE LOCKETT
- e. Date on which you filed lawsuit: 1-9-15
- f. Date of disposition, if any, of lawsuit: FILED 1-9-15
- g. What was the lawsuit about? UNAUTHORIZED VIOLATION OF PROBATION NEGLIGENCE DEFAMATION OF CHARACTER FALSE IMPRISONMENT
- h. What was the outcome of the lawsuit? (For example, was the case dismissed? Was it appealed? Is it still pending?) STILL PENDING
- i. Citations, if known, to any written opinions or orders in the lawsuit: THE DOUGLAS COUNTY PROBATION OFFICE OR THE GEORGIA DEPARTMENT OF CORRECTION PLACED A INTERSTATE WARRANT ON ME WHEN I WAS PUT ON THE BUS GOING TO DETROIT CAUSE I HAD A WARRANT OUT FOR MY ARREST IN DETROIT

**PART III: GRIEVANCE PROCEDURES**

10. Is there a prisoner grievance procedure at the institution in which you are presently confined  
 Yes       No

11. If your answer to number 10 is "Yes", answer the following:

- a. Did you present the facts relating to your complaint in the institution's prisoner grievance procedures?       Yes       No
- b. If your answer to (a) above is "Yes"  
 What steps did you take? I WROTE A REQUEST TO BE SWORN TEST TESTED BY PREA TO MS KAREN PRATT  
  
 What was the result? THEY HAD ME SIGN OFF ON A PREA INCIDENT WITH MY MENTAL HEALTH COUNSELOR DR. SLOAN
- c. If the answer to (a) above is "No", explain why not: \_\_\_\_\_

12. Tell what you have done, other than what you have described in question 11, to bring your complaints to the attention of prison officials. In so doing, give dates, places, and names of persons talked to: I'M WRITING TO CAPT. SIKES ABOUT MY CASE AND FILING A GRIEVANCE I ALSO NOTIFIED MS DURDEN MY COUNSELOR ABOUT THE CHARGES I'M FIRMELY CONVICTED OF AND MY APPEAL PROCESS I'M TRYING TO OBTAIN A CERTIFICATE OF INDEMNITY & INFORM ADPDR'S FORMS I'VE BEEN IN TOUCH WITH MY APPEAL PUBLIC DEFENDER MR. KIBLIN ARMSTRONG AND I WROTE THE INNOCENSE PROJECT HUMAN RIGHTS ORGANIZATION AND THE LIBRARY OF CONGRESS FOR THE FIRST LADY & MR. PRESIDENT CORRESPONDANCE ADDRESS SO I CAN INFORM HER OF WHATS GOING ON.