

*The Court of Appeals*  
*47 Trinity Avenue SW, Suite 501*  
*Atlanta, Georgia 30334*

STEPHEN E. CASTLEN  
CLERK AND COURT ADMINISTRATOR

404-656-3450

September 16, 2015

Ms. Linda D. Hays  
Clerk, Superior Court  
Newton County Judicial Center  
1132 Usher Street, Room 338  
Covington, Georgia 30014

RE: Lower Court Case Number: 2011CR713-1(a)  
Discretionary Application - Michael Watson v. Judge Eugene M. Benton

Dear Ms. Hays:

We are returning the enclosed copy of the above referenced Discretionary Application. The original appeal with a stamped filed copy of the order must be filed directly with the appellate court. If you have any questions regarding this matter, please contact my Chief Deputy Clerk, Patty Bender.

Sincerely,

  
Stephen E. Castlen  
Clerk/Court Administrator  
Court of Appeals of Georgia

SEC/ld  
Enclosures

cc: Mr. Michael P. Watson  
GDC471290  
Newton County Law Enforcement  
15151 Alcovy-Jersey Road  
Covington, Georgia 30014

*Linda D. Hays, Clerk*  
*Newton County Superior Court*

1132 Usher Street - Room 338 • Covington, Georgia 30014  
Telephone: 770-784-2035 • Fax: 770-788-3717

September 11, 2015

Court of Appeals of Georgia  
47 Trinity Avenue SW  
Atlanta, Georgia 30334

RE: 2011-CR-713-1 Michael P Watson

To Whom It May Concern:

As an abundance of caution, we are forwarding you a copy of the enclosed documents that were presented to the Superior Court.

Thank you,



Susan Parker  
Newton County Clerk of Superior Court  
Judicial Technician

RECEIVED IN OFFICE  
2015 SEP 14 PM 2:37  
CLERK/COURT ADMINISTRATOR  
COURT OF APPEALS OF GA

*OUR MISSION: "To Serve With Efficiency and Courtesy"*

Board of Equalization: 770-784-2039 • Real Estate Dept.: 770-784-2041 • Juror Services: 770-784-2040

IN THE GEORGIA COURT OF APPEALS

STATE OF GEORGIA

2015 SEP 10 PM 4:34

MICHAEL P. WATSON, 477290  
NEWTON CO. LAW ENFORCEMENT  
15151 ALCOVY - JERSEY RD.  
COVINGTON, GA. 30014, Petitioner

REC'D IN BK  
PAGE #  
DATE  
LINDA D. HAYS, CLERK

CASE NO. 2015CR713-10A

EUGENE M. BENTON, JUDGE  
NEWTON CO. SUPERIOR COURT  
1132 USHER STREET  
COVINGTON, GA. 30014, Respondant

Pro- SE

DISCRETIONARY APPEAL

COMES NOW the above named Petitioner, Pro-SE and files this MOTION FOR DISCRETIONARY APPEAL, with the Georgia Court of Appeals for the sentence of the court entered on the 23<sup>rd</sup> day of June, 2015 by: Honorable Eugene M. Benton, Judge, Newton County Superior Court.

1.) The Petitioner, shows the court that on the 18<sup>th</sup> day of May, 2015 he/she was arrested by the Covington Probation Office for the alleged offenses of: Tested positive for and admitted to using Cocaine and Hydrocodone.

2.) The Petitioner further shows the court that on the 18<sup>th</sup> day of May, 2015 he/she was never given a "URINE TEST" by the Covington Probation Office, however the Probationer made numerous request to Officers Mr. Ward and Mr. Hickman that he/she wanted to take a urine test, all requests were denied and probationer was subsequently arrested and being held in custody at the Newton Co. Sheriff's Office.

3.) The Petitioner further shows the court that on the 23<sup>rd</sup> day of June, 2015 he/she was sentenced by the Honorable, Eugene M. Benton, Judge, Newton County Superior Court to the term of: Count 1; not more than 180 day in a State Probation Detention Center, Count 2; FOLLOWED BY the probationer serving the balance of his sentence in the Newton County Jail, SO ORDERED, this 23<sup>rd</sup> day of June, 2015.

4.) THE PETITIONER FURTHER SHOWS THE COURT THAT EVEN THOUGH THE DEFENDANT IS NOT ENTITLED TO A TRIAL BY JURY FOR A PROBATION REVOCATION HEARING, HE/SHE IS ENTITLED TO "DUE PROCESS OF LAW" UNDER THE 4<sup>TH</sup>, 5<sup>TH</sup>, 6<sup>TH</sup>, 8<sup>TH</sup>, AND 14<sup>TH</sup> AMENDMENTS TO THE UNITED STATES CONSTITUTION.

5.) THE PETITIONER FURTHER SHOWS THE COURT THAT HIS/HER RIGHTS "FUNDAMENTAL FAIRNESS" UNDER DUE PROCESS OF LAW, OF THE UNITED STATES CONSTITUTION WERE VIOLATED IN THAT THERE ARE SIX (6) GUIDELINES SET FORTH TO PREVENT A PROBATIONER FROM HAVING AN ILL-REVOCATED HEARING. 1.) PROBATIONER HAS NEVER BEEN SERVED IN WRITING WITH EITHER A REVOCATION PETITION OR WARNING WITH HIS/HER OFFENSE(S) WHICH VIOLATED THE PROBATION. 2.) THE PROBATIONER'S "ACCUSERS" WERE NOT PRESENT AT HIS/HER PROBATION HEARING. 3.) THE PROBATIONER NEVER GOT TO QUESTION/CROSS-EXAMINE HIS/HER "ACCUSERS". 4.) THE PROBATIONER'S PROBATION OFFICER WAS NOT PRESENT AT SAID REVOCATION HEARING.

6.) THE PETITIONER FURTHER SHOWS THE COURT THAT HE/SHE WAS SENTENCED EIGHT (8) DAYS PRIOR TO "CURRENT THROUGH LAWS PASSED DURING THE 2015 REGULAR SESSION OF THE GEORGIA GENERAL ASSEMBLY," GA. CODE ANN., § 42-8-34.1, GA. S.T. 342-8-34.1; LAWS 2010, ACT 426, § 1, EFF. JULY 1, 2010 AND LAWS 2015, ACT 93, § 4-1, EFF. JULY 1, 2015. THEREFORE THE HONORABLE, EUGENE M. BENTON HAD LIMITED JURISDICTION ON THE MAXIMUM SENTENCE HE COULD IMPOSE ON ANY "TECHNICAL VIOLATION" OF PROBATION, OTHER THAN BY THE COMMISSION OF A NEW FELONY OFFENSE, "80 DAYS OF CONFINEMENT WAS THE MAXIMUM HE COULD IMPOSE."

WHEREFORE, THE PETITIONER PRAYS THAT THIS APPELLATE COURT SUSTAIN AND GRANT HIS/HER RELIEF ON THE CONDITIONS SET FORTH IN THIS DISCRETIONARY APPEAL.

IN THIS, GEORGIA COURT OF APPEALS, THE HONORABLE, \_\_\_\_\_, JUDGE,

GRANTED \_\_\_\_\_; DENIED \_\_\_\_\_, THIS \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Respectfully Submitted,

By: Michael P. Watson, 471290  
Petitioner, Pro-Se

IN THE GEORGIA COURT OF APPEALS  
STATE OF GEORGIA

MICHAEL P. WATSON, 477290  
NEWTON CO. LAW ENFORCEMENT  
1515 TALCOVY - JERSEY RD.  
COVINGTON, GA. 30014, Petitioner

CASE NO. J011CR113-1(A)

EUGENE M. BENTON, JUDGE  
NEWTON CO. SUPERIOR COURT  
1132 USHER STREET  
COVINGTON, GA. 30014, Respondant

Pro-Se

CERTIFICATE OF SERVICE

This is to certify that I have served a true and correct copy of the within  
foregoing, DECISIONARY APPEAL with the Georgia Court of Appeals by de-  
positing copies of same in the United States Postal System with adequate  
postage affixed thereto to ensure delivery thereof, addressed as follows:

MICHAEL P. WATSON, 477290  
NEWTON CO. LAW ENFORCEMENT  
1515 TALCOVY - JERSEY RD.  
COVINGTON, GA. 30014

GEORGIA COURT OF APPEALS  
CLERK OF THE COURT  
47 TRINITY AV. S.W. #501  
ATLANTA, GA. 30334

THIS 2<sup>nd</sup> day of September, 2015

Michael P. Watson, 477290

Pro-Se

September 1, 2015

Attn. Clerk of Court.



RE: RETURN NOTICE

FILED IN OFFICE  
CLERK SUPERIOR COURT  
NEWTON COUNTY GEORGIA

2015 SEP 10 PM 4:27

REC'D IN BK  
DATE  
LINDA D. HAYS, CLERK

ENCLOSED IS A MOTION/PETITION TO THE GA. COURT OF APPEALS FROM THE PETITIONER MICHAEL PERKINS WATSON IN WHICH HAS HIS CORRECT G.D.C.# 471290, THE MOTION/PETITION THAT THE GA. COURT OF APPEALS RETURNED FOR THE REASON OF: THERE IS NO CASE PENDING IN THE COURT OF APPEALS OF GEORGIA IN THE NAME OF EMORY A. LEE. WAS BECAUSE THE PETITIONER FILED HIS MOTION WITH HIS NEWTON CO. JAIL INMATE ID# 921768 INSTEAD OF HIS G.D.C.# 471290, PETITIONER HAS RE-SUBMITTED HIS NEW CORRECT MOTION/PETITION WITH THE COURT.

Respectfully Submitted

Michael P. Watson 471290

IN THE GEORGIA COURT OF APPEALS

STATE OF GEORGIA

MICHAEL P. WATSON, 477290  
NEWTON CO. LAW ENFORCEMENT  
15757 ALCOVY - JERSEY RD.  
COVINGTON, GA. 30014, Petitioner.

CASE NO. 2011 CR 713-1(A)

EUGENE M. BEATON, JUDGE  
NEWTON CO. SUPERIOR COURT  
1132 USHER STREET  
COVINGTON, GA. 30014, Respondent

FILED IN OFFICE:  
CLERK SUPERIOR COURT  
NEWTON COUNTY, GEORGIA  
2015 SEP 10 PM 4:27  
REC'D IN BK  
PAGE #  
DATE  
SINDA D. MAYSAK, CLERK

APPEAL FOR DENIAL OF RELIEF, "NEW TRIAL"

COMES NOW the above named Petitioner, Pro-Se and files this MOTION TO APPEAL FOR DENIAL OF RELIEF, with the Georgia Court of Appeals for the sentence of the court entered on the 23<sup>rd</sup> day of June, 2015. By: The Honorable Eugene M. Beaton, Judge, Newton County Superior Court.

1. Petitioner shows the court that on the 16<sup>th</sup> day of May, 2015 he/she was arrested by the Covington Probation Office for the alleged offences of: Tested positive for and admitted to using Cocaine and Hydrocodone.

2. Petitioner further shows the court that on the 18<sup>th</sup> day of May, 2015 he/she was never given a urine test by the Covington Probation Office, and was refused by the Covington Probation Office when he/she requested numerous times to give a urine test, but was arrested.

3. Petitioner further shows the court that on the 23<sup>rd</sup> day of June, 2015 he/she was sentenced by the Honorable, Eugene M. Beaton, Judge, Newton County Superior Court to the term of: not more than 180 days in a State Probation Detention Center, followed by the probationer serving the balance of his sentence in the Newton County Jail, balance of sentence ending May 28, 2016.

4. Petitioner further shows the court that in accordance to the O.C.G.A. § 42-8-34.1 "Effective: July 1, 2015 states" "IN THE EVENT THE COURT DETERMINES THAT THE DEFENDANT DOES NOT MEET THE CRITERIA FOR SUCH ALTERNATIVES, THE COURT MAY REVOKE THE BALANCE OF PROBATION OR NOT MORE THAN TWO (2) YEARS IN CONFINEMENT WHICHEVER IS LESS" "other than by commission of a new felony offense."

5. PETITIONER FURTHER SHOWS THE COURT THAT PRIOR TO THE "EFFECTIVE: JULY 1, 2015 CURRENTNESS" TO THE O.C.G.A. § 42-8-34.1, CONDITIONS FOR REVOCATION OF PROBATED OR SUSPENDED SENTENCE, THE ALCOVY JUDICIAL CIRCUIT COURT JUDGE(S) HAD A MAXIMUM SENTENCING "CAP" PLACED OF 180 DAYS WAS THE MAXIMUM SENTENCE THE JUDGE COULD IMPOSE ON A PROBATIONER, "OTHER THAN BY COMMISSION OF A NEW FELONY OFFENCE."

6. PETITIONER FURTHER SHOWS THE COURT THAT HE/SHE WAS SENTENCED BY THE HONORABLE, EUGENE M. BEALTON, JUDGE, NEWTON COUNTY SUPERIOR COURT ON THE 28<sup>TH</sup> DAY OF JUNE, 2015 JUST EIGHT (8) DAYS PRIOR TO THE "CURRENTNESS, EFFECTIVE DATE OF JULY 1, 2015 OF THE O.C.G.A. § 42-8-34.1."

7. PETITIONER FURTHER SHOWS THE COURT, EVEN THOUGH THE DEFENDANT IS NOT ENTITLED TO A TRIAL BY JURY, HOWEVER HE/SHE IS ENTITLED TO "DUE PROCESS OF LAW" UNDER THE 4<sup>TH</sup>, 5<sup>TH</sup>, 6<sup>TH</sup>, 8<sup>TH</sup>, AND 14<sup>TH</sup> AMENDMENTS TO THE UNITED STATES CONSTITUTION. TO KEEP A PROBATIONER FROM A ILL-REVOCATED PROBATION HEARING, UNDER DUE PROCESS OF LAW THERE ARE SIX (6) GUIDELINES SET FORTH: 1.) THE RIGHT TO BE SERVED IN WRITTING THE NATURE OF THE OFFENCE(S) WHICH REVOKED THE DEFENDANT'S PROBATION. 2.) TO HAVE A NEUTRAL DETACHED HEARING BODY PRESENT. 3.) TO HAVE HIS/HER ACCUSER(S) PRESENT AT THE HEARING. 4.) TO QUESTION - CROSS-EXAMINE WITNESS AT THE HEARING ETC...

8.) PETITIONER FURTHER SHOWS THE COURT THAT HIS/HER CONSTITUTIONAL RIGHTS TO "FUNDAMENTAL FAIRNESS" IN "DUE PROCESS OF LAW" WAS VIOLATED IN THAT THE DEFENDANT WAS NEVER SERVED WITH A PETITION OF REVOCATION WITH HIS/HER VIOLATIONS. THE DEFENDANT'S ACCUSERS WERE NOT PRESENT AT THE HEARING, THE DEFENDANT NEVER GOT TO QUESTION HIS/HER ACCUSER(S).

WHEREFORE, THE PETITIONER PRAYS THAT THIS APPELLATE COURT GRANTS HIS/HER RELIEF ON THE CONDITIONS SET FORTH IN THIS DENIAL OF RELIEF PETITION.

IN THIS, GEORGIA COURT OF APPEALS, HONORABLE \_\_\_\_\_, JUDGE

GRANTED \_\_\_\_\_, DENIED \_\_\_\_\_, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

RESPECTFULLY SUBMITTED,

By: Michael P. Watson, 421290  
PETITIONER, PRO-SE.

IN THE GEORGIA COURT OF APPEALS  
STATE OF GEORGIA

MICHAEL P. WATSON, 471290  
NEWTON CO. LAW ENFORCEMENT  
15151 ALCOVY - JERSEY RD.  
CONVINGTON, GA. 30014, Petitioner

CASE NO. 2011CR713-1(R)

EUGENE M. BEALTON, JUDGE  
NEWTON CO. SUPERIOR COURT  
1132 USHER STREET  
CONVINGTON, GA. 30014, Respondent

CERTIFICATE OF SERVICE

This is to certify that I have served a true and correct copy of the  
within foregoing APPEAL FOR DENIAL OF RELIEF by depositing copies of same  
in the United States Postal System with adequate postage affixed there to insure  
delivery thereof, addressed as follows:

MICHAEL P. WATSON, 471290  
NEWTON CO. LAW ENFORCEMENT  
15151 ALCOVY - JERSEY RD.  
CONVINGTON, GA. 30014

GEORGIA COURT OF APPEALS  
CLERK OF THE COURT  
47 TRINITY AV. S.W. #501  
ATLANTA, GA. 30334

This day of \_\_\_\_\_, 2015

Michael P. Watson, 471290  
Petitioner, Pro-Se

Att. Clerk of the court, the below COURT OF APPEALS OF GEORGIA

MENTIONED G.D.C #971768 is incorrect  
that is his Newton Co. Jail inmate ID #  
ENCLOSED is A CORRECT APPEAL for DENIAL of Relief  
with corrections MADE (471290 is correct)  
Respectfully,

RETURN NOTICE

August 26, 2015

To: Mr. Michael P. Watson, GDC971768, Newton County Law Enforcement, 15151 Alcovy  
Jersey Road, Covington, Georgia 30014

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 in the name of Emory A. Lee.
- 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 divesting this Court of jurisdiction. The remittitur issued on \_\_\_\_\_
- 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.