

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

October 28, 2015

To: Mr. Patrick Wayne Morris, GDC1187639, Wilcox State Prison, Post Office Box 397, Abbeville, Georgia 31001

Docket Number: Style: Patrick Wayne Morris 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

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS

10/27/15

COA
P/O

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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)
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GEORGIA COURT OF APPEALS

STATE OF GEORGIA

PATRICK WAYNE MORRIS
STATE OF GEORGIA

CASE# 05-9-0318-42

RECEIVED IN OFFICE
2015 OCT 27 AM 11:18
COURT OF APPEALS OF GA

NOTICE OF APPEAL

Comes Now, Patrick Wayne Morris, Petitioner, moving and
in this above styled case, action, moving this Honorable Court by filing
this appeal/Notice of Appeal. For said above stated petitioner is in motion
to appeal the decision of Cobb County Superior Court Judge Adell P. Grubbs
dismissal/denial of petitioners "Motion to Quash Indictment, Vacate
Sentence and conviction and immediately release petitioner"

The judge in this case dismissed the petitioners motion
with no valid reason, law, or anything showing support for her decision. Her
only so called reason for was that this motion is not a form in which petitioners
could challenge his conviction. Now petitioner is whole heartedly chall-
enging the judges decision and moreover challenging the courts, judicial
systems decisions as a whole. Petitioner being not only petitioner in this
instant case but many other petitioners in past and recent cases have
failed when it comes to challenging their convictions/sentences ect. due
to the "motion" or whatever avenue remedy are because they have not
executed or "structured" so called motion/remedy ect. in the right or
correct manner. Basically the saying "you have not taken the right or
correct method...."

Most if you notice "petitioners" who
challenge their convictions, sentences, ect. are doing so from behind
bars (prison walls) and are doing so pro se... Not only is this the
issue but they are doing so without proper education, no money,

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And very limited time. Not only this but they lack the Right books
and or materials that a so called Attorney, DA Prosecutor, judge and
people of the court (people who have taken an oath) have access to. And
and the time, and or (8) years or more college education that most
Attorneys, ect. have to go through to be "OFFICERS OF THE LAW". If one
'PETITIONER' was able to go through all the proper channels, Eight years of
college, test, exams, money, time ect. to earn a degree in law, by the time
he was to actually earn his degree to practice law & understand the pro-
cedures, meanings, and workings of the court, His time would have expired
law all the proper methods he has taken would have been time, money
ect. down the drain and then would be USELESS because his time limit
to challenge his conviction / sentence ect. would have expired. So many
PETITIONERS / people, untrained professionals have lost their hopes because of
frivolous denials due to "Lack of Education" and not working and or not
using the correct so called 'methods' to challenge their conviction /
sentences. This is wrong and it still violates the Rights of a human
being to get a fair and even chance to even try to challenge his
conviction especially those who have 15, 20, 25 years or more and
definitely those who have LIFE SENTENCES, and those may actually
be innocent or not completely guilty of the crime or all crimes
charged. Some may have just been at the wrong place at the wrong
time, and still get no leniency.

Lets say petitioner goes to the "LEGAL
AW LIBRARY" in the prison that he is at. He is still blocked because

He lacks - the books he really needs to properly fight his case.
He lacks the following...

- 13th Edition of the S.E. decisions
 - Volume 500 through the present of SE. 2nd's
 - 1. Volume 1-478 of the Fed. Supp
 - Volume 1-780 of the Supreme Court Reporter
 - 2. Volume 999 through the present of Fed. Supp.
- OFFICIAL GEORGIA APPEAL REPORTS
 - 1. Slip opinions from Fed. Court
- Corpus Juris Secundum (CJS)
 - 1. Words & Phrases
 - 2. 13th Edition to Federal Digest
- Volume 118 through present of US Supreme Court decisions
 - 1. Wright & Miller FEDERAL PRACTICE AND PROCEDURE
 - 2. FEDERAL & CIVIL CRIMINAL FORMS
 - 1. FEDERAL Rule decisions (FRD)
 - 5. ADMINISTRATIVE LAW REVIEW
- Supreme Court Digest
 - 1. SHEPARD CITATIONS (Fed & State)
 - 3. TRISOMER SELF HELP LITIGATION

Not only does one lack all these books but he also lacks the time to properly research what he needs. He gets maybe 2 hours a week, 1 day a week to research his case. Where as an attorney can have as many hours a day, every day as much as he needs and desires, to prepare his case. It is not unknown for a member of the bar to err when attempting to litigate

A MATTER before the courts. The procedural complexities of CIV. L
LAW ARE FAR beyond the comprehension of the layman "prose," petitioner
who lacks education/schooling of the law. If the legal arena were
familiar to the average citizen the licensing of ATTORNEYS and Regulation
of their practices would not be controlled.

Because petitioner is not educated in the fine

ART OF THE LEGAL PROFESSION AND BECAUSE A SERIOUS MISSCARRIAGE OF
JUSTICE HAS RESULTED, Petitioner Ask this Honorable Court of Appeals
to Adopt the decision/Ruling of Williams v Taylor (63 F 3d 866 4th Cir
'1998). "The court may excuse petitioner's procedural default if he
has sufficient evidence and has suffered a miscarriage of justice.
Also let's look at "LEJEUNE v McLaughlin 296 GA 291; 766 SE 2d
233 (2014) GA. which clearly states that the STATE can and must
meet its burden by showing FACTS on RECORD as to fulfill their
decisions. If they cannot do so or fail to do so and but for
the petitioner can, then the petitioner's "motion ect." should & must be
granted. In past cases the state was getting away with Not
showing valid reason or "merits" on Record and Facts as to why they
denied petitioner's motion ect. but they were basically Abdicating the issues
it had because the "wording" or method was not proper. Georgia
courts are real famous for doing this. Let's not forget that we have to
Remember, most petitioners/prose litigants are ALL still human beings
and layman of the law and are ignorant to the law, lack the education
of the law and its language, meanings, proceedings ect. and are burdened
and prejudicially harmed by these issues. The issue at hand is not

BASED ON FACTS; BECAUSE WE ARE NOT ABLE TO GET TO THIS POINT DUE TO THE ISSUE OF BEING THE SO CALLED METHOD THAT IS USED, OR NOT USED, OR NOT EVEN FOUND. BECAUSE OF THIS "LACK OF EDUCATION OF THE LAW" PETITIONER IS DEPRIVED OF HIS RIGHT TO FUNDAMENTAL FAIRNESS TO EVEN BE HEARD DUE TO HIS LACK OF EDUCATION, HE CANNOT GET THROUGH OR PAST THE STAGES HE NEEDS TO SO HE CAN VOICE HIS CASE IN OPEN COURT. NOT ONLY DO THESE ISSUES DEPRIVE THE PETITIONER BUT IT DISCOURAGES HIM AND HARMS HIM BY KILLING MENTALLY, EMOTIONALLY AND PHYSICALLY BY WEAKENING HIS FAITH AND HIS HOPE AT THE POSSIBILITY OF GAINING THE JUSTICE HE SEEKS TO CORRECT A MANIFEST INJUSTICE THAT HAS BEEN LAID UPON HIM, JUST BECAUSE HE LACKS THE CERTAIN EDUCATION, CRITERIA AND ITS FUNDAMENTAL PRINCIPLES THAT ARTICULATES THE LAW THAT HE NEVER THOUGHT OR KNEW HE NEEDED.

WITH ALL THAT SAID PETITIONER IS ASKING, WITH ALL DUE RESPECT FOR THIS COURT OF APPEALS COURT, TO READ, EXAMINE AND HEAR IF POSSIBLE, AND TO PLEASE CONSIDER THIS APPEAL, WITH THE CIRCUMSTANCES THAT HAVE BEEN STATED AND THE PROOF, LOOK AT THE PROOF OF FACTS OF THE "ORIGINAL" "NOTION TO QUASH". FOR THERE IS NO REAL & TRUE REMEDY FOR THE FACT THAT A PETITIONER HAS A FUNDAMENTALLY, FATAALLY, FLAWED AND DEFECTIVE INDICTMENT AND IT IS VOID, TO WHICH IT CHARGES NO CRIME. IF ONE WAS TO TRY GOING BACK THROUGH THE HABEAS CORPUS AGAIN, HE COULD BE DENIED DUE TO THE FIVE BUS FLAW OF TIME, PREPERATION, WORDING, FOUNDATIONAL ETC... AND BECAUSE HE IS PRISONER AND NOT REALLY KNOWING WHAT HE WAS DOING, HE MAY NOT HAVE RAISED CERTAIN ISSUES THE FIRST TIME BECAUSE OF LACK OF EDUCATION ON THE

-AW. Now he is being downgraded and forced to maybe give up AS
to a means of finding a legal avenue to take because he is now in
fear of procedural bars and things of that nature. No matter
which method is to be taken or not taken the Fact! Still remains
petitioner may very well be illegally incarcerated because he is
either (A) innocent factually or (B) the procedures taken are illegal
because they do not follow product of law & constitutional law as
written & prescribed by law makers. No matter what the verdict
petitioners so "called" TRUE BILL OF INDICTMENT is still void
and defective. [O.C.G.A 17-9-4] states "A void indictment can
be brought up, and challenged in any court at any time. This does
not state a remedy or method and therefore this issue should not
be handled lightly. There are many cases to back this up. One of
the latest is [SPENCER V STATE 309 GA APP 630, 630 (2) 710 SE 2d (2004)]
also [HENDERSON V HAMES 287 GA 534 (2010)] [CONEY V STATE 290 GA APP 374, 659 SE 2
768 (2008)] [CHASE V STATE [9] 277 GA 636, 592 SE 2d 654 (2004)] ARE A SMALL LINE
OF CASES SINCE 2002 THAT DEAL WITH THESE ISSUES, AND ALL STATE 17-9-4.
Basically there has been no remedy ruled or stated on how to deal
with this issue. So petitioner is asking this HONORABLE COURT
of the COURT OF APPEALS to REVERSE the judges decision / dismiss it
in this INSTANT CASE AND REVIEW & CONSIDER THE FACTS OF THE
ORIGINAL MOTION TO QUASH INDICTMENT which is an omnibus
motion to QUASH INDICTMENT, VACATE SENTENCE AND CONVICTION AND
IMMEDIATELY RELEASE PETITIONER due to the facts on the ORIGINAL
motion AS they deal with PROOFS OF EVIDENCE ON THE FACE OF THE RECORD

PETITIONER RESPECTFULLY PRAYS AS A PROISE LAYMAN OF THE LAW, THAT THIS HONORABLE COURT OF APPEALS TAKES IN ITS CONSIDERATION, PONDERS AND MAKES A RULING IN PETITIONERS BEHALF AND GRANTS HIM THE RELIEF HE SO SEEKS IN ITS TOTALITY AS FOR WHAT WAS AND STILL IS REQUESTED IN HIS ORIGINAL MOTION. AND IF IT PLEASE YOUR HONORABLE COURT A PROPER REMEDY THAT WILL WITHSTAND HIS FACTS AND GRANT HIM HIS RELIEF HE SO SEEKS.

Respectfully Submitted

this 22 day of Oct 2015

X PATRICK WAYNE MORRIS
X [Signature]

2015

CERTIFICATE OF SERVICE

This is to certify that I have this day
SERVED A TRUE AND CORRECT COPY OF THE WITHIN AND
SEREGING DOCUMENTS UPON THE LISTED PARTIES BELOW BY
DEPOSITING A COPY OF THE SAME OF THE UNITED STATES MAIL
IN A PROPERLY ADDRESSED ENVELOPE WITH ADEQUATE POSTAGE
AFFIXED TO ENSURE THAT IT REACHES ITS DESTINATION.

① REBECCA KEATEN, Clerk
Cobb Superior Court
Court division
P.O. Box 3370
Marietta GA 30061

This 22 day of Oct 2011

② GEORGIA COURT OF APPEALS
Clerk of Court
47 TRINITY AVENUE SW
Suite 501
ATLANTA GA 30334

TATEK WAYNE MORRIS (GIZU)
GOC # 1187639
WILCOX STATE PRISON
P.O. Box 397
Abbeville GA 30001

Under the rules of state & federal
I swear the above is true & correct →

X Tatek Wayne Morris

IN THE SUPERIOR COURT OF DEKALB COUNTY
STATE OF GEORGIA

Patrick Wayne Morris
PETITIONER,

VS.

State of Georgia
RESPONDENT,

:
:
: CASE #
: CIVIL NO. 05-9-0318-42
:
:
:

AFFIDAVIT OF POVERTY

I Patrick Morris, being first duly sworn, identifies himself as the Petitioner in the above-styled action and states upon his oath that he is an indigent state prisoner and that on account of this poverty cannot pay the fees and costs normally required to file and proceed in an action of this nature.

He executes this oath in order that he may proceed in forma pauperis.

Under the Rules of State & Federal Perjury, I swear the above is true & correct.

Patrick Wayne Morris
Petitioner Pro Se

Patrick Morris GDC # 1187639
C-1 2116

Wilcox State Prison
PO Box 397
Abbeville GA 31001

~~Sworn to and subscribed before me~~
~~this _____ day of _____, 20____~~

~~NOTARY PUBLIC~~
~~(My commission expires: _____)~~

RECEIVED IN OFFICE
2015 OCT 27 AM 11:49
STATE DEPARTMENT OF CORRECTIONS
COURT APPELLANTS DIVISION
GA