

**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:

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

(100)

(P)

To: Patrick Wayne Morris

Docket Number: Style: Patrick Wayne Morris v. The State

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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).

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IN THE GEORGIA COURT OF APPEALS

STATE OF GEORGIA

Patrick Wayne Morris

STATE OF GEORGIA

RECEIVED IN OFFICE

2015 OCT 27 AM 11:47

CLERK OF THE COURT OF APPEALS OF GA

CASE # GS-9-0138-42

NOTICE OF APPEAL "APPEALING DISMISSAL OF THE ORIGINAL
MOTION" ("MOTION TO QUASH INDICTMENT (omnibus motion)
TO VACATE SENTENCE AND CONVICTION, AND IMMEDIATELY RELEASE PETITIONER")

[BASED ON FACTS LISTED BELOW]

PETITIONER SUFFERS FROM [ENNUMERATIONS OF ERROR]
↓↓↓

- ① Fundamentally fatally flawed, void and defective indictment
- ② "FATAL VARIANCE"
- ③ INEFFECTIVE ASSISTANCE OF COUNSEL
- ④ VIOLATION OF U.S. CONSTITUTIONAL RIGHTS - 4th 5th 6th 8th 14th
AMENDMENTS

Brief IN Support

In this omnibus motion (which is a motion that makes several request and, or ask for multiple forms of relief...)

(COMES NOW Patrick Wayne Morris, Petitioner/Movant

Pro'se Litigant - In the above styled case - A Layman of the Law, one who is not a member of a clergy, nor a member of a professional nor an expert on a particular subject, especially Law also who has no proper education or schooling and has very limited access to certain materials

Pertaining to the Law, Petitioner / MOVANT moves this honorable Court of Appeals to Read, review, and, consider, and Rule in petitioners favour and quash indictment. Not only to quash indictment but to also grant Request of vacating sentence and conviction and dismiss them as they are unlawful. (1) To quash this indictment due to it's unlawful and void, and defective defects, on the face of the Record.

The Indictments Failure to properly, and fully and distinctly set out a crime in each charge, counts (1), (3) and (4) of the indictment #059-03842 and also by not setting out not only the OCGA's but not stating in each count, each and every substantial, statutory, essential elements in each crime alleged in the indictment. This is also a structural & procedural defect that cannot be cured by mere audible words. In order to cure this deficiency and or defect you would have to quash this current indictment and reindict or attemp to reindict.

Requested Remedies

- 1) Quash and dismiss due to indictment being so fundamentally, fatally flawed and void and defective, it has deprived petitioner and violated his U.S. Constitutional Rights by denying him of his 4th 5th 6th 8th 14th Amendments. Especially his 5th 6th and 14th
- 2) Quash indictment and vacate void and illegal sentence and conviction due to the indictment charges no crime and due to "FATAL VARIANCE" and violation of petitioners 5th and 6th Amendment Rights.
- 3) Quash indictment and vacate due to INEFFECTIVE ASSISTANCE of counsel.
- 4) Quash and immediately Release petitioner as to the defectiveness of this indictment, violation of his due process rights and the fact that this is

The 3rd Indictment on this same case, charges, allegations, offenses, and petitioner has proof and evidence of this by documentation.

3) Quash Indictment due to it has exceeded more than 23 grand jurors on Face of Record.

Jurisdiction

This Honorable Court has full jurisdiction over these issues as to this is the Georgia Court of Appeals a higher court, who when the lower sentencing courts have made mistakes and fail to cure the mistakes they have made, this court overlooks and over rules, due to better qualified experience holding a higher standard of fairness.

Factual basis for appeal, grants ect.

1st O.C.G.A 17-9-4 states - A void Indictment can be brought up and challenged in any court and at any time....)) many cases back this up. SEE GREEN v STATE 229 GA 687, 689, 620 S.E.2d 788 (2005) - SPENCER v STATE 309 GA App 630, 630(2) 710 S.E.2d (2011).... Validity of this judgement rendered by court having no jurisdiction of person or subject matter.

The judgement of a court having no jurisdiction of the person or subject matter, or void for any other cause is a mere nullity and may be so held in any court when it becomes material to the interest of the parties to consider it. In this case The Superior court of

Cobb County lacked jurisdiction for the fact that the "so called" Indictment in this case fails to charge any crimes by statute, Procedure, by Law and by Constitution, so therefore the judgement, sentence conviction are materially, physically, factually, and constitutionally illegal and must be rendered void and reversed, and petitioner must be immediately released from his illegal incarceration.

GROUND ① Fatally Flawed void & defective Indictment

Petitioner / movement in this instant case claims, and will show & prove by facts on the face of the record, the issue of his Indictment being fundamentally, fatally, flawed, void and defective by showing on the face of the record [see count one of Indictment ① BURGARY] where count ① does not specify, state, or allege the and fails to allege, what specific Felony and/or theft petitioner had allegedly intended to commit!! wherefore the "Burgary" count ① of the Indictment only claims & states.... [with the offense of Burgary, without authority and with intent to commit a Felony enter the dwelling of another - to wit: Jess Sharpe and Lamar Sharpe, ... ect. the Burgary count in this

Instant Indictment is ① constitutionally ② legally ③ and so fundamentally flawed, it is void and defective and the sentence issued on said count must be reversed as a matter of fact and law. Because said count did not specify what Felony I had allegedly intended to commit nor did said count specify what theft was taken place.

IN POIK V STATE 275 GA App 467 620 6621 857

(2005)

(4)

In Wichitka relies on GA v. Lockhart and Ealey v GA in support of his argument. The GA Supreme court held that an Indictment with charges solely on Burglary without Identifying the underlying felony was Nullity!!

In Ealey which relied on lockhart was reversed burglary conviction because Indictment failed, did not state or specify the underlying felony...

Also look at Smith v Hardrick which is a leading case for many - it states that one count in indictment "can not" be imputed to separate count absent specific reference to the allegation sought to be imputed. must reverse

Also GA LAW FEDERAL LAW; CONSTITUTIONAL LAW ALL (require) the same thing when it comes to validity of indictments. They state that each count in an indictment must be wholly and complete within itself so plainly - and distinctly, fully set each and every substantial element in the crime or crimes charged in each count. "Even in a multicount indictment".

Each charge or allegation should support itself. An indictment is void to the extent that it fails to allege all the statutory substantial elements of the crime charged. Georgia Law requires - that an indictment inform the defendant of the charges against him so that he may properly prepare his case and defense at trial and not be surprised at the evidence against him as well as to protect him from another prosecution against himself. An indictment should be so plain that even a layman, a man of rational understanding cannot fail to understand it. Constitutional due process of law requires that every indictment must contain all the statutory essential elements of the crime or crimes charged... SEE HENDERSON V HARRIS

287 GA 534 [2010] Reversed due to ONE ESSENTIAL ELEMENT, A MATERIAL ELEMENT MISSING out of his charge of AGGRAVATED ASSAULT. It states that a substantial defect, such as Indictment fails to allege conduct which constitutes a crime renders it void. Must be Reversed!!

CHISE V STATE [277 GA 636 (2004)]

CONLEY V STATE 290 GA App 364, 659 (2008)

And other cases follow Smith v Hardwick 266 GA 511, 464 SE 2d 195 (1995) All state the same with this issue. Note if an indictment is void that makes all proceedings after void ab initio because everything is void and null from the (beginning.) Ineffective assistance of counsel fails in place because counsel "failed" to file a special timely demurrer which violates petitioners US constitutional right - Amendment 6 failure

For petitioners attorney to timely challenge the validity of the Indictment on the Burglary court or any other court that did or may have contributed to petitioners conviction on void counts in indictment which prejudiced and harmed petitioners case. [must be Reversed]

This petitioners Sentence is illegal!! Because counsel's failure to file timely demurrer to challenge burglary court and or any other court that are void in indictment pursuant to O.C.G.A. 16-7-1 AS IT WAS FATALY defective because it did not specify or state [underlying Felony] And such can not be imputed when there was no specific corperation by reference as such failure contributed in petitioners conviction on void & defective indictment prejudiced and harmed him. per Georgia Supreme Court held that an indictment that charged burglary withought specifying the underlying Felony was Nullity!! U.S. Constitutional Federal Law

GEORGIA LAW, § GEORGIA CONSTITUTIONAL STATE THAT EVERY DEFENDANT IN A CRIMINAL CASE IS ENTITLED TO AN INDICTMENT THAT IS PERFECT IN FORM AND IN SUBSTANCE. PETITIONER IN THIS INSTANT CASE DOES NOT HAVE THIS. PETITIONER PRAYS THAT THIS HONORABLE GEORGIA COURT OF APPEALS WILL DO AS REQUESTED AND AFFORD ME MY RIGHT GUARANTEED BY LAW AND JUSTICE THIS INDICTMENT AND GRANT HIM HIS ENTITLED RELIEF BY IMMEDIATELY RELEASING HIM...

Grant 2

PETITIONER CLAIMS INDICTMENT IS FUNDAMENTALLY & FATAALLY FLAWED, VOID AND DEFECTIVE ON COUNT (1) "MURDER" AS IT LACKS ALL THE SUBSTANTIAL ESSENTIAL ELEMENTS MANDATED, PRE-REQUISITES UNDER O.C.G.A. 16-5-1 (A) & B. IN GA. THE LAW DEFINES MURDER AS SET BY THE REQUIRED STRUCTURES OF ITS O.C.G.A. 16-5-1 (A) & B "DEFINES MURDER AS [O.C.G.A. 16-5-1 (A). "A PERSON COMMITS THE OFFENSE OF MURDER WHEN HE (1) UNLAWFULLY (2) WITH MALICE EXPRESS OR IMPLIED (3) CAUSES THE DEATH OF ANOTHER HUMAN BEING... (B) EXPRESS MALICE IS THE DELIBERATE INTENTIONAL UNLAWFULLY - TO TAKE THE LIFE OF ANOTHER HUMAN BEING WHICH IS MANIFESTED BY EXTERNAL CIRCUMSTANCES OF THE CAPABILITY OF PROOF. MALICE SHALL BE IMPLIED WHERE NO CONSIDERABLE PROVOCATION APPEARS AND WHERE THE CIRCUMSTANCES OF THE KILLING SHOW AN ABANDONED AND MALIGNANT HEART. IN THIS INSTANT CASE COUNT (1) MURDER LACKS THE MATERIAL STATUTORY SUBSTANTIAL ELEMENTS OF (1) UNLAWFULLY AND (2) EITHER EXPRESSED OR IMPLIED. IN GEORGIA INTENT IS SUCH AN INTEGRAL MATERIAL ELEMENT OF MURDER IT MUST BE EXPRESSED AND RECITED IN THE INDICTMENT AND IT IS ALSO DEE PROCESS OF LAW SEE GADDY V LINAHAN 780 F.2d 935 (1986) SOLEMAN V KEMP ALSO FOLLOWS HENDERSON V MERRIAM 426 US 637, 645 - IN ALLEBAN V STATE 294 GA 315 (2013) MALICE MURDER IN GEORGIA REQUIRES JURY FIND DEFENDANT AWARE WITH CRIMINAL INTENT IN LED FORD V STATE 289 GA 70(1) 709 SE 2d 239 (2011) STATES THAT O.C.G.A. 16-5-1 (A) & (B) AS STATED ABOVE AND THE IMPORTANCE OF THESE INTEGRAL MATERIAL

MANDATORY SUBSTANTIAL ESSENTIAL ELEMENTS BEING STATED IN INDICTMENT. ALSO SEE WALKER V STATE 296 GA 61 (2014). IT IS ALREADY BAD ENOUGH THAT THE ALLEGATIONS IN THIS INDICTMENT DO NOT STATE THE O.C.G.A IT REQUIRES BUT IT ALSO FAILS TO STATE, RECITE STATUTORY LANGUAGE AND ALL SUBSTANTIAL STATUTORY ESSENTIAL ELEMENTS WHICH IS MANDATORY TO ENSURE THAT DEFENDANT HAS FULL NOTICE OF THE CHARGES AGAINST HIM SO HE CAN FULLY, PREPARE HIS CASE AND PROTECT HIS SELF FROM COMPULSORY SELF INCERMINATION, DOUBLE JEOPARDY AND FROM BEING PROSECUTED FOR A CRIME NOT ALLEGED IN INDICTMENT. POINT (4) SHOULD BE REVERSED VOID AND REVERSED AND INDICTMENT SHOULD BE QUASHED DUE TO ITS INEFFECTIVENESS.

Ground 3

Petitioner claims furthermore that the Indictment is fundamentally, fatally, flawed, void and defective as to Count (3) AGGRAVATED ASSAULT - ON JESS SHARPE, AS it lacks the statutory substantial essential elements required by law, it lacks the AGGRAVATING circumstances and the issue of "FATAL VARIANCE". IN GEORGIA THE OFFENSE OF "AGGRAVATED ASSAULT" HAS TWO STATUTORY SUBSTANTIAL ESSENTIAL ELEMENTS. "O.C.G.A 16-5-21" AGGRAVATED ASSAULT A PERSON COMMITS THE OFFENSE OF AGGRAVATED ASSAULT WHEN (1) ATTEMPT TO COMMITTE A VIOLENT INJURY OR AN ACT THAT PLACES ANOTHER IN REASONABLE APPREHENSION THEREOF AND (2) THAT THE ASSAULT WAS AGGRAVATED BY EITHER (A) AN INTENTION TO MURDER (2) Rape (3) OR Rob OR (B) BY USE OF A DEADLY WEAPON.]] THE SIXTH AMENDMENT OF THE U.S CONSTITUTION STATES THAT A CRIMINAL DEFENDANT SHALL BE INFORMED OF THE NATURE AND CAUSE OF THE ACCUSATION AGAINST HIM. IT IS WELL ESTABLISHED IN GEORGIA THAT THE SATISFACTION OF THIS FUNDAMENTAL PRINCIPLE REQUIRES THAT A CRIMINAL INDICTMENT WHICH DOES NOT RECITE THE LANGUAGE FROM THE "CODE" THEN MUST ALLEGE EVERY AND ALL STATUTORY SUBSTANTIAL

ESSENTIAL ELEMENTS OF THE CRIME OR CRIMES CHARGED. FURTHER MORE AS PREVIOUSLY STATED EARLIER IN THIS BRIEF AND WILL BE MENTIONED LATER, EACH COUNT IN THE INDICTMENT MUST BE WHOLLY COMPLETE WITHIN ITSELF AND PLAINLY SET OUT FULLY AND DISTINCTLY THE CRIME CHARGED IN THAT COUNT!

IN SMITH V HARDRICK 266 GA 54, 464 SE2D 195 (1995) - UNLESS EVERY ESSENTIAL ELEMENT IS STATED IN INDICTMENT IT IS IMPOSSIBLE TO ENSURE THAT A GRAND JURY FINDS PROBABLE CAUSE TO INDICT...

THE INDICTMENT IN THIS INSTANT CASE FAILS TO SET FORTH THE MANDATORY STATUTORY SUBSTANTIAL ESSENTIAL ELEMENTS BY LAW OF [O.C.G.A. 16-5-21] AGGRAVATED ASSAULT. NOT ONLY DOES IT FAIL TO ALLEGE THESE ELEMENTS ON THE FACE OF THE RECORD, BUT IT ALSO FAILS TO SET FORTH ANY TYPE OF AGGRAVATING CIRCUMSTANCES, THUS IT FAILS TO SET FORTH A COLORFUL CLAIM, AS TO ANY ACTUAL CRIME THAT WAS COMMITTED. IT FAILS TO ALLEGE HOW THE "ASSAULT" WAS COMMITTED, WHERE ON THE VICTIM IT WAS COMMITTED, WHAT TYPE OF HARM IF ANY WAS DONE AND IT DOES NOT SPECIFY IF THE SO CALLED ASSAULT WAS DONE OR COMMITTED IN AN ATTEMPT TO COMMIT A VIOLENT INJURY OR PUT THE SO CALLED VICTIM IN APPREHENSION OF FEAR THEREOF] O.C.G.A. 16-5-21 [1] OR DOES IT INSINUATE IF THE SO CALLED "ASSAULT" WAS COMMITTED WITH AN INTENT TO ^(a) MURDER, ^(b) RAPE, ^(c) ROB THE VICTIM O.C.G.A. 16-5-21 (2)(A) OR DOES IT STATE - "BY USE OF A DEADLY WEAPON - O.C.G.A. 16-5-21 (2)(B). SO IT DOES NOT STATE THAT THE "ASSAULT" WAS AGGRAVATED EITHER BY..... NONE OF THESE. WITHOUT THE ESSENTIAL ELEMENTS THAT ARE NECESSARY TO SET FORTH THIS SO CALLED OFFENSE, IT FAILS TO EXPLAIN A CRIME, NOR DOES IT PAIN A PICTURE OF WHAT COULD OR COULD NOT HAVE ACTUALLY HAPPENED. SEE INDICTMENT COUNT 3 STATES... [WITH THE OFFENSE OF AGGRAVATED ASSAULT..... DID MAKE AN ASSAULT UPON THE PERSON OF JESS SHARPE WITH A CUB STICK OR ROD LIKE INSTRUMENT, AN INSTRUMENT WHICH WHEN USED OFFENSIVELY AGAINST A PERSON IS LIKELY TO OR DOES RESULT IN SERIOUS BODILY INJURY.... (1) THE INDICTMENT CHARGES IN THE ALTERNATIVE BY STATING [OR A CUB STICK OR ROD LIKE INSTRUMENT]

And 2 it fails to charge a crime. See HENDERSON v HAME 287 GA 534 (2010) CASE REVERSED due to ONE MATERIAL ESSENTIAL ELEMENT missing out of charge in INDICTMENT. The term "CAN OR DOES RESULT IN SERIOUS BODILY INJURY" IS NOT CORRECT OF A COMPLETE STATEMENT OF LAW AND IS NOT A PROPER FORM FOR THE AGGRAVATED ASSAULT STATUTE. PETITIONER WAS CONVICTED AND SENTENCED ON A CHARGE NEVER PROPERLY MADE IN THE INDICTMENT AND THE FOURTEENTH AMENDMENT OFFERS NO ALTERNATIVE BUT TO GRANT PETITIONER'S REQUEST AND CRUSH THIS INDICTMENT AND RELEASE HIM FROM HIS PRESENT PLACE OF INCARCERATION...

GROUND 4

PETITIONER RAISES / CLAIMS ON THE SAME COUNT AS ABOVE COUNT ③ AGGRAVATED ASSAULT OF THE INDICTMENT BUT DEALING WITH "FATAL VARIANCE"... GEORGIA LAW AND GA CONSTITUTION ARTICLE I, SECTION 1 PARAGRAPH 1 STATES... "NO PERSON SHALL BE DEPRIVED LIFE, LIBERTY OR PROPERTY EXCEPT BY DUE PROCESS OF LAW. U.S. CONSTITUTIONAL 5TH AMENDMENT STATES... EVERY DEFENDANT SHALL, THATS INDICTED BE GIVEN THE RIGHT TO ONLY BE TRIED ON THE CHARGES SET FOR BY INDICTMENT. THE 14TH AMENDMENT GIVES EVERY DEFENDANT THE RIGHT TO DUE PROCESS OF LAW AND A FAIR TRIAL, AND EQUAL PROTECTION OF THE LAW. A DEFENDANT WAIVES MANY RIGHTS WHEN HE PLEADS GUILTY AND ENTERS A GUILTY PLEA BUT HE DOES NOT WAIVE THE RIGHT TO A VOID INDICTMENT, NOR DOES HE WAIVE THE RIGHT TO EFFECTIVE ASSISTANCE OF COUNSEL.!! THE STATES THEORY THAT PETITIONER HAD "CUT THE VICTIMS THROAT" AND THE JUDGES ASKING DEFENDANT IF HE HAD "CUT VICTIMS THROAT" AND THE TRIAL ATTORNEYS (ERRONEOUS) ADVICE TO TELL DEFENDANT TO STATE THAT TO BE HE WOULD CUT THE VICTIMS NECK" WAS HARMFUL AND PREJUDICED PETITIONER'S CASE. ALSO MISPROSECUTORIAL CONDUCT AT BEHALF OF THE DA. AS FOR THE INDICTMENT DOES NOT HAVE ANY CONTENT, ALLEGATION, OR ACCUSATION IN

This multi-count Indictment of An ASSAULT with a knife or
No type of charge on it's FACE that deals, specifies, states, recommends
Alleges or says anything about a knife or sharper object in any way
Shape Form or fashion. It Does NOT Exist. Ineffective assistance
of counsel falls under this as he counsel advised, encouraged and induced
petitioner to admit guilt to a charge not properly made by a grand jury
Indictment. This is compulsory self incrimination violation of due
process, fatal variance and illegal. [Strong v U.S.] 361 US 212 (1960)
[U.S. v Prejean] CA (Tex) 1974, 494 F2d 495. It is well known and established
that in any criminal case, especially those with an Indictment that
Facts / basis used for a TRIAL and or Guilty plea, the facts used to
attain a conviction, must mirror (reflect) the charge or charges made
by Grand jury in the Indictment. Also see [U.S. v Noron] 372 F3d
1243 (11th Cir. 2004). Count 3 in the Indictment states the allegation of
ASSAULT by use of a "Cue stick or Rod like instrument". See Indictment
Count 3 and see plea transcripts (pg. 5 Lines 24-25) (pg. 7 Lines 15-16)
(pg. 17 Lines 17-22) all refer to the so called victim getting cut with a
knife or has threat. You can clearly see the vast difference in the
Indictment charge and the factual basis. My attorney advised, and allowed me
to not only incriminate myself, but to admit guilt and get convicted and
sentenced on a charge not made by Indictment. This is illegal and
unconstitutional and must be ruled as null & void and conviction
must be reversed. See Dukes v State 23 GA App. 701 1994 -
[KEVINER v STATE 245 GA 78, 454 SE 2d 441 (1995)] Both under Dukes
and both reversed on behalf of petitioner. Also see Isom v State 71 GA
App 803, 32 SE 2d 437 (1964) all the way from the early 1900's till this day in
present. And like all these cases I can prove by the facts on the FACE OF THE
Record where as the sentencing court has failed and will continue to do so.

IT IS WELL KNOWN AND ESTABLISHED THAT EACH & EVERY DEFENDANT IS ENTITLED TO AN INDICTMENT PERFECT IN FORM AND SUBSTANCE, AND IF THE DEFENDANT HAS BEEN DENIED THAT LEGAL RIGHT THEN HAS BEEN INJURED FOR AN INDICTMENT NOT GOOD IN FORM AND SUBSTANCE IS INDEFINITE. THE FACT THAT THE GRAND IS THAT THE WEAPONS USED IN THE INDICTMENT AND THE WEAPONS USED IN THE "SO CALLED" FACTUAL BASIS FOR FINDING THE PLEA TO BE VALID DIFFER ALL THE WAY AROUND THE BOARD. YOU CAN'T EVEN SAY THIS WOULD MAKE A MISTAKE THAT WAS AS SMALL AS A DUST PARTICLE, WHICH WOULD STILL BE ILLEGAL AND PUNISH BY LAW. THIS IT CANNOT BE IMPARTED TO CURE A DEFECTIVENESS. SO WITH THE FACTS SHOWN, GIVEN, AND PROVED IN GRAND OF THIS CRIMINAL MATTER THE HONORABLE COURT SHOULD SERIOUSLY TAKE IN ITS CONSIDERATION AND GRANT PETITIONER'S APPEAL FOR ALL THE FACTS ARE GIVEN AND CAN BE SHOWN ON THE FACE OF THE RECORD, AND PETITIONER SHOULD BE IMMEDIATELY RELEASED.

GRAND 5

FINAL Summary - PETITIONER IN THIS INSTANT CASE

HAS SHOWN THE COURT BY FACTS APPEARING ON THE "FACE OF THE RECORD" HOW THE INDICTMENT IS SO FUNDAMENTALLY, FATALE, FINEST, VOID AND DEFECTIVE THAT WHEN ONE ACTUALLY TAKES A LOOK AT IT THERE IS NO DISPUTING IT. ALSO PETITIONER HAS SHOWN THE COURT'S IN DEFECTIVE ASSISTANCE OF COUNSEL AND MORE IMPORTANTLY PETITIONER HAS SHOWN HOW HE HAS BEEN DENIED HIS DUE PROCESS RIGHTS FROM THE BEGINNING OF HIS CASE, AND HIS U.S. CONSTITUTIONAL RIGHTS HAVE BEEN VIOLATED.

① Fifth Amendment Rights Violation

② 6th Amendment Rights Violation

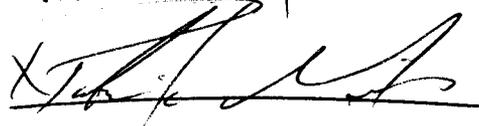
③ 14th Amendment Rights Violation

AS TO INDICTMENT BEING VOID, NOT BEING TRIED ON CHARGES ONLY MADE BY GRAND JURY - CHARGES IN INDICTMENT BEING INCOMPLETE

Not giving petitioner Full Right to know & understand the Full
Nature & Cause of Accusation Against h.m, Not informing petitioner of All
Mandatory Substantial ESSENTIAL elements of each crime charged to prepare
him for proper defense, Compulsory self incrimination as to having him admit
guilt to a charge not made by grand jury indictment, Ineffective assistance
of counsel for erroneous advice to plead guilty to such charge and to
void indictment, deprivation of his right to a FAIR TRIAL / plea bargain,
Content signing, and equal protection of the law and it's rights...

In closing, petitioner is asking this Honorable
Court of Appeals with it's jurisdiction being established, to please ponder
on the issues at hand, a reflection on the facts that have been presented, and
consider petitioner's Request and Grant the appeal of the "motion to Quash
and Reverse the sentence, conviction and All proceedings as Null and Void
and release petitioner immediately as it is his due right!!" Petitioner
Respectfully Prays this court will do the right thing and Rule in his
favor and if not, that you will advise petitioner to the right direction
to go in so he can get justice where it is due in his behalf....

Respectfully Submitted
This 22 day of October 2015

Patrick Wayne Morris


CERTIFICATE OF SERVICE

This is to certify that I have this day served a true and correct copy of the within and foregoing documents on the party listed below by depositing a copy of the same of the United States mail in a properly addressed envelope with adequate postage affixed to ensure it reaches its destination.

1st day of October 2015

Dist. Court of Appeals
Clerk of Court
47 Trinity Avenue SW
Suite 501
Atlanta GA 30334

Inmate envelope of letter
GA 1211B

GA# 1187639
Wilcox State Prison

PO Box 397
Abbeville GA 31001

Please send a copy of the notice of appeal and brief stamped and filed back to me please verifying it has been administered into the courts. Thank you

X
