

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

May 5, 2015

To: Mr. Phillip Morrow, Reg. No. 43990-177, Federal Correctional Institution, Post Office Box 1500, El Reno, Oklahoma 73036

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.
- A Notice of Appeal is filed with the clerk of the trial court. 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.
- I have enclosed a copy of the Rules of the Court of Appeals for your review.



2015

Georgia Court of Appeals

R U L E S

Last Update: January 21, 2015

April 14, 2015

Phillip Morrow
Reg. No. 43990-177
Federal Correctional Inst.
P.O. Box 1500
El Reno, OK. 73036

Clerk of the Court
Court of Appeals
For the State of Georgia
334 State Judicial Bldg.
Atlanta, GA. 30334

Re: Appeal From the Superior Court Decatur Georgia

Dear Clerk of the Court:

Closed is my pro se Motion/Appeal from the Superior Court, Decatur, Georgia. The Superior Court issued no Response to my Motion. Thereby I have no recourse but to file the enclosed Appeal. Please file the Appeal into your Court and please notify me of its docketing number. I remain,

Sincerely,

Phillip Morrow

RECEIVED IN OFFICE
2015 MAY -4 PM 3:26
CLERK OF APPEALS, GEORGIA

COURT OF APPEALS
FOR THE STATE OF GEORGIA

PHILLIP MORROW,)
)
 Appellant,)
)
 vs.) Case No. _____
)
 STATE OF GEORGIA,) Warrant No. 12-W011173
)
 Appellee.)

APPEAL FROM THE NON-RESPONSE
FROM THE SUPERIOR COURT
DECATUR GEORGIA

NOW COMES, Phillip Morrow, Appellant, pro se, respectfully moves the Honorable Court to review and to grant relief from the Non-Response from the Superior Court, Decatur, Georgia, where Appellant filed his Motion To Dismiss a warrant, Warrant No. 12-W011173, which had been placed against him by the Dekalb County Sherriff's Office.

QUESTION FOR REVIEW

After waiting more than 180 days since filing his Motion To Dismiss, does not the Interstate Agreement On Detainers oblige the Superior Court of Decatur, Georgia, where Appellant's Motion was filed, to issue its order to the Dekalb Georgia Sherriff's Office to withdraw its warrant, here Warrant No. 12-W011173?

In resolving this question, Appellant request the Court to hold his pro se briefing to a less stringent standard as is required when trained attornies make such filings. Appellant is untrained and uneducated in the law.

BACKGROUND

1. Appellant is currently incarcerated at the Federal Correctional Institution, El Reno, Oklahoma 73036, where he is serving his 63 months term of imprisonment from his finding of guilt in the United States District Court For The Northern District of Texas, Dallas Division, Case No. 3:11-CR-240-M(01) for an unrelated offense to the Dekalb County Warrant No. 12-W011173. Appellant's federal sentencing for his federal conviction was held on September 21, 2012; and, his tentative release from federal custody is April 03, 2017, to be followed with four years of supervised release.

2. Prior to Appellant's extradition to the United States Fifth Circuit, District of Northern Texas, Dallas Division, Appellant was arrested by the Dekalb County Sheriff's Office, Decatur, Georgia, on January 05, 2012. Shortly thereafter, Appellant's extradition took place.

3. On April 29, 2012, the pending charges from Dekalb County Georgia, Decatur, Georgia, were dismissed "following extradition to Texas." (See, Attached Exhibit 1, Federal Presentence Report, p. 22 of 33, prepared by the United States Probation Office, Dallas Division, District of Northern Texas.)

4. On or about October 14, 2014, Appellant filed a Motion with the Superior Court, Decatur, Georgia, and copied same to the Dekalb County Sherriff's Office, requesting the Warrant, No. 12-W011173, to be dismissed because the charges pertaining to the Warrant had been dismissed on April 29, 2012.

5. After waiting 180 days, and more, no Response has come

from the Superior Court of Decatur, Georgia, nor has a Response from the Dekalb County Sherriff's Office come forth.

ARGUMENT

6. According to the Interstate Agreement on Detainers, which the State of Georgia is a signee, the State of Georgia, to include the Dekalb County Sherriff's Office, and the Superior Court of Decatur, Georgia, have 180 days to bring Appellant to trial on the untried charges set forth in Warrant No. 12-W011173 or any unknown charges in which the numbers are not known, and/or other hold(s) of which Appellant does not currently know the identifying numbers.

7. More than 180 days has elapsed since Appellant filed his Motion to Dismiss Warrant in the Superior Court of Decatur, Georgia, and since Appellant notified the Dekalb County Sherriff's Office, by serving with a copy of the said Motion. (See, Exhibit 2).

8. According to the terms of the Interstate Agreement on Detainers, the charges to which the Warrant, No. 12-W011173, apply are to be dismissed (or dropped), and the Warrant is to be dismissed. (Please note, Exhibit 1, showing that the charges were actually dismissed on April 29, 2012.)

9. The Interstate Agreement on Detainers does give the authorities that have issued the Warrant authority to bring defendant to their jurisdiction for trial if that is what the authorities wish to do.

10. However, in this instant case, the State of Georgia authorities did not exercise that option, leaving them with the

alternative solution, that is to have the warrant withdrawn and to dismiss the charges against Defendant, Appellant Phillip Morrow.

11. In the instant matter, Appellant Motioned the Superior Court of Decatur, Georgia to dismiss the Warrant, No. 12-W011173, which pertained to his arrest by the Dekalb County Sheriff's Office, Decatur, Georgia, arrest date January 5, 2012.

(Importantly, the "charge" was "dismissed following" Appellant's "extradition to Texas." (See, Exhibit 1, # 63).

12. The fact that the charges related to Warrant No. 12-W011173 have been dismissed then the Warrant should have been dropped or dismissed. And in the event that Warrant No. 12-W011173 has not been dropped, then the Superior Court of Decatur, Georgia should have Responded and/or acted on Appellant's Motion To Dismiss by dismissing the Warrant.

13. Appellant request the Court to now grant relief by having the Superior Court of Decatur, Georgia issue its Order to have Warrant No. 12-W011173 dropped or dismissed; and, to notify the Records Department at the Federal Correctional Institution, P.O. Box 1500, El Reno, OK. 73036 that the Warrant has been dismissed.

14. Appellant is currently participating in the Residential Drug Abuse Program offered by the Federal BOP, FCI, El Reno, OK., and has been actively participating in additional rehabilitative programs and education programs. Appellant has also maintained employment at the FCI, where he is currently a Cook in the Food Service Department.

15. The importance and purpose of the Interstate Agreement on Detainers is to assure continual, non-interrupted rehabilitative programming for those inmates, such as Appellant, who work diligently to rehabilitate themselves, and to assure their rehabilitative efforts are not shortened or interrupted.

16. The Warrant, No. 12-W011173, which the BOP, El Reno, OK. has in its file, shows that the Warrant is still active. This Warrant will keep Appellant from going to a Halfway House which will prevent him from completing that important rehabilitative step before re-entering into society.

17. Appellant prays the Court will issue relief as mentioned in # 14 above, or refer the case back to the Superior Court of Decatur, Georgia, with instructions to have the Warrant dismissed or dropped. Appellant respectfully request such action:

April ____, 2015

Respectfully Submitted,

Phillip Morrow, pro se

Other Criminal Conduct

	<u>Date of Arrest</u>	<u>Charge</u>	<u>Agency</u>	<u>Disposition</u>
63.	01/05/2012 (Age 31)	Fugitive From Justice	Dekalb County Sheriff's Office Decatur, Georgia	04/29/2012: Charge dismissed following extradition to Texas.

Pending Charges

	<u>Date of Arrest</u>	<u>Charge</u>	<u>Agency</u>	<u>Disposition</u>
64.	08/03/2008 (Age 28)	Theft of Services, More Than \$1,500, Less Than \$20,000 F-0872648	Dallas Police Department Dallas, Texas	Pending charge.

The defendant is represented by attorney Timothy Jeffrey. This case is currently pending in Dallas County Criminal District Court 7 in Dallas, Texas.

Dallas police records reflect, on May 21, 2008, the defendant placed a telephone call to a hotel and made a reservation for nine rooms. Two hours later, the defendant and several other individuals arrived at the hotel. The defendant provided a Comerica Visa card and matching driver's license for L.W. for payment. On May 22, 2008, the defendant was confronted by security personnel with a bill for \$3,469.19, and paid \$1,172 in cash. The defendant and the other individuals then left the hotel, owing a balance of \$2,297.19. The Visa card was later discovered to be invalid. A warrant was issued for the defendant's arrest on October 29, 2008. This warrant provided the means for the defendant's extradition from Dekalb County, Georgia, to Dallas, Texas, in January 2012.

65.	10/20/2010 (Age 30)	Count 1: Possession of a Schedule IV Controlled Substance, Azprazolam; Count 2: Possession of a Schedule III Controlled Substance, Codeine; and Count 3: Possession of Marijuana, Less Than One Ounce 11-CR6597	Dekalb County Police Department Tucker, Georgia	Pending charges.
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PROOF OF NOTIFICATION TO
 THE DEKALB COUNTY SHERRIFF'S OFFICE
 OF APAPELLANT'S MOTION TO HAVE THE
 WARRANT DISMISSED

7013 1090 0002 2468 0609

U.S. Postal Service
CERTIFIED MAIL™ RECEIPT
 (Domestic Mail Only / No Insurance / Return Receipt)

DEKALB COUNTY SHERRIFF'S OFFICE
 DECATUR, GA 30032

Postage	\$ 1.19
Certified Fee	\$ 3.30
Return Receipt Fee (Endorsement Required)	\$ 2.70
Restricted Delivery Fee (Endorsement Required)	\$ 0.00
Total Postage & Fees	\$ 7.19

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 12014
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4396-177

Sent To: *DeKalb County Sheriff's Office*
 Street No. or P.O. Box: *1115*
 City, State, ZIP+4: *Decatur, GA 30032*

PS Form 3800, August 2006 See Reverse for Instructions