

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS

December 8, 2015

TO: Mr. Quentin Nelson, GDC1067008 1-137, Clayton County Correctional Institution, Post Office Box 309, Lovejoy, Georgia 30250

Docket Number: A15A2320 Style: Quentin Lydell Nelson v. The State

Your document(s) is (are) being returned for the following reason(s).

1. Your Appellant's Brief, was not accompanied by the statutory filing fee (\$300.00 civil; \$80.00 criminal *Effective July 1, 2009) 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. A Request for Oral Argument must be filed as a separate document. Rule 28 (a) (3)
3. Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)
4. **No Certificate of Service accompanied your document(s). Rule 6**
5. **Your Certificate of Service must include the complete name and mailing address of each opposing party. Rules 1(a) and 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.**
6. There were an insufficient number of copies of your document. Rule 6.
7. Your document exceeds page limits. Rules 24 (f) and 27 (a)
8. Your document was submitted without permission to file (supplemental brief or second motion for reconsideration). Rules 27 (a) and 37 (d)
9. Letter briefs and letter cites are not permitted. Rule 27 (b)
10. Your request for court action must be submitted in motion form. Rule 41 (a) I have enclosed a copy of the Rules of the Court of Appeals of Georgia for your review.
11. Your motions were submitted in an improper form (joint, compound or alternative motions in one document). Rule 41 (b)
12. Type was on both sides of the paper; type font was smaller than 10 characters per inch; and/or the type was not double-spaced. Rules 1(c), 37(a) and 41(b).
13. The pages were not sequentially numbered with arabic numerals. Rule 24 (e)
14. Case and/or record citations were not made in the proper form. Rules 24 (d) and 25 (c) (2)
15. Margins were too small or paper size incorrect. Rules 1(c), 24(c), 37 (a) and 41(b)
16. Your document(s) was (were) not securely bound at the top with staples or round head fasteners. Rule 1 (c)
17. The Motion to Supplement has not been granted.
18. Other: _____

IN The SUPERIOR COURT
OF FLOYD COUNTY, GEORGIA

HEARD
11-30-15

STATE OF GEORGIA)
VS)

QUENTEN LYDELL NELSON)

Defendant) MOTION FOR ReCONSIDERATION

THIS matter came before the court on April 22, 2015 for a hearing on the state's Petition for Revocation of Probation. The Petition was Based upon the allegation that the Defendant violated Rule #1 of the terms and conditions of probation by committing new Felony offenses, including drug possession and Trafficking and possession of a Firearm by a convicted Felon. After hearing evidence, the court found that the state proved the allegations by a preponderance of the evidence and the court Revoked ten years to End the case. Presently pending before the court is a MOTION IN ARREST of Judgment or Motion for New Trial Filed on the Defendant, behalf by his appointed counsel as well as a prose Motion to Reduce / Modify Sentence. The gist of all these motions is that the Defendant, when subsequently tried before a Jury, was acquitted of the drug charges, with a mistrial declared on the charge of possession of a firearm by a convicted felon see CRIMINAL ACTION FILE NO 14-CR-01928 JFO01

The outcome of the Jury Trial on the underlying charges is of no moment inasmuch as that proceeding and the Revocation proceeding involved entirely different burdens of proof see OCGA § 42-8-34 (d), Lewis v Sims, 277 Ga. 270 (2003), Johnson v State, 42 GA App 124 (1977) Accordingly, the aforesaid motions filed by and on behalf of the Defendant are hereby DENIED IT IS SO ORDERED this 30 day of June 2015