



Court of Appeals of Georgia

June 24, 2015

TO: Mr. William Shane Nichols, GDC1000645223, Hays Correctional Institution, Post Office Box 668, Trion, Georgia 30753

RE:

APPLICATION FOR EXTRAORDINARY MOTION FOR NEW TRIAL

- I am in receipt of the Extraordinary Motion for New Trial. An Extraordinary Motion for New Trial is filed in the trial court. It is appealed to the Court of Appeals of Georgia by Discretionary Application under OCGA §5-6-35.

The Court of Appeals of Georgia will need a stamped filed copy from the order of which you are appealing. Also, pursuant to Rule 1(a), a Certificate of Service must accompany all pleadings in this Court. The Certificate of Service is not to the clerk of the Court of Appeals, but to the district attorney who is the prosecuting officer.

I am returning your documents to you. If you wish to re-submit them, please do so in compliance with the Rules of this Court.

CASE STATUS - DISPOSED

- The referenced appeal was affirmed on February 21, 2014. The remittitur issued on March 11, 2014, divesting this Court of any further jurisdiction of your case. The case is therefore, final.

CASE STATUS - PENDING

- The above referenced appeal is pending in your name before this Court. The appeal was docketed in the _____ Term and a decision must be rendered by the Court by the end of the _____ Term which ends on _____.

APPLICATION FOR PERMISSION TO APPEAL A PROBATION REVOCATION

- To appeal a probation revocation, you will need to file a Discretionary Application with this Court. Rule 31 of the Rules of the Court of Appeals of Georgia describes a Discretionary Application and the items you would need to include with your application.

A Discretionary Application must be filed within 30 days of the stamped filed date on the order that you are appealing and the application must be accompanied by a proper Certificate of Service and a pauper's affidavit or the \$80.00 filing fee. You must also comply with all the other applicable rules of Court regarding filing with the Court of Appeals of Georgia.

Enclosed, please find a copy of the Rules of the Court of Appeals for your review.

Court of Appeals of Georgia,
Clerks Office,

To Whom This May Concern, the following Appeal is not the Appeal filed by Ashleigh Merchant (A13A2210). This is a new Appeal filed on a new Motion for new errors. There is no way this Appeal was affirmed on February 21, 2014. It was just filed Pro-Se in May of 2015. The clerk has stamped the front page May 32, 2015. I have no knowledge of any month in the United States to have 32 days. This Appeal is Pro-Se, and I am an Indigent Defendant (Inmate). I ask the Courts to please accept the application for appeal on new errors.

Thank you,
Shane Nichols

1000645223

P.O. box 668

Trion, GA.

30753



June 9, 2015

RECEIVED
COURT OF APPEALS OF GEORGIA
CLERK'S OFFICE
ATLANTA, GEORGIA

Court of Appeals of Georgia,
Clerks Office,

To Whom This May Concern, the following Appeal is not the Appeal filed by Ashleigh Merchant (A13A2210). This is a new Appeal filed on a new Motion for new errors. There is no way this Appeal was affirmed on February 21, 2014. It was just filed Pro-se in May of 2015. The Clerk has stamped the front page May 32, 2015 I have no knowledge of any month in the United States to have 32 days. This Appeal is Pro-se, and I am an Indigent Defendant (Inmate). I ask the Courts to please accept the application for appeal on new errors.

Thank you,

Shane Nichols

1000645223

P.O. box 668

Trion, GA.

30753

 Shane Nichols

June 9, 2015

The Court of Appeals of Georgia

Application For Extraordinary
Motion For new trial.

William Shane Nichols

v.

The State of Georgia

Case #

09-9-5129-51

Docket #

Pro-Se

I the Defendant William Shane Nichols
of the above style case now comes
before the court to file this Application
for appeal.

The Application is being filed due to
the Defendants Extraordinary Motion
for a new trial has been denied by
the Superior Court of Cobb County.

May 28, 2015

Facts of the Case of

The State of Georgia | Case # 09-9-5129

vs.

Docket #

Nichols, William
Shane

The following is a true statement from the defendant himself, of the case against him.

My name is William Shane Nichols my girlfriend at the time was Naomi Ruth Collins. We lived together in Cartersville, Ga. We have a daughter together as well, born June 1, 2007. There is no court at any level that has seen any evidence of any sexual crime. The state of Georgia cannot show evidence that any sex acts ever took place much less without consent. Ms. Collins can say that the acts against her had no consent, but she cannot even prove they ever took place to begin with. That's with or without consent. There is no Dr. or medical staff that can say what

took place, only what Ms. Collins has told them. There is no evidence that Mr. Nichols ever placed his finger or mouth on the vagina of Ms. Collins at any time on any date. Mr. Nichols has never been asked if any of these sex acts took place. However, Mr. Nichols trial lawyer informs the jury that Mr. Nichols and Ms. Collins were in fact in the backseat of their S.U.V. the statements by the trial lawyer force Mr. Nichols to take the stand, whom in fact wanted to take the stand at trial. There is no evidence that either Mr. Nichols or Ms. Collins were in the backseat of their S.U.V. that morning much less that Mr. Nichols pulled Ms. Collins into the backseat. There is no court that can say that the trial court has showed evidence that any act of force was used for any act. Mr. Nichols was found not guilty for battery, this is backed by the Dr. that gave Ms. Collins a full body exam. There was not one bruise caused by Mr. Nichols. The state used pictures taken by Det. Shumpert and Ms. Collins, even though the defendant's trial lawyer has asked for any pictures the D.A.'s office too has asked for any pictures, Dvd's, Cd's, or any evidence in this

Case, The response from the police department is (I do not see any evidence submitted). MS. Collins has claimed that her very own live in boyfriend held her down without consent and placed his fingers and mouth on her vagina. Ms. Collins can't even show where Mr. Nichols placed a scratch on her. The reason being is - he never forced any act on MS. Collins. Mr. Nichols ask the court to show it's evidence against him, not the statement that has no evidence, but facts Mr. Nichols knows the court cannot show evidence on the crimes he has been convicted of and also has the plea of probation for false imprisonment. Mr. Nichols challenges any court to show other wise, and would love to take the stand against Ms. Collins at trial, or any other level of court. To do so a new trial must be granted. These are facts not he said, she said, or they said, these are facts that cannot be changed. No matter how it's worded it has the same meaning. The prosecutor Charles P. Boring and the trial Judge Robert Dale Leonard II states in court on record that the mandatory sentence from a guilty verdict will be life in prison without parole. Mr. Nichols is left with the choice of probation

of ten years for false imprisonment or life without parole. Mr. Nichols' trial lawyer states in court on the record that she cannot advise her client to take the plea if the state cannot show any evidence to the crime. Mr. Nichols somehow did get convicted but was only able to get life with parole, Mr. Boring once again on record lied to get that. Since that time Mr. Nichols has been resentenced to 25 years, no parole. Just to remind the court Mr. Nichols was released on a \$5,000⁰⁰ bond and was given a plea of two years to serve for the conviction of false imprisonment. The plea was also denied by the defendant. This is all facts, this cannot be changed and to stay true. Nothing has been added or left out. However, Mr. Nichols does want to add to the facts by saying the following. What kind of prosecutor would allow a defendant probation to a case of this kind. A sex victim in the state of Georgia must not carry much respect to the justice system. Had I of been guilty of the said crimes, I would have pled guilty to false imprisonment and served the two years in prison, and this too is a "fact."

The Defendant was indicted on the following charges.

- ① Aggravated Sexual Battery
- ② Aggravated Sodomy
- ③ False Imprisonment
- ④ Criminal Trespass
- ⑤ Battery
- ⑥ Public Indecency

Defendant was given a direct verdict of not guilty by the trial Judge, Robert Dale Leonard II

Defendant was found not guilty by the jury of battery.

Errors raised by the Defendant.

- ① The trial Court did not have authority to impose a sentence of life without parole when trying to get the Defendant to plea out. Plea was for 10 years probation.
- ② The trial Court does not meet the elements to convict on the Aggravated Sexual Battery, Aggravated Sodomy, or False Imprisonment charges.
- ③ The trial Court did not merge charges that are against the Defendant.
- ④ Ineffective Assistance of Counsel, Defendant's trial lawyer denies the Defendant his right to take the stand.
- ⑤ State uses pictures taken by the victim and presents the photos as evidence and proof of the crime site. Defendant has requested DNA from all evidence used at trial. Defendant also request evidence of ownership of the items from the photos.

The errors Filed have been denied by the Superior Court in Cobb County, The Defendant prays to have his application approved so that he can show each error is very critical to his verdict at trial and without these errors he would infact have a different outcome.

The Defendant also would like the chance to face the courts to show each of the errors raised. Oral hearing requested.

I the Defendant now comes to thank the Court for such a chance. This is being done this day of, May 28, 2015

Shane Nichols
~~Shane Nichols~~
#1000645223
May 28, 2015