

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

October 1, 2015

To: Mr Larry Notion, GDC38335, Phillips State Prison, 2989 West Rock Quarry Road,
Buford, Georgia 30519

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 and not with the Court of Appeals of Georgia. See OCGA §5-6-37. 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. The mailing address for the Supreme Court of Georgia is: 244 Washington Street, S.W., Suite 572, Atlanta, Georgia 30334.
- 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.

RECEIVED IN THE Court of ~~Direct~~ ^{Notice} Appeal
STATE OF GEORGIA
2015 SEP 24 PM 2:24

LARRY - NATION } Case No 11-GR0084
Plaintiff } -B

V-S } Civil No

STATE OF GEORGIA } With draw Guilty Ple.
Defendant

~~Direct~~ ^{Notice} of Appeal
Come Now the Plaintiff is files in-
or out of time on ground of direct-
appeal. to with draw Guilty plea as need-
to be. on which was entry on-
September-24-20-12 - it was non-negot-
iated- Plea- on one Count Cocaine-
Possession. on four traffic offenses

The Plea trial Court sentenced the Plaintiff
as provide pursuant to O.C.G.A. -
17-10-7-(c) to a total of thirty-
years - ten to be serve in carcerated
and the balance on - Probation - The
Plaintiff was sentenced purant to The
recidivist, offender Act
The Plain tiff will provide on The

follow - Copy 2

as provide on the follow. Plaintiff alleges that The Plea trial-counsel, was ineffective with Regard to the follow. (a) trial counsel was neglected to inform Mr. Larry Nation of the nature of an on negotiate-Guilty Plea. the Plaintiff asking the Court to With draw this Guilty Plea as need to be the Plaintiff Mr. Larry Nation Age at the time was 54. Mr. Larry did not have understanding of this Plea at the time of entry are understand the nature of *Alford v. North Carolina* 400 U.S. 25 91 S Ct 160. 27 L Ed. 2d-162 (1970). The Plaintiff did what his lawyer told him to do ~~what~~ when the Judge ask how he Plea say Guilty, the officer Justifying the stop the officer seeing two man in Car at night 11:AM two old Black mans during the morning No illegal or suspicious Activity was seen. The office had no right to stop the old mans happy looking me who simply riding around. *Alexander vs State* 225 GA 358, 360 (4) 168 S.E 2d 315, 316 317 (4). Cf *Edwards v State*, 165 Ga App 527, 301-S E 2d-693 (1983). The Plaintiff Did not understand the nature of Guilty Plea. Because Plaintiff had cocaine on at time and ask To go trial but the Counsel told him, the Judge. Say No. he cannot go trial. Under Oath the Plaintiff Asking the court of appeal to look at the record. The Plaintiff maintains that his Plea was not made knowingly willingly and voluntarily because ~~he~~ he did.

FELONY ACCUSATION

COUNT 3

On behalf of the people of the State of Georgia, the undersigned, as prosecuting attorney for the county and State aforesaid, does hereby charge and accuse **LARRY NATION aka SNAKEDOCTOR** with the offense of **POSSESSION OF COCAINE (O.C.G.A. § 16-13-30(a))** for that the said accused, in the State of Georgia and County of Douglas, on **May 28, 2011**, did unlawfully possess Cocaine, a schedule II controlled substance, in violation of the Georgia Controlled Substances Act, contrary to the laws of said State, the good order, peace and dignity thereof.

**DAVID MCDADE, DISTRICT ATTORNEY
DOUGLAS JUDICIAL CIRCUIT**

IN The Court of ~~Direct~~ of Appeal

as Provide on follows. not understand the specific of Alford Plea. (2) the Plaintiff believed his guilty Plea would not result in any Jail time only Probation. and maintain That he was not guilty of Possession Cocaine. the Plaintiff Had no Cocaine. on him at no time. The Plaintiff alleges that trial counsel was ineffective with regard to follow (3) trial counsel neglected to inform - Mr. Larry of the - nature of a non-negotiate Guilty Plea the Plaintiff -

Asking the Court to withdraw this Guilty Plea as need To be at the time of this Plea. Mr. Larry was 54 at the time the Plea was entry at this time Mr. Larry did Not understand this Plea. Mr. Nation did what his lawyer Told him to do at the time of the Plea. the Counsel told - Him when the Judge ask you how you Plea Say Guilty. Mr. Nation did this because he did not understand the Alford - North Carolina - 400 US 25 91 S Ct 160 27 L. E. 2d 162 - 1970 the Plaintiff did what he was told by counsel.

Because Mr. Larry did not not have no Cocaine on him at the time of the Stop. and his Tag was good. Under Williams State 320 Georgia App 243 739 S. E 2d 727 (2013). it is a manifest - injustice in this case, be the Plaintiff do not know the - law as Counsel. (B) the Plaintiff did not understand - Natural of this Plea. and (C) The Plaintiff had no Cocaine - on him at no time of the Stop. and (d) his tag was good. (E) The Car was not in his name. as Provide on The follow fact. Counsel ineffective and neglected under Strickland Washington. the ~~Render~~ reasonable - effective assistance of - Counsel. the Plaintiff Strong Presumption that Couns Conduct falls within the range of reasonable below -

Professional Assistance & the Counsel deficient Performance prejudiced the Plaintiff and Counsel Performance was — deficient to the Plaintiff because it cause him ~~with~~ 30 years in Prison - A Charge he did not commit the Possession of Cocaine. on Ground the Plaintiff have an — Absolute right to withdraw his Guilty Plea to withdraw his guilty Plea to correct a manifest injustice. the Plaintiff Plea was not voluntarily to all this time. the Plaintiff did not know the specifics or had intelligent of the Alford Plea or the negotiated or the nature of. And the Charge on tag on and operating ~~with~~ vehicle with out a valid tag.

The Plaintiff Record will Show the vehicle he was operating did have a valid tag on the car at the time. two Charges He did not commit the Plaintiff did know all of his right - How could the Plaintiff know his right he did not know the law. as Counsel the Choice was based on Counsel ~~misconduct~~ misconduct of the law and deficient. as provide on follow Counsel. that question is not difficult to answer the counsel is a Profession at law. the Plaintiff put his trust in him. To provide as need. the Plaintiff ask the Court of Appeal to look at effect of the improper victim impact evidence it was. No evidence can show the Plaintiff had Cocaine on him or car it show that the tag was not valid. as the counsel have — knowing this was harm to the Plaintiff by not showing the it was no evidence of this Claim on him. — as provide on follow as the Plaintiff describing under ineffective — Assistance of counsel Walker v Johnson 282 Ga 168 2007 Set — out four things a Plaintiff must prevail on a Brady Claim (1) — That the State had evidence favorable to Plaintiff. (2) that Plaintiff — Did not have it and could not have gotten himself with reasonable — Diligence. (3) that the State suppressed it and (4) if the Plaintiff Had it there was a reasonable Probability of a different out come The Counsel failure on the Guilty Plea. the concession which was Given to induce the Plaintiff to Plead Guilty in the Guilty Plea. — First it was a Promises by counsel to protect his right of the — ~~Plaintiff~~ Plaintiff - 2 know the law (3) the fairness of the law. (3) —

as provide as follow

IN The Court of ~~Direct~~ ^{INVEST} APPEAL copy 0

3) The Counsel had knowledge that innocent Person was being Convicted ~~of~~ a crime he did not do. The Plaintiff did not understand the danger or treat of the convicted he will be Dealing with harsher sentence. if the Plaintiff knew this he would went to trial, means that would be best interest go to Trial the Plaintiff did not understand that he was forfeit - His right to trial endanger his right to a accurate and fair Determination of guilty or innocent the Plaintiff did not understand The consequences. The Plaintiff was told to say yes by Counsel. The Plaintiff says, it was No cocaine on me and my tag was good. The Plaintiff know his counsel was unfairness cause him this time Abuse by the counsel. ~~the~~ Knowing the danger to the Plaintiff - Right. if the Plaintiff had knowing he would not engage into the Plea of Guilty. Because He did not know the Specific Sentence for the offense this is a Clear failure by Counsel this a matter of rights to withdraw his Guilty Plea because Counsel misinformed him. the Plaintiff was prejudiced by the - misinformation. This was not a guilty Plea intelligently entered - By the Plaintiff. The Plaintiff not have Plead to case if - Have not been for counsel misinformation that he was - Forfeit his right at the time or to trial endanger his - Right to a fair determination of Guilty or innocent - The Plaintiff did not understand the consequences. - The Plaintiff was told to say yes by the ~~counsel~~ - Questions by Counsel. The Plaintiff says, I did not know That and say it was no cocaine on me and my tag - was good and I were not DUI at the time, of the stop - in this case Counsel was unfair. if the Plaintiff had - knowledge of the guilty Plea the would not have Plead - Guilty to these charges. this happen because the ~~case~~ Counsel did engage into law with the Plaintiff at the - Time going into the plea. The Plaintiff did not know the Specific Sentence for offense of ~~case~~. this is - Clear failure by Counsel not telling the Plaintiff the - law. On Ground and claims of matter fact and matter of Georgia law the Plaintiff have a right to

IN ~~Direct~~¹⁰⁰⁵¹¹⁰ of APPEAL COPY 6

As Provide. Right to withdraw Guilty Plea -
Because it was not intelligently entered -
And misinformed him and Prejudiced the -
the Plaintiff by misinformation the Plaintiff is -
Asking the direct APPEAL to look at this case
Because it was Substantial denial of Plaintiff
Rights. Sentence imposed as a result of -
Conviction. the under Constitution right to trial
As need equal protection of the law. and the
And the Plaintiff did not confess to the Cocaine
And too out of date under ineffective assistance
of Counsel. the Plaintiff Counsel made a decision
About what line of defense to Pursue. the -
ineffective assistance of counsel - deficiency -
And Prejudice. the right to counsel means -
The right of the Plaintiff to be represented -
By a person who has been admitted to -
Practice law. this misconduct by counsel -
Absence of Counsel is a jurisdictional defect -
The counsel job is to prevent a conflict -
And protect the defendant right to effective
Assistance of counsel. Attorneys ~~is~~ is incompetent
As of matter of law if the reasons for

IN ^{Notice} ~~Direct~~ OF APPEAL COURT ^{copy 17}
AS PROVIDED OF FOLLOW

The discipline imposed reflect so poorly. Poorly upon the attorneys competence that it may reasonably be inferred that the attorney was incompetent to represent the Plaintiff in the proceeding in question. *Hawes v State* The Counsel reasonably likely to render and rendering reasonably effective of counsel. Under *Strickland v. Washington* for the sixth Amendment stand point The Plaintiff will show that Counsel performance was deficient. Because Counsel made errors so serious that counsel was not functioning as the counsel guaranteed that Plaintiff by the sixth Amendment the deficient performance prejudiced the Plaintiff by action or inaction of his Counsel and there was reasonable probability that but for counsel unprofessional errors the result of the proceedings would have been different. The Plaintiff Demand a showing that counsels errors were so serious as to deprive the Plaintiff of a fair trial - whose result is reliable. the error had effect on the judgment. it is both deficiency and prejudice. Under *Brantley v State* The Plaintiff if it been for -

IN THE Court of ~~direct~~ OF APPEAL state of georgia

AS PROVIDE ON Follow OF MIS
Carriage- OF JUSTICE.

The Plea urged by Counsel for the sake of a
contingent Failure to fully explore Plea
possibilities Failure to advise of effect
of Plea on outstanding Petition for habeas
corpus Conflict of interest affect in Plea
negotiations - As to ability to withdraw
guilty Plea after ward - Misrepresentation
of material fact withholding material fact
from Plaintiff Because Counsel is unprepared
for trial - Failure to explain the mens rea
element of crime Failure to advise as to depor-
tation - consequences. Failure to research the
Law before Plea recommending against Plea
pursuit of Plea agreement as reason for lack
of trial preparation Failure to investigate
Plaintiff competency before Plea Failure
to understand the consequences of with-
drawing Plea Judge in CRR the record Plea
discussions during trial - Counsel's mis-
taken belief about the existence of a
Plea agreement with the prosecutor.
Failure, guidelines when advising Plaintiff
as to Plea offer Failure to appreciate
the significance of a Plea offer
AS PROVIDE ON Follow

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Court of ~~Appeals~~ ^{APPEALS} APPEAL of State of Georgia

as provide on The follow The Plaintiff
is introduce rebuttal evidence about or below
under Jackson Deno - Hearing surrounding

The giving a full and fair opportunity to be heard

The Plaintiff testifies that he did not understand
His Mirand warnings which were given him on
Cross-examination. However there is no evidence
of Claim of Charge. This is on Findings of fact.
Voluntariness or involuntariness - of a Confession
or an incriminating Statement. Under Jackson-Denne
hearing. The Plaintiff was submitting the Confession
to the jury and The jury on Bill-it. The Plaintiff
Fourteenth Amendment right was violated by that Court

The judge made obvious error on conflicting-
evidence. The Plaintiff ask The Court- to consider
the following factors in determining-whether
the totality of the circumstances-test has on
is been met. (1) the age of The Plaintiff; (2) his-
education - (3) Knowledge of the Plaintiff as to-
both the substance of the charge and the nature
of his right to consult an attorney and his
right to remain silent; (4) Whether the accused
is held incommunicado or allowed to consult with
relatives friends or an attorney. as provide-

IN THE COURT OF ~~THE~~ APPEAL - State of Georgia
Notice

AS PROVIDED - ON - Miranda right Reeve. State

(5) whether the accused was interrogated before or after formal charges had been filed (6) methods used in interrogation (7) length of interrogation (8) whether or not the accused refused to voluntarily give a statement (9) on a prior occasion (10) and (11) whether the accused repudiated extrajudicial statement at a later date. This is a matter which depends in each case, upon the particular fact and circumstances surrounding this case. Under Crane v. Kentucky - The Plaintiff

need a hearing to suppress tangible evidence.

Graver v. State 244 Ga 467, 468 271 S.E. 2d 842 (1980).

The Plaintiff objection to the introduction of evidence of plaintiff in criminalizing statement

Watson v. State - 227 Ga 182 - E 2d 446 (1971)

Plaintiff requests Jackson - Denno hearing -

Jackson v. State 124 Ga. App 488 489 (2) 184

S.E. 2d 185 (1971) Both the plaintiff have a right

to a full evidentiary hearing to determine

the factual context of a statement which has

been made... State v. Watson 143 Ga App. 785

(1) 240 S. E. 2d 194 - (1977)... Page 11

IN THE COURT OF ~~JUDGES~~ OF APPEAL ~~SOME~~ OF GEORGIA
as provide on the follow Jackson Denno hearing

Plaintiff did not voluntary Confession on tag-and
Cocaine Charge. ⁽²⁾ The interrogation by officer
No Confession - or voluntary knowledge waiver Miranda

Right People v. Jimenez 380 P.2d 672 Cal. 1978
The Plaintiff did not know the consequences
that would result from an erroneous determination
of the issue involved Fowler v. State 246 Ga 234, 238 (3)
271 S.E.2d 168 (1980). Evidence - subject of this

Case. The asking the court to verification judgment
The Plaintiff testifies to the best of his recollection
accordance with the habits. Wood v. State 969 App
365. 71. S.E. 500 (1991) Dr Agnor state that positive
evidence is in the nature of direct evidence.

The State Do not have Direct evidence of Cocaine or
Tag-out ~~one~~ under Burgett v. Texas the court
also held that an uncounseled felony conviction
cannot be used for enhancement of punishment
The Plaintiff asking the court of direct to look at this.
The Judge used or admit the plea in evidence over
the defendant or Plaintiff objection. The Plaintiff
motion in arrest of Judgment. Plea-

OCGA § 17-9-63 (GCAS 27-1601). Sessions v. State
3 Ga. App 13 14 (1) (a) 59 S.E. 194 (1907) A motion
... considers the evidence which was
... Page 17

IN THE COURT OF ~~JUDICIAL~~ OF APPEALS STATE OF GEORGIA
AS PROVIDED Notice

Under Indigent - appellants - right to
counsel. Plaintiff is indigent - and have a right to
counsel. - because need of Appeals to be appointed for him
to handle an appeal in The Court. Under Federal Constit-
tion requires that an indigent Plaintiff or defendant
is entitled to the assistance of appointed counsel
only on the first level appellate review, and The record
must show that he was made aware of his right to
counsel on appeal and the dangers of proceeding without
counsel. if found to be Frivolous. The Right of
Appeal Appointe Counsel Advice to indigent -
Client 30 Mercer L.R 1059 (1979). Under Right
of Plaintiff or defendant to be released on bond
pending appeal O.C.G.A section 17-6-1(g) (OCA §29-
901 - Provides as follows - because Release
should be Granted to the Plaintiff....
The Plaintiff is entitled to a reversal because
upon the record - that no rational trier of fact
could have found proof of guilt beyond a
reasonable doubt, under OATH. By Plaintiff...
of matter of Law or Fact. ~ Page - 13. copy

Page 14

in The Court of ~~Direct~~ of Appeal Georgia -
as provide on The follow ground and Claim -

Double Jeopardy

in This Case The double jeopardy Stand out.
because it was no proof of Conder of
or tag - or DUI. - Double jeopardy sentence.
and it was finding - of fact based of on Facts
occurring subsequent to the First trial, to justify
the greater sentence. and no aggravating circum-
stances. The plaintiff was deprived of due process.
because it was no reading of indictment to the plaintiff
and The Plaintiff did not plea to indictment - as provide
~~att~~ on attaches jeopardy. The Georgia constitution
provide - no person shall be put in jeopardy - more
than once for the same offense under 14-1-7-b-
(G.C.A.) § 24-306). - Known to the prosecuting.
The Plaintiff is filed a plea of prior jeopardy.
a violation of O.C.G.A. section 16-11 (G.C.A. -
§ 24-304). The controlled substances and charge
tag - and DUI the fact of which form the basis
~~for~~ for the underlying crime necessary - to support
all charge. At The time of Plea Guilty. Not Appeal

as provide on Double - Jeopardy and ground

and claim. The Plaintiff motion to sever charge under O.C.G.A. section 16-1-7(c) (G.C.A § 26-504).

the Plaintiff did not waive his procedural -

Double-jeopardy protection. The Plaintiff

was not intoxicated at the time of stop.

under double-jeopardy (A) The Plaintiff was formerly prosecute for the same criml. and based upon the same material facts and for a crime which involves the same conduct, under 16-1-8 (G.C.A § 26-507) (A) and (B)

The new crime - involves the same conduct of the former prosecution. 16-1-7 (G.C.A § 26-504 -

Multiple prosecutions - for same conduct.

(a) (12)(2). under search of vehicle

Michigan v. Long 103 SC 3449, 77 LE2d 1201 (1983). (2) The plain view doctrine IS 4.34(1) 809

Texas v Brown, 103 SC 1535, 75 LE2d 502 - 1983

(2) No probable cause for stop. Hall v. State 135 Ga-APP. 690 (3) 218 S.E 2d 684 (1975)

And Clare v. State 135 Ga APP. 281, 217 S. E. 2d 638 (1975). Third party IS -

Notice Appeal
IN THE COURT OF ~~THE~~ OF APPEAL

AS PROVIDED ON THE FOLLOW - Double -
Jeopardy in This case it will be Double -
Jeopardy for a crime the Plaintiff did not
metter - ON Fact and metter of Law. under
double jeopardy | The crimes differ only in that one
is defined to prohibit a designated kind or conduct
it was no kind or conduct by The Plaintiff at the
time of offense all offenses on same transactions
to be the same the offenses was not the same type
of conduct. or transaction. the double jeopardy
is not waived by Plaintiff by entry of a Guilty plea
~~Edwards~~ state under matter of fact or as a
matter Law. O.C.G.A section 16-17- (a) (G.C.A § 24-
506). provide as follow. 16-17 (G.C.A § 24-504
it was no same conduct of charge of Cocaine
it was no drug on Him or in Him. no time. .
THE Plaintiff asking Court of Direct of
Appeal to take a good look at This case. / for
on all ground. as matter of Law and fact

IN THE SUPREME COURT OF GEORGIA APPEAL
~~insufficient~~ evidence, and the claim
of ~~insufficient~~ of Counsel, on claim
(under ineffective assistance of trial counsel
(and all counsel to trial.) deficiency
and prejudice, conflict of interest
Counsel Failure - to protect the defendant
right in trial. Nevertheless Plaintiff's counsel
did virtually nothing to prepare an effective
cross-examination to test their credibility.
~~Since~~ This is being raised for the first time
in The supreme court, on (direct appeal)
Claim on Brady error and prosecutorial
misconduct. Under claim ineffective
assistance of trial and counsel to trial.
Counsel evidently spent less than an hour
with client before trial. Nevertheless Counsel
did not spend five hour held to trial: with Plaintiff
- iff.