

**COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS**

July 10, 2015

To: Mr. Jerry Parris, GDC758524 F-1, Rogers State Prison, 1978 Georgia Highway 147, Reidsville, Georgia 30453

Docket Number: Style: Jerry D. Parris v. The State

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

In the Court of Appeals of Georgia

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Jerry D. Parris,
versus,
State of Georgia.

COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Appeal Number:

Superior Court Decatur County
No.: 01-CR-197

Petition for Discretionary Appeal

Comes Now, Mr. Jerry D. Parris, Pro Se, seeking to Appeal the lower court order entered, the Superior Court of Decatur County, Case Number 01-CR-197. This Court has jurisdiction on appeal, pursuant to OCGA § 5-6-35; and the Constitution of the State of Georgia; of 1983.

(1)

Statement of Proceeding Below, and Material Facts; etc.:

On June 23rd, 2015, the lower court entered an order denying Defendant's Extraordinary Motion for New Trial. The order stated that Defendant's Motion based on Newly Discovered Evidence, failed to allege the six (6) requirements as prescribed in Alexander v. State, 264 Ga. App. 34, 38 (2003).

(2)

Enumeration of Errors of the Lower Court:

The lower court Err in its holding that Defendant did not allege the six (6) requirements for Granting of a motion, based on newly discovered evidence; to Grant an Extraordinary Motion for New Trial.

(b1)

(3)

Argument and Citation of Authority of law:

The lower court err in holding that Defendant's Extraordinary Motion for New Trial, did not allege the six (6) requirements as prescribed in Alexander v. State, 264 Ga. App. 34, 38 (2003):

(A)

The usual ground raised, but not the only possible ground stated for filing of an extraordinary motion for a new trial is the discovery of newly found evidence. The Courts of Georgia, both Georgia Court of Appeals, and Georgia Supreme Court, have held that in order to have an extraordinary motion for new trial Granted; He must, as Mr. Parris did satisfy six requirements.

(B)

Mr. Parris' Extraordinary Motion for New Trial, states:

(1) That the evidence came to his knowledge since the trial. Citing, Timberlake v. State, 246 Ga. 488, 491 (1980). (2) That the evidence came to his knowledge since his trial; Was Not ~~Due~~ to the want of Due Diligence that he did not acquire it sooner; (3) That it is so material that it would probably produce a different verdict. Citing, Garcia v. State, 247 Ga. 22 (1981). (4) That the evidence is not cumulative only. Citing, Lee v. State, 146 Ga. App. 189, 193 (1978) (The court said that testimony is not merely cumulative, even if it is of a higher and different grade from prior testimony.)

(P. 2)

(5) Mr. Parris accounted for the absence of the affidavit of the witnesses, as is required; and, (6) A new trial should be Granted, because the evidence's effect is not only to impeach the credit of a witness(es) in the case. The evidence shows that the Defendant was denied a fundamental fair trial. Citing, *Emmett v. State*, 232 Ga. 110, 117 (1974).

(4)

Citing, *Dick v. State*, 248 Ga. 898, 899 (2) (1982); and also, *Davis v. State*, 283 Ga. 438 (2008) - It is error for the trial court to refuse to conduct a hearing on the extraordinary motion for new trial in this case; Because the pleadings in the motion contained a statement of facts sufficient to authorize that the motion be Granted, if the facts developed at the hearing warrant such relief.

Certificate of Service

Mr. Parris certifies that he has serviced copy of this Petition for Discretionary Appeal on the Office of the District Attorney, by United States Mail, At, Post Office Box 1870, Bainbridge, GA 31718.

This 2 day of July, 2015.

Jerry Parris #1758524

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CLERK/COUNT ADMINISTRATOR
COURT OF APPEALS OF GA

IN THE ~~SUPERIOR~~ COURT OF APPEALS
STATE OF GEORGIA

Jerry Parris,
Plaintiff
#758524,
Inmate Number

Civil Action No. _____

IN THE SUPERIOR vs.
Court of DECATUR,
STATE OF GEORGIA,
Defendant(s)

Nature of Action:

REQUEST TO PROCEED IN FORMA PAUPERIS

I, JERRY PARRIS, depose and say that I am the plaintiff in the above entitled case; that in support of my request to proceed without being required to prepay fees, costs, or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to redress.

I further swear that the responses which I have made to questions and instructions below are true.

1. List any and all aliases by which you are known: ~~Jerry Parris~~ N/A

2. Are you presently employed? Yes No
If the answer is "Yes," state the amount of your salary or wages per month, and give the name and address of your employer: _____

If the answer is "No," state the date of last employment and the amount of the salary and wages per month which you received: 2001

3. Have you received within the past twelve months any money from any of the following sources?
Business, profession, or form of self-employment? Yes No
Pensions, annuities, or life insurance payments? Yes No
Rent payments, interest or dividends? Yes No

Gifts or inheritances?

Yes

No

Any other sources?

Yes

No

If the answer to any of the above is "Yes," describe each source of money and state the amount received from each source during the past twelve months: N/A

4. Do you own any cash, or do you have money in a checking or savings account? (Include any funds in prison accounts): Yes No

If the answer is "Yes," state the total value of the items owned: _____

5. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? Yes No

If the answer is "Yes," describe the property and state its approximate value: _____

6. List the persons who are dependant upon you for financial support, state your relationship to those persons, and indicate how you contribute toward their support: _____

N/A

I understand that a false statement or answer to any question in this affidavit will subject me to penalties for perjury and that state law provides as follows:

- a. A person to whom a lawful oath or affirmation has been administered commits the offense of perjury when, in a judicial proceeding, he knowingly and willfully makes a false statement material to the issue on point in question
- b. A person convicted of the offense of perjury shall be punished by a fine of not more than \$1,000 or by imprisonment for not less than one nor more than ten years, or both. O.G.C.A. § 16-10-70.

Jeray Parris
Signature of Plaintiff

7/2/2015
Date

Court of Appeals

VERIFICATION

I, JERRY PARRIS, do swear and affirm under penalty of law that the statements contained in this affidavit are true. I further attest that this application for in forma pauperis status is not presented to harass or to cause unnecessary delay or needless increase in the costs of litigation.

I am the plaintiff in this action and know the content of the above Request to Proceed in Forma Pauperis. I verify that the answers I have given are true of my own knowledge, except as to those matters that are stated in it on my information and belief, and as to those matters I believe them to be true. I have read the perjury statute set out above and am aware of the penalties for giving any false information on this form.

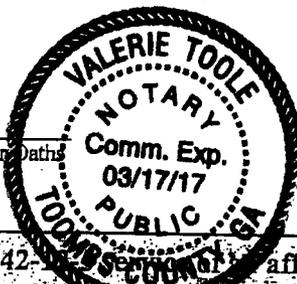
Jerry Parris
Signature of Affiant Plaintiff

7/2/2015
Date

Sworn to and subscribed before me this 2 day of July, 2015.

Valerie Toole

Notary Public or Other Person Authorized to Administer Oaths



Please note that under O.G.C.A. § 42-2-10, an affidavit in forma pauperis, including all attachments, shall be filed upon the court and all named defendants. Failure by the prisoner to comply with this code section shall result in dismissal without prejudice of the prisoner's action.

THIS FORM IS TO BE COMPLETED ONLY BY AN AUTHORIZED INDIVIDUAL AT THE INSTITUTION WHERE THE INMATE PLAINTIFF IS PRESENTLY INCARCERATED, OR HIS/HER DESIGNEE.

CERTIFICATION

I hereby certify that the Plaintiff herein, Jerry Parris, has an average monthly balance for the last twelve (12) months of \$ 0 on account at the Rogers State Prison institution where confined. (If not confined for a full twelve (12) months, specify the number of months confined. Then compute the average monthly balance on that number of months.)

I further certify that Plaintiff likewise has the following securities according to the records of said institution: _____

Sharon Hardy
Authorized Officer of Institution

6/25/15
Date

NOTE: Please attach a copy of the prisoner's inmate account of the last 12 months, or the period of incarceration (whichever is less).

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LENS/COURT ADMINISTRATION
COURT OF APPEALS OF GA

Account Statement

PARRIS, JERRY

Printed By:

SWAIN, SUE

GDC ID: 758524

4-13-12-15

Spendable Amount	Reserved Amount	Receipts On Hold	Funds Balance	Obligations/Court Charges
\$0.00	\$10.00	\$0.00	\$10.00	\$362.66

RECEIPTS

Receipt Date	Transaction ID	Receipt Type	Receipt Details	Receipt Amount
01/08/2009	5725980	CONSOLIDATE BANKING CONVERSION	AUTRY STATE PRISON - 29308	\$10.00

WITHDRAWALS

Date	Request Date	Location Paid	Withdrawal Type	Payable To	Detail	Amount	Check No
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OBLIGATIONS

Paid Status: P = Partially paid; Y = Paid in full; R = Reversed; W = Written off

Date	Location Incurred	Obligation Type	Payable To	Obligation Detail	Amount	Paid
06/15/2015	CENTRAL ACCT-OFFENDER TRUST	MEDICAL CO-PAY	GEORGIA DEPARTMENT OF CORRECTIONS	RECORD ID = 19406803. RX-COPAY MED 1 6/9/15	\$5.00	
06/15/2015	CENTRAL ACCT-OFFENDER TRUST	MEDICAL CO-PAY	GEORGIA DEPARTMENT OF CORRECTIONS	RECORD ID = 19406765. MEDICAL 6/9/15	\$5.00	
06/01/2015	CENTRAL ACCT-OFFENDER TRUST	MONTHLY PROCESSING FEE	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee for 06/2015	\$1.00	
05/01/2015	CENTRAL ACCT-OFFENDER TRUST	MONTHLY PROCESSING FEE	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee for 05/2015	\$1.00	W
04/01/2015	CENTRAL ACCT-OFFENDER TRUST	MONTHLY PROCESSING FEE	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee for 04/2015	\$1.00	W
03/23/2015	CENTRAL ACCT-OFFENDER TRUST	MEDICAL CO-PAY	GEORGIA DEPARTMENT OF CORRECTIONS	RECORD ID = 18940990. MEDICAL 3/17/15	\$5.00	
03/01/2015	CENTRAL ACCT-OFFENDER TRUST	MONTHLY PROCESSING FEE	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee for 03/2015	\$1.00	W
02/01/2015	CENTRAL ACCT-OFFENDER TRUST	MONTHLY PROCESSING FEE	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee for 02/2015	\$1.00	W
01/01/2015	CENTRAL ACCT-OFFENDER TRUST	MONTHLY PROCESSING FEE	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee for 01/2015	\$1.00	W
12/01/2014	CENTRAL ACCT-OFFENDER TRUST	MONTHLY PROCESSING FEE	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee for 12/2014	\$1.00	W
11/01/2014	CENTRAL ACCT-OFFENDER TRUST	MONTHLY PROCESSING FEE	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee for 11/2014	\$1.00	W
10/08/2014	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	ROGERS STATE PRISON	RECORD ID = 18117078. LS 10/7/14	\$1.35	
10/01/2014	CENTRAL ACCT-OFFENDER TRUST	MONTHLY PROCESSING FEE	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee for 10/2014	\$1.00	W
09/25/2014	CENTRAL ACCT-OFFENDER TRUST	MEDICAL CO-PAY	GEORGIA DEPARTMENT OF CORRECTIONS	RECORD ID = 17990710. MEDICAL 9/16/14	\$5.00	

Account Statement

PARRIS, JERRY

Printed By:

SWAIN, SUE

GDC ID: 758524

Date	Location Incurred	Obligation Type	Payable To	Obligation Detail	Amount	Paid
09/01/2014	CENTRAL ACCT-OFFENDER TRUST	MONTHLY PROCESSING FEE	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee for 09/2014	\$1.00	W
08/12/2014	CENTRAL ACCT-OFFENDER TRUST	MEDICAL CO-PAY	GEORGIA DEPARTMENT OF CORRECTIONS	RECORD ID = 17799612. 08/05/14	\$5.00	
08/01/2014	CENTRAL ACCT-OFFENDER TRUST	MONTHLY PROCESSING FEE	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee for 08/2014	\$1.00	W
07/01/2014	CENTRAL ACCT-OFFENDER TRUST	MONTHLY PROCESSING FEE	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee for 07/2014	\$1.00	W
06/01/2014	CENTRAL ACCT-OFFENDER TRUST	MONTHLY PROCESSING FEE	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee for 06/2014	\$1.00	W
05/01/2014	CENTRAL ACCT-OFFENDER TRUST	MONTHLY PROCESSING FEE	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee for 05/2014	\$1.00	W
04/01/2014	CENTRAL ACCT-OFFENDER TRUST	MONTHLY PROCESSING FEE	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee for 04/2014	\$1.00	W
03/01/2014	CENTRAL ACCT-OFFENDER TRUST	MONTHLY PROCESSING FEE	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee for 03/2014	\$1.00	W
02/01/2014	CENTRAL ACCT-OFFENDER TRUST	MONTHLY PROCESSING FEE	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee for 02/2014	\$1.00	W
01/01/2014	CENTRAL ACCT-OFFENDER TRUST	MONTHLY PROCESSING FEE	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee for 01/2014	\$1.00	W
12/05/2013	CENTRAL ACCT-OFFENDER TRUST	INDIGENT LOAN	ROGERS STATE PRISON	RECORD ID = 16470466. LS 11/26/13	\$0.60	
12/01/2013	CENTRAL ACCT-OFFENDER TRUST	MONTHLY PROCESSING FEE	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee for 12/2013	\$1.00	W
11/01/2013	CENTRAL ACCT-OFFENDER TRUST	MONTHLY PROCESSING FEE	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee for 11/2013	\$1.00	W
10/01/2013	CENTRAL ACCT-OFFENDER TRUST	MONTHLY PROCESSING FEE	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee for 10/2013	\$1.00	W
09/01/2013	CENTRAL ACCT-OFFENDER TRUST	MONTHLY PROCESSING FEE	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee for 09/2013	\$1.00	W
08/01/2013	CENTRAL ACCT-OFFENDER TRUST	MONTHLY PROCESSING FEE	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee for 08/2013	\$1.00	W
07/01/2013	CENTRAL ACCT-OFFENDER TRUST	MONTHLY PROCESSING FEE	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee for 07/2013	\$1.00	W
06/01/2013	CENTRAL ACCT-OFFENDER TRUST	MONTHLY PROCESSING FEE	GEORGIA DEPARTMENT OF CORRECTIONS	Monthly Processing Fee for 06/2013	\$1.00	W
05/29/2013	CENTRAL ACCT-OFFENDER TRUST	MEDICAL CO-PAY	GEORGIA DEPARTMENT OF CORRECTIONS	RECORD ID = 15323130. MEDICAL 5/8/13	\$5.00	
05/29/2013	CENTRAL ACCT-OFFENDER TRUST	MEDICAL CO-PAY	GEORGIA DEPARTMENT OF CORRECTIONS	RECORD ID = 15323123. MEDICAL 5/8/13	\$5.00	
05/28/2013	CENTRAL ACCT-OFFENDER TRUST	RX-COPAY	GEORGIA DEPARTMENT OF CORRECTIONS	RECORD ID = 15319783. RX-COPAY 05/08/13	\$5.00	

Account Statement

18 Total Pages