

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

March 9, 2015

**To:** Mr. James W. Rentiers, GDC255912 N-B-253, Coastal State Prison, Post Office Box 7150, Garden City, Georgia 31418

**Docket Number:** A15A0539                      **Style:** James Rentiers 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 or an improper Certificate of Service accompanied your document(s). Rule 6
5.  Your Certificate of Service did not 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)
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: **You must motion the Court for permission to file an amended Brief. Your documents are being returned to you.**

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For Additional information, please go to the Court's website at: [www.gaappeals.us](http://www.gaappeals.us)

IN THE COURT OF APPEALS  
STATE OF GEORGIA

FILED IN OFFICE  
MAR - 6 2015  
COURT CLERK  
CLERK COURT OF APPEALS OF GA

JAMES W. RENTIERS, pro se  
APPEALANT

v.

CASE NO. 15A0539

STATE OF GEORGIA, ex rel  
MEG HEAP, DISTRICT ATTORNEY  
EASTERN JUDICIAL CIRCUIT  
APPELLEE

RECEIVED IN OFFICE  
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COURT OF APPEALS OF GA

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AMENDED BRIEF OF THE APPELLANT

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JAMES W. RENTIERS, pro se

JAMES W. RENTIERS GDC# 255912  
COASTAL STATE PRISON  
POST OFFICE BOX 7150  
GARDEN CITY, GA 31418-7150

**MOTION TO AMEND APPEALANT BRIEF**

**COMES NOW, THE APPELLANT, James W. Rentiers, pro se, and in good faith, pursuant to the GEORGIA RULES OF COURT and the O.C.G.A.. The Appealant submits the foregoing AMENDANT, to this Honorable Court on the following grounds:**

**AMENDING GROUNDS ARE TO BE INCORPERATED WITH THE PREVIOUS BRIEF BEFORE THIS COURT**

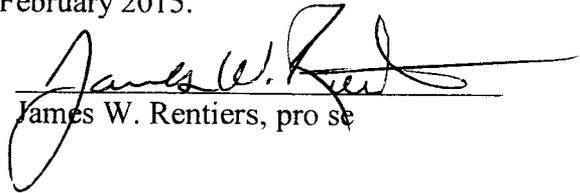
1. The FINAL DISPOSITION states plainly, **FELONY SENTENCE WITH PROBATION** in several places (see Exhibit 1A ) Any sentence under O.C.G.A. 17-10-7(c) must be served in confinement. Jones v. State 265 Ga. App. 493, clarifies this by remanding Jones sentence and overturning his conviction.
  
2. The Appellant's Attorney by virtue of her own admittance was ineffective. The Griffin Douglas concept of equal protection should require the appointment of counsel to assist the indigent at every stage in the administration of criminal justice at which the more affluent defendant is allowed by state law to be represented by privately retained counsel. Equal treatment is a must , Griffin v. Illinois, 351 U.S. 12 (1956), Douglas v. California, 372 U.S. 353 (1963). Also, state law must provide the appellant counsel at

3. both the first appeal and the process thereof. The Appellant had requested further assistance at the second tier process and was denied counsel, *Halbert v. Mich.*, 345 U.S. 605 (2005).

**PRAYER**

**Appellant Prays that this Petition be Granted and the Case be reversed and all other relief be GRANTED as deemed fair and just in all matters.**

Respectfully Submitted this the 26<sup>th</sup> day of February 2015.

  
James W. Rentiers, pro se

**CERTIFICATE OF SERVICE**

I hereby certify that I have this date served a true and correct copy of the within and foregoing **AMENDED BRIEF OF THE APPELLANT** upon the below-named party by placing it in the Prison mailbox in a properly addressed envelope with sufficient first class postage affixed thereto.

This the 26<sup>th</sup> day of February, 2015.   
James W. Reifers pro se  
Coastal State Prison  
P.O. Box 7150  
Garden City, Ga. 31418

Please Serve:

**Meg Heap District Attorney  
Chatham County  
Post Office Box 2309  
Savannah, GA 31401**

OFFICE OF THE CIRCUIT PUBLIC DEFENDER  
EASTERN JUDICIAL CIRCUIT OF GEORGIA



COPY

AMY IHRIG  
ASSISTANT PUBLIC DEFENDER

Email: [alihrig@chathamcounty.org](mailto:alihrig@chathamcounty.org)  
Phone: (912) 447-4901  
Fax: (912) 447-4909

*Mailing*  
P.O. Box 9176  
Savannah, GA 31412  
*Physical*  
222 W. Oglethorpe Ave.  
Savannah, GA 31401

October 2, 2013

Mr. James Rentiers  
GDC # 255912  
Walker State Prison  
P.O. Box 98  
Rocksprings, GA 30739

Dear Mr. Rentiers,

As you will recall, I was previously appointed to represent you in the event that you desired to file a motion to withdraw guilty plea. You are entitled to court appointed counsel for this type of motion. I met with you at the Chatham County Detention Center on 5/15/2013 to discuss this. I outlined the grounds for filing this type of motion and the eventual result if you prevailed- a trial. I followed up for a return visit on 5/28/2013, at which you determined, based on my advice, that you did not want to file a motion to withdraw your plea. Essentially, we could not prove the required grounds in order to prove a valid claim. You were interested in filing a motion to reconsider sentencing. I needed to review your case a bit further before giving my advice and proceeding with that. You then went into state custody.

I arranged for a telephone conference with you on May 31, 2013. During this conference, we discussed the motion to modify sentence and I advised against it. Essentially, my concern was that you would end up with a term of special probation because your offense were drug related. The trial court did not originally sentence you to this, and the district attorney might then argue in the modification hearing that the trial court was in error for not doing this. We discussed this thoroughly and I advised against the filing of a motion to modify. You persisted in desiring this filing and ultimately terminated our phone conversation by hanging up on me. I never filed anything on your behalf.

I recently received notice cards for my appearance in the Superior Court of Chatham County before Judge Morse related with your cases. I reviewed the court filings and see that you have filed a pro se motion to modify your sentences in CR12-2306-MO & CR12-2307-MO. Because I am not representing you for those matters, I contacted the case management office of the Superior Court to inform the case manager for Judge Morse that you are proceeding pro se. Therefore, I will be unlisted as your counsel and you can proceed with your pro se motion. Although you are not entitled to a hearing on your motion, the court has apparently scheduled a court date for December 3, 2013 at 2:00 p.m.

Good luck to you.

Sincerely,

Amy Ihrig  
Assistant Public Defender

COPY

OFFICE OF THE CIRCUIT PUBLIC DEFENDER  
EASTERN JUDICIAL CIRCUIT OF GEORGIA



AMY IHRIG  
ASSISTANT PUBLIC DEFENDER

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Savannah, GA 31401

October 5, 2013

Mr. James Rentiers  
GDC # 255912  
Walker State Prison  
P.O. Box 98  
Rocksprings, GA 30739

Dear Mr. Rentiers,

I was recently made aware that you are requesting to have appointed counsel from this office for your upcoming hearing in December. However, you are not entitled to appointed counsel for a Motion to Modify Sentence. You have filed a pro se motion and you must represent yourself as a pro se litigant, or you can hire an attorney to represent you.

Because you sent a letter requesting appointed counsel, I suspect that you may not have received my most recent letter mailed to you on October 2, 2013. Therefore, I have enclosed a copy with this letter.

Sincerely,

A handwritten signature in cursive script that reads "Amy Ihrig".

Amy Ihrig  
Assistant Public Defender

IN THE SUPERIOR COURT OF CHATHAM COUNTY, STATE OF GEORGIA

STATE OF GEORGIA versus		<i>Clerk to complete if incomplete:</i>	
<b>JAMES W RENTIERS</b> <i>filed</i> IN OPEN COURT CRIMINAL ACTION # <i>April 19, 2013</i> CR12-2307-J6 <i>Patin</i> September Term of 2012		OTN(s): DOB: <u>7/17/2012</u> Ga. ID #	
First Offender/Conditional Discharge entered under: <input type="checkbox"/> OCGA § 42-8-60 <input type="checkbox"/> OCGA § 16-13-2 <input checked="" type="checkbox"/> Repeat Offender as imposed below <input type="checkbox"/> Repeat Offender waived		Final Disposition <b>FELONY with PROBATION</b>  PLEA / VERDICT:  <b>Non-Negotiated</b>	

The Court enters the following judgment

Count	Charge (as indicted or accused)	Disposition (Guilty, Not Guilty, Guilty-Alford, Guilty- Lesser Incl., Nolo, Nol Pros, Dead Docket)	Sentence	Fine	Concurrent/ Consecutive Merged, Suspended
1	POSS CONT SUBS W/INTENT (SCHED II COCAINE)	Guilty	10 years to serve		Concurrent
2	POSS MARIJUANA LESS THAN ONE OUNCE	Guilty	12 MONTHS TO SERVE		Concurrent
3	STOP SIGN VIOLATION	Guilty	12 MONTHS to serve		Concurrent

The Defendant is adjudged guilty or sentenced under the First Offender/Conditional Discharge for the above-stated offense(s); the Court sentences the Defendant to confinement in such institution as the Commissioner of the State Department of Corrections or the Court may direct, with the period of confinement to be computed as provided by law.

**Sentence Summary:** The Defendant is sentenced for a total of 10 YEARS  
 with the first 10 to be served in confinement and the remainder to be served on probation, or  
 to be served on probation.

ENTERED S6 APR 19 2013

The Defendant is to receive credit for time served in custody:

<input checked="" type="checkbox"/>	from <u>7/17/2012</u> .								
<input checked="" type="checkbox"/>	As determined by the custodian.								
<input type="checkbox"/>	1. The above sentence may be served on probation provided the Defendant shall comply with the Conditions of Probation imposed by the Court as part of this sentence.								
<input checked="" type="checkbox"/>	2. Upon service of <u>10</u> , the remainder of the sentence may be served on probation; PROVIDED, that the Defendant shall comply with the Conditions of Probation imposed by the Court as part of this sentence								
<input checked="" type="checkbox"/>	3. The Court sentences the Defendant as a recidivist under O.C.G.A.:								
<input type="checkbox"/>	§ 17-10-7(a);	<input checked="" type="checkbox"/>	§ 17-10-7(c);	<input type="checkbox"/>	§ 16-7-1(b);	<input type="checkbox"/>	§ 16-8-14(b);	<input type="checkbox"/>	§

## GENERAL CONDITIONS OF PROBATION

The Defendant is subject to arrest for any violation of probation. If probation is revoked, the Court may order incarceration. The Defendant shall comply with the following General Conditions of Probation: 1) Do not violate the criminal laws of any governmental unit and be of general good behavior. 2) Avoid injurious and vicious habits. 3) Avoid persons or places of disreputable or harmful character. 4) Report to the Probation Officer as directed and permit the Probation Officer to visit you at home or elsewhere. 5) Work faithfully at suitable employment insofar as may be possible. 6) Do not change your place of abode, move outside the jurisdiction of the Court, or leave Georgia without permission of the Probation Officer. If permitted to move or travel to another state, you agree to waive extradition from any jurisdiction where you may be found and not contest any effort by any jurisdiction to return you to this State. 7) Support your legal dependents to the best of your ability. 8) When directed, in the discretion of the Probation Officer: (a) submit to evaluations and testing relating to rehabilitation and participate in and successfully complete rehabilitative programming; (b) wear a device capable of tracking location by means including electronic surveillance or global positioning satellite systems; (c) complete a residential or nonresidential program for substance abuse or mental health treatment; and/or (d) agree to the imposition of graduated sanctions as defined by law. 9) Make restitution as ordered by the Court.

**FINE SURCHARGES or ADD-ONS:** The Court assesses all fine surcharges or add-ons as required by the laws of the State of Georgia and as are applicable to offense(s) for which the Defendant has been convicted.

- 1) The Court orders that:  the Defendant shall pay the probation supervision fee as required by law, or  the probation supervision fee is waived.
- 2) If Counsel was provided under the Georgia Indigent Defense Act:  the Defendant shall pay the \$50 Public Defender Application Fee; or  the Public Defender Application Fee is waived.
- 3) If counsel was provided at public expense:  the Defendant shall pay attorney's fees of \$\_\_\_ to County; or  attorney's fees are waived.
- 4) The Defendant shall pay the Crime Lab fee as required by law.

## SPECIAL CONDITIONS OF PROBATION

The Defendant is advised that violation of any Condition of Probation may subject the Defendant to a revocation of probation and the Court may require the Defendant to serve up to the balance of the sentence in confinement. The Defendant shall comply with all Special Conditions of Probation:  as designated on the attached Inventory of Conditions of Probation; or  as follows:

*(import conditions to be imposed from Inventory of Conditions of Probation)*

## FIRST OFFENDER OR CONDITIONAL DISCHARGE

*(if designated by the Court)*

The Defendant consenting hereto, it is the judgment of the Court that no judgment of guilt be imposed at this time but that further proceedings are deferred and the Defendant is hereby sentenced to confinement at such institution as the Commissioner of the State Department of Corrections or the Court may direct, with the period of confinement to be computed as provided by law.

Upon violation of the terms of probation, upon conviction of another crime during the period of probation, or upon the Court's determination that the Defendant is or was not eligible for sentencing under the First Offender Act or for Conditional Discharge, the Court may enter an adjudication of guilt and proceed to sentence the Defendant to the maximum sentence as provided by law.

State of Georgia v. JAMES W RENTIERS, III

Criminal Action # CR12-2307-J6

SC-6.2 Final Disposition Felony Sentence With Probation

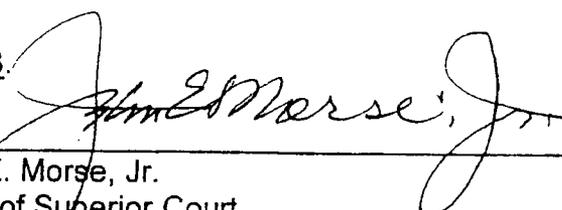
Page 3 of 4

Upon fulfillment of the terms of this sentence, or upon the release of the Defendant by the Court prior to the termination of this sentence, the Defendant shall stand discharged of said offense without court adjudication of guilt and shall be completely exonerated of guilt of said offense charged.

For Court's Use

The Hon. BRIAN DALY, Attorney at Law, represented the Defendant, by  employment; or  appointment.

SO ORDERED this <sup>19<sup>th</sup></sup> ~~Sixth~~ <sup>APRIL</sup> day of ~~February~~, 2013.

  
\_\_\_\_\_  
John E. Morse, Jr.  
Judge of Superior Court  
Eastern Judicial Circuit

**FIREARMS** – If you are convicted of a crime punishable by imprisonment for a term exceeding one year, or of a misdemeanor crime of domestic violence where you are or were a spouse, intimate partner, parent, or guardian of the victim, or are or were involved in another similar relationship with the victim, it is unlawful for you to possess or purchase a firearm including a rifle, pistol, or revolver, or ammunition, pursuant to federal law under 18 U.S.C. § 922(g)(9) and/or applicable state law.

**Acknowledgment:** I have been provided with a copy of the sentence. I have read the terms of this sentence or had them read and explained to me. If all or any part of this sentence is probated I certify that I understand the meaning of the order of probation and the conditions of probation. I understand that violation of a special condition of probation could result in revocation of all time remaining on the period of probation.

Defendant Entered Plea with assistance of an interpreter

\_\_\_\_\_  
Defendant