

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

October 23, 2015

To: Mr. Timothy L. Roberts, GDC1070550, Georgia State Prison, 300 First Avenue, Reidsville, Georgia 30453

Docket Number: **Style:**

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. **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

COURT OF APPEALS GEORGIA

CASE NO: _____

TIMOTHY LAMONT ROBERTS
Appellant

V.
STATE OF GEORGIA
APPELLEE

Application for leave to Appeal

3 APPELLANTS BRIEF

The Appellant hereby submits the above-styled "Application for leave to Appeal" of the Judgement OF CASE NUMBER: 09DR-0051 entered by Judge Christopher T. Hughes OF Dooley County Superior Court

Respectfully Submitted
by

Timothy L. Roberts
Appellant pro se
GDC # 1070550

Georgia State Prison
300 1st Ave
Reidsville GA 30453

RECEIVED IN OFFICE

2009 OCT 21 PM 3:12

COURT OF APPEALS OF GA

Comes Now the Appellant under such Capacity afford a pro se litigant and herein Submits this 'Application for leave to Appeal' / APPELLANTS BRIEF with Citations of authorities and Exhibit(s) attached hereto in support of Appellant's Contention that such Convictions and Sentences Violate State and Federal law.

AUTHORITIES

The Fourteenth (14th) Amendment Section 1 States: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; **NOR SHALL ANY STATE DEPRIVE ANY PERSON OF LIFE, LIBERTY, OF PROPERTY, WITHOUT DUE PROCESS OF LAW; NOR DENY TO ANY PERSON WITHIN IT'S JURISDICTION THE EQUAL PROTECTION OF THE LAWS.**

UNIVERSAL DECLARATION OF HUMAN RIGHTS

Article 7 - All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this

Declaration and against any incitement to such discrimination

Course of proceeding and fact background

A. Course of proceedings

Timothy L. Roberts was indicted on 4/20/2009 in the Superior Court of Oooy County. On 3/05/2010 Timothy L. Roberts went to a Judge only trial and a verdict of guilty was rendered.

Timothy L. Roberts was sentenced to 3 years (Recidivists) Confinement, 2 years Probation, Consecutive with prior sentence Court (1) Possession of A TELECOMMUNICATION Device by AN Inmate O.C.G.A 42-5-18

Legal Issue(s)

This law is not being applied equally by the State of Georgia or the Georgia Dept of Corrections. Inmates all over the State of Georgia are violating O.C.G.A 42-5-18 and not being prosecuted by the department of corrections or the State of Georgia. There are Inmates violating this law and receiving misdemeanor punishments. I ask the courts look at this Case number 10CR00110. This Inmate received misdemeanor punishment for violating O.C.G.A. 42-5-18 See Exhibit A for verification. It is Inmates in these

Prisons that has violated these laws and ~~are~~ are not prosecuted at all in the courts. The courts can investigate the disciplinary reports of inmates all over the state and it will show thousands of inmates that has not been prosecuted for violating O.C.G.A. 42-5-18. See case Amos v. Scott, 61 F.3d 333, 339 (5th Cir. 1995) "This circuit has held that the Texas Contemporaneous Objection Rule is Strictly or Regularly applied "EVEN HANDLY" to the vast majority of similar claim and is therefore an adequate procedural bar" Also see case Corwin v. Johnson, 150 F.3d 467, 473 (5th Cir. 1998)

Therefore by law this Judgement in case # OGDR-0051 State v. Timothy L. Roberts is unconstitutional and against the state and federal laws of the United States of America.

Respectfully Submitted

by

Timothy L. Roberts
Appellant prose

GOC # 1070550

G.S.P.
300 1st Ave

Reidsville GA 30453

DECLARATION UNDER PENALTY OF PERJURY

Under penalty of perjury, I declare, verify, affirm, and state that all statements I have made in the within and foregoing document and its attachment/s are true and correct to the best of my belief based on the information and knowledge I have at the time of making this declaration. 28 U.S.C. 1746. O.C.G.A. 9-10-110: 9-10-111.

Date: 10/11/2015

Timothy L. Roberts
Declarant

CERTIFICATE OF SERVICE

Under penalty of perjury, I certify, verify, affirm, and state that I have mailed a copy of the within and foregoing document and its attachment/s, today, through the internal mail system of the prison and/or via United States Postal Service, adequate first-class postage affixed thereto, to cause its prompt delivery to the following:--

- (1) Clerk of Court of Appeals of Georgia
Suite 501
47 Trinity Ave
- (2) Atlanta, GA 30334

(3) _____

(4) _____

DATE: 10/11/2015

Timothy L. Roberts
Signature GOC# 1070550

Address: Georgia State Prison
300 1st Ave
Reidsville GA 30453

=====
Offender Tracking Number (OTN) 88374454313 (Cycle 19 of 22) 88374454313
Earliest Event Date 2009-03-05
Offense Date 2009-03-05

--
Arrest (Cycle 19) ① Charged
Arrest Date 2010-04-13
Case Number C2010-05319
Arresting Agency GA1020000 MONROE COUNTY SHERIFFS OFFICE
Subject's Name FREDRICK, DANTE
Arrest Type Adult

Charge
Charge Tracking Number 88374454313-1
Charge Literal GIVING INMATES LIQUOR, DRUGS, WEAPONS
TELECOMMUNICATIONS DEVICE, ETC, WITHOUT CONSENT OF WARDEN
Charge Description * FELONY OFFENSE WITH MISD PUNISHMENT *
Statute 42-5-18; GA
State Offense Code 5815
Severity Felony

Exhibit (A)

--
Court Disposition (Cycle 19)
Case Number 10CR00110
Court Agency GA102015J
Subject's Name FREDRICK, DANTE

② Conviction
Guilty

Charge
Charge Tracking Number 88374454313-1
Charge Literal GIVING INMATES LIQUOR, DRUGS, WEAPONS
TELECOMMUNICATIONS DEVICE, ETC, WITHOUT CONSENT OF WARDEN
Statute 42-5-18; GA
State Offense Code 5815
Severity Felony
Disposition GUILTY (CONVICTED / ADJUDICATED) (2010-04-15;
Convicted)

--
Sentencing (Cycle 19) ③ Sentence
Case Number 10CR00110
Sentence Date 2010-04-15
Sentencing Agency GA102015J MONROE COUNTY SUPERIOR COURT

Charge
Charge Tracking Number 88374454313-1
Sentence SUSPENDED SENTENCE 12 MONTHS 27 DAYS
OTHER SENTENCE TYPE
--OTHER SENTENCE CONDITION SUSPENDED ON
PAYMENT
(OF FINE)
FINE \$500

Defendant:

TIMOTHY LAMONT ROBERTS
DOOLY STATE PRISON

DOB: 10/11/1979

Case Number: 09DR-0051

Judge Name :

Case Status: CL

Type Case :

Term Court : APRIL TERM

Type Filing: CR

Indictment

Book and Page:

Case Dates

Arrest 02/16/2009	First Appear	Accusation	Indictment 04/20/2009	Filing 04/20/2009	Sched Arraign 05/04/2009	Arraign Cont	Arraigned	Calender Call 01/28/2010
Status Conf	Plea Cal	Motion Cal	PreTrial Cal	Trial	Re-Trial	Ord & Judge 04/15/2013	Revoc. Hear	Appeal
Remittitur	Evidentiary	Fi. Fa.	Bond Hearing	Bond Forfeit	Traffic Arraign	Traf Arraign Cont	Warrants Filed 02/25/2009	Bench Warrant

Attorney

Bondsman

Affiant-Prosecutor

Offenses

Cnt #	Description of Offense	Code Section	Category	Off. Date	OTN	Plea	Plea Date
1.)	POSSESSION OF A TELECOMMUNICATIONS DEVICE BY AN IN	42-5-18	F	02/16/2009	88368571410	N	02/10/2010
Disp:	Date: 03/05/2010	Stage: B	Method: GUILTY VERDICT				

Original Sentence

Sent:	CONFINEMENT	Years: 3	Months:	Days:	Hours:	Prob Fee:	\$0.00
Sent:	PROBATION	Years: 2	Months:	Days:	Hours:	Prob Fee:	\$0.00
Sent:	CONSECUTIVE WITH PRIOR SENTENCE	Years:	Months:	Days:	Hours:	Prob Fee:	\$0.00

Schedule Date Case Activity

05/04/2009	ARN
07/09/2009	CCL
10/15/2009	CCL
01/28/2010	CCL

Proceeding Date Case Activity

02/25/2009	WARRANTS; OBTS; POLICE PROFILE; ETC	Book: 332	Page: 193
04/20/2009	INDICTMENT	Book: 332	Page: 199
04/27/2009	COURT PRODUCTION ORDER	Book: 332	Page: 201
05/05/2009	WAIVES FORMAL ARRAIGNMENT AND PLEADS NOT GUILTY	Book: 332	Page: 202
06/22/2009	COURT PRODUCTION ORDER	Book: 332	Page: 203

Exhibit "B"