

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

November 16, 2015

To: Mr. Anthony Threatt Robinson, GDC761335, Hays State Prison, 777 Underwood Drive, Trion, Georgia 30753

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 the name of Anthony Threatt Robinson. I am returning your documents to you.**
- 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. We do not have a file to append your copy.
- 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.

- Brady Claim -

A lawyer should pursue a matter on behalf of a client despite opposition, obstruction or personal inconvenience to the lawyer, and may take whatever lawful and ethical measures are required to vindicate a client's cause or endeavor. A lawyer has professional discretion in determining the means by which a matter should be pursued, see Rule 1.2: scope of representation. Perhaps no professional shortcoming is more widely resented than procrastination. A client's interests often can be adversely affected by the passage of time or the change of conditions; in extreme instances, as when a lawyer overlooks a statute of limitations, the client's legal position may be destroyed. My Appellate Counsel Mr. Steven L. Stanger filed an unprofessional Brief on his own behalf, not mine. I lost confidence in him or his trustworthiness ever since information I gave concern, and were relevant to my case and appeal. It is proper for a lawyer to refer to relevant moral and ethical considerations in giving advice. Mr. Stanger stated he knew my case is racism, yet it cannot be proven... Even with withheld evidence. Counsel ineffective, failure to raise issues on my appeal involving withheld evidence of Audiotape that involved confession and murder by shooter. Jury set on a murder trial, jury was excused as this audiotape were played out of the presence of the jury. Evidence (Audiotape) was relevant to hear. Any appropriated matters I bring to the attention of my Appellate Counsel, I'm told through out every letter, (HE) raise the issue or decide what issue to raise, unless my family hires an attorney.

RECEIVED IN OFFICE
2015 NOV - 9 PM 3:30

who files an entry of appearance in my case. It is unfair and unprofessional as my Appellate counsel who I find conflict of interest that he would raise irrelevant issue on my Brief, yet, Georgia State Bar states that there's no errors as far as Mr. Stanger gone. With the mishandling of my Brief, Appellate Counsel knew this Audiotope exist, even knowledge on record that shooter took the stand under Oath and gave false testimony, contradicting what statements that were given to homicide detective's. Materiality Standard for Brady claims is met when favorable Evidence could reasonably be taken to put whole case in such different light as to undermine confidence in verdict. Why Jury Audiotope was withheld and not heard in their presence? Evidence been suppressed, the prosecution allowed witness's misstatement to stand uncorrected when his impeachment at trial were and is contradicted by the record. Brady v. Maryland, 373 U.S. 83, 87, 83, S.Ct. 1194, 10 L.Ed. 2d 215, held that "the suppression by the prosecution of evidence favorable to an accused upon request violate due process where the evidence is material either to guilt or punishment, irrespective of the good faith or bad faith of the prosecution." Appellate Counsel stated he is scared to death to trying to "winnow out issues" and some of those issues for ineffective assistance of Counsel, my trial Counsel. Mr. Stanger states he's afraid because the Appellate Court never agrees with him, so it is unprofessional for him to had continue on my direct Appeal, especially not raising one of the most important piece to my Appeal... Audiotope, if he found my case racial when it comes to a white male that did not see what he claim and Black male being shot in the back when in fact crime were never commit as it was stated on the Audiotope. Court abuse discretion denying Jury to hear confession of shoot

fully and unfairly cross-examined about previous murder that he chased Black male when he did not see a weapon and fired shot into Black male back. without audiotape heard, shooter stated Black male saw [HIM] pull his gun. Even as Black male turned back around [HE] still fired three to four shots. Evidence favorable to an accused includes exculpatory evidence that impeaches a state witness.

Anthony Threatt Robinson

STEVEN L. SPARGER

Attorney At Law
1111 Bull Street
Savannah, Georgia 31401
Telephone: (912) 232-2646
Fax: (912) 232-8798

August 28, 2015

Therese S. Barnes, Clerk
244 Washington Street
Room 572
Atlanta, Georgia 30334

VIA: e-file

RE: Anthony Threat Robinson vs. State of Georgia
Case No. S15A1912

Dear Ms. Barnes:

In accordance with Rule 20 of this Court, I am seeking an extension of the page limitation for the Brief of Appellant, which I request to be allowed to be not more than 70 pages.

This appeal presents a number of intriguing issues arising out of a unique factual situation such that I respectfully submit an extension of the page limitation is warranted. Mr. Robinson has been sentenced to life without parole on his conviction for Felony Murder based upon the predicate offense of Party to the Crime of Criminal Attempt to Commit Armed Robbery. The deceased entered a local gold exchange which had been robbed two days earlier and the owner, from his review of the surveillance videos of the robbery, believed that the deceased was the person who had committed the earlier robbery. When the deceased approached a sales counter, the owner patted the gun he had holstered on his hip and the deceased ran from the store. The owner followed the deceased as he ran down the sidewalk in front of other stores in the strip mall, then down the side of the building and around to the back of the building, where the owner shot the deceased in the back, fatally wounding him. The deceased took several more steps and entered a pickup truck where Mr. Robinson was in the driver's seat. Mr. Robinson drove away with the owner firing two more shots at the truck; one shot hit a tire and the other lodged in the front of the bed of the pickup truck.

At the motion for new trial stage, my brief and supplemental brief were approximately 95 pages (including a six-page appendix). While there are several issues I raised at the motion for new trial stage which will not be raised before this Court, there are nine enumeration of errors I wish to raise before this Court. There will be a challenge to the sufficiency of the evidence as to both the attempted robbery count and the murder count, and due to the factual details regarding these counts, those will be rather lengthy arguments. There will be two arguments regarding two different motions for mistrial by the defense, and four different arguments regarding the jury charge, as well as an ineffective assistance of counsel enumeration with five different allegations.

Therese S. Barnes, Clerk
August 28, 2015
Page 2

While I try to raise only meritorious issues, this Court and the Court of Appeals, of course, do not always agree with me. I am scared to death of trying to "winnow out issues," as I am afraid that the issue, or issues, I might decide not to raise is the issue, or issues, that the appellate court would have granted relief on.

Your attention to this matter is greatly appreciated.

Very truly yours,

A handwritten signature in cursive script that reads "Steven L. Sparger". The signature is written in black ink and is positioned above the printed name.

Steven L. Sparger

cc: Lyndsey H. Rudder, Assistant District Attorney
Samuel Olens, Attorney General
Anthony Robinson