

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

November 20, 2015

To: Mr. Antonio Robinson, GDC403977, Augusta State Medical Prison, 3001 Gordon Highway,
Grovetown, Georgia 30813

Docket Number: A16D0080 **Style:** Antonio Robinson 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

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS

11/19/15

(104)
(DB)

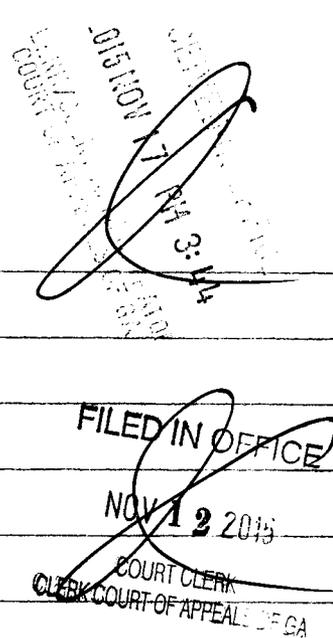
To: *Antonio Robinson*
Docket Number: *A1600080 - MFR* Style: *Antonio Robinson v. The State*

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15. Your document(s) was (were) not securely bound at the top with staples or round head fasteners. Rules 1(c), 30 (e) and 31 (c)
16. 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).

TO: CLERK STEPHEN E. CASTLE,
COURT OF APPEALS OF GEORGIA

SUITE 501
47 TRINITY AVE.
ATLANTA, GA. 30334



FO: ANTONIO ROBINSON BAC# 403947
AUGUSTA STATE MEDICAL PRISON
3001 BORDON HWY.
GROVETOWN, GA. 30813

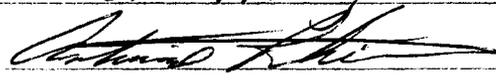
RE: LATE RECEPTION OF RESPONDENT
DECISIONS.

DEAR CLERK CASTLE, THIS LETTER
IS IN REGARDS TO THE INFORMATION RECEIVED
LATE. NOV. 9, 2015 WHICH ORDER SIGNED ON
NOV. 3, 2015. THE LEGAL MAIL RESPONSE TO
APPELLANT IS 6 DAYS LATER RECEIVED. THE
LATE RECEPTION GAVE NO OTHER OPTION FOR LEGAL
RESEARCHING ON TIME OTHERWISE TO PREPARE FOR
RETURNING HIS RESPONSE TO THE COURTS. THUS
THE EXTENSION OF TIME MOTION FILED WITH
NOTICE OF APPEAL SHOULD VALIDATE THIS LATE
RESPONSE W/ ALL THE LEGALITY RESPONDING
TO THIS COURT.

Because
of Veterans
day and
Holiday
Weekend

IF THE CLERK WOULD INVESTIGATE AND CLARIFY
THE EXTENTIONS OF TIME MOTION. THEN THE
MOTION FOR RECONSIDERATION SHOULD BE TIMELY
FILED. ACCORDING TO RULE 37(e). THIS 10TH DAY
THROUGH 14TH THE MAIL HERE IN THE INSTITUTION WILL NOT
RUN AS AT THE ABOVE DATES NO MAIL WILL LEAVE THE PRISON

THE FACTS ARE ALL THE SAME TO RESPONDENTS.
MY QUESTION TO THIS COURT IS HOW IS IT
THAT THE SITUATION ARE THE SAME OCCURANCE
BUT THE COURT'S JUDGMENTS DIFFERENT
WHICH IS NOT UNDERSTANDING CONTRADICTION
FROM A SAME AFFECTING PLEADING. THE
JUDGMENT SHOULD BE MODIFIED AS A MATTER
OVERLOOKED. APPELLANT WOULD APPRECIATE
YOU CONSIDERATION TO ALLOW HIM HIS THE
CONSIDERATION TO INVOK HIS (1) FIRST
AMEREDMENT RIGHT TO ADVORCE HEARING.
UPON A PROPER AND LEGAL JUDGE WHO
WOULD INCUR JURISDICTION OF A VALID WAIVER,
SUBJECT MATTER. 17-7-70.

Respectfully
THIS 9TH DAY OF NOV. 2015. 

FILED IN OFFICE
NOV 17 2015
COURT CLERK
CLERK COURT OF APPEALS OF GA

IN THE COURT OF APPEALS OF GEORGIA
STATE OF GEORGIA

ANTONIO ROBINSON

APPEAL No. A16D0080.

v.

THE STATE

RECEIVED IN OFFICE
2015 NOV 17 PM 3:43
CLERK/COURT OF APPEALS OF GA

MOTION FOR RECONSIDERATION

COMES NOW INTO COURT THE ABOVE APPELLANT FILES THIS HIS RECONSIDERATION MOTION STATING SUBSTANTIAL FACTS FOR GRANTING HIS DISCRETIONARY APPEAL APPLICATION.

1.
IN ACCORDING TO RULE 37(e) BASIS FOR GRANTING: THE COURT WITH ALL DO RESPECT OVERLOOKED A MATERIAL FACT IN THE RECORDS.

2.
THE COURT OF APPEALS JUDICIAL MADE AN ERROR IN ITS DECISION IN THE ABOVE STYLED CASE.

3.

OCCAS 5-7-1 (6CA36-1001a) PROVIDES AS FOLLOWS: AN APPEAL MAY BE TAKEN BY AND ON BEHALF OF THE STATE OF GEORGIA FROM THE SUPERIOR COURTS AND SUCH OTHER COURT FROM WHICH A DIRECT APPEAL IS AUTHORIZED TO THE COURT OF APPEAL AND THE SUPREME COURT OF GEORGIA IN CRIMINAL CASES IN THE FOLLOWING INSTANCES: FROM AN ORDER, DECISION, OR JUDGMENT SUSTAINING A PLEA OR MOTION IN BAR, WHEN THE DEFENDANT HAS NOT PUT IN JEOPARDY. STATE V. BRINTON, 246 Ga. 132, 269 S.R. 2d 470 (1980).

4.

IN A SIMILAR CASE WITHIN THIS APPEAL A DEFENDANT HAS THE RIGHT TO APPEAL AS WELL AND THE JUDGMENTS ARE THE SAME. SEE DAY V. STATE, 216 Ga. App. 29, 453 S.R. 2d 73, (1995). BOND V. STATE, 212 Ga. App. 608, 442 S.R. 2d 482 (1994); COKER V. STATE 181 Ga. App. 559, 353 S.R. 2d 56 (1987). THE STATE FAILS ITS RESPONSIBILITY TO REINDICT THE CHARGES OF THE SAME OR A LESSER INCLUDED OF THE CHARGE. PRATT V. STATE, 167 Ga. App. 819, 307 2d 714 (1983); BOOLSBY V. BUSH, 53 Ga. 353, 356 (1894).

(2)

5.

THE DIRECT APPEAL RIGHT WAS NOT PROMOUNDED BY THE COURT NOR COUNSEL FOR DEFENSE. THE TIMELINESS IS NOT THE ISSUE BEFORE THIS COURT. THE COURT OF APPEAL OVER LOOK A SIGNIFICANT CONSTITUTIONAL DUE PROCESS WHICH CANNOT BE LOST ON APPEAL.

BAILLY V. STATE, 232 Ga. 873, 874, 209 S.R.2d 204 (1974); See also McAuliffe v. Rutledge, 231 Ga 745, 204 S.R. 2d 141 (1974).

6.

WHETHER THE MOTION IS FOR APPEAL OR MOTION FOR NEW TRIAL IS SOUGHTLY ON NEWLY DISCOVERED EVIDENCES MUST BE SHOWN. HOLDER V. FARMERS EXCHANGE BANK OF STILL-MORR, 30 Ga. App. 400 (3), 174 S.R. 597 (1923) BOTH STATUTE AND PROCEDURAL DUE PROCESS REQUIRE A HEARING, ON THE MOTION BEFORE A RULING IS RENDERED IN SUPERIOR COURT FOR WHICH CAUSE OF WANT OF PROSECUTION. BANTT V. SWEATMAN, 162 Ga. App. 738, 739, 293 S.R. 2d 359 (1982).

EVITTS V. LUCRY, 469 U.S. 387, 105 S.Ct.

830, 83 L.Ed 2d 821 (1985), 36 Cr. L. 3109.

BUT SEE CANNON V. STATE, 175 Ga. App. 741, 334 S.R. 2d 342 (1985). (3)

APPELLANT FINAL REQUEST IS HE PLEAS
THAT THIS COURT RECONSIDER ITS PRIOR
RULING AND ORDER AND MODIFY ITS
ERRONEOUS MISTAKE OF FACTS AND LAW.
ACCORDING TO THE BASES SET FORTH HEREIN
BY ITS OWN PRIOR RULING IN DAY V. STATE,
FOR WHICH HE HAS A RIGHT TO BE HEARD.

Respectfully,
Antonio Robinson

THIS 9TH DAY OF NOV. 2015

CERTIFICATE OF SERVICE

APPELLANT IN THE ABOVE MOTION SWears
UNDER PENALTY OF PERJURY THAT HE HAS
SERVED A COPY OF THIS PLEADING TO THE
CLERK OF THE COURT OF APPEALS TO THE
ADDRESS BELOW:

COURT OF APPEALS OF GEORGIA
SUITE 501
47 TRINITY AVENUE
ATLANTA, GEORGIA 30334

ANTONIO ROBINSON
403977
A.S.M.P.
3001 Gordon Hwy.
BROOKTOWN, GA. 30813

(5)

APPELLANT'S CLAIM IS THE EXACT ACT WHICH HAPPENED IN DAY V STATE, SUPRA. IN THIS INSTANCE THE COURT RULES DIFFER ERRONEOUSLY. IN ANTONIO ROBINSON V. STATE, A1600080, THUS IN DAY THIS SAME COURT RULED THAT DAY IS ENTITLED TO A HEARING TO DETERMINE WHETHER OR NOT HE SHOULD BE DISCHARGED AND ACQUITTED PURSUANT TO PROVISION OF OCCAS 17-7-171 IN THE SAME BENEFITS APPLY TO OCCAS 17-7-170 NON-CAPITAL CASES, AS WELL AS CAPITAL CASES. DEFENDANT WAS AND STILL IS NOT IN JEOPARDY OF REINDICTMENT. THE COURT AFTER THE STATE ENTERED A NOLLO PROSEQUI WHEN DEFENDANT HAS FAST DEMAND FOR TRIAL PREJUDICE IS WHEN DEFENDANT WAS CONVICTED ON THE SAME INDICTMENT WHICH HAD NO JURISDICTION TO DO SO. SEE LAMP V. SMITH, 56 GC. 589 (1876). SEE ALSO WHETTERBAD V. STATE, 271 GC. 736, 524 S.R. 7d 452 (1999). IN WHETTERBAD THE JUDGMENT BY AIC ENTERED GUILTY PLEA IS NOT DEFENDANT'S CONFERRED ACQUITTAL OF AN AFFECTED VAINER SUBJECT MATTER. OCCAS 17-7-70; 17-9-4. COURT OF APPEALS RULED AGAINST ROBINSON, ON NOVEMBER, 3, 2015.