

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

December 4, 2015

To: Ms. Clareth Ross, GDC176413, Lee Arrendale State Prison, Post Office Box 709, Alto, Georgia 30510

Docket Number: A16A0067 **Style:** Clareth Ross 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 amend your Brief. I am returning your exhibits to you.**

For Additional information, please go to the Court's website at: www.gaappeals.us

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

To: *Claretha Ross*
Docket Number: *A16A0067*

Style: *Claretha Ross 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.**
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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 counsel and pro se 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.
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17. The Motion to Supplement has not been granted.
18. Other: *you must motion the Court for permission to amend your brief.*

For Additional information, please go to the Court's website at: www.gaappeals.us

*November 23, 2015

Case No. Q1620067

Stephen E. Castlen, Clerk
Court Of Appeals Of Georgia
Suite 501

47 Trinity Ave., S.W.
Atlanta, Georgia 30334

RECEIVED
2015 DEC - 8 PM 4:23
COURT OF APPEALS OF GEORGIA
CLERK'S OFFICE

RE: Amended Exhibits "I" and "H"

Dear Mr. Castlen/Law Clerk:

Enclosed are the documents to be filed and disbursed to the listed Addressees on the Certificate of Service.

- 1) Amended Exhibits "H" and "I" - P. 1-5
- 2) Amended Exhibit "H" - P. 1
- 3) Certificate of Service

Thank You in advance.

Sincerely,
Claretha Ross
Claretha Ross, Pro Se

IN THE COURT OF APPEALS OF GEORGIA

CLARETHA ROBB,
Appellant,

vs.

STATE OF GEORGIA
Appellee.

Case No. AL60067

AMENDED

EXHIBITS "G" AND "H"

2016 DEC - 3 PM 4: 23
COURT OF APPEALS OF GEORGIA

"It's about carrying out a 'Sentence.'" (quoting Daniel J. Porter, District Attorney of Gwinnett County, Georgia, February, 2015) (Prosecution's Original Scheduled Execution, February 25, 2015).

There is an old saying: What is understood, don't need to be explain.

See, Exhibits "G" and "H" attached.

STATE OF GEORGIA)
COUNTY OF HABERSHAM)

AFFIDAVIT OF CLARETHA ROSS
ERROR(S) OF LAW

I, Claretta Ross, being first duly sworn, deposes as follows:
I.

The Sentence of 20 years exceeds the maximum statutory punishment for O.C.G.A. §16-8-2 and §16-8-3 under formerly O.C.G.A. §16-8-2(a)(1) (2006) and O.C.G.A. §16-8-12(a)(1)(B) (2015) (As Amended (2012)). See, Jones v. State, 325 Ga. App. 845 (2014); see also, Phillips v. State, 313 Ga. App. 302 (2011).

A. One (1) INDICTMENT - 2007-OR-1684I (Judge Tenen)
[Rockdale County]

B. One (1) CONVICTION

C. One (1) SENTENCE - 20 years

D. One (1) RESTITUTION - 16,150.34

II.

"Ch. 2 - 10 years Probation to 'run consecutive' to Ch. 1."

"Ch. 1 - 10 years to serve"

III.

The Sentence [20 years] "OR" Probation [Ch. 2] thereof that is unauthorized by law is a "nullity and void." See, Hall v. State, 291 Ga. App. 649 (2008).

This 10th day of July, 2015.

Sworn to and Subscribed before me this 10 day of July, 2015.

Further, Affiant sayeth yes,
Claretta Ross
Claretta Ross, Pro Se

Karen Wilbanks
NOTARY PUBLIC

My Commission Expires: 8/25/17

Exhibit "G" p.1

Court of Appeals of the State of Georgia

ATLANTA, March 23, 2015

The Court of Appeals hereby passes the following order:

A15A0785. CLARETHA ROSS v. THE STATE.

Claretha Ross was convicted of theft by deception and sentenced as a recidivist to twenty years, to serve ten in prison and the remainder on probation. We affirmed her conviction and sentence. *Ross v. State*, 298 Ga. App. 525 (680 SE2d 435) (2009). Ross later filed a "Motion to Modify and Correct an Unlawful and Unconstitutionally Imposed Sentence." The trial court denied the motion, and Ross appealed. We dismissed the appeal, finding that Ross did not raise a valid void-sentence claim. *Ross v. State*, Case No. A14A0379 (dismissed Nov. 1, 2013). Ross subsequently filed another "Motion to Void Convictions and Sentence," arguing once again that her conviction is void and her sentence is unconstitutional. On October 21, 2014, the trial court denied this motion, and Ross filed a pro se notice of appeal from that order on November 24, 2014. We lack jurisdiction for two reasons.

First, a notice of appeal must be filed within 30 days after entry of the appealable order. See OCGA § 5-6-38 (a). The proper and timely filing of a notice of appeal is an absolute requirement to confer jurisdiction on this Court. See *Rowland v. State*, 264 Ga. 872 (1) (452 SE2d 756) (1995). Because Ross filed her notice of appeal 34 days after entry of the trial court's order, her appeal is untimely.

Second, an appeal from an order denying or dismissing a challenge to an allegedly void conviction is subject to dismissal. See *Williams v. State*, 287 Ga. 192 (695 SE2d 244) (2010). A direct appeal may lie from the denial of a motion to correct a void sentence if the defendant raises a colorable claim that the sentence is void. See *Burg v. State*, 297 Ga. App. 118, 119 (676 SE2d 465) (2009). A sentence is void only when the trial court imposes a punishment that the law does not allow; assertions

Exhibit "G" p. 2

taking issue with the procedure employed in imposing the sentence do not constitute colorable void-sentence claims. See *Coleman v. State*, 305 Ga. App. 680 (700 SE2d 668) (2010). Here, Ross does not allege any void sentence claim. As in her prior motion, she takes issue with the procedure employed in seeking recidivist punishment. Because Ross does not raise a valid void-sentence claim, this appeal is hereby DISMISSED for lack of jurisdiction.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 03/23/2015

*I certify that the above is a true extract from
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court
hereto affixed the day and year last above written.*

Stephen E. Castles, Clerk.

Exhibit "G" p. 3

render sentences imposed without such procedures 'void' so as to secure direct appellate review subsequent to the first appeal." (Punctuation and citations omitted.) *Ward v. State*, 299 Ga. App. 63, 64-65 (682 SE2d 128) (2009). Because Ross did not raise a valid void-sentence claim, this appeal is hereby DISMISSED for lack of jurisdiction.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 11/01/2013

*I certify that the above is a true extract from
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court
hereto affixed the day and year last above written.*

Stephen E. Castle

, Clerk.

Exhibit "B" p. 5

Exhibit "A" p. 2 ce

DAVID B. IRWIN
CHIEF JUDGE
ROCKDALE SUPERIOR COURT
922 COURT STREET, SUITE 200A
CONYERS, GEORGIA 30012

RECEIVED

MAY 21 '15

Lee Arrrendale State Prison
Alto, GA
MAIL ROOM

Read via M. L. Wong
RC: CRASE - Quality Assurance
Saver

E-17

Claratha Ross
GDC # 176413/E-Lhange/Protective Custody
Lee Arrrendale State Prison
P.O. Box 709
Alto, GA 30510-0709

3051030709 8007

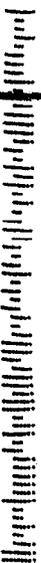


Exhibit "H" p.1

CERTIFICATE OF SERVICE

This is to certify that I have, on this day, submitted Amended Exhibits "G" and "H" complete and correct copies of the foregoing ~~document(s)~~ upon the parties listed below, by placing same in the United States mail, with sufficient postage affixed thereto.

This *23rd day of November, 2015.

Claudia Ross
Claudia Ross, I
Defendant/ Pro Se

Parties served:

Stephen E. Castle, Clerk
County of Appeals of Beresga
47 Peachy Avenue, Suite 801
Atlanta, GA 30334

Richard R. Reed, Dist. Atty.
Rockdale County DA Office
P.O. Box 289
Conyers, GA 30012

Samuel S. Olenis, Atty. Gen.
Department of Law
40 Capitol Square, S.W.
Atlanta, GA 30334