

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

February 4, 2015

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

Docket Number: A15A0785 **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: An Appellant's Brief was filed on January 27, 2015. We are returning the enclosed copy.**

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

IN THE COURT OF APPEALS OF GEORGIA

CLARETHA ROSS,
Appellant,

vs.

STATE OF GEORGIA
Appellee.

Case No. A15A0785

FILED IN OFFICE

JAN 29 2015

COURT CLERK
CLERK COURT OF APPEALS OF GA

BRIEF OF APPELLANT

Claretha Ross, Pro Se
Geo. NO. 176413
Lee Accondale State Person
P.O. Box 709
Alto, Georgia 30510-0709

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CLERK COURT OF APPEALS OF GA

and Ross Trucking Co., Inc., ... " (TR. 29, 244-247, 311-312).
See Appellant's Exhibit "3".

The last transactions on "5970" were cashier's checks cashed at 3:30 p.m. and 4:19 p.m., "[a]lthough one was cashed in Newton," on "April 26th." A debit card purchase was the last transaction on the "Claretha Ross' Family Reunion Account" - Account No. 2041105038 (hereinafter "5038"). (TR. 121).

At arraignment, September 4, 2007, pleaded "NOT GUILTY" to felony Indictment No. 2007-CR-1163 (Watson, Judge) - "CLARETHA HAZLEY ROSS d/b/a ROSS AND ROSS TRUCKING CO.;" on the same day, Ms. Ross was arraigned by "STANBORN MUTE" plead to the felony Accusation No. 2007-CR-1471 I (Tewson, Judge) - Id. (Trial Record hereinafter "TR." 27, 39).

On March 27, 2008, the State "not pressed" Accusation No. 2007-CR-1471 I (Id.) - NO WAIVER OR CONSENT. (TR. 95).

"Sixteen Thousand One Hundred Fifty Dollars and Thirty-Four Cents (\$16,150.34)" ordered on March 28, 2008, in "Restraint" - without a hearing. (TR. 86-87, 274, 311-312) (TR. 9, 93). See Appellant's Exhibit "4".

On October 9, 2007, the first "Demand For Speedy Trial" was filed. (TR. 27, 39). See Appellant's Exhibit "5".

A "Demand For Speedy Trial," Certificate For Immediate Review" among others was "retained [i]mplied by the Clerk's Office on November 18, 2014—the one-sentence denial stated, "FURTHERED ORDERS that a "Demand For Speedy Trial" is not applicable to a post-judgment motion." See ORDER dated October 21, 2014; Appellant's Exhibit "6".

On March 19, 2008, the State filed its recidivist notice to include prior convictions "on appeal"—one "still pending" in Mitchell County, Georgia, to date. (TR. 307)(TR. 42-45). See Appellant's Exhibit "7".

PART II. ENUMERATION OF ERROR

THE TRIAL COURT VIOLATED ROSS' DUE PROCESS RIGHTS ENTERING A ONE-SENTENCE DENIAL OF THE MOTION BASED ON THE JUDGMENT ALONE.

(Enumeration of Error No. 1)

STATEMENT OF JURISDICTION

This Court, rather than the Supreme Court, has jurisdiction over this case because it involves a criminal offense for which the death penalty was not and could not have been imposed. Georgia Constitution of 1983, Article VI, §VI, ¶III. Additionally, this appeal does not raise a constitutional question. For these two reasons, this case is not within the exclusive appellate jurisdiction of the Supreme Court. Georgia Constitution of 1983, Article VI, §VI, ¶II.

CERTIFICATE OF SERVICE

This is to certify that I have, on this day, submitted complete and correct copies of the Brief of Appellants Pages 5-7 upon the parties listed below, by placing same in the United States mail, with sufficient postage affixed thereto.

Stephen E. Caschen, Clerk
Clerk of Appeals Of Georgia
Suite 501

47 Trinity Avenue
Atlanta, Georgia 30334

Richard R. Read, Dist. Atty
Rockdale County DA Office
P.O. Box 289

922 Coward St.
Conyers, GA 30012

This 27th day of January, 2015.

Chartha Ross
Chartha Ross, Pro Se
O.D.C. NO. 176413/D-H3/PC
Lee Accondale State Prison
P.O. Box 709
Alto, GA 30510-0709

THE SUPERIOR COURT OF ROCKDALE COUNTY, GEORGIA

FINAL DISPOSITION

CRIMINAL ACTION NO. 2007-CR-1684 I

THE STATE

VS.

Claretha Hazley Ross

OFFENSE(S)

- 1 Theft by Deception F
- 2 Theft by Deception F
- 3 Theft by Taking F

OTN # 136764633

January TERM, 2008

PLEA: JURY VERDICT OTHER DISPOSITION:
 NEGOTIATED GUILTY ON COUNT(S) _____ NON-JURY GUILTY ON COUNT(S) 1,2,3 NOLLE PROSEQUI ORDER ON COUNT(S) _____
 NOLO CONTENDERE ON COUNT(S) _____ NOT GUILTY ON COUNT(S) _____ DEAD DOCKET ORDER ON COUNT(S) _____
 TO LESSER INCLUDED GUILTY OF INCLUDED OFFENSE(S) OF _____ GUILTY OF INCLUDED OFFENSE(S) OF _____ (SEE SEPARATE ORDER)
 ON COUNT(S) _____
 DEFENDANT WAS ADVISED OF HIS/HER RIGHT TO HAVE THIS SENTENCE REVIEWED BY THE SUPERIOR COURTS SENTENCE REVIEW PANEL.

FELONY SENTENCE MISDEMEANOR SENTENCE

WHEREAS, the above-named defendant has been found guilty of the above-stated offense. WHEREUPON, it is ordered and adjudged by the Court that: The said defendant is hereby sentenced to 20 years with confinement to be for a period of 10 years in the State Penal System or such other institution as the Commissioner of the State Department of Corrections or Court may direct, to be computed as provided by law. (Ct. 1) 10 years to serve to run consecutive to sentence now serving in case # 07R145; (Ct. 2) 10 years probation to run consecutive to Ct. 1; (Ct.3) Merges with Cts. 1 & 2 for the purpose of sentencing; Credit for time served; Sentenced under recidivist statute 17-10-7(a)(c);

HOWEVER, it is further ordered by the Court:

- 1) THAT the above sentence may be served on probation
- 2) THAT upon service of 10 years of the above sentence, the remainder of balance may be served on probation PROVIDED that the said defendant complies with the following general, other and special conditions herein imposed by the Court as part of this sentence.

Probation is to be: REPORTING NON-REPORTING

GENERAL CONDITIONS OF PROBATION

The Defendant, having been granted the privilege of serving all or part of the above-stated sentence on probation, hereby is sentenced to the following general conditions of probation:

- 1) Do not violate the criminal laws of any governmental unit.
- 2) Avoid injurious and vicious habits - especially alcoholic intoxication & narcotics & other dangerous drugs, unless prescribed lawfully.
- 3) Avoid person's or places of disreputable or harmful character.
- 4) Report to the Probation-Parole Supervisor as directed and permit such Supervisor to visit him/her at home or elsewhere.
- 5) Work faithfully at suitable employment insofar as may be possible.
- 6) Do not change his/her present place of abode, move outside the jurisdiction of the Court, or leave the State for any period of time without prior permission of the Probation Supervisor.
- 7) Support his/her legal dependants to the best of his/her ability.
- 8) Probationer shall, from time to time upon oral or written request by a Probation Officer, produce a breath, urine, and/or blood specimen for analysis for the possible presence of a substance prohibited or controlled by any law of the State of Georgia or of the United States.
- 9) Submit to evaluations and testing relating to rehabilitation and participate in and successfully complete rehabilitative programming as directed by the Department of Corrections.

OTHER CONDITIONS OF PROBATION

IT IS FURTHER ORDERED that the defendant pay a fine in the amount of _____, restitution in the amount of \$16,150.34, monthly probation fee in the amount of \$32.00, Court Costs of _____, Attorney's Fees in the amount of _____.

- Further payments are:
- Plus 10% or \$50 (whichever is less) of fines and costs pursuant to O.C.G.A. 15-21-73;
 - Plus 10% of fines and costs per IDF code section 15-21-73;
 - Plus 10% of fines and costs for jail construction and staffing act;
 - Plus 5% of fines and costs per code section 15-21-131;
 - Plus \$50.00 per code section 42-8-34(D)(1);
 - Plus 50% of fines and costs per code section 15-21-100;
 - Plus \$25 per code section 42-8-34(D)(2) (if 16-13-2a, DUI drugs/alcohol);
 - Plus 11% or \$26 (whichever is less) of fines & costs per code section 15-21-112 (DUI drugs/alcohol);
 - Plus 10% of fines & costs per code section 15-21-149 (DUI drugs/alcohol);
 - Plus \$25 publication per code section 40-6-391(J)(1) (2nd DUI);

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 ROCKDALE COUNTY, GEORGIA
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 MMW

Appellant's Exhibit "4"

- Plus \$50.00 Public Defender fee, to be paid to the Public Defender Office (cases after January 1, 2005);
- Plus 5% of fines & costs per code section 15-21-179 (Traffic Offenses);
- Plus: _____

[X] SPECIAL CONDITIONS OF PROBATION

- A special condition of probation, if violated, authorizes the court to revoke all of the time then remaining on defendant's probation.
- Defendant is to complete a rehabilitative program consisting of six (6) months physical training at the Rockdale County Jail, scheduled for one (1) hour, five (5) days a week, starting at 5:30 a.m. beginning _____; and, prior to said training defendant must obtain a note from a physician stating defendant may engage in physical activity.
 - Banishment from the State of Georgia except for Echols County;
 - Banishment from the Rockdale Judicial Circuit;
 - Plus Alcohol & Drug Evaluation & Treatment if deemed necessary;
 - Plus Random screens to be at defendant's expense;
 - Intensive Probation;
 - Defendant is not allowed to have a checking account in her name or in any company name;

IT IS THE FURTHER ORDER of the Court and the defendant is hereby advised that the Court may, at any time, revoke any condition of probation herein granted. If such probation is revoked, the Court may order the execution of the sentence which was originally imposed or any portion thereof in the manner provided by law after deducting there from the amount of time the defendant has served on probation.

The defendant was represented by the Honorable David LaMalva, Attorney at Law, Rockdale County, Georgia.

By Employment Appointment

By the Court March 26, 2008.

So ordered this 28 day of March, 2008.

DAVID B. IRWIN

Judge, Rockdale Superior Court

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this Sentence or Probation has been delivered in person to the defendant and he/she instructed regarding the conditions as set forth above.

This _____ day of _____, 2008.

Probation Officer

Copy received and instructions regarding conditions acknowledged.

This _____ day of _____, 2008.

Probationer

Copy Received by Sheriff

DATE: _____

Deputy Sheriff

GEORGIA, ROCKDALE COUNTY

Personally came INV. GLEN CANNON #2195, who on oath says that, to the best of his knowledge and belief, CLARETHA ROSS did, in the County aforesaid, commit the offense of THEFT BY DECEPTION

APRIL, O.C.G.A. 16-8-4, in said County, on JUNE day of 2006. The place of occurrence of said offense being UNITED

Said offense being described as DEFENDANT DID WITHDRAW FUNDS (U.S. CURRENCY) FROM A CHECKING ACCT., UNITED COMM. BANK, ACCT. #2011105970 IN THE AMOUNT OF \$16,157.00 BY DEPOSITING CHECKS FROM CLOSED ACCOUNTS and against the laws of Georgia.

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JUN 1 9 2006
BY: ale

AFFIDAVIT

and thus deponent makes this affidavit that a warrant may issue for his/her arrest
Inv. Ale Cannon #2195
Affiant

Sworn to and subscribed before me this 19th day of June, 2006
Lillis Brown
Clerk/Magistrate, Rockdale County, Georgia

GEORGIA, ROCKDALE COUNTY

To any sheriff, deputy sheriff, coroner, constable, marshal or other law enforcement officer of Georgia Greetings:

For sufficient cause made known to me in the above affidavit, incorporated by reference herein, and other sworn testimony establishing probable cause for the arrest of the accused, you are therefore commanded to arrest the defendant named in the foregoing affidavit charged by the prosecutor therein with the offense against the laws of this State named in said affidavit and bring his/her before me, or some other judicial officer of Georgia, to be dealt with as the law directs. HEREIN FAIL NOT.

ORDER

Herein fail not. This 19th day of June, 2006

Lillis Brown
Magistrate, Rockdale County, Georgia

DEFENDANT'S DESCRIPTION: DOB: 02-03-60 Sex. 52 # 259-23-6172
AGE 46 SEX F RACE B WEIGHT 504 HEIGHT 180 HAIR B OTHER _____

DEFENDANT'S ADDRESS:
1248 RHODES WALK CONYERS, GA 30012

WITNESS LIST

Name	Address	Telephone

Appellant's Exhibit "5"

The Criminal Warrant is DISMISSED for the following reason:

- The affiant has requested a dismissal and all costs have been paid
- The prosecutor has requested dismissal - see attached paperwork.
- Failure of the prosecuting witness to appear for a scheduled hearing after valid service of a subpoena.
- After this court heard evidence in a committal hearing it is determined that no probable cause exists.
- Other reason:

This the _____ day of _____, 20____

MAGISTRATE

The Criminal Warrant is transferred to the (State) (Superior) Court of Rockdale County for the following reason:

- This Court heard evidence in a committal hearing and determined that probable cause existed.
- The accused waived a committal/probable cause hearing.
- Hereby continued until _____

This the _____ day of _____, 20____

MAGISTRATE

ROCKDALE COUNTY
MAGISTRATE COURT

WARRANT NO. 2008-2863

THE STATE OF GEORGIA
vs.
CLARETTA ROSS

CHARGE
TRIF by DECEPTION(F)

16-8-4

Warrant executed on the 5
day of FEB, 2007, at
1651 o'clock P
By: William Howard

be considered at First Appearance Hearing.

hereby set at \$

nt to O.C.G.A. §17-10-1 bail is hereby set at

ions of bail as follows:

arance hearing conducted on

ittal set for

, 20____, at 2:00 o'clock p.m

Clerk

IN THE SUPERIOR COURT OF ROCKDALE COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,

Part No. 2007-CE-1163 N

vs.

CLARETHA ROSS d/b/a
ROSS AND ROSS TRUCKING CO.
Defendants.

Charges: Theft By Deception
Theft By Taking

DEMAND FOR A SPEEDY TRIAL

COMES NOW Defendant, CLARETHA ROSS d/b/a ROSS AND ROSS TRUCKING CO., by and through Pro Se at this the term of Court after Jeopardy attached without Defendant's consent and there being jurors empaneled and qualified to try said case at this time. Defendant makes the demand for trial pursuant to Georgia Code Annotated, §17-7-170 and asks that the same be placed upon the minutes and that she be tried this term October, 2014 of this Court, or in default of such trial, that she be fully acquitted and discharged of said offense(s) under the custody of the Department of Corrections immediately.

This *16th day of November, 2014.

Claretha Ross
Claretha Ross, Pro Se
GBC. NO. 176413/D-H3/PC

Lee Heraldale State Prison
P.O. Box 709
Alto, GA 30510-0709
706-776-4700

Appellant's Exhibit "6"

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2014 NOV 18 PM 1:52
Ruth A. Wilson CLERK

IN THE SUPERIOR COURT OF
ROCKDALE COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

Judgment
Case No. 2007-CR-1163 N

vs.

CLARETHA ROSS d/b/a
ROSS AND ROSS TRUCKING CO.
Defendant

Charges: Theft By Deception
Theft By Taking

REQUEST FOR CERTIFICATE OF IMMEDIATE REVIEW

The Defendant ~~Plaintiff~~ hereby requests that a Certificate of Immediate Review be granted from the Order of this Honorable Court granting Defendant's ~~Plaintiff's~~ Demand For A Speedy Trial,

Rule 11.1, etc., in this case-at-bar.

Defendant ~~Plaintiff~~ shows that the issues are of such importance to the case that immediate review should be had.

Specially, the Defendant ~~Plaintiff~~ shows that the issues presented are fundamentally important as a basic requirement of a fair review of Defendant's ~~Plaintiff's~~ "Procedural Due Process" rights under the 1st, 4th, 5th, 6th, 8th, 10th, 13th, and 14th Amendments of the United States Constitution and under the

Constitution of the State of Georgia. In re: Murchison, 349 U.S. 133, 136-39 (1955);
Bellonglea v. State, 111 A.203; State v. Pickett, 288 Ga. 674 (2011);
Hayes v. State, 298 Ga. App. 338 (2009); U.S. v. Knight, 562 F.3d 134,
1323 (11th Cir. 2009); Dillingham v. U.S., 423 U.S. 64, 65 (1975).

Respectfully submitted, this the 14th day of November, 2014.

Claretha Ross
Claretha Ross, Pro Se

Prepared by:
Claretha Ross
176413/Pulaski State Prison/E6D Lee Appendale State Prison
P.O. Box 839 709
Hawkinsville, GA 31036 Wto, GA 30510-0709

IN THE SUPERIOR COURT OF ROCKDALE COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,
Plaintiff,

v.
CLARETHA ROSS d/b/a
ROSS AND ROSS TRUCKING CO.,
Defendant(s).

JUDGMENT
~~CRIMINAL ACTION FILE~~
NO.: 2007-CR-1163 N

RULE NISI

Defendant's Motion for DEMAND FOR A SPEEDY TRIAL, etc.,
having been filed, said Motion is scheduled for hearing before this Court at
Rockdale County Courthouse, Conyers, Georgia, on the
_____ day of _____, 20 14, at _____ o'clock ___ a.m. ___ p.m.
This, the _____ day of _____, 20 _____.

Judge, Superior Court of
Rockdale County, Georgia

IN THE SUPERIOR COURT OF ROCKDALE COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,

INDICTMENT NO. 2007CR-1163N

vs.

CLARETHA ROSS d/b/a
ROSS ANDROSS TRUCKING CO.
Defendants.

CHARGES: Theft By Deception
Theft By Taking

PRODUCTION ORDER

WHEREAS, the above-captioned case is presently pending Rule
11B, DEMAND FOR A SPEEDY TRIAL, etc., to be placed on this term
October calendar term in this Court, and whereas the said
CLARETHA ROSS, GDC. NO. 176413, PRO SE/WITNESS IN THE CASE, is
presently under the custody of the Georgia Department of Offender
Rehabilitation - Board of Corrections at LEE ARRENDABLE STATE
PRISON (W), Post Office Box 709, Ato, Georgia 30510.

IT IS HEREBY REQUESTED AND ORDERED that the Department
of Offender Rehabilitation - Board Of Corrections authorize the
removal of said CLARETHA ROSS for pickup and appearance in the
Superior Court of Rockdale County December 12, 2007, the latest to
testify at trial.

FURTHER that the expenses incurred in the transportation of said
defendant to the Superior Court shall be borne by the treasury of Rockdale
County. The Sheriff of Rockdale County or one of his duly authorized
officers shall transport the defendant from LEE ARRENDABLE STATE PRISON
to Rockdale Superior Court and shall return her to said PRISON, unless
otherwise directed directed by the Georgia Department Of Offender
Rehabilitation - Board Of Corrections.

SO ORDERED this _____ day of _____, 2014.

This order is pursuant to a request
by PRO SE DEFENDANT CLARETHA ROSS,
GDC. NO. 176413, LEE ARRENDABLE STATE
PRISON, ALTO, GA 30510-0709.

Judge, Superior Court
Rockdale Judicial Circuit

CERTIFICATE OF SERVICE

I, Clarethia Ross hereby certify that I have caused to be
served a copy of the foregoing Demand For A Speedy Trial, Rule 11B1,
etc., upon addressee(s) listed below sending United States Postal Service
first class postage the same by United States mail in a proper envelope
envelope with adequate postage, properly addressed to:

Ruth A. Wilson, Clerk
Rockdale Superior Court
P.O. Box 289
Conyers, GA 30012

Richard R. Read, District Attorney
922 Court Street, Room 201
P.O. Box 289
Conyers, GA 30012

David B. Penton, Superior Judge
Rockdale Superior Court
P.O. Box 289
Conyers, GA 30012

This 14th day of November, 2014.

Clarethia Ross
Clarethia Ross, Pro Se
GDC. NO. 176413/15-N3/PC

November 14, 2014

Reith A. Wilson, Clerk
Rockdale County Superior Court
P.O. Box 289
Conyers, MI 30012

Re: Documents To Be Filed; Case No. (w) 2007-CR-1163N/1684I

Dear Ms. Wilson:

Please find enclosed the following documents to be filed and
disbursed to the addresses listed on the Certificate of Service:

- 1) Demand for A Speedy Trial - 2007-CR-1163 N
- 2) Request for Certificate of Immediate Relief - 2007-CR-1163 N
- 3) Rule nisi - 2007-CR-1163 N
- 4) Production Order - 2007-CR-1163 N
- 5) Certificate of Service
- 6) Notice of Appeal - 2007-CR-1684 I
- 7) Pauper's Affidavit - 2007-CR-1684 I
- 8) Pauper's Affidavit - 2007-CR-1684 I

Thank you in advance.

Sincerely,
Cheretha Ross
Cheretha Ross, Pro Se
GCC. No. 176413/A-H3/PC

NOTICE OF APPEAL CRIMINAL CASE

IN THE SUPERIOR COURT
OF MITCHELL COUNTY
STATE OF GEORGIA

05 MAR 14 AM 11:42
CLERK OF SUPERIOR COURT

STATE

CASE NUMBER 01-R-022

vs.

CLARETHA ROSS

NOTICE OF APPEAL

Notice is given that Clareth Ross in the above matter hereby appeals to the Court of Appeals of Georgia from the judgment of the trial court entered on the 16th day of February, 2005.

The clerk will omit from the record on appeal the following: A plead of nolo contendere for the offense of Deposit Account Fraud. The judgment for the defendant was five years probation to pay two thousand and five hundred dollars - unknown damages to plaintiff's widower, a thousand dollar - fine, two hundred and fifty four dollar-court costs; if paid within thirty days to cancel probation. Judgment was satisfied on the 25th day of February, 2005.

A transcript of evidence and proceedings will be filed for inclusion in the record on appeal.

The Court of Appeals, rather than the Supreme Court, has jurisdiction of this appeal because the issue involved is a civil case tried as a criminal case concerning Deposit Account Fraud and such appeals of such cases are not reserved to the Supreme Court of Georgia pursuant to Article VI, Section VI, Paragraphs II and III of the Constitution of the State of Georgia.

CERTIFICATE OF SERVICE

I certify that I have this day served Charlie Sheen with a copy of this Notice of Appeal by mailing a copy first class mail postage pre-paid to him at Post Office Box 1843, Bainbridge, Georgia 31717.

This the 9th day of March, 2005.

Clareth Ross

Appellant's Exhibit "7"