

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

April 28, 2015

To: Mr. Hazen H. Sadler, Jr., Assistant Public Defender, Office of the Public Defender, Pataula Judicial Circuit, 181 South Cuthbert Street, Post Office Box 668, Colquitt, Georgia 39837

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. 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: Per your request, the enclosed application is being returned to you. It is this Court's understanding the application will be e-filed.**

Also, the Clerk/Court Administrator of the Georgia Court of Appeals is Stephen E. Castlen. Mr. William L. Martin, III retired in 2010.

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

HAZEN H. SADLER, JR.
Assistant Public Defender
OFFICE OF THE PUBLIC DEFENDER
PATAULA JUDICIAL CIRCUIT
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P.O. BOX 668
COLQUITT, GEORGIA 39837

TELEPHONE (229) 758-6236

FAX (229) 758-187

RECEIVED IN OFFICE
2015 APR 22 PM 1:52
COURT CLERK
CLERK COURT OF APPEALS OF GA

April 20, 2015

William L. Martin, III, Clerk
COURT OF APPEALS OF GEORGIA
40 Mitchell Street
334 State Judicial Building
Atlanta, Georgia 30334

FILED IN OFFICE

APR 20 2015

COURT CLERK
CLERK COURT OF APPEALS OF GA

Re: *Wayman Price vs. State of Georgia*
Appeal from Randolph County Superior Court Case No. 2015-CR-013

Dear Mr. Martin:

Please find enclosed an original and two copies of my Application for Appeal of Order Revoking Probation. Please file the enclosed original and two of the copies of record. Thank you for your cooperation and attention to this matter. Please do not hesitate to contact my office if you have any questions or need any further information.

With kindest regards,



Hazen H. Sadler, Jr.
Attorney for Defendant

HHS/sds

Enclosures

**IN THE COURT OF APPEALS
STATE OF GEORGIA**

**APPLICATION FOR APPEAL OF ORDER
REVOKING PROBATION**

**WAYMAN PRICE
Applicant**

VS.

**THE STATE OF GEORGIA
Respondent**

**RANDOLPH COUNTY SUPERIOR COURT
CASE NO. 2015-CR-013**

**HAZEN H. SADLER, JR.
ASSISTANT PUBLIC DEFENDER
P.O. BOX 668
COLQUITT, GEORGIA 39837
Attorney for Applicant
STATE BAR NO. 001334**

**WAYMAN PRICE
Applicant
C/O RANDOLPH COUNTY JAIL
216 RECREATION CAMP ROAD
CUTHBERT, GEORGIA 39840-0506**

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CLERK OF SUPERIOR COURT
RANDOLPH COUNTY, GEORGIA

**THOSE PARTS OF THE RECORD INCLUDED
WITH THIS APPLICATION**

INDEX

1. Petition for Modification/Revocation of Probation and Superior Court Probation Revocation Order
2. Request for Transcript of proceedings

IN THE COURT OF APPEALS

STATE OF GEORGIA

WAYMAN PRICE	*	RANDOLPH COUNTY SUPERIOR COURT
Applicant	*	
VS.	*	
THE STATE OF GEORGIA	*	CASE NO. 2015-CR-013

APPLICATION FOR APPEAL OF ORDER

REVOKING PROBATION

WAYMAN PRICE, Applicant, applies to the Court of Appeals of Georgia requesting leave to Appeal an Order of Honorable Joe C. Bishop, Judge of Randolph County Superior Court, revoking Applicant's probation, and in support thereof shows as follows:

1. JURISDICTIONAL STATEMENT:

This Application for Appeal from an Order Revoking Probation is brought pursuant to the provisions of O.C.G.A. Section 5-6-35(a)(5). The Court of Appeals shall be a court of review and shall exercise appellate and certiorari jurisdiction in all cases not reserved to the Supreme Court or conferred on other courts by law. Georgia Constitution, Article VI, Section V, Paragraph III. The Court of Appeals and not the Supreme Court of Georgia has jurisdiction of this Appeal since it is not a case in which the Supreme Court of Georgia has exclusive or general appellate jurisdiction pursuant to Article VI, Section VI, Paragraphs II and III of the Constitution of Georgia.

Therefore jurisdiction of this Appeal from an Order revoking probation is proper in this Court.

2. NATURE OF ORDER BEING APPEALED:

This is an Appeal from an Order revoking Applicant's Probation. Applicant was on probation from a sentence imposed in Randolph County Superior Court on August 10, 2004, in Case Number 2004-CR-140, pursuant to the entry of a negotiated plea of guilty to the offense of Sale of Cocaine, and Case Number 2004-CR-139, pursuant to the entry of a negotiated plea of guilty to the offense of Burglary. The State of Georgia filed a Petition for Modification/Revocation of Probation to revoke Applicant's probation and a hearing was had on said petition on March 26, 2015. The Court, after hearing testimony and evidence, entered a Probation Revocation Order revoking the entire balance of Applicant's probation on March 26, 2015. The Probation Revocation Order entered by the Court is not interlocutory but is a final Order.

3. ENUMERATION OF ERRORS TO BE URGED ON APPEAL:

The evidence adduced at the hearing on the Petition for Modification/Revocation of Probation was insufficient to justify the Court's finding from a preponderance of the evidence that the Applicant had violated the terms and conditions of his probation.

4. TIMELINESS OF APPLICATION:

The Probation Revocation Order of the Superior Court revoking Applicant's Probation was entered on March 26, 2015. This Application for Appeal from that Order is being made within thirty days of the entry of the Order as required by O.C.G.A. Section 5-6-35(d).

5. MATERIAL OFFERED IN SUPPORT OF APPLICATION:

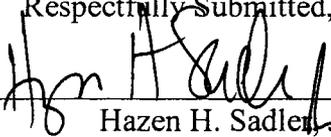
- a. Copy of Petition for Modification/Revocation of Probation and Superior Court Probation Revocation Order (Exhibit "A")

b. Copy of Request for Transcript of proceedings (Exhibit "B")

WHEREFORE, Applicant respectfully requests that this Court allow the Applicant the opportunity to appeal and be heard on the issue of whether or not the Applicant violated the terms and conditions of his probation as well as other issues addressed by the Probation Revocation Order of the Superior Court entered on the Petition for Modification/Revocation of Probation.

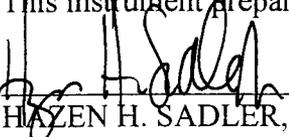
This 20th day of April, 2015.

Respectfully Submitted,



Hazen H. Sadler, Jr.
Attorney for Applicant

This instrument prepared by:



HAZEN H. SADLER, JR.
Assistant Public Defender
P.O. Box 668
Colquitt, Georgia 39837
(229) 758-6236
State Bar No. 001334

IN THE COURT OF APPEALS

STATE OF GEORGIA

WAYMAN PRICE * RANDOLPH COUNTY SUPERIOR COURT
Applicant *
VS. *
THE STATE OF GEORGIA * CASE NO. 2015-CR-013

CERTIFICATE OF SERVICE

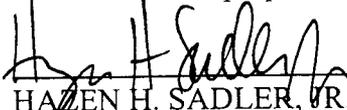
This is to certify that I have this day served a true and correct copy of the foregoing **APPLICATION FOR APPEAL OF ORDER REVOKING PROBATION**, together with a list of those parts of the record included with the Application, on the State of Georgia by placing the same in the United States Mail to T. Craig Earnest, District Attorney for the Pataula Judicial Circuit, Post Office Drawer 30, Cuthbert, Georgia 39840, with sufficient postage affixed thereto to insure delivery.

This 20th day of April, 2015.



Hazen H. Sadler, Jr.
Attorney for Applicant

This instrument prepared by:



HAZEN H. SADLER, JR.
Assistant Public Defender
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Colquitt, Georgia 39837
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