

# COURT OF APPEALS OF GEORGIA

## RETURN NOTICE

December 8, 2015

To: Mr. Alphonso Sandural De la Rosa, GDC248507, Cobb County Jail, Post Office Box 100110, Marietta, Georgia 30061

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 your name.
- 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.

The State of GA

GA. Court of Appeals

V  
Alfonso S. De la Rosa

47 Trinity Ave. Suite 501  
Atlanta, GA 30324

Warrant No. 635959

charges VOP

00#248507

Comes now the Defendant, by and through his attorney  
files the following.

Motion to file more Motions

Motion for "OR Bond" pending Appeal

Motion to Recall Warrant

Motion to disqualify and/or Recuse Judge

Motion of Notice of Appeal

2011 DEC - 8 AM 10:00  
IN MEDIATION  
COURT OF APPEALS

Alphonso S. DeLaRosa  
v.  
State

Atlanta, GA 30334  
402 Trinity Ave, Suite 501  
██████, GA, Court of Appeals

County of: Cobb  
Superior Court  
Docket # 10-9-3923-42

#000248507

## Motion for disqualification and/or recusal of Judge

Where the Judge Adele P. Grubbs did not treat me or my case justly. In her old age, she should already be retired.

- 1.) A conflict of Interest exist now that I have filed a derogatory claim against her with the Judicial Commission, and bring soon a law suite as well for Neglagance & pain & suffering
- 2.) Excessive Incarceration Confinement
- 3.) Blatenley falsify a new charge, that defendant was not charged on VOP nor in Court by ADA opposing counsel
- 4.) Ruling neglagentley on a case to guilt with no evidence.
- 5.) Ignoring probation laws, inwhich state that she may not sentence me to no more than 2 yrs. in confinement which ever is less
- 6.) Ignoring in fact, defendant is intitled to time served under probation, shall be considered time served ~~and~~ be deducted from and considered a part of the time he was originally sentence to serve.

Alfonso Sanduval DeLaRosa

County: Cobb

December 2, 2015

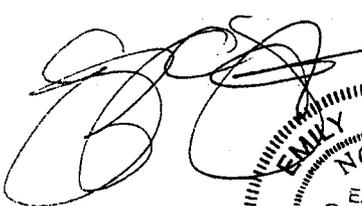
pauper's Affidavit

GDC# 1000400891  
Case # 10-9-3923-42

I Alfonso DeLaRosa file this affidavit to Court of Appeals, and in that I require a Circuit Defender Attorney for my appeals case. On this matter, to not be charged \$300.00 filing fee; or \$80.00 criminal Fee

It is my understanding that the 30 day period, to file for an Appeal, counting only the Mon-Fri, business days from Rev. day Nov 4, 2015, to file notice of Appeal.

Al De La Rosa

 11/18/15  


635959

HOSP. / FUGI.

BLUE VOT

RECEIVED  
COBB COUNTY GA

Type Case  
(Tech)

2015 SEP 10 PM 3:11  
WARRANT FOR ARREST OF PROBATIONER AND  
PETITION FOR REVOCATION/MODIFICATION OF PROBATION

FIELD OPERATIONS  
STATE OF GEORGIA  
vs

COUNTY OF: COBB

DOCKET# 10-9-3923-42 A

Alphonso Sanduvai Delarosa - 248507

NOW COMES Elizabeth Bauman Community Supervision Officer II, in the name and behalf of the State of Georgia, and brings this action against Alphonso Sanduvai Delarosa, hereinafter called the probationer, and shows that the probationer was sentenced on 01/14/2010 by the Court for the offense(s) of Cts. 1-2 Aggravated Assault, and was given a sentence of 11 years to include probation, the conditions of which are fully set forth in the original sentence.

The probationer has violated the following terms and conditions of probation:  
General Condition #4: Report to the Probation Supervisor as directed and permit such Supervisor to visit you at home or elsewhere. General Condition #5: Work faithfully at suitable employment insofar as may be possible. Special Condition: Defendant shall continue with and comply with any and all psychological treatment and prescribed medication.

The probationer is charged with violation of these conditions, in willful disregard of a Court Order, specifically as follows: In that, the Probation Supervisor has been unable to contact the Defendant using the last known information that he has provided. To wit, the Defendant's last known address is the address of the Cobb County DFCS Office. The Defendant reports that location as his own residential address and he has not provided any others. The Defendant's last known telephone number has been disconnected and he has failed to provide any alternative phone numbers. In that, the Defendant has failed to work faithfully at any suitable employment. In that, the Defendant has failed to continue with any psychological treatment or prescribed medication.

The State of Georgia prays that a copy of this document be served on the probationer upon arrest, and that the probationer be directed to appear before this Court to show cause why probation should not be modified or revoked.

This 10 day of September, 2015

Elizabeth Bauman  
Elizabeth Bauman, Community Supervision Officer II, Cobb Judicial Circuit

Sworn to and subscribed before me this 10 day of September, 2015

COBB COUNTY  
SEP 14 2015  
PUBLIC  
Notary Public (seal)  
COMMUNITY SUPERVISION

TO THE SHERIFF OF THE ABOVE NAMED COUNTY OR OTHER LAW ENFORCEMENT OFFICE OF THE STATE  
Under authority of the Georgia Statewide Probation Act you are hereby Commanded to take the body of the probationer  
NAME: Alphonso Sanduvai Delarosa LAST KNOWN ADDRESS: 325 S Fairground St SE Marietta, Georgia 30060

EMPLOYER NONE ADDRESS: NONE

and safely keep HIM until HE may be returned to this Court on a day and time to be fixed after arrest, there to show cause before me why said probation should not be revoked or modified for violation of the preceding general and/or special conditions of probation. It is also ORDERED that the probationer, upon arrest, be served with a copy of this Order by the Cobb County Sheriff's Department, with proper documentation of service on the reverse side specifying the date and time for said hearing.

Issued this 10 day of Sept, 2015

Adele Grubbs  
Adele Grubbs Superior Court of Cobb County

IN THE SUPERIOR COURT OF COBB COUNTY  
STATE OF GEORGIA

THE STATE OF GEORGIA

VS

Alphonso Sanduval Delarosa

\*  
\*  
\*  
\*  
\*  
\*

Docket # 10-9-3923-42  
GDC# 1000400891  
DOB 7-12-1971  
Sex: M Race: H  
Current Location of Inmate:  
CCADC

*FULL HEARING HELD*  
**REVOCATION/CONSENT ORDER**

There being ~~no~~ contest as to the issues of the fact of law, that the Defendant has violated the conditions of probation as ordered by this Court; and the offender <sup>NOT</sup> consenting to the facts contained below, this Court finds as follows:

(1)

Defendant was sentenced in accordance with the law on the 14th day of January, 2010 and was placed on probation for the offense of Aggravated Assault for a term of 10 years serve 8 months, 9 years and 4 months of probation. Resentenced on 8/11/2011 to 11 years serve 7 months, 10 years and 5 months of probation

*Probation Law stipulate when no longer on 1st Offender, Trial Judge "May Not" increase the term provided in orig. sentence*

The Court finds by a preponderance of the evidence that the Defendant has failed to comply with the terms of his/her probation as follows:

*and defendant is in fact entitled to credit for the time he has served under probation.*

*with Heavy weight*

Failed to report as directed.

#4.

*I was instructed by PO to no longer Report Early 2015*  
In arrears on fine \$ \_\_\_\_\_, fee \$ \_\_\_\_\_, restitution \$ \_\_\_\_\_

FILED IN COURT  
THIS NOV 4 2015

*Here is a false charge*

AT \_\_\_\_\_ M

Moved without notifying probation officer or left the state without permission

REBECCA KEATON  
CLERK SUPERIOR COURT  
COBB COUNTY, GEORGIA

*Special conditions*

*I was not charged on VOP papers with above NOB in Court for the above*

\_\_\_\_\_

\_\_\_\_\_

Other: *Failed to provide proof of CONTINUING MENTAL HEALTH TREATMENT. (IN a court of law I'm innocent till proven guilty, not vice versa)*

*The VOP charge was "Failed to continue mental health treatment"*  
*"In fact I completed successfully a six month course with the court appointed psych counsler Mrs. Crenshaw and was discharged. In Nov. 2012, I reported that to my PO a Ms. Ross @ the time."*

*In Court there was a heavy weight "preponderance" of evidence that I did not comply or complete psych course up to date.*

\_\_\_\_\_ *as to my address" when reporting over the years to Mrs. Debra Williams, Christiana Ross, Ms. Elizabeth Brannan, In 2010, I've gave them to file a copy of my license with the address stated, explain my situation; I invited them for a professional out of office visit, they never showed interest.*

*If the DDS, Bureau of V, this state's outpatient services, doesn't have a problem w/ my address neither should the po. why wait till Nov. After all these years to bring up a bogus charge. They never once tried to reach me with a #5 & stamped env. to contact me, kushnag snailmail*

(3)

There being sufficient evidence of the Defendants failure to comply with the terms of this probated sentence, it is therefore ORDERED AND ADJUDGED that the probation provisions in said original sentence be REVOKED in accordance with the law, and;

The Defendant is hereby required to serve: 5 YEARS 11 MONTHS AND 9 DAYS (THE BALANCE)  
(TO COMMENCE 11-4-15)

at such place as the Director of Corrections or the Sheriff of Cobb County shall direct, or as otherwise specified in this order:  
The Court determines that the Defendant does not meet the criteria for incarceration alternatives.

Upon service of this sentence of confinement the Defendant shall be reinstated on probation with all original terms and conditions in full force and effect as special conditions. Any probation fee arrearage is suspended. In addition the Defendant shall: **Report to Probation Supervisor in person within 48 hours of release.**

Upon service of this sentence of confinement, ~~the balance of the sentence shall be suspended and~~ the Defendant shall have no further obligation to the Court in this case.

The Defendant is hereby reinstated on probation with all original terms and conditions in full force and effect as special conditions. The Defendant is to serve \_\_\_\_\_ in the Probation Detention Center / Probation Boot Camp / Probation Residential Substance Abuse Treatment Center / Probation Integrated Treatment Program. Any probation fee arrearage is suspended. **Report to Probation Supervisor in person within 48 hours of release.**

The Defendant is hereby reinstated on probation with all original terms and conditions in full force and effect as special conditions. Any probation fee arrearage is suspended. In addition the Defendant shall: **Report to Probation Supervisor in person within 48 hours of release.**

The running of his/her sentence is hereby reinstated and his/her sentence is extended by \_\_\_\_\_ year(s), \_\_\_\_\_ month(s) and \_\_\_\_\_ day(s), which was the amount of time tolled.

The Defendant's First Offender Status is to remain in effect.

The Defendant is to remain in custody until bedspace is available.

The Defendant shall not consume alcoholic beverages, and not use narcotics or dangerous drugs unless lawfully prescribed, not associate with anyone who uses or possesses illegal drugs, not occupy any residence or vehicle where alcohol or illegal drugs are present, not consume alcohol and operate a motor vehicle, and not go to establishments that serve alcohol.

By signing the Consent below, the Defendant waives the right to an attorney in this case and agrees to the disposition above.

SO ORDERED, this 4 day of November, 2015.

Adele Grubbs  
Adele Grubbs  
Judge, Cobb Superior Court

Presented by:

Anna D. Clark  
Assistant District Attorney

Consented to and attorney waived by:

Refused Al Guiltey  
Defendant

Don Mitchell  
Community Supervision Officer

Al Guiltey  
Attorney for the Defendant

## Certificate of Services

This is to certify that I this day serviced all interested parties in the foregoing matter depositing a copy of this order dated the 3 day of Dec, 2015 in the Cobb County Mail System in the properly addressed envelopes with adequate postage there on addresses as follows:

Marc Cella, Esq.  
Office of the District Attorney  
Cobb Judicial Circuit

A. Lee Fudger, Esq.  
P.O. Box 2012  
Marietta, GA 30061