

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

August 20, 2015

To: Mr. Jermaine Z. Sellow, Effingham County Jail, P.O. Box 1015, Springfield, Georgia
31329

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.
- 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.
- 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.

RECEIVED
2015 MAY 28

My name is Jermaine Z. Sellow. I'm a 41 yr old black male currently being detained in the Effingham County Jail charged with Criminal Trespass, ~~Aggravated Stalking~~ Stalking. However, as a victim of a malicious prosecution, falsely arrested and unlawfully incarcerated since 6/09/14. On 6/09/14 I was served a temporary protection order by Deputy Brown, a family acquaintance of the petitioner Katina Kitchen (ex-girlfriend). Deputy Brown who had an influential involvement in the decision making process of the petitioner pursuing a protection order advised her by phone on how to undermine my tenant rights to obtain sole possession of the residence as she moved in next door with her parents. I argued the conflict of interest until another officer arrived on the scene Sgt. Ivey. Gathering a few belongings I'm escorted off the property and drive to the courthouse questioning the legality of the protection order due to her father (Kellsey Wright) being a retired city worker of Springfield, and part-time chaplain at the Effingham County Jail having connections with local authorities as a long time resident. Once confirmed it was a legitimate document I returned to residence requesting a police escort. Made 911 call and was transferred to a local dispatcher explain situation and was given consent to proceed when it was established nobody occupied the residence loading personal belongings in my vehicle I'm bumped by a fleet of patrol cars with Ofc. Wilkinson leading the charge screaming "You going to jail, you just violated your protection order!" I placed in handcuffs and was forced to try to clear up the misunderstanding from the backseat, I hear over the radio Ellen Wright who is my ex-girlfriend mother and over next door neighbor was responsible for making 911 call. She then runs outside with the phone in her hand and begin conversing with Ofc. Wilkinson. My story is confirmed, however local dispatcher cover his tracks, and throw me under the bus admitting to receiving the call but denying giving permission to proceed (audio recording would prove otherwise) I argue why would I make 911 call if I was going to exercise criminal negligence? Furthermore, how come none of the officers that arrived on the scene wasn't in route as a escort if I was truly instructed to "wait until did anything". Argument falls on deaf ears. Transported to Effingham County Jail charged with Criminal Trespass. After hours in a holding cell the backing process begins. Ofc. Gaines (who I later found out is a family member of ex-girlfriend Katina Kitchen) deemed my charge Criminal Trespass (FYA) as "non fingerprintable" rolling my fingers over the touchpad several times to create the desired effect for the illusion to work. Then nothing of it, I inquire about my bond, and was informed I had to see a judge. Seemed odd for a misdemeanor but I did question the matter under the impression certain counties had different procedures not being from the area, and never being in there county jail before. Hoping I would be released in the morning, and make it to work on time with a story to tell, I falls asleep. When I awake I'm allowed to make some phone calls. I try to remember some work cell numbers, and begin dialing, no answer. I call my nephew, no answer. I call my ex-girlfriend Katina Kitchen no answer. Return to holding cell go back to sleep...

5/07/15

On 6/10/14 Early that morning in A-block I refused to eat breakfast give away my tray and begin dialing numbers, co-workers, boss, nephew, ex-girlfriend former boss, and sister receiving no answer. Later in the afternoon detainees I shared a holding cell with the night before was called to see a judicial officer of some sort to receive bonds. My name was called. Begin demanding answers refusing to lockdown for tier change. A gun squad of officers enter the building (Ofc. Jenkins, Ofc. Guardie, Cpt. Minor, and Sgt. Cooper) Explained I was charged with Criminal Trespass (F.V.A) and wasn't called to receive a bond not giving a justifiable response from Sgt. Cooper I refused to comply with orders to lockdown and under the threat of a taser was placed in handcuffs and escorted to G-block placed immediately in a disciplinary isolation cell. With no notice of charges or disciplinary hearing I remain in cell # 106 with a dysfunctional shower from 6/10/14 until 7/01/14. I immediately file a grievance in regards to violation of my due process rights and cruel and unusual punishment. However, that's another story. Later that evening on 6/10/14 I'm escorted from G-block to booking Ofc. Wilkinson approaches me stating "I'm conducting a further investigation, and jail phone records show you tried to contact your girlfriend Katina Kitchen therefore, your being charged with Criminal Trespass/Aggravated Stalking." I shook my head in disbelief inquiring about my bond. Ofc. Wilkinson replies, "You don't get a bond for those type of charges." I'm escorted back to disciplinary isolation confinement. Upon release from G-block on 7/01/14 not making a court appearance on current charges (Criminal Trespass/Aggravated Stalking) neither being appointed a public defender. I begin to research the law making insightful discoveries that advocate my theory of falsely being arrested and unlawfully being incarcerated, never receiving a probable cause determination hearing in accordance with 17-4-62 Taking of persons arrested before judicial officer within 48 hours of arrest. In the Georgia Criminal and Traffic Law Manual pg. 542 it states, "In every case of an arrest without a warrant, the arresting shall without delay, convey the offender before the most convenient judicial officer authorized to receive an affidavit and issue a warrant. No such imprisonment shall be legal beyond a reasonable time allowed for this purpose, and any person who is not brought before such a judicial officer within 48 hours of arrest shall be released." My first court appearance for current charges (Criminal Trespass/Aggravated Stalking) was on 9/24/14 at my arraignment. However, a false entry has been made on my arrest/booking report documenting my first appearance 6/11/14. On several instances I have inquired about this entry, question who was responsible for the type error through inmate request on the Kiosk system, but administration officials refuse to identify any particular staff personnel. When a critical look is taken between the lines of my legal document the conspiracy literally jumps off the pages. Warrant; Ofc. Wilkinson swears I was served 6/09/14 at 17:10 only minutes after admittance in Effingham County Jail at 17:04. Warrant not signed by a judge until 6/27/14. Ofc. Wilkinson alleges both offenses were committed at some exact time in two different locations at the same time I'm admitted in Effingham County Jail (17:04)...

To further illustrate improper motive and violations of the Fourth and Fourteenth Amendment, respectfully, Ofc. Wilkinson had no probable cause to have my vehicle impounded from my residence in Code section 17-4-20 Authorization of arrest with and without warrants generally; in Georgia Criminal and Traffic Law Manual pg. 535 paragraph (D) The officer has probable cause to believe the offender has violated a criminal family violence order, as defined in code section 16-5-915 Offense of violating family violence order, penalty; provided however, that such officer shall not have any prior or current familial relationship with alleged victim or the offender. On two separate occasions regarding incidents leading to ending my 6 year relationship with Katina Kitchen. Ofc. Wilkinson responding to my 911 call arrived on the scene, and both times had extensive conversations with Katina Kitchen family members (her mother and father, elder sister who was the landlord, and lived exactly next door to parents on the other side also, and two older brothers who lived around the corner.) I'm not making this up! I made an estimate of 5 911 calls from 577 Wallace Dr. residence requesting emergency assistance concerning my ex-girlfriend Katina Kitchen constant back and forth erratic behavior, Ofc. Wilkinson had "prior and familial relationship." Also, Ofc. Wilkinson admits by his own omission in his narrative of having no prior knowledge of alleged incident that lead to Aggravated Stalking charge stating, "I was later notified"... Indicating Ofc. Wilkinson unlawfully built a case in hindsight based on a false report made by Katina Kitchen. Ofc. Wilkinson even went to the extent of trying to establish a pattern that support aggravating stalking statute by false swearing on affidavit of arrest stating, "Sallows also called her cell phone from the jail's Telephone Phone System for times." When phone calls didn't occur until the next day 6/10/14. In a innocent man fighting for justice in a disciplinary segregation cell where I have been placed on 23 hr. lockdown status classified as a "problem inmate" by administration when I'm only fighting the good fight beside in facility where a detainee commits a rule infraction, and is punished without a disciplinary hearing which is a violation of due process rights protected by the fourteenth Amendment there's no such thing as a problem inmate. But that's a whole another chapter. I'm crying for help begging for you to investigate these allegations; nothing has been fabricated I speak the GOD honest truth. I have no doubt my public defender Robert L. Persee is a co-conspirator in the grand scheme of things sabotaging my demands for a speedy trial at my arraignment on 9/2/14. By making recommendation for a mental evaluation delaying the process of the law to deliberately keep me from proving my case and obtaining my freedom. I was the foreman of a landscaping crew making a decent living enjoying the great outdoors and now I have nothing but **FAITH**...

GOD BLESS,

Open one Sallows

P.S if can't help, please forward!

I, Jermaine Z. Sellow in the said County of Effingham appeals the decision of court ruling in regards to Count 2 of Aggravated Stalking, Indictment # 2014-SU-CR-150-W on August 11th the year of 2015 on following grounds, (1) Trial Court erred in not instructing the jury in charge conference on "Harassing and Intimidation" language which in the Georgia Code of O.C.G.A. 16-5-90, is defined in context of involving four factors of its own (1) Knowing and willful course of conduct direct at a specific person (2) which cause emotional distress by placing specific person in reasonable fear of safety (3) by establishing a pattern of harassing and intimidating behavior, and (4) which serves no legitimate purpose (Burke v. State) State failed to meet burden of proof on all 4 elements that's required to support an Aggravated Stalking conviction. (1) How is an arrestee to know that he can be held criminally responsible for attempting to make contact with a protected person of a court order when one would believe after an arrest for a violation of that same court imposed order the prohibited conditions would be nullified. Furthermore, it's normal behavior to seek relief from the outside world when detained in a Sheriff Complex on a bondable offense. Originally charged with Criminal Trespass, (2) Without an engaged conversation or neither attempt of the (1) out of (3) phone calls it can only be speculated and not determined as a matter of fact whether these (3) phone calls served an legitimate purpose. However, I believe in this instance it can be concluded there was no malicious intent and no harm was intended and a genuine interest to make bail, and make it to work on time in the morning regardless if attempts was without consent or not. (3) Without an engaged conversation the fear factor cannot be employed when there's no reported case where an offender jumped through a telephone and strangled an alleged victim with a land line. No sarcasm intended. Only trying to validate the point of my argument with logic and reason. (4) Without an engaged conversation, a men rea, or a series of successive actions that support an Aggravated Stalking conviction as illustrated in (Oliver v. State) Guilty verdict must be vacated. In addition to the above mentioned enumerated factors allegations of count (2) of Indictment # 2014-SU-CR-150-W was based on same set of facts in count (1) making the Indictment totally defective under the fatal variance rule. By State failure to operate the "single date requirement" I was put in jeopardy of multiple prosecutions for same conduct of charged offense(s) which violated substantive and procedural protected rights. Guilty verdict must be vacated.

Count 3
I appeal on the following grounds, with all things considered Criminal Trespass is an offense involving no moral turpitude and under the sentencing guidelines a guilty conviction for a misdemeanor is only punishable by (12) months. (3) years probation is excessive punishment, and "illegal sentence imposed improperly with a vindictive motive considering (13) months have been already served upon my jury trial court date. (3) years probation sentence must be vacated.

Non-Violent
Single violation of a protection order dont establish a pattern to support a conviction for Aggravated Stalking. "Let Justice Be Served In The Name Of THE GOD Honest Truth"
Sincerely, Jermaine Z. Sellow
Witness: [Signature]