

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

April 21, 2015

To: Mr. Shawn A. Shavers, GDC1001221362, Baldwin State Prison, Post Office Box 218,
Hardwick, Georgia 31024

Docket Number: Style: Shawn A. Shavers v. The State

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:**

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

To: Court of Appeals
Office of the Clerk
47 Trinity Ave. S.W.
Suite 501, Atlanta
Georgia 30334

FILED IN OFFICE

April 08, 2015

APR 17 2015

COURT CLERK
CLERK COURT OF APPEALS OF GA.

2015 APR 20 11:2:59

RE: Petitioner seeks Application for
DISCRETIONARY Appeal Along
with filing of Supplemental Brief
pursuant to Court Rule 27

Dear Clerk

Appellant hereby seeks application for
Discretionary Appeal and that COURT Appointed
COUNSEL is Court Ordered to Amend pending
Appeal No. A15A 1056 as Appellant has
requested prior to Direct Appeal that Counsel
Enumerate certain errors in which Counsel
Intentionally failed to do which is violative
of Constitutional guarantees afforded to Petitioner
pursuant to The United States Constitution's Fifth
and Sixth Amendments DUE-PROCESS, Confrontation
and Compulsory Clause(s) made Applicable by
and through the Fourteenth Amendment's
Due Process and Equal Protection clauses. Also
SEE; Jones v. State, Case No. A13A 1940 (MARCH
23, 2014)

In further support of Counsel neglect to Raise
other VALID grounds Ref. Enclosed exhibits (A) - (C)
receipts verifying (3) Different complaints filed
by Petitioner to this Court. A GBA Complaint
investigated by a Wolanda Shelton, Grievance
counsel and Petitioner's response (3 pgs). Petitioner
factually asserts that AS of date Petitioner has
received a Portion of his Transcript with no -

(1 of 2)

certification verifying what's been mailed. Neither
has counsel relinquished a copy of Petitioners
Motion for New Trial Transcripts.

Petitioner seeks to be authorized submission
of other enumerations of Error Pursuant to
Rule 27 as this Conflict of Interest In re To
Attorney Hopkins was brought to the Courts
attention at the earliest opportunity, ORALLY Prior
to Petitioners Nov. 7th Motion for Trial in which
petitioner has requested is transmitted to this Court.
under seal as Petitioner Challenge the manner
in which the Trial Record has been reserved
was NEVER reviewed by the lower Court.

Appellant Counsel was also notified Twice before
submission of the Appeal No. AISA 1056 By E-mail /
Tex of Petitioner's request re his Appeal. In
Turn Counsel BLOCKED Petitioner Addresses To
Block Correspondance. Counsel Also refused to
withdraw as Appellate Counsel, and /or Notify
the Trial Court as to Petitioners request to
proceed Pro-SE and to be granted A FARETTA
Hearing.

Petitioner respectfully moves this COURT ORDER
the lower Court for appointment of Appellant
Counsel OR Allow Petitioners the Right To
Amend the Pending Appeal or Order Counsel to
so that the enumerations of Error named in
the letter to the BAR are filed Pursuant To
State COURT Rules as stated Herein.

CERTIFICATE DE SERVICE

I certify that a True and correct Copy of
the foregoing Application For Discretionary
REVIEW / SEEKING Authorization To Amend -
court pg. 3

the Pending Appeal A15A1056 as Counsel has refused to relinquish a Copy of Petitioners Trial Record OR Motion for New Trial Transcripts prior to Submission of Petitioners Appeal. Placed in U.S. mail depository with correct postage Affixed to State Court of Appeal for Georgia 47 Trinity Ave. Suite 501 Atlanta Georgia 30334 and the listed parties below.

Executed this 28th day of April, 2015

cc: file

- * Nigel Nash, ADA, Gwinnett Superior Court, 75 Langley Drive, Lawrenceville, GA 30046
 - * Stephen S. Olsen, A.G., Georgia Dept. of Law, 4044 Capital Square SW ATLANTA, GEORGIA
 - * Sharon L Hopkins Esq. P.O. Box 2075 Duluth, Georgia
 - * Wanda Shelton, Grievance Counsel Appellant Division, BAR Association 104 Mari-HA ST NW ATLANTA, GA 30303
- Respectfully submitted
By: Jhawan & Jhawan
EOC # 1301221362
P.O. Box 215
Hudsonsick, GA 31024

TO: Wolanda Shelton Grievance Counsel April 08, 2015
Appellant Division, George Bar
Suite 600 104 Mariett St. NW
Atlanta, Georgia, Zip 30303

RE: Appellant Counsel Sharon
HOPKINS / CA. No. A15A 1056

Dear Counsel

I'm response to your letter dated March 31, 2015
I still seek the Bars assistance in being assigned
a lawyer from this Jurisdiction to assist with
my Appeal, see enclosed letter sent to the Court of
Appeals. Further investigation would reveal Attorney
Hopkins has received E-mail / Texts in advance stating
what I believe are viable errors with supportive
proof of service as to when & why said correspondence
were sent 'Counsel never sought' to challenge
the states case and factually refuse to raise
other enumerations of errors which are
supported by the record.

- 1) Counsel failed to raise a error with the Trial
Judges Admittance of a prior conviction Armed
Robbery. This 1994 conviction by plea held no
probative value and violated Georgia ANN. § 24-6-609
- 2) counsel failed to raise as an error, the STATES
interview with the alleged victim, Stacy Pagan
with Det. Kristen Bryant, DVD. The court erred
in allowing Jurors to review only the (Inculpatory)
PART, the ending showed Det. Bryant discuss other cases re: Def.
- 3) Counsel failed to adequately question Trial Counsel as
to why weren't any of the states witnesses ever
interviewed. In specific Nina Wallace. Defense was
notified 2 days before trial. Under ~~att~~ Ms. Wallace's
testimony -

cont from Pg. ONE

- 3) was never challenged by Counsel (Impeached). 1) Ms. Wallace attested that Her / Victims Apt. was about 20 mins from where the alleged assault occurred. The victim claimed she took approx. ONE Hr. away. Ms. Wallace also stated under oath, she'd given Officer (Now Detective M) the States ~~Witnesses~~. This was left up to the Jurors to weigh the witnesses credibility.
- 4) The same Det. Muth as in the above Para. Submitted a 'Alleged Supplemental Report' that's lost for 2 yrs. This report stated the Defendant attempted to assault the victim with a silver Thermos. This alleged report was never processed with the States Discovery nor was Defense given adequate notice pursuant to O.C.G.A. § 17-16-1. Trial Judge showed an abuse of discretion (It was done on the 3rd day of Trial.
- 5) Appellant Counsel failed to raise Enumeration of Error regarding Trial Counsel's failure to submit Notice of Appeal vs. the Motion for New Trial in which Trial Judge ordered him to file the (MFNT). The Trial Court
- 6) Appellant Counsel neglected to meaningfully question Trial Counsel during the (MFNT) or raise Enumeration of Error regarding Trial Counsel's letters factually showing Trial Counsel refusing to visit, Ex. A, 2) use of abusive / derogatory language and 3) Threats, one of which Counsel clearly stated Quote: "I'll crash your car, walk away and watch it burn. Prior to Trial Counsel had also stated he doesn't care what happens because he gets paid anyway Ref. Ex. A, B & C.

criminal proceedings.

7. Appellant's Counsel has neglected to raise a requested enumeration of error regarding The Trial Judges refusal to accept the Jurors ultimate decision after the Jurors application of what was presented at Trial. As stated by the ^{July} ~~work~~ ~~THE JURYS VERDICT WAS HUNG JURY~~ ~~As~~ ~~As~~ ~~As~~ as ARGUED on ^{MENT} ~~MENT~~, Counsel has neglected to raise Two other incident(s) where petitioner was not present in the COURT Room when 1) The Jurors sent a Note seeking a Time line Exhibit to compare Defendants time frame / testimony vs. the victims, 2) Defendant wasn't present when The Trial Judge released the Jurors leave and return after the Weekend.

Petitioner demands A New Trial based on the Trial Judges 'ABUSE of Discretion' in not accepting the Jurors verdict. As a 'Matter of Law' THE Trial Judge should exclude 'hypothetical QUESTIONING involving evidence' or ^{REQUIRING} ~~requiring~~ a juror to ~~Love~~ judge a CASE. See: Huey v. State 263 Ga. 840, 842 (6), 439 S.E. 2d 656 (1994); THOMAS v. State, 171 Ga. App 306 308 (5), 319 S.E. 2d 511 (1984). Defendant never consented to dispersal of the Jurors and said dispersal prejudiced severally based on the Jury being hung vs when jurors returned 2 Days later the verdict changed to a unanimous verdict. The Trial Court failed to interrogate the Jurors for violations which may have occurred or give a curative instruction to cure any possible prejudice.

SAS: AOW
cc: File

Wolada SHELTON, Appellant Division, GBA STE. 600
104 Marietta St. NW, ATLANTA GA 30303
STEPHEN OLSON, A.G. 40 (3 OF 3). 11A TTM

Sincerely yours
Shawn A. Johnson
#1001221362, BALDU
STATE PRISON, PO BOX
710 HADWICK GA 3102

~~EXHIBIT L (B)~~
EXHIBIT L (B)



Lawrence Lewis, P.C.

Attorney at Law

242 Culver Street
Suite 103
Lawrenceville, GA 30045
(678) 407-9300 • FAX: (678) 407-9913

Note: This was another grievance
filed on Counsel to the Court
(and BAR) months prior to
trial yet never investigated.

October 31, 2013

Mr. Shawn Shavers
Gwinnett County Detention Center
2900 University Parkway
Lawrenceville, GA 30043

RE: State of Georgia v. Shawn Shavers
Indictment # 12B-3440-8

Months before the
December trial Counsel
Notifi me I will be
representing myself.

Dear Mr. Shavers:

Please find enclosed the report from GBI indicating that the hair found on the rape
victim is not your hair. Now that the report has been returned, you should be ready to go
to trial in December, 2013. Given that you blatantly lied to the judge about our
communications, I have limited our communications. You should be ready to try the case
yourself in December, 2013, because whenever you are called to trial, you will be having
your jury trial. (Whether I will be representing you, or you will be representing yourself)
on Indictment # 12B-3440-8. If there are any questions, please feel free to contact me.

Sincerely,

Lawrence Lewis

EXHIBIT L (B)

EX. B (17)

NOTE: COURT OF APPEALS
TRIAL COUNSEL
NEVER SUBMITTED DEFENDANTS
APPEAL AS REQUESTED
IN SEVERAL VIOLATION OF DEFENDANTS
RIGHTS TO OBTAIN PARTICIPATED
CONVICTION



Lawrence Lewis, P.C.

Attorney at Law

242 Culver Street
Suite 103
Lawrenceville, GA 30045
(678) 407-9300 • FAX: (678) 407-9913

December 17, 2013

Mr. Shawn Shavers
Gwinnett County Detention Center
2900 University Parkway
Lawrenceville, GA 30043

RE: State of Georgia v. Shawn Shavers
Indictment # 12B-3440-8

Dear Mr. Shavers:

(I received your voice mail message, regarding filing a Notice of Appeal, rather than a Motion for New Trial. The judge was absolutely correct when he told you have not made one good decision during the trial. SO, clearly you want to continue the trend.

Please find enclosed your copies of the photos of the scene and the copies of the lease you requested. The prosecutor produced them for me, but I do not need them. Therefore, I am forwarding all copies to you without making any copies for myself. If they are lost, you should not look to me to assist in reproducing them, because I do not have copies.

You have left me with a list of projects, which will NOT be accomplished in the next forty-eight (48) hours. You ostensibly need the documents that were filed in Magistrate Court on this aggravated assault case, which I will try and locate. Since I will be filing a Notice of Appeal and requesting that you be appointed a new attorney (per your voicemail), I will not be filing a Motion to Dismiss on the Armed Robbery case, or a Motion to Recuse, because the appellate attorney needs to make that decision independent of me.

I have already explained to you in detail that the Motion for New Trial should be filed rather than the Notice of Appeal, because your appellate attorney does not need to

B (3)

II

As per usual, you confuse imagination and reality. The fact that you can raise ineffective assistance of counsel against me at the motion for new trial does not mean I was ineffective. Even IF the Court of Appeals finds me ineffective, they must determine that I was so ineffective that it warrants a new trial. It does not matter what you think, it only matters what the record shows, which is why the judge and I went thru the pains of making sure everything was on the record. When you finally get to your appeal, you are going to find that the record destroys most of your argument. THE REASON: The record is NOT BI-POLAR.

I have no idea what you are referring to when you refer to documentation that violates the attorney client communication. You and I have barely spoken since I was appointed. THE REASON: You are a liar, and I needed to make sure whatever I communicated to you was in writing, and what you communicated to me was in writing. So, in addition to the trial and pre-trial record, I have a record of everything you and I have exchanged. That is the reason I told you on the phone I will not be coming out to see you at the jail. An hour at the jail with you is a total waste of time, because the next day you will recall all sorts of shit I never said, and remind me of all sorts of things you never told me. It may be bi-polar, but I suspect it is more like you need a lot of attention.

There are no rules governing relationships with clients that indicates that while a client is pissing on me, I must pretend that it is rain, or 7-up. When clients act stupid, I get to act stupid. So, because you have no idea what it is to communicate respectfully, I don't even consider your views on professional conduct. More importantly, the trial and pre-trial record will communicate exactly your contempt for the judge, the prosecutor, me and the process. THE RECORD.

I have never told you, I will not be preparing to defend a case. I am ready on all of your remaining cases. What I told you is I am not going to chase down irrelevant evidence or witnesses for cases that I do not think are going to trial. In your last trial, where you were sentenced to 31 years, I requested an investigator, who chased down two witnesses on the evening of trial, because you waited until the last minute to provide the names. Both witnesses testified that they had nothing to add to your defense. THE RECORD captured their testimony. THE RECORD. I will not be sending the investigator on any other wild goose chases until I am certain that the cases are going to trial. The only case I think that the prosecutor will realistically pursue is the Aggravated Sodomy/Armed Robbery case. If you plead to a lesser offense for concurrent time, all of the other cases will be dismissed. IF you reject the plea offer on the lesser offenses, you will have a jury trial. IF you lose, you will face consecutive time on the charges. That will also be put on the RECORD in the very near future.

I am not pushing for any case to be tried, because with 31 years already on you, I don't think you need one more, irrespective of how great your defense might be. The last jury thought you were full of shit, and the judge told you the same thing. So, the bi-polar comes out again. In our last telephone conversation, you thought I was working for you.

EX(8)

CC17

~~D 1002~~

Now, less than one week later I have ulterior motives again. Make sure you request the medication when you get there.

This motivational techniques might work on the ladies (doubt it), but it does not work on me. Come to think about it, given the fact that you have two different women make sexual assault allegations and two more complaining about you exposing yourself, it probably does not work on them either.

You and I are not going to be friends. I do not need to be your friend in order to defend you. You are not hard to defend. You are another child-thinker, pouting every time you do not get your way, threatening to tell the Court of Appeals what a bad person I am. Have you ever spoken/written to the Court of Appeals in the past? Probably not. Save this letter and re-read it, after you get their response to all of your allegations.

Again, I am not pushing for any case to be tried, because with 31 years already on you, I don't think you need one more, irrespective of how great your defense might be.

As far as your preliminary hearing tapes are concerned, I have put in writing that I am not getting them. So, you can use my letter to prove that I was working against you and not for you, IF the Court of Appeals thinks the preliminary hearing tapes are necessary.

In regards to the pre-trial and trial transcripts, you are clueless. I have requested the transcripts. I requested that everything be taken down. I don't need to create written documents, so you can have them for your file. You have all of the letters to prove that I am a liar. They are all dated. Because I requested that everything be taken down, and you needed the judge to explain everything three times, you will be waiting about six months to get the transcripts. IF you have \$ 5000 to expedite the transcripts, then contact the court reporter, pay her the \$ 5000 and get the transcripts in 90 days.

Could the motion for new trial have included more detail, or everything I thought the judge did wrong? Sure it could have. I could have included every point on which I thought you might win an appeal. However, the initial motion for new trial need only be a skeleton motion, and because of the following, I would never include more than the bare minimum:

- (1) IF I enumerate a concern with which you disagree, you think I have sabotaged your appellate rights;
- (2) IF I fail to name every single one, you want to file another modification of the motion to name the last three or four;
- (3) IF I list everyone, you will the next day suggest that I am sabotaging your case by telling the prosecutor all of your defenses, so the prosecutor can start losing parts of the transcript, or the record, or whatever other delusion you are under;
- (4) IF I list every appellate issue, you would struggle to figure out how I am still ineffective;

STATE BAR OF GEORGIA
OFFICE OF THE GENERAL COUNSEL

PAULA J. FREDERICK
General Counsel

WILLIAM P. SMITH, III
Ethics Counsel

Bar Counsel
WILLIAM D. NESMITH, III
Deputy General Counsel

JOHN J. SHIPTENKO
Sr. Assistant General Counsel



Disciplinary Counsel
JENNY K. MITTELMAN
Deputy General Counsel

JONATHAN HEWETT
Sr. Assistant General Counsel

REBECCA A. HALL
A. M. CHRISTINA PETRIG
WILLIAM J. COBB
Assistant General Counsel
WOLANDA R. SHELTON
Grievance Counsel

March 31, 2015

CONFIDENTIAL

Mr. Shawn Shavers
GDC# 1001221362
P.O. Box 218
Hardwick, GA 31034

Re: Grievance filed against Ms. Sharon Lee Hopkins, Bar # 366680

Dear Mr. Shavers:

Thank you for submitting your grievance with the Office of the General Counsel of the State Bar of Georgia. We carefully reviewed the grievance you filed with our office against attorney Sharon Hopkins.

You complain Ms. Hopkins did not raise the issue of ineffective assistance of counsel as your appellate attorney. You also claim that Ms. Hopkins has not allowed you to participate in any stage of your appeal. A member of our staff contacted Ms. Hopkins regarding your complaint. Ms. Hopkins informed us that she did raise the issue of ineffective assistance of counsel in your appeal. In addition, Ms. Hopkins also said she met with you in the Gwinnett County jail to discuss your appeal and the facts of the case. We attached the response we received from Ms. Hopkins concerning your complaint.

Since the information furnished is not sufficient to show any violation of the State Bar of Georgia's ethics rules by the attorney, the grievance is dismissed.

Nevertheless, dismissal of the grievance by our office does not affect any other right you may have under Georgia law.

Thank you.

Sincerely Yours,

A handwritten signature in cursive script that reads "Wolanda Shelton".

Wolanda Shelton
Grievance Counsel
WS/pdv
c: Sharon Lee Hopkins

Mr. Shavers had a competency hearing and a trial in Gwinnett county in December 2013. He choose to represent himself on several other pending felony cases. I was appoointed to his appeal including the motion for new trial. I met with Mr. Shavers in the Gwinnett jail and discussed the appeal process and the factual issues. I received the transcripts in August of 2014. Mr. Shavers and I communicated by letter while he was in the state system. I met with him again a couple days before the Motion for New Trial hearing.

The motion for new trial hearing was held November 7, 2014. I raised ineffective assistance of counsel for failure to object to remarks by the DA during closing and not having the client in the courtroom when a note from the jury was discussed. At the hearing, the State announced that they would dismiss the other pending criminal cases in light of the sentence on this case. Just prior to the hearing, the defendant asked for a new attorney on the case. Since he had already been appointed several attorneys in the past, the trial court denied that motion. The motion for new trial was denied November 14,2014.

I filed the appropriate paperwork transferring the case to the Court of Appeals. The appeal brief was filed March 2, 2015 with the same issues as well as insufficient evidence. The DA's brief was filed March 20, 2015. The case is still pending before the Georgia Court of Appeals. I do not expect a decision until at least December. I keep Mr. Shavers updated with each filing.

I have not sent a copy of the transcript to the client. Technically, the rights to the transcript belong to the court reporter. I cannot order a second copy without payment. As soon as I determine if a response brief is necessary and complete that process, I can send the transcript to Mr. Shavers.

Please let me know if you have any other issues.

Sharon Lee Hopkins, Attorney

Appeal and Habeas Corpus

P.O. Box 2075

Duluth, GA 30022

770-985-0300;fax 770-978-9183

s.l.hopkins@att.net