



Court of Appeals of Georgia

January 5, 2015

TO: Mr. Charles C. Shepard, Chatham County Sheriff's Complex, 1074 Carl Griffin Drive,
Savannah, Georgia 31405

RE: **Request for Rules of Court of Appeals of Georgia**

REQUEST FOR COPIES

- We received your request for copies. Copies are \$1.50 per page in this Court. Your pauper status does not excuse you from the copy fees in this Court. The Court of Appeals of Georgia is not subject to the Open Records Act. Costs for copies you indicated you would like are:

Please send your check or money order to the following address specifying exactly what copies you want to be sent to you. Your request will be processed and sent to you by return mail.

Court of Appeals of Georgia
47 Trinity Avenue, S.W. • Suite 550
Atlanta, Georgia 30334

REQUEST FOR FORMS

- This Court does not have the forms you requested.

COURT RULES

- At your request, a copy of the Rules of the Court of Appeals of Georgia has been enclosed for your review.
- This Court cannot make service of your filings for you. I am returning your copies.

APPOINTMENT OF COUNSEL

- You should direct an inquiry concerning appointment of counsel to the trial court from which you are appealing. This Court cannot appoint counsel for you.

12-26-2014

Dear Clerk of the Court -

My name is Charles C. Shepard, and I am being held in Chatham Co. Jail.

I was granted pro-se counsel by Superior Court Judge Timothy R. Walmsley on Dec. 5th, 2014 in case # CR14-2110J2, and since then I've filed some motions + orders and have been denied, due to improper filing + the "no personal letters." I assure you that all filings have been in proper motion format and have included a "Certificate of service" and copies were sent to the D.A., Court Clerk, and the Judge.

As you know motions, pleas, orders, demurrers are on a time limit. I need from you instructions and rules on appealing the ruling of superior court on motions, etc. including time frames and what motions can be appealed.

I recently filed a demurrer concerning incorrect information on an indictment - recidivist charge. I included with the demurrer a copy of the original Judgement + Sentence from the State and County of the charge and it was denied. We are talking about false information being presented to the Grand Jury by the state. This is serious and could cost me a life sentence without parole. I have included a full copy including the judges ruling on the demurrer. Could you please photocopy it and supply whom ever is supposed to receive a copy for a proper appeal - to get the ball rolling on this. And then send me the above requested information and I will properly file everything from this point on.

Thank you so much.

Respectfully,

Charles C. Shepard

12-26-2014

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Thank you so much.

Respectfully,

Charles C. Shepard

MEMORANDUM

TO: Charles Shepard
1074 Carl Griffin Drive
Savannah, GA 31405

FROM: The Office of Judge Timothy R. Walmsley
Superior Court, E.J.C. of Georgia

DATE: December 17, 2014

This memorandum is in response to your letter and/or pleading dated Dec 14, 2014. For the following reason(s) your letter is being returned to you:

- Your request cannot be fulfilled through a letter. Judges are authorized to pass on matters properly presented to them, not personal letters. See In re Unsolicited Letters to Federal Judges, 120 F. Supp. 2d 1073 (2000).
- Your letter does not show that a copy was provided to the opposing counsel, and it thus constitutes an ex parte communication. The Georgia Code of Judicial Conduct prohibits a judge from considering ex parte communications absent an authorized situation. (Georgia Code of Judicial Conduct, Canon 3(B)(7)).
- Your motion lacks any indication that a copy was provided to the opposing party or parties. O.C.G.A. §§ 17-1-1 and 9-11-5(b), mandate that every written motion be served upon an absent party. Failure to serve motions and hence give notice and an opportunity for the opposing party to respond prevents a ruling and would render any resulting order of no effect. A certificate of service is prima facie proof of service. See Owens v. State, 258 Ga. App. 647, 575 S.E.2d 14 (2002).
- The record indicates that you are currently represented by an attorney. In accordance with the holding from the Supreme Court of Georgia, "a layperson does not have the right to represent himself and also be represented by an attorney. . . ." Seagraves v. State, 259 Ga. 36, 39, 376 S.E.2d 670, 672 (1989). Please consult with your attorney on this matter, which the record shows is _____.
- A copy of the Amended Final Disposition Order/Affidavit of Custodian is attached, which should answer your questions. Please be advised that any questions regarding sentence computation, including credit for time served, should be addressed to the appropriate parole authorities, as time computation is outside the jurisdiction of this Court. See Casario v. State, 169 Ga. App. 515, 313 S.E.2d 772 (1984).
- Other: Pladings must be properly filed and served.

IN THE SUPERIOR COURT OF CHATHAM COUNTY

STATE OF GEORGIA

STATE OF GEORGIA

Plaintiff,

v.

CHARLES C. SHEPARD

DOB 04-29-1980 defendant

CASE # CR14-2110J2

Charge(s) CT1 - Armed Robbery

CT2 - Aggravated Battery

CT3 - Aggravated Assault

Recidivist Court

Motion for demurrer of indictment in part - i.e. Recidivist Court
also in part.

Comes now, defendant, Charles C. Shepard, Pro-se and requests this court to grant demurrer in part and pursuant to Ga. Criminal Trial Practice §14-36, specifically:

Recidivist Court in indictment no CR14-2110J2, subsection (A) Tulsa County district Court, Tulsa, Oklahoma, case # CF-2008-3229, Robbery (First Degree) having been sentenced on August 13, 2008.

This information listed in indictment is untrue, copy of True Judgement and Sentence of above listed charge is included with this motion for demurrer of indictment in part.

I would also ask the court to remove this information and reissue an accurate indictment void of this charge completely and as pursuant to Ga. Criminal Trial Practice § 14:36 I want to reserve the right to arraignment, as stated in Ga. Criminal Trial Practice 14:36, And ask that this not effect my current trial date as this untrue information

is due to states negligence to properly inform the courts and Grand Jury of true and accurate information, there fore leading to this request.

this 15th day of December, 2014

Charles C. Shepard
defendant, Charles C. Shepard, Pro-se.

CERTIFICATE OF SERVICE

This is to certify that I have this day served all parties with a copy of the foregoing by hand delivery, or by placing a true and accurate copy in the United States Mail with adequate postage there on to assure delivery to the following:

ADA - Jerome Rothschild
133 Montgomery st. RM 600
Savannah, Ga. 31401

Superior Court Clerk - Dan Massey
133 Montgomery St. Suite 304
Savannah, Ga. 31401

(along with a copy to be file stamped and returned to defendant)

Judge - Timothy R. Walmsley
133 Montgomery st.
Savannah, Ga. 31401

This 15th day of December, 2014

Charles C. Shepard
defendant, Charles C. Shepard, pro se

SALLY HOWE SMITH
COURT CLERK

Tulsa County Courthouse
500 South Denver, Rm. 200
Tulsa, Oklahoma 74103-3844
(918) 596-5000

October 21, 2014

Pursuant to *Title 28 O.S. Section 31*, and a ruling by the Supreme Court in *Kenneth Williams vs. Don Austin #83,872*, there is a charge for copies; \$1.00 for the first page and .50 for each additional page, **per document**. If you are unable to pay for copies, you must petition the Court to grant you copies at state expense. This should be presented and processed as any other motion/petition. The fact that you may have been declared a pauper, or granted an appeal in *forma pauperis*, does not allow you to receive copies from this office without charge; **that is a separate privilege you must request of the Court.**

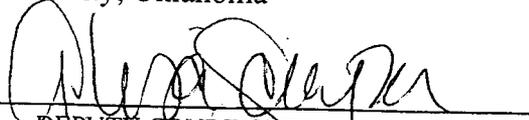
Your documents/pleadings were received and filed in your case this day. For your convenience, and the Court's, we have forwarded a copy of your pleading(s) to the District Attorney for response, and to the Court for ruling. In the future, if you wish a date-stamped copy returned to you, **it will be necessary for you to enclose an extra copy for that purpose**. As stated above, there is a statutory charge for all copies unless otherwise directed by the Court.

The total costs of the copies you have requested is \$ _____. Please send check or money order in this amount, payable to the COURT CLERK, **restating your request.**

As stated in paragraph one, there is a statutory charge for all copies. Since your request is general and not specific, we suggest you purchase a copy of the appearance docket(s) at a cost of \$17.50. You will then be able to request specific documents and we will be able to accurately quote you the cost.

SALLY HOWE SMITH, Court Clerk
Tulsa County, Oklahoma

BY:


DEPUTY COURT CLERK
Criminal/Traffic Division

* Sending a J/s #1
copy courtesy - this
ONE TIME ONLY. In
the future you will need
to pre-pay any
copies of documents.

ORIGINAL

IN THE DISTRICT COURT IN AND FOR TULSA COUNTY, OKLAHOMA



State Of Oklahoma, -VS- SHEPARD, CHARLES CECIL SS.# 568737680 DOB 4-29-80	Case No. CF-08-3229 Count No. ONE
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DISTRICT COURT
FILED

AUG 15 2008

SALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

JUDGMENT AND SENTENCE
All Time In Custody
Felony

Now, this 13TH day of AUGUST, 2008, this matter comes on before the Court for sentencing and the defendant appears personally and by his or her Attorney of record, RICHARD CLARK, and the State of Oklahoma is represented by SHANNON BICKHAM, and the Court Reporter, SANDY CRITTENDEN is present.

The defendant has entered a plea of **GUILTY** and is found guilty by the Court of the crime of **ATTEMPTED ROBBERY FIRST DEGREE, 21 O.S. 798; date of offense of felony, 7-3-08.**

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Court that the defendant, is guilty of the stated offense and is sentenced to **SEVEN (7) YEARS** all under the custody and control of the **DEPARTMENT OF CORRECTIONS. COUNTS ONE, TWO, THREE RUN CONCURRENT.**

IT IS FURTHER ORDERED, ADJUDGED AND DECREED BY THE COURT that in addition to the preceding terms, and the general miscellaneous costs of this action, the defendant is also sentenced to: a fine in the amount of **\$500**; Victim's Compensation Assessment in the amount of **\$250**.

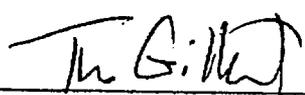
IT IS FURTHER ORDERED BY THIS COURT THAT JUDGMENT IS HEREBY ENTERED against the defendant for all costs, fees, fines, and assessments ordered in this action and he or she is ordered to report immediately upon conclusion of this sentencing hearing, or within ten (10) days of discharge, if

the defendant is currently incarcerated, to the Tulsa County Court Clerk to pay all costs, fines, fees, and assessments ordered in this action - or - to the Tulsa County Court Cost Administrator to make arrangements to pay the costs, fines, fees, and assessments as ordered pursuant to the Rule 8 Hearing held this day.

The Court further advised the defendant of his or her right to appeal to the Court of Criminal Appeals of the State of Oklahoma and of the necessary steps to be taken by him or her to perfect such appeal, and that if he or she desired to appeal and was unable to afford counsel and a transcript of the proceedings, that the same would be furnished by the State, subject to reimbursement in accordance with 22 § O. S. 1355.14, 20 § O. S. 106.4 (b), and, ADC-72-33.

In the event the above sentence is for incarceration in the Department of Corrections, the Sheriff of Tulsa County, Oklahoma, is ordered and directed to deliver the defendant to the Lexington Assessment and Reception Center at Lexington, Oklahoma, and leave therewith a copy of this Judgment and Sentence to serve as warrant and authority for the imprisonment of the defendant as provided herein. A second copy of this Judgment and Sentence to be warrant and authority of the Sheriff for the transportation and imprisonment of the defendant as herein before provided. The Sheriff is to make due return to the clerk of this Court with his proceedings endorsed thereon.

Witness my hand this 13TH DAY OF AUGUST, 2008.



JUDGE TOM GILLERT

ATTESTATION:

SALLY HOWE SMITH
District Court Clerk Tulsa County

By: 

Ernie Hulsey, Deputy

OFFICER'S RETURN OF SERVICE

Received this order the ____ day of _____, _____, and executed it by delivering said defendant to the Warden of the Lexington Assessment and Reception Center at Lexington, Oklahoma on the ____ day of _____.

At the time of formal sentencing judge, on the record shall either complete the additional findings or review form 13.8(A) which has been completed by the parties to ensure its accuracy. Upon completion of the form it shall be ordered filed of record and be attached as Exhibit 1 to the Uniform Judgment and Stence filed in the case.

Additional Findings of the

EXHIBIT 1: Defendant name: CHARLES SHEPARD Court Case No. CF-08-3229
in the District Court of Tulsa County

I. ORIGINAL CHARGES

(A copy of the information may be attached instead.) Please list any additional charges on a separate attached sheet.

Offense	Statute Citation
<u>ATT. ROB 2¹</u>	<u>21 OS § 798</u>
<u>FALSE IMPERSONATION</u>	<u>21 OS § 1531.4</u>
<u>THREAT AGAINST JUDGE</u>	

II. PRIOR FELONY CONVICTIONS

Please list all prior felony convictions or attach the OSBI rap sheet.

Offense	Date	Statute Citation

III. ENHANCER INFORMATION

- Did the offender commit the current offense with the use of a weapon within the immediate possession and control of the offender? Yes No If yes, please indicate type of weapon. N/A
- For persons who are victims of violent crimes, please indicate the age of the victim(s) _____
- If the controlling offense was a theft offense (larceny, embezzlement, fraud, concealing stolen property) what was the total amount involved in that offense? \$ N/A
- If the controlling offense was a drug offense, what was the predominant drug and what was the amount of that drug (specify grams, ounces, etc.)? Drug Type: N/A
Quantity: N/A

IV. OFFENDER CHARACTERISTICS

(A copy of the pre-sentence investigation may be attached instead.)

GENDER: Male Female RACE: White Black Hispanic Native American Asian

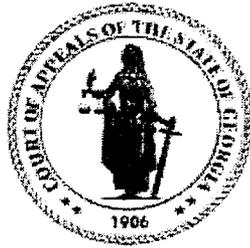
This exhibit shall not be admitted into evidence in any future prosecutions.

Certified this _____ day of 8/1/08

Shannon Bickham
Attorney for State

[Signature]
Attorney for Defendant

[Signature]
Judge of the District Court



2014

Georgia Court of Appeals

R U L E S

Last Update: May 15, 2014