

# COURT OF APPEALS OF GEORGIA

## RETURN NOTICE

December 3, 2015

To: Mr. Frankie Sheppard, Tattnall County Sheriff's Complex, Post Office Box 5215,  
Reidsville, Georgia 30453

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 the name of Frankie Sheppard.**
- 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.
- To appeal a probation revocation, you will need to file a Discretionary Application with this Court. Rule 31 of the Rules of the Court of Appeals of Georgia describes a Discretionary Application and the items you would need to include with your application.**

**A Discretionary Application must be filed within 30 days of the stamped filed date on the order that you are appealing and the application must be accompanied by a proper Certificate of Service and a pauper's affidavit or the \$80.00 filing fee. You must also comply with all the other applicable rules of Court regarding filing with the Court of Appeals of Georgia.**

**Enclosed, please find a copy of the Rules of the Court of Appeals for your review.**

**Your documents are being returned to you.**

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For Additional information, please go to the Court's website at: [www.gaappeals.us](http://www.gaappeals.us)



**2015**

**Georgia Court of Appeals**

**R U L E S**

**Last Update: January 21, 2015**

2015 DEC 2 PM 3:58

11-23-1

Dear

Sir / madam

MY NAME IS FRANKIE SHEPPARD, I'm writing concerning a matter of utmost importance to my family and I, I'm gonna explain my situation as briefly as I can for I realize that your time is valuable. Back in 2013 I plead guilty to a felony obstruction charge, solely on the advice of my public defender's word, that the dash cam video that she and the prosecution watched would surely be enough to find me guilty at trial. Now, I also asked to view this video because I knew that the officer had lied about what really happened, but because it was a probation revocation hearing, I was advised to take a deal. I went to serve 400 probation, with the stipulation that I could challenge this decision by filing a writ of habeas corpus if I felt my rights were violated. Now upon my release I obtained a true copy of this video evidence, and it clearly shows that this officer lied about what actually happened. I presented this evidence to my P.O. Mr. Jeff Rogers who immediately dismissed me with threats of violating my probation. Now on NOV. 17. 2015 my probation was violated for a dirty urine and I was ordered to serve the remainder of my sentence "28 months" in prison. I Never ever would have plead guilty if I was allowed to view this evidence, I mean - No Probation, - No Violation, - No Violated, - No Prison. Now since I've been awaiting to an 4

IF THIS FAILS WE ARE GOING TO THE DEPT. OF JUSTICE. THIS IS MY LIFE

This has been met with unbelievable resistance by the powers that run this county Jail and this Justice System here in TATTNALL COUNTY. ANY effort that I have made to obtain some legal assistance has been denied, I'm told that there is no law library here but I know that to be false. I've filed a grievance only to be told that my claims are frivolous, and I spent time in segregation for expressing my feelings about this obvious miscarriage of Justice. I was told that I do have a right to assistance, which in turn should warrant no interference or retaliation because of my effort to correct an injustice. Why am I writing you? Because I have exhausted almost every option I have from inside this Jail and to be honest my faith in this town Justice System does have color barriers. IF I could at least get some basic law treatises on Habeas Corpus I may at least get some type of assistance. Please I Beg the Court to at least give this the proper attention it deserves, I pray every day that the word Justice can have some meaning to me and others dealing with this one sided Justice System in this town, I have and still is suffering countless actual injuries because of the lack of adequate law assistance. PLEASE this is my life and I'm trying to fight for it. Nothing more. "I thank you

P.S. if you can't or won't help me  
CAN you please send the enclose paperwork  
back to me AT

120 Moore Rd "Whitepine"  
Glennville, GA 30427

God Bless you  
Sincerely  
Judi Shipp

Affidavit of Poverty  
is vital to my writ of  
Habeas Corpus

Frankie Sheppard

**AFFIDAVIT OF POVERTY**

**INSTRUCTIONS !!** 2013-R-103-DC

1. COMPLETE FIRST TWO PAGES OF THE AFFIDAVIT OF POVERTY.
2. ENTER PLAINTIFF AND DEFENDANT'S NAMES ONLY ON THE ORDER ON AFFIDAVIT OF POVERTY (LAST PAGE).
3. MAIL AFFIDAVIT AND ORDER TO SUPERIOR COURT JUDGE D. JAY STEWART TO BE SIGNED. (ORDER WILL BE MAILED BACK TO YOU ONCE IT IS SIGNED BY THE JUDGE.)
4. BRING SIGNED ORDER AND CASE TO THE CLERK OF COURTS OFFICE TO BE FILED.

*This is what I did*

JUDGE D. JAY STEWART  
P.O. BOX 842  
CLAXTON, GA 30417  
912-739-4922

*Nothing in these instructions that indicated I needed to do anything else*

*V.I.P How did the same judge that's sending me to prison, Be the same one to deny my Affidavit of Poverty. I sent this to the name listed above*

*please! CAN'T SOMEONE SEE WHAT'S GOING ON DOWN HERE?*



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than \$1,000.

It's what, 600-and-something dollars?

PROBATION OFFICER BROCK: 730.

THE COURT: 730. So 1 year should be plenty.

All right. Now, if you feel like your constitutional rights have been violated, you have 4 years to file a petition for a writ of habeas corpus.

*The video shows AND INNOCENCE*

Are there any questions?

DEFENDANT SHEPPARD: No, sir. You've been very helpful, Mr. Cavender. Thank you so much. I appreciate it.

THE COURT: Okay. Thank you.

That concludes the hearing.

MS. QUICK: Thank you, Your Honor.

PROBATION OFFICER ROGERS: Thank you, Your Honor.

(The proceedings concluded at 11:26 a.m.)

Please, Court + File

AHW  
D. CLEWS

10-13-15

Clerk of Courts

FRANKIE SHEPPARD

STATE OF GEORGIA "TATNALL COUNTY"  
"Defendant"

IN THE SUPERIOR  
COURT OF TATNALL COUNTY  
GA. DOCKET # 2013-R-1030X

### PETITION FOR A WRIT OF HABEAS CORPUS, "Withdrawal of Plea"

I humbly ask the Clerk of Courts to file this petition on my behalf, and to have my guilty plea withdrawn from the record, and to have my case heard in a court of law. I feel like my constitutional rights were violated on the 7th day of May 2013. I cite misrepresentation of counsel, and failure by the state to provide the defence, even after request with the discovery of evidence. "Dash Cam Video" This action or lack thereof is a clear violation of numerous state + local laws, NOT TO MENTION the clear violation of my constitutional rights to a fair trial. This new, but old evidence, along with witness testimony, I believe is more than enough to have this case reopened and given the proper attention it deserves under the laws of this great state. I never ever would have plead guilty to this charge if I was allowed to view this evidence, that the state know about and had in its possession. I request the earliest date for this to be heard and be docketed for trial.

This 13th Day of October 2015

MY SINCERE THANKS  
GOD Bless you

Frankie Sheppard

TATTNALL COUNTY GA  
FILED IN

10-13-2015

① FRANKIE Sheppard  
-V-

2015 OCT 13 PM 3:22 IN The Superior Court  
OF TATTNALL COUNTY  
Docket # 2013-P-103 DC  
Georgia County  
TATTNALL COUNTY  
CLERK OF CLERKS  
"Defendant"

copy to Sheppard 10-13-15

PETITION FOR A WRIT OF HABEAS CORPUS; "Withdrawal of Plea"

NOW Comes FRANKIE Sheppard, Filing this ACTION AGAINST  
The STATE of Georgia "TATTNALL County." Here in after called the Defendant  
AND Shows.

1

① A guilty Plea was entered Based on False information given  
To me BY Counsel: "Lied About Evidence"

"2"

Based on the New information, "Dash cam video" AND Testimony  
We CAN Show a clear Violation of my Constitutional Rights  
Under the laws of this STATE.

"3"

We CAN Show + Stipulate, That said Evidence was in the control  
of the ProceCution, AND WAS denied access by the defence.  
A deliberate, AND UNLAWFUL ACT UNDER the Right to discover LAWS  
OF this STATE

"4"

We CAN ALSO Show + Stipulate that False Statements were given  
Under OATH BY REYES CASTIO, A LAW ENFORCEMENT OFFICER WITH  
the Glennville Police DEPARTMENT, "Perjury" + "Felony"

10-13-15 emailed to Judge Cavender

\*File, File\*

②

"5"

We can also show and stipulate, that the new evidence "Dash Cam video" AND Testimony of Witnesses will challenge the guilty plea, AND clearly show why said guilty plea should be vacated AND a trial date be set.

"6"

Wherefore, I Frankie Sheppard pray that this petition/citation for a writ of habeas corpus, "withdrawal of plea" be served on the defendant AND that defendant be directed to appear before said court on a day to be fixed by the court, AND AT THAT TIME show cause why this petition for a new trial should NOT be granted.

Sincerely  
Frankie Sheppard

This 13th day of October 2015  
TATNALL COUNTY Georgia

CASE NO#  
2015-622 WF

DOCKET NO# 2013-R-103-DC  
V

2015 F. 622 DC

1 that, here in Tattnall County, on or about 23 March 2013,  
2 he did commit the offense of obstruction of a law  
3 enforcement officer, a felony; that he did, in  
4 Tattnall County, knowingly and willfully obstruct officer  
5 Reyes Castro, a law enforcement officer with the Glennville  
6 Police Department in the lawful discharge of his official  
7 duties, by fighting and hitting said officer; being  
8 contrary to the laws of said state, the good order, the  
9 peace, and dignity thereof order; Reyes Castro, prosecutor.

10 As to Count 2, we can stipulate that Frankie Bernard  
11 Sheppard committed the offense of obstruction of an  
12 officer, a misdemeanor offense; Tattnall County; 23 March  
13 2013; knowingly and willfully obstruct Officer Reyes  
14 Castro, a law enforcement officer, Glennville Police  
15 Department, in the lawful discharge of his official duties,  
16 by running from said officer; that being contrary to the  
17 laws of said state, the good order, peace, and dignity  
18 thereof; Reyes Castro being the prosecutor.

19 As to Count 3, we can stipulate Frankie Bernard  
20 Sheppard committed the offense of driving with suspended  
21 license, Tattnall County --

22 (An off-the-record discussion was held.)

23 MR. SKEENS: There's a scrivener's error, Your Honor.  
24 I'm going to initial and have Ms. Quick initial. It says  
25 25 March, but it would be 23 March. And I'll just ask

Actin # 98-9-0336-24  
Cobb County

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Ms. Quick to initial right there.

-- that he did, here in Tattnall County, on or about the 23rd day of March, 2013, previously been served notice that his driver's license had been suspended, unlawfully drive a vehicle on North Veterans Boulevard in Glennville, a road in the state of Georgia, at a time when his privilege to so drive had been suspended by the Department of Driver Services; not thereafter obtain a valid driver's license; being against the laws of this state, good order, peace, and dignity thereof; Reyes Castro being the prosecutor.

As to Count 4, we can stipulate he committed the offense of driving on improper registration, Tattnall County, 23 March 2013, knowingly drive a motor vehicle on North Veterans Boulevard, Glennville, a public road or highway in the state of Georgia, at a time when the registration on the vehicle was suspended; against the laws of this state, good order, peace, and dignity thereof; Reyes Castro prosecutor.

As to Count 5, we can stipulate that Frankie Bernard Sheppard committed the offense of operating a vehicle without insurance, Tattnall County, 23 March 2013, knowingly operate a motor vehicle on North Veterans Boulevard, Glennville, a public highway, state of Georgia, without having effective insurance on the vehicle; being

MEMORANDUM

To: Frankie B. Sheppard  
From: The Office of Judge David L. Cavender  
Re: Affidavit of Poverty  
Date: November 13, 2015

2013-R-103-DC

For the following reasons your motion will not be considered by the judge:

- The defendant's/plaintiff's motion lacks any indication that a copy was provided to the opposing party or parties. OCGA §§ 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 defendant's/plaintiff's request cannot be fulfilled through a letter. The appropriate avenue is for the defendant/plaintiff to properly file a motion in which his/her request is provided with the clerk of the court. 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). The Court is unable to act on any request not filed and submitted in appropriate legal form. In order to be submitted in appropriate legal form, your request must be filed in complaint form with the Clerk of Court and served on the opposing party. Because your request fails to comply with the procedures described above, the Court is unable to consider your *ex parte* request.
- The defendant's/plaintiff's 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).
- The record indicates that the defendant/plaintiff is 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.
- 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).
- "[T]he amount of credit [for time served] is to be computed by the convict's pre-sentence custodian, and the duty to award the credit for time served prior to trial is upon the Department of Corrections. O.C.G.A. § 17-10-12. . . . It follows that the trial court did not err in refusing to modify its sentence as requested, the responsibility for computing credit for time served awaiting trial not being upon the trial court." *Warren v. State*, 246 Ga. App. 894, 894, 543 S.E.2d 38, 39 (2000)(brackets added for explanation). Such a matter is properly addressed to the Defendant's pre-sentence custodian and/or the Department of Corrections (DOC). Alternatively, Defendant could pursue a writ of habeas corpus.
- In the future, any such request submitted by you which does not comply with the procedures set forth above will go unevaluated.