



## Court of Appeals of Georgia

January 27, 2015

TO: Mr. Randy Shields GDC580203, Macon State Prison, Post Office Box 426, Oglethorpe, Georgia 31068

RE: **A15A0622. Randy Shields v. The State**  
**A13D0348. Randy Shields v. The State**

### CHECK RETURN

- Your check number \_\_\_\_\_ in the amount of \_\_\_\_\_ written on the account of your firm for the filing fee in \_\_\_\_\_ is enclosed. Please be advised that this Court is returning your check since the filing fee was already paid by \_\_\_\_\_.

### ~~CASE STATUS - DISPOSED~~

- A15A0622 was dismissed on December 10, 2014. The remittitur issued December 29, 2014, divesting this Court of any further jurisdiction of your case. The case is therefore, final.**

**A13D0348, a Discretionary Application, was dismissed on May 8, 2013.**

### CASE STATUS - PENDING

- The above referenced appeal is pending in your name before this Court. The appeal was docketed in the \_\_\_\_\_ Term and a decision must be rendered by the Court by the end of the \_\_\_\_\_ Term which ends on \_\_\_\_\_.

### APPLICATION FOR PERMISSION TO APPEAL A PROBATION REVOCATION

- 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.

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IN THE APPEAL COURT OF GEORGIA  
STATE OF GEORGIA

SHIELDS, RANDY

PRO-SE

V.

STATE OF GEORGIA

Case No. A150622

Case No. A13DD348

Motion Reconsideration / Affidavit / Memorandum

Here comes the Defendant MR. Shields Pro-se in his submission of A Ex-PARTE Communication Via-Memorandum, Motion Reconsideration / Affidavit Addressing the Notice of Docketing, Application for Discretionary Appeal, Lack of Courts Jurisdiction and the Reconsideration on the order to Dismiss the Extraordinary Motion for New Trial and the Denial of the Defendant's Certificate of Appealability in Cite Forgoing Reason to wit: IN Addressing the Appeals Court Notice of Docketing Rule 23. MR. SHIELDS would like to establish his entitlement to equitable tolling time limitation period, While otherwise Adopting the Court Report, the Court of Appeals in Addressing Statutory tolling should find that the Court misapplied the Prisoner "Mailbox Rule", In determining that SHIELDS ~~XX~~ Certificate of Appealability and Application for Discretionary Appeal and delay. The Court has overlooked several material Facts in the Record that

would have changed the outcome of the ORDER and CAS. Also several Constitutional statutes that would control the Authority and would bring about a just judgement that was not rendered. Appellant will show cause in given the factor's in date. When petition was actually filed with the Court None the less the Court should note several things about the Pro-se Defendant is under the Authority of the State's institution (Prison System) and is under Administrative Lockdown which has it's on limitation blocking Due-process of Law of the United States Constitutional 5<sup>th</sup> + 14<sup>th</sup> Amendment. N.

Books or Electronic service access so the Defendant can quickly establish his Respons for the Court under this Administrative Lockdown, which he the Defendant can Not control which cause's such delay in his filing and Research Appealability here at Macon State Prison. Prover with the Memorandum / Affidavit filed in this Court July 26<sup>th</sup> 2013. Also should be note to the Court the Appellant was transferred to several other Prisons and placed in (CSU) suicidal watch which he could not have any mail or anything in his cell. Per Doctor Reddy Mental Health Psychiatrist. (See) Mailbox Rule Robert v. Cooper, 691 S.E. 2d 875 (Ga. 2010)

Here is the Envelope with all 3<sup>#</sup> Prison Stamps and a letter from Augusta State Medical Prison Tanya Tyner the Prison Adm. Assist. WARE she mailed  
2.

the back Notice it was received on 2014 Dec, 15 in the Clerk office because I Defendant had been transferred back to Macon State, Case No. A150622. I have No way of Copying the letter or the Envelope so I am Enclosing the along as proof with this Motion to the Court. The time that I Received the Court mail are in the Macon State Prison Mailing Logging Book on Dec. 23<sup>rd</sup> 2014.

Defendant MR. Shields Ask that the Court Grant A Extension of time for the Solo Response should be given Pursant to the provisions of D.C.C.A. § 5-6-39. SHIELDS must Rely upon the Prison System disigned for his mailing.

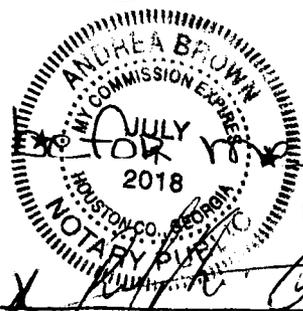
Therefore MR. SHIELDS Ask the Court to look inside this matter and to Grant A Extension of time to file A Enumeration of ERRORS and Brief.

SHIELDS Also Request for ORAL ARGUMENT on both Case No. A150622, Case No. A13D0348 and Ask the Court to set aside a Date and give him Aleast A ten days Notice. Also along with this is the Copy of Forma Pauperis.

Sworn to and subscribed  
Day of JAN 2015.

Notary Andrea Brown

Expires July 1, 2018



for me this 8th  
[Signature]

# Certificate of Service

This is to certify that I have this Day served a true and correct copy of the within and forgoing documents upon the Party(s) listed below by depositing a copy of same in the United States Mail in a properly addressed envelope with adequate postage there on to below Addressee(s).

To: Court of Appeals of Ga.  
47 Trinity Ave. S.W. Suite 501#  
Atl, Ga. 30334

To: Attorney General  
40 Capitol Square S.W., P.O. Box 1300  
Atl, Ga. 30334

SEVERER

Bandy M. Shields Jr.  
GDC #580203 / EF-494783  
Macon State Prison  
P.O. Box 426  
Oglethorpe, GA 31068



Sworn to and subscribed before me this 8<sup>th</sup>

Day of Jan 2014.

Notary Andrea Brown, x Bandy M. Shields Jr.  
FRI Jan 1 2014



## GEORGIA DEPARTMENT OF CORRECTIONS

Augusta State Medical Prison  
3001 Gordon Highway  
Grovetown, Georgia 30813  
706-855-4781  
Fax 706-869-7933

Nathan Deal  
Governor

Brian Owens  
Commissioner

December 10, 2014

A15A0622

Court of Appeals of Georgia  
Suite 501  
47 Trinity Avenue  
Atlanta, Georgia 30334

To Whom It May Concern:

I am returning this legal mail for Inmate Randy Shields GDC#580203. Inmate Shields has been transferred to Macon State Prison.

Macon State Prison  
PO Box 426  
Oglethorpe, Georgia 31068

Sincerely,

Tanya Tyner  
Administrative Assistant

RECEIVED IN OFFICE  
2014 DEC 15 PM 3:37  
CLERK/COURT ADMINISTRATOR  
COURT OF APPEALS OF GA

Enclosure: Legal Mail (one (1) item)

IN THE ~~SUPERIOR COURT OF~~ APPEALS OF GEORGIA  
STATE OF GEORGIA

RANDY SHIELDS,  
Plaintiff

APPELLANT,  
Inmate Number GDC#580203

vs. THE STATE OF,  
GEORGIA,  
APPELLEE,  
Defendant(s)

Civil Action No. SU-00-CR-1403

Nature of Action:

RECEIVED IN OFFICE  
2015 JAN 27 AM 11:48  
COURT ADMINISTRATOR  
COURT OF APPEALS OF GA

**REQUEST TO PROCEED IN FORMA PAUPERIS**

I, RANDY SHIELDS, depose and say that I am the plaintiff in the above entitled case; that in support of my request to proceed without being required to prepay fees, costs, or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to redress.

I further swear that the responses which I have made to questions and instructions below are true.

1. List any and all aliases by which you are known: NONE

2. Are you presently employed?  Yes  No  
If the answer is "Yes," state the amount of your salary or wages per month, and give the name and address of your employer: \_\_\_\_\_

If the answer is "No," state the date of last employment and the amount of the salary and wages per month which you received: \_\_\_\_\_

3. Have you received within the past twelve months any money from any of the following sources?  
Business, profession, or form of self-employment?  Yes  No  
Pensions, annuities, or life insurance payments?  Yes  No  
Rent payments, interest or dividends?  Yes  No

Gifts or inheritances?

Yes

No

Any other sources?

Yes

No

If the answer to any of the above is "Yes," describe each source of money and state the amount received from each source during the past twelve months: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Do you own any cash, or do you have money in a checking or savings account? (Include any funds in prison accounts):  Yes  No

If the answer is "Yes," state the total value of the items owned: \$3.00 PRISON ACCOUNT

5. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)?  Yes  No

If the answer is "Yes," describe the property and state its approximate value: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. List the persons who are dependant upon you for financial support, state your relationship to those persons, and indicate how you contribute toward their support: None  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I understand that a false statement or answer to any question in this affidavit will subject me to penalties for perjury and that state law provides as follows:

- a. A person to whom a lawful oath or affirmation has been administered commits the offense of perjury when, in a judicial proceeding, he knowingly and willfully makes a false statement material to the issue on point in question
- b. A person convicted of the offense of perjury shall be punished by a fine of not more than \$1,000 or by imprisonment for not less than one nor more than ten years, or both. O.G.C.A. § 16-10-70.

*Paul M. Shealy*  
Signature of Plaintiff

\_\_\_\_\_  
Date

VERIFICATION

I, Randy Shields Jr, do swear and affirm under penalty of law that the statements contained in this affidavit are true. I further attest that this application for in forma pauperis status is not presented to harass or to cause unnecessary delay or needless increase in the costs of litigation.

I am the plaintiff in this action and know the content of the above Request to Proceed in Forma Pauperis. I verify that the answers I have given are true of my own knowledge, except as to those matters that are stated in it on my information and belief, and as to those matters I believe them to be true. I have read the perjury statute set out above and am aware of the penalties for giving any false information on this form.

Randy Shields Jr  
Signature of Affiant Plaintiff

5-14-13  
Date

Sworn to and subscribed before me this 14 day of May, 2013.

Bennie R. Solomon  
Notary Public or Other Person Authorized to Administer Oaths

Bennie R. Solomon  
Notary Public  
Perkins County, State of Georgia  
Comm. Expires 07-14-2014

Please note that under O.G.C.A. § 42-12-5 service of an affidavit in forma pauperis, including all attachments, shall be made upon the court and all named defendants. Failure by the prisoner to comply with this code section shall result in dismissal without prejudice of the prisoner's action.

**THIS FORM IS TO BE COMPLETED ONLY BY AN AUTHORIZED INDIVIDUAL AT THE INSTITUTION WHERE THE INMATE PLAINTIFF IS PRESENTLY INCARCERATED, OR HIS/HER DESIGNEE.**

CERTIFICATION

I hereby certify that the Plaintiff herein, Handy Shie HS - 580203  
has an average monthly balance for the last twelve (12) months of \$ 13.03 on account at  
the Macon State Prison  
\_\_\_\_\_ institution where confined. (If not confined for a full  
twelve (12) months, specify the number of months confined. Then compute the average monthly balance  
on that number of months.)

I further certify that Plaintiff likewise has the following securities according to the records of said  
institution: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Charadey Paton  
Authorized Officer of Institution

5-15-2013  
Date

**NOTE: Please attach a copy of the prisoner's inmate account of the last 12 months, or the period of incarceration (whichever is less).**

RECEIVED

Bus. Off  
Macon S.P.

Account Statement

SHIELDS, RANDY

GDC ID: 580203

Spendable Amount	Reserved Amount	Receipts On Hold	Funds Balance	Obligations/Court Charges
\$0.56	\$10.00	\$0.00	\$10.56	\$0.00

**RECEIPTS**

Receipt Date	Transaction ID	Receipt Type	Receipt Details	Receipt Amount
05/11/2013	11614619	WESTERN UNION QUICK COLLECT RECEIPT	WESTERN UNION ELECTRONIC TRANSFER - 1313086341733748	\$27.00
04/10/2013	11493983	WESTERN UNION QUICK COLLECT RECEIPT	WESTERN UNION ELECTRONIC TRANSFER - 1309989941062858	\$27.00
03/10/2013	11369525	JPAY DEPOSIT RECEIPT	JPAY - SHIELDS, DELILAH - 24333432	\$50.00
03/06/2013	11354202	WESTERN UNION QUICK COLLECT RECEIPT	WESTERN UNION ELECTRONIC TRANSFER - 1306473562241856	\$27.00
02/16/2013	11278218	WESTERN UNION QUICK COLLECT RECEIPT	WESTERN UNION ELECTRONIC TRANSFER - 1304675101518431	\$30.00
02/16/2013	11276855	JPAY DEPOSIT RECEIPT	JPAY - YOUNG, SADIE - 23852831	\$40.00
01/13/2013	11148677	TOUCHPAY DEPOSIT RECEIPT	TOUCHPAY - REAGAN, LAURIE - 6620462	\$90.00
12/18/2012	11062865	WESTERN UNION QUICK COLLECT RECEIPT	WESTERN UNION ELECTRONIC TRANSFER - 1235276159057685	\$27.00
12/01/2012	10992790	JPAY DEPOSIT RECEIPT	JPAY - YOUNG, SADIE - 22396869	\$30.00
10/10/2012	10808514	JPAY DEPOSIT RECEIPT	JPAY - SHIELDS, RANDY - 21483217	\$25.00
10/08/2012	10796551	JPAY DEPOSIT RECEIPT	JPAY - SHIELDS, RANDY - 21455713	\$25.00
09/17/2012	10716496	JPAY DEPOSIT RECEIPT	JPAY - SHIELDS, RANDY - 21063228	\$25.00
09/01/2012	10660852	JPAY DEPOSIT RECEIPT	JPAY - SHIELDS, RANDY - 20788384	\$20.00
08/05/2012	10561635	JPAY DEPOSIT RECEIPT	JPAY - SHIELDS, RANDY - 20347420	\$25.00
07/29/2012	10534939	JPAY DEPOSIT RECEIPT	JPAY - SHIELDS, RANDY - 20215790	\$20.00
07/03/2012	10442999	WESTERN UNION QUICK COLLECT RECEIPT	WESTERN UNION ELECTRONIC TRANSFER - 1218470181428709	\$27.05
06/20/2012	10398290	JPAY DEPOSIT RECEIPT	JPAY - SHIELDS, RANDY - 19583976	\$25.00
05/26/2012	10305660	WESTERN UNION QUICK COLLECT RECEIPT	WESTERN UNION ELECTRONIC TRANSFER - 1214670873514868	\$27.05
04/29/2012	10190223	JPAY DEPOSIT RECEIPT	JPAY - SHIELDS, DELIAH - 18708952	\$43.00
04/11/2012	10128517	JPAY DEPOSIT RECEIPT	JPAY - SHIELDS, DELIAH - 18421822	\$20.00
04/06/2012	10107804	WESTERN UNION QUICK COLLECT RECEIPT	WESTERN UNION ELECTRONIC TRANSFER - 1209679107402625	\$27.05
03/31/2012	10081468	JPAY DEPOSIT RECEIPT	JPAY - YOUNG, SADIE - 18215426	\$25.00
03/20/2012	10043071	WESTERN UNION QUICK COLLECT RECEIPT	WESTERN UNION ELECTRONIC TRANSFER - 1207970152998335	\$27.05
03/08/2012	9992149	JPAY DEPOSIT RECEIPT	JPAY - YOUNG, SADIE - 17850380	\$40.00
03/06/2012	9982504	JPAY DEPOSIT RECEIPT	JPAY - SHIELDS, DELIAH - 17808560	\$20.00
02/29/2012	9955365	WESTERN UNION QUICK COLLECT RECEIPT	WESTERN UNION ELECTRONIC TRANSFER - 1205977659474778	\$27.00
02/26/2012	9941303	JPAY DEPOSIT RECEIPT	JPAY - SHIELDS, DELIAH - 17628642	\$25.00
02/22/2012	9928673	JPAY DEPOSIT RECEIPT	JPAY - JOHNSON, JUANITA - 17564244	\$25.00
02/11/2012	9883108	WESTERN UNION QUICK COLLECT RECEIPT	WESTERN UNION ELECTRONIC TRANSFER - 1204179656828021	\$27.05