



Court of Appeals of Georgia

January 27, 2015

TO: Mr. Jamarcus Sladen, GDC1113640 H-1, Calhoun State Prison, Post Office Box 249,
Morgan, Georgia 39866

RE: **A15A0412. Jamarcus Sladen 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~~

- The referenced appeal was dismissed on January 8, 2015. The remittitur issued January 23, 2015, divesting this Court of any further jurisdiction of your case. The case is therefore, final.**

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.

SCANNED

JAN 27 2015

FILED IN OFFICE

JAN 27 2015

COURT CLERK

IN THE COURT OF APPEALS OF GEORGIA

JAMARCUS SLADEN,

APPEAL NO.: A15A0412

v.

STATE OF GEORGIA.

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APPELLANT'S MOTION FOR RECONSIDERATION

COMES NOW Jamarcus Sladen, Appellant and, pursuant to Court Rule 37, asks the Court to reconsider its Jan. 8, 2015 decision which denied the appeal because it wasn't filed in the form of an application therefore, i.e., discretionary appeal. Appellant Sladen ("Sladen") avers that the appeal should have been reviewed under OCGA 5-6-34(a) rather than OCGA 5-6-35(a)(5), and the Court would have jurisdiction.

A. THE COURT SHOULD HAVE JURISDICTION.

The Court's Jan. 8, 2015 decision stated that it lacked jurisdiction to consider Sladen's appeal because the appeal should have been filed as an application therefor under OCGA 5-6-35(a)(5), "appeals from orders revoking probation." Sladen asserts that his appeal was not from that, but was from a motion to modify sentence. While the underlying subject matter is a 2013 probation revocation, the fact remains that Sladen was not able to file an appeal under OCGA 5-6-34 or 5-6-35 in a timely manner which would have invoked jurisdiction

by the Court because:

- (1) it would have been filed beyond the 30 days when the original 2013 probation revocation order was issued, and
- (2) the evidence documenting that Sladen had, in fact, timely registered in 2013 as a sex offender in his then county of residence (Exhibit to Motion To Modify Sentence) was deliberately withheld by the probation officer at the 2013 revocation hearing and was not available to Sladen until several months later.

B. RECONSIDERATION MOTION MUST BE CONSIDERED TIMELY.

Court Rule 37 requires reconsideration motions be filed within 10 days of the order, i.e., Jan. 18, 2015. Although the postmark on the letter transmitting the Court's denial shows 1/8/2015, it was not received by Calhoun State Prison and delivered to Sladen until Jan. 15, 2015. That allowed him less than 24 hours to file the instant motion because last prison mail pickup ~~was~~ was on noon Friday, 1/16/2015. No time was available to use the Calhoun SP law library which was NOT open on Friday, 1/16/2015.

Obviously, Sladen has no control over U.S. mail which took 7 days to go from Atlanta to (approx.) Albany, Ga. Providential cause should be established. (See attached Court envelope.)

CONCLUSION

For the above reasons, Appellant Jamarcus Sladen asks the Court to reconsider its Jan. 8, 2015 decision and accept

jurisdiction of the appeal of Sladen's Motion To Modify Sentence, while Sladen doesn't seek absolution for his 2010 failure to register which led to probation imposition, Sladen avers it's unconscionable for his probation to have been revoked when he, in fact, timely registered in 2013 and provided documentary, certified evidence of same. The Court should accept the appeal of his motion to modify under OCGA 5-6-34(a) and reverse the decision of the superior court.

Respectfully submitted,

This the 17th day of Jan., 2015.

Jamarcus Sladen

Jamarcus Sladen, prose

SDC 1113640

Calhoun SP

P.O. Box 249

Morgan, Ga. 39866

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a true and correct copy of the within and foregoing Appellant's Motion for Reconsideration on the below-named party by placing it in the Prison mailbox in a properly addressed envelope with sufficient first class postage affixed thereto.

This the 17th day of January, 2016.

Jamarcus Sladen
Jamarcus Sladen, pro se
GDC 1113640
Calhoun SP
P.O. Box 249
Morgan, Ga. 39866

Please Serve:

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Atlanta, Ga. 30334-1300