

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

October 14, 2015

To: Ms. Linda Marie Smith, Georgia Regional Hospital, 1915 Eisenhower Drive, Unit 4,
Savannah, Georgia 31416

Case Number: _____ Lower Court: _____ County Superior Court

Court of Appeals Case Number and Style: A16A0210. Linda Marie Smith v. The State

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 your name.**
- 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.
- An improper Certificate of Service is attached to your Brief.**
- 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.
- Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____
_____ The remittitur issued on _____
divesting this Court of jurisdiction. The case decision is therefore final.
- Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the _____ is:
- If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.
- A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

FILED IN OFFICE

OCT - 6 2015

COURT CLERK
CLERK COURT OF APPEALS OF GA

10/5/2014

RECEIVED IN OFFICE
2015 OCT - 9 AM 3:22
COURT OF APPEALS OF GA

Brief

Appeal case number: A16A0210

Style: Linda Marie Smith v. The State

Dear Sir or Madams,

My name is Linda Marie Smith

and I am registered nurse who was arrested and indicted in 2014 of July. On 7/10/2014 I placed a call to 911 for possible intruders. After explaining why I thought there might be a possible intruder 2 officers were dispatched to my home. I explained to the 911 operator that I had a licensed weapon and it was secured in a case,

so the officers w
call on 7/10/2014
meeting them at
was on the table
went south end a
officer Eaton and
showed him and
the attic. He so

and cut on light. Couple more comm...
he didn't search the attic but said he would. He turned
looked at the open door to the utility room and never
searched. We walked back to the Kitchenette and officer
Dupuis was waiting by the counter.

Return
Improper Certificate
of Service

A16A0210. Linda Marie Smith
v. The State

ng the
after
the gun
d. Dupuis
needed

L. I
er searched
stairs

ide and

Officer Eaton proceeded to ask me questions about what happened. I explained that I left and returned to find the residence unlocked. Which I explained I recently returned from a travel contract and that my keys were stolen in 2013.

Officer Eaton began questioning me about the gun. I told him I had a permit and the last use was in 2013 prior to leaving for my contract in Florida. Officer Eaton unloaded weapon, and took it and put it in his back pocket. He then said he had some calls to make and went outside. Then his peer asked me did I have anything to talk to him about. I answered no and we followed Officer Eaton outside.

I called his precinct and asked for captain Hall no response. I called the District Attorney's office after explaining the situation and holding the phone in the air, the secretary or legal assistant informed me to call another policeman and have the officer arrested.

I called the precinct back and left messages and no one responded. So the officers left after dispatching crisis intervention to my home. The precinct asked me why they were there and they responded that Officer Eaton called them. There was no crisis.

After almost 2 weeks of calling the precinct,

city attorney, and city manager. All had messages about the officers behavior. And Captain Hall, Sgt Earns, and property Officer Fisks were calling seeing how they could make the situation right.

On 7/16/2014 I left home and returned to find my home kicked in door front off the frame, bought K-9 dogs and said they sniffed out the shells to my gun and took ~~wasted~~ ^{unused} ammo. Left 2 warrants on the wall none were search. Called city attorney again and said they would get some answers and call me back.

On 7/22/2014 I was arrested at my stylist home on a dead end street at 0900 am. On 7/23/2014 I had a hearing denying me bond. On the preliminary hearing I was not seen but told I was indicted on my charges. There is a video on 7/23/2014 that you must see that is state access only.

On 8/27/2014 I received ADA Wiles trial packet. I was denied bond and told I had to have a forensic evaluation for charges 16-10-20 False statements (which was saying I had an intruder) 16-5-60b Reckless conduct (using a weapon in my home endangering a community and shooting walls). But that was after being threatened in 2010 by police to stop calling them.

But they would never secure my home. And during this period leading up to my incarceration the police department was being led by Chief Willie Lovett, city manager Russ Abolt and Mr Brown who were all ousted for being corrupt.

The 2 warrants for charges 16-10-20 and 16-5-60 b were forged, at least 1 of them was. Judge Stokes signature was not the same and last name misspelled. There were no search warrant but later I was produced but I had a letter that said officer Eaton had probable cause. But other officers will testify that the holes in walls they have seen and chose to do nothing because I was raped in my home. My house was robbed and I was raped.

So on 11/5/2014 I had a forensic evaluation by Dr. Philip Barron and he said I was competent but delusional. He based his delusional disorder on me locking the policeman on 7/10/2014 out of my yard. I locked the gate when he refused to return the gun and they refused to arrest him. But Dr Barron was unaware of the situation because he never returned for explanation after he received the police reports.

So on 3/31/2015 I was held without a bond and returned to court for a motion hearing.

On 3/31/2015 the hired attorney Murray was informed that he was fired and he said okay. So in court we answered entered a not guilty plea and ADA Wiles, Jr. added 24-04-4046 and Murray fired attorney just waved him off. When I inquired what the charge was he said something with the telephone. This date Judge Abbot set pre trial dates, and trial dates.

So I wrote public defender's office trying to obtain counsel and was denied because Lloyd Murray Sr. stated he was still the attorney and Judge Abbot was refusing to let him off. April 2015 we had another court appearance where Lloyd Murray Sr. cancelled court stating there was a deal on table by ADA Wiles Jr.

Well coming up to pretrial May 4, 2015 Mr. Murray Sr. showed and was allowed to cancell court again stating that the ADA was offering a deal. Same thing happened again on 5/19/2014 which was suppose to be start of a trial.

Going back to April 2015 Mr Murray stated that the Judge Louisa Abbot was deny ing me bond because she thought I was insane and he had a guy and he wanted me to have an evaluation with his guy. So I refused and wanted a bond because I was under duress so he said just meet with my guy. So in may I

had another evaluation. Which Dr Dan Grant snoozed through first part of the exam, I took 344 questionnaire, and took some test. At the end he led me to believed it went well. This was 7 months later.

On 5/28/2015 I was back in court Mr. Murray Sr. didn't show. I explained to Judge Abbot that his services were terminated under Mandamus. She acknowledged and stated, "You can fire your attorney but I advised you to get an attorney." Then she looked at the ADA Wiles Jr and stated "It is my understanding, your office have a deal for Ms. Smith." ADA Wiles Jr. answered, "Yes I was working on something with Mr. Murray." Again she advised me to get an attorney and I showed her my handcuffs and just looked at her.

• Well she set court dates on June 5, 2015 which she claimed her office was going to try and reach Mr. ~~Scott~~^{Murray} Sr. At that time asked Judge Abbot was she telling Mr. Murray Sr. that she was denying me bond because she said I was insane and she stated, "I don't have the credentials to make that judgement."

On June 5, 2015 same thing happened. Mr Murray Sr. shows in court stating he had a deal and I will be home by July 4th barbeque. We returned again to accept a plea deal and he stated that Judge Abbot wouldn't

accept anything but a guilty by reason of insanity plea or I can have a bench trial. Which I took bench trial on 7/2/2015.

Upon arriving to court I was sworn in and testified that I was raped in my home, I purchased a gun to protect myself. Judge Abbot explained my choices that I had to choose from which left me confused because 7/2/2015 was suppose to be a bench trial. When she stated she was going to have Mr. Dan Grant psychiatrist #2 testify, I asked was Mr. Philip Barron psychiatrist #1 which state hired testify she stated, "Not today". Mr. Grant testified that he agreed with Dr. Philip Barron and after reading the letters to Meg Heap District Attorney he thought I was ~~in~~ ~~competent~~ because who does that. Well the names he ~~filled~~ ~~in~~ in court were not the names I mentioned in my letters and list of witnesses was disclosure because I was representing myself.

Which brings us to date because she Judge Louisa Abbot ruled I was noncompetent to enter a plea on 7/2/2015. I asked her did she want to take the testimony from fred attorney's best friend. She did. And had me committed to GA Regional

So I had added as a supplement to record letters from Ryan Raines public defender, fabricated search warrant produced after internal affairs stated the officer had

probable cause, draft letter which I outlined the statements by Officer Eaton weren't true and was found in my personal journal "spying statement by family members."

And letter from Lt. Gavin about officers that were still employed as of 1st of January 2015. Please obtain the video on 7/23/2015 as it is state access only. After writing District Attorney from day 1 of incarceration about the officers behavior, obtaining gun illegally, and after reading his statement about feces I asked for a trial.

This is my response to the decision on 7/2/2015 to find me non competent to enter any plea by Judge Louisa Abbot. Which her judgement comes from a ploy by the fired attorney Lloyd Murray Sr. 7 months after the state hired psychiatrist ~~find me~~ competent. It to me was a lot of illegal court

~~proceedure~~.

Thank You,

Brenda Mc Smith

A16A0210

10/5/2015

Certificate of Service

Linda Marie Smith

Pro Se

Georgia Regional Hospital
1915 Eisenhower Drive Unit 4
Savannah, Georgia 31416

Aaron D. Wiles, Jr. Bar # 727537

Assistant District Attorney

P.O. Box 2309

133 Montgomery Street Suite 600

Savannah, Georgia 31405

912-652-7308