

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

August 17, 2015

To: Mr. Roy Lee Smith, GDC1000661938, Valdosta State Prison, 3259 Val Tech Road, Valdosta, Georgia 31603

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).

Your correspondence was addressed to Mr. William P. Smith, Ethics Counsel and mailed to the address of the Court of Appeals of Georgia. There is no one in the Court of Appeals of Georgia by the name of William P. Smith. You may want to check the mailing address for Mr. Smith.

I am returning your documents to you.

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.

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.

Your appeal was disposed by opinion (order) on _____. The Court of Appeals 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.

8-6-15
RECEIVED
AUGUST 17 11:20
COMMUNICATIONS SECTION

Mr. William P. Smith
Ethics Counsel
Court of Appeals of Georgia
47 Trinity Avenue, S.W. Suite 501
Atlanta, Georgia 30334

Re: Complaint of Ineffectiveness, discrimination.

Dear Appellate Court on July 24, 2015 I received a disposition from Ms. Wolanda Shelton grievance Counsel State Bar of Georgia acknowledging me I could redress this Court if I continued to feel my attorney was ineffective, Ms. Amanda Rene Roberts bar# 196805 See exhibit A Letter attachment, I am an American with disabilities Act under 1201, I was diagnosed with (PTSD) Since 2010 due to being physically, emotionally, mentally abused as a child, diagnosed by an license psychiatrist and psychologist plus taken mental health medications, Paxil, and Celexa, Prozac, remeron daily, on Oct 07, 2011 I hired Amanda Rene Roberts to handle my misdemeanor and two Felony Charges and she ignored my disabilities and denied me a right to mental health Court

evaluation and screening, she coerced me and deceived me and took advantage of me to take a plea on accusation charges when I was never indicted before a grand jury of felony charges nor did I waived any indictment rights knowingly or intelligently and she failed to communicate with me. See Ineffective Assistance of Counsel, a defendant's expression of satisfaction during guilty plea is irrelevant. *Harden v. Johnson*, 280 Ga. 464, 629 S.E.2d 259 (Ga. 2006). The Supreme Court reverses saying that whatever a defendant may say or not say during a plea is irrelevant because the issue is whether he can show that counsel had made errors and that there is a reasonable probability that, but for counsel's errors he would not have pleaded guilty and would have insisted on going to trial, *Hill v. Lockhart*, 474 U.S. 52 (1985); *United States v. Cronin*, 466 U.S. 648 (1984); *Smith v. Williams*, 277 Ga. 778, (2004); *Grace*, 262 Ga. 485, (1992). as defendant there would have been no reasons for a jury trial because defendant was never indicted U.S. Fifth Amend Const. rights, only accused of accusation by the State (ADA) and counsel deceived me in to taken a plea arrangement and took 2,800 hundred dollars from me and she

took advantage of me as a mental health patient plus I was not being administered my mental health medications, please recognize this complaint, I received a 7 years sentence under Accusation No. CR11-21-77-AB False imprisonment and criminal damage to property Second degree, Simple battery, on Oct 07, 2011 in Chatham County Eastern Judicial Circuit Savannah, Georgia, any defective errors in my case is the responsibility of my trial attorney to resolve because she was hired and retained and is liable to handle this as my lawyer of record in this matter and I am given this sworn written statement and affidavit as true under penalty of perjury. and ask this appellate court for equal protection of the laws and adequate meaningful due process, this ineffectiveness is being redressed here per State Bar of Georgia Mrs. Wolanda Shelton Grievance Counsel Letter dated 7-24-15 attachment

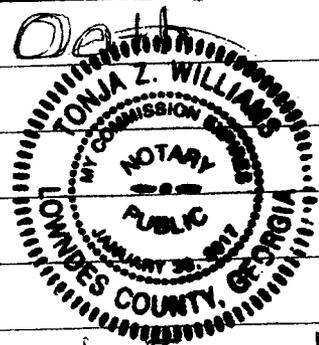
I declared under penalty of perjury
that the above affidavit is accurate
and true and correct to the best of
my knowledge,

August 06, 2015

Prophet Smith
AFFIANT Signature name

Sworn to and subscribed before
me this 6th day of August, 2015

Tonia Williams
NOTARY Public Administerina



January 30, 2017
MY COMMISSION Expires

Seal Fixed

STATE BAR OF GEORGIA
OFFICE OF THE GENERAL COUNSEL

Exhibit A

PAULA J. FREDERICK
General Counsel

WILLIAM P. SMITH, III
Ethics Counsel

Bar Counsel
WILLIAM D. NESMITH, III
Deputy General Counsel
JOHN J. SHIPTENKO
Sr. Assistant General Counsel



Disciplinary Counsel
JENNY K. MITTELMAN
Deputy General Counsel

JONATHAN HEWETT
Sr. Assistant General Counsel

REBECCA A. HALL
A. M. CHRISTINA PETRIG
WILLIAM J. COBB
Assistant General Counsel
WOLANDA R. SHELTON
Grievance Counsel

July 24, 2015

CONFIDENTIAL
Mr. Roy Lee Smith
GDC #1000661938
P.O. Box 310
Valdosta, GA 31603

Re: Grievance filed against Ms. Amanda Rene Roberts, Bar #196805

Dear Mr. Smith:

Thank you for submitting your grievance to the Office of the General Counsel of the State Bar of Georgia. We carefully reviewed the grievance you filed with our office against attorney Amanda Roberts.

You allege Ms. Roberts was ineffective in your criminal case because she failed to communicate with you and withheld evidence to coerce you into accepting a plea arrangement. Please be advised that the State Bar of Georgia does not have the power to review an attorney's effectiveness, nor does it have the authority to discipline attorneys for legal strategies they use, such as recommending a plea arrangement to a client; therefore, the grievance is dismissed.

Nevertheless, dismissal of the grievance by our office does not affect any other right you may have under Georgia law. If you continue to believe the attorney has been ineffective, there are other avenues open to you, such as addressing your concerns to the trial and/or appellate courts.

Thank you.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Wolanda Shelton".

Wolanda Shelton
Grievance Counsel
WS/lnc

cc: Amanda Roberts