

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS

Date: September 29, 2014

To: Mr. Roy Smith, GDC667671 J2-234, Smith State Prison, Post Office Box 726, Glennville, Georgia 30427

Docket Number: A14A2189 **Style:** Roy Smith v. The State

Your document(s) is (are) being returned for the following reason(s).

1. Your Appellant's Brief, was not accompanied by the statutory filing fee (\$300.00 civil; \$80.00 criminal *Effective July 1, 2009) or a sufficient pauper's affidavit. OCGA§5-6-4 and Rule **Your pauper's affidavit should be notarized by a notary public.**
2. A Request for Oral Argument must be filed as a separate document. Rule 28 (a) (3)
3. Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)
4. **An improper Certificate of Service accompanied your document(s). Rule 6**
5. Your Certificate of Service did not include the complete name and mailing address of each opposing party. Rules 1(a) and 6. You should provide a copy of your filing to the District Attorney and include his/her name and address on your Certificate of Service.
6. There were an insufficient number of copies of your document. Rule 6.
7. Your document exceeds page limits. Rules 24 (f) and 27 (a)
8. Your document was submitted without permission to file (supplemental brief or second motion for reconsideration). Rules 27 (a) and 37 (d)
9. Letter briefs and letter cites are not permitted. Rule 27 (b)
10. Your request for court action must be submitted in motion form. Rule 41 (a)
11. Your motions were submitted in an improper form (joint, compound or alternative motions in one document). Rule 41 (b)
12. Type was on both sides of the paper; type font was smaller than 10 characters per inch; and/or the type was not double-spaced. Rules 1(c), 37(a) and 41(b).
13. The pages were not sequentially numbered with arabic numerals. Rule 24 (e)
14. Case and/or record citations were not made in the proper form. Rules 24 (d) and 25 (c) (2)
15. Margins were too small or paper size incorrect. Rules 1(c), 24(c), 37 (a) and 41(b)
16. Your document(s) was (were) not securely bound at the top with staples or round head fasteners. Rule 1 (c)
17. The Motion to Supplement has not been granted.
18. Other

COURT OF APPEALS OF GEORGIA
47 TRINITY AVENUE, S.W., SUITE 501
ATLANTA, GEORGIA, 30334

STYLE: ROY M. SMITH (GOD) VS. THE STATE *
APPEAL NO: A14AZ189 *
CRIMINAL NO: 2013-CR-783 *

SEPTEMBER 22

RECEIVED IN OFFICE
2014 SEP 22 PM 11
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

RE: ORDERED BRIEF FILING TO COURT

ROY M. SMITH (GOD), PRO-SE, NOW SUBMITS HIS BRIEF IN SUPPORT OF REQUEST FOR ORAL ARGUMENT (EXECUTED AUGUST 15TH 2014) TO THE GEORGIA COURT OF APPEALS, TO BE FILED IN SAID COURT (WITH PETITIONERS COPY FILED IN COURT) BEARING COURTS FILED STAMP; RETURNED TO PETITIONER!

PETITIONER FURTHER SHOWS THAT ORDER FROM COURT WAS ISSUED ON SEPTEMBER 5TH 2014 AND THAT THIS FILING IS TIMELY FILED WITHIN THE 30 DAYS OF SAID ORDER. COPIES OF THIS BRIEF WAS SERVED ON THE LOWNDES COUNTY CLERK OF COURT OFFICE ON SEPTEMBER 18TH 2014 AND DISTRICT ATTORNEY, TRACY K. CHAPMAN. (BY U.S. MAIL)

* PRO-SE; COUNSEL REQUEST A CALENDAR CONFIRMING THE EXACT DATE OF ORAL ARGUMENT BRIEFING SCHEDULE.

PRO-SE; COUNSEL ALSO "REQUEST COURT CLERK" TO SEND HIM A COPY OF COURT OF APPEALS RULE BOOKLET.

TOTAL PAGES ENCLOSED (6)

THANK YOU
GOD ALMIGHTY (JEHOVAH)

PRO-SE; COUNSEL: ROY M. SMITH[#] 667671 (GOD)
SMITH STATE PRISON J2-234
9676 HWY 301 NORTH
P.O. BOX 726
GLENNVILLE, GA. 30427

CC: GA. COURT OF APPEALS CLERK
ROY M. SMITH (GOD'S FILE)

ROY MANDELL SMITH # 667671
ALIASES (GOD, YAH, JEHOVAH)

-VS-

THE STATE OF GEORGIA
(DEFENDANT)

*

*

*

*

APPEALS CASE NO: A14A2189

CRIMINAL CASE NO: 2013-CR-783

BRIEF IN SUPPORT OF REQUEST

NOW COMES, ROY MANDELL SMITH, PRO-SE, IN THE ABOVE STYLED APPEAL AND FILES HIS BRIEF IN SUPPORT OF REQUEST FOR ORAL ARGUMENT EXECUTED ON AUGUST 15TH 2014 AND ORDERED BY COURT TO FILE NO LATER THEN OCTOBER 3RD 2014.

THIS BRIEF WILL PROVE THAT EVERY CLAIM OF COURTS ERROR IS TRUE AND BASED OFF OF COURT OWN TESTIMONY AGAINST THE UNITED STATES CONSTITUTION AND GEORGIA CONSTITUTION UNDER A SWORN OATH TO ME GOD (ROY MANDELL SMITH).

MOVANT POINTS TO TRIAL TRANSCRIPT(S) OF CRIMINAL CASE NO: 2013-CR-783 AND PRE-TRIAL MOTION(S) FOR CRIMINAL CASE NO: 2013-CR-783 - TO PROVE COURTS TOTAL DISRESPECT OF MY LAWS, RIGHTS, AND JUSTICE SYSTEM WHICH I LOVE AND CREATED FOR ALL CITIZEN WITHIN THE UNITED STATES AND ABROAD.

1.

ENUMERATIONS OF ERROR

MOVANT POINTS TO PRE-TRIAL TRANSCRIPTS FOR CASE 2013-CR-783 (PAGE 30 LINES 16-23) WHERE I FILED FOR A DIRECT MOTION OF DISMISSAL OF CASE 2013-CR-783 BASED ON SOVEREIGNTY IMMUNITY FROM PROSECUTION BY PAM NESMITH, TRACY CHAPMAN, JAMES SMITH & JAMES G. TUNISON; WHO DEFAULTED TO ANSWER FEDERAL LAWSUIT 6:13-CV-0006 DEALING WITH FALSE ARREST, MALICIOUS PROSECUTION; FALSE CONFINEMENT AND CONSPIRACY TO COVER IT UP BY NAMED LOWDES COUNTY COURT OFFICIAL(S) (PAGE 31 LINES 1-25)

COURT JUDGE JAMES G. TUNISON ERRORED BY DENYING MOTION (PAGE 32 LINES 9-11) AGAINST THE UNITED STATES AND GEORGIA CONSTITUTION(S) FOR THE SAME OFFENSE(S) ADDRESSED WITHIN.

COURT OF APPEALS OF GEORGIA

ROY MANDELL SMITH #667671
ALIASES (GOD, YAH, JEHOVAH)

-VS-

THE STATE OF GEORGIA
(DEFENDANT)

*
*
*
*

APPEALS CASE NO: A14A2189
CRIMINAL CASE NO: 2013-CR-783

BRIEF IN SUPPORT OF REQUEST

NOW COMES, ROY MANDELL SMITH, PRO-SE, IN THE ABOVE STYLED APPEAL AND FILES HIS BRIEF IN SUPPORT OF REQUEST FOR ORAL ARGUMENT EXECUTED ON AUGUST 15TH 2014 AND ORDERED BY COURT TO FILE NO LATER THEN OCTOBER 3RD 2014.

THIS BRIEF WILL PROVE THAT EVERY CLAIM OF COURTS ERROR IS TRUE AND BASED OFF OF COURT OWN TESTIMONY AGAINST THE UNITED STATES CONSTITUTION AND GEORGIA CONSTITUTION UNDER A SWORN OATH TO ME GOD (ROY MANDELL SMITH).

MOVANT POINTS TO TRIAL TRANSCRIPT(S) OF CRIMINAL CASE NO: 2013-CR-783 AND PRE-TRIAL MOTION(S) FOR CRIMINAL CASE NO: 2013-CR-783 - TO PROVE COURTS TOTAL DISRESPECT OF MY LAWS, RIGHTS, AND JUSTICE SYSTEM WHICH I LOVE AND CREATED FOR ALL CITIZEN WITHIN THE UNITED STATES AND ABROAD.

1.

ENUMERATIONS OF ERROR

MOVANT POINTS TO PRE-TRIAL TRANSCRIPTS FOR CASE 2013-CR-783 (PAGE 30 LINES 16-23) WHERE I FILED FOR A DIRECT MOTION OF DISMISSAL OF CASE 2013-CR-783 BASED ON SOVEREIGNTY IMMUNITY FROM PROSECUTION BY PAM NESMITH, TRACY CHAPMAN, JAMES SMITH & JAMES G. TUNISON; WHO DEFAULTED TO ANSWER FEDERAL LAWSUIT 6:13-CV-0006 DEALING WITH FALSE ARREST, MALICIOUS PROSECUTION, FALSE CONFINEMENT AND CONSPIRACY TO COVER IT UP BY NAMED LOWNDES COUNTY COURT OFFICIAL(S) (PAGE 31 LINES 1-25)

COURT JUDGE JAMES G. TUNISON ERRORED BY DENYING MOTION (PAGE 32 LINES 9-11) AGAINST THE UNITED STATES AND GEORGIA CONSTITUTION(S) FOR THE SAME OFFENSE(S) ADDRESSED WITHIN.

2.

ENUMERATIONS OF ERROR

MOVANT POINTS TO PRE-TRIAL TRANSCRIPTS FOR CASE 2013-CR-783 (PAGE(S) 27 TO 29) WHERE I FILED A MOTION TO TERMINATE ILLEGAL SENTENCE ORDER 2010 CR 637; INCONJUNCTION WITH CASE 2013-CR-783 (PRIORITY NUMBERED 2013-CR-496) THAT IS VOID LACKING WARRANT(S) FOR INDICTMENT AND SENTENCING ORDER 2010 CR 637 THAT HAS NO JURISDICTION OVER ME. COURT JUDGE JAMES G. TUNISON, JR., ERRORED BY STATING WARRANT NO: 13CW690 FOR CASE 2013-CR-783 IS VALID (PAGE 29 LINE 19-20) WHEN CLERK'S FILE REFLECTS A HEARING WAS HELD ON (PRIOR) CASE 2013-CR-496, OCTOBER 1ST 2013 (PAGE 4 LINES 6-25) DISMISSED INDICTMENT 2013 CR 496 FOR GROUNDS SET FORTH AS SAME WARRANT NO: 13CW690 HAVING NO JURISDICTION OVER ME. (SEE, DEFENSE EXHIBITS 10, 11 & 12 OF TRIAL TRANSCRIPTS 2013-CR-783).

3.

ENUMERATIONS OF ERROR

MOVANT POINTS TO TRIALS TRANSCRIPTS FOR CASE 2013-CR-783 PAGE(S) (158 & 159) WHERE I REBUTTED BEING CONVICTED OR SENTENCED IN LIBERTY AND LOWNDES COUNTY GEORGIA WHERE PROSECUTOR TRACY K. CHAPMAN KNOWINGLY USED INACCURATE, AND FALSE CHARGE IN THE CRIMINAL HISTORY REPORT FOR ROY MANDELL SMITH; TO MISEAD THE; COURT JUDGE JAMES G. TUNISON TO ENHANCE SENTENCE UNDER O.C.G.A. 17-10-7-(C) - JUDGE JAMES G. TUNISON, JR. ERRORED BY SENTENCING ME UNDER O.C.G.A. 17-10-7-(C) (PAGE 159 LINES 15 TO 25) FOR CASE 2013-CR-783 AGAINST THE UNITED STATES AND GEORGIA CONSTITUTION.

4.

ENUMERATIONS OF ERROR

MOVANT POINTS TO TRIAL TRANSCRIPTS FOR CASE 2013-CR-783 (PAGE 114. LINES 13-21) WHERE I GAVE LAW OF GRAND JURY OUT OF STATE; SPRINT AND OTHER MATERIAL WITNESSES ARE TO TESTIFY TO GRAND JURY IN OPEN MANNER PER. O.C.G.A. 24-13-94(A). JUDGE JAMES G. TUNISON, JR.; ERRORED BY ALLOWING TO LET TRACY K. CHAPMAN; I/E UNDER OATH TO A JURY TRIAL IS A PRIVATE PROCEEDING; FALSE HOOD & NO TRANSCRIPTS ARE ALLOWED AGAINST UNITED STATES CONSTITUTION.

5.

ENUMERATIONS OF ERROR

MOVANT POINTS TO TRIAL TRANSCRIPTS FOR CASE 2013-CR-783 (PAGE S 62 TO 64) WHERE TRACY K. CHAPMAN PRESENTED HERESAY TESTIMONY THAT WITNESSES JAMES SMITH, PAM NESMITH AND JEREMY JOHNSON (DEFENDANTS EXHIBIT 10) TESTIFIED IN FRONT OF A GRAND JURY ON INDICTMENT NO: 2013-CR-496 (JUNE 3RD 2013) PAGE 62 LINES 6-17. - THEN THE SAME WITNESS RE-TESTIFIED A SECOND TIME TO REINDICTED CASE NOS: 2013-CR-783 (DATED AUGUST 30TH 2013) DEFENDANTS EXHIBIT 9 AND THIRD INDICTMENT 2013-CR-783 (DATED AUGUST 30TH 2013) DEFENDANT EXHIBIT 8 AGAINST UNITED STATES CONSTITUTION AND GEORGIA CONSTITUTION.

6.

ENUMERATIONS OF ERROR

MOVANT POINTS TO TRIAL TRANSCRIPTS FOR CASE 2013-CR-783 (PAGE 50 LINES 3 TO 25 & PAGE 51 LINES 1 TO 8) WHERE INVESTIGATOR JAMES SMITH (GIVE FALSE TESTIMONY) OF HAVING APPLICATION FOR ARREST WARRANT (DEFENDANT'S EXHIBIT 11) SIGNED TO ISSUE ARREST WARRANT NO: 13CWD0690 (DEFENDANT'S EXHIBIT 12) FOR INDICTMENT 2013-CR-783; VIOLATING THE UNITED STATES AND GEORGIA CONSTITUTION.

7.

ENUMERATIONS OF ERROR

MOVANT POINTS TO TRIAL TRANSCRIPTS FOR CASE 2013-CR-783 (PAGE S 62 TO 64) WHERE TRACY K. CHAPMAN KNOWINGLY REINDICTED ME AFTER DISMISSING PRIOR NO: 2013-CR-496 FOR INCORRECT VERBIAGE (CAUSING DOUBLE JEOPARDY) VIOLATING THE UNITED STATES AND GEORGIA CONSTITUTIONS.

CONCLUSION

BEING GROUNDS FOR BRIEF TO SUPPORT ARGUMENT MOVANT MOVES THE COURT TO REVIEW EVIDENCE WITHIN TRANSCRIPTS OF LOWNDES COUNTY COURT OFFICIAL(S) TOTAL DISRESPECT FOR CRIMINAL JUSTICE LAW.

EXECUTED THIS 15TH DAY OF SEPTEMBER 2014.

CC: BETH C. GREENE: COURT CLERK
 JUDGE JAMES G. TUNISON, JR;
 TRACY K. CHAPMAN, A.D.A.
 GA. COURT OF APPEALS
 ROY M. SMITH (GOD ALMIGHTY)

YOUR GOD
 MR. ROY M. SMITH #667671
 SMITH STATE PRISON J2-2348
 P.O. BOX 726
 9676 HWY 301 NORTH
 GLENVILLE, GA. 30429

CERTIFICATE OF SERVICE

This is to certify that I have this day served a true and correct copy of the foregoing document(s) upon the below listed person(s), by depositing a copy of same in the United States Mail, in a properly addressed envelope with adequate postage thereon to ensure it reaches its destination.

This 22ND day of SEPTEMBER, 20 14.

PERSON(S) SERVED:

/s/ BETH C. GREENE COURT CLERK
/s/ P.O. Box 1349, VAIDOSTA, GA, 31603
Judge JAMES G. TUNISON, JR.
P.O. Box 1349, VAIDOSTA, GA, 31603
TRACY K. CHAPMAN, A.D.A.
P.O. Box 99, VAIDOSTA, GA, 31603
COURT OF APPEALS OF GEORGIA
47 TRINITY AVE. S.W. SUITE 501
ATLANTA, GA, 30334

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

August 25, 2014

To: Mr. Roy M. Smith, GDC667671 J2-234, Smith State Prison, Post Office Box 726,
Glennville, Georgia 30427

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 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.
- 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 _____ . 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.

For Additional information, please go to the Court's website at: www.gaappeals.us

COURT OF APPEALS OF GEORGIA

ROY M. SMITH (GOD) #667671
VS.
THE STATE OF GEORGIA

*
*
*

APPEAL CASE NO: A14A2189
CRIMINAL CASE: 2013-CR-783

8/15/2014 FILED IN OFFICE

AUG 20 2014

COURT CLERK
CLERK COURT OF APPEALS OF GA

RE: COURT FILING(S)

DEAR COURT CLERK,

ENCLOSED YOU WILL FIND MY IN FORMA PAUPERIS AFFIDAVIT; PRISONER TRUST FUND ACCOUNT STATEMENT FORM & STATEMENT; NOTICE TO APPEAL; AMENDED MOTION FOR NEW TRIAL; REQUEST FOR ORAL ARGUMENT & CERTIFICATE OF SERVICE ON NAMED PARTIES. (TOTAL NUMBER OF PAGES INCLUDING THIS SHEET IS 13).

I AM COUNSEL OF RECORD FOR THIS REQUESTED HEARING OF ORAL ARGUMENT, SO PLEASE NOTE TO FORWARD ME THE CALENDAR CONFIRMING THE EXACT DATE OF ORAL ARGUMENT(S), SO I'LL HAVE ENOUGH TIME TO SUBPOENA WITNESSES THROUGH YOUR OFFICE. I FURTHER REQUEST A COPY OF THE APPEALS COURT "RULES BOOK"!

THANK YOU
MR. ROY M. SMITH #667671 GOD

RECEIVED IN OFFICE
2014 AUG 22 PM 3:32
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

CC: APPEALS CLERK
R.M.S.

IN THE SUPERIOR COURT OF LOWNDES COUNTY STATE OF GEORGIA

ROY M. SMITH YOUR GOD
VS.
STATE OF GEORGIA

*
*
*

CASE NO: 2013 CR 783
CT. 1: BATTERY
CT. 2: AGGRAVATED ASSAULT
ON A CORRECTIONAL OFFICER

NOTICE OF APPEAL

██████████ NOTICE IS HERE BY GIVEN THAT DEFENDANT ROY M. SMITH PRO-SE; IN THE ABOVE NAMED CASE. APPEALS CASE TO LOWNDES COUNTY SUPERIOR COURT FOR MOTION FOR NEW TRIAL WITH NOTICE GIVEN TO THE GEORGIA COURT OF APPEALS FROM JUDGEMENT AND SENTENCING ORDER ENTERED IN THIS ACTION ON THE 4TH DAY OF NOVEMBER 2013. DEFENDANT APPEALS ON THE FOLLOWING GROUND(S).

1.

COURT ERROR

TRIAL COURT ERRORED IN DENYING DEFENDANTS PRE-TRIAL MOTIONS TO DISMISS INDICTMENTS ON NOVEMBER 1ST 2013 WHERE DEFENDANT HAS SOVEREIGNTY IMMUNITY FILED IN LOWNDES COUNTY COURT; U.S. SAVANNAH GA. FEDERAL COURT & U.S. CONGRESSIONAL CONSTITUTION LAW AGAINST PROSECUTION.

2.

COURT ERROR

TRIAL COURT ERROR IN DENYING DEFENDANTS PRE-TRIAL MOTION TO TERMINATE PRIOR ILLEGAL SENTENCING ORDER 2010CR637 ISSUED BY SAME JUDGE THAT IS VOID OF CHARGE(S) ON NOVEMBER 1ST 2013, WHICH WAS GRANTED FOR MOTION OF NEW TRIAL FEBRUARY 19TH 2013.

3.

INSUFFICIENT EVIDENCE

PRIOR CRIMINAL HISTORY & CURRENT CHARGE(S) ARE INSUFFICIENT AGAINST DEFENDANT AS EVIDENCE WHERE INFORMATION BELONG TO OTHER PEOPLE & IS MISLEADING CONTRARY TO LAW & PRINCIPLES OF JUSTICE AND EQUITY.

WHEREUPON DEFENDANT PRAYS HIS GROUNDS FOR A NEW TRIAL BE GRANTED.

SUBMITTED THIS 7TH DAY OF NOVEMBER 2013.

CC: BETH C. GREENE
GA. COURT OF APPEAL
R. M. S
JUDGE J. TUNISON, JR

ROY M. SMITH #667671
SMITH S.P. P.O. Box 726
GLENNVILLE, GA, 30427

IN THE SUPERIOR COURT OF LOWNDES COUNTY
STATE OF GEORGIA

ROY MANDELL SMITH (A.K.A. GOD)

*

CHARGE(S): 1; CT BATTERY

VS.

*

1; CT AGGRAVATED ASSAULT
OF A CORRECTIONAL
OFFICER

STATE OF GEORGIA

*

*

CASE NO: 2013-CR-783

AMENDED MOTION FOR NEW TRIAL

NOW COMES ROY MANDELL SMITH, PRO-SE, IN THE ABOVE STYLED ACTION AND MOVES THE COURT TO SET A HEARING DATE TO GRANT MOTION FOR NEW TRIAL.

ON NOVEMBER 4TH 2013 AT THE MARCH TERM OF THE SUPERIOR COURT OF LOWNDES COUNTY, GEORGIA, THE DEFENDANT WAS CONVICTED AND SENTENCED ON THE ABOVE CASE TO TWENTY-ONE (21) YEARS TO RUN CONSECUTIVE TO CASE 2010CR637 IN THE GEORGIA PRISON SYSTEM.

THE DEFENDANT BEING DISSATISFIED WITH THE VERDICT AND JUDGEMENT IN SAID CASE AND TIMELY FILED HIS NOTICE OF APPEAL WITH THE COURTS ON NOVEMBER 7TH 2013, AND COPY FOR A NEW TRIAL UPON THE FOLLOWING GROUNDS:

4.

COURT ERROR

TRIAL COURT ERRORED BY ALLOWING DISTRICT ATTORNEY TRACY CHAPMAN TO GIVE A FALSE STATEMENT UNDER OATH TO THE JURY THAT THE GRAND JURY PROCEEDING(S) ARE PRIVATE & THERE ARE NO TRANSCRIPTS OF A GRAND JURY. (SEE O.C.G. A § 24-13-94(A), ISAACS VS. THE STATE 259 GA. 717. 386 S.E. 2d 316). STATE WITNESSES.

5.

COURT ERROR

TRIAL COURT ERRORED BY ALLOWING STATE TO PRESENT IMPROPER HERESAY TESTIMONY BY STATE WITNESSES AT TRIAL THAT NEVER TESTIFIED BEFORE A GRAND JURY. (SEE ISAACS VS. THE STATE 259 GA. 717 386 S.E. 2d 316).

6.

COURT ERROR

TRIAL COURT ERRORED BY ALLOWING STATE WITNESSES TO GIVE FALSE TESTIMONIE TO THE JURY UNDER A OATH TO GOD (SEE U.S. CONSTITUTION 4, 5, & 14 AMENDMENTS FOR ARREST WARRANT(S) PROCEEDURE) & O.C.G.A. § 24-9-84.1 (HOW WITNESS IMPEACHED - PRIOR CONVICTIONS).

7.

COURT ERROR

TRIAL COURT ERRORED BY ALLOWING DEFENDANT TO BE SENTENCED UNDER DOUBL JEOPARDY OF MULTIPLE INDICTMENT(S). (SEE DEFFENDANT'S EXHIBIT(S) 8, 9, 10, 11 & 12).

8.

COURT ERROR

TRIAL COURT ERRORED BY ALLOWING DEFENDANT TO BE SENTENCED UNDER INACCURATE; DISMISSED & ACQUITTED CHARGE(S) ON CRIMINAL HISTORY REPORT FOR CASE(S) 2010CR 637; 1997-R-8117, 1996-R-7756 & 1996-R-7890 (SEE STATE'S EXHIBIT(S) 28, 29, 30) & O.C.G.A. 35-3-37 (INSPECTION OF CRIMINAL RECORD'S PURGING, ETC).

9.

THE JUDGEMENT IS CONTRARY TO LAW AND THE PRINCIPLES OF JUSTICE AND EQUITY, WHERE UPON THE DEFENDANT DEMAND THESE GROUND FOR A NEW TRIAL BE INQUIRED OF BY THE COURT AND THAT A NEW TRIAL BE GRANTED.

SUBMITTED THIS 1ST DAY OF AUGUST 2014.

CC: BETH C. GREENE CLERK
TRACY CHAPMAN A.D.A
ROY M. SMITH GOD
JUDGE J. TUNISON, JR
GA. COURT OF APPEALS

GOD ALMIGHTY
MR. ROY MANDELL SMITH #6676
SMITH STATE PRISON (HEI)
P. O. BOX 726
GLENNVILLE, GA. 30427