

2. REMAINDER of attachments



**Court of Appeals of Georgia**

September 21, 2015

TO: Mr. Daniel A. Spottsville, GDC977050, Coffee Correctional Facility, Post Office Box 650, Nicholls, Georgia 31554

RE: **A15A2253. Daniel Spottsville 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 August 12, 2015. The remittitur issued on August 31, 2015, divesting this Court of any further jurisdiction of your case. The case is therefore, final.**

**I am returning your documents to you.**

**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.



19 Sep 2012

IN THE SUPERIOR COURT OF MUSCOGEE COUNTY  
STATE OF GEORGIA

DANIELA SPOTTSVILLE  
VS  
STATE OF GEORGIA

case # SU98CR1445

A MOTION TO MODIFY SENTENCE  
(AFFIDAVIT OF SUPPORT)

NOTICE TO AGENT IS NOTICE TO PRINCIPAL  
NOTICE TO PRINCIPAL IS NOTICE TO AGENT

<sup>66</sup> Indeed, no more than (affidavits) is necessary to make the  
Rumsa (see case 99 US VS 415 658 F2) 526,536 (7<sup>th</sup>  
Cir. 1981) Cert. Denied, US 50 LW 2169, SCT, 22 March  
1982 & (SEE ALSO) OCGA § 9-10-113.

Now comes, the Defendant, Daniel A. Spottsville,  
the Affiant herein above styled motion to have  
his sentence modified of this Court's entry  
on the 9<sup>th</sup> day of December 1998 after a jury  
trial and was sentenced to 40 years to some  
30 years by the Honorable John Allen, Judge,  
Muscogee County Superior Court.

- 1) Affiant states to the Court that he is an adult,  
divorced, with ten adult children, whom  
are not residing in the State of Georgia, nor  
State citizens of Georgia, but reside in  
Texas and Iowa.
- 2) Affiant states he was Active Duty US  
Army, stationed at Ft. Benning, Ga,

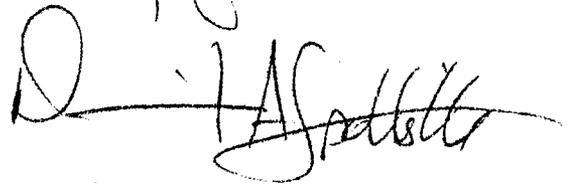
- 4) Alliant states that there is no evidence of Rape or Burglary and it would be in the best interest of justice and the society and all parties concerned where there is no evidence that exist to demonstrate that the Alliant would not be a law bidding citizen of the society if able to be released from incarceration with a shorten / reduced sentence to serve. Alliant does so possess an excellent prison record and have been employed as a teacher's aid, librarian ~~aid~~ and down orderly demonstrating an excellent work record as a prisoner.
- 5) Alliant does so request this Court to reconsider its sentence of 9<sup>th</sup> day of December 1998 and move to modify the sentence to a equitable, more reasonable judgment in order that the Alliant may return back into society to contribute to his family and be a law bidding citizen of the United States, willing to serve his ~~country~~ country once more if need be.

Therefore, the Alliant, Defendant, Mr. Spotsville, humbly requests that this Court grant this motion to modify his sentence in the best interest of justice and the society, and to consider

CERTIFICATION OF MAILING

# SU98CR1445

I do certify that a copy here in has been placed into the VSP mailing system and sent to the below addresses by way of the US Postal system this <sup>11<sup>th</sup></sup> day of September 2012.



Clerk of Court  
Muscookee Superior Ct  
PO Box 2145  
Columbus, Ga 31902

Dist. Atty.'s office  
ATTN: Julie S. Lee  
Government Center, 3rd Fl.  
Columbus Ga 31902

Enclosed: extraordinary  
1) motion to ~~revoke~~ modify  
Sentence ....

# A CERTIFICATION OF SERVICE

I, the under signed have placed into the Valdosta - Annex, Prison mailing system the copy of originals "A Motion To Modify Sentence" that was sent to the Muscogee Co. Superior clerk and the Dist. Atty's Office back on the 19<sup>th</sup> Day of September 2012; and now does send copy to the clerk of Court Muscogee Co. a second time by way of the US postal system this 26<sup>th</sup> day of December 2012,

D. T. A. Spottville

PRO SE

## COPY SENT TO:

M. Linda Pierce  
Clerk of Court  
Superior Ct. Muscogee Co.  
PO Box 2145  
Columbus, Ga. 31902

ENCLOSURE COPY (5) (1 of 5)  
A MOTION TO MODIFY SENTENCE

IN THE SUPERIOR COURT OF MUSCOGEE COUNTY  
STATE OF GEORGIA

STATE OF GEORGIA

\*  
\*  
\*  
\*  
\*  
\*

Criminal Case No. SU98CR1445

v.

DANIEL SPOTTSVILLE,  
Defendant.

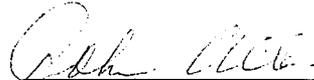
**ORDER**

Pending before this Court is the Defendant's pro se pleading entitled, "Affidavit of Negative Averment" filed on February 15, 2013. Defendant complains that the District attorney's Office has not filed a response to two pro se motions styled as a "Motion of Default" and "Motion to Modify Sentence". As relief, Defendant seeks a default judgment pursuant to O.C.G.A. 9-11-55.

This Court declines to grant the relief requested inasmuch as the two aforementioned motions do not exist in the record of this case and, even if they were pending before this Court, a default judgment in this criminal matter is not a cognizable remedy.

Accordingly, the Court finds that the Defendant's motion should be and is **HEREBY DENIED.**

SO ORDERED, this 21<sup>st</sup> day of, 2013.

  
\_\_\_\_\_  
John D. Allen, Judge  
Muscogee County Superior Court

FILED IN COURT  
2013 FEB 21 PM 4: 12  
M. LINDA PIERCE  
MUSCOGEE COUNTY  
SUPERIOR COURT

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true and correct copy of the foregoing Order in Case No. #SU98CR1445, by depositing the same in the United States Mail in an envelope with the requisite postage paid and affixed thereto and properly mailed and addressed to:

Hon. Julia Slater  
District Attorney's Office  
PO Box 1340  
Columbus, GA 31901

Daniel Spottsville ,GDC#977050  
Valdosta State Prison  
PO Box 310  
Valdosta, GA 31603

This \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Martha Dicus, Law Clerk  
Superior Courts, Chattahoochee Judicial Circuit

8 June 2015

Mantha Dicus  
Clerk of Court  
Bluescope Co. Superior Ct  
P.O. Box 1340, Government Center  
Columbus, Ca 31902-1340

Daniel A. Spottsville, # 977050  
Collee Correctional Facility  
P.O. Box 650 / 2F  
Nicholls, Ca 31554

RE: Case # SA08CR 1445 / Indictment / filed Motion

Dear Clerk, Ms. Dicus,

Please send me a stamped as filed copy of this Notice to Appeal and I have requested in my letters dated 19<sup>th</sup> of May 2015 and 20<sup>th</sup> of April 2015 that the court please provide me with a stamped filed copy of my Renewal motion I sent on the 26<sup>th</sup> of March 2015 with Rule Dist. I have not received any copy from the court. I also requested the court to send me the indictment for this case also. Please provide me with the request documents. Thank you and please be within you.

Respectfully



cc: independent answer.

19 May 2015

Clerk of Court  
Muscogee Co. Superior Court  
PO Box 2145  
Columbus Ga 31902

Daniel A. Spottsville, No. 477030  
Coffee Correctional Facility, 28  
Box 6300 Nicholls, Ca 31551

USDC Case# SA98CR 1445 (Renewal Motion)  
and Request for copy of Indictment  
(last letter 27 Apr 2015)

Dear Clerk,

Please send me a stamp as filed  
copy of my motion I sent to the Court  
on the 26 of March 2015. I have written  
the Court with three letters now requesting  
for a stamp as filed copy. Also a rule 11.1  
motion. I have asked for a copy of the  
indictment to be sent to me as well.  
Please comply to my request as I  
await your prompt response to this matter  
pursuant to USCR - rule 6.1.  
Thank you within you

Respectfully,

Daniel A. Spottsville  
DWS

22 Apr 2013

Clerk of Court  
Muscookee Co. Superior Ct.  
PO Box 2145  
Columbus Ga 31902

Daniel A. Spottsull, do # 977050  
Coffee Correctional Facility, 2F  
PO Box 650  
Nicholls Ga 31554

Re: Case # SU98CR1445 (RENEWAL MOTION)

Dear Clerk of Court,

On the 26<sup>th</sup> of March 2013, I did so place in the GAC mailing system here at C.C.F. my "A Renewal of Motion to Modify Sentence and to Correct Void Sentence (Affidavit of Support)", along with a "RULE NISI" motion that I have asked this Court to send me a stamped as filed copy in a letter. I have not received a stamped as filed copy as of this date to verify your Court received my motions, please send me a stamped as filed copy as the statutes do state I am entitled to as indigent pro se litigator. Thank you for your time and prompt response to this letter. Peace be with you.

Respectfully,

D. A. Spottsull

9 Mar 2013

Clerk of Court  
Muscooges Co. Superior Ct.  
PO Box 2145  
Columbus, Ga 31902

Daniel A. Spottswood, C/O #977050  
Coffee Correctional Facility,  
PO Box 650  
Nicholls, Ga, 31554

RE: Case # SA 98CR 1445

Dear Clerk of Court,

I sent you a letter dated 4 Feb. 2015,  
requesting a copy of my indictment of  
of the Delonies I was charged with.

There should be 2 or 3 indictments  
with the same case number (above),  
or I was reindicted twice on record  
where charges were added. Please send  
me any if not all the indictment(s)  
you may have on my case number.

Thank you for your prompt response  
to this letter. I would like to receive  
two (2) copies of the indictment(s).

Respectfully

D. A. Spottswood

200 SE

4 Feb 2015

Clerk of Court  
Superior Ct. Muscogee Co.  
PO Box 2145  
Columbus, Ga 31902

Daniel A. Spottsville, No #977050  
Coffee Correctional Facility  
PO Box 650; Nicholls, Ga 31554

RE: Case # SA 98 CR 1445

Dear Clerk of Court,

Could you please provide me with a copy of my indictments of all the felonies I was charged with. There should be two or three indictments on record for I was reindicted from one charge to several others later.

Thank you for your prompt response to my request. Peace be with in you.

Respectfully

Daniel A. Spottsville

PO 50

PS: If possible  
could I receive  
2 (two) sets of  
copies.

22 Mar. 2013

W. Linda Pierce  
Clerk of Court  
Superior Ct. Muscogee Co.  
PO Box 2145  
Columbus, Ga 31902

Daniel A. Spottswood, No. # 977050  
Valdosta State Prison - Annex  
PO Box 3104, Valdosta, Ga. 31603

RE: Case # 50957R1445

Dear Ms. Pierce, clerk:

I have requested this Court to provide me with copies of documents I have sent to the Court. I have also sent the Court several letters on this matter, and would still like to receive stamped as filed copies of the documents I have sent in: (1) Notice of Appeal, (2) A Motion to Modify Sentence; (3) Notice of Default - Also a Motion for jail time, that was just sent out on the 18<sup>th</sup> of March 2013. If you can not then please state I hereby and also send me a copy of the docket sheet for this case. Thank you for your prompt response, please be within you.

Respectfully

D. A. Spottswood, pro se

Clerk of Court  
M. J. Pierce  
Mescoyer Co. Superior Ct.  
PO Box 2143  
Columbus, Ga 31902

26 Feb 2013

Daniel A. Spottswood, 40 # 977050  
Valdosta State Prison Annex  
PO Box 310, Valdosta, Ga 31603

RE: Case # SU 98 CR-1445

Dear Ms. Pierce

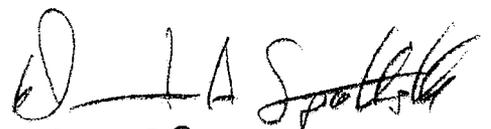
Thank you for your prompt response in sending me a copy of the motion filed on the 15<sup>th</sup> of Feb. 2013. However, I still have never received from the Court the following copies and have requested copies sent to me on the 6<sup>th</sup> of Jan 2013; 26 Dec. 2012; 2 Dec 2012; 14 Nov 2012; 19 Sep. 2012 (last two were sent with the motions):

- 1) A MOTION TO MODIFY SENTENCE (MICHANUIT OF SCOPPOUT)
- 2) NOTICE/MOTION OF DEFAULT (MICHANUIT)

Could you please provide me with stamp as filed copies of the herein named instrument/motions I have sent to you.

Thank you for your time and please be within you.

Respectfully,

  
D A Spottswood  
710 50

6 Jan 2013

Clerk of Court

Atty. M. L. Pierce

Muscogee Co. Superior Ct.

PO Box 2143

Columbus, Ga 31902

Daniel A. Spottsville, # 977030

Valdosta State Prison - Annex

PO Box 310 ; Valdosta, Ga 31603

RE: # SU93CK 1445 (case)

Dear Mr. Pierce,

I have sent the Court three letters (vs Oct 2012 / 2 Dec 2012 / 26 Dec 2012) requesting stamp filled copies of a motion to modify sentence and a notice motion of default (dated 9/9 Sep 2012 / 14 Nov 2012). I have not received any copies nor Court order on these to readings/court. Copies were sent to the District Attorney, whom have not responded either. So please, ASPF, provide me with requested copies filed stamped by the Court. Thank you, I await your prompt response, please be within you.

Respectfully,  
D. A. Spottsville  
2013

26 Dec. 2012

Clerk of Court  
Muscogee Co. Superior Ct.  
Po Box 2145  
Columbus, Ga 31902

Daniel A. Spottsville, #01977030  
Valdosta State Prison - AWARD  
Po Box 310; Valdosta, Ga 31603

RE: Case # SU98CR1445

Dear Clerk,

I have sent to the Court a Motion to modify sentence (on the 19<sup>th</sup> of Sep 2012) and a Notice/Motion of Default (on the 14<sup>th</sup> of November 2012). Could you please provide me with stamp as filed copies of these documents I have sent in.

Please respond ASAP, peace be within you.

Respectfully,

Daniel A. Spottsville

P10 SE

2 Dec 2012

Clerk of Court  
M. LINDA PIERCE  
Muscogee Co. Superior Ct.  
PO Box 2145  
Columbus, Ga 31902

Daniel A. Spottsville, do # 977050  
Valdosta State Prison - Annex  
PO Box 310 ; Valdosta, Ga 31603

RE: Case # SA 98CR1445

Dear Mrs. Pierce,

On the 19<sup>th</sup> of September 2012, I do so place  
in the US mailing system "a motion to modify  
sentence ..."; and on the 14<sup>th</sup> of November  
2012 a "Notice/Motion of Default", that  
I have not received a stamped as filed  
copy(s) back from your court. I did request  
copy(s) to be provide to me. Could you  
please provide me with a copy(s) of the  
motion I have sent to the court. Thank  
you and please respond ASAP. Peace be with  
you.

Respectfully,

D. A. Spottsville

P40 se

25 Oct 2012

Clark - Court  
Narcotics Superior Court  
P.O. Box 2112  
Columbus Ga 31907

Daniel A. Spitznagle 604977050  
Valdosta State Prison, Annex  
4101 31st Valdosta Ga 31906

RE: Case # 2012001045

Dear Clark,

Would you please arrange to receive with  
a stamped or self filed copy of my  
motion sent out 19 September 2012,  
addressed to this Court with the necessary  
certification or mailing?

Please inform ADP once he  
acknowledges you.

Respectfully,  
Daniel A. Spitznagle  
ADP

26 Mar 2015

Clerk of Court  
Muscopee Co. Superior Ct.  
Pobox 2145  
Columbus Ga 31902

David A. Spittsille, D#977050  
Clerk Conventional Faculty  
Rox 650  
Nicholls, Ga 31554

RE: Case # SUGBCE14145 (REVENUE-MOTION)

Dear Clerk of Court,

Could you please provide me with a stamped as filed copy of this action (Revenue motion) I am submitting to this Court ~~for~~ this above date. Thank you for your prompt response. Please be within you.

Respectfully,  
D. A. Spittsille,  
Pao Se

PS: please include a copy of why Muscopee Co. Indictments (Case # SUGBCE14145) under this motion (request).

19 Sep 2012

Clerk of Court  
Muscopee Co. Superior Ct.

RE: # SUGBCE14145

Dear Clerk,

Please provide me with a stamped as filed copy of the enclosed motion. Thank you. Please be within in you.

Respectfully,  
D. A. Spittsille,  
Pao Se

IN THE SUPERIOR COURT

COUNTY, GEORGIA

FINAL DISPOSITION

CRIMINAL ACTION NO. 5098CR 1445-6

OFFENSE(S) ct. 1 Child Molestation
ct. 5 Aggravated Assault

VS

Daniel Spottsville

OFFENDER TRACKING NUMBER 51896412

December TERM, 19 98

PLEA:

- NEGOTIATED
GUILTY ON COUNT(S)
NOLO CONTENDERE ON COUNT(S)
TO LESSER INCLUDED OFFENSE(S)
ON COUNT(S)

- JURY
NON-JURY

VERDICT

- GUILTY ON COUNT(S) 1,5
NOT GUILTY ON COUNT(S)
GUILTY OF INCLUDED OFFENSE(S) OF ON COUNT(S)

OTHER DISPOSITION

- NOLLE PROSEQUI ORDER ON COUNT(S)
DEAD DOCKET ORDER ON COUNT(S)

(SEE SEPARATE ORDER)

DEFENDANT WAS ADVISED OF HIS/HER RIGHT TO HAVE THIS SENTENCE REVIEWED BY THE SUPERIOR COURTS SENTENCE REVIEW PANEL.

- FELONY SENTENCE
MISDEMEANOR SENTENCE

WHEREAS, the above-named defendant has been found guilty of the above-stated offense, WHEREUPON, It is ordered and adjudged by the Court that: The said defendant is hereby sentenced to confinement for a period of 20 years to serve, each count concurrent.

In the State Penal System or such other institution as the Commissioner of the Georgia Department of Corrections may direct, to be computed as provided by law. HOWEVER, It is further ordered by the Court

- 1) THAT the above sentence may be served on probation
2) THAT upon service of of the above sentence, the remainder of may be served on probation PROVIDED that the said defendant complies with the following general and other conditions herein imposed by the Court as a part of this sentence.

GENERAL CONDITIONS OF PROBATION

The defendant, having been granted the privilege of serving all or part of the above-stated sentence on probation, is hereby sentenced to the following general conditions of probation.

- 1) Do not violate the criminal laws of any governmental unit.
2) Avoid injurious and vicious habits - especially alcoholic intoxication and narcotics and other dangerous drugs unless prescribed lawfully.
3) Avoid persons or places of disreputable or harmful character.
4) Report to the Probation Officer as directed and permit such Officer to visit him (her) at home or elsewhere.
5) Work faithfully at suitable employment insofar as may be possible.
6) Do not change his (her) present place of abode, move outside the jurisdiction of the Court, or leave the State for any period of time without prior permission of the Probation Supervisor.
7) Support his (her) legal dependents to the best of his (her) ability.
8) Defendant shall submit to urinalysis at the request of the Probation Officer for testing of dangerous drugs, narcotics, or controlled substances. Defendant shall be liable for all cost of urinalysis.

OTHER CONDITIONS OF PROBATION

IT IS FURTHER ORDERED that the defendant pay a fine in the amount of plus \$50 or 10%, whichever is less pursuant to O.C.G.A. § 15-21-70, and pay restitution in the amount of Probation Fee Court Costs Attorney's Fees

Payments are: Concurrent with Marion County Case

IT IS THE FURTHER ORDER of the Court, and the defendant is hereby advised that the Court may, at any time, revoke any conditions of this probation and/or discharge the defendant from probation. The probationer shall be subject to arrest for violation of any condition of probation herein granted. If such probation is revoked, the Court may order the execution of the sentence which was originally imposed or any portion thereof in the manner provided by law after deducting therefrom the amount of time the defendant has served on probation.

The defendant was represented by the Honorable D. Hix, Attorney at Law, Muscogee County, by (Employment) (Appointment).

By the Court 19

So ordered this 9 day of December, 19 98 Judge Superior Court

Certificate of Service - This is to certify and acknowledge that a true and correct copy of this Final Disposition has been delivered in person and the defendant has been duly instructed regarding the conditions as set forth.

This day of 19

Probation Officer

Defendant

Filed in Open Court, this 9 day of December 19 98. D.C. McNealy Deputy Clerk

Daniel Spottsville  
VS  
OFFENDER TRACKING NUMBER 51896412

December TERM, 19 98

ORIGINAL: District Attorney  
DUPLICATE: Probation Office  
Filed in Open Court, this 9 day of December 1998 A.C. McNealy Deputy Clerk

PLEA:

NEGOTIATED  
 GUILTY ON COUNT(S) \_\_\_\_\_  
 NOLO CONTENDERE ON COUNT(S) \_\_\_\_\_  
 TO LESSER INCLUDED OFFENSE(S) \_\_\_\_\_  
 ON COUNT(S) \_\_\_\_\_

JURY  
 NON-JURY

VERDICT

GUILTY ON COUNT(S) 2  
 NOT GUILTY ON COUNT(S) \_\_\_\_\_  
 GUILTY OF INCLUDED OFFENSE(S) OF \_\_\_\_\_ ON COUNT(S) \_\_\_\_\_

OTHER DISPOSITION  
 NOLLE PROSEQUI ORDER ON COUNT(S) \_\_\_\_\_  
 DEAD DOCKET ORDER ON COUNT(S) \_\_\_\_\_  
 (SEE SEPARATE ORDER)

DEFENDANT WAS ADVISED OF HIS/HER RIGHT TO HAVE THIS SENTENCE REVIEWED BY THE SUPERIOR COURTS SENTENCE REVIEW PANEL

FELONY SENTENCE       MISDEMEANOR SENTENCE

WHEREAS, the above-named defendant has been found guilty of the above-stated offense, WHEREUPON, it is ordered and adjudged by the Court that: The said defendant is hereby sentenced to confinement for a period of 30 years

in the State Penal System or such other institution as the Commissioner of the Georgia Department of Corrections may direct, to be computed as provided by law. HOWEVER it is further ordered by the Court

1) THAT the above sentence may be served on probation with count one  
 2) THAT upon service of 10 years consecutive of the above sentence, the remainder of 10 years may be served on probation PROVIDED that the said defendant complies with the following general and other conditions herein imposed by the Court as a part of this sentence.

- GENERAL CONDITIONS OF PROBATION
- The defendant, having been granted the privilege of serving all or part of the above-stated sentence on probation, is hereby sentenced to the following general conditions of probation
- 1) Do not violate the criminal laws of any governmental unit.
  - 2) Avoid injurious and vicious habits — especially alcoholic intoxication and narcotics and other dangerous drugs unless prescribed lawfully.
  - 3) Avoid persons or places of disreputable or harmful character.
  - 4) Report to the Probation Officer as directed and permit such Officer to visit him (her) at home or elsewhere.
  - 5) Work faithfully at suitable employment insofar as may be possible.
  - 6) Do not change his (her) present place of abode, move outside the jurisdiction of the Court, or leave the State for any period of time without prior permission of the Probation Supervisor.
  - 7) Support his (her) legal dependents to the best of his (her) ability.
  - 8) Defendant shall submit to urinalysis at the request of the Probation Officer for testing of dangerous drugs, narcotics, or controlled substances. Defendant shall be liable for all cost of urinalysis.

OTHER CONDITIONS OF PROBATION

IT IS FURTHER ORDERED that the defendant pay a fine in the amount of plus \$50 or 10%, whichever is less pursuant to O.C.G.A. § 15-21-70, an pay restitution in the amount of \_\_\_\_\_: Probation Fee \$30 monthly Court Costs \_\_\_\_\_ Attorney's Fees \_\_\_\_\_

Payments are: Probation to be supervised with fee for two years

(Total of 30 years to serve)

IT IS THE FURTHER ORDER of the Court, and the defendant is hereby advised that the Court may, at any time, revoke any conditions of this probation and/or discharge the defendant from probation. The probationer shall be subject to arrest for violation of any condition of probation herein granted. If such probation is revoked, the Court may order the execution of the sentence which was originally imposed or any portion thereof in the manner provided by law after deducting therefrom the amount of time the defendant has served on probation.

The defendant was represented by the Honorable D. Hix Attorney at Law, Muscogee County, by (Employment) (Appointment) \_\_\_\_\_

By the Court \_\_\_\_\_ 1998

So ordered this 9 day of December, 1998

John D. Allen  
Judge Superior Court

Certificate of Service — This is to certify and acknowledge that a true and correct copy of this Final Disposition has been delivered in person and defendant has been duly instructed regarding the conditions as set forth.

This \_\_\_\_\_ day of \_\_\_\_\_, 1998

\_\_\_\_\_  
Probation Officer

\_\_\_\_\_  
Defendant

DEPARTMENT OF THE ARMY  
HEADQUARTERS, UNITED STATES INFANTRY CENTER  
FORT BENNING, GEORGIA 31905-5000

ORDERS 261-2200

18 September 2001

SPOTTSVILLE, DANIEL A 560-06-9385 PV1 USA MEDDAC FT BENNING (W2L3AA) FT BENNING  
GA 31905

You are reassigned to the U.S. Army transition point shown for transition processing. After processing, you are discharged from the Component shown. If you are delayed in reporting to the transition point, you still must report to the transition point as soon as possible or as authorized to receive a new effective date of discharge.

Assigned to: US ARMY TRANSITION CENTER (WOU2NT) FORT BENNING GA 31905-5010  
Reporting date: 19 September 2001  
Component: RA

Date of discharge unless changed or rescinded: 19 September 2001

Additional instructions: a. Soldiers who reside in on-post family quarters are required to report to the Family Housing Office, Bldg 399, at least 30 days prior to their departure to schedule a pre-termination and termination appointment. b. You must personally clear your local Education Center, be counseled on VA Educational Benefits, and pick up DA Form 669 (Educational Development Record). c. You are required to undergo a physical exam prior to separation or have a completed FB Form 128 (Statement of Option for Medical Examination for Separation/Retirement) prior to your departure date. d. You are authorized movement of household goods. e. Government transportation authorized from Ft. Benning, GA to Home of Record or PLEAD. f. Report to Transition Point, Bldg. 2622, 2d floor, East Wing, by appointment, (TEL: 545-1162/1368). Bring your MED/DEN/EDUC Records to include ETS Physical, completed Installation Clearance DD Form 137, TCA Checklist, and, if applicable, Dependent ID Card(s). g. Official travel arrangements purchased through a travel agency not under contract to government is NOT reimbursable

FOR ARMY USE

Auth: AR 635-200

HOR: SACRAMENTO CA US

Place EAD or OAD: OAKLAND CA

MDC: 7BE1

Format: 501

FOR THE COMMANDER:

\*\*\*\*\*  
\* OFFICIAL \*  
\* FORT BENNING, GA \*  
\*\*\*\*\*

DISTRIBUTION:

PV1 SPOTTSVILLE (1)

Cdr USA MEDDAC FT BENNING (1)

TRANSITION PT (moh)

TOTAL: (2)

JAMES E. BRINSON  
ADJUTANT GENERAL

CERTIFICATION OF MAILING  
(#A15A2253)

I do certify that a true copy(s) of herein motion/Affidavit has been placed into the C.C.F. prison mailing system and sent to the below addresses by the US postal system on this ~~11<sup>th</sup> 2015~~ 25<sup>th</sup> day of August, 2015

D. A. Spill

Clerk of Court of Appeals  
47<sup>th</sup> Trinity Ave.  
Suite 501  
Atlanta, Ga. 30334

District Atty's Office  
PO Box 1340  
Columbus, Ga 31901

RECEIVED IN JUDGE  
2015 AUG 17 PM 3:44  
COURT OF APPEALS  
CLERK OF COURT

- ENCLOSED: (1) APPEAL BRIEF...  
(2) EXHIBITS = ABA (pgs 1-40)  
(3) Court ORDER - Muscogee Co. Superior Ct.  
(4) IFP Request

IN THE COURT OF APPEALS FOR THE STATE

REC'D IN GEORGIA

2015 AUG 31 PM 4:16

STATE OF GEORGIA

VS

DANIEL A SPOTTSVILLE

PRO SE

COURT OF APPEALS OF GA

CAFE# A15A2253

MUSCOGEE CO  
#SU98CR1443

RECONSIDERATION AN AMENDMENT TO APPEAL  
BRIEF — ENUMERATION OF ERRORS (PART II)  
(AFFIDAVIT OF SUPPORT)

NOTICE TO AGENT IS NOTICE TO PRINCIPAL  
NOTICE TO PRINCIPAL IS NOTICE TO AGENT

<sup>66</sup> Indeed, no more than (Affidavits) is necessary to make the  
prima facie case, <sup>99</sup> US VS AS, 658 F2d 528, 536 (7<sup>th</sup> Cir 1981);  
Cent. Denial, US 50 LW 2169, Sct. 22 March 1982; [SEE ALSO]  
OCGA § 9-10-113.

Now Comes the Appellant, Daniel A. Spottsville  
the Affiant herein above styled motion re Direct  
Appeal from Trial Court's denial & dismissal of his  
petition filed on the 6<sup>th</sup> of April 2015, the Honorable  
Ron Mullins, Judge, Superior Court of Muscogee County.  
[SEE EXHIBITS = APA]

Court of Appeals rather than the Georgia  
Supreme Court has jurisdiction to hear this case  
pursuant to OCGA § 5-6-33/§ 5-6-34.

Affiant does so amend and add to  
his <sup>66</sup> APPEAL BRIEF FROM APPELLANT (AFFIDAVIT OF SUP-  
PORT) <sup>99</sup> dated 30 day of August 2015 & herein  
accompanied, Affiant's "ENUMERATION OF ERRORS"  
as part II, [SEE BELOW], to his <sup>66</sup> APPEAL BRIEF... <sup>99</sup>.

## II. ENUMERATION OF ERRORS (PART II)

- 1) The trial court erred in failure to allow Plaintiff to amend to demonstrate record exist on prior motion to modify sentence.
- 2) The trial court erred in failure to recognize OCGA § 9-2-63 is right and filed timely.
- 3) The trial court erred in failure to provide true fact that this case had sentence given on the 9<sup>th</sup> of December 1998, court concealing truth.
- 4) The trial court erred in failure to recognize the existence of several "plain errors" in violation of Due Process and Equal Protection clauses (14<sup>th</sup> Amend.).
- 5) The trial court erred in failure to recognize "Fatal Variance" exist in this case vs Inconsistent Verdict Rule.
- 6) The trial court erred in failure to recognize "Insufficient Evidence" exist in this case to warrant maximum sentence, or conviction.
- 8) The trial court erred in failure to recognize it did not possess proper "jurisdiction nor Venue" to try, convict, sentence, incarcerate active duty service member without waiver.
- 7) The trial court erred in failure to recognize Court's "jury instructions" did not cure prosecution's errors.
- 9) The trial court erred in failure to recognize its sentence is a "VOID" sentence and may be attacked at anytime. OCGA § 9-11-60(d) / § 9-11-12(h) / § 17-9-4.

10) The trial court erred in failure to recognize that OCGA § 17-10-6.2(b) can be raised and applied retroactively / redressability matter warranting fundamental rights of liberty, equality, justice and fairness; and does so in Teague vs Lane.

11) The trial court erred in failure to recognize that honorable John D. Allen did not conduct pre-sentence hearing in full compliance with OCGA § 17-10-2(a).

12) The trial court erred in failure to recognize that the Affiant is pro se indigent incarcerated prisoner and is a layman in law and court should review Affiant's motion less stringent than those drafted by an attorney.

Affiant is doing his best that he can to demonstrate that his sentence violate the fundamental fairness and is a miscarriage of justice.

Court of Appeals should De Novo review and discover that Affiant has had to file, send to the trial court "Motion to set Aside judgment as Void" and "Motion to Modify Sentence".

Justice because the trial court judge alleges Affiant never filed, sent a prior motion(s).

[SEE EXHIBITS = ABA] "DE NOVO REVIEW" pursuant

St vs Hammons, 325 Ga App 815 (2014) and

Nunnally vs St, 310 Ga App 183 (2011).

Affiant does so more to renew action(s) in this criminal case (# SA98 CF 1445) because he believes he has good cause for recommencing his sentence modification and void sentence (Motion to set Aside judgment as Void) as to comport justice, equality, fairness and fundamental rights protected by the Constitution's Bill of Rights and the 14<sup>th</sup> Amendment.

Especially where State appears to be concealing the truth and facts in this matter, to wit, "ERRORS" Law so "PLAIN", that failure of the trial judge and the prosecution to correct such "Plain Errors" at trial did so grossly impaired the jury's ability as true triers of facts to render their verdict in compliance with the Jackson VA Virginia standard. Evidence is/was insufficient to place the Affiant at the alleged scene of the alleged felonies. And evidence is not overwhelming as to establish guilt beyond a reasonable doubt. Burden is placed on the State to prove there are no "Plain Errors" or "manifest injustice".

Where evidence is legally insufficient (CCGAE 5-5-20/§ 5-5-21) this body of Appeals should conclude that Affiant's sentence and conviction is illegal and void. Therefore this Court should move to remand and/or reverse Affiant's illegal/void sentence/conviction. Relief should be GRANTED on appeal.

MAXIMUM OF LAW: "ALL ARE EQUAL UNDER THE LAW."

"TRUTH IS EXPRESSED IN THE FORM OF AN AFFIDAVIT."

This 10<sup>th</sup> day of August, 2015.

Respectfully Submitted w/o Prejudice

D. A. Speltz  
PRO SE

I do swear, depose and say that the above facts/claims are true and correct to the best of my knowledge and belief and not meant to mislead but to comport justice.

D. A. Speltz  
AFFIRANT, PRO SE

~~SWORN TO AND SUBSCRIBED BEFORE ME  
THIS 10<sup>th</sup> DAY OF August, 2015.~~

~~(SEAL)  
NOTARY PUBLIC EXPIRES~~

Notary Public, Coffee County, Georgia  
My Commission Expires Dec. 8, 2014

# Certificate of Service

This is to certify that I have this day served a true and correct copy of the within and foregoing document(s) upon the party(s) listed below by depositing a copy of the same in the United States mail in a properly addressed envelope with adequate postage thereon or submitted same to the institutional legal mail system, to bellow addressee(s)

Clerk of Court of Appeals  
474 Trinity Ave.  
Suite 501  
Atlanta, Ga. 30334

Document(s) Included:

1) AN AMENDMENT TO APPEAL  
BRIEF - ENUMERATION OF  
ERRORS . . . .

District Atty's Office  
PO Box 1340  
Columbus, Ga, 31901

2) APPEAL BRIEF FROM  
APPELLANT . . . .

3) IFP REQUEST

This ~~11th~~<sup>25th</sup> ~~25th~~ Day of August, 2015

Respectfully submitted,

Pro Se

Signature

D. A. Spottsville

Print:

DAVID A. SPOTSVILLE

GDC#:

977050

Address:

COFFEE CORRECTIONAL  
FACILITY; PO Box 650  
NICHOLS, GA. 31554