



Court of Appeals of Georgia

September 19, 2015

TO: Mr. Arthur L. Steele, GDC332977, Augusta State Medical Prison, 3001 Gordon Highway, Grovetown, Georgia 30813

RE: **A15A2261. Arthur L. Steele 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

- The referenced appeal was dismissed on September 3, 2015. 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.

9.9.15

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

To: *Arthur Steele*
Docket Number: *A15A2261*

Style: *Arthur Steele 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 5 **Please be advised that 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. No Certificate of Service or 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 counsel and pro se 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: *Case dismissed 9.3.15*

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

IN THE COURT OF APPEALS
STATE OF GEORGIA

ARTHUR L. STEELE,
APPELLANT,
V.S.
THE STATE,
APPELLEE.

APPEAL CASE NO: A15A2261

LOWER COURT CASE NO: 06CR123

RECEIVED IN APPELLATE
2015 SEP -9 AM 11:40
COURT OF APPEALS

APPELLANT'S ENUMERATION OF ERRORS AND MOTION FOR
APPOINTMENT OF COUNSEL

APPELLANT, ARTHUR L. STEELE, A PRISONER CURRENTLY INCARCERATED AT AUGUSTA STATE MEDICAL PRISON, GROVETOWN, GEORGIA, APPEALS THE DENIAL OF HIS "EXTRAORDINARY MOTION FOR NEW TRIAL," THEREBY, CHALLENGING HIS JANUARY 9, 2007, CONVICTION IN THE SUPERIOR COURT OF EMANUEL COUNTY FOR TWO (2) COUNTS OF BURGLARY FOR WHICH APPELLANT WAS SENTENCED TO CONSECUTIVE TWENTY YEAR SENTENCES WITH THE FIRST TWENTY YEARS TO BE SERVED IN CONFINEMENT WITHOUT PAROLE AND THE REMAINING TWENTY YEARS TO BE SERVED ON PROBATION.

ENUMERATION OF ERRORS

1.

APPELLANT'S TRIAL COUNSEL FAILED TO CHALLENGE THE ACTUAL EVIDENCE PRESENTED AT TRIAL.

1.

2.

APPELLANT WAS SUBJECTED TO PROSECUTOR MISCONDUCT AS THE STATE PRESENTED KNOWN FALSE EVIDENCE TO BRING A CONVICTION.

3.

APPELLANT'S COUNSEL ON DIRECT APPEAL FAILED TO PERFORM ANY REASONABLE ACTUAL ASSISTANCE AS PROVIDED BY THE FOURTEENTH AMENDMENT.

4.

THE TRIAL COURT, SUPERIOR COURT JUDGE, ROBERT S. REEVES FAILED TO MAINTAIN JURISDICTION TO PRESIDE OVER APPELLANT'S JURY TRIAL AND IMPOSE SENTENCE.

STATEMENT OF JURISDICTION

THIS COURT HAS JURISDICTION TO CONSIDER THE APPEAL PURSUANT TO: ARTICLE VI, SECTION IV, PARAGRAPH 1, OF THE CONSTITUTION OF THE STATE OF GEORGIA, 1983.

MOTION FOR APPOINTMENT OF COUNSEL

APPELLANT MOVES THIS COURT TO APPOINT HIM COUNSEL COMPETENT TO ARGUE THE GROUNDS RAISED IN THIS APPEAL.

APPELLANT, A PRISONER, HAS, AND CONTINUES TO BE DENIED ALL ACCESS TO THIS INSTITUTION'S LAW LIBRARY FOR WHICH TO RESEARCH AND PREPARE HIS ARGUMENT AGAINST THE STATE.

2.

SEE DAKER V. HUMPHREY, 294 GA. 504; (2014), WHERE THE SUPREME COURT OF GEORGIA PROPERLY ADDRESSED THIS ARGUMENT.

THIS COURT HELD THAT; "WHEN AN INMATE CLAIMS THAT HE WAS DENIED ALL ACCESS TO A JAIL LAW LIBRARY OR JAIL LEGAL RESOURCES DURING THE COURSE OF LITIGATION, . . . , THE CLAIM IS A SERIOUS ONE AND SHOULD BE CAREFULLY CONSIDERED BY THE TRIAL COURT," SEE PORTEE V. STATE, 277 GA. APP. 536, 537, N.2 (627 S.E.2d 63) (2006).

STATEMENT OF FACTS

THE ENUMERATED ERRORS SUPPORT APPELLANT'S CLAIM THAT HIS CONVICTION IS IN VIOLATION OF THE CONSTITUTION AND SHOULD BE REVERSED. APPELLANT'S CLAIM THAT HE IS AND CONTINUES TO BE DENIED ALL ACCESS TO THE PRISON'S LAW LIBRARY OR LEGAL RESOURCES SUPPORTS HIS CLAIM THAT THIS COURT SHOULD APPOINT HIM COUNSEL TO ARGUE HIS APPEAL SO THAT A PROPER APPEAL CAN BE PREPARED AND ARGUED.

CONCLUSION

WHEREFORE, APPELLANT PRAYS THIS COURT TO GRANT HIM THE RELIEF REQUESTED.

RESPECTFULLY SUBMITTED, THIS 1ST DAY OF SEPTEMBER, 2015.

x Arthur L. Steele

ARTHUR L. STEELE

CERTIFICATE OF SERVICE

I, ARTHUR L. STEELE, HAVING FIXED PROPER POSTAGE, AND PLACING
A COPY OF THE ABOVE AND FOREGOING DOCUMENT IN THE U.S. MAIL,
SERVES THE SAME TO:

CLERK,
COURT OF APPEALS OF GEORGIA
SUITE 501
47 TRINITY AVE.
ATLANTA, GA. 30334

S. HAYWARD ALTMAN,
DISTRICT ATTORNEY
P.O. DRAWER 590
SWAINSBORO, GA 30401

THIS 1ST DAY OF SEPTEMBER, 2015.

x Arthur L Steele

ARTHUR STEELE

332977

AUGUSTA STATE MEDICAL PRISON

3001 GORDON HWY.

GROVETOWN, GA. 30813