

**COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS**

March 2, 2015

To: Mr. Bruke Tesfaye, GDC1042072, Baldwin State Prison, Post Office Box 218, Hardwick, Georgia 31024

Docket Number: A15D0198 **Style:** **Bruke Tesfaye v. The State**

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

1. Your Application was not accompanied by the statutory filing fee, \$300.00 civil; \$80.00 criminal, 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. Portions of the record included were not tabbed and indexed. Rules 30 (e) and 31 (c).
3. A stamped "filed" copy of the trial court's order to be appealed was not attached to your Application. Rules 30 (b) and 31 (e)
4. A stamped "filed" copy of the Certificate of Immediate Review was not attached to your Interlocutory Application. Rule 30(b)
5. Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)
6. There were an insufficient number of copies of your document. Rule 6
7. No Certificate of Service accompanied your document(s). Rule 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.
8. Your Certificate of Service did not include the complete name and /or mailing address of each opposing counsel and pro se party. Rule 1(a) and 6
9. Your document exceeds page limits. Rules 24(f) , 30(e) and 31(c)
10. Your request for court action must be submitted in motion form. Rule 41 (a)
11. No extension of time for filing an interlocutory application will be granted . Rule 30 (g) . No extension of time will be granted for filing a discretionary application unless the motion for extension is filed on or before the due date of the discretionary application.
12. The type font was smaller than 10 characters per inch; type was not double-spaced or/and type was on both sides of the paper. Rules 1(c), 24(b), 37(a) and 41(b).
13. Your motions were submitted in an improper form (joint, compound, or alternative motions in one document). Rule 41 (b)
14. Margins were too small or paper size was incorrect. Rules 1(c), 24(c), 30(e), 31(c) and 41(b).
15. **Your document was submitted for filing more than 30 days after the date of the order granting, denying or dismissing the application or the order granting, denying or dismissing the Motion for Reconsideration. Rules 30(j) and 31(j).**
16. **Other:**

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

IN THE GEORGIA COURT OF APPEALS
STATE OF GEORGIA

BRUKE TESFAYE,
APPELLANT,

~~RECEIVED IN OFFICE
2015 FEB 17 PM 3:33
CLERK COURT OF APPEALS OF GA~~

-VS-

STATE OF GEORGIA
APPELLEE

~~FILED IN OFFICE
FEB 27 2015
COURT CLERK
CLERK COURT OF APPEALS OF GA~~

MOTION FOR RECONSIDERATION

Prepared By
BRUKE TESFAYE
G.D.C. #1042072
Baldwin STATE PRISON
Hardwick Georgia 31024-0218

~~RECEIVED IN OFFICE
2015 FEB 27 PM 2:37
CLERK COURT OF APPEALS OF GA~~

IN THE GEORGIA COURT OF APPEALS
STATE OF GEORGIA

BRUKE TEFAYE,
Appellant,

CASE DOCKET
NO. AISD0198

-VS-

STATE OF GEORGIA,
Appellee,

MOTION TO CORRECT
ILLEGAL SENTENCE

MOTION FOR RECONSIDERATION

COME NOW BRUKE TEFAYE, the Appellant in the above-styled action, and does hereby move the Court to RECONSIDER its Order passed in this case on the 13th day of JANUARY, 2015. (said order was received by the Appellant on January 17, 2015, from prison officials mailroom). For good and just cause for the granting of this instant Motion for RECONSIDERATION, the Appellant shows and state to this Honorable Court of Appeals, the following RELEVANT FACTORS, TO WIT:

-1-

APPELLANT IS UNDER A SENTENCE OF LIFE/MALICE MURDER, CONSECUTIVE LIFE/KIDNAPPING WITH BODILY INJURY, CONSECUTIVE 25 YRS./ARMED ROBBERY, CONSECUTIVE 10 YRS. KIDNAPPING/CONSECUTIVE 5 YRS. FIRE ARM POSSESSION, APPELLANTS CONSECUTIVE SENTENCES ARE EXCESSIVELY HARSH AND AS SUCH, ESSENTIALLY CONSTITUTES A DEATH SENTENCE, ACCORDINGLY, JUSTICE DEMANDS THAT RECONSIDERATION BE GRANTED SO AS TO GIVE THIS SERIOUS CASE THE THOROUGH ATTENTION IT DESERVES.

-2-

THIS CASE PRESENTS ISSUES OF IMPORTANCE WHICH ARE BEYOND THE PARTICULAR FACTS AND PARTIES INVOLVED.

-3-

THE EXISTS A CONFLICT BETWEEN THE DECISION OF WHICH REVIEW IS SOUGHT AND THE DECISIONS OF THIS COURT ON THE VERY SAME LEGAL ISSUES.

-4-

THE DECISION OF THIS COURT DOES NOTHING TO RESOLVE DISAGREEMENT AMONG THE TRIAL AND

APPELLATE COURTS, BUT RATHER IT COMPLICATES MATTERS PERTAINING TO THE SPECIFIC CONSTITUTIONAL QUESTIONS INVOLVED IN THIS ACTION, ESPECIALLY IN REGARD TO THE TRIAL COURTS JURISDICTION TO IMPOSE A LEGAL SENTENCE OUTSIDE THE TERM OF COURT.

-5-

THE DECISION OF THIS COURT DOES NOTHING TO RESOLVE DISAGREEMENT AMONG THE TRIAL AND APPELLATE COURTS, BUT RATHER IT COMPLICATES MATTERS, PERTAINING TO THE SPECIFIC CONSTITUTIONAL QUESTIONS INVOLVED IN THIS ACTION, ESPECIALLY IN REGARD TO THE TRIAL COURTS JURISDICTION TO IMPOSE AN ILLEGAL SENTENCE FOR MULTIPLE MURDERS, WHEN ONLY ONE MURDER IS COMMITTED.

-6-

THE DECISION OF THIS COURT CONSISTS OF A MISAPPLICATION OF A PROPERLY STATED RULE OF LAW IN THE AREA OF SENTENCING UPON MULTIPLE INDICTMENTS.

-7-

THE BEST INTERESTS OF JUSTICE WOULD BE SERVED BY GRANTING RECONSIDERATION IN THIS CASE, AS ALL OF THE GROUNDS RAISED SHOW APPELLANTS

SENTENCE VIOLATES THE DOUBLE JEOPARDY CLAUSE.

-8-

ALL GROUNDS RAISED BY APPELLANT POSSESS ARGUABLE MERIT UNDER THE CRITERIA OF THE RULES OF THE COURT OF APPEALS OF GEORGIA.

CONCLUSION

FOR THE ABOVE AND FOREGOING REASONS, THE APPELLANT RESPECTFULLY PRAYS THAT THIS HONORABLE COURT OF APPEALS GRANT THE INSTANT MOTION FOR RECONSIDERATION.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FORE GOING IS TRUE AND CORRECT
EXECUTED THIS 9th DAY OF FEBRUARY 2015,

RESPECTFULLY SUBMITTED
[Signature]

APPELLANT, PRO-SE

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY, I HAVE FILED A COPY OF THE FOREGOING MOTION FOR RECONSIDERATION, WITH THE CLERK OF COURT OF APPEALS OF GEORGIA BY PLACING THE SAME IN THE U.S. POSTAL SERVICE WITH ADEQUATE POSTAGE ATTACHED TO ENSURE DELIVERY TO THE BELOW ADDRESS.

Addressed Party(s)

MR. STEPHEN E. CASTLE
CLERK / COURT ADMINISTRATOR
COURT OF APPEALS OF GEORGIA
47 TRINITY AVENUE S.W. SUITE 501
ATLANTA GEORGIA 30334

THIS 9th DAY OF FEBRUARY 2015.

RESPECTFULLY SUBMITTED

B. L.
PETITIONER, PRO-SE

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY, I HAVE SERVED A COMPLETE COPY OF THE FOREGOING MOTION FOR RECONSIDERATION UPON THE BELOW ADDRESSED PARTIES BY PLACING THE SAME IN THE U.S. POSTAL SERVICE, WITH ADEQUATE POSTAGE TO ENSURE DELIVERY.

THIS 24th, day of FEBRUARY, 2015

PARTIES SERVED

PAUL HOWARD
DISTRICT ATTORNEY
FULTON COUNTY DISTRICT ATTORNEY'S OFFICE
FULTON COUNTY COURTHOUSE
136 PRYOR STREET, S.W.
ATLANTA, GEORGIA 30303

STEPHEN E. CASTLE
CLERK / COURT ADMINISTRATOR
COURT OF APPEALS OF GEORGIA
47 TRINITY AVE. S.W. SUITE 501
ATLANTA, GEORGIA 30334

Respectfully Submitted



Petitioner, pro-se

**COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS**

February 19, 2015

To: Mr. Bruke Tesfaye, GDC# 1042072, Baldwin State Prison, P. O. Box 218, Hardwick GA 31024

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