

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

**Date: March 19, 2015**

**To:** Mr. Paul Thennes #1000996450, P.O. Box 3877, Jackson, GA 30233

**Docket Number:** A14A1348

**Style:** PAUL THENNES 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.  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 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**  
**This case was affirmed 10/29/14. Also he had an attorney of record.**

For Additional information, please go to the Court's website at: [www.gaappeals.us](http://www.gaappeals.us)

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4/14/15 (1)

IN THE COURT OF APPEALS  
STATE OF GEORGIA

FILED IN OFFICE

MAR 11 2015

COURT CLERK  
CLERK COURT OF APPEALS OF GA

PAUL LEON THENNES  
US,  
THE STATE OF GEORGIA  
APPELLEE

CASE NO. A14A1348

RECEIVED IN OFFICE  
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By: MR. PAUL L. THENNES  
APPELLANT / PRO-SE  
GEORGIA DIAGNOSTIC & CLASSIFICATION  
2978 Hwy. 36 WEST PRISON BLVD.  
P.O. BOX 3877  
JACKSON, GEORGIA 30233

SECOND AND AMENDED BRIEF  
OF APPELLANT / PRO-SE IN SUPPORT  
OF APPELLANT'S "MOTION FOR  
RECONSIDERATION" AND POSSIBLE  
FACTS FOR THE COURT OF APPEALS  
TO CONSIDER AND RE-VISIT THE  
LOWER COURT IN WALKER COUNTY  
DECISION FOR A NEW TRAIL, BASED  
ALSO ON THE IMPROPER COURTS  
DECISIONS ON EXCLUSION OF  
PROPER EVIDENCE AND THE LACK  
OF PROPER EXPERTS AND WITNESS'S  
FOR A GOOD AND LEGAL DEFENSE.

### STATEMENT OF FACTS

I, PAUL THEUNES, APPELLANT/PRO-SE, LIVES WITH MARRIED COUPLE JOHNNY AND LINDA CHAPMAN AND THEIR TWO DAUGHTERS, TALIA AND HER OLDER SISTER DAWN, APPROXIMATELY 9 YEARS DIFFERENCE IN AGE.

I INITIALLY MOVED IN WITH THE CHAPMAN'S WITH MY WIFE (PRIOR TO MY DIVORCE IN 1997) AND FAMILY. ASIDE FROM MY WIFE, MY FAMILY CONSISTS OF MY FOUR (4) CHILDREN; MIKAEAH 12, (GIRL) BEN 10, (BOY) SHANNON 8, (GIRL) AND EATHAN 7, (BOY).

FACT: NEVER ANY ACQUISITION OR REPORTED INCIDENT OF SEXUAL ABUSE OR CHILD MOLESTATION BY ANY OF MY CHILDREN, MY WIFE OR THE OLDER SISTER DAWN CHAPMAN WHO WOULD HAVE BEEN 13 YEARS OLD AT THE TIME OF THE START OF THE PURPORTED SEXUAL ACTS TO TALIA CHAPMAN.

FACT: AFTER MY DIVORCE IN 1997 I CONTINUED TO LIVE WITH LINDA CHAPMAN WHILE SHE WAS SEPARATED FROM HER HUSBAND AND WITH HER TWO DAUGHTERS, UNTIL NOVEMBER 5, 2011, DATE OF MY ARREST.

FACT: NONE OF MY CHILDREN OR DAWN CHAPMAN AND HER MOTHER, LINDA CHAPMAN WERE CALLED OR SUBPOENAED TO APPEAR IN COURT AS WITNESSES IN MY DEFENSE.

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FACT: COLLEGE STUDENT, SAMATHA SMITH, 21 YEARS OF AGE FROM NORTHERN KENTUCKY UNIVERSITY, OWENSBORO, KENTUCKY, NOT SUBPORNED & TESTIFIED AS TO HER RELATIONSHIP WITH TAILIA, HOW THEY MET (ON FACEBOOK) AND WHY SHE DROVE OVER 5 HRS. FROM KENTUCKY TO THE CHAPMAN RESIDENCE, SPENT 2 OR 3 HOURS AND THEN DROVE BACK TO KENTUCKY WHICH TOOK ANOTHER 5 PLUS HOURS. DURING THIS ENTIRE DRIVING TIME OF 10 HOURS PLUS, SAMATHA AND TAILIA WERE ON THEIR CELL PHONES. THIS IS APPARENTLY A SEXUAL CONTACT AND A PATTERN OF TAILIA CHAPMAN'S SEXUAL ACTIVITIES. THIS WITNESS WAS EXCLUDED FROM TESTIFYING DUE TO A LACK OF FUNDS BY THE PUBLIC DEFENDER AND BARRED BY THE RAPE SHIELD STATUTE, ERROR BY LOWER COURT JUDGE.

FACT: MS. RENITA BOOTH, RESIDING AT 8800 CHERLIE DRIVE, WOOTAWHOO, TENN. (SAME TRAILER PARK AS CHAPMAN RESIDENCE) THIS LADY WAS SUPPOSEDLY VIEWED THE SEXUAL ACTIVITIES THAT PURPORTEDLY TOOK PLACE AND HER RESIDENCE, WAS THE SCENE AS ALLEGED BY TAILIA CHAPMAN. AGAIN, DUE TO A LACK OF EVIDENCE AND FUNDS BY THE DEFENSE AND SUPPOSEDLY BARRED BY THE RAPE SHIELD STATUTE, ERROR BY LOWER COURT JUDGE.

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FACT: MELINDA CHAPMAN, MOTHER OF TAILIA, NEVER ONCE OVER A PERIOD OF 12 YEARS, NEVER WITNESSED THIS PURPORTED SEXUAL ACTIVITY BETWEEN HER DAUGHTER TAILIA AND/OR NEVER REPORTED THIS PURPORTED INCIDENTS TO DE FACTS OR ANY LAW ENFORCEMENT AGENCY NOR WAS ANY MENTIONED OF THIS PURPORTED ACTIVITY BY HER OLDER SISTER DAWN. APPARENTLY MOTHER AND OLDER DAUGHTER NEVER TALKED TO TAILIA OVER A 12 YEAR PERIOD.

FACT: SISTERS WOULD HAVE TALKED ABOUT SUCH ISSUES AND/OR WOULD HAVE CONFIDED IN THE MOTHER IF SUCH PURPORTED SEXUAL INCIDENTS NEVER OCCURRED. AGAIN AN ERROR BY THE COURT IN ITS DISCRETION OF THE RAPE SHIELD STATUTE.

FACT: WHY AFTER 8 (EIGHT) LONG YEARS OF THIS PURPORTED SEXUAL ACTIVITIES, DID TAILIA ALL OF A SUDDEN DISCUSS THIS PURPORTED SEXUAL INCIDENTS TO HER WOMAN SOCCER COACH AT AGE 16 (SIXTEEN) OR WAS THIS ANOTHER SEXUAL ADVANCE BY AN OLDER WOMAN SUCH AS COLLEGE STUDENT SOMAKHA SMITH. AGAIN AN ERROR BY THE LOWER COURT IN ITS DISCRETION OF THE RAPE SHIELD STATUTE AND THE LACK OF FUNDS FOR A PROPER DEFENSE BY THE PUBLIC DEFENDER AND HIS OFFICE OF THE PUBLIC DEFENDER'S OFFICE.

FACT: IF ANY SEXUAL ABUSE WAS EVER INCURRED BY TAILIA, IT WAS BY MERE LACK OF PARENTAL GUIDANCE AND KNOWLEDGE OF HER DAUGHTERS ACTIVITIES FOR OVER 8 (EIGHT) YEARS.

FACT: ACTIVITY OF A PURPORTED SEXUAL NATURE OF BOTH TAILIA CHAPMAN AND HER FRIENDS AND/OR PARTNER RACHEL SCOTT IN SUCH ENCOUNTERS OF A PURPORTED SEXUAL NATURE, AGAIN AN ERROR BY THE LOWER COURT JUDGE IN HIS DISCRETION OF THE RAPE SHIELD STATUTE AND A LACK OF FUNDS BY THE PUBLIC DEFENDERS OFFICE.

FACT: DISCUSSIONS BETWEEN MYSELF AND MR. GREER STUDENT COUNSELOR, AFTER MY KNOWLEDGE OF THE DISCUSSIONS BETWEEN TAILIA AND HER SOCCER COACH, MS. VINEYARDS. (OMITTED)

FACT: DISCUSSIONS WITH MS. MIRANDA BRELL OF EFACS AND TAILIA, AGAIN BOTH THE PRIOR DISCUSSION WITH MR. GREER AND MS. MIRANDA BRELL, AGAIN THE DECISION OF THE LOWER COURTS DISCRETION OF THE RAPE SHIELD STATUTE AND THE LACK OF FUNDS BY THE PUBLIC DEFENDERS OFFICE DID NOT ALLOW THIS EVIDENCE FOR A PROPER AND LEGAL DEFENSE.

FACT: QUALIFICATIONS OF NURSE SHARON ANDERSON, AND HER EVALUATION OF TAILIA CHAPMAN'S SEXUAL ACTIVITIES AND/OR PURPORTED SEXUAL ABUSE, AND THE USE OF A VIBRATOR (NEVER FOUND) AND HOW AFTER THIS PURPORTED EXTENSIVE SEXUAL

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ABUSE, WAS TAILIAS HYMAN "STILL IN TACT", WHICH WOULD GIVE REASON THAT THE SEXUAL ABUSE PURPORTED BY TAILIAS IMAGINATION NEVER OCCURRED. AGAIN, ERROR BY THE LOWER COURTS DISCRETION OF THE RAPE SHIELD STATUTE AND A LACK OF FUNDS BY THE PUBLIC DEFENDERS OFFICE.

FACT: SO CALLED EXPERT, DETECTIVE SCROGGINS OF THE ROSSVILLE, GA, CITY POLICE DEPARTMENT, WHAT WERE HIS QUALIFICATIONS AS A COMPUTER EXPERT. AGAIN, COURT ERROR FOR ALLOWING AN SO-CALLED EXPERT, UNQUALIFIED TO GIVE ANY OPINION ON THE CONTENTS OF THE COMPUTERS AND ANY AND ALL ELECTRONIC DEVICES.

FACT: THE CELL PHONE OF TAILIA'S CELL PHONE WAS NEVER EVEN EXAMINED BY DETECTIVE SCROGGINS. AGAIN ERROR BY THE LOWER COURT'S DISCRETION OF THE RAPE SHIELD STATUTE.

FACT: NO EXPERTS HIRED BY DEFENSE COUNSEL (MR. JAD 1 JOHNSON, ESQ., PUBLIC DEFENDER AND THE PUBLIC DEFENDERS OFFICE, DUE TO A RESTRICTIVE BUDGET) IN THE FOLLOWING AREAS: A QUALIFIED AND MEDICALLY LICENSED DOCTOR/O.G. B.Y.N. COMPLETELY EXPERIENCED IN LADIES ANATOMY AND THE FACT IF SEXUAL INTERCOURSE EVER OCCURRED, ESPECIALLY IN A YOUNG GIRL FOR A PERIOD'S 8 (EIGHT) YEARS AND FINALLY AT THE AGE OF 16 (SIXTEEN).

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FACT: COMPUTER EXPERT, QUALIFIED IN EVALUATING

2 ALL TYPES OF ELECTRONIC DEVICES, SUCH AS CELL PHONES, COMPUTERS, ETC.

FACT: PSYCHOLOGIST EXPERT TO EXAMINE BOTH VICTIM,

3 HER OLDER SISTER AND MOTHER ALONG WITH ANY OTHER WITNESS'S NECESSARY TO EXAMINE TO FIND THE TRUTH AS TO WHETHER THIS PURPORTED SEXUAL ACTIVITIES EVER TOOK PLACE OVER A PERIOD OF 8 (EIGHT) YEARS. AGAIN, THE LOWER COURT'S DISCRETION OF THE "RAPE SHIELD STATUTE" AND THE LACK OF FUNDS BY THE PUBLIC DEFENDERS OFFICE.

MAJOR FACT: DEFENSE COUNSEL, MR. JAY JOHNSON, ESQ.,

1 SHOULD NEVER BEEN GIVEN A DEFENSE BUDGET OF \$6,000 MAXIMUM FOR NOT ONLY PREPARATION OF MY DEFENSE BUT IN MOVING FORWARD INTO TRIAL WITH ALL OF THE FACTS HEREIN MENTIONED IN THIS BRIEF.

MAJOR FACT: DEFENSE COUNSEL ALSO DID NOT ENGAGE

2 AND HIRE A MEDICAL DOCTOR TO REVIEW MY MEDICAL CONDITION AND RECORDS. THIS MEDICAL DOCTOR/EXPERT WOULD HAVE VERIFIED MY MEDICAL CONDITION AND MY LACK OF SEXUAL PERFORMANCE. AGAIN, JUST ANOTHER AREA OF FACTS THAT THE PUBLIC DEFENDERS OFFICE HAMPERS MY PROPER LEGAL DEFENSE BY A MONUMENTARY ISSUE.

MAJOR FACT: ERROR'S MADE BY THE LOWER COURT'S  
 3 RULINGS ON ITS APPLICATION AND USE  
 AND/OR ABUSE OF THE DISCRETION USE  
 BY THE RAPE SHIELD'S STATUTE IN MY  
 CASE. ALL WITNESS'S PERTINENT TO GET  
 THE TRUTH AND PROPER EVIDENCE PRODUCED  
 IN MY CASE.

### ENUMERATION OF ERRORS

V

THE TRIAL COURT COMMITTED REVERSIBLE ERROR  
 ON ITS DISCRETION AND USAGE OF THE RAPE SHIELD'S  
 STATUTE.

I REALIZE THAT THIS COURT OF APPEALS HAS ALREADY  
 AFFIRMED THAT THE LOWER COURT DID NOT COMMIT ANY  
 ERROR IN ITS DISCRETION AND APPLICATION OF THE RAPE  
 SHIELD STATUTE.

I PAUL L. THOMAS, APPELLANT/PRO-SE, PRAYS THAT  
 THE COURT OF APPEALS OF GEORGIA, WILL REVIEW THE  
 NEW FACTS CONTAINED HEREIN AND CLEARLY SEE  
 THAT THE LOWER COURT COULD HAVE RENDERED PROPER  
 USE, APPLICATION AND DISCRETION OF THE RAPE SHIELD'S  
 STATUTE BY ALLOWING ALL PROPER & QUALIFIED  
 EXPERTS (JUST CALLED OR ENGAGED) TO QUESTION AND  
 EXAMINE ALL WITNESS'S HEREIN MENTIONED

IN CAMERA

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IN JUDGES CHAMBERS, INCLUDING THE DEFENSE COUNSEL (PUBLIC DEFENDER) COUNTY PROSECUTOR AND THE PROPER QUALIFIED EXPERT IN EACH AREA OF THIS CASE, AND THE WITNESS TO BE QUESTIONED.

THIS METHOD IS NOT ONLY LEGALLY CORRECT ACCORDING TO ANY STATUTE IN THIS STATE AND OTHER STATES WHERE THE RAPE SHIELD STATUTE APPLIES, THE QUESTIONS CAN BE ASKED BY THE EXPERT, DEFENSE COUNSEL, OBJECTED TO BY THE PROSECUTION AND ALLOW THE PRESIDING JUDGE TO ALLOW OR DISALLOW ANY AND/OR ALL OF THE TESTIMONY OF THE WITNESS IN QUESTION.

THIS METHOD KEEPS THE CONFIDENTIALITY, PRIVACY OF THE WITNESS AND/OR COMPLAINANT FILED UNDER THE COMPLETE AND PROPER DISCRETION OF THE RAPE SHIELD STATUTE AND THE PRESIDING JUDGE.

II

DEFENSE COUNSEL, PUBLIC DEFENDER, MR. JIM JOHNSON, ESQ. AND THE PUBLIC DEFENDERS OFFICE, MR. DAVID J. DUNN, ESQ., CIRCUIT PUBLIC DEFENDER COMMITTED THE GREATEST OF ERRORS AND IN DIRECT CONFLICT AND DEFINITELY AGAINST THE LAW GOVERNING THE PUBLIC DEFENDERS OFFICE AND ITS MANDATE ALSO GOVERNED BY THE STATE OF GEORGIA. UNDER NO AND/OR ANY CIRCUMSTANCE IS A DEFENSE OF A CLIENT BY THE PUBLIC DEFENDERS OFFICE TO BE GOVERNED BY A BUDGET OF ANY KIND, WHERE BY THE PROPER LEGAL DEFENSE IS NOT PRESENTED, SUCH AS IN MY CASE #A14A1348 IN WALKER COUNTY, GEORGIA.

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## CONCLUSION

I, PAUL L. THINNES, APPELLANT/PRO-SE PRAYS THE COURT OF APPEALS, NOT ONLY IN MY MOTION FOR RECONSIDERATION, ALREADY FILED, AND THE FACT THAT I HAVE NOT RAISED ANY ISSUES ON THE SUPPRESSION OF EVIDENCE OR THE USE AND APPLICATION OF THE SEARCH WARRANT OR ISSUES RAISED IN THESE AREAS.

I AM CONFIDENT THAT THE FACTS RAISED ON THE AREA THAT SHOULD HAVE BEEN USED IN QUESTIONING AND EXAMINING WITNESSES AND THE COMPLAINT IN TALLIA "IN CAMERA" IN CLOSE QUARTERS

BY THE PRESIDING JUDGE WOULD HAVE ILLUMINATED ANY AND ALL ERRORS COMMITTED BY THE LOWER COURT IN ITS DISCRETION OF THE PROPOSED STATUTE,

IN ADDITION, I PRAY AGAIN THAT YOU CLEARLY HOW MY RIGHTS TO A LEGAL AND PROPER DEFENSE WAS NOT DONE TO THE RESTRICTIONS PLACED ON DEFENSE COUNSEL BY THE PUBLIC DEFENDERS OFFICE.

FINALLY I PAUL L. THINNES, APPELLANT/PRO-SE PRAYS THE COURT WILL FIND THE FACTS TO BE CLEAR AND REVERSE ITS PRIOR DECISIONS AND;

"GRANT A NEW TRIAL  
WITH A PROPER & LEGAL DEFENSE"

AND ALSO THIS COURT OF APPEALS OF GEORGIA WITH ALL ITS WISDOM AND KNOWLEDGE OF COURT PROCEDURES

2/16/15 (1)

AND THE APPLICATION OF VARIOUS LAWS AND STATUTES  
ESPECIALLY THE DISCRETION OF THE COURT IN ITS SOLE  
DISCRETION, ESPECIALLY OF THE RAPR SHIELD STATUTE,  
AGAIN WILL "GRANT A NEW TRIAL" ESPECIALLY  
SINCE ITS VERY CLEAR I WAS NOT AFFORDED A GOOD  
AND PROPER DEFENSE AND MY RIGHTS WERE VIOLATED  
AND MY LEGAL REMEDIES WERE NOT AFFORDED.

I, PAUL L. THENNES, APPELLANT/PRO-SE, DO HEREBY  
SWEAR THAT ALL THE FACTS AND STATEMENTS ARE  
TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE,  
CONTAINED IN THIS BRIEF AND ALSO CONTAINED IN SOME  
AREAS OF THE TRIAL TRANSCRIPT, (ALREADY SUBMITTED)

I, PAUL L. THENNES, APPELLANT/PRO-SE ALSO DO HEREBY  
THAT THE TRIAL TRANSCRIPT DOES NOT CONTAINED ALL  
OF THE ITEMS AND DISCUSSIONS THAT TOOK PLACE IN  
AND DURING MY TRIAL AND THOSE CLOSED ISSUES AND  
DISCUSSIONS ARE NOT IN THE RECORD AND THEREFORE  
THE TRIAL TRANSCRIPT IS IN-COMPLETE IN MY OPINION  
AND KNOWLEDGE WHILE PRESENT IN COURT.

THIS 16<sup>TH</sup> DAY OF FEBRUARY, 2015

Paul L. Thennes, PRO-SE

PAUL L. THENNES  
APPELLANT/PRO-SE

2/19/15

CERTIFICATE OF SERVICE

I, PAUL L. THIENNES, DO HEREBY SWEAR THAT I HAVE SERVED A COPY OF THE WITHIN AND FOREGOING SECOND AND AMENDED BRIEF OF APPELLANT/PRO-SE IN SUPPORT OF APPELLANT'S MOTION FOR RECONSIDERATION

JAD B. JOHNSON, ESQ.  
ASSISTANT PUBLIC DEFENDER  
LOOKOUT MOUNTAIN JUDICIAL CIRCUIT  
GA. BAR NO. 141730  
P.O. BOX 1810  
LA FAYETTE, GEORGIA 30728

DAVID J. DUNN, ESQ.  
CIRCUIT PUBLIC DEFENDER  
LOOKOUT MOUNTAIN JUDICIAL CIRCUIT  
GA. BAR # 204899  
P.O. BOX 1810  
LA FAYETTE, GEORGIA 30728

CARTER BROWN, CLERK  
WALKER COUNTY SUPERIOR COURT  
P.O. BOX 1125  
LA FAYETTE, GEORGIA 30728

PAUL L. THIENNES, APPELLANT/PRO-SE  
Paul L. Thiennes Pro-SE 2/19/15

2/19/15 (13)

CERTIFICATE OF SERVICE  
(PAGE #)

HERBERT E. (BUZZ) FRANKLIN, ESQ.  
DISTRICT ATTORNEY  
LOOKOUT MOUNTAIN JUDICIAL CIRCUIT  
GEORGIA STATE BAR NO. 273325  
P.O. BOX 1025  
114 EAST PATTON STREET  
LAFAYETTE, GEORGIA 30728

PAUL L. THOMAS, APPELLANT/PRO-SE

Paul L Thomas

2/19/15