

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

October 22, 2015

To: Mr. Bennie James Walker, GDC4693, Johnson State Prison, Post Office Box 344,
Wrightsville, Georgia 31096

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. The mailing address for the Supreme Court of Georgia is: 244 Washington Street, S.W., Suite 572, Atlanta, Georgia 30334.
- 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.

IN THE SUPERIOR COURT OF BURKE COUNTY
STATE OF GEORGIA

RECEIVED
2015 OCT 16 PM 3:35
CLERK OF SUPERIOR COURT
COURT OF APPEALS
GA

STATE OF GEORGIA

VS

Bennie James Walker

Indictment No. 1999-R-0195

NOTICE OF APPEAL

NOTICE is given that I, Bennie James Walker, defendant in the above named case, hereby appeal to the Court of APPEALS of Georgia under O.C.G.A. § 5-6-35.

The Clerk of Burke County Superior Court shall include the following records on appeal from the final Judgment ORDER DENYING PRO SE MOTION IN ARREST OF JUDGMENT entered on the 15th day of September, 2015.

The clerk shall include the following records on appeal as requested under Rule 11 For the Court of APPEALS of the State of Georgia.

- 1) A copy of the Order Denying Defendant Motion IN Arrest of Judgment ;
- 2) A copy of MOTION IN ARREST OF Judgment ;
- 3) A copy of Supplementary MOTION IN Support OF MOTION IN Arrest OF Judgment ;
- 4) Copy OF Declaration for entry OF Default ;
- 5) Copy of Freedom of information / Privacy request of defendant and copy of Grand Jury minutes and Proceeding of October Term 1999 indictment no. 1999-R-0195 ;

- 6) Copy of the Original Arrest Warrant ;
- 7) Copy of the indictment and Grand Jury arrest Warrant for incest ;
- 8) Copy of Petition to enter Guilty Plea ;
- 9) A copy of June 7, 2001 Guilty Plea hearing Transcript ;
- 10) Copy of the defendant's letter to Judge Overstreet / Annis ;
- 11) Copy of Defendant's letter to the Clerk Sherris Cotes requesting the Court to correct the sentence imposed date in the Order Denying PRO SE Motion in Arrest of Judgment ;

The Clerk shall not omit any of the above requested documents as required under Rule 11 for the Clerk OF COURT OF APPEALS.

The Court OF APPEALS has Jurisdiction of this appeal and not the Supreme Court of Georgia because the issue involved in the motion in Arrest of Judgment are non Capital Case, and the appeal of this nature are ~~not~~ reserved to the Supreme Court of Georgia Pursuant to Article VI, section VI, Paragraphs II and III OF the Constitution OF the State of Georgia.

IN THE SUPERIOR COURT OF Buick County
STATE OF GEORGIA

Bennie James Walker,
Plaintiff

#4693

Inmate Number

Civil Action No. 99-R-0195

STATE OF GEORGIA

vs.

Nature of Action:

NOTICE OF APPEAL FROM

Final Order Denying Prose

Motion in Arrest of Judgment

Defendant(s)



I, Bennie James Walker, depose and say that I am the plaintiff in the above entitled case; that in support of my request to proceed without being required to prepay fees, costs, or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor, that I believe I am entitled to redress.
I further swear that the responses which I have made to questions and instructions below are true.

1. List any and all aliases by which you are known: BJW

2. Are you presently employed? Yes No

If the answer is "Yes," state the amount of your salary or wages per month, and give the name and address of your employer: _____

If the answer is "No," state the date of last employment and the amount of the salary and wages per month which you received: 4/5/1989 #1995 per hour

3. Have you received within the past twelve months any money from any of the following sources?

Business, profession, or form of self-employment? Yes No

Pensions, annuities, or life insurance payments? Yes No

Rent payments, interest or dividends? Yes No

Gifts or inheritances?

Yes No

Any other sources?

Yes No

If the answer to any of the above is "Yes," describe each source of money and state the amount received from each source during the past twelve months: _____

N/A

4. Do you own any cash, or do you have money in a checking or savings account? (Include any funds in prison accounts): Yes No

If the answer is "Yes," state the total value of the items owned: _____

5. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? Yes No

If the answer is "Yes," describe the property and state its approximate value: _____

N/A

6. List the persons who are dependant upon you for financial support, state your relationship to those persons, and indicate how you contribute toward their support: _____

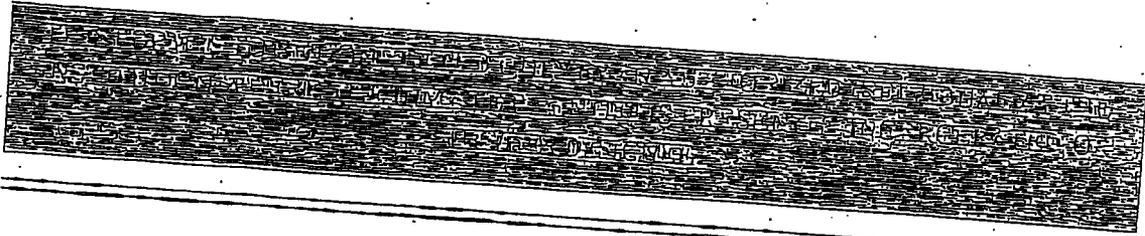
N/A

I understand that a false statement or answer to any question in this affidavit will subject me to penalties for perjury and that state law provides as follows:

- a. A person to whom a lawful oath or affirmation has been administered commits the offense of perjury when, in a judicial proceeding, he knowingly and willfully makes a false statement material to the issue on point in question.
- b. A person convicted of the offense of perjury shall be punished by a fine of not more than \$1,000 or by imprisonment for not less than one nor more than ten years, or both. O.G.C.A. § 16-10-70.

Benny's Games Walker
Signature of Plaintiff

10-5-15
Date



CERTIFICATION

I hereby certify that the Plaintiff herein, BENNIE WALKER, -# 4693
has an average monthly balance for the last twelve (12) months of \$ 13.52, (1000 IN RESERVE)
the Ga. Dept. of CORRECTIONS on account at

_____ institution where confined. (If not confined for a full
twelve (12) months, specify the number of months confined. Then compute the average monthly balance
on that number of months.)

I further certify that Plaintiff likewise has the following securities according to the records of said
institution: _____

N/A

Mary F. Clements 10-5-15
Authorized Officer of Institution Date
Acct. Parapno
Johnson State Prison



Account Statement

WALKER, BENNIE

Printed By: CLEMENTS, MARY

GDC ID: 4693

Spending Amount	Received Amount	Receipt on Hold	Funds Balance	Obligations/Cont Charges
\$0.00	\$10.00	\$0.00	\$10.00	\$5.48

RECEIPTS

Receipt Date	Transaction ID	Receipt Type	Receipt Details	Receipt Amount
08/17/2015	14660166	BANK OF AMERICA RECEIPT	BOA-15881785 - 3918255	\$24.25
07/10/2015	14531172	BANK OF AMERICA RECEIPT	BOA-50108508 - 3880707	\$24.25
07/08/2015	14524069	BANK OF AMERICA RECEIPT	BOA-51559884 - 3877414	\$29.25
07/07/2015	14517101	BANK OF AMERICA RECEIPT	BOA-34919227 - 3873316	\$19.25
06/26/2015	14476676	BANK OF AMERICA RECEIPT	BOA-15804666 - 3860117	\$24.25
05/15/2015	14327901	BANK OF AMERICA RECEIPT	BOA-65900237 - 3806770	\$24.25
05/11/2015	14313572	BANK OF AMERICA RECEIPT	BOA-51559632 - 3801186	\$39.25
04/17/2015	14218729	BANK OF AMERICA RECEIPT	BOA-65957051 - 3765652	\$24.25
04/16/2015	14216149	BANK OF AMERICA RECEIPT	BOA-51559553 - 3764942	\$29.25
04/02/2015	14162578	BANK OF AMERICA RECEIPT	BOA-51559481 - 3744813	\$29.25
03/10/2015	14073363	BANK OF AMERICA RECEIPT	BOA-35916217 - 3712273	\$24.25
03/03/2015	14041455	BANK OF AMERICA RECEIPT	BOA-00002060 - 3697783	\$49.25
02/02/2015	13925461	BANK OF AMERICA RECEIPT	BOA-35961285 - 3653752	\$24.25
12/23/2014	13778810	BANK OF AMERICA RECEIPT	BOA-51558958 - 3598215	\$39.25
12/04/2014	13709034	BANK OF AMERICA RECEIPT	BOA-35972344 - 3574450	\$24.25
11/11/2014	13623435	BANK OF AMERICA RECEIPT	BOA-51558754 - 3544175	\$64.25
11/06/2014	13608304	BANK OF AMERICA RECEIPT	BOA-62037592 - 3537750	\$29.25
10/31/2014	13581731	BANK OF AMERICA RECEIPT	BOA-34507460 - 3528184	\$24.25
09/30/2014	13466784	BANK OF AMERICA RECEIPT	BOA-40088097 - 3483825	\$24.25
08/29/2014	13351674	BANK OF AMERICA RECEIPT	BOA-40029676 - 3441280	\$24.25
07/29/2014	13233951	BANK OF AMERICA RECEIPT	BOA-34973085 - 3396884	\$37.25
07/15/2014	13186232	BANK OF AMERICA RECEIPT	BOA-60898570 - 3379455	\$24.25
06/17/2014	13087010	BANK OF AMERICA RECEIPT	BOA-50613337 - 3341245	\$19.25
06/17/2014	13084817	JPAY DEPOSIT RECEIPT	JPAY - HAYWARD, DENA - 35826691	\$26.00
06/10/2014	13059257	BANK OF AMERICA RECEIPT	BOA-00002484 - 3331220	\$24.25
06/05/2014	13043123	BANK OF AMERICA RECEIPT	BOA-60837897 - 3324153	\$24.25
05/28/2014	13006307	JPAY DEPOSIT RECEIPT	JPAY - HAYWARD, DENA - 35236453	\$36.00
05/23/2014	12993908	BANK OF AMERICA RECEIPT	BOA-60826153 - 3306672	\$24.25
05/19/2014	12973258	JPAY DEPOSIT RECEIPT	JPAY - HAYWARD, DENA - 34996186	\$43.00
05/03/2014	12915001	BANK OF AMERICA RECEIPT	BOA-60804970 - 3276735	\$24.25
04/22/2014	12874373	BANK OF AMERICA RECEIPT	BOA-24360091 - 3262028	\$28.25
04/22/2014	12874360	BANK OF AMERICA RECEIPT	BOA-60806162 - 3262015	\$24.25
04/05/2014	12810467	BANK OF AMERICA RECEIPT	BOA-80588191 - 3237432	\$24.25

Account Statement

Account Statement

WALKER, BENNIE

Page: 2
Printed By: CLEMENTS, MARY

GDC ID: 4693

Receipt Date	Transaction ID	Receipt Type	Receipt Details	Receipt Amount
04/01/2014	12793548	BANK OF AMERICA RECEIPT	BOA-65513482 - 3231125	\$49.25
03/22/2014	12758439	BANK OF AMERICA RECEIPT	BOA-80594287 - 3217843	\$24.25
03/07/2014	12700684	BANK OF AMERICA RECEIPT	BOA-41259573 - 3193570	\$44.25
02/24/2014	12649879	MAIL ROOM RECEIPT	BOA - 0985900883	\$19.25
02/19/2014	12629660	BANK OF AMERICA RECEIPT	BOA-80530782 - 3165563	\$24.25
02/19/2014	12628650	BANK OF AMERICA RECEIPT	BOA-24352820 - 3164417	\$64.25
02/11/2014	12604895	BANK OF AMERICA RECEIPT	BOA-24352259 - 3156106	\$33.25
02/01/2014	12559470	BANK OF AMERICA RECEIPT	BOA-41256221 - 3139617	\$29.25
11/26/2013	12333990	BANK OF AMERICA RECEIPT	BOA-62976637 - 3052498	\$99.25
11/09/2013	12276450	JPAY DEPOSIT RECEIPT	JPAY - HAYWARD, DENA - 29638799	\$30.00
11/06/2013	12268816	BANK OF AMERICA RECEIPT	BOA-62974140 - 3027388	\$39.25
11/03/2013	12249506	JPAY DEPOSIT RECEIPT	JPAY - HAYWARD, DENA - 29458492	\$35.00
10/16/2013	12190478	BANK OF AMERICA RECEIPT	BOA-15037656 - 2997126	\$29.25
10/15/2013	12186081	MAIL ROOM RECEIPT	BOA - 0985900120	\$19.25
05/15/2013	11632344	BANK OF AMERICA RECEIPT	BOA-55709066 - 2775450	\$24.25
04/16/2013	11514314	BANK OF AMERICA RECEIPT	BOA-00002047 - 2729195	\$69.25
04/04/2013	11471779	BANK OF AMERICA RECEIPT	BOA-00002484 - 2709954	\$24.25
03/14/2013	11391654	BANK OF AMERICA RECEIPT	BOA-00002484 - 2677772	\$99.25
03/12/2013	11378610	BANK OF AMERICA RECEIPT	BOA-00002047 - 2672043	\$44.25
03/12/2013	11378443	BANK OF AMERICA RECEIPT	BOA-33259070 - 2671859	\$24.25
02/20/2013	11291598	BANK OF AMERICA RECEIPT	BOA-71898018 - 2633573	\$39.25
02/05/2013	11228966	BANK OF AMERICA RECEIPT	BOA-87674912 - 2606516	\$24.25
02/01/2013	11213227	BANK OF AMERICA RECEIPT	BOA-00002045 - 2600658	\$49.25
12/14/2012	11048423	BANK OF AMERICA RECEIPT	BOA-87646494 - 2530624	\$24.25
10/27/2012	10867054	BANK OF AMERICA RECEIPT	BOA-83462735 - 2452410	\$19.25
10/25/2012	10861427	BANK OF AMERICA RECEIPT	BOA-00002484 - 2449410	\$9.25
10/23/2012	10852652	BANK OF AMERICA RECEIPT	BOA-90595002 - 2445396	\$24.25
09/08/2012	10688453	BANK OF AMERICA RECEIPT	BOA-90582727 - 2374955	\$24.25
07/31/2012	10542781	BANK OF AMERICA RECEIPT	BOA-90544668 - 2310363	\$24.25
07/31/2012	10542381	BANK OF AMERICA RECEIPT	BOA-54857942 - 2309899	\$19.25
06/14/2012	10380072	BANK OF AMERICA RECEIPT	BOA-78708932 - 2239281	\$24.25
06/14/2012	10378793	MAIL ROOM RECEIPT	ANITA HERRINGTON - 2580646	\$29.25
04/10/2012	10122677	BANK OF AMERICA RECEIPT	BOA-78741466 - 2129774	\$24.25
04/07/2012	10111442	BANK OF AMERICA RECEIPT	BOA-21015475 - 2124014	\$34.25
03/23/2012	10056714	MAIL ROOM RECEIPT	AMERICAN GENERAL - 430806013	\$1,176.93
03/23/2012	10056345	BANK OF AMERICA RECEIPT	BOA-14205559 - 2100940	\$29.25
03/21/2012	10049043	KEEFE DEPOSIT RECEIPT	KEEFE - LARA, HARRIS - 15125	\$75.00

Account Statement

37 Total Pages

Account Statement

WALKER, BENNIE

Printed By:

CLEMENTS, MARY

GDC ID: 4693

Receipt Date	Transaction ID	Receipt Type	Receipt Details	Receipt Amount
03/06/2012	9981838	BANK OF AMERICA RECEIPT	BOA-60989648 - 2069374	\$24.25
02/07/2012	9860567	BANK OF AMERICA RECEIPT	BOA-54146543 - 2014233	\$19.25
01/26/2012	9815689	BANK OF AMERICA RECEIPT	BOA-35351370 - 1995643	\$19.25
01/18/2012	9786293	BANK OF AMERICA RECEIPT	BOA-00005001 - 1982665	\$49.25
12/20/2011	9687279	BANK OF AMERICA RECEIPT	BOA-28075180 - 1938409	\$34.25
12/15/2011	9672050	BANK OF AMERICA RECEIPT	BOA-20310420 - 1930380	\$24.25
12/06/2011	9635112	BANK OF AMERICA RECEIPT	BOA-60886712 - 1911243	\$19.25
10/28/2011	9490060	BANK OF AMERICA RECEIPT	BOA-84883516 - 1848233	\$19.25
10/04/2011	9400568	BANK OF AMERICA RECEIPT	BOA-00002484 - 1806279	\$47.25
09/20/2011	9351706	BANK OF AMERICA RECEIPT	BOA-84879941 - 1785768	\$19.25
08/29/2011	9264524	BANK OF AMERICA RECEIPT	BOA-29112105 - 1743787	\$29.25
08/23/2011	9248483	BANK OF AMERICA RECEIPT	BOA-00002484 - 1738552	\$39.25
08/16/2011	9220646	BANK OF AMERICA RECEIPT	BOA-16760423 - 1726643	\$29.25
07/19/2011	9115317	BANK OF AMERICA RECEIPT	BOA-90469900 - 1676467	\$23.25
06/07/2011	8962551	BANK OF AMERICA RECEIPT	BOA-09013338 - 1606947	\$52.25
04/29/2011	8826810	BANK OF AMERICA RECEIPT	BOA-26840941 - 1548955	\$24.25
04/01/2011	8724271	BANK OF AMERICA RECEIPT	BOA-33853298 - 1504175	\$19.25
03/25/2011	8703185	BANK OF AMERICA RECEIPT	BOA-26837828 - 1497335	\$34.25
03/25/2011	8703186	BANK OF AMERICA RECEIPT	BOA-26837817 - 1497336	\$29.25
03/18/2011	8675767	JPAY DEPOSIT RECEIPT	JPAY - WALLACE, ALESIA - 12560447	\$15.00
03/02/2011	8612247	BANK OF AMERICA RECEIPT	BOA-54160641 - 1455568	\$39.25
02/23/2011	8579845	BANK OF AMERICA RECEIPT	BOA-09857267 - 1440055	\$19.25
02/11/2011	8535884	BANK OF AMERICA RECEIPT	BOA-00002484 - 1423412	\$157.25
10/14/2010	8111415	BANK OF AMERICA RECEIPT	BOA-88428590 - 1234314	\$24.25
09/14/2010	8000786	BANK OF AMERICA RECEIPT	BOA-88424069 - 1183948	\$19.25
08/04/2010	7851874	BANK OF AMERICA RECEIPT	BOA-19973478 - 1115948	\$19.25
06/23/2010	7702131	BANK OF AMERICA RECEIPT	BOA-19970178 - 1048339	\$29.25
05/10/2010	7544472	BANK OF AMERICA RECEIPT	BOA-88501911 - 976305	\$44.25
07/22/2009	6477025	BANK OF AMERICA RECEIPT	BOA-00810368 - 446563	\$29.25
06/18/2009	6358532	BANK OF AMERICA RECEIPT	BOA-77597321 - 380722	\$29.25
04/07/2009	6107440	BANK OF AMERICA RECEIPT	BOA-89982257 - 242707	\$29.25
02/11/2009	5906872	BANK OF AMERICA RECEIPT	BOA-76590682 - 120084	\$29.25
02/05/2009	5879274	BANK OF AMERICA RECEIPT	BOA-59430042 - 99916	\$19.25
01/09/2009	5779516	CONSOLIDATE BANKING CONVERSION	JOHNSON STATE PRISON - 14584	\$10.00

WITHDRAWALS

VERIFICATION

I, Bennie James Walker, do swear and affirm under penalty of law that the statements contained in this affidavit are true. I further attest that this application for in forma pauperis status is not presented to harass or to cause unnecessary delay or needless increase in the costs of litigation.

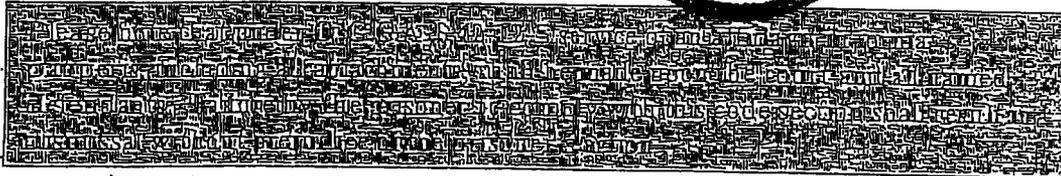
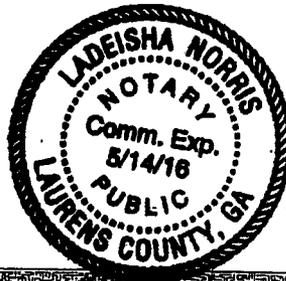
I am the plaintiff in this action and know the content of the above Request to Proceed in Forma Pauperis. I verify that the answers I have given are true of my own knowledge, except as to those matters that are stated in it on my information and belief, and as to those matters I believe them to be true. I have read the perjury statute set out above and am aware of the penalties for giving any false information on this form.

Bennie James Walker
Signature of Affiant Plaintiff

10/13/15
Date

Sworn to and subscribed before me this
13 day of Oct, 2015

Ladeisha Norris
Notary Public or Other Person Authorized to Administer Oaths



CERTIFICATE OF SERVICE

I do hereby certify that on this day I served the foregoing NOTICE OF APPEAL upon the following:

Sherri Cochran Cates
Burke County Clerk of Superior Court
P.O. Box 803
Waynesboro, Georgia 30830

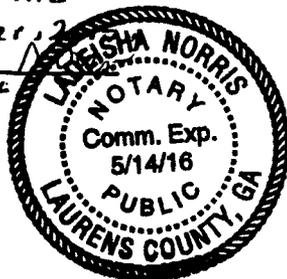
Ashley Wright, District Attorney
Augusta Judicial Circuit
735 James Brown Blvd.
Suite 2400
Augusta, Georgia 30901

Court of APPEALS OF Georgia
47 Trinity Avenue
Suite 501
Atlanta, Georgia 30334

by disposing a copy of the same in the United States mail in a properly addressed envelope with adequate postage affixed thereon.

This 1st day of October, 2015.

sworn to before me
1st day of October, 2015
Laureisha Norris
Notary Public



(3)

Respectfully Submitted,
Bennie James Walker #9693
Johnson State Prison
P.O. Box 344
Wrightsville, Georgia 31096