

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

October 13, 2015

To: Mr. Michael P. Watson, GDC471290, Newton County Law Enforcement, 15151 Alcovy-Jersey Road,
Covington, Georgia 30014

Docket Number: Style: Michael P. Watson v. Judge Eugene M. Benton

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

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS

10/09/15

(114) (110)

To: Michael A Watson

Docket Number: Style: Michael P. Watson v. Eugene M. Benton

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)
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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
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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(s) was (were) not securely bound at the top with staples or round head fasteners. Rules 1(c), 30 (e) and 31 (c)
16. 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).

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

STEPHEN E. CASTLEN
Clerk / Court Administrator
Court of Appeals of Georgia
47 Trinity Ave. S.W. Suite #501
Atlanta, GA. 30334

September 28, 2015

FILED IN OFFICE

OCT 6 2015

COURT CLERK
CLERK COURT OF APPEALS OF GA

RECEIVED IN OFFICE
2015 OCT - 6 PM 3:13

RE: LOWER COURT CASE NUMBER: 2011CR2137(A)
Discretionary Application - Michael P. Watson v. Judge Eugene
M. Benton.

Dear Mr. Castlen:

This letter is in great concern to above mentioned
Discretionary Appeal and Appeal for Denial of Relief
in which I've had to re-file with the Court of Appeals
due to the fact on August 18, 2015, I had both Discretionary
and Appeal for Denial of Relief filed with Linda
D. Hays, Clerk, Newton Co. Superior Court, the court
stamp filed, then on August 18, 2015, they mailed
them to the Clerk of Court, GA. Court of Appeals.

Please notice the order marked Copy: Returned from
Court of Appeals in the bottom right corner, also stamped
"RECEIVED IN OFFICE, 2015, August 25, PM 2:48...
in the top right corner by the Clerk of Court, stamped
and filed, however this order along with the
Return Notice was returned to me with the return
notice checked in the box: There is no case pending
in the Court of Appeals of GA. in the name of
Emory A. Lee, because of the wrong G.D.C. No.
471290 is the correct G.D.C. No. Not 971768.

Clerk!

IN THE GEORGIA COURT OF APPEALS
STATE OF GEORGIA

MICHAEL R WATSON, 471290
NEWTON CO. LAW ENFORCEMENT
15157 ALCOVY - JERSEY RD.
COVINGTON, GA. 30014, PETITIONER

EUGENE M. BENTON, JUDGE
NEWTON CO. SUPERIOR COURT
1132 USHER STREET
COVINGTON, GA. 30014, Respondant

CASE NO. 2011CR913 - (CA)

Pro-SE

RECEIVED
JUL 1 2015
11:34 AM
CLERK OF COURT

DISCRETIONARY APPEAL

COMES NOW the above named Petitioner, Pro-SE and files this MOTION FOR DISCRETIONARY APPEAL, with the Georgia Court of Appeals for the sentence of the court entered on the 23rd day of June, 2015 by: Honorable Eugene M. Benton, Judge, Newton County Superior Court.

1.) The Petitioner, shows the court that on the 18th day of May, 2015 he/she was arrested by the Covington Probation Office for the alleged offence(s) of: Tested positive for and admitted to using Cocaine and Hydrocodone.

2.) The Petitioner further shows the court that on the 18th day of May, 2015 he/she was never given a "URINE TEST" by the Covington Probation Office, however the Probationer made numerous request to Officer(s) Mr. Ward and Mr. Hickman that he/she wanted to take a urine test, all requests were denied and probationer was subsequently arrested and being held in custody at the Newton Co. Sheriff's Office.

3.) The Petitioner further shows the court that on the 23rd day of June, 2015 he/she was sentenced by the Honorable, Eugene M. Benton, Judge, Newton County Superior Court to the term of: Count 1; Not more than 180 days in a State Probation Detention Center, Count 2; FOLLOWED BY the probationer serving the balance of his sentence in the Newton County Jail, SO ORDERED, this 23rd day of June, 2015.

4.) The Petitioner further shows the court that even though the defendant is not entitled to a trial by jury for a probation revocation hearing, he/she is entitled to "DUE PROCESS OF LAW" under the 4th, 5th, 6th, 8th, and 14th Amendment to the United States Constitution.

5.) The Petitioner further shows the court that his/her rights "Fundamental Fairness" under DUE PROCESS OF LAW, of the United States Constitution were violated in that there are six (6) guidelines set forth to prevent a probationer from knowing and ill-revoked hearing. 1.) Probationer has never been served in writing, with either a revocation petition or waiver with his/her offense(s) which violated the probation.

2.) The probationers "ACCUSERS" were not present at his/her probation hearing.

3.) The Probationer never got to question/cross-examine his/her "ACCUSERS".

4.) The probationers probation officer was not present at said revocation hearing.

6.) The Petitioner further shows the court that he/she was sentenced eight (8) days prior to "Current through laws passed during the 2015 Regular Session of the Georgia General Assembly" Ga. Code Ann., § 42-8-34.1, GA. ST § 42-8-34.1; LAWS 2010, Act 426, § 1, eff. July 1, 2010 and LAWS 2015, Act 73, § 4-1, eff. July 1, 2015. Therefore the Honorable, Eugene M. Benton had limited jurisdiction on the maximum sentence he could impose on any "TECHNICAL VIOLATION" of probation, other than by the commission of a new felony offense, "180 days of confinement was the maximum he could impose"

WHEREFORE, the Petitioner prays that this Appellate Court sustain and grant his/her relief on the conditions set forth in this DISCRETIONARY APPEAL.

IN THIS, Georgia Court of Appeals, the Honorable, _____, Judge

GRANTED _____; DENIED _____, THIS _____ day of _____, 2015.

Respectfully Submitted,

By: Michael P. Watson, 471290
Petitioner, Pro-Se

IN THE GEORGIA COURT OF APPEALS
STATE OF GEORGIA

MICHAEL P. WATSON, 471290
NEWTON CO. LAW ENFORCEMENT
15151 ALCOVY - JERSEY RD.
CONVINGTON, GA, 30014, Petitioner

CASE NO. 2011CR713-1(A)

EUGENE M. BENTON, JUDGE
NEWTON CO. SUPERIOR COURT
1132 USHER STREET
CONVINGTON, GA, 30014, Respondant

Pro - SE

CERTIFICATE OF SERVICE

This is to certify that I have served a true and correct copy of the within
foregoing, DECRETIONARY APPEAL with the Georgia Court of Appeals by de
-positing copies of same in the United States Postal System with adequate
postage affixed thereto to ensure delivery thereof, addressed as follows:

MICHAEL P. WATSON, 471290
NEWTON CO. LAW ENFORCEMENT
15151 ALCOVY - JERSEY RD.
CONVINGTON, GA. 30014

GEORGIA COURT OF APPEALS
CLERK OF THE COURT
47 TRINITY AV. S.W #501
ATLANTA, GA. 30334

THIS 2nd day of September, 2015

Michael P. Watson, 471290

Pro - SE

IN THE GEORGIA COURT OF APPEALS
STATE OF GEORGIA

MICHAEL R. WATSON, 471290
NEWTON CO. LAW ENFORCEMENT
15157 ALCOVY - JERSEY RD.
COVINGTON, GA. 30014, Petitioner.

CASE NO. 2011CR713-L(A)

EUGENE M. BENTON, JUDGE
NEWTON CO. SUPERIOR COURT
1132 USHER STREET
COVINGTON, GA. 30014, Respondant

Pro-Se

APPEAL FOR DENIAL OF RELIEF, "NEW TRIAL"

COMES NOW the above named Petitioner, Pro-Se and files this MOTION TO APPEAL FOR DENIAL OF RELIEF, with the Georgia Court of Appeals for the SENTENCE OF THE COURT ENTERED ON the 23rd day of JUNE, 2015 By: The Honorable Eugene M. Benton, Judge, Newton County Superior Court.

1. Petitioner shows the court that on the 18th day of MAY, 2015 he/she was ARRESTED by the Covington Probation Office for the ALLEGED OFFENCES of: TESTED POSITIVE FOR AND ADMITTED TO USING COCAINE AND HYDROCODONE.

2. Petitioner further shows the court that on the 18th day of MAY, 2015 he/she WAS NEVER GIVEN A URINE TEST by the Covington Probation Office, and WAS REFUSED by the Covington Probation Office when he/she requested NUMEROUS TIMES to GIVE A URINE TEST, but WAS ARRESTED.

3. Petitioner further shows the court that on the 23rd day of JUNE, 2015 he/she WAS SENTENCED by the Honorable, Eugene M. Benton, Judge, Newton County Superior Court to the term of: NOT MORE THAN 180 days in a State Probation Detention Center, followed by the probationer serving the balance of his sentence in the Newton County Jail. BALANCE OF SENTENCE ENDING MAY 28, 2016.

4. Petitioner further shows the court that in accordance to the O.C.G.A. § 42-8-39.1 "Effective: July 1, 2015 states "IN THE EVENT THE COURT DETERMINES THAT THE DEFENDANT DOES NOT MEET THE CRITERIA FOR SUCH ALTERNATIVES, THE COURT MAY REVOKE THE BALANCE OF PROBATION OR NOT MORE THAN TWO (2) YEARS IN CONFINEMENT whichever is LESS" "OTHER THAN BY COMMISSION OF A NEW FELONY OFFENSE."

5. PETITIONER FURTHER SHOWS THE COURT THAT PRIOR TO THE "EFFECTIVE: JULY 1, 2015 CURRENTNESS" TO THE O.C.G.A. § 42-8-34.1, CONDITIONS FOR REVOCATION OF PROBATED OR SUSPENDED SENTENCE, THE ALCOVY JUDICIAL CIRCUIT COURT JUDGE(S) HAD A MAXIMUM SENTENCING "CAP" PLACED OF 180 DAYS WHICH WAS THE MAXIMUM SENTENCE THE JUDGE COULD IMPOSE ON A PROBATIONER, "OTHER THAN BY COMMISSION OF A NEW FELONY OFFENSE"

6. PETITIONER FURTHER SHOWS THE COURT THAT HE/SHE WAS SENTENCED BY THE HONORABLE, EUGENE M. BEATON, JUDGE, NEWTON COUNTY SUPERIOR COURT ON THE 23RD DAY OF JUNE, 2015 JUST EIGHT (8) DAYS PRIOR TO THE "CURRENTNESS, EFFECTIVE DATE OF JULY 1, 2015 OF THE O.C.G.A. § 42-8-34.1"

7. PETITIONER FURTHER SHOWS THE COURT, EVEN THOUGH THE DEFENDANT IS NOT ENTITLED TO A TRIAL BY JURY, HOWEVER HE/SHE IS ENTITLED TO "DUE PROCESS OF LAW" UNDER THE 4TH, 5TH, 6TH, 8TH, AND 14TH AMENDMENTS TO THE UNITED STATES CONSTITUTION. TO KEEP A PROBATIONER FROM A ILL-REVOCATED PROBATION HEARING, UNDER DUE PROCESS OF LAW THERE ARE SIX (6) GUIDELINES SET FORTH: 1.) THE RIGHT TO BE SERVED IN WRITTING THE NATURE OF THE OFFENSE(S) WHICH REVOKED THE DEFENDANT'S PROBATION. 2.) TO HAVE A NEUTRAL DETACHED HEARING BODY PRESENT. 3.) TO HAVE HIS/HER ACCUSER(S) PRESENT AT THE HEARING. 4.) TO QUESTION-CROSS-EXAMINE WITNESS AT THE HEARING ETC...

8.) PETITIONER FURTHER SHOWS THE COURT THAT HIS/HER CONSTITUTIONAL RIGHTS TO "FUNDAMENTAL FAIRNESS" IN "DUE PROCESS OF LAW" WAS VIOLATED IN THAT THE DEFENDANT WAS NEVER SERVED WITH A PETITION OF REVOCATION WITH HIS/HER VIOLATIONS. THE DEFENDANT'S ACCUSERS WERE NOT PRESENT AT THE HEARING, THE DEFENDANT NEVER GOT TO QUESTION HIS/HER ACCUSER(S).

WHEREFORE, THE PETITIONER PRAYS THAT THIS APPELLATE COURT GRANTS HIS/HER RELIEF ON THE CONDITIONS SET FORTH IN THIS DENIAL OF RELIEF PETITION.

IN THIS, Georgia Court of Appeals, Honorable _____, Judge

GRANTED _____, DENIED _____, THIS _____ day of _____, 2015.

Respectfully submitted,

By: Michael P. Watson, 471290
PETITIONER, Pro-SE

IN THE GEORGIA COURT OF APPEALS
STATE OF GEORGIA

MICHAEL P. WATSON, 471290
NEWTON CO. LAW ENFORCEMENT
15151 ALCOVY - JERSEY RD.
CONVINGTON, GA. 30014, Petitioner

EUGENE M. BENTON, JUDGE
NEWTON CO. SUPERIOR COURT
1132 USHER STREET
CONVINGTON, GA. 30014, Respondent

CERTIFICATE OF SERVICE

This is to certify that I have served a true and correct copy of the
within foregoing APPEAL FOR DENIAL OF RELIEF by depositing copies of same
in the United States Postal System with adequate postage affixed thereto to insure
delivery thereof, addressed as follows:

MICHAEL P. WATSON, 471290
NEWTON CO. LAW ENFORCEMENT
15151 ALCOVY - JERSEY RD.
CONVINGTON, GA. 30014

GEORGIA COURT OF APPEALS
CLERK OF COURT
47 TRINITY AV. S.W. #501
ATLANTA, GA. 30334

This 2nd day of September, 2015

Michael P. Watson, 471290
Petitioner, Pro-SE

*Linda D. Hays, Clerk
Newton County Superior Court
1132 Usher Street, Rm 338
Covington, GA 30014*

September 21, 2015

Michael P Watson #971768
GDC471290
Newton County Sheriff's Office
15151 Alcovy-Jersey Rd
Covington, GA 30014

RE: Appeals

Mr. Watson:

We received 2 separate proceedings for an appeal. Both original and copies were filed in our office September 10, 2015 by Mr. Jack Laseter. After reviewing the documents both were styled as an order for the Georgia Court of Appeals. Our office forwarded copies to the Georgia Court of Appeals and received the enclosed letter.

Please note our office is unable to proceed any further with your requests as they are not styled for our court. And we are unable to forward the original documents to the Court of Appeals because they have been filed in our office.

Thank you,

Newton County Superior Court Clerk's Office

IN THE GEORGIA COURT OF APPEALS
STATE OF GEORGIA

MICHAEL P. WATSON, #7768-471290
NEWTON CO. LAW ENFORCEMENT
15151 ALCOVY - JERSEY RD.
COVINGTON, GA. 30014, Petitioner

CASE NO. 2011CR713-10A

Pro-Se

EUGENE M. BENTON, JUDGE
NEWTON CO. SUPERIOR COURT
1132 USHER STREET
COVINGTON, GA. 30014, Respondant

FILED IN OFFICE
CLERK SUPERIOR COURT
NEWTON COUNTY GEORGIA
2015 AUG 18 PM 4:43
REC'D IN BK _____
PAGE # _____
DATE _____
LINDA D. HAYS, CLERK

APPEAL FOR DENIAL OF RELIEF

COMES NOW the above named Petitioner, Pro-Se and files this MOTION TO APPEAL FOR DENIAL OF RELIEF, with the Georgia Court of Appeals for the sentence of the court entered on the 23rd day of June, 2015 By: Honorable Eugene M. Benton, Judge, Newton County Superior Court.

1. Petitioner shows the court that on the 18th day of May, 2015 he/she was arrested by the Covington Probation Office for the alleged offence(s) of: Tested positive for and admitted to using Cocaine and Hydrocodone.

2. Petitioner further shows the court that on the 18th day of May, 2015 he/she was never given a urine test by the Covington Probation Office, and was refused by the Covington Probation Office, when he/she requested numerous times to give a urine test, but was arrested.

3. Petitioner further shows the court that on the 23rd day of June, 2015 he/she was sentenced by the Honorable, Eugene M. Benton, Judge, Newton County Superior Court to the term of: not more than 180 days in a State Probation Detention Center, followed by the probationer serving the balance of his sentence in the Newton County Jail, balance of sentence ending May 28, 2016.

4. Petitioner further shows the court that in accordance to the O.C.G. § 42-8-34.1 "Effective: July 1, 2015 states "In the event the court determines that the defendant does not meet the criteria for such alternatives, the court may revoke the balance of probation or not more than two (2) years in confinement whichever is less." "other than by commission of a new felony offense."

Copy: Returned from Court of Appeals

5. PETITIONER further shows the court that prior to the "Effective: July 1, 2015" to the O.C.G.A § 42-8-34.1, CONDITIONS for revocation of probated or suspended sentence, The Alcovy Judicial Circuit Court Judge(s) had a MAXIMUM SENTENCING CAP placed of 180 days was the MAXIMUM SENTENCE the judge could impose on a probationer, "Other than by commission of a new felony offence."

6. PETITIONER further shows the court that he/she was sentenced by the Honorable, Eugene M. Benton, Judge, Newton County Superior Court on the 23rd day of June, 2015, just eight (8) days prior to the "Currentness, Effective Date of July 1, 2015 of the O.C.G.A § 42-8-34.1."

7. PETITIONER further shows the court, even though the Defendant is not entitled to a trial by jury however he/she is entitled to "DUE PROCESS OF LAW" under the 5th and 14th amendments to the United States Constitution. To keep a probationer from a ill-revoked probation hearing, under Due Process of Law there are six (6) guidelines set forth. 1.) The right to be served in writing the nature of the offence(s) which revoked the defendant's probation, 2.) To have a neutral detached hearing body present, 3.) To have his/her accuser(s) present at hearing 4.) To question/cross-examine witnesses at hearing etc...

8. PETITIONER further shows the court that his/her Constitutional Rights to "Fundamental Fairness" in "DUE PROCESS OF LAW" was violated in that the Defendant was never served with a petition of revocation, with his/her violations. The Defendant's accusers were not present at the hearing, the Defendant never got to question his/her accuser(s).

WHEREFORE, the Petitioner prays that this Appellate Court grants his/her relief on conditions set forth in this petition to Denial of Relief.

IN THIS, Georgia Court of Appeals, Honorable _____ Judge,

THIS day of _____, 2015 granted _____ denied _____

Respectfully Submitted,

By: Michael P. Watson, 971/768
Petitioner, 471290

PRO SE

IN THE GEORGIA COURT OF APPEALS
STATE OF GEORGIA

MICHAEL P. WATSON, 971768 471290
NEWTON CO. LAW ENFORCEMENT
15151 ALCOVY - JERSEY RD.
CONINGTON, GA. 30014, PETITIONER

CASE NO. 2011CR713-1(A)

EUGENE M. BENTON, JUDGE
NEWTON CO. SUPERIOR COURT
1132 USHER STREET
CONINGTON, GA. 30014, Respondant

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY THAT I HAVE SERVED A TRUE AND CORRECT COPY OF THE
WITHIN FOREGOING APPEAL FOR DENIAL OF RELIEF BY DEPOSITING COPIES OF
SAME IN THE UNITED STATES POSTAL SYSTEM WITH ADEQUATE POSTAGE AFFIXED
THERE TO INSURE DELIVERY THEREOF, ADDRESSED AS FOLLOWS:

MICHAEL P. WATSON, 971768
NEWTON CO. LAW ENFORCEMENT
15151 ALCOVY - JERSEY RD.
CONINGTON, GA. 30014

GEORGIA COURT OF APPEALS
CLERK OF THE COURT
47 TRINITY AV. S.W. #501
ATLANTA, GA. 30034

THIS 10th DAY OF AUGUST, 2015

Michael P. Watson 971768
471290
Pro-SE

The Court of Appeals
47 Trinity Avenue SW, Suite 501
Atlanta, Georgia 30334

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

FILED IN OFFICE
CLERK SUPERIOR COURT
NEWTON COUNTY GEORGIA
404-656-3450

2015 SEP 21 PM 2:50

REC'D IN BK _____
PAGE # _____
DATE _____
LINDA D. HAYS, CLERK

September 16, 2015

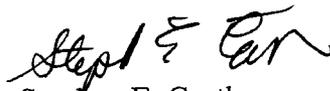
Ms. Linda D. Hays
Clerk, Superior Court
Newton County Judicial Center
1132 Usher Street, Room 338
Covington, Georgia 30014

RE: Lower Court Case Number: 2011CR713-1(a)
Discretionary Application - Michael Watson v. Judge Eugene M. Benton

Dear Ms. Hays:

We are returning the enclosed copy of the above referenced Discretionary Application. The original appeal with a stamped filed copy of the order must be filed directly with the appellate court. If you have any questions regarding this matter, please contact my Chief Deputy Clerk, Patty Bender.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld
Enclosures

cc: Mr. Michael P. Watson
GDC471290
Newton County Law Enforcement
15151 Alcovy-Jersey Road
Covington, Georgia 30014

IN THE GEORGIA COURT OF APPEALS
STATE OF GEORGIA

FILED IN OFFICE
CLERK SUPERIOR COURT
NEWTON COUNTY GEORGIA

2015 SEP 10 PM 4:34

MICHAEL P. WATSON, 477290
NEWTON CO. LAW ENFORCEMENT
15151 ALCOVY - JERSEY RD.
COVINGTON, GA. 30014, Petitioner

REC'D IN BK _____
PAGE # _____
DATE _____
LINDA D. HAYS, CLERK

CASE NO. 2011CR713-1(A)

EUGENE M. BENTON, JUDGE
NEWTON CO. SUPERIOR COURT
1132 USHER STREET
COVINGTON, GA. 30014, Respondant

Pro- SE

DISCRETIONARY APPEAL

COMES NOW the above named Petitioner, Pro-SE and files this MOTION FOR DISCRETIONARY APPEAL, with the Georgia Court of Appeals for the sentence of the court entered on the 23rd day of June, 2015 by: Honorable Eugene M. Benton, Judge, Newton County Superior Court.

1.) The Petitioner, shows the court that on the 18th day of May, 2015 he/she was arrested by the Covington Probation Office for the alleged offenses of: Tested positive for and admitted to using Cocaine and Hydrocodone.

2.) The Petitioner further shows the court that on the 18th day of May, 2015 he/she was never given a "URINE TEST" by the Covington Probation Office, however the Probationer made numerous request to Officers (S) Mr. Ward and Mr. Hickman that he/she wanted to take a urine test, all requests were denied and probationer was subsequently arrested and being held in custody at the Newton Co. Sheriff's Office.

3.) The Petitioner further shows the court that on the 23rd day of June, 2015 he/she was sentenced by the Honorable, Eugene M. Benton, Judge, Newton County Superior Court to the term of: Court 1; not more than 180 day in a State Probation Detention Center. Court 2; FOLLOWED BY the probationer serving the balance of his sentence in the Newton County Jail, SO ORDERED, this 23rd day of June, 2015.

4.) The Petitioner further shows the court that even though the defendant is not entitled to a trial by jury for a probation revocation hearing, he/she is entitled to "DUE PROCESS OF LAW" under the 4th, 5th, 6th, 8th, and 14th Amendments to the United States Constitution.

5.) The Petitioner further shows the court that his/her rights "Fundamental Fairness" under DUE PROCESS OF LAW, of the United States Constitution were violated in that there are six (6) guidelines set forth to prevent a probationer from having an ill-revoked hearing. 1.) Probationer has never been served in writing, with either a revocation petition or warrant with his/her offence(s) which violated the probation. 2.) The probationer's "ACCUSERS" were not present at his/her probation hearing. 3.) The probationer never got to question/cross-examine his/her "ACCUSERS". 4.) The probationer's probation officer was not present at said revocation hearing.

6.) The Petitioner further shows the court that he/she was sentenced eight (8) days prior to "Current through laws passed during the 2015 Regular Session of the Georgia General Assembly"; Ga. Code Ann., § 42-8-34.1, GA. ST § 42-8-34.1; LAWS 2010, Act 426, § 1, Eff. July 1, 2010 AND LAWS 2015, Act 93, § 4-1, Eff. July 1, 2015. Therefore the Honorable, Eugene M. Benton had limited jurisdiction on the maximum sentence he could impose on any "TECHNICAL VIOLATION" of Probation, other than by the commission of a new felony offense, "180 days of confinement was the maximum he could impose."

WHEREFORE, the Petitioner prays that this Appellate Court sustain and grant his/her relief on the conditions set forth in this DISCRETIONARY APPEAL.

IN THIS, Georgia Court of Appeals, the Honorable, _____, Judge,

GRANTED _____; DENIED _____, THIS _____ day of _____, 2015.

Respectfully Submitted,

By: Michael P. Watson, 771290
Petitioner, Pro-SE

IN THE GEORGIA COURT OF APPEALS
STATE OF GEORGIA

MICHAEL P. WATSON, 471290
NEWTON CO. LAW ENFORCEMENT
15151 ALCOVY - JERSEY RD.
COVINGTON, GA. 30014, Petitioner

CASE NO. 2011CR713-1(A)

EUGENE M. BENTON, JUDGE
NEWTON CO. SUPERIOR COURT
1132 USHER STREET
COVINGTON, GA. 30014, Respondent

Pro-Se

CERTIFICATE OF SERVICE

This is to certify that I have served a true and correct copy of the within
foregoing, DECRETIONARY APPEAL with the Georgia Court of Appeals by de
positing copies of same in the United States Postal System with adequate
postage affixed thereto to ensure delivery thereof, addressed as follows:

MICHAEL P. WATSON, 471290
NEWTON CO. LAW ENFORCEMENT
15151 ALCOVY - JERSEY RD.
COVINGTON, GA. 30014

GEORGIA COURT OF APPEALS
CLERK OF THE COURT
47 TRINITY AV. S.W. #501
ATLANTA, GA. 30334

THIS 2ND day of September, 2015

Michael P. Watson, 471290

Pro-Se

September 1, 2015

Attn. Clerk of Court.

RE: RETURN NOTICE

ENCLOSED IS A MOTION/PETITION TO THE GA. COURT OF APPEALS FROM THE PETITIONER MICHAEL PERKINS WATSON IN WHICH HAS HIS CORRECT G.D.C.# 471290, THE MOTION/PETITION THAT THE GA. COURT OF APPEALS RETURNED FOR THE REASON OF: THERE IS NO CASE PENDING IN THE COURT OF APPEALS OF GEORGIA IN THE NAME OF EMORY A. LEE. WAS BECAUSE THE PETITIONER FILED HIS MOTION WITH HIS NEWTON CO. JAIL INMATE ID# 971768 INSTEAD OF HIS G.D.C.# 471290, PETITIONER HAS RE-SUBMITTED HIS NEW CORRECT MOTION/PETITION WITH THE COURT.

Respectfully Submitted
Michael P. Watson 471290

FILED IN OFFICE
CLERK SUPERIOR COURT
NEWTON COUNTY GEORGIA
2015 SEP 10 PM 4:27
REC'D IN BK _____
PAGE # _____
DATE _____
LINDA D. HAYS, CLERK

IN THE GEORGIA COURT OF APPEALS
STATE OF GEORGIA

MICHAEL P. WATSON, 471290
NEWTON CO. LAW ENFORCEMENT
15151 ALCOVY - JERSEY RD.
COVINGTON, GA. 30014, Petitioner.

CASE NO. 2011CR713-1(A)

EUGENE M. BENTON, JUDGE
NEWTON CO. SUPERIOR COURT
7132 DSTER STREET
COVINGTON, GA. 30014, Respondant

Pro-Se

APPEAL FOR DENIAL OF RELIEF, "NEW TRIAL"

COMES NOW the ABOVE NAMED Petitioner, Pro-Se AND files this MOTION TO APPEAL FOR DENIAL OF RELIEF, with the GEORGIA COURT OF APPEALS for the SENTENCE OF THE COURT ENTERED ON the 23rd day of JUNE, 2015 By: THE HONORABLE EUGENE M. BENTON, Judge, Newton County Superior Court.

1. Petitioner shows the court that on the 16th day of May, 2015 he/she WAS ARRESTED by the Covington Probation Office for the ALLEGED OFFENCES of: TESTED POSITIVE FOR AND ADMITTED TO USING COCAINE AND HYDROCODONE.

2. Petitioner further shows the court that on the 18th day of May, 2015 he/she WAS NEVER GIVEN A URINE TEST by the Covington Probation Office, AND WAS REFUSED by the Covington Probation Office when he/she REQUESTED NUMEROUS TIMES to GIVE A URINE TEST, but WAS ARRESTED.

3. Petitioner further shows the court that on the 23rd day of JUNE, 2015 he/she WAS SENTENCED by the Honorable, Eugene M. Benton, Judge, Newton County Superior Court to the term of: NOT MORE THAN 180 days in a State Probation Detention Center, followed by the probationer serving the balance of his sentence in the Newton County Jail, balance of sentence ending MAY 28, 2016.

4. Petitioner further shows the court that in accordance to the O.C.G.A. § 42-8-34.1 "EFFECTIVE: July 1, 2015 STATES" "IN THE EVENT THE COURT DETERMINES THAT THE DEFENDANT DOES NOT MEET THE CRITERIA FOR SUCH ALTERNATIVES, THE COURT MAY REVOKE THE BALANCE OF PROBATION OR NOT MORE THAN TWO (2) YEARS IN CONFINEMENT WHICH EVER IS LESS" "OTHER THAN BY COMMISSION OF A NEW FELONY OFFENSES"

5. Petitioner further shows the court that prior to the "Effective: July 1, 2015 Currentness" to the O.C.G.A. § 42-8-34.1, Conditions for revocation of probated or suspended sentence, The Alcovy Judicial Circuit Court Judge(s) had a maximum sentencing "CAP" placed of 180 days was the maximum sentence the judge could impose on a probationer, "Other than by commission of a new felony offence."

6. Petitioner further shows the court that he/she was sentenced by the Honorable, Eugene M. Benton, Judge, Newton County Superior Court on the 23rd day of June, 2015 just eight (8) days prior to the "Currentness", Effective date of July 1, 2015 of the O.C.G.A. § 42-8-34.1?"

7. Petitioner further shows the court, even though the defendant is not entitled to a trial by jury, however he/she is entitled to "DUE PROCESS OF LAW" under the 4th, 5th, 6th, 8th, and 14th Amendments to the United States Constitution. To keep a probationer from a ill-revoked probation hearing, under Due Process of Law there are six (6) guidelines set forth: 1.) The right to be served in writing the nature of the offence(s) which revoked the defendants probation. 2.) To have a neutral detached hearing body present. 3.) To have his/her accuser(s) present at the hearing. 4.) To question - cross-examine witness at the hearing etc...

8.) Petitioner further shows the court that his/her Constitutional Rights to "fundamental fairness" in "DUE PROCESS OF LAW" was violated in that the defendant was never served with a petition of revocation with his/her violations. The defendants accusers were not present at the hearing, the defendant never got to question his/her accuser(s).

WHEREFORE, the Petitioner prays that this Appellate Court grants his/her relief on the conditions set forth in this DENIAL OF RELIEF petition.

IN THIS, Georgia Court of Appeals, Honorable _____, Judge

GRANTED _____, DENIED _____, THIS _____ day of _____, 2015.

Respectfully Submitted,

By: Michael P. Watson, 471290
Petitioner, Pro-Se.

IN THE GEORGIA COURT OF APPEALS
STATE OF GEORGIA

MICHAEL P. WATSON, 471290
NEWTON CO. LAW ENFORCEMENT
15151 ALCOVY - JERSEY RD.
COVINGTON, GA. 30014, Petitioner

CASE NO. 2011CR713-1(A)

EUGENE M. BEATON, JUDGE
NEWTON CO. SUPERIOR COURT
1132 USHER STREET
COVINGTON, GA. 30014, Respondant

CERTIFICATE OF SERVICE

This is to certify that I have served a true and correct copy of the
within foregoing APPEAL FOR DENIAL OF RELIEF by depositing copies of same
in the United States Postal System with adequate postage affixed thereto to insure
delivery thereof, addressed as follows:

MICHAEL P. WATSON, 471290
NEWTON CO. LAW ENFORCEMENT
15151 ALCOVY - JERSEY RD.
COVINGTON, GA. 30014, ■

GEORGIA COURT OF APPEALS
CLERK OF THE COURT
47 TRINITY AV. S.W #501
ATLANTA, GA. 30334

This 2ND day of SEPTEMBER, 2015

Michael P. Watson, 471290
Petitioner, Pro-Se

th. Clerk of the court, the below **COURT OF APPEALS OF GEORGIA**

ENTIONED GDC #971768 IS INCORRECT
IT IS HIS NEWTON CO. JAIL INMATE ID #
CLOSED IS A CORRECT APPEAL FOR DENIAL OF RELIEF
WITH CORRECTIONS MADE (471290 IS CORRECT)

RETURN NOTICE

August 26, 2015

RESPECTFULLY, (471290)

To: Mr. Michael P. Watson, GDC971768, Newton County Law Enforcement, 15151 Alcovy
Jersey Road, Covington, Georgia 30014

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 in the name of Emory A. Lee.
- ~~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.
- Your appeal was disposed by opinion (order) on _____. The Court of Appeals divesting this Court of jurisdiction. The remittitur issued on _____ 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.