

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

August 26, 2015

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 _____ 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 GEORGIA COURT OF APPEALS
STATE OF GEORGIA

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

CASE NO. 2011CR713102

Pro-Se

EUGENE M. BENTON, JUDGE
NEWTON CO. SUPERIOR COURT
1132 USHER STREET
CONVINGTON, 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.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 whichever is less." "other than by commission of a new felony offence."

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 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 witness 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, 971768
Petitioner,

PRO-SE

IN THE GEORGIA COURT OF APPEALS
STATE OF GEORGIA

MICHAEL P. WATSON, 971768
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
Pro-SE