

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

**October 13, 2015**

**To:** Mr. Bernard Williams, GDC588791, Wheeler Correctional Facility, Post Office Box 466, Alamo, Georgia 30411

**Docket Number:** A16D0018 **Style:** Bernard Williams 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:**

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

COURT OF APPEALS OF GEORGIA  
DOCUMENT RETURN NOTICE FOR APPLICATIONS

To:

*Bernard Williams*

Docket Number:

*AUG 00018*

Style:

*Bernard Wms v. The State*

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11.  No extension of time for filing an interlocutory application will be granted for filing a discretionary application unless the date of the discretionary application. *Improper Certificate of Service* extension of time or before the due
12.  The type font was smaller than 10 characters per inch; type was of the paper. Rules 1(c), 24(b), 37(a) and 41(b). was on both sides
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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).

COURT OF APPEALS OF Georgia  
47 Trinity Avenue, S.W. Suite 501  
Atlanta, GA. 30334

FILED IN OFFICE  
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CLERK COURT OF APPEALS OF GA

2015 OCT - 9 15:17  
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To whom this may concern, My name is Bernard Williams, Application  
No: A16D0018 / Case No: 2004-RCCR-1355 IM Sending this Court the  
Original Motion For Reconsideration Concerning Application No: A16D0018  
I thank you in advance concerning this matter.

Bernard Williams

Bernard Williams

G.D.C. 588991

Wheeler Correctional Facility

P.O. Box 466

Alamo, GA. 30411

# COURT OF APPEALS OF GEORGIA

FILED IN OFFICE  
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RECEIVED  
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MOTION

FOR

RECONSIDERATION

COMES NOW, Petitioner BEARNARD WILLIAMS, in the above Captioned Motion, Application No: A16D0018 Case No: 2004-ACCR-1355 ASKING this honorable Court to reconsider said Application For discretionary Appeal.

## JURISDICTION

Petitioner are within the (10) ten days required on filing his reconsideration, A long with Showing this Court has Jurisdiction O.C.G.A. 5-6-33 requiring Petitioner to APPLY For An APPEAL to this Court From Orders denying Motion To Correct NULL Void Sentence.

## STATEMENT OF FACTS

This Court stated Petitioner filed A Motion To vacate Void Sentence, the trial Court denied said Motion on July 24, 2015. Thirty-two days later on August 25, 2015, Petitioner filed this Application for discretionary review. This Court lack Jurisdiction.

An Application for discretionary Appeal must be Filed 30 days of the order sought to be Appealed.

O.C.G.A. 5-6-35 (d). The requirement of O.C.G.A. 5-6-35

are Jurisdictional, and this Court Cannot accept An Application for Appeal not made in Compliance therewith.

See Boyle v. State, 190 GA. APP. 734 (380 SE 2d 51) (1989).

Because this Application is untimely, this Court lack Jurisdiction to consider it.

See Hill v. State, 204 GA. APP. 582 (420 SE 2d 393) (1992)

Accordingly, this Application is hereby dismissed.

## ENUMERATION OF ERROR

1. This Argument thus lacks merit to dismiss said Application.
2. This Court inadvertently denied Petitioner Application.

## ARGUMENT AND CITATION OF AUTHORITY

Petitioner filed A timely Application Within the Period of time Allotted (30 days), Petitioner respectfully requests this Court To grant above Motion for the following reasons:

1.

Chief Judge J. Carlisle overstreet denied said Motion on July 23, 2015 or July 24, 2015 (Petitioner received this order on July 27, 2015 by way of via Mail At Wheeler Correctional Facility Mailroom and signed for the order on July 28, 2015).

2.

Mailbox rule deems legal Mail to be filed on the date of delivery to Prison officials, Petitioner show by way of Exhibit # 1. The envelope which said order came in from Chief Judge overstreet stamp July 28, 2015 by Prison officials verifying the date Petitioner received said order.

3.

By denying Petitioner Application For discretionary Appeal, is A denial of due Process And 14<sup>th</sup> Amendment.

3.

4.

Petitioner Shows by Exhibit #2. COPY OF Wheeler Correctional Facility Mail Room log report verifying Petitioner received said order on 7-27-15 and signed for this order on 7-28-15.

5.

Petitioner could not have file An APPLICATION For discretionary Appeal until he received the order denying Motion To Correct NULL void sentence.

### CONCLUSION

For the reasons set forth above, Petitioner Prays that this Court Grant said Motion For Reconsideration.

CERTIFICATE OF SERVICE

I Certify that I have this day Served the following individuals) said Motion via united states Mail with Adequate Postage Addressed To:

This 5<sup>th</sup> DAY OF October 2015.

Bernard Williams

BERNARD WILLIAMS

G.D.C. 588791

Wheeler Correctional Facility

P.O. Box 466

Alamo, GA. 30411

Person(s) Served

Court of Appeals of Georgia

47 Trinity Avenue, S.W. Suite 501

Atlanta, GA. 30334

WHEELER COUNTY CORR FACILITY  
 MAIL LOG REPORT: INCOMING LOGGED MAIL  
 REPORT DATE(S): 7/27/15 to 7/27/15

Print Date: 7/27/15 10:12:31AM

16

AGENCY NUMBER	NAME	MAIL TYPE	DATE MAIL RECEIVED/SENT BY FACILITY	FROM/TO	DATE MAIL RECEIVED BY INMATE	INMATE'S SIGNATURE	STAFF INITIALS
588791	WILLIAMS, BERNARD	INCOMING-LEGAL	07/27/2015	J. Carlisle Overstreet, Chief Judge, Augusta, GA	7-28-15	<i>Carl Williams</i>	<i>CR</i>