

# COURT OF APPEALS OF GEORGIA

## RETURN NOTICE

June 5, 2015

To: Mr. Franklin L. Williams, Reg. No.1295021 Unit C-1-55, Federal Correctional Complex  
- Low, Post Office Box 1031, Coleman, Florida 33521

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 current case pending in the Court of Appeals of Georgia under your name. I am returning your documents to you.**
- 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.

Court of Appeal of Georgia  
ATLANTA Georgia

RECEIVED IN OFFICE  
28th JUN - 8 AM 1997

IN RE FRANKLIN L. WILLIAMS'S <sup>3</sup> CASE NO. 97R-061  
Base PETITIONER <sup>2</sup> Writ of Coram Nobis  
<sup>1</sup> 28 U.S.C. § 1651(a) State  
<sup>1</sup> "LACK OF JURISDICTION"  
<sup>1</sup> "FRAUD INDICTMENT."

"Writ of Coram Nobis" 28 U.S.C. § 1651(a) STATE CASE FILE TO  
VIOLATION OF STATE & FEDERAL CONSTITUTION OF U.S. 14th Amend-  
ment Clause "NOT Indicted by Grand Jury" "LACK OF JURISDI-  
CTION" "FRAUD" of Conviction Ch. 1-3.

Come now In re: Franklin L. Williams After Custody and  
Exhausted ALL Remedies, AND NO OTHER AVAILABLE REMEDY,  
NOW FILE HIS "Writ of Coram Nobis" For Relief From  
Complete "miscarriage of Justice" WITH Cause & Prejudice  
(See Morgan v United States) In this § 1651(a) For Re-  
lief AND without waiving Jurisdiction As follows:

PART ONE

Petitioner Williams was Tried AND Convicted by State  
of Georgia on August 20, 1997. AND For 3 Count. of Drug  
Charges. His Hired Attorney was Martin Lave's of  
Waycross Georgia Trial Lawyer. NOW AS TO HIS Conviction  
By A JURY He WAS Alleged To Be Indicted by this  
November Term 1996 Grand Jury on March 26, 1997.  
AND AS TO THE trial of 3 Count. of Drug, was Senten-  
ced to 15 yrs in Prison under Indictment no. 97R061

## PART TWO

Petitioner WILLIAM'S AS TO HIS CONVICTION DID APPEAL HIS CASE AFTER BEING DENIED RIGHT TO APPEAL FOR 5 YRS AND HAD ASKED HIS TRY LAWYER MARTIN EAVES TO FILE APPEAL AS WELL ARGUE THAT THE INDICTMENT WAS A FRAUD AND THIS NOVEMBER TERM 1996 GRAND JURY WAS NOT PRESENT ON MARCH 26, 1997. (SEE EXHIBIT 1, 2, 3)

NOW AS TO THIS APPEAL DEFENDANT FILED HIS NOTICE OF OUT-OF-TIME APPEAL UNDER INEFFECTIVE ASSISTANCE OF COUNSEL AND IT WAS GRANTED AND THE STATE APPOINTED JIM M'GEE III AS APPEAL LAWYER FOR MD HOW FOR NEW TRIAL AND DEFENDANT REQUESTED HIM TO RAISE THIS "WRONG" AND HE REFUSED TO DO SO WITH STATEMENT "TELLING ME TO DO SO KNOWINGLY THAT HE WAS MY ATTORNEY, SO I AT "MOTION FOR NEW TRIAL" DID RAISE THIS AND THE PRESIDING JUDGE WAS MICHAEL KATHF OF EASTON JURISDICTION AND WAS DENIED.

## PART THREE

DEFENDANT THEN HAVE DELIBERATELY PURSUED TO PROVE THIS WRONG IN ALL COURT (SEE RECORDS OF PETITIONER FILED UP TO THE SUPREME COURT BUT ONLY "DEFAULTED PRESERVATION" WAS USED TO STOP THIS ISSUE AND RED FLAG WAS WELL. (SEE EXHIBIT 4 ORDER). SO NOW JIM WILLIAMS IS PILING HIS WAIT OF COMMANDS AS TO (MORGAN V. U.S.) AND IS "OUT OF CUSTODY" FROM STATE PRISON. AND THIS IS A COMPLETE "MISMANAGEMENT OF JUSTICE" CAUSE & BECAUSE WRONG IN VIOLATION OF THE FIFTH & 14<sup>TH</sup> AMENDMENT CAUSE, AS WELL AS INEFFECTIVE ASSISTANCE OF COUNSEL.

(See Strickland v. Warden 1984 Prejudice).

### PART FOUR

Defendant William's In this case of not being  
Indicted by this November Term 1996 Grand Jury  
on March 26, 1997 9:00 AM 7<sup>th</sup> 21 Court the name  
(See Exhibit 1, 2). The Grand Jury is only seated  
for four weeks in one yr. (See District Trial Court  
12) 19 Handling of Indictment") AS WELL AS THIS  
Grand Jury was Discharged on Dec 13, 1997. Now  
AS TO THIS THE Grand Jury Alleged to be Seated 5 mo  
28 Day. Later 11 day Prior to the April Term Grand  
Jury that on April 7, 1997 was selected and Recor  
Judge Stephen L. Jackson Presided was Held.  
Now AS TO THIS Nov. Term 1997 Grand Jury Indictment  
97 Robt No way was present on  
March 26, 1997 AND NO NO NO WITH A Resounding  
NO way was there and NO "reconvening order was  
issued" by no Judge to Return 11 day Prior to  
the new April Term Grand Jury.

Now Ware County had Two Court Terms The First  
Monday In April And Second Monday In November.  
Now This Grand Jury "Nov Term 1996" Did not  
Return on March 26, 1997. (See Record).

### PART FIVE

Defendant William's In Expt. 2009 Martin H Paul  
& State of Georgia Filed A Petition Injunction AS  
to Defendant Filing Lawsuit To Stop His Right -

To Court (See Art. 1, Sec. 1, Par. 11) And Access To Court ("Baugh v. Smith") And Nelly Doolley) AS WELL AS 'delegent Right' Denied, now there is "no other remedie" For Relief of This Wrong. So Being "Out of Casady" (Morgan v. U.S.) Canvasser 1651 Cas File This writ of Coram nobis.

### Part Bix To the Honorable Assistance of Counsel

Defendant Had Counsel Martin H. Eave's And AS TO His "Abuse of discretion" And Being "Incompetence" That Any Counsel Should Have Known not to Allow Any Person to be Tried Without being Indicted by a Grand Jury This was "Prejudice" For Martin H. Eave's To Even Deny Right to a Timely Appeal. Well Now He was Requested to File it. AS WELL AS THE Appeal Lawyer Tom M'gee III To Deny Argument of THIS A Motion For new Trial" And Alleged That I Argue it. Knowingly That He was my Attorney and Judge that would not here my Argue meant AT This Hearing. So AS TO (ROE V. ORTEGA 2000) Failure to Honor Defendant Washie's is A "Prejudice & Abuse of discretion AS TO THE SIXTH amendment (Stryckland v. Washington 1984), U.S. Const. Right' Denied. AS WELL AS A Complete Mis-Carriage of Justice" With Cause & Prejudice.

### Conclusion

Defendant William's Relief is TO GRANTED THIS "All writ of Coram nobis" AS LAST Resort. " " "

This 28 day of May 2015  
F.C. Low/PO Box 103/  
Columbus, GA 33521

Pro-Sc  
  
12952021 UNITE-1-55

### Certificate of Service

I, FINE FRANKLIN W. WILLIAMS, DO HEREBY CERTIFY BY PUTTING  
THIS FOREGOING IN THE UNITED STATE MAIL WITH POSTAGE  
AND STAMPS TO ENSURE DELIVERY UPON:

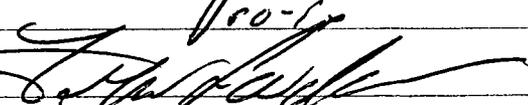
To: Court of Appeal of Georgia, Suite 501, 47 Trinity  
Ave. SW. Atlanta Georgia, 30334

To: Martin A. Faye, Attorney At Law, 800 Church St. Suite  
100, Waycross GA 31501

To: Richard E. Currie, District Attorney, Superior Courts Court  
House Annex, 201 State St Waycross GA 31501

This 28<sup>th</sup> Day of May 2015.

F.C. Low/PO Box 103/  
Columbus, GA 33521

Pro-Sc  
  
12952021 UNITE-1-55

STATE OF GEORGIA  
NOVEMBER TERM, 1996

K.A.H.16  
2A  
97B-1

STATE OF GEORGIA

\* INDICTMENT NUMBER

FRANKLIN WILLIAMS  
DEWITT KATES aka DEWITT DAWSON  
LISA STANFORD aka LISA SMITHSON  
TOMMY BARNAR

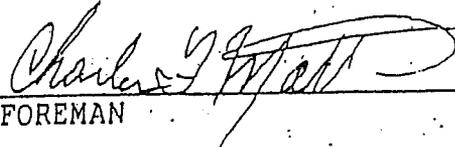
\*  
\*  
\* COUNTS 1-3: V.G.C.S.A.

THE GRAND JURORS SELECTED, CHOSEN AND SWORN FOR THE COUNTY  
AFORESAID, TO-WIT:

~~1. Roy C. McDonald, Foreman~~

- |                           |  |
|---------------------------|--|
| 2. Charles F. Matthews    | 13. I. J. McGahee                      |
| 3. Angelia W. Coleman     | 14. Loraine A. Barefoot                |
| 4. Cathy B. Strickland    | 15. Emory Boyd                         |
| 5. James M. Brantley, Jr. | 16. Teresa Prevatt                     |
| 6. Ann Lynn Hughes        | 17. <del>Cecil Tanner</del>            |
| 7. Peggy Mercer           | 18. Gail M. Maxwell                    |
| 8. Jamie Carmichael       | 19. H. Vernon Fort                     |
| 9. Ann Kirkland           | 20. Theta A. James                     |
| 10. Ernest S. Lockey, Jr. | 21. <del>John E. Shaw</del>            |
| 11. J.E. Foster           | 22. <del>Alvin P. Henderson, III</del> |
| 12. Vera P. Skyrn         | 23. Eddie Dewayne Dryden               |

C.D. Vinson -- Alternate  
~~Cynthia D. Horrin -- Alternate~~

  
FOREMAN

Received in Open Court and  
Filed in Office, this 1  
day of April, 1997.

  
PROSECUTOR

  
BETTY B. KENNEDY  
Clerk of Superior Court

  
RICHARD E. CURRIE, District Attorney  
Waycross Judicial Circuit

serve of Summons & Time Limit o.c.g. a. 15-12-65

COUNT ONE: 76 BILL

In the name and behalf of the citizens of Georgia, charge and accuse FRANKLIN WILLIAMS; DEWITT KATES aka DEWITT DAWSON; LISA STANFORD aka LISA SMITHSON; and TOMMY BARNAR with the offense of VIOLATION OF THE GEORGIA CONTROLLED SUBSTANCES ACT, For that the said accused on the 5th day of February, in the year Nineteen Hundred and Ninety-seven, in the County aforesaid, did then and there unlawfully possess, with intent to distribute, a controlled substance, to-wit: cocaine, schedule II violation of the Georgia Controlled Substances Act, and did intentionally aid and abet each other in the commission of said crime.

COUNT TWO: TRUE BILL

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, further charge and accuse FRANKLIN WILLIAMS; DEWITT KATES aka DEWITT DAWSON; LISA STANFORD aka LISA SMITHSON; and TOMMY BARNAR with the offense of VIOLATION OF THE GEORGIA CONTROLLED SUBSTANCES ACT, For that the said accused on the 5th day of February, in the year Nineteen Hundred and Ninety-seven, in the County aforesaid, did then and there unlawfully possess, with intent to distribute, marijuana, in violation of the Georgia Controlled Substances Act, and did intentionally aid and abet each other in the commission of said crime.

COUNT THREE: TRUE BILL

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, further charge and accuse FRANKLIN WILLIAMS with the offense of VIOLATION OF THE GEORGIA CONTROLLED SUBSTANCES ACT, For that the said accused on the 13th day of November, in the year Nineteen Hundred and Ninety-six, in the County aforesaid, did then and there unlawfully possess, with intent to distribute, marijuana, in violation of the Georgia Controlled Substances Act, contrary to the laws of said State, the good order, peace, and dignity thereof.

\*\*\*\*\*

WITNESSES FOR THE STATE

- Craig Pittman-DTF
- Natalie Morris-DTF
- John Bloodworth-DTF
- Colby Manning-DTF
- Jason DuPont-Alma P.D.
- Joe Morris-WSO
- Carl James-WSO
- D. Hickox-WSO

GRAND JURY  
MARCH 26, 1997 AT 9:00 A.M.  
3RD FLOOR - COURTHOUSE ANNEX

EXHIBIT  
De  
Z

- 11 Theodore Maultsby Det. Larry Ethridge - WPD  
97-01-1574
- (2) Dailey Waters Det. Larry Ethridge - WPD  
696-12-1100
- (3) Edward Marshall Ofc. D.E. Carter - WPD  
97-01-2049
- (4) Brian Allan Dixon Det. Peggy O'Neal - WSO  
5) Jerry Williams
- (8) Franklin Williams Agent Craig Pittman - DTF  
(7) Dewitt Kates  
(8) Lisa Stanford  
(9) Tommy Barnar
- 10) Abraham Faison Det. Hilton Boyett - WPD  
97-02-0215
- (11) Kevin Brown Det. Hilton Boyett - WPD  
97-02-0205
- (12) Javon Godwin Det. Hilton Boyett - WPD  
97-02-1772
- (13) Jerry Paige Det. Hilton Boyett - WPD  
97-02-1775
- 4) Eugene Rawls Det. Hilton Boyett - WPD  
97-02-1768
- 15) Nathan Reed Det. Hilton Boyett - WPD  
97-02-0212
- (16) Donald Knowles Ofc. C.C. White - WPD  
97-01-2049
- 7) James Melton Dep. Juan Spencer - WSO

STATE'S  
EXHIBIT  
1

(18) Gregory Stanford

19  
(20) Gregory Allen Farrill  
(21) Timothy Eric Gill  
Julius Hendrix

(22) Jerome Williams

(23) Ernell Collins

(24) Freddie Calhoun

(25) Edwin T. McDonald

(26) Hiram Miller

(27) Marcus Moore

Det. Larry Ethridge  
97-01-1162

Det. Mark Woods - WPD

Agent Natalie Morris - DTF

Agent Natalie Morris - DTF

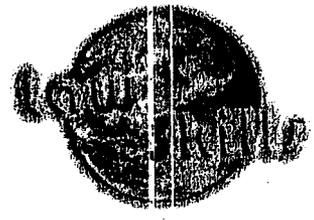
Det. Larry Ethridge - WPD

Det. Carl James - WSO

Judge Harlon Proveaux  
Ware Magistrate Court

Dep. Alex Brown - WSO

EXHIBIT 3



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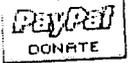
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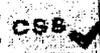
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Title 15, Chapter 12, Section 3 (15-12-3)

No person shall be compellable to serve on the grand or trial jury of the superior court or on any jury in other courts for more than four weeks in any year. No person shall be allowed to serve on the trial jury of the superior court or as tales juror in any criminal case or on any jury in other courts for more than four weeks in any one year unless he is actually engaged in the trial of a case when the four weeks expire, in which case he shall be discharged as soon as the case is decided.

- Defined terms referenced in this section:
- case
  - discharged
  - person
  - superior court

Exhibit 4

## REMITTITUR

### SUPREME COURT OF GEORGIA

Case No. S14C1879

Atlanta, January 20, 2015

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

FRANKLIN L. WILLIAMS v. MARTIN H. EAVES et al.

Upon consideration of the petition for certiorari filed to review the judgment of the Court of Appeals in this case, it is ordered that the petition be hereby writ dismissed.

All the Justices concur.

Associated Cases  
A13D0004

Costs paid: Indigent

**SUPREME COURT OF THE STATE OF GEORGIA**  
Clerk's Office, Atlanta February 06, 2015



I hereby certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said Court hereto affixed the day and year last above written.

*Loi C. Rittor*, Chief Deputy Clerk