

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

December 11, 2015

To: Mr. Michael J. Williams, GDC004649, Glynn County Detention Center, 100 Sulphur Springs Road, Brunswick, Georgia 31520

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. We do not have a file to append your copy.
- 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 Glynn Co.

Michael J. Williams (pro se) Case No.
Defendant

V.
State of Georgia
Respondent

CR 1100503-063
CR 1200368-063

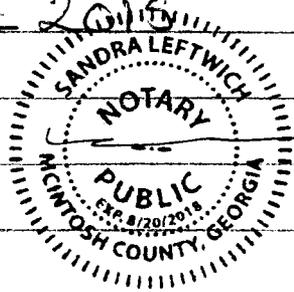
Notice of Appeal

O.C.G.A. § 5-6-51 (2)

Now comes Michael J. Williams (pro se) and give timely notice of intent to appeal the long term treatment sentence received on Dec. 2nd, 2015.

Certificate of Service

I hereby certify that a true and correct copy of this notice of appeal was mail by U.S. mail to the office of the State Attorney at 701 H St. Box 301, Brunswick, Ga. 31520. This Dec day of 4th 2015.



Respectfully Submitted
M. J. Williams
Michael J. Williams

IN The Superior Court of Glynn Co.

Michael J. Williams (pro se)
Defendant,

Case No.

v.

CR 1100503-063

CR 1200368-063

State of Georgia
Respondent,

Motion To Correct and Request
For Resentencing/Modify
(Habeas Corpus)

Now come Michael J. Williams (pro se) and
move this honorable court respectfully
requesting that this court correct and
resentence the defendant due to statutory
and constitutional violations. In furtherance
and in support of defendant request it is stated
as follows.....

Ground (1)

Failure to notify of Right
to Appeal

Defendant assent and contend that prior to

and after his sentence of long term treatment (R-SAPP) that neither the court or his attorney notified or told him that he had a statutory and constitutional right to appeal his long term treatment sentence he received on 12-2-15. More importantly, defendant assert that the issues raised within are constitutional and appealable and certainly have change the out-come of the sentencing if defendant been told that he had a right to appeal the sentencing. Defendant further assert that under the drug court contract he did not wave his right to appeal any sentence of probation or revocation of any probation.

Ground (2)

Illegal Sentence

Defendant assert that the sentence of long term (R-SAPP) treatment is out the maximum authorize by law (statutory). Specifically, the defendant sentence of 5 years probation on case no. CR 1100503 and case no. CR-120365-d is incorrect on the expiration dates of 11-3-16 and 7-10-17 because it do not show or include the arrest date and jail credit See Attachment (A). Defendant assert that any sentence to long term drug treatment

Violate the Statutory Maximum authorize by law (5 years). More importantly, case No. CR-1200368-063 (Theif By Taking) is a misdemeanor which carries a maximum penalty of one (1) year not five (5) years.

Ground (3)

Involuntary Guilty Plea

Defendant assert that at of his plea of guilty to case No. CR-1200368 (Theif By Taking) that he was under the impression that he was entering a plea to a misdemeanor. At the time of the plea the total value of the property taken was \$325.00. However, the law clearly states that any property stolen must be value at \$550.00 or more to be classified as a felony. Defendant assert that the Theif By Taking is a misdemeanor and that his plea was entered involuntary and in violation of his constitutional rights.

Ground (4)

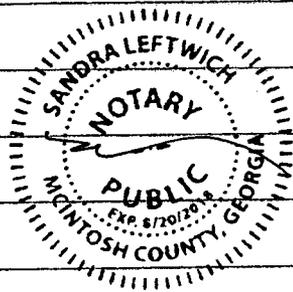
Ineffective Assistance of Counsel

Defendant assert that he receive ineffective assistance of counsel at the plea hearing and on the long term treatment sentence on 12-2-15. Defendant assert that on 7-11-12 his attorney Keith Higgens told him that he was entering a plea of guilty to a Misdemeanor charge of Theft By Taking. See: Case no. CR-1200368-063. Defendant assert that he received ineffective assistance of counsel because his attorney fail to argue and bring to the attention of the court that the value of the of items involve with the Theft By Taking was only \$325.00. Furthermore, defendant assert that he received ineffective assistance of counsel on 12-2-15 at his sentencing hearing because MS. M. Yoon fail to argue and bring to the court attention issue 1, 2, 3, and 4 as stated within this motion to correct and Request for re-sentencing.

Wherefore, for the reasons stated herein defendant respectfully request that he be resentence and that his sentence be corrected/modified.

Certificate of Service

I hereby certify/notarize that a true and correct copy of this motion to correct and Request for Resentencing was mail by U.S. Mail to the office of State Attorney at 701 H St. Box 301, Brunswick Ga. 31520 this 4th day of Dec. 2015.



Respectfully,
M. J. Williams
Michael J. Williams

PETITION FOR MODIFICATION/REVOCATION OF PROBATION
DEPARTMENT OF CORRECTIONS/PROBATION DIVISION

EXP: 11/03/2016

THE STATE

DOCKET NO. CR1100503-063,

VS

SUPERIOR COURT of GLYNN COUNTY

MICHAEL JEROME WILLIAMS

Now comes JENNIFER CANNON, Probation Officer, in the name and behalf of the State of Georgia, and bring this action against MICHAEL JEROME WILLIAMS, hereinafter called the Defendant, and shows:

I

That the Defendant entered a plea of guilty to (was convicted of) the offense of CRIMINAL DAMAGE TO PROPERTY 2ND DEGREE.

II

That this Court on the 4TH day of NOVEMBER, 2011 did sentence the Defendant to serve as follows: FIVE (5) YEARS PROBATION. ENTER AND COMPLETE DRUG COURT. *3/13/13 DRUG COURT TERMINATION HEARING: DEFENDANT SHALL CONTINUE WITH DRUG COURT PROGRAM, HOWEVER ALSO BE SUPERVISED VIA INTENSIVE PROBATION WITH CURFEW, SO LONG AS IT DOES NOT INTERFERE WITH WORK SCHEDULE. ANY FUTURE VIOLATIONS TO BE BROUGHT IN FRONT OF JUDGE KELLEY. DEFENDANT ALSO SHALL RESIDE WITH LOCAL HALFWAY HOUSE APPROVED BY DRUG COURT.

III

That this Court, by proper order, however, permitted the Defendant to serve said sentence on probation, the terms and conditions of which are fully set forth in the copy of said sentence which is attached hereto, marked as Exhibit "A", and specifically incorporated herein.

IV

That the Defendant has violated the terms and conditions of probation in the following particulars: CONDITION #1: IN THAT THE DEFENDANT COMMITTED THE OFFENSES OF POSSESSION OF COCAINE AND PIMPING ON OR ABOUT APRIL 15, 2015 IN LOWNDES COUNTY, GA.

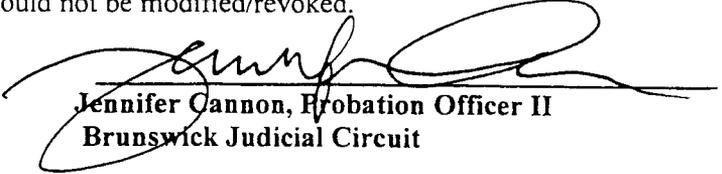
CONDITION #6: IN THAT THE DEFENDANT ABSCONDED PROBATION SUPERVISION SINCE MARCH 21, 2013 WHERE LEFT THE STATE WITHOUT PERMISSION TO FLORIDA.

SPECIAL CONDITION: IN THAT THE DEFENDANT FAILED TO COMPLY WITH THE CONDITIONS OF THE DRUG COURT CONTRACT.

V

WHEREFORE, the State of Georgia prays that the citation for modification/revocation of probation be served on the Defendant and that the Defendant be directed to appear before this Court on a day to be fixed by the Court and at that time to show cause why probation should not be modified/revoked.

This 4th day of NOVEMBER, 2015.


Jennifer Cannon, Probation Officer II
Brunswick Judicial Circuit

ORDER

Having read and considered the foregoing petition, it is hereby ordered that the Defendant be served with a copy of same and that the Defendant show cause before the presiding Judge the 18TH day of NOVEMBER 2015, at the Courthouse in BRUNSWICK, Georgia at 3:00PM why said probation should not be modified/revoked.

This _____ day of _____, 2015.

THE HONORABLE STEPHEN D. KELLEY
Superior Court Judge, Glynn County, Georgia

PETITION FOR MODIFICATION/REVOCAION OF PROBATION
DEPARTMENT OF CORRECTIONS/PROBATION DIVISION

EXP: 07/10/2017

THE STATE

DOCKET NO. CR1200368-063,

VS

SUPERIOR COURT of GLYNN COUNTY

MICHAEL JEROME WILLIAMS

Now comes JENNIFER CANNON, Probation Officer, in the name and behalf of the State of Georgia, and bring this action against MICHAEL JEROME WILLIAMS, hereinafter called the Defendant, and shows:

I

That the Defendant entered a plea of guilty to (was convicted of) the offense of THEFT BY TAKING.

II

That this Court on the 11TH day of JULY, 2012 did sentence the Defendant to serve as follows: FIVE (5) YEARS PROBATION; ENTER AND COMPLETE DRUG COURT.

III

That this Court, by proper order, however, permitted the Defendant to serve said sentence on probation, the terms and conditions of which are fully set forth in the copy of said sentence which is attached hereto, marked as Exhibit "A", and specifically incorporated herein.

IV

That the Defendant has violated the terms and conditions of probation in the following particulars: CONDITION #1: IN THAT THE DEFENDANT COMMITTED THE OFFENSES OF POSSESSION OF COCAINE AND PIMPING ON OR ABOUT APRIL 15, 2015 IN LOWNDES COUNTY, GA.

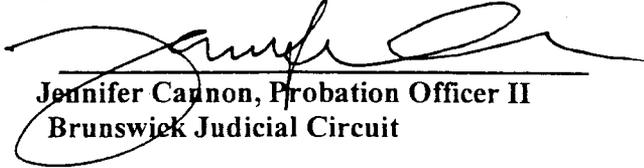
CONDITION #6: IN THAT THE DEFENDANT ABSCONDED PROBATION SUPERVISION SINCE MARCH 21, 2013 WHERE LEFT THE STATE WITHOUT PERMISSION TO FLORIDA.

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This 4th day of NOVEMBER, 2015.


Jennifer Cannon, Probation Officer II
Brunswick Judicial Circuit

ORDER

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This ___ day of _____, 2015.

THE HONORABLE STEPHEN D. KELLEY
Superior Court Judge, Glynn County, Georgia