

**COURT OF APPEALS OF GEORGIA**  
**DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS**

November 5, 2015

**To:** Mr. Paul Williams, GDC882377, Riverbend Correctional Facility, 198 Laying Farm Road,  
Milledgeville, Georgia 31061

**Docket Number:** A16A0273 **Style:** Jackie Watson v. The State

Your document(s) is (are) being returned for the following reason(s).

1.  Your Appellant's Brief, was not accompanied by the statutory filing fee (\$300.00 civil; \$80.00 criminal \*Effective July 1, 2009) 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.  A Request for Oral Argument must be filed as a separate document. Rule 28 (a) (3)
3.  Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)
4.  **No Certificate of Service accompanied your document(s). Rule 6**
5.  **The Certificate of Service must include the complete name and mailing address of each opposing party. Rules 1(a) and 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.**
6.  There were an insufficient number of copies of your document. Rule 6.
7.  Your document exceeds page limits. Rules 24 (f) and 27 (a)
8.  Your document was submitted without permission to file (supplemental brief or second motion for reconsideration). Rules 27 (a) and 37 (d)
9.  Letter briefs and letter cites are not permitted. Rule 27 (b)
10.  Your request for court action must be submitted in motion form. Rule 41 (a) I have enclosed a copy of the Rules of the Court of Appeals of Georgia for your review.
11.  Your motions were submitted in an improper form (joint, compound or alternative motions in one document). Rule 41 (b)
12.  Type was on both sides of the paper; type font was smaller than 10 characters per inch; and/or the type was not double-spaced. Rules 1(c), 37(a) and 41(b).
13.  The pages were not sequentially numbered with arabic numerals. Rule 24 (e)
14.  Case and/or record citations were not made in the proper form. Rules 24 (d) and 25 (c) (2)
15.  Margins were too small or paper size incorrect. Rules 1(c), 24(c), 37 (a) and 41(b)
16.  Your document(s) was (were) not securely bound at the top with staples or round head fasteners. Rule 1 (c)
17.  The Motion to Supplement has not been granted.
18.  Other: \_\_\_\_\_

**COURT OF APPEALS OF GEORGIA  
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS**

To: *Paul Williams*  
Docket Number: *A16A0135*

Style: *Paul Williams v. The State*

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1.  Your Appellant's Brief, was not accompanied by the statutory filing fee (\$300.00 civil; \$80.00 criminal \*Effective July 1, 2009) 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.**
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4.  No Certificate of Service or an improper Certificate of Service accompanied your document(s). Rule 6
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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 A16A0135

STATE OF GEORGIA  
vs.

Paul Williams

INDICTMENT NO. 15SC132329

Briefing

These are facts supporting this Argument, and they are part of the Court's record on June 19, 2015.

My plea was involuntary, based on false and misleading information, and unfair pressure. Prior to these charges, I was on probation, adhering to the rules and guidelines of probation, and I was a star participant in the Fulton Co. Drug Ct. Program.

1: My co-Defendant, Antoine Williams, and his attorney Scott King had been telling me, since the Preliminary Hearing that they were going to Exonerate me of these Charges, due to the fact that the Police Incident Report was written up wrong, and I didn't commit this crime.

On the day of court June 19, 2015 Antoine, and Mr King wanted to Exonerate me, but the prosecutor Keith Lamar stated that "he didn't care if the Pope was trying to Exonerate me, he wasn't accepting no exoneration."

2: My attorney, Henry Toler failed to provide effective assistance during the plea proceedings. Toler was late for court, Judge Ellerbe and Toler had words before the plea proceedings started, Toler never subpoenaed the witness (LT. Isom) to come testify as to what happened and LT. Isom told my wife he would come to court and let the court know that the Incident Report was written up wrong, Toler never discussed a cap figure with the prosecutor, because the retaining fee was

not paid in full, Toler misled me into taking the plea to dismiss himself from the case.

These two (2) factors alone seriously impaired my understanding and judgement.

3: Three (3) days after we were sentenced, Antoine wrote a confession, signed by Antoine Williams, and notarized by a Fulton Co. Sheriff, admitting he committed the acts of Entering Auto, Criminal Damage to property 2nd degree, and Theft By Taken (Misd), and that the incident report had been written up wrong. Please see "Exhibit A" herein this Briefing...

Count 2, of this Indictment, Criminal Damage to Property 2nd Degree 16-7-23, was an error. Judge Ellerbe allowed me to plea guilty and be sentenced for a felony when the charge was only a misdemeanor. The property damage was only \$250.00. This is the restitution the prosecutor only gave Antoine for admitting to breaking the window of the car.

Please see: O.C.G.A 16-7-23 (a)(1) In Re A.F. 1999, 236 Ga.

App. 60, 510 S.E. 2D 910

O.C.G.A 16-7-23 (a)(1) Hildebrand v. State 1993,

209 Ga. App. 507, 433 S.E. 2D 443

O.C.G.A 16-7-23 (a)(1) Wadrop v. State 1998,

231 Ga. App. 164, 498, S.E. 2D 337

Count 2, of this Indictment, Entering Auto 16-8-18, My co-defendant Antoine Williams confessed to entering Auto, also the incident report never stated who broke

into the car. Please see the high lighted area in "Exhibit C."

Count 3, of this Indictment, Poss. OF TOOLS, 16-7-20, I never possessed any tools. OFFICER R. Jones went into the trunk of my car, without my consent, after my car had been searched, and I was detained inside of the Zone 6 precinct, he found a old flashlight, with no batteries in it, and a screwdriver inside of my tool bag, and charged me with Poss. OF TOOLS to commit a crime. The tools that were found were not on me, or in my reach. The tools were found in a tool bag, in a appropriate place to store tools, in my trunk, along with other tools. The Supplemental Report only states that, there was tools in the bag... Please see the highlighted area in "Exhibit B" and Bryant v. State 2013, 320 Ga.

App. 838, 740, S.E. 2D 772

Count 4, of this Indictment, Theft By Taken (MISO) 16-8-2

My Co-Defendant Antoine Williams has confessed to taking the Bookbag from the car. Herein, Please see

"Exhibit A"

Count 5, of this Indictment, Driving w/License SUSP. 40-5-121

I admit my license was suspended at the time of the arrest.

I admit, I was at the scene of the crime... Please see, Yancey v. State 2007, 281 Ga. App. 664, 641 S.E. 2D 524 and Head v. State, 2003, 261, Ga. App. 185, 582 S.E. 2D 164... Walking from the restaurant me, and Antoine had just

ate at. I wasn't aware of what he had done, until after it happened... Please see, Biblear v. State, 2009, 295, Ga. App. 486, 672 S.E. 2D 459

When I got back to my car Antoine was there waiting for me. As I was exiting the parking lot, Atlanta Police rode pass my car real fast, and once they seen my car, they turned around and came at me, with their lights on. Antoine then tossed a book bag out the passenger window, and I pulled over immediately. Please see, Batana v. State 2009, 297 Ga. App. 747, 678, S.E.

2D 193

Only because all evidence pointed toward me at that time, and the unfair pressure being applied by the Judge, and prosecutor, I accepted the plea. The fact that Antoine wasn't owning up to the charges he committed, my attorney not representing me properly, the incident report being written up wrong, all these things affected my mental capacity.

I was told that if I had proceeded to trial, I would be convicted by circumstantial evidence, (my criminal history). Judge Ellerbe told me that if I didn't accept the plea, and go to trial and lose, she would sentence me consecutively on each charge, which added up to 16 yrs.

Judge Ellerbe didn't ask me about my conduct during the incident, or question me about the facts of the case. I was an emotional wreck when I accepted that plea... These are the facts of this case.

wherefore upon the Courts Careful Examination  
of pleadings, and its Completion of an Evidentiary  
hearing before this Court. I Pray that the Court  
shall issue an order granting this Brief.

Thank you for your Consideration, and may God  
bless you...

Respectfully Submitted  
Mr. Paul D. Williams Prose  
Paul D. Williams  
October 27, 2015

[REDACTED]

June 22, 2015

[REDACTED]

I Antoine Williams would like to testify to the Court, to the Honorable Judge Elerbe about my involvement in indictment number 15SC132329.

Paul Williams did not break into the car that he was accused of, nor did he damage the window on the car, or take the logs from the car.

Paul Williams had no knowledge that I was about to break into the car until it happened.

I Antoine Williams admit the police incident was written up wrong, and I take full responsibility for the action of Entering auto, Criminal damage to property 2<sup>nd</sup> Degree, and theft by taken.

I Antoine Williams is asking the Court to consider this Exoneration.

Antoine Williams  
Antoine Williams  
June 22nd 2015

ATLANTA POLICE DEPARTMENT  
Supplemental Offense Report  
INCIDENT NUMBER: 150071426-00-1

NARRATIVE SUPPLEMENT

Date and Time Entered: 01/07/2015 16:42 Officer:

On 1/7/14 at 12:42 P.M. Officer Jones was in the Zone 6 Blvd precinct when an off-duty Lt stated that a vehicle break-in was in progress near the intersection of Highland and Sampson. Officer Romer and I immediately responded to the location in a marked city of Atlanta patrol vehicle. As we were responding to the location, Lt stated that the males fled through the woods towards Fortune Pl. We turned onto Fortune Pl within 10 seconds of Lt notifying us of the updated location. We witnessed 2 males matching the description given by Lt enter a burgundy vehicle parked in a gravel lot. The vehicle was parked backed up to woods which walked through led directly to the vehicle that was broken into. As soon as the males inside saw the patrol vehicle, they fled the parking lot. Officer Romer and I got behind the vehicle on Glen Iris and activated our blue lights. The vehicle turned onto East Ave and quickly accelerated. When the vehicle took the turn onto East Ave, Officer Romer and I both witnessed the passenger of the vehicle throw a black backpack out of the passenger window. I came over Zone 6 radio and notified radio that the suspects threw a bag out of the window. The vehicle stopped approximately 100 yards West of Glen Iris on East Ave. Both suspects were immediately detained. Officer Bursby located the backpack exactly where we stated that bag was thrown. Inside the bag was a silver macbook (serial # C1MMCVAJDTY3) and a G/Drive (serial #WHOANWYR). Officer Bursby returned to the location the vehicles were stopped at with the bags. I recognized the backpack as the bag thrown from the window. All Officers relocated to the Blvd precinct with both suspects in custody.

Once there a search of the vehicle was conducted. Inside the glove box, I located a silver volleyball state championship ring. The outside of the ring was inscribed "Mcintosh, Mitchell 07". I contacted Mcintosh High School in Peachtree City. I spoke to a school administrator. I informed them that I was attempting to locate a volleyball player on the state championship team of 2007. She gave me the name Morgann Mitchell and the number 678-576-3194. I contacted Mrs. Mitchell who stated that her vehicle was broken into in the city of Atl less than a month prior. She stated that she would be happy to come to the precinct to identify her property and verify the case number (143060030) of her vehicle break in. According to the report, her break-in occurred at 1086 Mecaslin st.

Also in the glovebox I located a Tom Tom GPS. I found a charger in the precinct capable of charging the GPS. After turning on the GPS I found the home address to be 4913 stockton way. After searching that address and homeowners information I found that Shan Sullivan previously lived at that address and was a victim of a vehicle break-in in the City of Atlanta on 1/3/15 (case #150032732). I made contact with Mr. Sullivan who stated that his Tom Tom GPS was stolen during the break-in on 1/3/15. He stated that the GPS could be identified because it was a black Tom Tom GPS with the home address as 4913 stockton way Durham NC, his previous address.

The GPS and ring were photographed by a crime scene tech who responded to the Blvd precinct. Both items were submitted to property along with [REDACTED]. I was unable to identify the owners of a ipod, radio, misc jewelry and charging cables for another Macbook and iPhone. Both suspects were transported to Fulton Co Jail.

REVIEWED

APPROVED

**Incident:** 150071426 **Report Date:** 1/7/2015 **Officer Name:** LYNCH  
**GCIC:** 2305 **UCR:** 0640: **Workflow Status:** In Supervisors Box  
**Location of Incident:** 655 HIGHLAND NE **Beat:** 604 **Location Type:** 13:  
HIGHWAY/ROAD/ALLEY  
**From:** 1/7/2015 12:42:00 PM [REDACTED]  
**To:** 1/7/2015 1:00:00 PM

**Victim:** WALDEN, RACHEL **DOB:** 10/11/1993 **White Unspecified**

**Witness:** ISOM, O.D **Black Unspecified**

**Arrestee:** WILLIAMS, PAUL **DOB:** 5/6/1978 **Black Unspecified**  
**Charges:** : POSS TOOLS TO COMMIT CRIME(16-7-20), CRIMINAL TRESPASS(16-7-21),  
ENTERING AUTOMOBILE(16-8-18), THEFT BY TAKING, OVER \$500(16-8-2 500), DRIVE  
W/LICENSE SUSP/REVOKED(40-5-121)

**Arrestee:** WILLIAMS, ANTOINE **DOB:** 6/4/1987 **Black Unspecified**  
**Charges:** : CRIMINAL TRESPASS(16-7-21), ENTERING AUTOMOBILE(16-8-18), THEFT BY  
TAKING, OVER \$500(16-8-2 500)

**Suspect Vehicle:** MAROON BUIC / LES, 1998; **Tag:** BVJ2541; **State:** GA;  
**VIN:** 1G4HP52KXWH542092

**Theft From Vehicle:** GRAY VOLV / V70, 2006; **Tag:** WF62RR; **State:** GA;  
**VIN:** YV1SW592162589091

**Narrative:** Submitted on 1/7/2015 :

On 1-7-2015 at 1242 hours, I was advised over radio by unit (1865x), in regards to two possible larceny suspects walking on Highland towards Glen Iris. The two subjects got inside of a Maroon in color Buick with Georgia tag BVJ2541. Myself along with units (2630) and (2678) conducted a traffic stop on the vehicle at the intersection of Glen Iris and East Avenue. I observed the two males sitting in the driver and passenger seat. The two males inside the vehicle was Mr. Paul Williams and Mr. Antoine Williams who were detained at this time. Unit (1865x) met with us at the location. Lt. Isom (1865x) stated that he was patrolling on Highland Avenue and Glen Iris when he noticed two males looking inside vehicles on Highland Avenue. The suspects then stopped in front of a Gray in color Volvo with Georgia tag WF62RR. The suspects were on the passenger side of the vehicle looking into the back side window [REDACTED]

[REDACTED] The subjects then ran towards Glen Iris with a Black bag heading towards Fortune Place. The two males then got in the suspect vehicle and began to head North on Glen Iris towards East Avenue. While conducting the traffic stop, A Black back pack was thrown out of the car from the passenger side window. Mr. Antoine was sitting on the passenger side of the suspect vehicle. The Black back along with the items inside belonged to a Mrs. Rachel Walden. She was located at the address of 655 Highland Avenue, where her vehicle was broken into. Mrs. Walden's vehicle was a Gray in color Volvo with Georgia tag WF62RR. Mrs. Walden recovered all of her stolen belongings which was inside the back pack. She stated that she had been eating lunch at the "Highland Bakery" when she was advised about her vehicle by myself and Lt. Isom. We relocated to the Boulevard Precinct where the victim filled out a witness statement form. [REDACTED] Unit (7339) came out and took pictures of the recovered items and damaged window on the vehicle. The witness statement forms was turned in as evidence. The stolen items were returned to the owner. Zone 6 supervisor Sgt. Sherdeke (2694) came out to the scene. The subjects were transported to Fulton county jail and their items was turned in at city property. Buckhead towing company took custody of the Buick Lesabre.

This state ment is not true.