



Court of Appeals of Georgia

November 16, 2015

TO: Mr. Brandon Young, GDC1004623, Hays State Prison, Post Office Box 668, Trion, Georgia 30753

RE: **A15A0471. Brandon Ray Young v. The State**

CHECK RETURN

- Your check number _____ in the amount of _____ written on the account of your firm for the filing fee in _____ is enclosed. Please be advised that this Court is returning your check since the filing fee was already paid by _____.

CASE STATUS - DISPOSED

- The referenced appeal was affirmed on May 14, 2015. The remittitur issued on June 1, 2015, divesting this Court of any further jurisdiction of your case. The case is therefore, final.**

Our docket shows Ms. Teresa Doepke as the Public Defender who represented you in the above appeal. As long as you are represented by attorney, you cannot file pleadings on your own behalf. I am returning your documents to you.

I have also enclosed a courtesy copy of the Court's opinion in your appeal for your review.

CASE STATUS - PENDING

- The above referenced appeal is pending in your name before this Court. The appeal was docketed in the _____ Term and a decision must be rendered by the Court by the end of the _____ Term which ends on or around _____.

APPLICATION FOR PERMISSION TO APPEAL A PROBATION REVOCATION

- To appeal a probation revocation, you will need to file a Discretionary Application with this Court. Rule 31 of the Rules of the Court of Appeals of Georgia describes a Discretionary Application and the items you would need to include with your application.

A Discretionary Application must be filed within 30 days of the stamped filed date on the order that you are appealing and the application must be accompanied by a proper Certificate of Service and a pauper's affidavit or the \$80.00 filing fee. You must also comply with all the other applicable rules of Court regarding filing with the Court of Appeals of Georgia.

Enclosed, please find a copy of the Rules of the Court of Appeals for your review.

RECEIVED IN OFFICE

2015 NOV 12 PM 4:03

A Complaint Title 28 Chap 16 Sec. 351

Case No. A15A0471

This a formal complaint on Judge Brian Amero
Flint Judicial Circuit Henry County Superior Court
Concerning Case docket # [2011-SU-CR-997 BA] &
[2010-SU-CR-0685 BA]

According to law Judge Amero signed off along with
D.A. Sandra Rivers and Defendant Counsel December 12th, 2010
A status of 17-7-130 Incompetant to Stand Trial and
Determined Defendant turned over to the D.H.R. though
law states this now becomes a Probate matter to be
sentence as a Civil Commitment and NOT a Criminal
Matter sentence while under medications and Def.
Acting under dillusion 16-3-23(d)(2) deals with
condition of the mind. However, Defendants Counsel was
Ineffective by failing to file pretrial motions, Although
Judge Amero was aware of this and forced Defendant
into Representing himself after a Appointment of counsel
denied. If insanity or 17-7-130 was know to Defendants
Attorney Fred. S. Jones had a professional, moral and legal
duty to file a plea of N.L.R.I (Not Guilty by Reason of Insanity)
or Guilty but Mentally Ill at said time of offence (Hugley v State
(Ga. Ct. App. 1969). Due process requires procedures adequate
to protect incompetent from standing trial. Failure to observe
procedures adequate to protect an accuseds right not to be
tried or convicted while incompetant to Stand trial.

Deprives the accused of the accused due process right to a fair trial (Ricks v. State; 240 Ga. 853, 242 S.E. 2d 604, 1978)

In addition to the common law and Statutory rights of a defendant not to be tried while incompetent, the accused has a constitutional right to not be put on trial while incompetent and procedural due process requires the trial court to afford the accused an adequate hearing on the issue of competency Baker v. State 250 Ga. 187, 297 S.E. 2d 9, (1982)

O.C.G.A. § 17-7-130 (d)(i) Regardless of where the accused is held, the court shall hold a bench trial to determine the accused mental competency to stand trial within (45) days of receiving the department's evaluation. (e) or within six months a jury trial ~~within~~ be held to determine the competency. This never happened, on top of the case could of and should of been a probate matter concerning a civil commitment and not a criminal matter tried before the Superior Court. Judge Amers showed error § 9-14-11 which shows bias and ineffective assistance of Counsel by appointed Atty. Fred S. Jones. Complainant set out fact upon which it is predicated, as distinguished from allegations of mere conclusion of these facts should be specific and not merely general, one has been denied constitutional guarantees without setting forth facts substantiating a violation of such right. Again Complainant shows Due process violation.

IN THE SUPERIOR COURT OF HENRY COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

Case Number: 10-SU-CR-685BA

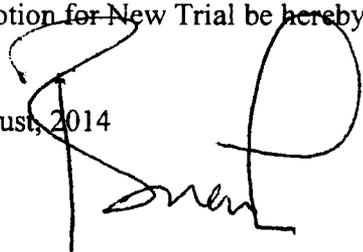
v.

BRANDON RAY YOUNG

ORDER

The above styled case having come before the court on 26th day of August, 2014 for a hearing on defendant's Motion for New Trial and the court having heard evidence and argument of counsel, it is the order of this court that said Motion for New Trial be hereby denied.

SO ORDERED, THIS 26th day of August, 2014



BRIAN J. AMERO
Judge, Superior Court
Flint Judicial Circuit

FILED IN OFFICE
HENRY COUNTY
SUPERIOR COURT

AUG 26 2014

Barbara A. Harrison
CLERK OF SUPERIOR COURT

THIRD DIVISION
ELLINGTON, P. J.,
DILLARD and MCFADDEN, JJ.

NOTICE: Motions for reconsideration must be *physically received* in our clerk's office within ten days of the date of decision to be deemed timely filed.
<http://www.gaappeals.us/rules/>

May 14, 2015

In the Court of Appeals of Georgia

A15A0471. YOUNG v. THE STATE.

MCFADDEN, Judge.

After a jury trial, Brandon Ray Young was convicted of aggravated assault on a correctional officer and aggravated battery on a correctional officer. He appeals, challenging the sufficiency of the evidence. Because a rational trier of fact could have found from the evidence that Young was guilty of each offense beyond a reasonable doubt, we affirm.

In considering whether the evidence was sufficient to support a defendant's convictions, "the relevant question is whether, after viewing the evidence in the light most favorable to the prosecution, *any* rational trier of fact could have found the essential elements of the crime beyond a reasonable doubt." *Jackson v. Virginia*, 443 U. S. 307, 319 (III) (B) (99 SCt 2781, 61 LE2d 560) (1979) (citation omitted;