

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

January 9, 2015

To: Mr. Marrico J. Young, GDC1197949, Wilcox State Prison, Post Office Box 397, Abbeville, Georgia 31001

Docket Number: **Style:** **Marrico J. Young 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. **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:**

For Additional information, please go to the Court's website at: www.gaappeals.us

Send a copy once stamped and filed please... Thank You

IN THE COURT OF APPEALS
OF GEORGIA

MARRICO J. YOUNG,
DEFENDANT

+ CASE NO. 2004-R-10324 and
2004-R-10507

THE STATE OF GEORGIA,
PLAINTIFF

+ [RE:] REQUESTING LEAVE TO
PROCEED UNDER
DISCRETIONARY APPEAL

+ + + + + + + + +

LEAVE TO PROCEED UNDER
DISCRETIONARY APPEAL

RECEIVED IN OFFICES
2005 JAN 9 PM 1:36
COURT ADMINISTRATOR
COURT OF APPEALS OF GA

COMES NOW, THE DEFENDANT, MARRICO J. YOUNG, PRO
THE COURT OF APPEALS OF GEORGIA BY MOTION REQUE-
STING LEAVE TO PROCEED UNDER DISCRETIONARY APPEAL BAS-
ED ON THE FOLLOWING: In and under the authority of O.C.G.A. 5-6-35

On October 27, 2004 the Defendant was convicted
of four counts of Armed Robbery by way of guilty plea proceed-
ing held by Honorable Judge A. Rahn III of Liberty County
Superior Court, and was sentenced to serve fifteen years in
confinement on September 12, 2005. It wasn't until December
10, 2012 that the Defendant filed a Pro-se motion for Out-
OF-TIME-APPEAL in the Liberty County Superior Courts Clerks
Office as to exhaust state remedy.

Wherefore, the defendant by motion for out-of-time appeal commits to enlighten the trial court of the following:

- A. Violations under Boykin
- B. Ineffective Assistance of Counsel
- C. Participation in guilty plea by Trial Judge
- D. Procedural errors by way of Constitution, and O.C.G.A. §

The defendant asserts that this guilty plea is invalid under "Boykin" where he was not advised of 2 (two) of the most fundamental rights that must be administered on the record for fair waiver in accepting a plea of guilty, to include:

1. The right against compulsory self incrimination and,
2. The right to trial by jury.

The defendant further asserts that the trial judge participated in the guilty plea by imposing an impression of "hopelessness" ~~to the~~ on the defendant by making a statement that clearly contradicts and opposes O.C.G.A. 17-7-93 (b) on the record of the guilty plea transcript,

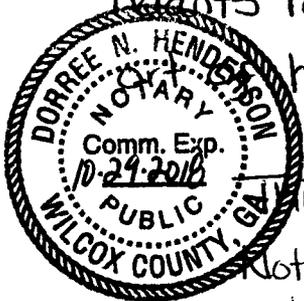
The Court: "Do you also understand that after we enter this plea today, if you get back

and you decide you want to withdraw it, the Court's not so sure you can withdraw it after you do that. Do you understand that?

The defendant had not been sentenced until a month after entering said guilty plea. Where, "After the defendant got back, he in fact could have withdrawn the plea of guilty.

The defendant claims that the trial court had gone unresponsive to this motion for Out-of-Time appeal and further asserts that the trial court rightfully reserved jurisdiction of this case as means to entertain the defendants motion. However, the trial court failed in attempting to scrutinize the defendants motion or the record to ensure that the defendant met requirements to proceed by a meritorious petition, thus, denying the defendant access to the court.

The defendant prays that in light of the trial courts actions that this Honorable Court of Appeals grant the defendants request to proceed with a detailed briefing in support of his claims, thereby, avoiding a miscarriage of justice.



This is the 5th day of January, 2015

Notary Public or Person Authorized to administer Oaths



Sworn before me this 05th day of January 2015.

Respectfully Submitted

x 
MARRICO E. YOUNG
GDC# 1197949
Wilcox State Prison
A.P.O. Box 397
Abbeville, Ga. 31001

IN THE SUPERIOR COURT OF APPEALS
STATE OF GEORGIA

Marrico J. Young _____,
Petitioner
1197949 _____,
Inmate Number

Civil Action No. _____

vs.
Robert Toole _____,
Warden
Wilcox State Prison _____,
Respondent
(Name of Institution where you are now located)

~~Habeas Corpus~~

REQUEST TO PROCEED IN FORMA PAUPERIS

I, Marrico J. Young _____, depose and say that I am the plaintiff in the above entitled case; that in support of my request to proceed without being required to prepay fees, costs, or give security therefor, I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor; that I believe I am entitled to redress.

I further swear that the responses which I have made to questions and instructions below are true.

1. List any and all aliases by which you are known: _____

2. Are you presently employed? Yes No

If the answer is "Yes," state the amount of your salary or wages per month, and give the name and address of your employer: _____

If the answer is "No," state the date of last employment and the amount of the salary and wages per month which you received: _____

2. Have you received within the past twelve months any money from any of the following sources?

Business, profession, or form of self-employment? Yes No

Pensions, annuities, or life insurance payments? Yes No

Rent payments, interest or dividends? Yes No

Gifts or inheritances?

Yes

No

Any other sources?

Yes

No

If the answer to any of the above is "Yes," describe each source of money and state the amount received from each source during the past twelve months: _____

3. Do you own any cash, or do you have money in a checking or savings account? (Include any funds in prison accounts): Yes No

If the answer is "Yes," state the total value of the items owned: _____

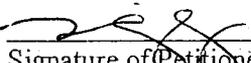
4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing)? Yes No

If the answer is "Yes," describe the property and state its approximate value: _____

5. List the persons who are dependant upon you for financial support, state your relationship to those persons, and indicate how you contribute toward their support: None

I understand that a false statement or answer to any question in this affidavit will subject me to penalties for perjury and that state law provides as follows:

- a. A person to whom a lawful oath or affirmation has been administered commits the offense of perjury when, in a judicial proceeding, he knowingly and willfully makes a false statement material to the issue on point in question
- b. A person convicted of the offense of perjury shall be punished by a fine of not more than \$1,000 or by imprisonment for not less than one nor more than ten years, or both. O.G.C.A. § 16-10-70.



Signature of Petitioner

1/5/15

Date

VERIFICATION

I, Marrico J. Young, do swear and affirm under penalty of law that the statements contained in this affidavit are true. I further attest that this application for in forma pauperis status is not presented to harass or to cause unnecessary delay or needless increase in the costs of litigation.

I am the plaintiff in this action and know the content of the above Request to Proceed in Forma Pauperis. I verify that the answers I have given are true of my own knowledge, except as to those matters that are stated in it on my information and belief, and as to those matters I believe them to be true. I have read the perjury statute set out above and am aware of the penalties for giving any false information on this form.

[Signature]
Signature of Affiant Petitioner

1/5/15
Date

Sworn to and subscribed before me this
05 day of January, 2015.

[Signature]
Notary Public or Other Person Authorized to Administer Oaths



Please note that under O.C.G.A. § 42-12-5 service of an affidavit in forma pauperis, including all attachments, shall be made upon the court and all named defendants. Failure by the prisoner to comply with this code section shall result in dismissal without prejudice of the prisoner's action.

THIS FORM IS TO BE COMPLETED ONLY BY AN AUTHORIZED INDIVIDUAL AT THE INSTITUTION WHERE THE INMATE PLAINTIFF IS PRESENTLY INCARCERATED, OR HIS/HER DESIGNEE.

CERTIFICATION

I hereby certify that the Plaintiff herein, Young, Marrico (#1197949) has an average monthly balance for the last twelve (12) months of \$ -0- on account at the Wilcox State Prison

_____ institution where confined. (If not confined for a full twelve (12) months, specify the number of months confined. Then compute the average monthly balance on that number of months.)

I further certify that Plaintiff likewise has the following securities according to the records of said institution: 0-

Smith, Accountant
Authorized Officer of Institution

12/22/14
Date

NOTE: Please attach a copy of the prisoner's inmate account of the last 12 months or the period of incarceration (whichever is less).

CERTIFICATE OF SERVICE

This is to certify that I have this day served a true and correct copy of the within and foregoing document(s) upon the parties listed below by depositing a copy of the same in the United States Mail in a properly addressed envelope with adequate postage thereon to ensure that it reaches its destination.

Court of Appeals of Georgia
Suite 501
47 Trinity Avenue
Atlanta, Georgia 30334

Liberty County Superior Court
201 South Main St, Suite 1200
Hinesville, Georgia 31313

This the 5th day of January, 20 18.

Marrico J. Young
GDC no. 1197949
Wilcox State Prison
P.O. Box 397
Abbeville, Georgia 31001 +
0397