

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

Date: January 2, 2014

To: Mr. Daniel K. Marsh, Jr., GDC1000732010 Unit 100-C, Jenkins Correctional Facility, 3404 Kent Farm Drive, Millen, Georgia 30442

Docket Number: A14A0795 **Style:** Daniel K. Marsh, Jr. 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 or an improper Certificate of Service accompanied your document(s). Rule 6
5. Your Certificate of Service did not include the complete name and mailing address of each opposing counsel and pro se 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)
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. The Appellant's Brief and Enumeration of Errors were processed by this Court. The other documents are being returned. They exceed the page limit.

COURT OF APPEALS
47 Trinity Avenue, S.W.
Suite 501
Atlanta, GA 30334
(404) 656-3450

Receipt No. **109979**

DATE 12.30.13

RECEIVED OF Brittany Lenning (for Daniel K. Marsh, Jr.)

WE ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

- BRIEF OF APPELLANT
- ENUMERATION OF ERRORS _____
- WITHDRAWAL FEE _____
- PHOTOCOPIES _____
- ADMISSION FEE _____
- CERTIFICATION FEE _____
- APPLICATION COST _____
- OTHER _____

AMOUNT \$ 80.⁰⁰
Mo.# 0010939808

CASE NUMBER A14A0795

ms
CLERK

IN THE COURT OF APPEALS
STATE OF GEORGIA

STATE OF GEORGIA,
Appellee

V.

DANIEL K. MARSH, JR.,
Appellant

*
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CASE NO:
11-CR-422

DOCKET NO.:
A14A0795

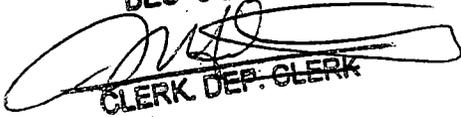
DIRECT APPEAL TABLE OF CONTENTS

1. Notice of Appeal.	3 Pages.
2. Separate Enumeration of Errors and Certificate of Service.	4 Pages. ✓
3. Appellant Brief and Certificate of Service.	<u>27</u> Pages. ✓
4. Order Appealing From (11-19-13).	1 Page.
5. Exhibit List.	1 Page.
6. Exhibits.	<u>62</u> Pages (with cover sheets).
	<u>42</u> Pages (without cover sheets).

processed 12.26.13

THOMAS COUNTY
CLERK OF COURT
FILED IN OFFICE

DEC 02 2013


CLERK, DEP. CLERK

IN THE SUPERIOR COURT OF THOMAS COUNTY

STATE OF GEORGIA

STATE OF GEORGIA	*	CASE NO.:
	*	11-CR-422
	*	
V.	*	DOCKET NO.:
	*	<u>A14A0795</u>
DANIEL K. MARSH, JR.	*	

NOTICE OF APPEAL

COMES NOW Daniel K. Marsh, Jr., Pro se Litigant, and files this NOTICE OF APPEAL of this Court's order on his "MOTION" and its amendment.

Defendant appeals to the Georgia Court of Appeals from this Court's order entered in the Superior Court of Thomas County on the 19th day of November, 2013.

Defendant was convicted of 1 count of child molestation (O.C.G.A. § 16-6-4 (a)) and was sentenced to 20 years in the Georgia state Department of Corrections

IN THE COURT OF APPEALS
STATE OF GEORGIA

STATE OF GEORGIA,
Appellee

V.

DANIEL K. MARSH, JR.,
Appellant

CASE NO:
11-CR-422

DOCKET NO.:
A14A0795 Exhibit
List

EXHIBIT LIST

Exhibit A	Order on Demurrers	2009-CR-356	1 Page	Filed 9-25-09
Exhibit B	Indictment	2009-CR-356	4 Pages	Filed 8-6-09
Exhibit C	Discovery Exhibit 5	Page 13	1 Page	
Exhibit D	Discovery Exhibit 7	Pages 33-34 & 43	3 Pages	
Exhibit E	Discovery Exhibit 10	Page 54	1 Page	
Exhibit F	Indictment	2010-CR-58	4 Pages	Filed 2-2-10
Exhibit G	Motion to Dismiss And a demurrer	2010-CR-58	<u>3</u> Pages	Filed <u>2-24-10</u>
Exhibit H	Order on Motion to Dismiss And a Demurrer	2010-CR-58	1 Page	Filed 7-2-10
Exhibit I	Motion to Quash	2010-CR-58	2 Pages	Filed 6-22-11
Exhibit J	State's Response to Defendant's Motion	2011-CR-422	4 Pages	Served 7-11-13
Exhibit K	Entry of Nolle Prosequi	2010-CR-58	2 Pages	Filed 7-5-11
Exhibit L	Entry of Nolle Prosequi	2009-CR-356	1 Page	Filed 1-13-12
Exhibit M	Entry of Nolle Prosequi	2010-CR-58	1 Page	Filed 1-13-12
Exhibit N	Entry of Nolle Prosequi	2011-CR-422	1 Page	Filed 1-13-12
Exhibit O	Motion to Dismiss	2011-CR-422	3 Pages	Filed 8-25-11
Exhibit P	Demurrer	2011-CR-422	1 Page	Filed 8-25-11
Exhibit Q	Motion in Limine	2011-CR-422	2 Pages	Filed 8-25-11
Exhibit R	Motion in Limine	2011-CR-422	1 Page	Filed 8-25-11
Exhibit S	Indictment	2011-CR-422	5 Pages	Filed 8-4-11
Exhibit T	Sentencing Order	2011-CR-422	1 Page	Filed 1-12-12

IN THE SUPERIOR COURT OF THOMAS COUNTY
STATE OF GEORGIA

THE STATE :
 :
vs. : Case No: 09CR356
 :
 :
DANIEL KENNETH MARSH, JR. :

ORDER ON DEMURRERS

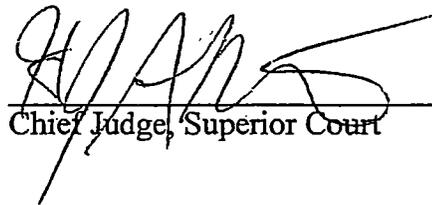
The above case came on for a hearing and the Court heard argument from the State and the defense.

IT IS ORDERED AND ADJUDGED that the demurrers to Count One, Two, and Three are sustained over the objection of the State.

The demurrer to Count Four of the indictment is sustained with the consent of the State.

The demurrers to Counts Five, Six, Seven, Eight and Nine are overruled.

Dated at Thomasville, Georgia this 17 day of September, 2009.



Chief Judge, Superior Court

Presented by:
Converse Bright
101 E. Central Avenue, 4th Floor
Valdosta, Georgia 31601
Counsel for Defendant

Consented as to form by:
Justo Cabral
Assistant District Attorney
Post Office Box 99
Valdosta, Georgia 31603

THOMAS COUNTY
CLERK OF COURT
FILED IN OFFICE
SEP 23 2009

CLERK, DEE CREE

Exhibit A Page 1 of 1

Exhibit A Page 1 of 1

INDICTMENT

Trial Docket No. 09-CR356

Thomas County Superior Court

APRIL 2009

State of Georgia

vs.

~~Daniel Kenneth Marsh, Jr.~~

Charge:

- Ct. 1: Child Molestation - O.C.G.A. 16-6-4(a)
- 2: Child Molestation - O.C.G.A. 16-6-4(a)
- 3: Child Molestation - O.C.G.A. 16-6-4(a)
- Ct. 4: Aggravated Child Molestation
O.C.G.A. 16-6-4(c)
- Ct. 5: Aggravated Child Molestation
O.C.G.A. 16-6-4(c)
- Ct. 6: Statutory Rape - O.C.G.A. 16-6-3(a)
- Ct. 7: Statutory Rape - O.C.G.A. 16-6-3(a)
- Ct. 8: Statutory Rape - O.C.G.A. 16-6-3(a)

True BILL

 FOREPERSON

SA Bahan Rich
Prosecutor

J. David Miller
District Attorney
Southern Judicial Circuit

Received in open court, from the sworn grand jury bailiff and filed in
Clerks Office of Thomas County, GA

The 6 day of Aug, 2009.
At _____ o'clock _____ m.


 CLERK

Witnesses

Special Agent Bahan Rich
Case # 09-0128-22-09
Georgia Bureau of Investigation Region 9 (Thomasville)
P.O. Box 1641
Thomasville, GA 31799

Special Agent Sean Edgar
Case # 09-0128-22-09
GBI - Region 9 (Thomasville)
P. O. Box 1641
Thomasville, GA 31799

Lt. Tim Watkins
Sgt. David Godwin
Both % Thomasville County Sheriff's Office
921 Smith Avenue
Thomasville, GA 31792

Oscar Ramirez
837 Zorn Rd. - Apt. #2
Coolidge, GA 31738

Tina Godwin,
Ashley Ramirez,
Gracey Ramirez,
All %
21800 U.S. Hwy 319 North
Coolidge, GA 31738

Candace Jones
% DFACS
P. O. Box 2740
Thomasville, GA 31799

Cynthia Ingram, RNC
Adcock Center for Women's Health
1 Magnolia Court
Moultrie, GA 31768

Exhibit B Page 1 of 4

Exhibit B Page 1 of 4

IN THE SUPERIOR COURT OF THOMAS COUNTY
STATE OF GEORGIA

STATE OF GEORGIA
vs.

*
*
*
*
*

CASE NO. 11-CR-422

DANIEL K. MARSH, JR.
Defendant

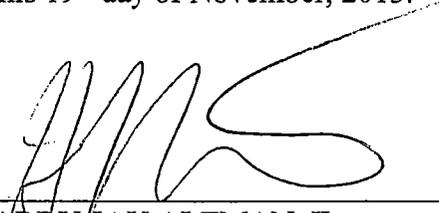
Order
Appealing
From

ORDER

Defendant's "Motion" filed on June 27, 2013 as amended on October 31, 2013 having been presented to the Court, the Court finds there is no merit to the issues raised in the Motion and the Defendant is not entitled to any relief sought.

Based upon the foregoing, Defendant's "Motion" as amended is hereby **DENIED**.

IT IS SO ORDERED, this 19th day of November, 2013.



HARRY JAY ALTMAN, II
Judge, Superior Courts
Southern Judicial Circuit

CLERK TO FURNISH COPIES TO:
Defendant
ADA Laura Wood
Defense Attorney John Gee Edwards

THOMAS COUNTY
CLERK OF COURT
FILED IN OFFICE

I certify that I have mailed a copy of this
order to all parties or their attorneys

NOV 19 2013

Cheris Taylor Date 11-20-13



CLERK. DEP. CLERK

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

January 2, 2014

To: Mr. Michael K. Murphy, 7NE502, DeKalb County Jail, 4425 Memorial Drive, Decatur, Georgia 30032

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 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.
Your Notice of Appeal did not include a Certificate of Service or does not include a proper Certificate of Service.
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 Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.
Your appeal was disposed by opinion (order) on.
Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.
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.

IN THE SUPERIOR COURT OF DEKALB
STATE OF GEORGIA

RECEIVED IN OFFICE
2013 DEC 26 PM 4:04
CLERK/COURT CLERK
COUNTY OF ATLANTA, GA

Michael K. Murphy,
^{SPEN} X0091601 / INDICTMENT # 13CR1401-1 Petitioner
Inmate Number

Civil Action No. _____

DEKALB JAIL vs.
DEKALB COUNTY Warden
DISTRICT ATTORNEY Respondent
(Name of Institution where you are now located)

Habeas Corpus

APPLICATION FOR WRIT OF HABEAS CORPUS

PART I: BACKGROUND INFORMATION ON YOUR CONVICTION

- Name, county, and court which entered the judgment of conviction under attack:
DEKALB COUNTY - (DEMAND FOR SPEEDY TRIAL) -> VIOLATED *
- Date of conviction: _____
(Please Note: O.G.C.A. § 9-14-42(c) mandates that applications for writ of habeas corpus must be filed within a certain time. Please see Instructions (7) for more information.)
- Length of sentence(s): I HAVEN'T BEEN TRIED TO BE SENTENCED
- Were you sentenced on more than one count of an indictment, or on more than one indictment, in the same court and at the same time? ~~Yes~~ → (MKM) No I CHECKED NO (MKM) SORRY I MEAN NO (MKM)
- Name of offense(s). List all counts: ATTEMPTED ARMED ROBBERY, BATTERY, SIMPLE ASSAULT.
INDICTED ON 4 COUNTS OF AGGRAVATED ASSAULT INDICTMENT # 13CR1401-1
- What was your plea? Please check one:
 Guilty
 Guilty but mentally ill
 Nolo contendere
 Not guilty
 If you entered a guilty plea to one count or indictment, and a not guilty or nolo contendere plea to another count or indictment, give details: I DIDN'T PLEA - I HAVEN'T EVEN BEEN BACK TO COURT AND IT'S BEEN 6 MONTHS / FIVE MONTHS SINCE I FILED FOR DEMAND FOR SPEEDY TRIAL.
- Kind of trial. Please check one:
 Jury
 Judge only
- Did you testify at the trial? Yes No

9. Did you appeal from the conviction? Yes No

10. If you did appeal, answer the following:

Name of appellate court to which you appealed: _____

Result of appeal: _____

Date of result: _____

11. Other than a direct appeal from the judgment of conviction and sentence, have you previously filed any petitions, applications, or motions with respect to this conviction in any state or federal court?

Yes No

12. If you answer to 11 was "Yes," give the following information: (Note: If more than three petitions, please use a separate sheet of paper and use the same format to list them.)

A. Name of court and case number: DEKALB COUNTY (13 CR 1401-1)

What kind of case or action was this? DEMAND FOR SPEEDY TRIAL *

All grounds raised (attach extra sheet of paper if necessary): _____

- GROUND ON PAGE 4 -

Did a judge hear the case? Yes No Did witnesses testify? Yes No

Name of Judge: _____

Result: _____

Date of Result: _____

B. As to any second petition, application or motion, give the same information.

Name of court and case number: _____

What kind of case or action was this? _____

All grounds raised (attach extra sheet of paper if necessary): _____

Did a judge hear the case? Yes No Did witnesses testify? Yes No

Name of Judge: _____

Result: _____

Date of Result: _____

C. As to any third petition, application or motion, give the same information.

Name of court and case number: _____

What kind of case or action was this? _____

All grounds raised (attach extra sheet of paper if necessary): _____

Did a judge hear the case? Yes No Did witnesses testify? Yes No

Name of Judge: _____

Result: _____

Date of Result: _____

D. Did you appeal to the Georgia Supreme Court or the Georgia Court of Appeals from the result taken on any petition, application, or motion listed above?

First petition, application or motion: Yes No

Second petition, application or motion: Yes No

Third petition, application or motion: Yes No

E. If you did not appeal from the denial of relief on any petition, application or motion, explain briefly why you did not: IM NOW FILING CAUSE MY SPEEDY TRIAL RIGHTS HAS BEEN VIOLATED. WHY? I DONT KNOW BUT IT IS MY RIGHT, THIS IS WHY IM FILING.

F. If you appealed to the highest state court having jurisdiction, did you file a petition for certiorari in the United States Supreme Court to review the denial of your petition by the Georgia Supreme Court or the Georgia Court of Appeals? Yes No

13. Do you have any petition or appeal now pending in any court, either state or federal, as to the conviction under attack? Yes No

14. Give the name and address, if known, of each attorney who represented you in the following stages of the judgment attacked herein:

At preliminary hearing: _____

At arraignment and plea: Gayle Murray

At trial: _____

At sentencing: _____

On appeal: _____

In any post-conviction proceeding: _____

On appeal from any adverse ruling in a post-conviction proceeding: _____

15. Do you have any other sentence, either state or federal, to serve after you complete the sentence imposed by the conviction under attack? Yes No

If so, give the name and location of the court(s) which impose any other sentence:

State the date and length of any other sentence to be served: _____

Have you filed, or do you contemplate filing, any petition attacking the judgment(s) which imposed any other sentence? Yes No I HOPE NOT.

- RIGHT TO SPEEDY TRIAL HAS BEEN VIOLATED -

PART II: STATEMENT OF YOUR CLAIMS

State concisely every ground on which you no claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. In necessary, you may attach pages stating additional grounds and facts supporting the same.

1.

GROUND ONE: IN ALL CRIMINAL PROSECUTION, THE ACCUSED SHALL ENJOY THE RIGHT TO A SPEEDY AND PUBLIC TRIAL, BY AN IMPARTIAL JURY OF THE STATE AND DISTRICT WHEREIN CRIME WAS COMMITTED. ^{#6} AMENDMENT
SUPPORTING FACTS. (Tell your story briefly without citing cases or law): 5 MONTHS AGO I FILED FOR SPEEDY TRIAL AND HAVEN'T BEEN TAKEN TO TRIAL YET. MY DEMAND FOR SPEEDY TRIAL WAS FILED AT THE APRIL COURT TERM AND NOW TWO COURT TERMS HAS PASSED.

2.

GROUND TWO: NOR SHALL ANY STATE DEPRIVE ANY PERSON OF LIFE LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW NOR DENY TO ANY PERSON WITHIN IT'S JURISDICTION THE EQUAL PROTECTION OF THE LAW ^{#14} AMENDMENT
SUPPORTING FACTS. (Tell your story briefly without citing cases or law): WHERE NO REASON APPEARS FOR DELAY, IT MUST BE TREATED AS THE DELAY WAS CAUSE BY THE STATE NEGLIGENCE IN BRINGING THE CASE TO TRIAL, OR IS THERE SOME OTHER REASON, I DO HAVE CONSTITUTIONAL RIGHTS DON'T I.

3.

GROUND THREE: AS TO THE PREJUDICE FACTOR, THERE ARE TWO INTERESTS WHICH THE SPEEDY TRIAL RIGHT WAS DESIGNED TO PROTECT (A) PREVENT OPPRESSIVE PRETRIAL INCARCERATION (B) MINIMIZE CONCERN OF ACCUSED. ^(MAY) ANXIETY
SUPPORTING FACTS. (Tell your story briefly without citing cases or law): THE ANXIETY FACTOR PLAYS A BIG ROLE AND BEING INCARCERATED NOT HAVING EQUAL PROTECTION OF THE LAW'S REALLY HURT, AND FOR ME TO BE TOLD I HAVE RIGHTS AND I SEE THAT I REALLY DON'T, I HAVE TO THINK, WHERE AM I? IS THIS THE USA

4.

GROUND FOUR: THE SUPREME COURT OF THE UNITED STATES

IDENTIFIED THESE FACTORS TO BE CONSIDERED BY COURT
IN WHETHER AN ACCUSED'S CONSTITUTIONAL RIGHT TO SPEEDY TRIAL HAD BEEN VIOLATED

SUPPORTING FACTS. (Tell your story *briefly* without citing cases or law): LENGTH OF DELAY, THE
DEFENDENT'S ASSERTION OF HIS RIGHT, AND THE PREJUDICE WHICH IS
CLEARLY GOING ON, DEFENDANT MOVE TO DISMISS CHARGES
ON THE GROUND THAT HIS 6 + 14 AMENDMENTS
HAS CLEARLY HAS BEEN VIOLATED ~~=====~~

PART III: OTHER CLAIMS NOT PRESENTED TO A COURT BEFORE THIS

If any of the grounds listed in PART II were not previously presented in any other court, state or federal, state *briefly* what grounds were not so presented, and give your reasons for not presenting them:

IT TOOK 9 MONTHS FOR ME TO GET INDICTED. WHICH WAS FEB 2013, I WAS TAKEN TO COURT FOR ARRAIGNMENT AND PLEA MARCH 4 NOT EVEN A MONTH BEHIND INDICTMENT. MY RELIEF, DISMISSAL OR DISCHARGED OF CASE DUE TO UNLAWFUL ANXIETY, TRIAL COURT HAS ABUSED ITS DISCRETION

Wherefore, petitioner prays that the Court grant relief to which the petitioner may be entitled in this proceeding.

Michael K. Murphy
4425 MEMORIAL DRIVE
DECATUR, GEORGIA 30032.
Gayle Murray
Signature and Address of Petitioner's
Attorney (if any attorney)

8/28/13
Date

I declare (or certify, verify, or state) under penalty of perjury that the foregoing statements made in this Application for Writ of Habeas Corpus are true and correct.

Executed on 8/28/13
Date

Michael K. Murphy
Signature of Petitioner

Sworn to and subscribed before me this
4th day of September, 20 13.

Jelicia L Davis
Notary Public or Other Person Authorized to Administer Oaths



OFFICIAL SEAL
FELICIA L. DAVIS
Notary Public, Georgia
NEWTON COUNTY

My Commission Expires

Please note that under O.C.G.A. §9-14-45 service of a petition for writ of habeas corpus shall be made upon the person having custody of the petitioner. If you are being detained under the custody of the Georgia Department of Corrections, an additional copy of the petition must be served on the Attorney General of Georgia. If you are being detained under the custody of some authority other than the Georgia Department of Corrections, an additional copy of the petition must be served upon the district attorney of the county in which the petition is filed. Service upon the Attorney General or the district attorney may be had by mailing a copy of the petition and a proper certificate of service.

Georgia Court of Appeals
State of Georgia

State of Georgia

VS

Prince Richardson

5-5-76 X0119125

Criminal Action

Case # 12CR2883-1

Certificate of Service

This Certifies that on this day 29th of Dec I served
Copies of the following Documents: Motion for Habeas
Corpus and the Memorandum Attached — by first class
mail Certified mail, return receipt requested
Delivering to the person. they were mailed or personall,
Delivered to the following person at the following address

Georgia Court of appeals
Clerk: William L Martin
334 State Judicial Building
Atlanta, Ga 30334

Dated: 12-29-2013

Sign Prince Richardson

Plaintiff Defendant

Prince Richardson

4425 Memorial Dr

Decatur Ga 30032

[Signature]

OR a fair recommendation

I was Divested of my rights I'm Seeking legal Immoren

Jurisdiction all persons within the United States, But

every person is subject to the Ordinary law within the

be treated under the "Rule of law, 3, 4, the Doctrine that

Case, which is an "unlawful Act, my expectation was to

Are laws and my rights that was not enforced in my

Article IV, Section 1 and 2 Article VI, Paragraph 2

Article I, Section 9, Paragraph 2, Article III, Section 2

Enforced, Now 14th, 9th, 8th, 6th, 5th, 1st amendments and

law: the power to see that the laws are duly executed and

enforce that support Executive Powers is Constitutional

Support from another and usu. may involve laws to

Now I am a legal Dependent who Derives Principal

Violation of an administrative rule or regulation

"Administrative Crime, an offense consisting of a

Means you are under oath, rules, and regulation,

you are a accredited representative of the law that

and would like to be treated fairly by the law and if

Don't get me wrong, I'm no saint, but I know what's fair

Entire system, "Harris v. State, 284 Ga. 455 (2008)

to prepare my case Shews the fairness of the

my case, No resources this is inability of me adequately

is my case fair, with "legal Inquiry, and little info about

run 3 times a week Here "looks like a derided link, how

my family can't send me info in the jail at all and mail only

Under the 14th Amendment of Equal protection of the laws
Barker V. Wingo, 407 us 514, 92 S.Ct. 2182, 33 L.Ed. 2d 101

State V. Porter, 288 Ga 524 (2011)

State V. Pickett, 288 Ga 674 (2011)

State V. Gleaton, 288 Ga 373 (2010)

Harris V. State, 284 Ga 455 (2008)

Simmons V. State, 290 Ga 315 (2008)

Ayala V. State, 262 Ga 704 (1993)

Doggett V. United State, 505 us. 647 (1992)

I want to file Habeas Corpus but I wrote a request form
in the jail for the motion and haven't receive one, I have
no resource and no help from an attorney. So I am praying
that this written notice will work. Const. Ga. of 1983, Art
I, Sec. I, Par. XI (a); U.S. Const. Amend. VI. I was Denied
my 6th, 14th Amendment right to a speedy trial by the
Passage of 21 months between my arrest. Barker test
21 months is presumptively prejudicial. Citing. Boseman
V. State 263 Ga. 730 (1)(b). 438 S.E. 2d 626 (1994) reason
for Delay. I had several transfers in my case Attorney
and prosecutors. On prompt disposition of Criminal Charges
Standard 3-2.9 a prosecutor should avoid unnecessary
Delay in the disposition of a case, Brannen V. State, 274 G
454 (2001) Bell V. State, 287 Ga App. 300 (2007) now a
prosecutor should not fail to act with reasonable
Diligence and promptness in prosecuting a case. The
Decision to Hold me in Custody prior to trial was

Robert Roberts

12-29-2013

(10)

Unduly Oppressive and unavailability of resource's Ineffective Assistance of Counsel, abandonment, intentional relinquishment of known rights or privilege and with legal injury. Barker Cautions that neutral reason for Delay such as negligence or overcrowded Courts should be considered since the ultimate responsibility for such circumstances must rest with the government rather than with me the fact that my attorney may not have been diligent in protecting my Constitutional rights to Speedy trial etc. is "no excuse" for the failure of the state to intervene and prevent an egregiously-long period of pretrial Detention, I suffer from anxiety and Depression, loss of employment, declining economic circumstances, financial Difficulties and "21 months" Delay of pretrial Detention and Due to the passage of time Change's and ineffective assistance of Counsel prevented me from retaining private Counsel. Cain V. State, 310 Ga. App. 442 (2011) it seriously Impaired my Defense; i asked for speedy trial with respect to the indictment that i was "available for trial at all times" and that the state had no justification for not promptly bring the Charge to trial. I am Incarcerated there's no where i can go or anything to do it's safe to say appointed Counsel can adequately Defend me they just chose not to, that's not my fault, only thing i can do in here is get upset and complain that's

Richard Richardson

12-29-2013

①

all, & Ms Gayle Murray took unfair advantage of me with false language and conduct with the result that i was legally injured & left me inability to adequately prepare my case and the prosecutor obviously took full advantage of my Disability of Common Knowledge of the law and legal injury is unfair to me the total pretrial Delay 21 months in prosecution for my Case Crossed the presumptive prejudice threshold for purposes of speedy trial analysis U.S.C. Const Amen. Ce; Const Art I, §1, par 11; Doggett v. United State. 505 U.S. 647 (1992) Doggett, 505 U.S. at 654, 112 S.Ct 2686 at 655, 112 S.Ct (2686) Bright-line rule, Porter 288 Ga. at 529, 705 S.E. 2d 636. i see this as a Deliberate pretrial delay to gain an improper advantage over me & Barker-Doggett review & oppressive pretrial incarceration render me from obtaining tangible evidence such as Phone records to help my Defence & limiting that possibility that my Defence was impaired Due to 21 months Delay & State v. Bazemore, 249 Ga. App. 584, 585 (1)(a), 549 S.E. 2d 426 (2001) i wanted to Appeal on my guilty plea & but i see now i Have to seek an out of time appeal Due to ineffective assistance of Counsel or "Habeas Corpus," Cobb v. State, 265 Ga. 74 (2008) Barlow v. State 282 Ga. 232 (2007) Violating my Constitutional right to a Speedy trial, State v. Pickett, 301 Ga. App 251, 687 S.E. 2d 239 (2009)

Phin Richards

12-29-2013

① On my Bond Hearing's
Your "Honor," using liberal Interpretation and
logical Interpretation, from 2012 to 2013 of Statement
and facts, I will show Jurisprude, i do know the Basis
of what's fair & fundamental-fairness Doctrine an
fundamental right do apply to my 14th an 8th amendment
for a bond, now i know only a Superior court Judge
Can set a bond Classified under code section 16-13-25
as schedule I or under code section 16-13-26 as
schedule II; i enter a bond hearing with a Presumptio
of innocence which allows for the setting of a Bond
so i thought? the law favors releasing a person prior
to trial. Ayala V. State, 262 Ga. 704 (1993) now i d
understand there is an exception," if the prosecutor
Do a proffer of what they believes the evidence
would be in a case," that is Contradicting to the Judge
is not supposed to Consider the merits (strength or
weakness) of the case the guilt or innocence of the
Defendant or whether there is probable Cause. Craft V
State. 154 Ga. App. 682 (1980) it's understandable if the
Prosecutor, Do a proffer on a Defendant past History
& now at my bond Hearing not one but all of them;
I listen to the prosecutor proffer of the case and
mis construed my past History. really Misrepresentation
to the Judge on purpose. was a Deliberate action b;
the prosecutor to gain a tactical advantage. I
Explained my History to her so she can use Rebuttal

Primo Richardson

12-29-2013

Bond

against the prosecutor," I asked Her to speak on the Subject she had Superior Knowledge on the matter. but Wanton misconduct of my 14th and 8th amend She refused to say any thing, Due to ms Murray undue influence of my rights. Which is unethical, the Judge going off the merits of my case & it was undue Prejudice to refuse my bond & I wrote records & refention here at the Jail and they wrote back, saying i have to spea with G.B.I or Dekalb D.A. Offices, I asked my family to Call G.B.I and they said the mix up came from the D.A. Office; Now i cant talk to the D.A. on that error Cause they did it for a reason to Hold me in Custody its ~~pre~~ prejudicial impact upon my ability to defend my self against the Charge's. Barker test & 21 month's Since my arrest an 19 month's Since my indictment i Presumptively Prejudicial: Wimberly V. State, 279 Ga. 65, 66, 608 S.E. 2d 625 (2005) an Boseman V. State 263 Ga 730 (1)(b), 438 S.E. 2d 626 (1994) Oppressive Pretrial incarceration, Brown V. State, 264 Ga. 803 804(2), 450 S.E. 2d 821 (1994) Interpretivism of 17th amend for a bond. this is "aumentative" presumption If a person has already been convicted of a Serious Violent felony. there shall be an "Initial finding", called a "Presumption", that no Condition or Combination of Condition will reasonably assure the appearance of a person as required & for one i dont Have a

Pinck Richarder
12-29-2013

③

Bond

Violent felony on my past History, I Haven't been Convicted of a Crime in over "13" year's that's from "2001 to 2013," now in 6 year's from "2006 to 2012," i Haven't been Charged with a Crime until "2012" so it's very little chance, i will Commit one that's "Conclusive presumption," I have had the same Job over "18" year's Doing tattoo's for the Community? I Have lived in Ga over "20" year's and there are no F.T.A's on my record showing i will flee? in 200 i was home waiting on trial, with good moral Character there's nothing on record showing i ever missed Court? but there are showings that i came to ever court apperanc i ever had in the past? that's "Mixed Presumption," There are no fact's or findings showing that i ever intimidate any witness? If you say i Committed a Crime in the last 13 year's from "2001 to 2013," fact there should be a showing of a Conviction, there are none? the prosecutor has to show, "preponderance of the evidence," which i just did that's "presumption of law" now i never seen any one or any fact's or any Combination of fact's that any one in the world could furtell the future," only thing the Judge, D. t or any one of that matter can do is assume i will Commit a Crime which is preposterous? I Have a letter Here saying i got indicted on may 1st 2012 now i got arrested on Jan 26th 2012 now any day from april 26th and Beyond with out an indictment is entitled to a bond O.C.G.A § 17-7-50 State V. English, 276 Ga. 343 (2003) Rawls V. Hunter 267 Ga 109 (1996)

Punk Richard

12-29-2013

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

January 3, 2014

Mr. Prince L. Richardson
GDC0119125 8NW 104
DeKalb County Jail
4425 Memorial Drive
Decatur, Georgia 30032

Dear Mr. Richardson:

We are in receipt of your Motion for Habeas Corpus in Indictment 12CR2883-1. Please note that an Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are being 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. The Supreme Court's mailing address is as follows:

Supreme Court of Georgia
244 Washington Street, S.W. • Suite 572
Atlanta, Georgia 30334

Also, you may want to correct your Certificate of Service to show service to the opposing counsel and list the counsel's full name and complete mailing address. The opposing counsel must be served with a copy of your filing not the clerk of the Georgia Court of Appeals. The State is represented by the District Attorney or an Assistant District Attorney.

I am returning your documents to you.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld
Enclosures

Georgia Court of Appeals
Motion

Court of Appeals of Georgia

Prince Richardson

BM, DOB 5-5-76, X0119125

VS

The State of Georgia

Motion for Habeas Corpus

RECEIVED NOTICE
4 JUL -2 PM 3:44
CLERK OF COURT
COURT OF APPEALS
12CP28837

To support this motion the Defendant files a Memorandum of trial error and prejudice to the Defendant

I

Defendant can show justifiable dissatisfaction such as

conflict of interest, an irreconcilable conflict or complete

breakdown in communication ineffective assistance of counsel

from written Attachment

II

Defendant can show violation of Amendment rights

I would like to request State Action or a Hearing to

address this motion at the earliest possible date this

Honorable Court I deem appropriate.

I certify that I have this date served a copy

of the within and foregoing motion to the office

Prince Richardson

of Court of Appeals located in the state

James Richardson

Judicial Building Atlanta Ga 30334 by Mail

Date 12-29-2013

Georgia Court of Appeals
State of Georgia

Criminal Action

Case # 12CR2883-1

State of Georgia

VS

Prince Richardson

5-5-76 R0119125

Certificate of Service

This certifies that on this day 29th of Dec I served

Copies of the following Documents: Motion for Habeas

Corpus and the Memorandum Attached by First class

mail Certified mail, return receipt requested

Delivering to the person. They were mailed or personally

Delivered to the following person at the following address

Georgia Court of Appeals

Clerk: William L. Martin

354 State Judicial Building

Atlanta, Ga 30334

Dated: 12-29-2013

Sign *Prince Richardson*

Plaintiff Defendant

Prince Richardson

4425 Memorial Dr

Decatur Ga 30032

Date 12-29-2013
12CR2885-1

Hello my name is Prince Richardson
(X0119125)

"Good morning, your Honor. I come before you this Day very Depressed, Nervous, and upset since day one of this Process, your Honor I stand before this Honorable Court for the purpose of positive justice and ask you on the face of the injustice afford to me, the interest of justice I see legal Innocence or a fair recommendation using golden rule and statement of facts, I am writing this concerning my well being my Attorney and case. Using liberal and logical interpretation on this letter of my Attorney. Mrs Gayle B. Murray, was repugnant in my case, I had really no kind of communication with, Mrs. Murray. Meaning when my case started in Jan 2012 "The only I've seen Mrs Murray, was when I was going to bond Hearing's She never once sat Down and talked to me about my Case the whole 2012 and some of 2013, that's 14 months. Ineffective Assistance of Counsel. That's not competent Representation, State Bar Rule 1.1, 1.3 and 1.7 Harris v. State, 279 Ga. 504 (2005) I asked for Habeas Corpus for my Bond and Constitutional Speedy trial to my Attorney, but she refused and Didn't file any motion. On one of my Bond Hearing's in 2012 "I tried to speak using the 5th in court, but the judge said She will not listen to me, that's why I have an attorney and to speak to the

Prince Richardson

②

fundamental requirement of Due process is opportunity to be heard at a meaningful time and in a manner U.S.C.A. Const Amend 5th, 14th Which was not Done. How can I assert my 6th Amend if I don't Have any Help from my Attorney? then around "April 2013," Ms Murray Abandon my Case," State Bar Rule 1.3? Then I received "Ms Galloway" and I didn't know about that. State Bar Rule 4.2 Rule 4.6 Rule 30.2 Rule 1.16, Presence - of - Defendant Rule: When a Attorney or Prosecutor Changing or Abandon my case; I suppose to be present at Every major Stage of Criminal Proceedings which I was not? When I went to another Bond Hearing I found out about my New attorney? Ms Galloway and I spoke briefly with Her. I explained my Criminal History so she can use rebuttal against the Prosecutor But she refuse to say any thing on the subject and listening to part of the proffer of the prosecutor case. Using the merits in the case the judge used undue prejudice to refuse my bond "Craft V. State. 154 Ga. App. 682 (1980) then about two week's after the bond Hearing "Ms Galloway and Her Paralegal Ms Price," Came out and spoke to me about my case Well some of it once again I asked to file a motion for "Habeas Corpus," for my bond and Constitutional Speedy trial and she refused me of my rights? now I Had my family call them to Come out again to speak to me. Ms Price called me first. I really Didn't talk on the phone because I am in a Dorm to many

Primo Richardson

12-19-2013

People can hear my call. So about a week after the call, I think this was in May "Mrs Galloway, and Mrs Price, came to see me, by his time she was upset and really didn't want to talk to me and was in a rush. Then after they left it's been a while like 5 months." Mrs Galloway. "Had I abandon my case and the prosecutor, State Bar Rule 1.1 Rule 1.3 Rule 1.7 Rule 4.2 Rule 4.6 Rule 1.16 and Rule 30.2 one day in "Oct. 2013." I got a call from "Mrs Gayle Murray, stating she was now assigned back on my case. ~~She~~ State Bar Rule 4.6 was not done. She also stated that I had a different prosecutor Rule 4.6. So I waited thinking the Attorney was going to come out and see me. but after 3 weeks my family called and didn't get an answer. So I wrote the State Bar of Georgia "on these matters" Mr Steven E. Conner wrote back and said the State Bar would not have jurisdiction over this matter and the court not the State Bar appoints attorney's for indigent defendants in Criminal Cases and that I can ask the court for another attorney, "seeking help, how can I ask the court or anyone for that matter if I have a conflict with my attorney and can't speak in court? I can't file a pro se speedy trial Demand and also be represented by a public defender? So what am I suppose to do? to my understanding Complaints concerning attorneys should be directed to the State Bar. That was true until, Mr Conner wrote me back saying otherwise

Debra Williams

12-29-2013

there is a Affirmative, an a Retrospective and a

Remedial Statute I Had my family call back to my

Attorney office this time they talked to the supervisor

still Seeking Help to Ms Claudia Sawyer, on these matter

I was Having my rights, my case, my attorney, the Delay

etc then Ms Claudia Sawyer, Called me on Nov 6, 2013

and I let her know about the State bar Rules on my

attorney the Delay in my case? No bond and that I be

sitting 2 months is presumption of perjudice to me

Ms Sawyer, said my attorney will be to see me soon. No

that made matter's worst On Nov 7, 2013, Mrs Murray

Came to the Jail to see me for the first time but she was

upset about me having my family call her supervisor and

me writing the state bar she asked me a couple of

question then out of No where, Start talking about how

I have to take the stand to tell my side of the story cause

she can't do it that's unfair persuasion that's giving

up my 5th Amendment, when I said no she got up to leave

on Her way out she said, I want you to think about that and

left, an attorney cannot present a witness who the

attorney believes will perjure themselves, *Nix v. Whiteside*

475 U.S. 157 (1986) She is bound by certain ethical rules

On Nov 7th 2013 Mrs Murray, filed a motion to set a bond

under my 8th and 14th amendments of the Constitution of the

United States and Article, III Section 2, Article IV, Section

1 and 2 But what Happend to all the other motion?

ask Her to file. Now on Nov 20th 2013, *James Murray*

③

I went to Court not knowing for what, I asked Ms Murray why i was there she said she Have no idea my family was confused why i was there, Now how you not know you the Attorney? She said Dont worry they just going to send you back to the Jail, your bond Hearing is on the 25th i said ok? but soon as the Judge Called my name Ms Murray, said we still working on a plea? but you told me one thing and the Judge another unfair surprise to me i dont know about no plea and on top of that you said you Dont know why I'm there? Ms Murray's "Mentition," I was upset now i called my family to Have them to call "Ms Murray," to find out what's going on? but could not get in contact with her? On Nov 24th 2013, that night "Ms Murray" came to see me and we got in to a Debate about what she said on the 20th, it got to the point she said its a plea or you take the stand and tell your side of this case and then she left? irrecusable act, i do have Justifiable Dissatisfaction "Cain V. State 310 Ga. App 442 (2011) Holsey V. State, 291 Ga. App 216 (2008) Bryant V. State, 268 Ga. 616 (1997) I'm entitled to an attorney loyal to me and my Case. Not Have 75 Clients to Where they Can't spend time Delgently on my Case? this is Inequity," On Nov 25th 2013 "Ms Gayle Murray," ~~has~~ spoke to me and said she was not going to use "Infirmative Hypothesis," i know Ms Murray Have Superior Knowledge a Potential Conflict of interest Can rise to an actual Conflict of

Printed Name
12-29-2013

interest if the attorney fails to pursue a theory of defense on behalf of one defendant: *Ellis v. State*, 240 Ga. App. 498 (1999) and just gave up on my case. Now I thought this was a bond hearing from the motion she filed but using "Wanton Misconduct". She told me the prosecutor tired of my case and she didn't want to go past the 25th I said so what you mean? "Ms Murray" said if I take it to trial she was going to barely do anything to help me to the point that I would get convicted and get life. "Duress", under undue influence, so doing the hearing I was upset and feeling helpless so I stopped the plea. When the prosecutor was asking me questions I didn't know what to do at that point I was afraid and my family was affected that I had to plea to something I didn't do and having no help from anyone. Ms Murray pulled me to the side using official misconduct then said you think I'm playing with you, I'm tired of these games. I told her I can't lie to the judge. She said it's plea or the prosecutor win at trial on Dec 2nd and you get life. That Duress: model penal code § 2.09 back in front of the judge, me and my family was upset I was helpless. Ms Murray told the judge I was upset about the change of attorney's and I didn't understand the ~~the~~ question. She was mentioning that was not true I understood the questions I was just

Patricia Richardson
12-29-2013

Afraid and upset? What she said to me there was

no fair warning on my plea, the judge said you know on Dec 2nd you will be first at trial, I was so

nervous, I thought everyone was working together. I got (Rail Roaded) by the trial court by sending

me hastily through a legislature so that there is little time for consideration and debate and conviction

me hastily by the use of false charges and insufficient evidence. I'm on charges, I don't understand

stand? My Rights been violated and nothing, I could do about it, if "State Action," if the court would have

idea (Hard-look Doctrine) my Decision wouldn't have been forced or me being pressured and threaten

in to making a rush Decision, it was unethical and I was not equality before the law, how the united state have

laws if I am the only person the law apply to, if I violate the law, I get punished. Which is under standard

So when some one or a group violate my Constitutional Rights, which my rights are the laws of the United

State, who is there to do a judicial review? or do my rights get over looked like it just did and I sit in

cell for something, I did not do? Who is there to help me, if I am fighting the prosecutor on my case the

Judge undue prejudice and violation of my rights the Attorney with ineffective assistance of counsel and the

cell when they Denied me the resource of the law library

James Shanklin
12-29-2013

②

If the right to appeal was lost either by the lawyer negligence or the judge failure to inform the Defendant of his right to appeal the remedy is an out of time appeal?

On Social Justice and Personal Justice

I am seeking a fair Recommendation of withdrawal of Charges with prejudice and legal Innocence of this matter?

or

Substantial Justice of "Meretricious", without Prejudice, 2 years to serve incarcerated with Credit from the time of arrest and 3 years on Probation

Thank you

Respectfully Submitted

Date 12-29-2013

Name Prince Richardson

Sign Prince Richardson

my family can't send me info in the jail at all and mail only

run 3 times a week here looks like a juridical link how

is my case fair, with legal injury, and little info about

my case, no resources this is inability of me adequately

to prepare my case she shows the fairness of the

entire system, "Harris v. State, 284 Ga. 455 (2008)

"Don't get me wrong, I'm no saint, but I know what's fair

and would like to be treated fairly by the law and if

you are a accredited representative of the law that

means you are under oath, rules, and regulation,

"Administrative Crime, an offense consisting of a

violation of an administrative rule or regulation

now I am a legal dependent who derives principal

support from another and usu. may involve laws to

enforce that support Executive Powers is Constitutional

laws the power to see that the laws are duly executed and

enforced, Now 14th, 9th, 8th, 16th, 5th, 1st amendments and

Article I, Section 9, Paragraph 2, Article III, Section 2

Article IV, Section 1 and 2, Article VI, Paragraph 2

are laws and my rights that was not enforced in my

case, which is an unlawful act, my expectation was to

be treated under the "Rule of Law, 3.4, the Doctrine that

every person is subject to the ordinary law within the

jurisdiction all persons within the United States, But

I was Divested of my rights I'm Seeking Legal Innocent

OR a fair recommendation

[Signature]

Under the 14th Amendment of Equal protection of the laws

Barker V. Wingo, 407 us 514, 92 S.Ct. 2182, 33 L.Ed. 2d 101

State V. Porter, 288 Ga 524 (2011)

State V. Pickett, 288 Ga 674 (2011)

State V. Gleaton, 288 Ga 373 (2010)

Harris V. State, 284 Ga 455 (2008)

Simmons V. State, 290 Ga 315 (2008)

Ayala V. State, 262 Ga 704 (1993)

Doggett V. United State, 505 us. 647 (1992)

I want to file Habeas Corpus but i wrote a request form in the jail for the motion and Haven't receive one, i Have no resource an no help from an attorney. So I am Praying that this written Notice will work? Const. Ga. of 1983, Art I, Sec. I, Par. XI (a); U.S. Const. Amend. VI. I was Denied my 6th, 14th Amendment right to a speedy trial by the Passage of 21 months between my arrest. Barker tes: 21 months is presumptively prejudicial. Citing. Boseman V. State 263 Ga. 730 (1)(b). 438 S.E. 2d 626 (1994) reason for Delay. I had several transfers in my case Attorney and prosecutors. On prompt disposition of Criminal Charges Stander 3-2.9 a prosecutor should avoid unnecessary Delay in the disposition of a case, Brannen V. State. 274 G 454 (2001) Bell V. State, 287 Ga App. 300 (2007) now a prosecutor should not fail to act with reasonable Diligence and promptness in prosecuting a Case the Decision to Hold me in Custody prior to trial was

Primo P. P. P.

12-29-2013

(10)

Unduly oppressive and unavailability of resource's
Ineffective Assistance of Counsel, abandonment, intentional
relinquishment of known rights or privilege and with
legal injury. Barker Cautions that neutral reason for
Delay Such as negligence or overcrowded Courts should
be Considered since the ultimate responsibility for
such Circumstances must rest with the government rather
than with me the fact that my attorney may not Have
been diligent in protecting my Constitutional rights to
Speedy trial etc. is "no Excuse" for the failure of the state
to intervene and prevent an egregiously-long period
of pretrial Detention, I suffer from anxiety and
Depression, loss of employment, declining economic
Circumstances, financial Difficulties and "21 months"
Delay of pretrial Detention and Due to the passage of
time Change's and ineffective assistance of Counsel
prevented me from retaining private Counsel. Cain
V. State, 310 Ga. App. 442 (2011) it Seriously Impaired
my Defense," I asked for speedy trial with respect to
the indictment that I was "available for trial at all
times," and that the state had no justification for
not promptly bring the Charge to trial. I am
Incarcerated there's no where I can go or anything
to do it's safe to say appointed Counsel can adequately
Defend me, they just chose not to, that's not my fault, only
thing I can do in here is get upset and complain that's

Richardson

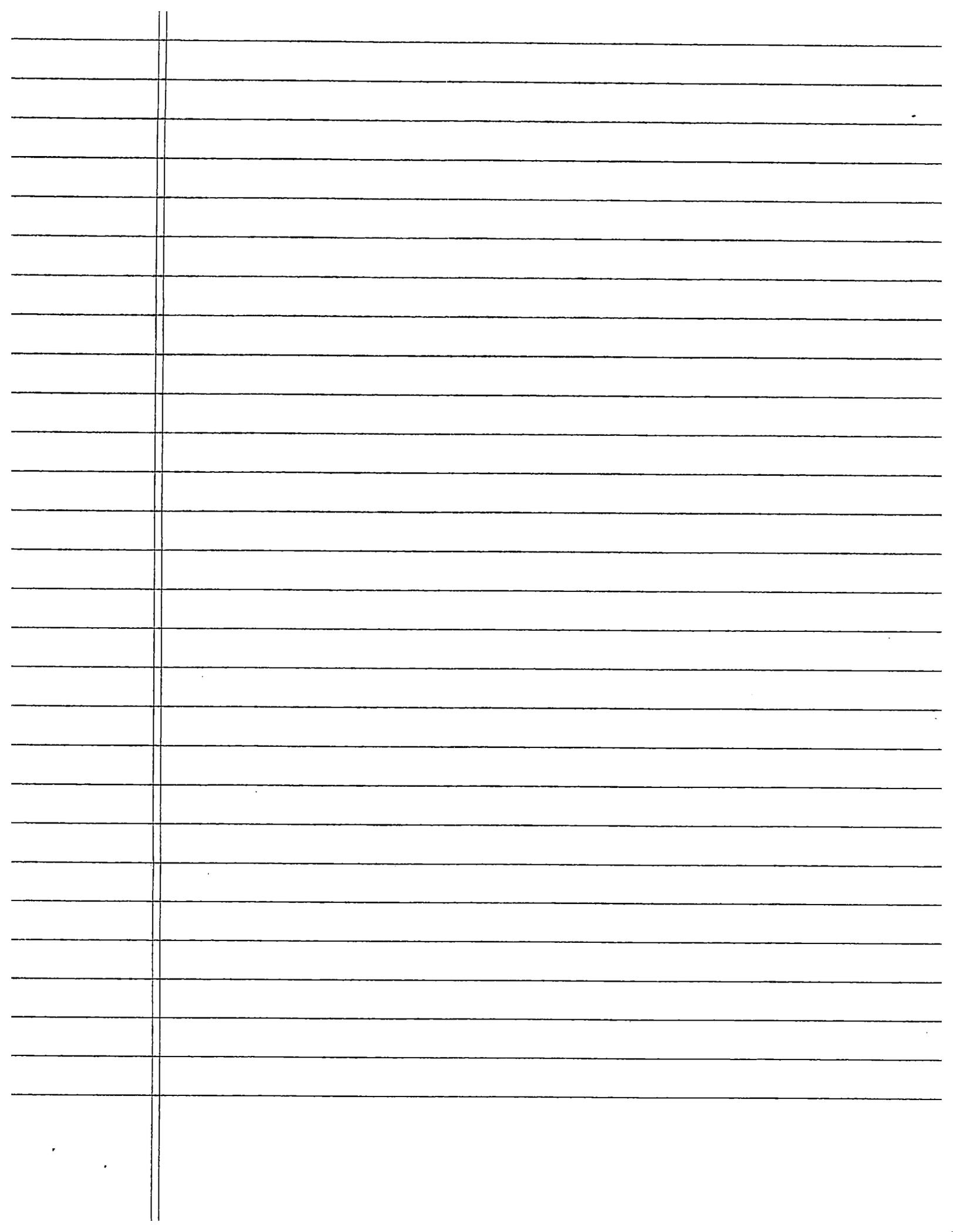
12-29-2013

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Prison Education

12-19-2013



12-29-2013

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she can't do it that's unfair persuasion that's giving

up my 5th Amendment, when I said no she got up to leave

on Her way out she said, I want you to think about that and

left, an attorney cannot present a witness who the

attorney believes will Perjure themselves, *Mix v. Whifield*

475 U.S. 157 (1986) She is bound by certain ethical rules

On Nov 7th 2013 Mrs Murray, filed a motion to set a bond

under my 8th and 14th amendments of the Constitution of the

United States and Article, III Section 2, Article IV, Section I

and 2. But What Happend to all the other motion: ask Her to file. Now on Nov 20th 2013, *James Murray*

10-29-2013

I went to Court not knowing for what, I asked ms murray why: was there she said she have no idea my family was confused why: was there, Now how you not know you

the Attorney: She said Don't worry they just going to send you back to the Jail. your bond Hearing is on the 25th

! said ok but soon as the judge called my name Ms Murray, said we still working on a plea but you told me one thing and the judge another unfair surprise to me

! don't know about no plea and on top of that you said you don't know why I'm there Ms Murray's mention, I

was upset now! called my family to have them to call ms murray, to find out what's going on but could not get in

contact with her On Nov 24th 2013, that night ms murray came to see me and we got in to a Debate about what she

said on the 20th, it got to the point she said its a plea or you take the stand and tell your side of this case and

then she left "irrecusable act", I do have justifiable Dissatisfaction "Cain v. State 310 Ga. App 442 (2011) Holsey v.

State, 291 Ga. App 216 (2008) Bryant v. State, 268 Ga. App (1997) I'm entitled to an attorney loyal to me and my

Case. Not have 75 clients to where they can't spend time Delagently on my case "this is inequity, on Nov 25th 2013

Ms Gayle Murray, ~~has~~ spoke to me and said she was not going to use affirmative Hypothesis, I know ms

Murray Have Superior knowledge a potential Conflict of interest can rise to an actual Conflict of

~~James Murray~~

Georgia Court of Appeals
Motion

Court of Appeals of Georgia

Prince Richardson

BM, DOB 5-5-76, X0119125

VS

The State of Georgia

Motion for Habeas Corpus

To support this motion the Defendant files a Memorandum of trial error and prejudice to the Defendant

I

Defendant can show justifiable dissatisfactions such as conflict of interest, an irreconcilable conflict or complete breakdown in communication ineffective assistance of counsel from written Attachment

II

Defendant can show violation of Amendment rights

III

I would like to request State Action or a Hearing to address this motion at the earliest possible date this Honorable Court Deem appropriate.

I certify that I have this date served a copy

of the within and foregoing motion to the office

Respectfully Submitted
PRINCE RICHARDSON

of Court of Appeals located in the state

Judicial Building Atlanta Ga 30334 by Mail

Date 12-29-2013

Prince Richardson

PRINCE RICHARDSON

Respectfully Submitted

PRINCE RICHARDSON

RECEIVED NOTICE
#12CP28837
JAN-2-2014 PM 3:44
CLERK OF SUPERIOR COURT OF APPEALS

interest if the attorney fails to pursue a theory of defense on behalf of one defendant. *Ellis v. State*, 240 Ga. App. 498 (1999) and just gave up on my case. Now I thought this was a bond hearing from the motion she filed but using "Wanton Misconduct". She told me the prosecutor tired of my case and she didn't want to go past the 25th I said so what you mean? "Ms Murray" said if I take it to trial she was going to barely do anything to help me to the point that I would get convicted and get life. That "Duress", under undue influence, so during the hearing I was upset and feeling helpless so I stopped the plea. When the prosecutor was asking me questions I didn't know what to do at that point I was afraid and my family was affected that I had to plea to something I didn't do and having no help from any one. Ms Murray pulled me to the side using official misconduct then said you think I'm playing with you, I'm tired of these games. I told her I can't lie to the judge. She said it's plea or the prosecutor win at trial on Dec 2nd and you get life. That Duress: model penal code § 2.09 back in front of the judge, me and my family was upset I was helpless. Ms Murray told the judge I was upset about the change of attorney's and I didn't understand the ~~the~~ questions. She was mentioning that was not true I understood the questions I was just

Pamela Richards
12-29-2013

afraid and upset? What she said to me there was no fair warning on my plea, the Judge said you know on Dec 2nd you will be first at trial, I was so nervous I thought everyone was working together. I got (Rail Roaded) by the trial court by sending me hastily through a legislature so that there is little time for consideration and debate and convict me hastily by the use of false charges and insufficient evidence. I'm on charges I don't understand? My rights been violated and nothing I could do about it "State Action," if the court would have did a (Hard-look Doctrine) my decision wouldn't have been forced or me being pressured and threaten in to making a rush decision it was unethical and I was not equality before the law? how the United State have laws if I am the only person the law apply to, if I violate the law I get punished. Which is understandable so when some one or a group violate my Constitutional Rights, "Which my rights are the laws of the United State, Who is there to do a Judicial review? or do my rights get over looked like it just did and I sit in jail for something I did not do? Who is there to help me, if I am fighting the prosecutor on my case the Judge undue prejudice and violation of my rights the Attorney with ineffective assistance of Counsel and the Jail when they Denied me the resource of the law library

Patricia P. P. P.

12-29-2013

Hello: my name is Prince Richardson
(X0119125)

12CR2883-1

Date 12-29-2013

"Good morning, your Honor. I come before you this day very Depressed, Nervous, and upset since day one of this process, your Honor! stand before this Honorable Court for the purpose of Positive Justice and ask you on the face "of the injustice afford to me, the interest of Justice I see! Legal Innocence or a fair recommendation using golden rule and statement of facts, I am writing this concerning my well being my Attorney and case using liberal and "logical interpretation" on this letter to my Attorney. Ms Gayle B. Murray, was repugnant in my case, I had really no kind of communication with, Ms. Murray. Meaning when my case started in "Jan 2012" the only time I seen Ms Murray, was when I was going to bond hearings she never once sat down and talked to me about my case the whole 2012 and some of 2013 that's 14 months I had Ineffective Assistance of Counsel, that's not competent Representation, State Bar Rule 1.1, 1.3 and 1.7 Harris v. State, 279 Ga. 304 (2005) I asked for Habeas Corpus for my Bond and Constitutional Speedy trial to my Attorney, but she refused and Didn't file any motions on one of my Bond Hearings in 2012" I tried to speak using the 5th in court, but the judge said she will not liste to me, that's why I Have an attorney and to speak to the

Prince Richardson

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

January 3, 2014

Mr. Prince L. Richardson
GDC0119125 8NW 104
DeKalb County Jail
4425 Memorial Drive
Decatur, Georgia 30032

Dear Mr. Richardson:

We are in receipt of your Motion for Habeas Corpus in Indictment 12CR2883-1. Please note that an Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are being 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. The Supreme Court's mailing address is as follows:

Supreme Court of Georgia
244 Washington Street, S.W. • Suite 572
Atlanta, Georgia 30334

Also, you may want to correct your Certificate of Service to show service to the opposing counsel and list the counsel's full name and complete mailing address. The opposing counsel must be served with a copy of your filing not the clerk of the Georgia Court of Appeals. The State is represented by the District Attorney or an Assistant District Attorney.

I am returning your documents to you.

Sincerely,


Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld
Enclosures

(11)

all, "Ms Gayle Murray took unfair advantage of me with false language and conduct with the result that i was legally indured "left me inability to adequately prepare my case and the prosecutor obviously took full advantage of my Disability of Common Knowledge of the law and legal injury is unfair to me the total pretrial Delay 21 months in prosecution for my Case Crossed the presumptive prejudice threshold for purposes of speedy trial analysis U.S.C.A Const Amer. C; Const Art I, §1, par 11; Doggett V. United State. 505 U.S. 647 (1992) Doggett, 505 U.S. at 654, 112 S.Ct 2686 at 655, 112 S.Ct (2686) Bright-line rule," porte 288 Ga. at 529, 705 S.E. 2d 636. i see this as a Deliberate pretrial delay to gain an improper advantage over me "Barker-Doggett review" Oppressive pretrial incarceration render me from obtaining tangible evidence such as Phone records to Help my Defence & limiting that possibility that my Defence was impaired Due to 21 months Delay "State V. Bazemore, 249 Ga. App. 584, 585 (1)(a), 549 S.E. 2d 426 (2001) i wanted to Appeal on my guilty plea "but i see now i Have to seek an out of time appeal Due to ineffective assistance of Counsel or "Habeas Corpus," Cobb V. State, 265 Ga. 74 (2008) Barlow V. State 282 Ga. 232 (2007) Violating my Constitutional right to a Speedy trial, State V. Pickett, 301 Ga. App 251, 687 S.E. 2d 239 (2009)

Richard
12-29-2013

②

If the right to appeal was lost either by the lawyer negligence or the judge failure to inform the Defendant of his right to appeal the remedy is an out of time appeal?

ON Social Justice and Personal Justice

I am seeking a fair Recommendation of withdrawal of Charges with prejudice and legal Innocence of this matter?

or

Substantial Justice of "Meretricious", without Prejudice, 2 years to serve incarcerated with Credit from the time of arrest and 3 year's on Probation

Thank you

Respectfully Submitted

Date 12-29-2013

Name Prince Richardson

Sign Prince Richardson

① "On my Bond Hearings"

Your Honor, using liberal interpretation and

logical interpretation, from 2012 to 2013 of statement and facts, I will show Jurisprudence, I do know the Basis

of what's fair? fundamental-fairness Doctrine and

fundamental right do apply to my 14th and 8th amendments

for a bond, now I know only a superior court judge

can set a bond classified under code section 16-13-25

as schedule I or under code section 16-13-26 as

schedule II, I enter a bond hearing with a Presumptive

of innocence which allows for the setting of a bond

so I thought the law favors releasing a person prior

to trial. Ayla V. State, 262 Ga. 704 (1993) now id

understand there is an exception, if the prosecutor

do a proffer of what they believe the evidence

would be in a case, that is contradicting to the judge

is not supposed to consider the merits (strength or

weakness) of the case the guilt or innocence of the

Defendant or whether there is probable cause. Craft

State. 154 Ga. App. 682 (1980) it's under standable if the

Prosecutor, Do a proffer on a Defendant past history,

"Now at my bond hearing not one but all of them,"

I listen to the prosecutor proffer of the case and

mis construed my past history. really misrepresentation

to the judge on purpose. was a deliberate action b

the prosecutor to gain a tactical advantage. I

explained my history to her so she can use Rebuttal

Trinity Richardson

2)

Bond

against the prosecutor, I asked Her to speak on the Subject She had Superior Knowledge on the matter. but Wanton misconduct of my 14th and 8th amend She refused to say anything, Due to ms Murray Undue influence of my rights. Which is unethical, the Judge going off the merits of my case? it was undue Prejudice to refuse my bond? I wrote records retention here at the Jail and they wrote back, saying i have to speak with G.B.I or Dekalb D.A. Offices, I asked my family to Call G.B.I and they said the mix up came from the D.A. Office; Now i cant talk to the D.A. on that error. Cause they did it for a reason to Hold me in Custody its ~~pre~~ prejudicial impact upon my ability to defend my self against the Charges. Barker test of 21 month's Since my arrest an 19 month's Since my indictment i Presumptively Prejudicial. Wimberly V. State, 279 Ga. 65, 66, 608 S.E. 2d 625 (2005) an Roseman V. State 263 Ga 730 (1)(b), 438 S.E. 2d 626 (1994) Oppressive Pretrial incarceration, Brown V. State, 264 Ga. 803 804(2), 450 S.E. 2d 821 (1994) Interpretivism of 14th amend for a bond. this is "argumentative" presumption. If a person has already been convicted of a Serious Violent felony. there shall be an "Initial finding", called a "Presumption", that no Condition or Combination of Condition will reasonably assure the appearance of a person as required? for one i dont Have a

Prince Richardson
12-29-2013

Bond

Violent felony on my past history, I Haven't been convicted of a crime in over 13 years that's from 2001 to 2013,

Now in 6 years from 2006 to 2012, I Haven't been charged with a crime until 2012 so it's very little chance, I will

commit one that's "conclusive presumption, I have had the same job over 18 years doing tattoos for the

community, I have lived in Ga over 20 years and there are no F.I.A's on my record showing I will flee in 200

I was home waiting on trial, with good moral character there's nothing on record showing I ever missed court,

but there are showings that I came to ever court appearances I ever had in the past that's "Mixed Presumption, There

are no facts or findings showing that I ever intimidate any witness, If you say I committed a crime in the last

13 years from 2001 to 2013, fact there should be a showing of a conviction, there are none, the prosecutor has

to show, preponderance of the evidence, which, just did that's "presumption of law" now I never seen any one or any

facts or any combination of facts that any one in the world could tell the future, only thing the judge, or

or any one of that matter can do is assume I will commit a crime which is preposterous? I have a letter here

saying I got indicted on may 1st 2011 now I got arrested on Jan 26th 2012 now any day from april 26th and beyond

with out an indictment is entitled to a bond O.C.G. 17-7-50 State v. English, 276 Ga. 343 (2003) Rawls V. Hunter

267 Ga 109 (1996)

12-29-2013

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

January 3, 2014

Mr. Rodolfo Martinez
GDC1000602079 8M3-39T
Wheeler Correctional Facility
Post Office Box 466
Alamo, Georgia 30411

RE: A13A1445. Rodolfo Lara Martinez v. The State
Order denying the Motion for Reconsideration, December 5, 2013

Dear Mr. Martinez:

We received your request for a copy of the order denying the Motion for Reconsideration in above referenced appeal. Copies are \$1.50 per page in this Court. A pauper status does not excuse you from the copy fees. The Court of Appeals of Georgia is not subject to the Open Records Act. A copy of the order denying the Motion for Reconsideration in the above appeal will cost \$1.50.

Please send your check or money order to the following address. Your request will be processed and sent to you by return mail.

Court of Appeals of Georgia
47 Trinity Avenue, S.W. • Suite 550
Atlanta, Georgia 30334

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld

Georgia Open Records Act

TO: OFFICE OF THE CLERK FOR THE

COURT OF APPEALS OF GEORGIA

417 TRINITY AVENUE, S.W. - STE 501

ATLANTA, GA 30334

ALAMO, GA 30411

P.O. BOX 466

WHEELER CORRECTIONAL FACILITY BMS

(A.K.A. KENITH VIVAS)

FROM: MARTINEZ, RODOLFO

RE: Georgia Open Records Act, O.C.G.A. § 50-18-70

I, Rodolfo Martinez (A.K.A. Kenith Vivas), make this formal request for identifiable records which are in the possession, custody and/or control of the above named address. This formal request is made pursuant to and in accordance with O.C.G.A. § 50-18-70.

The specific documentation/records being sought is:

Order Denying Motion for Reconsideration - Case#: A13A1145, DATED

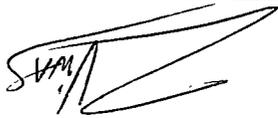
ON OR ABOUT Dec. 13, 2013.

I respectfully request for a response within three (3) business days, as is prescribed under O.C.G.A. § 50-18-71(b)(1)(A), with an estimate cost, pursuant to O.C.G.A. § 50-18-71(c)(1). I would further request that all documentation/records, regarding this request be certified and/or attested to in order to satisfy the requirements of O.C.G.A. § 24-9-20.

Failure to respond in a timely manner and comply with the Georgia Open Records Act will be deemed and treated as refusal and denial pursuant to statute, and enforceable under O.C.G.A. § 50-18-73.

This 3rd day of January, 2014.

Very Respectfully Submitted,


151

RECEIVED IN OFFICE
JAN -2 PM 3:50
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

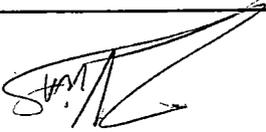
CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY THAT A GEORGIA OPEN RECORDS REQUEST WAS SENT TO THE BELOW ADDRESS, BY BEING DEPOSITED INTO THE U.S. POSTAL SERVICE WITH DUE POSTAGE AFFIXED.

OFFICE OF THE CLERK FOR THE
COURT OF APPEALS OF GEORGIA
47 TRINITY AVENUE, S.W. - S.W. 501
ATLANTA, GA 30334

THIS END DAY OF JANUARY, 2014.

Very Respectfully Submitted,



151

GEORGIA OPEN RECORDS ACT

TO: OFFICE OF THE CLERK FOR THE

COURT OF APPEALS OF GEORGIA

47 TRINITY AVENUE, S.W. - STE. 501

ATLANTA, GA 30334

FROM: MARTINEZ, RODOLFO

(A.K.A. KENITH VIVAS)

WHEELER CORRECTIONAL FACILITY BMS

P.O. BOX 466

ALAMO, GA 30411

RE: GEORGIA OPEN RECORDS ACT, O.C.G.A. § 50-18-70

I, RODOLFO MARTINEZ (A.K.A. KENITH VIVAS), MAKE THIS FORMAL REQUEST FOR IDENTIFIABLE RECORDS WHICH ARE IN THE POSSESSION, CUSTODY AND/OR CONTROL OF THE ABOVE NAMED ADDRESS. THIS FORMAL REQUEST IS MADE PURSUANT TO AND IN ACCORDANCE WITH O.C.G.A. § 50-18-70.

THE SPECIFIC DOCUMENTATION/RECORDS BEING SOUGHT IS:

ORDER DENYING MOTION FOR RECONSIDERATION - CASE#: A13A1144, DATED

ON OR ABOUT DEC. 13, 2013.

I RESPECTFULLY REQUEST FOR A RESPONSE WITHIN THREE (3) BUSINESS DAYS,

AS IS PRESCRIBED UNDER O.C.G.A. § 50-18-71(b)(1)(A), WITH AN ESTIMATE

COST, PURSUANT TO O.C.G.A. § 50-18-71(c)(1). I WOULD FURTHER REQUEST THAT

ALL DOCUMENTATION/RECORDS, REGARDING THIS REQUEST BE CERTIFIED AND/OR

ATTESTED TO IN ORDER TO SATISFY THE REQUIREMENTS OF O.C.G.A. § 24-9-20.

FAILURE TO RESPOND IN A TIMELY MANNER AND COMPLY WITH THE GEORGIA

OPEN RECORDS ACT WILL BE DEEMED AND TREATED AS REFUSAL AND PURSUANT

TO STATUTE, AND ENFORCEABLE UNDER O.C.G.A. § 50-18-73.

THIS 3RD DAY OF JANUARY, 2014.

VERY RESPECTFULLY SUBMITTED,

151

RECEIVED IN OFFICE

JAN -2 PH 3:50

CLERK ASSISTANT
COURT OF APPEALS OF GA

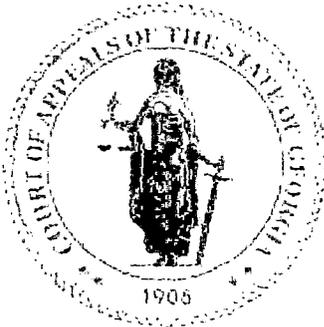
Court of Appeals of the State of Georgia

ATLANTA, December 05, 2013

The Court of Appeals hereby passes the following order

A13A1445. RODOLFO LARA MARTINEZ v. THE STATE.

Upon consideration of the APPELLANT'S Motion for Reconsideration in the above styled case, it is ordered that the motion is hereby DENIED.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, December 05, 2013.

*I certify that the above is a true extract from the minutes of
the Court of Appeals of Georgia.*

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

Stephen E. Castle, Clerk.

Court of Appeals of the State of Georgia

ATLANTA, December 05, 2013

The Court of Appeals hereby passes the following order

A13A1445. RODOLFO LARA MARTINEZ v. THE STATE.

Upon consideration of the APPELLANT'S Motion for Reconsideration in the above styled case, it is ordered that the motion is hereby DENIED.



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, December 05, 2013.*

*I certify that the above is a true extract from the minutes of
the Court of Appeals of Georgia.*

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

Stephen E. Castle, Clerk.

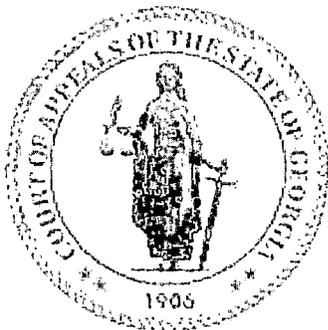
Court of Appeals of the State of Georgia

ATLANTA, December 05, 2013

The Court of Appeals hereby passes the following order

A13A1445. RODOLFO LARA MARTINEZ v. THE STATE.

Upon consideration of the APPELLANT'S Motion for Reconsideration in the above styled case, it is ordered that the motion is hereby DENIED.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, December 05, 2013.

*I certify that the above is a true extract from the minutes of
the Court of Appeals of Georgia.*

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

Stephen E. Carlton, Clerk.

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

January 3, 2014

Mr. Earnest B. Morrow
GDC75933 I-2-127-T
Hancock State Prison
Post Office Box 339
Sparta, Georgia 31087

RE: A13A1732. Earnest B. Morrow v. The State

Dear Mr. Morrow:

Your appeal was disposed by opinion on December 16, 2013. The Court of Appeals affirmed the judgment of the trial court. The remittitur issued on January 3, 2014, divesting this Court of any further jurisdiction of your case. The case is therefore, final.

We received your request for a copy of the opinion. Copies are \$1.50 per page in this Court. Your pauper status does not excuse you from the copy fees in this Court and the Court of Appeals of Georgia is not subject to the Open Records Act.

A copy of the six-page opinion in the above referenced appeal will cost \$9.00. Please send your check or money order to the following address and your request will be processed and sent to you by return mail.

Court of Appeals of Georgia
47 Trinity Avenue, S.W. • Suite 550
Atlanta, Georgia 30334

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld

December 18, 2013

To; Whom This May Concern...

Dear Clerk:

Could u please Tell me, Was my motion Granted

Or Dismissed?

The Brief and Appellant was Filed on... Aug. 5, 2013.

Case No. A13A1732

Could u please send me a copy?

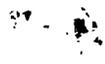
Please Respond soon

Thank u

Ernest B. Morrow

#75933

RECEIVED IN OFFICE
2013 DEC 26 PM 4:06
CLERK/COURT ADMINISTRATION
COURT OF APPEALS OF GA



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

January 6, 2014

To: Mr. Abdullah M. Rasheed, GDC1080596, Autry State Prison, Post Office Box 648, Pelham, Georgia
31779

Docket Number: A13D0367 **Style:** Abdullah M. Rasheed 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. No Certificate of Service accompanied your document(s). Rule 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.
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: **The above Discretionary Application was dismissed in this Court on May 24, 2013.**

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

A13D0367

RECEIVED IN OFFICE
2014 JAN -2 PM 3:54
CLERK/COUNT ADMINISTRATOR
COURT OF APPEALS OF GA

ABDULLAH V. RASHEED

1080596 1462966

CASE NO. S14A0437

WORTH STATE PRISON

P.O. BOX 648

PELHAM GEORGIA

31729

DEAR CLERK:

GEORGIA COURT OF APPEALS

49 TRAVITT AVENUE, S.W., SUITE 501

ATLANTA GEORGIA 30334.

My particularized need for this letter is the mere fact of which the Supreme Court of Georgia (CASE NO S14A0437 has transferred Appellant case to this Honorable Court, as to which I'm asking this Honorable Clerk to please send I the rules of your court, and emphatically give me some update on my status on my case therein.

Respectfully

with this Sir

Clear

Abdullah Rasheed

12/30/13

1080596

CERTIFICATE OF SERVICE

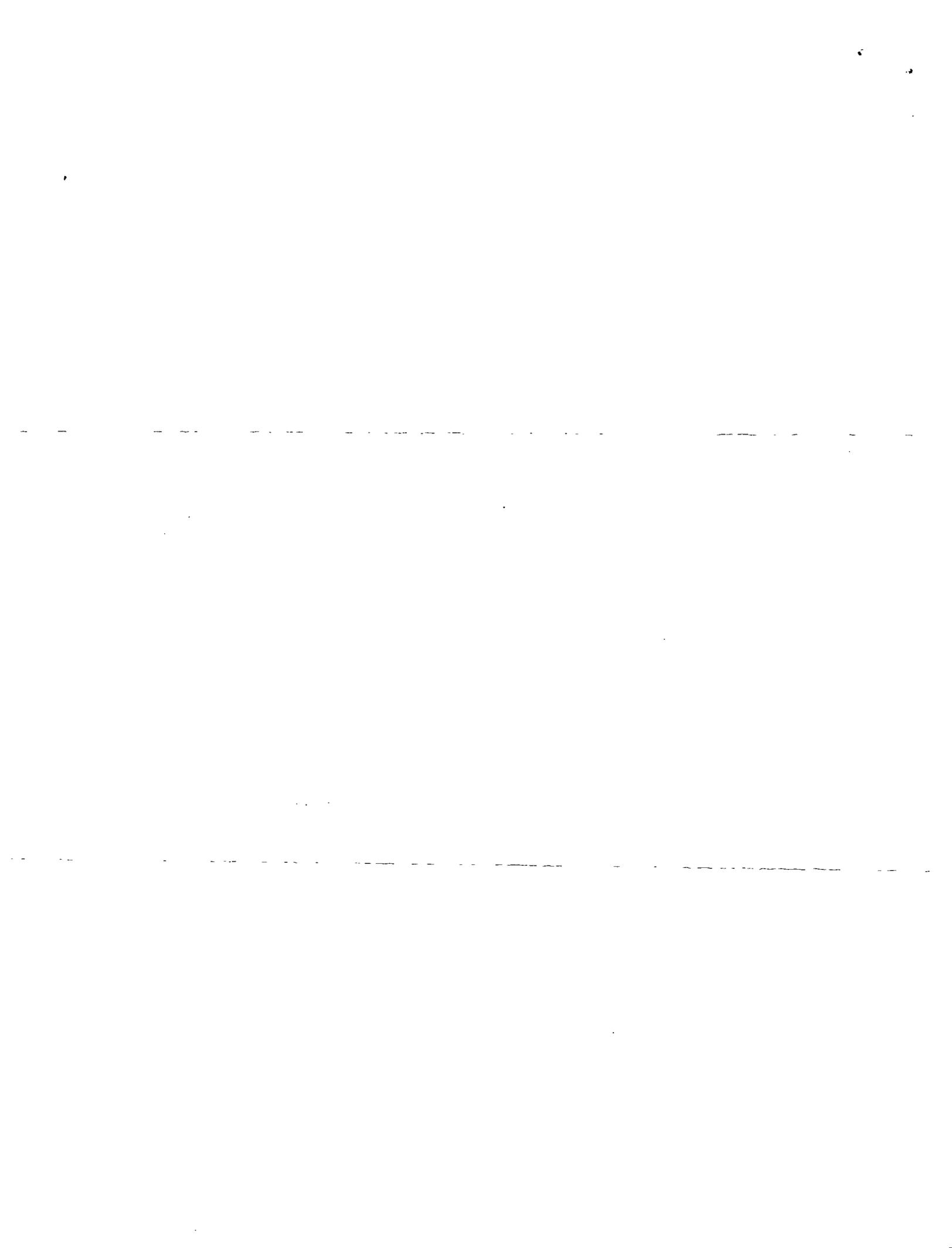
This is to certify that I have served the opposing party with a complete and accurate copy of the foregoing documents. Service was made by placing the same in an envelope, and with sufficient postage affixed, placed in the U.S. Mail, and on this day mailed to the party(s) as follows:

The Honorable Clerk of
Court of Appeals
47 Trinity Avenue S.W.
Suite 501 Atlanta Ga. 30334

Mr. Abdullah M. Bashead,
1080596
Autrey State Prison P.O. Box
648 Pelham Georgia 31229

This the 30 day of December, 2013

Abdullah Bashead PRO SE
1080596 GDC#
Autrey STATE PRISON
P.O. BOX 648
, GEORGIA 31229



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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

January 6, 2014

Mr. Freddie Patterson
GDC5345391
Dooly State Prison
Post Office Box 750
Unadilla, Georgia 31091

RE: A09A0881. Freddie Lee Patterson v. The State

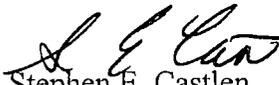
Dear Mr. Patterson:

We are in receipt of your "Motion to Uplift Hold on Case" received in this office on December 26, 2013. I believe you misunderstood why you were able to have a hold placed on your record.

Pursuant to the Court's Record Retention Schedule, the record and/or transcript(s) for the above appeal were scheduled for destruction. While the original record is maintained by the trial court, this Court recycles its copy of the record one year after the remittitur date. This Court's copy of the record in the above referenced appeal has been recycled.

The above appeal was docketed in this Court on January 6, 2009. Your appeal was disposed by order on January 22, 2009. The Court of Appeals dismissed the appeal. The remittitur issued on February 11, 2009, divesting this Court of any further jurisdiction of your case.

Sincerely,


Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld

Court of Appeals of Georgia, State of Georgia

Trddie Lee Jefferson

Case # 2006 KCR 01905

Court of Appeals of Georgia

~~Motion to apply for hold on my case~~

I will like to have the hold removed from my case because I have a corrected record. His name is Rodney Zell. So will you remove the hold from my case. I will be looking to hearing from you due to the fact that I am on my case.

RECEIVED IN OFFICE
2009 DEC 26 PM 4:09
CLERK/CLERK ASSISTANT
COURT OF APPEALS SF GA

Thank you

c/o temporary mail location

c/o Trddie Lee Jefferson # 535391

Dood State Prison

P.O. Box 750

21 N. D. St. Georgia 31091

Certification of Mailing

I certify to be true under the penalty of perjury of the facts of the state of Georgia that on this date a true and correct copy of this document was presented to the appropriate office by depositing the same into the mails of the United States, postage prepaid, addressed to Robert Zell, Attorney at Law, 729 Richmond Ave. NE, Atlanta Georgia 30308

~~Meddie Joe Patterson Date~~

c/o Temporary mail location

c/o ~~Meddie Patterson~~ # 535391

Dodd Patterson

P.O. Box 150

Atlanta Georgia 31091

Court of Appeals of Georgia, State of Georgia

Freddie Lee Jefferson

Case # 2006 KCR 01905

Court of Appeals of Georgia

Motion to split hold or may case

I will like to have the hold removed from my case because I have a attached now. His name is Rodney Zell. So will you remove the hold from my case. I will be looking to hearing from you date to the hold that is or may case.

Thank you

c/o Temporary mail location

c/o Freddie Jefferson # 335391
Dooey State Prison

P.O. Box 752

Madison Georgia 31091

RECEIVED IN OFFICE

2013 DEC 26 PM 4:09

CLERK COURT REPORTER
COURT OF APPEALS OF GA

Certification of Mailing

I certify to be true under the penalty of perjury of the facts of the State of Georgia that on this date a true and correct copy of this document was presented to the authorized office by depositing the same into the mails of the United States, postage pre-paid, addressed to Rodney Zell, Attorney at Law, 729 Richmond Ave. NE, Atlanta Georgia 30308

~~Freddie Lee Robinson Date~~

c/o temporary mail location

c/o Freddie Patterson # 535391
Dobby State Prison
P.O. Box 750
Zitka, Georgia 31091

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

January 3, 2014

Dr. Rajesh Patel
3326 Preservation Court
Lilburn, Georgia 30047-2075

RE: A13A0731. Georgia Department of Behavior Health and
Developmentally Disabled v. Rajesh M. Patel, M.D.

Dear Dr. Patel:

We are in receipt of your request to hold the above referenced record. The remittitur date in the above appeal is December 17, 2013. We will place a one-year hold on the record effective beginning the date of this letter.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld

FILED IN OFFICE

DEC 21 2013

COURT CLERK
CLERK COURT OF APPEALS OF GA

A13A0731

In the Court of Appeals of the State of Georgia

Georgia Department of Behavior Health
and Developmentally Disabled.
Appellant

vs.

Rajesh M. Patel, MD,
Appellee

) CIVIL ACTION (DeKalb County
) Superior Court)
) File(Petition) No:
) 12-CV-5520-5-ADAMS
) Appeal No: A13A0731
) Supreme Court: S13C1739

Notice of remittitur dated December 17, 2013

(1).Request to maintain the records.

Supreme Court of the United States in letter dated December 12, 2013 ordered to include the order from the Georgia Court of Appeals # A13A0731 in the appendix.
(Attached).

(2).Relief for *manifest injustice* prayed.

496 U.S. 356 (110 S.Ct. 2430, 110 L.Ed.2d 332)
Mark HOWLETT, a Minor, By and Through Elizabeth HOWLETT,

RECEIVED IN OFFICE
2013 DEC 26 PM 2:39
CLERK/COURT ADMINISTRATION
COURT OF APPEALS OF GA

FILED IN OFFICE

DEC 21 2013

COURT CLERK
CLERK COURT OF APPEALS OF GA

A13A0731

In the Court of Appeals of the State of Georgia

Georgia Department of Behavior Health
and Developmentally Disabled.
Appellant

vs.

Rajesh M. Patel, MD,
Appellee

) CIVIL ACTION (DeKalb County
) Superior Court)
) File(Petition) No:
) 12-CV-5520-5-ADAMS
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Notice of remittitur dated December 17, 2013

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496 U.S. 356 (110 S.Ct. 2430, 110 L.Ed.2d 332)
Mark HOWLETT, a Minor, By and Through Elizabeth HOWLETT,

RECEIVED IN OFFICE
2013 DEC 26 PM 2:39
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

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

Date: January 6, 2014

To: Sylvia K. Lester, Esq., 13127 Commonwealth Pointe, Alpharetta, Georgia 30004

Docket Number: A14A0790 **Style:** Ella M. Thompson-El v. Bank of America, N.A., et al.

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 or an improper Certificate of Service accompanied your document(s). Rule 6
5. Your Certificate of Service did not include the complete name and mailing address of each opposing counsel and pro se 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)
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: Ms. Lester is not a member of the Bar of the Court of Appeals of Georgia.**

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

FILED IN OFFICE

DEC 23 2013

CLERK, COURT OF
APPEALS OF GEORGIA

IN THE COURT OF APPEALS
STATE OF GEORGIA

ELLA M. THOMPSON-EL

Appellant,

v.

BANK OF AMERICA, N.A., et al.

Appellee.

APPEALS CASE NUMBER:

A14A0790

RECEIVED IN OFFICE
2013 DEC 23 PM 2:40

**APPELLANT'S MOTION FOR EXTENSION OF TIME TO FILE BRIEF AND
ENUMERATION OF ERRORS**

COMES NOW Appellant, by and through her counsel of record, and respectfully moves this Court, pursuant to the Court of Appeals Rule 23(a), for an extension of time to file her brief and enumeration of errors in the instant matter. Appellant shows the following:

1.

The date of docketing for the Direct Appeal in the above-styled matter is December 18, 2013; the Notice of Docketing was mailed by U.S. Mail on December 19, 2013 and received by counsel for Appellant on December 21, 2013.

2.

Appellant's brief is now due on January 7, 2014.

3.

Counsel for Appellant is on leave from the practice of law from December 21, 2013, through and including January 6, 2014 (attached/March 20, 2013 and December 23, 2013).

4.

Counsel for Appellant requests an extension of time, in order to properly prepare her brief and enumeration of errors for submission to this Court, after her return from leave.

WHEREFORE Appellant prays:

- (a) that the Court grants Appellant's motion to extend the time to file her brief and enumeration of errors; and
- (b) that this Court extends the time for Appellant to file her brief and enumeration of errors through and including January 27, 2014.

Respectfully submitted this 23rd day of December 2013.


Sylvia K. Lester
Georgia Bar No. 596079

13127 Commonwealth Pointe
Alpharetta, GA 30004
(678) 558-5756 – Telephone
(866) 810-7756 – Facsimile

**IN THE COURT OF APPEALS
STATE OF GEORGIA**

ELLA M. THOMPSON-EL

Appellant,

v.

BANK OF AMERICA, N.A., et al.

Appellee.

APPEALS CASE NUMBER:

A14A0790

CERTIFICATE OF SERVICE

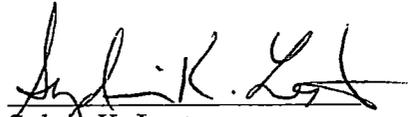
I hereby certify that a true and correct copy of the foregoing *Appellant's Motion for Extension of Time to File Brief and Enumeration of Errors* has been sent via United States Mail, in a properly address envelope, with the proper amount of postage affixed thereon, to:

Steven J. Flynn, Esq.
McCalla Raymer, LLC
Six Concourse Parkway
Suite 2800
Atlanta, GA 30328
Counsel for McCalla Raymer, LLC

Ned Blumenthal, Esq.
David S. Klein, Esq.
Weissman Nowack Curry & Wilco
One Alliance Center, 4th Floor
3500 Lenox Road, NE
Atlanta, GA 30326
Counsel for Century 21 Bryant Realty and William Braswell

Jarrod S. Mendel, Esq.
Paul A. Rogers, Esq.
McGuire Woods, LLP
Promenade
1230 Peachtree Street, N.E.
Suite 2100
Atlanta, GA 30309-3534
Counsel for Bank of America, N.A. and Federal National Mortgage Association

This 23rd day of December 2013.



Sylvia K. Lester
Georgia Bar No. 596079
Counsel for Plaintiff

13127 Commonwealth Pointe
Alpharetta, GA 30004
(678) 558-5756 – Telephone
(866) 810-7756 – Facsimile
sylvia.lester@lawyer.com

SYLVIA K. LESTER
ATTORNEY AT LAW
13127 COMMONWEALTH POINTE
ALPHARETTA, GA
TELEPHONE: (678) 558-5756
FACSIMILE: (866) 810-7756
svlvia.lester@lawyer.com

March 20, 2013

TO: All Judges, Clerks of court, and Attorneys of Record
FROM: Sylvia K. Lester, Esq.
RE: Application for Leave of Absence

Dear Judges, Clerks, and Fellow Counsel,

The following is my Application for Leave of Absence for the listed dates:

- April 11, 2013 thru and including April 16, 2013
- May 24, 2013
- July 1, 2013 thru and including July 5, 2013
- August 30, 2013
- September 3, 2013
- November 25, 2013 thru and including November 29, 2013
- December 21, 2013 thru and including January 6, 2014

All affected cases are listed on Exhibit "A" (attached hereto).

Should you have any questions or concerns, please do not hesitate to contact this office.

Sincerely,


Sylvia K. Lester

APPLICATION FOR LEAVE OF ABSENCE

Comes now Sylvia K. Lester and respectfully notifies all judges before whom she has cases pending, all affected clerks of court, and all opposing counsel that she will be on leave, pursuant to Georgia Uniform Rule 16. The periods of leave during which Applicant will be away from the practice of law are:

- April 11, 2013 thru and including April 16, 2013
- May 24, 2013
- July 1, 2013 thru and including July 5, 2013
- August 30, 2013
- November 25, 2013 thru and including November 29, 2013
- December 21, 2013 thru and including January 6, 2014

All affected judges and opposing counsel shall have ten (10) days from the date of this Notice to object. If no objections are filed, the leave shall be granted.

Respectfully submitted by:



Sylvia K. Lester
GA Bar No. 596079

SYLVIA K. LESTER
ATTORNEY AT LAW
13127 COMMONWEALTH POINTE
ALPHARETTA, GA
TELEPHONE: (678) 558-5756
FACSIMILE: (866) 810-7756
sylvia.lester@lawyer.com

December 23, 2013

TO: All Judges, Clerks of court, and Attorneys of Record
FROM: Sylvia K. Lester, Esq.
RE: Application for Leave of Absence

Dear Judges, Clerks, and Fellow Counsel,

The following is my Application for Leave of Absence for the listed dates:

- April 11, 2013 thru and including April 16, 2013
- May 24, 2013
- July 1, 2013 thru and including July 5, 2013
- August 30, 2013
- September 3, 2013
- November 25, 2013 thru and including November 29, 2013
- December 21, 2013 thru and including January 6, 2014

All affected cases are listed on Exhibit "A" (attached hereto).

Should you have any questions or concerns, please do not hesitate to contact this office.

Sincerely,


Sylvia K. Lester

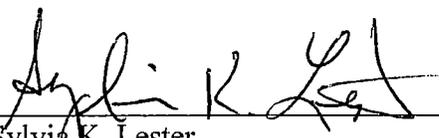
APPLICATION FOR LEAVE OF ABSENCE

Comes now Sylvia K. Lester and respectfully notifies all judges before whom she has cases pending, all affected clerks of court, and all opposing counsel that she will be on leave, pursuant to Georgia Uniform Rule 16. The periods of leave during which Applicant will be away from the practice of law are:

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- August 30, 2013
- September 3, 2013
- November 25, 2013 thru and including November 29, 2013
- December 21, 2013 thru and including January 6, 2014

All affected judges and opposing counsel shall have ten (10) days from the date of this Notice to object. If no objections are filed, the leave shall be granted.

Respectfully submitted by:



Sylvia K. Lester
GA Bar No. 596079

EXHIBIT "A"

CASE NAME	JUDGE/CASE NUMBER	OPPOSING COUNSEL/GAL(s)/PRO SE PARTIES
VARIOUS CASES (DEPRIVATION, DELINQUENT, & PRIVATE)	Honorable Peggy H. Walker Honorable Michelle Harrison	Andrea Moldovan moldovanlaw@att.net
		Leah S. Brumbelow douglascojpd@hotmail.com
		Gail Walters gwalters@co.douglas.ga.us
		Ernest Crosby Ecrosby1051@aol.com
		Carolyn Altman carolynjaltman@gmail.com
		Gretchen Howard gretchenhoward@aol.com
		Thinel Bishop mail@thebishoplawgroup.com
		Victoria Ward Victorialaw@bellsouth.net
		Victoria Rowan verowan@comcast.net
		Pam Roberts proberts@co.douglas.ga.us
		Christy Draper Christy@draperlegal.com
		Cynthia Adams ccadams@ccadamslaw.com
		Melinda Cowan melindacowan@bellsouth.net
		Sonya Compton attycompton@yahoo.com
		Jana Evans JLELegal@aol.com
<u>Sylvia Moore vs. Lester Brown, Jr.</u>	Honorable Albert Collier CAFN: 2012DR04739-5	Terri Herron, Esq. 470 E. Paces Ferry Road, NE Atlanta, GA 30305
Willard Kirkland Walker vs. Deanna Sheri Walker	Honorable Asha Jackson 12CV4587-2	Kirkland Walker 2107 North Decatur Road Decatur, GA 30033
<u>Eliezer Danielson vs</u>	Honorable David T.	Sonya Compton

<u>Amerrah Danielson</u>	Emerson CAFN: 12-CV-02382	attycompton@yahoo.com Joy Edwards edwards@edwards-lawgroup.com
<u>Ella M. Thompson vs. Bank of America, etal</u>	Honorable Cynthia D. Wright CAFN: 2013-CV-227738	Robert Michael Sheffield McCalla Raymer, LLC 6 Concourse Parkway Suite 2800 Atlanta, GA 30328 rms@mccallaraymer.com
<u>Heather Marie Maddox vs. Colton Bernard Maddox, Jr.</u>	Honorable Robert E. Flournoy, III CAFN: 13-1-5288-40 & CAFN: 13-1-5289-40	Ted Silverbach The Silverbach Group, LLC 2910 Cherokee Street Suite 101 Kennesaw, GA 30144 Ted@SilverbachLaw.com
<u>Ella M. Thompson vs. Bank of America, etal</u>	Honorable P.J. Doyle, Honorable J. Miller, Honorable J. Dillard ACN: A14A0790	Steven J. Flynn, Esq. McCalla Raymer, LLC Six Concourse Parkway Suite 2800 Atlanta, GA 30328
		Ned Blumenthal, Esq. David S. Klein, Esq. Weissman Nowack Curry & Wilco One Alliance Center, 4 th Floor 3500 Lenox Road, NE Atlanta, GA 30326
		Jarrold S. Mendel, Esq. Paul A. Rogers, Esq. McGuire Woods, LLP Promenade 1230 Peachtree Street, N.E. Suite 2100 Atlanta, GA 30309-3534

CERTIFICATE OF SERVICE

This is to certify that I have this date served a copy of the foregoing
APPLICATION FOR LEAVE OF ABSENCE upon all judges, clerks, and opposing
counsel listed on Exhibit "A" (attached) via electronic mail or U.S. Mail.

This 23rd day of December 2013.


Sylvia K. Lester
Georgia Bar No.: 596079

13127 Commonwealth Pointe
Alpharetta, GA 30004
(678) 558-5756 – Telephone
(866) 810-7756 – Facsimile
sylvia.lester@lawyer.com

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

January 6, 2014

Mr. Shane Nichols
GDC1000645223
Hays State Prison
Post Office Box 668
Trion, Georgia 30753

RE: A13A2210. William Shane Nichols v. The State

Dear Mr. Nichols:

We are in receipt of your communication dated December 30, 2013. Our records indicate your attorney is: Ms. Ashleigh Merchant of the Merchant Law Firm, 341 Lawrence Street in Marietta, Georgia 30060.

If you are concerned with the representation provided by that attorney, you should address that issue to the trial court. In this 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.

I am returning your documents to you.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld
Enclosures

William Shane Nichols vs The State of Ga.

A13Aaa1D

There has been a brief on my behalf and against me sent to the court of appeals. However in either of the appeals there is not any reasons listed that tells why I'm in prison to begin with. The defense or the state has left out the facts that I was talked into turning down two plea offers from the state. After being released on a \$5,000⁰⁰ bond the state offered me a two year sentence in D.O.C. later the state offered me ten years of probation. Both pleas were for the conviction of false imprisonment. My defense attorney made me and my family a promise, that there was no way could I be found guilty without evidence. The jury was held from the truth by not knowing that I turned down or that I was even offered these pleas. My lawyer begged me not to take the stand, still to this day I've never been asked if I formed any of these crimes that I'm accused of. I would like to have that chance to share my side, the truth. I hope this letter will be read by the appeals court. And be put in my file.

Thank you for your time.

Shane Nichols

~~Shane Nichols~~

12-30-2013

Hays State Prison

1000645223

P.O. Box 1608

Trion, Ga.

30753

E-Mail

Free William Shane Nichols @ Yahoo.com

Panamabama @live.com / Facebook - Justice for
Shane Nichols.

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

January 6, 2014

Mr. Michael D. Newby
GDC403605
Augusta State Medical Prison
3001 Gordon Highway
Grovetown, Georgia 30813

Dear Mr. Newby:

I have enclosed the Docketing Notice . For future reference, the cost for copies in the Court of Appeals of Georgia is \$1.50 per page. Also, enclosed please find your receipt number 109972 for copies totaling \$1.00.

Sincerely,


Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld
Enclosures

COURT OF APPEALS OF GEORGIA

47 Trinity Avenue, S.W., Suite 501
Atlanta, Georgia 30334
(404)656-3450

Business Hours: Monday - Friday, 8:30 a.m. to 4:30 p.m.

NOTICE OF DOCKETING

APPLICATION FOR DISCRETIONARY APPEAL

IMPORTANT INFORMATION

NOTICE OF FILING IN THE COURT OF APPEALS OF GEORGIA

APPLICATION NUMBER: A14D0073

DATE OF DOCKETING: October 03, 2013

STYLE: MICHAEL D. NEWBY v. THE STATE

was filed today in the Court of Appeals of Georgia.

The respondent has 10 days from the above filing date to file a response. A response is not required.

This application will be reviewed and the Court of Appeals of Georgia shall issue an order granting or denying such an appeal within 30 days of the date on which the application was filed, O.C.G.A. §5-6-35.

COURT OF APPEALS

47 Trinity Avenue, S.W.

Suite 501

Atlanta, GA 30334

(404) 656-3450

Receipt No. **109972**

DATE 12/30/13

RECEIVED OF Michael D. Newby

WE ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

BRIEF OF APPELLANT _____

ENUMERATION OF ERRORS _____

WITHDRAWAL FEE _____

PHOTOCOPIES _____

ADMISSION FEE _____

CERTIFICATION FEE _____

APPLICATION COST _____

OTHER _____

AMOUNT \$ 1.00
Cash

CASE NUMBER A14D0013

JP.
CLERK

A1400073

From: Mr. Michael D. Newby / GDC# 403608
Augusta State Medical Prison / 3004 -
Gordon Highway / Grovetown, Ga. 30813

November 20, 2013

To: Clerk of the Court of Appeals / Suite
301 / 4th Trinity Avenue /
Atlanta, Ga. 30334

Reason: I am respectfully request-
ing a "Civil or Criminal docket -
sheet" of the following case:

1) Newby v. State, Case No.: 28219-1

Enclosed inside is the payment of
One (\$1.00) dollar.

Your acknowledgment and speedy reply
will be appreciated.

Thank You

Michael D. Newby

RECEIVED IN OFFICE

2013 DEC 26 PM 2:43

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

11:00 AM

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

January 6, 2014

Mr. Ronald Rutledge
GDC1000650596
Macon State Prison
Post Office Box 426
Oglethorpe, Georgia 31068

RE: A13A1593 and A13A1594. Ronald Rutledge, Jr. v. The State

Dear Mr. Rutledge:

I am in receipt of your completed "Open Records Request" received in this office on January 3, 2014. In this Court, copies are \$1.50 per page. A pauper status does not excuse you from the copy fees and the Court of Appeals of Georgia is not subject to the Open Records Act.

Please send your check or money order to the following address specifying what copies you wish be sent to you. Your request will be processed and sent to you by return mail.

Court of Appeals of Georgia
47 Trinity Avenue, S.W. • Suite 550
Atlanta, Georgia 30334

I am returning your correspondence to you.

Sincerely,


Stephen E. Cas
Clerk/Court Ac
Court of Appea

SEC/ld
Enclosure

OPEN RECORDS REQUEST

TO: Clerk
Court of Appeals
47 Trinity Ave Suite 501
Atlanta Georgia 30334

FROM: Ronald Rutledge #1000650596
Macon State Prison
Oglethorpe Ga 31068
P.O Box 426

DATE 12/30/13

Pursuant O.C.G.A. 50-18 et. seq. the following is requested

File copy of notice to appeal to Supreme Court
File copy of certificate of service
Copy of my Index Docket
Please send me a file stamped copy of all documents that I have
just submitted

O.C.G.A. 50-18-70 et.. seq. allows three days for your compliance with this request and if "denied in whole or in part" you must "specify in writing the legal authority exempting such record(s) from disclosure by code section, subsection, and paragraph." O.C.G.A. 50-18-72 (h). Failure to respond to this request will reflect your intention to transgress the law, cause unnecessary delay, and create a challenge to court litigation, attorney fees and court cost of which will incur upon you pursuant O.C.G.A. 24-4-23.

Respectfully,

Ronald Rutledge

Bennie R. Solomon
Notary

Bennie R. Solomon
Notary Public

Peach County, State of Georgia
Comm. Expires 07-14-2014

Date

12/30/13

07/14/14

Expiration of Commission

RECEIVED IN OFFICE
2014 JAN -2 PM 1:29
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

RECEIVED

DEC 02 2013

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA

Bus. Off
Macon S.P.

Ronald Rutledge
Plaintiff/Petitioner,
1000650596
v.

: AFFIDAVIT IN SUPPORT OF
: REQUEST TO PROCEED
: IN FORMA PAUPERIS; AUTHORIZED
: WITHDRAWAL FORM; CERTIFIED
: AFFIDAVIT OF INMATE ACCOUNT
: STATUS.

State of Georgia
Defendant/Respondent.

RECEIVED IN OFFICE
2013 DEC 02 PM 1:29
CLERK OF COURT
NORTHERN DISTRICT OF GEORGIA

AFFIDAVIT AND AUTHORIZATION
FOR WITHDRAWAL FROM INMATE ACCOUNT

I, Ronald Rutledge, being first duly sworn or under penalty of perjury, affirm and say that I am the plaintiff/petitioner in the above-styled action; that in support of my motion to proceed without prepayment of fees or costs or give security therefor pursuant to Title 28 U.S.C. § 1915 (a)(1), I state that because of my poverty I am unable to pay the costs of said proceeding or to give security therefor.

I further swear or affirm that the responses which I have made to the questions below are true.

1. Are you presently employed? Yes () No ()
 - a. If employed, state the amount of your salary or wages per month and give the address of your employer. _____
 - b. If you are not currently employed, state the date of your last employment and the amount of salary or wages received. _____
2. Have you received within the past twelve months any money from any of the following sources?

a. Business, profession or self-employment?	Yes () No (<input checked="" type="checkbox"/>)
b. Rent payments, interest or dividends?	Yes () No (<input checked="" type="checkbox"/>)
c. Pensions, annuities or life insurance?	Yes () No (<input checked="" type="checkbox"/>)
d. Gifts or inheritances?	Yes () No (<input checked="" type="checkbox"/>)
e. Any other source?	Yes (<input checked="" type="checkbox"/>) No ()

If you answered yes to any of the above, describe each source and state the amount received from each. from my Aunt Sandra about 50 dollars My nephew Timothy 30 dollars

3. Do you own any cash, or do you have money in a checking or savings account? (Include funds in prison account.)
Yes () No () If the answer is yes, state the total value of items owned.

4. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property, excluding ordinary household furniture and clothing?
Yes () No (X) If the answer is yes, describe the property and state its approximate value.

5. List the persons who are dependent upon you for support, state your relationship to each person, and indicate how much you contribute toward their support.

AUTHORIZATION FOR ACCOUNT WITHDRAWAL

I hereby authorize my custodian and his/her designee to withdraw funds from my inmate account and to transmit the same to the Clerk, United States District Court to be applied to the filing fee which I am required to pay in connection with this case. This authorization shall apply to any institution in which I am or may be confined.

Executed this 21 day of November, 1913.

Ronald Rutledge
Signature of Plaintiff/Petitioner

PLAINTIFF/PETITIONER IS REQUIRED TO SUBMIT WITH THIS AFFIDAVIT AND AUTHORIZATION A CERTIFIED COPY OF HIS/HER INMATE ACCOUNT STATEMENT FOR THE SIX MONTH PERIOD IMMEDIATELY PRECEDING THE FILING OF THIS COMPLAINT.

CERTIFICATE

I hereby certify that the plaintiff/petitioner herein has a current balance of \$0- in his/her inmate account at the Macon State Prison Institution. Plaintiff has an average monthly balance for the preceding six months of \$16.04, and the average monthly deposits to said account for the preceding six months are \$20.82. I further certify that plaintiff has the following assets to his/her credit according to the records of this institution: _____

12/3/13
Date

Marilyn Brown
Authorized Officer of Institution

Appellate
IN THE ~~SUPERIOR~~ COURT OF Georgia COUNTY _____
STATE OF GEORGIA

Ronald Rutledge JR.
PETITIONER,
vs
State of Georgia
RESPONDENT.

CIVIL NO. A13A1593, A13A1594

AFFIDAVIT OF POVERTY

Ronald Rutledge JR., being first duly sworn, identifies himself as the Petitioner in the above-styled action and states upon his oath that he is an indigent state prisoner and that on account of his poverty cannot pay the fees and cost normally required to file and proceed in an action of this nature.

He executes this oath in order that he may proceed in forma pauperis.

Ronald Rutledge
Petitioner Pro Se

Sworn to and subscribed before me this
30 day of December, 2013.
Bennie R. Solomon Bennie R. Solomon
NOTARY PUBLIC Notary Public
Peach County, State of Georgia
(My commission expires: Comm. Expires 07-14-2014.)

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

January 6, 2014

Thomas Brothers Hydro
ATTN: Mr. Hoke S. Thomas
Post Office Box 2040
115 Snapping Shoals Road
Covington, Georgia 30209

Dear Mr. Thomas

Your appeal (A11A2377. Hoke S. Thomas, Jr., et al. v. Henry County Water and Sewerage Authority) was disposed by opinion on July 2, 2012. The Court of Appeals affirmed the judgment of the trial court. The remittitur issued on April 11, 2013, divesting this Court of any further jurisdiction of your case. The case is therefore, final.

If you are interested in obtaining a copy of the 12-page opinion, please send your check or money order to the following address. Your request will be processed and sent to you by return mail. Please note: copies are \$1.50 per page in this Court.

Court of Appeals of Georgia
47 Trinity Avenue, S.W. • Suite 550
Atlanta, Georgia 30334

I am returning your documents to you.

Sincerely,


Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

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Enclosures

ROGUE INFLUENCE

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2013 DEC 26 PM 4:02

Provoke someone into anger, then as an attorney you have falsely created a reason to punish said person by taking their possessions under false pretenses or “unjustly enriching” yourself at the expense of exploiting others. You as an attorney have created a bogus lawsuit for personal monetary gain. Sadly, but some attorneys are masters at this unscrupulous art and have truly earned the title, “Rogue Attorney”. After all, attorneys have “the law” on their side, the average citizen regardless of his/her status, only has the U.S. Constitution, which can be interpreted by said rogue attorneys, to mean whatever the situation might demand in their quest for personal wealth at the expense of the defenseless taxpaying public. Prior to my late brother’s recent demise, Mike stated: “a license to practice law, is a license to steal”.

Whether you hire an attorney to defend you from another attorney, or simply “give in” to the unjust demands of an attorney, the end result in most cases will be the same, if you win, lose, or draw, monetarily you the taxpayer will always be the loser, for most attorneys are in the legal business to make money, not to serve, and how they “pick a fight” to get that money or who or what government agency is paying their salaries is irrelevant. “To sue is to win”, anytime a rogue attorney can manipulate you into a lawsuit, you will ultimately lose, for time is not a factor in a bogus lawsuit, the longer said suit lasts, the more money the rogue attorney can make.

I grew up living on a working dairy farm in central Georgia, there was one “lawyer” in the county who happened to be my Sunday School teacher. I will never forget his ability to lead our church in prayer and administer to the poor and sick. My granddad told me stories about how the lawyer even helped some of the poor farmers with legal matters and charged nothing. During my high school years our class was invited to the “court house” where we observed the good lawyer in action defending a farmer involved in a property dispute. I was further impressed with the lawyer’s ability to explain the details of the case in an open and honest fashion. When I finished high school and joined the military, I left home with the impression that all attorneys were similar to “our” county attorney, truthful, honest and God fearing. For most of my adult life I maintained that conviction; that is until I became the victim of one attorney A.J. Welch, Jr and his Smith, Welch and Brittain Henry County, Georgia law firm who totally destroyed my belief in attorneys and now has me doubting our legal system.

That's Outrageous!

Summary of Events: Snapping Shoals, Henry County, Georgia

Just when you think you've "heard it all," here is a story that you will swear must have happened in the 1850's, not the 21st Century in America. Can your land and improvements be taken away from you with no compensation? Don't be too sure.

Legal Definition: **Unjust Enrichment** is a legal term denoting a particular type of causative event in which one party is unjustly enriched at the expense of another, and an obligation to make restitution arises, regardless of liability for wrongdoing. This is a benefit by mistake or chance.

Morally and ethically the one who gains a benefit that he or she has not paid or worked for should not keep it to the rightful owner's detriment. A general equitable principle that a person should not profit at another's expense and therefore should make restitution for the reasonable value of any property, services, or other benefits that have been unfairly received and retained.

Within the Henry County government two recent illegal real estate actions promoting monetary gain for one Henry County attorney and his accomplices require intervention by the federal government due to the nature of the crimes involving the intentional misuse of public funds; fraud, deceit and the use of a government office for personal financial gain. The two incidents are as follows:

INCIDENT NUMBER ONE

The June 11, of 2008 lawsuit against two private Newton County individuals by the "The Henry County Georgia Water and Sewerage Authority (HCWSA) vs. Thomas Brothers" falsely took land, assets, water rights, improvements, roadways and riverbed from 8 unsuspecting citizens by a Henry County "straw man", who used pro bono legal/illegal services from a Henry County government agency attorney while the same attorney acted as a private attorney supported by the Henry County, Georgia law firm of Smith, Welch and Brittain (SWB).

The "straw man", attorney and his law firm all conspired and "tricked" the innocent heirs of a past property owner of 160 Snapping Shoals acres to sign an un-funded bogus quit claim deed for 273.6 acres, then clandestinely transferred the aforementioned assets to the "straw man" and contrary to the "straw man's" 1991, 8-page deed, plat and closing statement, the "straw man" lied under oath by stating that when he purchased his Henry County Snapping Shoals property 17 years ago in 1991, that he **thought** it was an "estate sale" and that he assumed he purchased the Henry and Newton Counties property belonging to his 9 neighbors.

These actions were followed by the HCWSA attorney paying his "straw man" \$25,000.00 for the quitclaimed property and selling same to the HCWSA via a limited warranty deed without a Resolution, survey, plat, appraisal and recording in both Counties, the quitclaimed property, as a warranty deed, having no definite amount of acres or the respective location. Since the government agency, the HCWSA purchased the quitclaimed property from a middle-man, the "straw man", the Henry County Superior Court, after 3 years of deliberation ruled that the

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

January 8, 2014

Mr. Joseph McInnis
DeKalb County Jail
4425 Memorial Drive
Decatur, Georgia 30032

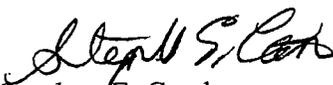
Dear Mr. McInnis:

In response to your correspondence received in this office, we do not have a case styled in your name pending in this Court.

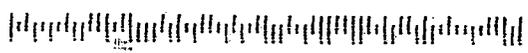
Until a case is docketed in this Court, all communications and questions should be directed to your attorney of record or to the trial court from which you are appealing.

Your postcards are being returned to you.

Sincerely,


Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

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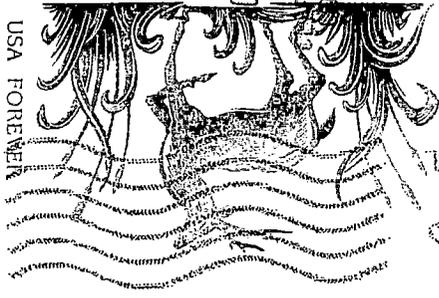
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Georgia Court of Appeals
William L. Martin
334 State Judicial Building
Atlanta, GA 30334

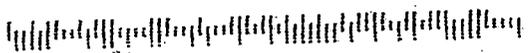
12-30-13

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USA FOREVER

Joseph McInnis
4425 Memorial Dr
Decatur, GA 30032
12-30-13
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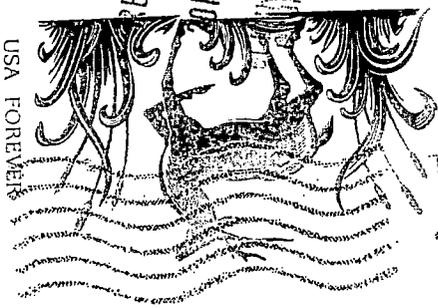
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12/30/13

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USA FOREVER

Joseph McInnis
4425 Memorial Dr
Decatur, GA 30032
12/30/13
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JAN 01 2014 3:25 PM '13

I got convicted in DeKalb County on "conspiracy" to commit Armed Robbery and sentence to ten years. Not only have I been falsely accused I been convicted against the law of Georgia (O.C.G.A 24-4-8) when only the testimony of my accomplice convicted me. The testimony was 100% uncorroborated on the conviction. 2nd Inefficient Counsel: fail to object the box of bullets that was picked up by the State Aug, 9, 2013 when the incident occur June 30 2012. Then the Manager testified "when items left behind they will keep it for 3 months." fail to present evidence on my behalf that I wanted to present. I told my attorney to get my primary tape cause the det. said he seen the incident on camera and it would prove my innocence. He got the tape, but didn't present it cause ~~he didn't know~~ he didn't know that was the Det. Det. 1.

He didn't know Det. White was the Det. 2nd I wanted to present my accomplice interrogation audio and her statement that would prove she puts the gun in my hands after she seen my lineup. At first I was the guy with the blue shirt with no gun. Didn't present it cause she testified to every thing she said on tape. One of the Swors questions was "Is A'sA my accomplice or a witness?" The court did not give direct instruction and allow the Swors to determine it them selfs when it is clear that she is my accomplice and not a witness. A witness can establish a fact an accomplice can not. I'm asking you to approve my appeal cause it is a fact I got convicted on the uncorroborated testimony of my accomplice when only she testified to a robbery being conspire.

12-30-13

David's
 David's

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

January 10, 2014

Mr. Kevin Mario Lee
GDC692007
Macon State Prison
Post Office Box 426
Oglethorpe, Georgia 31068

Dear Mr. Lee:

I am in receipt of your Appellant's Brief and Enumeration of Errors styled to the State of Georgia, 11th Circuit. Your 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 Eleventh Circuit, Court of Appeals is: Eleventh Circuit Court of Appeals, 56 Forsyth Street, N.W., Atlanta, Georgia 30303.

I am returning your Brief and Enumeration of Errors to you.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld
Enclosures

IN THE COURT OF APPEALS OF GEORGIA
STATE OF GEORGIA 11TH CIRCUIT

KEVIN MARIO LEE
APPELLANT
VS.
STATE OF GEORGIA
APPELLEE

*
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*

INDICTMENT: 07SC58528

BRIEF ON BEHALF OF APPELLANT

I. STATEMENT OF THE CASE; STATEMENT OF FACTS

STATEMENT OF THE CASE: THIS IS A DIRECT APPEAL FROM A FINAL ORDER OF THE FULTON COUNTY SUPERIOR COURT DENYING APPELLANT KEVIN MARIO LEE'S MOTION FOR NEW TRIAL IN AN ALLEGED ARMED ROBBERY CASE THAT AROSE FROM A SUSPECTED BURGLAR CALL AT THE RESIDENCE OF RICHARD MCDANIEL AND CHRISTOPHER MCCLAIN AT 968 OAK STREET IN ATLANTA, GA JULY 13 2007. APPELLANT WAS INDICTED FOR 2 CTS OF ARMED ROBBERY, AGGRAVATED ASSAULT W/I TO ROB, 2CTS POSSESSION OF FIRE ARM, APPELLANT WAS INDICTED ALONG WITH CO-DEFENDANT LARRY JAMES BROWN WHO WAS ALSO IN FACT CHARGED WITH THE SAME OFFENSES, PLED TO A LESSER CHARGE AND SENTENCE IN AGREEMENT TO IMPLICATE APPELLANT. AFTER A TWO DAY TRIAL MAY 2010, THE JURY IN THE FULTON COUNTY SUPERIOR COURT SENTENCED APPELLANT TO LIFE W/O PAROLE. CO-DEFENDANT RECEIVED A SPLIT SENTENCE OF 10 YRS TO SERVE 7 YRS. IN EXCHANGE FOR TESTIMONY ACCUSING APPELLANT OF ALLEGED CHARGES. APPELLANT TIMELY MOVED FOR A NEW TRIAL FOLLOWING - SENTENCE; CONVICTION.

STATEMENT OF FACTS: ON JULY 13, 2007 APPELLANT HAD BEEN TRAVELING BY MARTA BUS JOB SEEKING WITH GIRLFRIEND, AND DECIDED TO EXIT THE WESTEND TRAIN STATION IN SEARCH OF A PLACE TO EAT, WALKING DOWN RALPH DAVID ABERNATHY, APPELLANT AND GIRLFRIEND DECIDED TO STOP AT WENDY'S AND EAT. WHEN TWO ATLANTA POLICE APPROACHED APPELLANT AT GUNPOINT AND - ROUGHLY TOOK HIM TO THE GROUND AND BRIEFLY ASSAULTED APPELLANT INJURING RIGHT HAND, AFTER APPELLANT PROTECTED HIS FACE FROM HITTING PAVEMENT. ONCE APPELLANT WAS CUFFED AND PLACED IN POLICE CAR APPELLANT WAS THEN DRIVEN TO A LOCATION WHERE TWO MORE OFFICERS WERE STANDING WITH TWO BLACK MALES OUTSIDE OF A HOME.

APPELLANT CLAIMS AT THIS TIME HIS MIRANDA RIGHTS WERE NEVER, THE TWO MALES WERE PLACED INSIDE OF ANOTHER POLICE CAR, AND WE DROVE TO A SIDE STREET WHERE AN AMBULANCE WAS PARKED, THE TWO MALES WERE TAKEN OUT OF THE POLICE AND WALKED TO THE AMBULANCE AND AFTERWARDS WERE DRIVEN OFF. I WAS THEN FRISKED AND MY PROPERTY WAS AT THAT TIME CONFISCATED, ITEMS TAKEN WERE, SOC SEC CARD, BIRTH CERTIFICATE, CELLPHONE, KEYS, WALLET, DRIVERS LICENSE, MONEY. WAS ALL TAKEN TO CITY HALL EAST, AND I WAS TAKEN TO FULTON COUNTY JAIL.

APPELLANT WAS HELD AT FULTON COUNTY JAIL, JULY 13, 2007 TO JANUARY 2ND, 2008. BEFORE HAVING ANY COMMUNICATIONS WITH COUNSEL CONCERNING THE ALLEGED CHARGES. ATTORNEY ASHLEIGH B. MERCHANT PRESENTED THE DISCOVERY AND INDICTMENT OF CHARGES, AND ASKED APPELLANT DID HE KNOW SOME ONE BY THE NAME LARRY JAMES BROWN, APPELLANT STATED HE WAS FAMILIAR WITH LARRY BROWN BUT HE WAS SOME YEARS OLDER THAN APPELLANT AND WAS A KNOWN CRACK USER, BUT APPELLANT WAS CLOSE TO LARRY BROWN'S YOUNGER BROTHER DARON BROWN BUT ONLY THROUGH SCHOOL AND YOUTH SPORTS AND RECREATION.

ATTORNEY ASHLEIGH B. MERCHANT THEN ASKED APPELLANT DID HE THINK LARRY BROWN WOULD TURN STATES EVIDENCE ON ME AND I STATED NO, NOT UNDERSTANDING I WAS BEING IMPLICATED. ON - ALLEGED CHARGES LARRY BROWN COMMITTED. FEBRUARY 2008 APPELLANT RECEIVED A NOTICE FROM ASHLEIGH B. MERCHANT ALONG WITH A PACKAGE OF DISCOVERY FROM ANOTHER ATTORNEY RACHEL SAMUDA, MS. MERCHANT STATED SHE NO LONGER HAD MY CASE, THAT MS. SAMUDA HAD TAKEN IT. MS. SAMUDA'S NOTICE STATED SHE WOULD SUBPOENA THE 911 CALL AND BOLD, AND FILE MOTION FOR WITNESS IDENTIFICATION.

MARCH 10, 2008; WITNESS IDENTIFICATION HEARING WAS CONDUCTED AND DURING HEARING MS. SAMUDA STATED TO OFFICER R. E. JOHNSON THAT HE WASNT SUPPOSE HAVE BEEN PRESENT BECAUSE HE WASNT THE ARRESTING OFFICER. AND SHE STATED SOMETHING TO THE EFFECT THAT THE STATEMENT MADE BY RICHARD MCDANIEL WAS INACCURATE DUE TO IN COURT IDENTIFICATION WHICH WAS POSITIVE WHEN INITIAL STATEMENT GIVEN TO POLICE WAS SOMEONE IN ALL BLACK BUT NO POSITIVE DESCRIPTION MS. SAMUDA HAD ALSO PREVIOUSLY STATED I WOULD BE PREJUDICED IN THIS CASE BECAUSE OF MY RECORD AS OPPOSED TO CO-DEFENDANT.

MARCH 17, 2008 AT FULTON COUNTY SUPERIOR COURT HOUSE APPELLANT WAS APPROACHED BY ATTORNEY KEVIN SCHUMAKER WITH TWO INDICTMENTS, WHO WAS RECOGNIZED AS CO-DEFENDANT LARRY JAMES BROWN ATTORNEY, MR SCHUMAKER WAS REQUESTING APPELLANT PLEA TO BOTH PENDING INDICTMENTS. ONE INDICTMENT CONSISTED OF THE JANUARY 19, 2007 CASE WHICH WAS DEAD DOCKET WITH 2007.

APRIL 28, 2008! APPELLANT FILED BARE COMPLAINT OF CONFLICT OF INTEREST ON THE ATTORNEY KEVIN SCHUMAKER WHERE HE WAS REPRESENTING CO-DEFENDANT WITH OPPOSITE INTEREST IN CASE, LARRY JAMES BROWN ON SUBSEQUENT INDICTMENT OF 7/28/08 AND ATTORNEY SCHUMAKER WAS ALSO IN REPRESENTATION OF MARIO THOMAS ON INDICTMENT OF 7/28/08, BUT ACTUALLY REPRESENT APPELLANT IN SPITE OF STATE BARE COMPLAINT WHICH WAS REMOVED WHILE TRIAL ENSUED.

II. JURISDICTION AND ENUMERATION OF ERRORS.

A. JURISDICTION: THIS COURT HAS JURISDICTION OVER THIS MATTER UNDER ARTICLE VI SECTION VI AND APPEALS OF SUCH CASES, PRE-RESERVED TO THE SUPREME COURT OF GEORGIA UNDER THE CONSTITUTION OF THE STATE OF GEORGIA.

B. ENUMERATION OF ERRORS

1. THE APPELLANT WAS DENIED A FUNDAMENTALLY FAIR TRIAL WHEN HE WAS DENIED THE ASSISTANCE OF COUNSEL HEARING APPELLANT RECEIVED VIA WIZLA AT THE FULTON COUNTY JAIL JULY 2007, A NOTICE STATING THE PRELIMINARY HEARING ENTITLED TO HIM WAS WAIVED, WITHOUT COUNSEL, OR EVEN KNOWING COUNSEL WAS APPOINTED TO HIM.

2. APPELLANT WAS PROVIDED INEFFECTIVE ASSISTANCE OF COUNSEL WHERE AT AND TIME AFTER MARCH 10, 2008 APPELLANT CONSULTED WITH COUNSEL DUE TO CONSTRUCTIVE CHANGE OF COUNSEL AND NO CONTACT.

3. APPELLANT FILED STATE BARE COMPLAINT OF CONFLICT OF INTEREST ON CO-DEFENDANT LARRY JAMES BROWN'S ATTORNEY KEVIN SCHUMAKER WHO ACTUALLY REPRESENTED APPELLANT IN TRIAL WHERE APPELLANT WAS CONVICTED BY JURY AND SENTENCED TO LIFES WHILE COMPLAINT WAS ON SEPARATE INDICTMENT OF 7/28/08 BY JUNE 2008.

4. APPELLANT WAS PROVIDED INEFFECTIVE ASSISTANCE OF COUNSEL WHERE TRIAL COUNSEL REID THOMPSON FAILED TO INTERVIEW WITNESSES IN BEHALF OF APPELLANTS DEFENSE ATTORNEY FAILED TO ASK WITNESSES OR NOT APPELLANT HAD ANY REBUTLE TO ALL EVIDENCE. TRIAL ATTORNEY REID THOMPSON STATED THAT CO-DEFENDANT LARRY JAMES BROWN STATED TO HIM THE PROBABILITY WAS SET UP BY HIS COUSIN WHICH WAS CHRISTOPHER MCCLAIN'S EX-GIRLFRIEND AND THAT HE WOULD TELL THE TRUTH, THAT APPELLANT HAD NOTHING TO DO WITH THE PROBABILITY BUT ATTORNEY FAILED TO CROSS EXAMINE BROWN FOR PERJURED TESTIMONY.

5. APPELLANT WAS PROVIDED INEFFECTIVE ASSISTANCE OF COUNSEL ON MOTION FOR NEW TRIAL ON INDICTMENT OF 7/28/08, WHERE ATTORNEY JENNIFER TRISTHAMAN STATED PRIOR TO TRIAL THAT IF ALL EVIDENCE WOULD FILE INEFFECTIVE COMPLAINT TO PRESERVE ARGUMENT, AFTER SHE DISMISSED CLAIM OF INEFFECTIVE COUNSEL ON JURY THOMPSON DURING MOTION FOR NEW TRIAL WHERE IT WAS DENIED.

III. ARGUMENTS AND CITATIONS OF AUTHORITY.

1. APPELLANT WAS DENIED A FUNDAMENTALLY FAIR TRIAL WHEN HE WAS DENIED THE ASSISTANCE OF COUNSEL HEARING APPELLANT RECEIVED VIA WIZLA AT THE FULTON COUNTY JAIL JULY 2007, A NOTICE STATING THE PRELIMINARY HEARING ENTITLED TO HIM WAS WAIVED, WITHOUT COUNSEL, OR EVEN KNOWING COUNSEL WAS APPOINTED TO HIM.

2. APPELLANT WAS PROVIDED INEFFECTIVE ASSISTANCE OF COUNSEL WHERE AT AND TIME AFTER MARCH 10, 2008, AND APPELLANT RECEIVED ASSISTANCE OF COUNSEL DUE TO CONSTRUCTIVE CHANGE OF ATTORNEY'S ACCEPT AT COURT APPOINTMENTS WHERE APPELLANT WAS CONSTRUCTIVELY APPROACHED BY CO-DEFENDANT'S ATTORNEY REQUESTING APPELLANTS PLEA AGREEMENT. UNITED STATES V. CROOK HUB U.S. 648, 653, 104 S. CT 2039 80 L. ED 2D 1987 (1994) CRIMINAL DEFENSE LAWYERS PRACTICE IS ESSENTIAL BECAUSE THEY ARE THE REASON WHY THE RIGHTS OF THE PERSON ON TRIAL ARE SECURED. ID OF THE RIGHTS THAT ARE ACCUSED PERSON HAS THE RIGHT TO BE REPRESENTED BY COUNSEL BY FAR THE MOST RESPONSIVE FOR IT AFFECTS HIS ABILITY TO ASSESS ANY OTHER RIGHTS HE MAY HAVE, CHAMPMAN V. CALIFORNIA 386 U.S. 18 (1967)

III. ARGUMENTS AND CITATIONS OF AUTHORITY

3. APPELLANT FILED STATE BAR COMPLAINT OF CONFLICT OF INTEREST ON ATTORNEY KEVIN SCHUMAKER, WHO WAS APPOINTED BY ACCORDING TO RECORDS (CRIMINAL DOCKET REPORT) TO REPRESENT LARRY JAMES BARON ON JUDICIALMENT ON OTCSS28 PRIOR TO TRIAL APPELLANT CLAIMS THAT ATTORNEY APPROACHED HIM ON SEVERAL OCCASIONS AS ACTUAL ATTORNEY IN HITCHUPS TO REPRESENT APPELLANT TO PLEA TO JUDICIALMENT. ATTORNEY ALSO REPRESENTED APPELLANT ON PREVIOUS TRIAL JUDICIALMENT OTCSS28 BY WHICH APPELLANT WAS FOUND GUILTY AND SENTENCED TO LIFE WHILE COMPLAINT WAS PENDING. A SIXTH JUDICIALMENT RIGHT TO COUNSEL INCLUDES THE RIGHT TO BE REPRESENTED BY HIS ATTORNEY WITH UNDIVIDED LOYALTY, LODD V. GEORGIN 450 U.S. 261, 211, 101, S. CT. 1097 67 L. 3D 220 (1981) THIS GUARANTEE IS SO IMPERATIVE THAT VIOLATION OF THESE SIXTH JUDICIALMENT CLAIMS WITH A DEFENDANT ALIBES AND UNCONSTITUTIONAL ACTUAL CONFLICT OF INTEREST MUST BE PRESUMED, DELGADO V. LEWIS 233 F. 3D 976, 981 (9TH CIR 2000) CUTLER V. SULLIVAN 446 U.S. 335, 350, 100, S. CT. 1708, 64, L. 3D 223 333 (1980) FRAUDMAN V. UNITED STATES 465 U.S. 259, 268, 104, S. CT. 1051, 79, L. 3D 2288 (1984) HARPLESS ERROR DOES NOT APPLY.

4. APPELLANT WAS PROVIDED INEFFECTIVE ASSISTANCE OF COUNSEL WHILE TRIAL ATTORNEY REID THOMPSON 1. FAILED TO INTERVIEW MY WITNESS ON BEHALF OF APPELLANT. 2. ATTORNEY FAILED TO ASK APPELLANT'S VERSION OF ALIBES AGAINST HIM. 3. ATTORNEY FAILED TO OBJECT TO CO-DEFENDANTS BEING TESTIMONY AT TRIAL AFTER ATTORNEY STATED TO APPELLANT CO-DEFENDANT TOLD HIM THAT HIS COUSIN STATED THE ROBBERY OF CHRISS-PIERRE MCLAMIN WHICH WAS HEAR EX-BODY PLAIN, AND THAT THE WOULD TELL THE TRUTH THAT APPELLANT HAD NOTHING TO DO WITH ROBBERY. STATE BAR OF GEORGIA PART IV DISCIPLINE STANDARDS OF CONDUCT 4-102 (D) (STANDARD 44) A LAWYER SHALL NOT WITHOUT JUST CAUSE TO THE DETRIMENT OF HIS CLIENT IN EFFECT WILLFULLY ABANDON OR COLLUDE IN DISBARMENT. BY DISBARMENT. "THE LAW QUOTA; IF AN ATTORNEY HAD INCLUDED THAT JUST HAD BEEN DONE AND IF HE DOESN'T CLEARLY THE ERRORS HE IS INEFFECTIVE COUNSEL."

5. APPELLANT WAS PROVIDED INEFFECTIVE ASSISTANCE OF COUNSEL ON MOTION FOR NEW TRIAL ON JUDICIALMENT OTCSS28 WHERE ATTORNEY JENNIFER JENKINS DISMISSED CLAIM OF INEFFECTIVE COUNSEL ON REID THOMPSON APPELLANT TRIAL COUNSEL INDIVIDUALLY OTCSS28. APPELLANT CLAIMS "ATTORNEY REFUSED TO FILE CLAIM OF INEFFECTIVE COUNSEL ON REID THOMPSON ATTORNEY" NEGLECTING THE RIGHTS OF APPELLANT ON MOTION FOR NEW TRIAL. A DIVISION - PANEL OF THE COURT OF APPEALS REVERSED, 605, F. 2D 427 (CA2 1981). LARRY DEAN HANCOCK STANDARD, THE MAJORITY HELD THAT WHEN AN "APPELLANT BEGINS THAT (HIS ATTORNEY) RAISE ADDITIONAL COLETTABLE POINTS ON (APPEAL) COUNSEL MUST ARGUE THE MOTION POINTS TO THE FULL EXTENT OF HIS PROFESSIONAL ABILITY, AND IN CALIFORNIA 386, U.S. 738, 87, S. CT. 1396, 1967, 2D 493 (1967) IN REVERSED. THIS COURT HELD THAT AN APPELLANT MUST ADVOCATE HIS CLIENTS CASE VIGOROUSLY AND NOT WITHDRAW FROM A NEW TRIAL ON PREVIOUS APPEAL. IT ALSO BARS COUNSEL FROM ABANDONING A NEW TRIAL ISSUE ON APPEAL, SEE 103, S. CT. 3508, 463 U.S. 745, JONES V. VIGNONES (U.S.N. 4, 1983).

IV

CONCLUSION; APPELLANT WAS DENIED HIS BASIC AND ESSENTIAL RIGHT TO A FAIR TRIAL ESTABLISHED BY THE SUPREME COURT AND THE CONSTITUTION. ACCORDING TO FACTUAL STATEMENTS THAT SUBSTANTIATES THIS DOCUMENT THAT APPELLANT WAS PREY VICTIM TO THE PERJURE THAT EXCEEDS UNWARRANTED EVIDENCE, AND DELIBERATE INDIFFERENCE AS WELL. WHILE THE ISSUES OF INEFFECTIVE ASSISTANCE AND CONFLICT OF INTEREST WAS PRESUMED BY WITHOUT THE COURT THE EVIDENCE EXISTS OF THIS CASE, THE CONSTANT CHANGING OF COUNSEL AND THE PERSISTENCE OF CO-DEFENDANTS COUNSEL TO PERSUADE APPELLANT TO PLEA BEING TO CHARGES WHERE CO-DEFENDANT WAS OBVIOUSLY MORE GUILTY THAN APPELLANT WAS IN VIOLATION OF THE PROFESSIONALISM AND ETHICS OF THE STATE BAR OF GEORGIA AND THE COURT OF LAW AS WELL APPELLANT EXERCISED HIS RIGHT AS A CITIZEN AND THUS EXERCISED THOSE TO THE BEST OF HIS ABILITY, TO KNOWLEDGE, BE SUBJECT TO UNJUST AND CRUEL JUDICIAL PROCEDURE.

WHEREFORE, MR LEE PRAYS THIS COURT VACATE HIS CONVICTIONS AND GRANT HIM A NEW TRIAL BASED ON THE ABOVE ARGUMENTS.

RESPECTFULLY SUBMITTED THIS ____ DAY OF NOV 2013.

KEVIN MARIO LEE
Kevin Mario Lee
GSE# 1092007
PRIO SE DEFENDANT
MACON STATE PRISON
P.O. BOX 426
OGLETHORPE, GA 31008

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE SERVED A COPY OF THE WITHIN AND FORGOING APPELLANTS BRIEF AND ENUMERATION OF ERRORS BY DEPOSITING SAID COPY IN THE U.S. MAIL IN A PROPERLY ADDRESSED ENVELOPE WITH ADEQUATE POSTAGE ADDRESSED TO;

MR PAUL HOWARD DA
C/O LENNY KRICK ADA
OFFICE OF THE DISTRICT ATTORNEY
136 PLYORST SW RM# 300
ATLANTA, GA 30303

Bennie R. Soloman
11/14/13

NOTARY
Bennie R. Soloman
Notary Public
Peach County, State of Georgia
Comm. Expires 07-14-14
Bennie R. Soloman
Notary Public
Peach County, State of Georgia
Comm. Expires 07-14-2014

IN THE COURT OF APPEALS OF GEORGIA
STATE OF GEORGIA 11TH CIRCUIT

KEVIN MARIO LEE
APPELLANT

v.

STATE OF GEORGIA
APPELLEE

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INDICTMENT: 07SC58528

AMENDED SUPPLEMENT OF APPELLANT'S ENUMERATION OF ERRORS

I. STATEMENT OF THE CASE $\hat{=}$ STATEMENT OF FACTS

STATEMENT OF THE CASE: THIS IS A DIRECT APPEAL FROM A FINAL ORDER OF THE FULTON COUNTY SUPERIOR COURT DENYING APPELLANT'S KEVIN MARIO LEE'S MOTION FOR NEW TRIAL IN AN ALLEGED ARMED ROBBERY CASE THAT AROSE FROM A SUSPECTED BURGLARY CALL AT THE RESIDENCE OF RICHARD MCDANIEL AND CHRISTOPHER MCCLAIN AT 916 OAK STREET, IN ATLANTA, JULY 13 2007.

II. JURISDICTION AND ENUMERATION OF ERRORS

A. JURISDICTION; THIS COURT HAS JURISDICTION OVER THIS MATTER UNDER ARTICLE VI, SECTION VI AND APPEALS OF SUCH CASES PRE-RESERVED TO THE SUPREME COURT OF GEORGIA UNDER THE CONSTITUTION OF THE STATE OF GEORGIA.

B. ENUMERATION OF ERRORS.

1. INEFFECTIVE ASSISTANCE OF COUNSEL, IN VIOLATION OF THE SIXTH AMENDMENT OF THE UNITED STATES CONSTITUTION AND THE CORRELATIVE PROVISIONS OF GEORGIA'S CONSTITUTION OF 1983.

FACT: COUNSEL FOR APPELLANT FAILED TO MAKE PROPER OBJECTION OF PRIOR CONVICTIONS PRESENTED AS A FACTOR IN AGGRAVATION OF SENTENCE WHEN THE STATUTORY REQUIREMENT OF "CLEAR NOTICE" TO THE ACCUSED WAS NOT GIVEN PURSUANT TO GEORGIA LAW, O.C.G.A § 17-10-2 (GCA § 27-2503) SEE 17-16-4 (a)(5).

2. APPELLANT CLAIMS A VIOLATION OF STATE STATUTORY CREATED RIGHTS AS WELL AS; VIOLATION OF DUE PROCESS UNDER THE 14TH AMENDMENT OF THE UNITED STATES - CONSTITUTION AND CORRELATIVE PROVISIONS OF GEORGIA'S CONSTITUTION OF 1983.

FACT: TRIAL COURT FAILED TO CONDUCT PRE-SENTENCE HEARING AS MANDATED BY GEORGIA STATUTORY LAW. APPELLANT'S CONVICTION WAS IS BASED ON AN IMPROPERLY ENHANCED SENTENCE WITHOUT PROPER NOTICE UNDER O.C.G.A - 17-16-4 (a)(5) ALSO THE PRIOR CONVICTIONS USED DOES NOT CONSTITUTE THE - SERIOUS VIOLENT FELONY OFFENSES PURSUANT TO O.C.G.A § 17-10-6.1 G.C.A - § 27-2511.2) (O.C.G.A 17-10-7(b))

II. ENUMERATION OF ERRORS

3. APPELLANT CLAIMS VIOLATION OF DUE PROCESS UNDER THE 14TH AMENDMENT OF THE UNITED STATES CONSTITUTION AND CORRELATIVE PROVISIONS OF GEORGIA'S CONSTITUTION OF 1983.

FACT: STATE FAILED TO PRESENT "SERIOUS VIOLENT FELONY CONVICTIONS" OF APPELLANT PAST RECORD TO AUTHORIZE THE IMPOSITION OF THE SENTENCE OF LIFE WITHOUT PAROLE UPON THE APPELLANT IN VIOLATION OF GEORGIA'S - RECIDIVISM STATUTORY LAW, O.C.G.A § 17-10-6.1, O.C.G.A § 17-10-7(b)(1) REQUIRES IMPRISONMENT FOR LIFE WITHOUT PAROLE FOR THE CONVICTION OF TWO SERIOUS VIOLENT FELONIES, PURSUANT TO O.C.G.A § 17-10-7(b)(1) G.C.A § 27-2511.

4. APPELLANT CLAIMS CRUEL AND UNUSUAL PUNISHMENT WHICH IS A VIOLATION OF THE 8TH AMENDMENT OF THE UNITED STATES CONSTITUTION AND - THE CORRELATIVE PROVISIONS OF GEORGIA'S CONSTITUTION OF 1983

FACT: THE TRIAL COURT IMPOSED AN ILLEGALLY ENHANCED SENTENCE UPON THE APPELLANT UNAUTHORIZED BY GEORGIA'S LAW TO LIFE WITHOUT - PAROLE WHICH WAS GREATER THAN THAT PRESCRIBED BY GEORGIA'S LAW FOR THE OFFENSES OF WHICH HE WAS CONVICTED, AND EVIDENCE WHICH WAS PRESENTED, WHICH WAS NONE.

5. APPELLANT CLAIMS TRIAL COUNSEL'S PERFORMANCE WAS DEFICIENT DUE TO HIS FAILURE TO OBJECT TO THE STATES USE OF APPELLANT'S PRIOR CONVICTION AT THE SENTENCING STAGE AS AN AGGRAVATING FACTOR WHEN PRIOR CONVICTIONS DONT CONSTITUTE "SERIOUS VIOLENT FELONY." TRIAL COUNSEL'S PERFORMANCE PREJUDICED APPELLANT ENTITLING HIM TO RELIEF. (WEST V WATERS, 272 GA, 591, 533 S.E. 2d 88 (2000 GA-LEXIS 545, 2000. FULTON COUNTY D, REP 2583, SODABO 59 JULY 10 2000 DECIDED.)

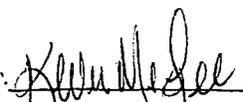
WHEREFORE, THE APPELLANT PRAYS THAT THESE GROUNDS BE CONSIDERED OF BY THE COURT FOR NEW TRIAL, AND THAT A NEW TRIAL BE GRANTED.

RESPECTFULLY SUBMITTED THIS _____ DAY OF NOV 2013


NOTARY

Bennie R. Solomon
Notary Public
Peach County, State of Georgia
Comm. Expires 07-14-2014


KEVIN MARIO LEE
GDC# 692007
MACON STATE PRISON
P.O. BOX 426
OGLETHORPE, GA 31068

AUTOGRAPH: 
ALL RIGHTS RESERVED WITHOUT
PREJUDICE. UCC-1-201

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY THAT I HAVE THIS DATE SERVED A TRUE AND CORRECT COPY OF THE WITHIN AND FOREGOING BY PLACING A COPY OF THE SAME IN THE UNITED STATES MAIL PROPERLY ADDRESSED AND WITH ADEQUATE POSTAGE AFFIXED THEREON.

THIS 20 DAY OF NOV 2013

Bennie R. Solomon 11/20/13

NOTARY.
Bennie R. Solomon
Notary Public
Peach County, State of Georgia
Comm. Expires 07-14-2014

Kevin Marzio Lee
KEVIN MARZIO LEE PRO.
CDC# 692007
MACON STATE PRISON
P.O. BOX 426
DGLETHORPE, GA 31068

AUTOGRAPH SIGNATURE *Kevin Marzio Lee*
ALL RIGHTS RESERVED WITHOUT
PREJUDICE. UCC-1-207

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

January 10, 2014

Mr. Devorius Parker
GDC1078678
Augusta State Medical Prison
3001 Gordon Highway
Grovetown, Georgia 30813

Dear Mr. Parker:

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 a 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 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.

An improper Certificate of Service accompanied your document(s). Please note the 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. In an appeal of a criminal conviction in a superior court, the State is represented by the District Attorney or an Assistant District Attorney.

I am returning your correspondence to you.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld
Enclosures

IN THE SUPERIOR COURT OF BALDWIN COUNTY
STATE OF GEORGIA

DEVORIOUS PARKER,
1078678

CIVIL ACTION 06 CV 40384

- VS -

STEVEN BENTON,
WARDEN RESPONDANT.

HABEAS CORPUS

RECEIVED IN OFFICE
2014 JAN 9 PM 3:05
ENVIRONMENTAL & NATURAL
RESOURCES
DEPT OF AGRICULTURE
& FORESTRY

NOTICE OF APPEAL

COMES NOW PETITIONER ABOVE FILES
THIS HIS MOTION FOR A NOTICE OF APPEAL
FROM THE TRIAL COURT ORDER DATED ON
DECEMBER 20, 2013 THIS ORDER WAS SIGNED
BY HON. JUDGE OF SUPERIOR COURT WILLIAM A.
PRIOR, JR. CHIEF JUDGE THIS ORDER WAS
WITHOUT PREJUDICE.

THIS 3 day of Jan 2014.

NOTARY Public
Dandra A. Hood
July 2, 2016
MY COMMISSION EXPIRES

RESPECTFULLY,
[Signature]

IN THE COURT OF APPEALS OF GEORGIA

DEVORIOUS PARKER,
1078678

CIVIL ACTION NO. 06CV40384

- VS -

STEVEN BENTON,
WARDEN RESPONDANT.

HABEAS CORPUS

APPLICATION FOR DISCRETIONARY
APPEAL

COMES INTO COURT THE ABOVE PETITIONER IN THE ABOVE STYLE ACTION FILES THIS HIS REQUESTED FOR AN DISCRETIONARY APPEAL IN THIS COURT. PURSUANT TO:
O.C.G.A. § 5-6-35 (9)
AN APPLICATION FOR LEAVE TO APPEAL A FINAL JUDGMENT ONLY WHEN

(2) THE ESTABLISHMENT OF A PRECEDENT IS DESIRABLE.

(c) APPLICATIONS TO APPEAL INTERLOCUTORY OR DISCRETIONARY ORDER OF WHICH THE SUPREME COURT HAS JURISDICTION SHALL BE TRANSFERRED TO THAT COURT.

STATEMENT OF CASE

This Habeas Corpus case filed in Board-
will County for the last year or two this
proceeding was based on a continuation
from other proceedings in other counties
surrounding these same facts herein.
This case stands dismissed without
prejudice, with dispositions, as an
on going process, prepared by detained
counsel.

STATEMENT OF FACTS

(1) THE FACTS HEREIN DEALS WITH WHERE A
PARTY ENTERED INTO CONSISTENT ORDER THAT
IT WOULD COMPLY WITH THE ORDER OF THE
COURT TO PRODUCE THE DISCOVERY AND THEN
FAILED TO DO SO. REGARDING THE COURT
TO FORCE DISMISSIBLE.

(2) WHERE THE DEFENDANTS ACTING IN BAD
FAITH, ATTEMPTED TO DELAY THE PRO-
CEEDINGS.

3 WHERE THE PARTY REFUSED TO RESPOND
TO ORDERED REQUESTS FOR THE PRODUCTION
OF DOCUMENTS..

(3)

WHERE THE COURT FOUND WILLFULNESS WHEN THE PETTORIEL WAITED ONE YEAR AND 10 MONTHS TO ANSWER INTERROGATORIES PARTIALLY AND FAILED TO COMPLY WITH THE ORDER COMPPELLING THE REST OF THE FACTS.

IN THE FOLLOWING SITUATIONS, THE SAN-
CTION OF DISMISSAL OR STRIKING READINGS
AND ENTERING DEFAULT JUDGMENT WOULD
BE PROPER: (1) WHERE COUNSEL HAD FAILED
TO MAINTAIN CONTACT WITH CLIENT SO THAT
DISCOVERY COULD BE HAD. CAUDLEY V. FIRST
FEDERAL SAVINGS & LOAN ASSOCIATION OF
WARREN ROBINS, 187 Ga. App. 278, 370 S.E.
2d 36 (1982).

ARGUMENTS CITATION AND AUTHORITY.

.. AND REFUSED TO APPEAR FOR DEPOSITION
AND 4. WHERE THE COURT DENIED THE
WHOLE PROCESS LEAVING NO PROTECTION IN
THE ORDERS AND FURTHER ORDER PRODUCTION
OF DOCUMENTS BUT PARTY REFUSED TO DO SO.

SMITH V. NATIONAL BANK OF GEORGIA, 182
Ga. App. 55, 354 S.E.2d 678 (1987).

1. WHERE A PARTY ENTERED INTO CONSISTENT ORDER
THAT IT WOULD COMPLY WITH THE ORDER
TO PRODUCE THE DISCOVERY AND THEN FAILED
TO DO SO. RUBIN V. CINDY REAR, N.Y. 171 Ga.
App. 45, 318 S.E.2d 520 (1984).

2. WHERE THE DEFENDANT, ACTING IN BAD
FAITH, ATTEMPTED TO DELAY THE PROCEED-
INGS; CHELSEA V. MILTON FAIRBANKS MEDICAL CLINIC,
171 Ga. App. 580, 320 S.E.2d 583 (1984).

3. WHERE A PARTY REFUSED TO RESPOND TO
ORDERED REQUESTS FOR THE PRODUCTION
OF DOCUMENTS AND REFUSED TO APPEAR FOR
DEPOSITION. FREEMAN V. MODVIN, 181 Ga. App.
643, 353 S.E.2d 546 (1987); JARALIAN V. PICKET
SUITE HOTEL, 193 Ga. App. 325, 388 S.E.2d 333
(1989).

4. AND WHERE NO PRODUCTION ORDER IS OBEYED,
AND THE COURT DENIES PROTECTION OF
PETITIONER'S OPPORTUNITY TO BE HEARD.
JOEL V. DURT HOLDINGS INC. 181 Ga. App. 705 (1987)
(4)

PETITION ARGUES THAT HE HAD NOT HAD AN OPPORTUNITY TO BE HEARD IN THE HABEAS CORPUS PROCEDURAL WHERE OCCAS 9-14(C) STATES: "ANY PERSON RESTRAINED OF HIS LIBERTY AS A RESULT OF A SENTENCE IMPOSED BY ANY STATE COURT OF RECORD MAY SEEK A WRIT OF HABEAS CORPUS TO INQUIRE INTO THE LEGALITY OF THE RESTRAINT."

FURTHERMORE, THE DEPOSITION OF A PERSON CONFINED IN PRISON MAY BE TAKEN ORALLY BY LEAVE OF COURT ON SUCH TERMS AS THE COURT PRESCRIBES. OCCAS 9-11-30 (a) (6 CAS 81A-130). THIS STATUTORY PROVISION MUST BE CONSIDERED IN THE LIGHT OF OCCAS 24-10-60 (6 CAS 38-200), WHICH SETS FORTH THE PROCEDURE FOR PRODUCING WITNESSES AS WITNESSES. PETITIONER SAYS IF HE DOES NOT PROCEEDS THEN THE COURT AND HIS COUNSEL OBTAIN HAS FAIR WHAT THE STATUTE PROVIDES. OCCAS 9-14-48 (6 CAS 50-127).

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE THIS DAY SERVED A COPY OF THE FOREGOING NOTICE OF APPEAL AND MOTION APPLICATION FOR DISCRETIONARY APPEAL TO COURT OF APPEALS OF GEORGIA AND NOTICE TO BALDWIN SUPERIOR COURT CLERK ADDRESS WITH SUFFICIENT POSTAGE AFFIXED THEREON IN THE UNITED STATES POSTAL OFFICE MAIL. AS FOLLOWS:

CLERK OF COURT OF APPEALS

47 TRINITY AVE. SW,

SUITE 501

ATLANTA, Ga. 30334

THIS 3 DAY OF
JAN. 2014.

SUPERIOR COURT OF BALDWIN COUNTY

OFFICE OF THE CLERK

P.O. BOX 987

MILLEDGEVILLE, Ga. 31059-0987

DEVORIOUS PANKEL # 1078678

3001 Gordon Hwy,

GROVETOWN, Ga. 30813

AUGUSTA STATE MEDICAL PERSON

Jandra A. Hood

Notary Public, Richmond County, Georgia
My Commission Expires July 2, 2016

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

January 10, 2014

Mr. Reginald L. McRae
GDC1000433579
Rogers State Prison
1978 Georgia Highway 147
Reidsville, Georgia 30453

Dear Mr. McRae:

I am in receipt of the copy of the Extraordinary Motion for New Trial received in this office on January 9, 2014. Please be advised that an Extraordinary Motion for New Trial is filed in the trial court. It is appealed to the Court of Appeals of Georgia by Discretionary Application under OCGA §5-6-35. The Court of Appeals of Georgia will need a stamped filed copy from the order of which you are appealing.

I am returning your documents to you. If you wish to re-submit them, please do so in compliance with the Rules of this Court and the Statutes of this State. This Court cannot add these documents to your current appeal.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld
Enclosures

In The Superior Court of Cobb County

State of Georgia

State of Georgia

VS

Reginald I. McRae

Filed in
Cobb County Superior Court
Oct 25, 2013

Indictment No. 11-9-2288-42

Extraordinary Motion for New Trial

Comes now Reginald I. McRae, defendant in said case, and moves that he be granted a new trial and shows that he has, since the rendition of the verdict of guilty in the said case, discovered material evidence, not merely cumulative or impeaching in its character, but relating to new and material facts, which will authorize and require that he be granted a new trial since it was not due to any want of diligence of the defense that the evidence was not acquired sooner and said evidence is so material that it would probably produce a different result.

That a copy of the affidavit of supporting facts is attached hereto. (3 pages)

Submitted this 2nd day of October 2013.

Reginald I. McRae

Reginald I. McRae
Case # 1000133579

Reginald I. McRae

1978 Ga. Hwy. 147

Rockdale, Georgia

30453

Order
By Judge Grubbs
on Nov. 1, 2013
Suspended jurisdiction
until Remittitur is
returned -

In the Superior Court of Cobb County
State of Georgia

Indictment # 11-09-2288-42

State of Georgia
VS

Reginald I. McKae

Affidavit of Supporting Facts

On the 25 day of June 2010, in case # 10-09-3789-42, Officer Robert B.atham (Cobb County Police Department) wrongfully charged the defendant Reginald I. McKae with giving a false name / date of birth of Reginald I. McKae. May 01st, 1973 and said that his real name was Macliss Ladson Johnson while being booked and process in the Cobb County Adult Detention Center it was determined that the defendant was in fact Reginald I. McKae and his birth date was 05-01-73. At one hearing the court dismissed the charge, but then the defendant was indicted and then on the 29th day of November 2010, in Judge Grubbs courtroom, there was a "Bolie Rossqui" on the charge of giving a false name and date of birth. (Exhibit "I" attached Bolie Rossqui)

On the 04th day of April the defendant was booked into the CLETC, under his correct name and date of birth (Reginald I. McKae, 05-01-73) on the above indictment #. On May 05th, 2011, Judge Grubb ordered an mental health assessment on the defendant, but the name on the order was incorrect, because it has Macliss Ladson Johnson instead of Reginald I. McKae. When the assessment was done Dr. Richard I. Stewart report states his assessment was done on the Johnson not Mrs. McKae. Now, if the court would have made this error then Dr. Stewart report would have shown that the defendant "McKae" was in fact admitted to Georgia Regional Hospital around Feb. 2012, and that he was prescribed 100mg of Zolof and 400mg of Seroquel. Plus Dr. Stewart wasn't 100% accurate in his report Exhibit B attached (Stewart Summary)

③ Regarding to the audio portion of the video being missing, Mr. Engelberger would not look into the records to see if there was any response done to the system or an work order put in. C.A.D.C. keeps records on all responses, and if there was something wrong with the audio of the video system then it would be documented. The facts are shown that something is trying to be kept in the dark, because there is no way that my defense could have been hurt by putting the video tech at C.A.D.C. on the stand. The questions are, what happens to the audio portion of the video, and how are the system main train? The tech can only answer to what's on video and how the system work. So, Mr. Engelberger help keep the reason why

② Mr. Engelberger did not give the State a copy of the defendant medical records which is required under the Reciprocal Discovery Rule. The defendant had made known to Mr. Engelberger that he was under 100mg of Serenol and 100mg of Zolof at the time of the commission of the alleged charges and that the involuntary intoxication law is the best defense. If Mr. Engelberger would had given the State my medical records then they may have dropped the case

① By not arguing the fact that the May 05, 2011 Order for a psychological assessment had a incorrect name (Maddis Carlson Johnson on it when Court documents and the defendant made the error known to him. There is no reason why his error should have been ignored. Everyone knew that the defendant true identity is Reginald I. Moore, Judge Grubbs even believed that the defendant was convicted under giving a false (its mention in the transcripts more than once) and Mr. Engelberger still didn't do anything. As a result of Mr. Engelberger not doing anything about this known error it injured the defense.

Mr. trial counsel Charles Engelberger performance was deficient and the deficient performance prejudiced my defense by:

Patricia Williams
02/29/2014



October 22nd 2013

Respectfully submitted by the defendant.

there was no audio portion on the video from C.A.D.C. because it would have shown that the defendant only repeated what was said to him which would not have supported the charges of terrorist threats.

Mr. Engelberger would not impeach the witness E. Gonzalez after the told him that Mr. Gonzalez has a criminal record and is in the USA illegally. Mr. Gonzalez has been deported once before after being release from prison in Ohio I believe.

Now about the motion in limine being violated. The records are very clear that Mr. Gonzalez was talking about the defendant being in prison not his brother which he (Gonzalez) was coached into changing his testimony. (Read the trial transcripts page 140 -) The records show that Mr. Gonzalez did violate the term in the motion in limine and a mistrial should have been granted.

Reginald I. 972 Kae
Reginald I. 972 Kae
Rogers State Prison
1978 Georgia Highway 147
Reidsville Georgia
30453

Exhibit "d"

Jay C. Stephenson

Jay C. Stephenson
Clerk of Superior Court Cobb County

IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA

THE STATE OF GEORGIA
VS.

IND/ACC NO.

10-9-3789-42

Marliss Carlson Johnson
aka: Reginald McRae

ct. 3 Giving False Name Only

NOLLE PROSEQUI

A Nolle Prosequi of the above and foregoing indictment/accusation IS HEREBY ENTERED for the following reason(s):

- Plea agreement resulting in a conviction for an offense arising out of the same underlying transaction or occurrence;
- A material witness refused to testify or was unable to testify against the defendant (other than a statutory right to do so); not able to locate witness;
- Defendant is incarcerated on other criminal charges and the prosecutor elects not to prosecute for reasons of judicial economy;
- The defendant successfully completed a Pretrial Diversion Program (the terms of which did not specifically provide for expungement of the arrest record);
- The conduct which resulted in the arrest of the defendant was part of a pattern of criminal activity which was prosecuted in another court of this state, the United States, another state, or foreign nation;
- The defendant had diplomatic, consular, or similar immunity or inviolability from arrest or prosecution;
- Upon payment of restitution and court cost;
- Other

This 29th day of November 2010

B. Shaw
BONNIE SHAW / JASON MARBUTT
ALLEN R. KNOX
Assistant District Attorney
Cobb Judicial Circuit

Adele P. Grubbs
ADELE P. GRUBBS
Superior Court Judge
Cobb Judicial Circuit

FILED IN COURT
THIS November 29 2010
AT 4:10 P M
JAY C. STEPHENSON
CLERK SUPERIOR COURT
COBB COUNTY, GEORGIA

4/5

Discharge Summary/Trial Visit and After Care Plan

MCRAE, REGINALD

Exhibit "B"

439942 WEST
B/M 05/01/73 COBB
GRH/ATLANTA

Admission Date 02/05/11 Discharge/Trial Visit Date 02/15/11 CID # _____

SECTION I: HOSPITAL COURSE PHYSICIAN INTERVENTIONS

A. Reasons for Hospital Admission

Condition on Discharge/Trial Visit

37 year old A/A gentleman admitted on a 1013 from Grody with concerns of depression + SI

Much improved. Sleep/Appetite-good AOX3.

PSI/HI/AH/UT. T.I. - goal directed

Admission GAF Score 20

Discharge GAF Score 40

P
H
Y
S
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C
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A
N

B. Pertinent Past History: This is the 1st admission to Georgia Regional Hospital at Atlanta. The patient had past psychiatric treatment which includes several attempts of treatment while in jail. It appears patient has been lost to follow up. He had told us he was homeless at the time of admission but had now provided information about this girlfriend. He declines referral to a substance abuse program at this time. Rx: Zoloft 100mg qday, Serquel 400mg bedtime, Tramadol 50mg tid x 20 days.

C. Physician's Interventions: Daily manual therapy, Encouragement to participate in group + activity therapy, I also recommended 12 step programming. Patient refused family contact.

D. Medication/Treatment Issues:

Allergies PCN, Tylenol, Acetaminophen, Beans & Tomatoes Prognosis Guarded.

E. Results of Physical Examination: Fracture of (L) ankle, Abrasion to (L) leg, Det orthoped H/T

Lab Results: As of 02/11/11 140/141/11 ~~115~~ 14.3 7.15 RPR - Non reactive

Medical Treatment Concerns: 4.0/90/108 ~~115~~ 8.1 ~~13.7~~ Vitamin B12 - 333 (2N)
CXR - negative Folate 10.6
TSH 1.820

F. Discharge/Trial Visit Diagnosis:

AXIS I Depression NOS, Polysubstance Dependence

AXIS III HTN, (L) ankle fracture, H/U Positive RPR

AXIS II None identified

AXIS IV Problems with primary support

Comments:

Physician's Signature Alan Johnson MD

M.D. 02/11/11

Date

404 243 2210

Phone Number

Certificate of Service

This is to certify that I have served a copy of the extraordinary motion for new trial and the attached affidavit supporting facts to all parties of interest as listed below.

Lobb County District Attorney
Victor
70 Haynes Street, 3rd Floor
New Cobb Superior Courthouse
Marietta, Georgia 30090

This the 22nd day of October, 2013

Reginald L. McKee
Reginald L. McKee
1978 Ga Hwy. 147
Kerdsville, Georgia 30453
Case No. 10004335-79



Court of Appeals of Georgia

January 10, 2014

TO: Jean Jocelyn Merilien, GDC1048466, Hays State Prison, 777 Underwood Drive, Trion, Georgia 30753

RE: **A13D0194. Jean Jocelyn Merilien, et al v. Denise Murray**
A13D0318. Jean Jocelyn Merilien v. Peanel Delcham, et al.
A13D0091. Jean Jocelyn Merilien v. T.N.B. TV, Channel 11 Alive
A13A0451. Jean Jocelyn Merilien v. The State

REQUEST FOR COPIES

- We received your request for copies. Copies are \$1.50 per page in this Court. Your pauper status does not excuse you from the copy fees in this Court. **The Court of Appeals of Georgia is not subject to the Open Records Act.**

Please send your check or money order to the following address specifying what copies you wish be sent to you. Your request will be processed and sent to you by return mail.

Court of Appeals of Georgia
47 Trinity Avenue, S.W. • Suite 550
Atlanta, Georgia 30334

REQUEST FOR FORMS

- This Court does not have the forms you requested.

COURT RULES

- At your request, a copy of the Rules of the Court of Appeals of Georgia has been enclosed for your review.

APPOINTMENT OF COUNSEL

- You should direct an inquiry concerning appointment of counsel to the trial court from which you are appealing.

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

[Logout](#)**Choose a Case**

10 Cases Found. Page 1 of 1

Case Number	Case Style	County	Lower Court Case Numbers	Status
A13D0194	JEAN JOCELYN MERILIEU et al v. DENISE MURRAY	DeKalb	05CV10382	Final
A11D0317	JEAN JOCELYN MERILIEU v. KIM TUTIN	Fulton	2008CV159239	Final
A10A0576	JEAN JOCELYN MERILIEU V. LARRY THOMAS ET AL	Bibb	08CV49606	Remittitur Sent
A09D0385	JEAN JOCELYN MERILIEU v. LARRY THOMAS et al	Bibb	08CV49606	Final
A13D0318	JEAN JOCELYN MERILIEU v. PANEL DELCHAM et al	Rockdale	2005CV1376	Final
A09A1012	JEAN JOCELYN MERILIEU v. PANEL DELCHAM et al	Rockdale	05CV1376	Remittitur Sent
A09D0461	JEAN JOCELYN MERILIEU V. SMITH GAMBRELL & RUSSELL, LLC ET AL	Fulton	2009CV166577	Final
A10D0157	JEAN JOCELYN MERILIEU V. SUNTRUST BANK ET AL	Fulton	2008CV161191	Final
A13D0091	JEAN JOCELYN MERILIEU v. T.N.B., TV. CHANNEL - 11 ALIVE	Fulton	2012CV222115	Final
A13A0451	JEAN JOCELYN MERILIEU v. THE STATE	DeKalb	99CR4751	Remittitur Sent

[Back to Search](#)[Return to Menu](#)

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JANUARY 2, 2013

FR: JEAN JOCELYN MERILIEU, 1048466 TO: COURT OF APPEALS OF GA.
HAYS state prison 47 TRINITY AV. (SUITE 501)
777 UNDERWOOD DR. ATLANTA, GA 30334
~~TRION, GA 30753~~
TRION, GA 30753

RE: JEAN JOCELYN MERILIEU D/B/A RST BUILDER
GROUP, LLC. V. KIM TUTIN, NO. S14C0093
NOTICE OF CHANGE ADDRESS AND REQUESTS FOR INF-
ORMATIONS AND DOCUMENTS OR RECORDS.

Dear Sir/Madam:

I was transferred from Ritzledge State Prison, into HAYS
state Prison. However my new address is:

HAYS state prison, 777 Underwood Dr., Trion, GA 30753.
addition, during of my transfer all my files,
documents, records and all other things I have had were
misplaced or lost, which caused me not having any
records of this case and other cases. Please consider
this "good faith" letter/requests, and forward the
following for them:

1) copy of GA court of Appeals' denial order
for discretionary appeal.

2) the superior court of Fulton county case
no. relating this case.

RECEIVED IN OFFICE

2014 JAN 10 PM 3:21

CLERK/COUNT ADMINISTRATOR
COURT OF APPEALS OF GA

3) If possible, please copies of all exhibits were filed with Application For Discretion - any appeal relating this case for my records.

However in any case. I would be please with copies exhibits sheriff's entry service dated september 22, 2012, and others.

That is all I needs including this case NO. for my records.

Thank you very much for your cooperation in this matter.

respectfully submitted
for J. Offici
Jean J. Merrien, pro se

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

January 10, 2014

Mr. Reginald L. McRae
GDC1000433579
Johnson State Prison
Post Office Box 344
Wrightsville, Georgia 31069

Dear Mr. McRae:

I am in receipt of your copy of your correspondence addressed to your attorney, David J. Koontz dated January 6, 2014. Please note that this Court does not need a copy of the request you sent to your attorney asking him to supply you with copies of all documents filed with the appellate court(s).

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. 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.

I am returning your correspondence to you.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld
Enclosure

RECEIVED IN OFFICE

2014 JAN -9 PM 8:16

CLERK/ACCOUNT ADMINISTRATOR
COURT OF APPEALS OF GA

To: David J Koontz
From: Reginald L. McPhee GAR.#1000433574
Re: Case # A14A0283 (Appsal Brief)
Date: Jan. 06, 2014

Dear Mr. Koontz,

I am dissatisfied with the fact that you have filed my Brief without discussing the issues that's in it and the fact that you haven't sent me a copy of it yet. Also I very dissatisfied in the way you handle my Motion for New Trial, you did a very good job in making sure it got denied. You didn't even have the courtesy to let me know it was denied.

Look Mr. Koontz I'm giving you the courtesy to get dismissed from representing me any further. You have violate a lot of the rules of professional conduct that will get you disbarment. I am also requesting that you send me all documents that's been filed in appeal Court, and to get me a continuance until I get a new attorney appointed to me.

I am giving you until Jan. 24, 2014 to respond to this letter besides I take further actions with the Courts & Bar.

C: Court of Appeal of Georgia

Sincerely

Reginald L. McPhee

Reginald L. McPhee GAR.#1000433574

Johnson State Prison

P.O. Box 344

A.L.S. - Inmate - Genonia 2770

RECEIVED IN OFFICE

2014 JAN -9 PM 3:16

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

To: Honorable Stephen E. Castlen
From: Reginald L. McRae GPC#1000433579
Re: Case # 14A0283
Date: Jan 06th 2014

Dear Honorable Castlen,

Since I may fear your letter date Nov 20th 2013 that Mr. Koontz filed my brief on October 21st 2013 I still don't have any acknowledgment what the brief contain regardless of the numerous request I have made to Mr. Koontz as well as the Courts to keep me in form on all actions filed in my case. If it wasn't due to your letter dated 11-20-13 I wouldn't know that a Brief had been file. I sincerely thank you for that information.

Mr. Koontz (my attorney of record) is upset with me for filing an grievance on him in the press, and is out to destroy any possibilities of me getting any relief on my appeal. Mr. Koontz has left a long trail of unethical behavior and refuses to represent me to the best of his abilities. I am in the works of filing another grievance under Rule 1.2, Rule 1.3, Rule 1.4, and anything else I can find.

Mr. Koontz ~~was~~ was appointed to represent me on Nov 21st 2011, and on Feb 22nd 2013 Judge Adels P. Grubbs^{4th} my Motion for New Trial on Mar 21st 2013 because the case laid open for over an year (Prod Motion for New Trial transcript dated Mar 21st 2013 page 2 Line 15-23)

That hearing was a joke, Mr. Koontz put on a big show of doing nothing for me, and cutting me off from presenting my case. The reflective assistants of counsel is written all over these transcripts.

I want the records to reflect that I wish to have Mr Koontz removed from my case and have Pete Odum assign to represent me. Even after my Motion for New Trial was denied on Apr. 02nd, 2013 I found out through the ~~Clerk~~ Clerk of Court because Mr Koontz conflict of interest with me, he refuse to send me anything regard my case

I would like to know what issues are being put in my brief, but I don't have the funds to pay for copies. My account is over \$300.00 the negative and I haven't had any funds sent to me in the three years I've been incarcerated.

My questions for you are:

① Is this the right Court to have ~~Mr~~ Mr Koontz taken off my case?

② What other options do I have to get a copy of the briefs that's been file on my case?

③ Don't I have a right to objective on this appeal?

Thank you sir, and I look forward to hearing from you soon.

Sincerely

Reginald L. McRae

Reginald L. McRae G.D.C. #1000433574

Johnson State Prison

P.O. Box 344

Wrightsville, Georgia 31096

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

January 13, 2014

Mr. Jeffrey McLendon
GDC1069007 J-100
Wheeler Correctional Facility
Post Office Box 466
Alamo, Georgia 30411

RE: A14A0794. Jeffrey McLendon v. The State

Dear Mr. McLendon:

I am in receipt of your Appellant's Brief in the above referenced appeal. The above appeal was docketed in this Court on December 20, 2013. The appeal was dismissed on January 10, 2014.

I am returning your documents to you.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld
Enclosures

In The Court of Appeals
State of Georgia

FILED IN OFFICE

JAN - 6 2014

COURT CLERK
CLERK COURT OF APPEALS OF

JEFFREY McLendon,
Appellant,

v.

State of Georgia,
Appellee.

Appeal Case No. A1140794
from Mitchell County
Indictment No. 00R73

CLERK OF SUPERIOR COURT
COURT OF APPEALS OF GA

2014 JAN 9 PM 3:02

RECEIVED IN OFFICE

Brief of Appellant

I.

Statement of Case Below And Statement
of Material Facts

This appeal is a direct appeal from the order denying the Appellant's Motion To Vacate A Void Judgement which order was entered on November 22, 2013.

Notice of Appeal pursuant to the grant of the request to appeal this matter was timely filed on November 27, 2013.

This case at chief, stems from an alleged incident having occurred in February of 2000 in which the Mitchell County Grand Jury indicted the Appellant during the March Term of 2000, Indictment No. 00R73, for the charges of Count I - Rape; Count II - Aggravated Assault; Count III - Aggravated Sodomy; Count IV - Aggravated Sexual Battery; Count V -

I.

Kidnapping; Count II - Poss. of Firearm during Comm. of Crime; and Count III - Poss. of Firearm by a convicted felon.

The Appellant entered a plea of not guilty, thus challenging every element of indictment and was tried by jury trial.

On October 23, 2000, the Appellant was convicted by a jury of the offenses of Count II - Aggravated Assault, Count I - Kidnapping, and Count III - Poss of Firearm during Comm. of Crime.

The Appellant was found not guilty of Counts I - Rape, Count III - Aggravated Sodomy, and Count IV - Aggravated Sexual Battery.

Subsequently, the Appellant was sentenced to 20 years on Count II - Aggravated Assault, 20 years to run consecutive on Count III - Kidnapping to Count II, and Count I a term of 5 years to run consecutive to Count II.

On October 28, 2013, the Appellant filed a Motion To Vacate A Void Judgement claiming the Aggravated Assault count as well as the fact failed to show asportation of kidnapping.

Appellant's motion was denied on November 22, 2013, in which a timely Notice of Appeal was filed.

Statement of Essential Facts: Appellant was tried and convicted for the charge of Aggravated Assault, kidnapping, and Poss. of Firearm on evidence that

was essentially unchallenged as to his involvement.

It was the obvious trial strategy of his counsel to forego the kidnapping charge and not argue the elements of this charge or the Aggravated Assault count that was attached to Count one of Rape in which he was found not guilty.

Jurisdictional Statement

The Georgia Court of Appeals has jurisdiction of this Appeal because the Judgment of Conviction in this case is not one of the matters within the exclusive jurisdiction of the Supreme Court of Georgia. Art. II, Sect. II, Paras. II and III.

Part II

Enumeration of Errors

The enumerated errors in this appeal are:

1. Whether the Court erred in concluding that Count II - Aggravated Assault did not merge with Count I - Rape.
2. Whether the Court erred in concluding that the asportation of kidnapping was present and sufficiently proven by the State.
3. Whether trial counsel erred in pre-trial investigation of the offenses at bar.

III.

Argument And Citation Of Authority

1. THE TRIAL COURT ERRED IN NOT FINDING THAT THE AGGRAVATED ASSAULT MERGED WITH THE CHARGE OF RAPE.

The Appellant was charged with aggravated assault when he allegedly grabbed the victim, took her into the bathroom then bedroom demanding the victim take her clothes off. She refused, in which he hit her in the face with a gun then continued to rape and sodomize her.

Pursuant to O.C.G.A. § 16-1-7, a defendant is prohibited of being convicted of more than one crime when it is established one crime occurred and one crime is included in the other. Daniels v. State, 310 Ga. App. 541 (3) (2011); Long v. State, 297 Ga. 886, 888 (2010).

In this situation, the Appellant was in the process of having sex with the victim when an assault is alleged to have occurred. The appellant and the victim in question were already involved in a volatile relationship in which "rough" intercourse was engaged in regularly. (T.T. Page 65-67, 69-70). On this occasion, the victim did not like the role playing after watching an X-rated video with the appellant.

Tensions escalated and a brief argument took place, where afterwards the appellant apologized and helped nurse the victim.

IV.

The assault occurred during the act of sex was taking place, thus the count of aggravated assault was an offense that transpired during the alleged act of rape.

The jury found the appellant Not Guilty of Count I- Rape, thus the crime that took place while the rape occurred is either merged or well passed, not as matter of law but as a matter of fact. Drinkard v. Walker, 281 Ga. 211, 212-13, 636 S.E.2d. 530 (2006); Lucky v. State, 286 Ga. 478, 481 (2), 689 S.E.2d. 825 (2010).

2. THE TRIAL ERRED IN NOT FINDING THAT THE MOVEMENT WAS MINIMAL AND THE ELEMENTS OF KIDNAPPING WERE NOT ESTABLISHED.

According to testimony and police reports by the Pelham Police Dept. (C.T. Page 70-72) the victim, during the course of having forced sex was told to move from the bathroom to the bedroom, a mere few feet, this movement occurred during the commission of a separate offense, the duration of movement was minimal, and the movement did not pose a significant danger to the victim independent of the danger posed by the separate offense. Garza v. State, 284 Ga. 696, 670 S.E.2d. 73 (2008).

Here, the movement of the victim was not a necessary element of the crime of rape, but it allowed the appellant to exercise control over the victim during his conduct of the rape, and was, therefore, an inherent part of the rape. See

Williams v. State, 304 Ga.App. 797, 790 (1), 697 S.E.2d. 911 (2010).

3. THE APPELLANT'S TRIAL COUNSEL FAILED TO ENGAGE IN PRE-TRIAL INVESTIGATION OR PROPERLY ARGUE THE ELEMENTS OF THE OFFENSES.

The Appellant was harmed and subjected to a Judgment of Conviction that deprives the liberty of the individual when he was convicted in a manner that is contrary to O.C.G.A. § 16-1-7.

In this case, trial counsel's less than vigilant approach to the protection of his clients' confidences and the haphazard manner in which counsel conducted pre-trial investigations fell below any objective standard of reasonableness.

Strickland v. Washington, 466 U.S. 668 (1984); Foster v. Duggar, 823 F.2d. 402, 405 (11th Cir. 1987).

Furthermore, trial counsel failed to argue the essential elements of kidnapping and the State's failure to show asportation of the offense.

McKinley v. Pate, 20 F.3d. 1550, 1561 (11th Cir. 1994).

Nor did counsel engage in meaningful argument over O.C.G.A. § 16-1-7 and the merger of these counts.

Billings v. State, 308 Ga.App. 249, 261, 707 S.E.2d. 117 (2011).

In this instance, the Rule of Lenity comes into play to resolve the ambiguities that remain "after" applying all other tools of statutory construction. Jackson v. State, 287 Ga. 646, 663, 697 S.E.2d. 757 (2010).

The Appellant moves this Honorable Court to grant his appeal and remand this void judgment, McClendon v. State, 318 Ga.App. 676 (2012), back to the trial court to merge the aggravated assault and kidnapping in with Count one-Rape and the only adjudication of guilt stand being Poss. of FERN.

Respectfully submitted,



Jeffrey McClendon, Pro se

Certificate of Service

I hereby certify I have sent true copies of Appellant's Brief to the Georgia Court of Appeals and the Mitchell Co. District Atty. by U.S. Postal Service, mailed to:

Georgia Court of Appeals
Suite 501
47 Trinity Ave.
Atlanta, Ga. 30334

Mitchell Co. District Atty.
P.O. Box 427
Camilla, Ga. 31730

JEFFREY McLENDON, PRO SE
Wheeler C.F.
P.O. Box 466
Alamo, Ga. 30411



Notary Public;





01/06/14

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

Date: January 13, 2014

To: Mr. Daniel W. Taylor, X0475714 3SW301, DeKalb County Jail, 4425 Memorial Drive, Decatur, Georgia 30032

Docket Number: A14A0497 **Style:** Daniel W. Taylor 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. Your Certificate of Service did not include the complete name and mailing address of each opposing counsel and pro se 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)
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

IN THE COURT OF APPEALS OF GEORGIA

A 1440497

CASE NO: 10SC89595

Daniel W. TAYLOR
APPELLANT

vs. STATE OF GEORGIA
APPELEE

RECEIVED IN OFFICE
JAN 13 PM 3:27
COURT OF APPEALS
CLERK OF APPEALS
ADMINISTRATOR

MOTION FOR EXTENSION OF TIME TO FILE
BRIEF'S IN SUPPORT

Comes now Daniel W. Taylor, Appellant in the above Direct appeal of his July 21, 2010, Criminal Conviction, and request an extension of time to file his briefs in support thereof. Appellant avers the following:

I.

Appellant Daniel W Taylor, was unexpectedly transferred to Augusta State Medical Hospital, December 26, 2013, for heart problems.

II.

Appellant does not have in his possession his briefs in support of his Direct Appeal for they are in the possession of Johnson State Prison.

III.

Upon leaving Augusta State Medical Prison, Appellant was not returned to Johnson State Prison but transferred to DeKalb County Jail for a pending Mandamus 2013-CV-2277116, in which he has a hearing January 7, 2014, that has been postponed in the Superior Court of DeKalb County.

IV.

DANIEL W. TAYLOR 100K332837
JOHNSON STATE PRISON H-2
PO. BOX 344
WRIGHTSVILLE, GA 31096

Respectfully Submitted
Daniel W. Taylor pro-se

IT WOULD BE A MANIFEST MISGARRAGE OF JUSTICE TO ALLOW
THE STATE ONLY TO ARGUE AND BRIEF THE DIRECT APPEAL
AND STATE THAT I WAIVED ANY ARGUMENT OR
PRESENTATION OF ANY EVIDENCE.
WHEREFORE I ASK THAT I BE ALLOWED TO
MARCH 15, 2014 TO TURN IN MY ALREADY
COMPLETED BRIEFS WITH EXTRA EXHIBITS
TO CORRECTLY APPEAL MY CONVICTION.
THIS 7TH DAY OF JANUARY 2014.

V.

APPELLANT BELIEVES THAT THE STATE AND JOHNSON STATE
PRISON ORCHESTRATED THESE HINDERANCES IN ORDER
TO OVERT ME TURNING IN MY BRIEFS SO THAT THE STATE
WILL ALLOW THE COURT OF APPEALS TO SEE ONLY THERE EVIDENCE
AND ARGUE THEIR SIDE OF THE CASE.

DEKALB COUNTY JAIL
INMATE GRIEVANCE FORM

DEKALB JAIL
FORM ARP-1 (1981)
(Fill in all information
down to dotted line)
To: Jail Division Commander

OFFICE USE ONLY
GRIEVANCE NO. G130516
DATE LOGGED IN: _____
SIGNATURE, ADMIN REM. CLERK _____

From Taylor Daniel Webster X0475714
LAST NAME FIRST MIDDLE INITIAL SPN# CELL LOCATION

PART A- GRIEVANCE

(Give names of persons involved, date, location of incident, or conditions and witnesses)

1-7-14 I am A STATE INMATE and I am pending A
Direct Appeal of MY CRIMINAL Conviction. I was
transferred here from the Hospital without my legal
papers. I Need to file for An extension of time in the
Court of Appeals. I Need legal Material to Contact
the Courts to NOT loose my Appeal Rights.

SOLUTION DESIRED: I Need A legal pad envelopes and
A pen to File MY Motions for Extension.
This is URGENT and Need to be Handled
ASAP. I'm PRO-SE

1-7-14 DATE
Daniel W. Taylor SIGNATURE OF INMATE

PART B- RECEIPT

Return To: _____
LAST NAME FIRST MIDDLE INITIAL CELL LOCATION

I acknowledge receipt this date of DEKALB JAIL FORM ARP-1 from the above inmate in regard to the following subject:

CASE NO. _____ ASSIGNED _____
SIGNATURE ADMINISTRATIVE REMEDY CLERK

DATE: _____

DISTRIBUTION: White-- Return to inmate after completion
Canary-- Administrative Remedy File
Pink-- Inmate Copy

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

January 13, 2014

Mr. Paul Murray
GDC481761
Riverbend Correctional Facility
196 Laying Farm Road
Milledgeville, Georgia 31061

RE: A14A0568. Paul Murray v. The State

Dear Mr. Murray:

I am in receipt of your "Motion to Correct Brief Filing Date" received in this office on January 8, 2014. This office returned your Brief in the above appeal on December 17, 2013 due to no Certificate of Service attached nor a filing fee or a notarized pauper's affidavit.

We are returning the Motion to Correct Brief Filing Date containing the Certificate of Service which was left out of the Brief previously returned to you.

Please attach the Brief to the enclosed documents and return them with the \$80.00 filing fee or a notarized pauper's affidavit. You will also need to actually serve the parties listed on your Certificate of Service. This Court cannot serve the parties for you.

Sincerely,


Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld
Enclosures

IN THE GEORGIA COURT OF APPEAL

STATE OF GEORGIA

RECEIVED IN OFFICE

2014 JUN -8 PM 3:01

CASE NO. AH140528

PAUL MURRAY
Appellant

-VS-

STATE OF GEORGIA

Appellee

"MOTION TO CORRECT BRIEF FILING DATE"

NOW COME, Appellant Paul Murray Pro se, file his motion to correct Brief Filing date, in the court of Appeals of Georgia. Here are the following reasons:

(1)

Appellant mailed his Brief through riverhead correctional facility indigent postage mailing program. Appellant's indigent mailing form shows that the mailing room received and mailed the Brief on December, 10 2013 a week before the 17th Filing Deadline Date of the court of Appeals. Please see Exhibit (A)

(2)

Appellant is requesting this Honorable court to correct this error of Filing date December, 17, 2013, which is harmless error, and allow the Briefs to follow through. Appellant is indigent.

CONCLUSION

Therefore, Appellant prays that this Honorable court to grant his motion to correct Filing date so he can move forward in this most important appeal of his life.

Exhibit (A)

Riverbend Correctional Facility
196 Laying Farm Road
Milledgeville, GA 31061
(478)414.2325
Fax: (478)414.2400



REQUEST FOR INDIGENT POSTAGE

() NON-LEGAL FIRST CLASS POSTAGE (Maximum - three)
AMOUNT

() LEGAL POSTAGE (Maximum - five)
AMOUNT

(1) SPECIAL MAILING (Maximum - one)

I fully understand that the funds for the purchase of Indigent Postage will be a loan from the Offender Benefit Fund. If I receive any funds to my account, I will be required to reimburse the Offender Benefit Fund in accordance with Riverbend Policy 11.8, Offender Mail and Receipt of Funds.

Paul MURRAY 481761 F-D
OFFENDER NAME GDC NUMBER DORM

Paul Murray RECEIVED 12/10/13
OFFENDER SIGNATURE DATE

[Signature] DEC 10 2013
SIGNATURE OF VERIFYING STAFF DATE

***** COMPLETED BY MAIL ROOM STAFF *****

NON-LEGAL POSTAGE USED:		
DATE	MAILED TO	AMOUNT
<u>12-10-13</u>	<u>Court of Appeals of Georgia</u>	<u>1.52</u>

LEGAL POSTAGE USED:		
DATE	MAILED TO	AMOUNT

SPECIAL MAILING:		
DATE	MAILED TO	AMOUNT

TOTAL POSTAGE USED: 1.52
[Signature]
SIGNATURE OF MAIL ROOM STAFF

- XC: Mail Room
- Bookkeeping
- Offender File

RETENTION SCHEDULE: Upon completion, this form will be placed in the offender case history file.
*Please send this legal mail as soon as possible, it needs to get there by the fifteenth (15) of this month (Dec).
And please send me a copy of this indigent postage back to me. Thank You. Paul Murray*

11.8 Attachment
(10/25/11)

CERTIFICATE OF SERVICE

I hereby certify that I have submitted completed documents upon the parties listed below by placing same in the United States mail with sufficient postage affixed.

This 26 day of Dec 2013

H. Paul Murray
Pro se Paul Murray #481761

Parties Served

clerk of Appeals court of Georgia
47 Trinity Avenue S.W. Suite 501
Atlanta GA 30334

Paul Howard OR District Attorney of
Atlanta, GA Atlanta Judicial Circuit
136 Pryor Street SW 3rd Floor
Atlanta, GA 30303-3479

RECEIVED IN OFFICE

2014 JAN -8 PM 3:01

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

COVER SHEET

Dear Clerk of court,

Please find a motion to correct filed
Date along with a certificate of service.
Please forward to the proper parties.
Thank you for your time and patience.

Respectfully submitted

Paul Murray
pro se Paul Murray #81761

This is day of Dec 2013

RECEIVED IN OFFICE
2014 JAN -8 PM 3:04
CLERK/COUNT ADMINISTRATOR
COURT OF APPEALS OF GA

Sincerely
Paul Murray
Thurs day of Dec 2013

Dear Honorable clerk of court
Please find the certificate of service that was
left out of the Brief, which was mailed to you
on December, 10, 2013.
Thank you for your time and patience.

CERTIFICATE OF SERVICE

I hereby certify that I have submitted the enclosed documents, upon the parties' behalf, by placing same in the on Fed States mail with sufficient postage affixed.

THIS DAY OF DECEMBER 2013

Paul Murray
Attorney at Law
491761

COURT AND ROOMS
IN
ATLANTA, GA 30303

For the Court, The Clerk
Attorney of Atlanta GA
Atlanta Judicial Circuit
126 Pryor Street SW
Floor Atlanta, GA 30303-3497

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

January 14, 2014

To: Mr. Jackie D. Owens, GDC8829699 C-14, Georgia Diagnostic and Classification Center - State Prison,
Post Office Box 3877, Jackson, Georgia 30233

Docket Number: **Style:** **Jackie D. Owens 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. **No Certificate of Service accompanied your document(s). Rule 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.**
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

DEAR CLERK,

I AM SENDING THIS COURT ALL OF THE
MOTIONS AND NOTICES STAMP FILED ON
OCT. 21, 2013. I ALSO FILED A NOTICE OF
APPLICATION IN THIS COURT AND I HAVE WROTE
WALKER CO. COURT CLERK ON 2 DIFFERENT
OCCASIONS "NO REPLY" I AM THERE FILING THIS
NOTICE OF APPLICATION AND LETTER OF INQUIREY
AS TO THE STATUS OF MY APPLICATION FOR
CERTIFICATE AND LEAVE TO APPEAL

Respectfully Submitted

Jackie D. Owens

JACKIE D. OWENS #829689

GD&CP

C-14

P.O. Box 3877

JACKSON, GA. 30233

IF POSSIBLE I WOULD APPRECIATE A COPY
RETURNED STAMP FILED FOR MY RECORD

RECEIVED IN OFFICE
2014 JAN 14 PM 12:50
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS 507 GA

1
THE COURT OF APPEALS
STATE OF GEORGIA

RECEIVED IN OFFICE
2014 JAN 14 PM 12:50
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

SUPERIOR COURT OF THE *

STATE OF GEORGIA *

* NOTICE OF APPLICATION

-V-

* "LETTER OF INQUIREY"

* # 12 CRO 293

JACKIE D. DWENS

*

11-21-2012

DEFENDANT *

COMES JACKIE D. DWENS, DEFENDANT IN THE ABOVE
STYLED ACTION AND RESPECTFULLY REQUEST THIS
HONORABLE COURT TO GRANT THE DEFENDANTS
APPLICATION FOR A CERTIFICATE AND LEAVE TO APPEAL
THAT THE DEFENDANT-APPELLANT HAVE HIS CASE
REVIEWED BY THE COURT OF APPEALS SHOWING AS
FOLLOWS:

1. DEFENDANT FILED HIS MOTIONS WITHIN THE 1 YEAR
TIME LIMIT BEING OCT. 21, 2013.
2. DEFENDANT PLACED A TRUE AND EXACT COPY IN THE
FIRST CLASS MAIL POSTAGE PREPAID TO BOTH THE
DISTRICT ATTORNEY'S OFFICE OF WALKER CO. GA. AND
TO THE CLERK OF "GA COURT OF APPEALS" BY PLACING
THEM IN INDIGENT MAIL MARKED "LEGAL MAIL"
BEING THE ONLY WAY FOR MAIL TO BE MAILED OUT

INDIGENT

3. DEFENDANT HAS PATIENTLY WAITED ON SOME TYPE OF REPLY SINCE OCT. 21, 2013.
4. DEFENDANT HAS MAILED LETTERS OF INQUIREY TO THE WALKER COUNTY CLERK OF SUPERIOR COURT GETTING NO REPLY

WHEREFORE DEFENDANT, JACKIE D. OWENS, PRO-SE WITHOUT HELP OF ANY ATTORNEY AND RESPECTFULLY REQUEST THIS HONORABLE COURT TO GRANT THE DEFENDANTS CERTIFICATE AND LEAVE TO APPEAL

DATE
1-6-2014

Respectfully Submitted
JACKIE D. OWENS #829689
Jackie D. Owens
GOTCP C-14
P.O. Box 3827
JACKSON, GA. 30233

COPY

NOTICE OF APPLICATION FOR A CERTIFICATE
GRANTING LEAVE TO APPEAL TO AN
INTERMEDIATE APPELLATE COURT
OR TO THE COURT OF APPEALS
STATE OF GEORGIA

FILED IN OFFICE

SUPERIOR COURT OF THE
STATE OF GEORGIA

OCT 21 2013

Cathy Brown
CLERK

NOTICE OF APPLICATION

V

#12CRD293

11-21-2012

JACKIE D. DWENS
DEFENDANT

PLEASE TAKE NOTICE, THAT UPON THE
ANNEXED AFFIDAVIT, THE ABOVE NAMED
DEFENDANT - APPELLANT MAKES APPLICATION
TO DETERMINE THE APPLICATION HEREBY
MADE FOR A CERTIFICATE, PURSUANT TO
CRIMINAL PROCEDURE LAW OF THE STATE
OF GEORGIA, CERTIFYING THAT THE CASE
INVOLVES A QUESTION OF LAW OF THE STATE
OF GEORGIA THAT OUGHT TO BE REVIEWED
BY THE COURT OF APPEALS AND GRANTING
LEAVE TO APPEAL TO THE COURT OF APPEALS
FROM 11-21-2012 ORDER OF SUPERIOR
COURT, WALKER COUNTY, JUDGMENT
CONVICTING DEFENDANT OF THE FELONY

of possession with intent to

DISTRIBUTE AND SENTICING

DEFENDANT TO AN INDETERMINATE

TERM OF IMPRISONMENT AT GEORGIA

DIAGNOSTIC AND CLASSIFICATION

PRISON, PO BOX 3877, JACKSON,

GA. 30233

Jacobi D. Owen

DATED 10-13-2018 JACKIE D. OWEN IS #829699

GDCP

C-HOUS 3

P.O. Box 3877

JACKSON, GA. 30233

NOTICE OF APPEAL AS A RIGHT TO AN
INTERMEDIATE APPELLATE COURT
FROM A SUPERIOR COURT SENTENCE

SUPERIOR COURT OF THE
STATE OF GEORGIA

V

NOTICE OF APPEAL
#12CR0293
11-21-2012

JACKIE D. OWENS
DEFENDANT

PLEASE TAKE NOTICE THAT DEFENDANT,
JACKIE D. OWENS, HEREBY APPEALS TO THE
APPELLATE DIVISION, FROM THE 11-21-2012
SENTENCE MADE AND ENTERED BY HONORABLE
RALPH VANDELT CONVICTING HIM OF THE
FELONY OF POSSESSION WITH INTENT
TO DISTRIBUTE AND THAT THIS APPEAL
IS TAKEN FROM SAID SENTENCE.

DATED: WALKER CO. Jackie D Owens
Georgia 10-13-13

JACKIE D. OWENS
#829699 PRO-SE
G.D.C.P. C-HOUSE
P.O. Box 3877
JACKSON, GA 30233

TO: MS. HARTLINE

DISTRICT ATTORNEY'S OFFICE
7694 NASHVILLE ST.
RINGGOLD, GA. 30736

CLERK, SUPERIOR COURT
STATE OF GEORGIA
P.O. Box 1123
LAFAYETTE, GA. 30728

Jackie D. Owens

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

January 14, 2014

Mr. Jeffrey Scott Mayo
GDC993067 A-2-20
Valdosta State Prison
Post Office Box 310
Valdosta, Georgia 31603

RE: A12A2338. Jeffrey Scott Mayo v. The State

Dear Mr. Mayo:

I am in receipt of your letter dated January 7, 2014 regarding the above referenced appeal. Your appeal was disposed by opinion on March 22, 2013. The Court of Appeals affirmed in part and remanded with direction the above appeal. The remittitur issued on April 10, 2013, divesting this Court of any further jurisdiction of your case. The case is therefore, final.

Also, in your letter, you requested a copy of the opinion in your appeal. Copies are \$1.50 per page in this Court. Your pauper-status does not excuse you from the Court's copying fees. The opinion in the above appeal consists of 10 pages which totals \$15.00.

Please send your check or money order to the above letterhead address and the opinion will be processed and sent to you by return mail.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld

Jeffery Scott Mayo
GDC # 993067(A-2-20)
P.O. Box 310
Valdosta, GA 31603

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

RECEIVED IN OFFICE
2014 JAN 14 PM 12:52

Georgia Court of Appeals,

Clerk,

Greetings, 1/7/14

I'm writing to inquire as to the status and/or

Final disposition of direct appeal case No:

A12A2338 in connection with the denial of

Motion for new trial deriving from Hall County, Ga.

Case No: 2009-CR-392-A, as there seems to be

some confusion as to whether or not the appeal

is still pending or if said appeal has been denied also,

as I have not received a copy of any such denial

or the opinion given by the justices thereof.

Please forward response to above address with

a copy of the opinion and order affirming if such

final disposition exist.

Thank you!

Sincerely,
Jeffery Scott Mayo



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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

January 16, 2014

Mr. Reginald L. McRae
GDC1000433574
Johnson State Prison
Post Office Box 344
Wrightsville, Georgia 31096

RE: A14A0283. Reginald McRae v. The State

Dear Mr. McRae:

I am in receipt of your communication regarding the above appeal and enclosed letter copies to your attorney, Mr. David Koonz and a copy of the letter you sent to Ms. Lynda Hulsey.

If you are concerned with the representation provided by your 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 in this Court. Mr. Koonz must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.

I am returning your letter copies to you.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld
Enclosures

cc: David Koonz, Esq.
1495 Powers Ferry Road • Suite 250
Marietta, Georgia 30067

RECEIVED IN OFFICE
2014 JAN 16 PM 3:25
CLERK/COUNT ADMINISTRATOR
COURT OF APPEALS OF GA

To: Georgia Court of Appeal
From: Reginald J. Rae
Case # 14A0883
Date: Jan. 13, 2014

Dear Courts,

Enclose you will find a copy of a letter I have wrote to Georgia State Bar, in regard to my appraisal attorney, Mr. Koontz violating the rules of the State Bar, as of today, I still haven't heard anything from Mr. Koontz, regardless of the many letters I sent him. As I have express in my last letter, I have no ideal what issues was rised in my Brief, or any motions that has been filed in the above case number. I just want to inform the Court once again, that Mr. Koontz is going against my objective, and have made no attempts to consult with me about my objectives and the appraisal it's self. I am in the works of filing more information with the State Bar, but being the small amount of research time I'm allowed, ~~that~~ in the law library, it's taking more time. The ~~the~~ crazy thing is I don't know what's going on in my appeal, and being that I don't have the funds to pay you for a copy of what's been filed I'm left in the dark.

Thank you
Reginald J. Rae

To: Aynda Sewell Hulseby (Director, CAP)
From: Reginald I. M. Ratz (ID# 1000433579)
Re: Reply letters dated Dec. 16, 2013
Date: Jan. 13, 2014

Dear Ms. Hulseby,

Thank you for replying rapidly to my last correspondence dated Dec. 09, 2013, and I do apologize that it has taken me this long to reply to your letters dated 12-16-13. I am only awarded one, two-hour law library resource research per week, and it has taken me more time to look at Georgia Bar Rules 4-101 (enforcement of Professional Standards) and etc.

In one of your letters you stated: "Decisions about which motions to file and when, what witnesses to use and what facts or issues to raise at trial or on appeal are up to the lawyer, not the client." Well, pursuant to Bar Rule 1.2 (Scope of Representation) a lawyer shall abide by a client's decisions concerning the objectives of representation. With respect to the means by which the client's objectives are to be pursued, the lawyer shall consult with the client as required by which the client's objectives are to be pursued, and may take such action as impliedly authorized to carry out the representation. On occasion, however, a lawyer and client may disagree about the means to be used to accomplish the client's objectives. However, other laws may be applicable, and shall be consulted by a lawyer. The lawyer should also consult with the client and seek a mutually acceptable resolution of the disagreement. If such efforts are unavailing and the lawyer has a fundamental disagreement with the client, the lawyer may withdraw from the representation, (see rule 1.16 "Declining or Terminating Representation"). A lawyer may limit the scope and objectives of the representation if the limitation is reasonable under the circumstances and the client gives informed consent.

"You Ms. Hulseby, nowhere have I found any rules to support your statement about a lawyer has final say so over their clients objectives, Mr. Koontz disregarded my objections on my motion for New Trial hearing, refuse to communicate with me, or inform me about the status of my case (the documents/motion he has filed in the courts and the court rulings he was sent). I have to write to the clerk of courts just to find out what's going on in my case, because Mr. Koontz refuse to communicate with me.

I'm requesting that this issue mention in the 12-09-13 correspondence be reviewed again and submitted through the grievance process. Thank you

RLM/

CC: Court of Appeals of Georgia
47 Trinity Ave., Suite 501
Atlanta, Georgia 30334

Appeal Case # A14 A0283

Sincerely,
Reginald I. M. Ratz
Reginald I. M. Ratz
Johnson State Prison
P.O. Box 344
Wrightsville, Georgia 31096

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

January 15, 2014

Ms. Rhonda Reid
GDC783995 H-7-7
Emanuel Women's Facility
Post Office Box 218
Swainsboro, Georgia 30401

Dear Ms. Reid:

There is no case pending in the Court of Appeals of Georgia in 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 a 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 it 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 or pro se party. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.

A Certificate of Service must accompany your Notice of Appeal. It must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must be actually served with a copy of your filing. In an appeal of a criminal conviction in a superior court, the State is represented by the District Attorney or an Assistant District Attorney.

Also, your documents indicated that you intended to file your papers in the U.S. Court of Appeals rather than the Court of Appeals of Georgia. The address of the Clerk of the Eleventh Circuit Court of Appeals is: 56 Forsyth Street, N.W., Atlanta, Georgia 30303.

Sincerely,


Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld

Cover Sheet

Rhonda Reid

H-7-7(783995)

Emanuel Women Facility

P.O. Box 218

Swainsboro, Ga. 30401

RECEIVED IN OFFICE
2014 JAN 14 PM 12:47
CLERK/COURT APPELLS TRAFFIC
CLERK OF APPELLS OF GA

RECEIVED IN OFFICE

2014 JAN 14 PM 12:47

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

IN THE SUPERIOR COURT OF Greene COUNTY
STATE OF GEORGIA

Rhonda Reid
Appellant,

v.

State of Georgia
Appellee,

Case No. D8-CH-599

NOTICE OF APPEAL

Notice is hereby given that Rhonda Reid the
above named Appellant, Appeals to the Georgia U.S. Courts
from the denial of his/her Pro Se Rhonda Reid
(Case No. D8-CR-599), said judgment was entered by the court on the 12 day
of April 2012.

Appellant has a right to a Direct appeal from the adverse
(Direct/Discretionary)
ruling pursuant to O.C.G.A. § 16-14-1.

The clerk will please transmit the entire record "omitting nothing" to the
Georgia U.S. Courts, which has jurisdiction of the case pursuant to
the constitution of Georgia 1983 Art. 1, Sec. 1, Par. XV.

Submitted this 10 day of January, 20 14.

Rhonda Reid
Appellant (Pro Se)

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

January 16, 2014

Ms. Kimberly Jessica Roy
2521 Bradford Square, NE
Atlanta, GA 30345

Dear Ms. Roy:

You filed the attached documents in our office on January 16, 2014. You informed our clerk that they were either a Notice of Appeal or an Application for Discretionary Review. You must determine which they are and file your appeal in accordance with how you determine best to file.

If this is a Notice of Appeal, you must file the Notice of Appeal with the trial court, not our Court. If it is an Application for Discretionary Appeal, you file that with this Court. However, it must contain the stamped filed order from the lower-court clerk's office. The order must be signed by the judge. Your submission did not contain an order so we may not accept it. Also, your submission must include a proper Certificate of Service. It was apparent from your completing the documents in our office that no service was actually made on the opposing party. The Certificate of Service must actually be served on the opposing party.

We are returning your documents and wish you success in properly filing this. I believe you have a copy of the Citizen's Guide to Filing an Appeal, but if not, you can obtain one from our website at www.gaappeals.us.

Sincerely,


Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld
Enclosures

FORM 1 - NOTICE OF APPEAL (CIVIL OR CRIMINAL CASE)

NOTICE OF APPEAL

IN THE Magistrate (SUPERIOR, STATE, ETC.) COURT
OF Gwinnett COUNTY

STATE OF GEORGIA

PLAINTIFF

*

CASE NUMBER

Kimberly Jessica Roy
2-25-777

*

13W-16978-00

vs.

*

DEFENDANT

Gwinnett County Magistrate

FILED IN OFFICE

JAN 15 2014

CLERK, COURT OF APPEALS OF GEORGIA

NOTICE OF APPEAL

Notice is given that Kimberly Roy (Plaintiff/Defendant) in the above matter hereby appeals to the Court of Appeals of Georgia from the judgment of the trial court entered on the about 7 day of December, 2013.

The clerk shall omit nothing (omit nothing from the record on appeal/will omit from the record on appeal the following:)

A transcript of evidence and proceedings will (will) will not) be filed for inclusion in the record on appeal.

The Court of Appeals, rather than the Supreme Court, has jurisdiction of this appeal because the issue involved is Magistrate and appeals of such cases are not reserved to the Supreme Court of Georgia pursuant to Article VI, Section VI, Paragraphs II and III of the Constitution of the State of Georgia.

CERTIFICATE OF SERVICE

I certify that I have this day served opposing party (opposing party or attorney) with a copy of this Notice of Appeal by _____ (hand delivery/ mailing a copy first class mail postage prepaid) to him/her at: 75 Langley Drive (75 Main St. Lawrenceville, GA) (complete address of party served).

This the 15 day of January, 2015.

[Signature] (Sign your name.)

2521 Bradford Sq. NE
Atlanta, GA 30345

RECEIVED IN OFFICE
2014 JAN 15 PM 3:11

1/15/2014

To the State of Georgia Court of Appeals,

I would like to appeal my conviction based upon the following grounds:

-My discovery of the 911 tapes was never honored by the Gwinnett County Magistrate.

-I would like to finally have access to them for my federal lawsuit against the Lilburn Police Dept. and the county of Gwinnett County.

-I would also like to put a freeze on any further conviction activities in Gwinnett County, GA.

Signed,

Kimberly Jessica Roy

A handwritten signature in cursive script, appearing to read "Kimberly Roy".

2-25-79

1/15/14.

13W - 16978 - 00

Notice of Motion

To the State of Georgia Court of Appeals,
I would like a suspension of all probation activities.
pending the outcome of my appeal.

Signed,

Kimberly Jessica Roy



2-25-79

COURT OF APPEALS OF GEORGIA

FILED IN OFFICE
2014 JAN 15 PM 3:12

Kimberly Jessica Roy,
2-25-79

APPELLANT

vs

Gwinnett County - Magistrate*

APPELLEE

CASE NUMBER

13W-16978-00

FILED IN OFFICE

JAN 15 2014

PAUPER'S AFFIDAVIT

Comes now Kimberly Roy (Appellant's name) first being duly sworn, deposes and states I am financially unable to pay the filing fee required for filing costs in the Court of Appeals of Georgia, and I request I be permitted to file application (Appellant's Brief or Appellant's Application) without having to pay filing fees. I further swear that the responses which I have made to the questions and instructions below are true.

1. Are you presently employed? Yes No

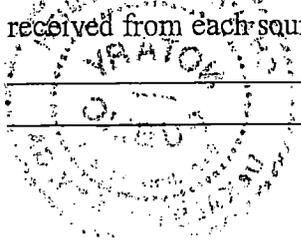
If the answer is "Yes", state the amount of your salary or wages per month, and give the name and address of your employer: n/a

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

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: _____



COURT OF APPEALS OF GEORGIA

RETURN NOTICE

January 16, 2014

To: Mr. Leon Pugh, 1404 Hazel Street, Waycross, Georgia 31501

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 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 a 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 it 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.
Your Notice of Appeal did not contain a proper Certificate of Service. A Certificate of Service must accompany your Notice of Appeal. It must only show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must be actually served with a copy of your filing. In an appeal of a criminal conviction in a superior court, the State is represented by the District Attorney or an Assistant District Attorney.
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 . 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.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

LEON EDWARD PUGH, JR.

Appellant,

v.

Case No.: CV413-219

WILLIAM BALISH, ET AL.,

Appellee.

NOTICE OF APPEAL

Notice is hereby given that Leon Pugh, Plaintiff in the above named case, hereby appeals to the United States Court of Appeals, for the Eleventh Circuit, from a final decision entered by this Court on December 17, 2013.

MOTION TO PROCEED ON APPEAL IN FORMA PAUPERIS

COMES NOW, Leon Pugh, Appellant in the above case and moves this Court with his Motion to Proceed on Appeal without Payment of costs.

Attached is an affidavit of indigence in support of said motion. Wherefore Appellant pray that said motion is granted.

AFFIDAVIT OF INDIGENCE
TO SUPPORT MOTION TO APPEAL IN FORMA PAUPERIS

On November 21, 2013, this Court granted Appellant Pugh's' request to proceed without payment of costs in filing this suit. Appellant's financial status has not changed and he cannot afford the filing fees of this Appeal.

This 13th day of January, 2014

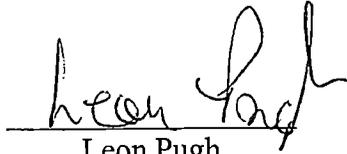


Leon Pugh

CERTIFICATE OF SERVICE

This is to certify that I have served a complete copy of the within and foregoing, to the below listed parties, by placing same in the US Mail, adequate postage affixed.

This 13th day of January, 2014



Leon Pugh
1404 Hazel Street
Waycross, Georgia 31501
(912) 604-7742

Parties Served:

Judge James Bass
21 Twelve Oaks Dr.
Savannah, Ga 31410-2220
(912) 898-8991

Paul Howard, DA
136 Pryor Street, SW #C301
Atlanta, Ga 30303
(404) 613-4984

Holly K. O. Sparrow, Clerk
Court of Appeals of Georgia
47 Trinity Avenue, Suite 501
Atlanta, Ga 30334
(404) 656-3450

Mark Butler, Commissioner
Ga. Dept. of Labor
148 Andrew Young International Blvd
Atlanta, Ga 30303-1751
(404) 232-3310

C/O Dana Braun
301 W. Congress Street
Savannah, Ga 31401
(912) 238-2750



The Court of Appeals
Office of the Clerk
47 Trinity Avenue • Suite 501
Atlanta, Georgia 30334

STEPHEN E. CASTLEN
CLERK/ COURT ADMINISTRATOR

(404) 656-3450
castlens@gaappeals.us

January 16, 2014

Mr. Charles E. Livingston
GDC1107249
Macon State Prison
P.O. Box 426
Orlethorpe, GA 31068

RE: A14A0443. Charles E. Livingston v. The State

Dear Mr. Livingston:

The above referenced appeal was dismissed by this Court on November 21, 2013. A copy of the dismissal was sent to you at that time, and another copy is enclosed. As a result of the dismissal, this Court lost jurisdiction of your case after the remittitur was issued on December 9, 2013. We are therefore returning the Brief that you recently filed together with your "Motion For Extension of Time" that this Court inadvertently granted after the case was dismissed and the remittitur issued.

Sincerely,

Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld

cc: Mr. Fredric D. Bright, District Attorney, Baldwin County Courthouse
Ms. Alison T. Bureson, Assistant District Attorney, Baldwin County Courthouse

Court of Appeals of the State of Georgia

ATLANTA, November 21, 2013

The Court of Appeals hereby passes the following order:

A14A0443. CHARLES E. LIVINGSTON v. THE STATE.

A jury found Charles Livingston guilty of child molestation in 2002. In 2011, Livingston filed a motion for out-of-time appeal. The trial court denied his motion on August 20, 2013, and Livingston filed this direct appeal on October 14, 2013. We lack jurisdiction.

Livingston's notice of appeal is untimely. Under OCGA § 5-6-38 (a), a notice of appeal must be filed within 30 days after entry of the appealable order. The proper and timely filing of a notice of appeal is an absolute requirement to confer jurisdiction on this Court. *Rocha v. State*, 287 Ga. App. 446 (1) (a) (651 SE2d 781) (2007). Here, Livingston filed his notice of appeal 55 days after the order was entered.

For this reason, we lack jurisdiction to consider Livingston's appeal. Accordingly, it is hereby DISMISSED.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 11/21/2013

*I certify that the above is a true extract from
the minutes of the Court of Appeals of Georgia.*

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

Stephen E. Carlton, Clerk.

IN THE GEORGIA COURT OF APPEALS
STATE OF GEORGIA

SCANNED
1.3.13

CHARLES E. LIVINGSTON,

v. ~~the~~

STATE OF GEORGIA.

RECEIVED IN OFFICE
2014 JAN -2 PM 3:53
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

CASE No.
A14A0433443

FILED IN OFFICE

DEC 31 2013

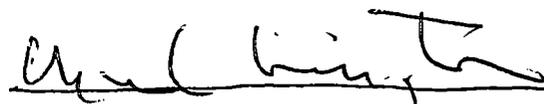
COURT CLERK
CLERK COURT OF APPEALS OF GA

NOTICE OF FILING

Now comes the defendant, Charles E. Livingston informing the Court and the State's attorney that he is filing an appeal to the Final Order to Morgan County Superior Court.

Defendant avers that he has placed a copy of his enumeration of errors in the prison mail with ample First Class postage affixed addressed to this Court, 47 Trinity Ave, Ste 506, Atlanta, GA 30334 and to the office of the District Attorney, 121 N. Wilkinson St., Ste. 305, Milledgeville, GA 31061 on this the 27th day of December 2013.

Respectfully submitted this the 27th day of December 2013.



Charles E. Livingston, pro se
#1107249, M-1, PO Box 426
Oglethorpe, GA 31068

STATEMENT OF THE CASE

The defendant entered a guilty plea in Morgan County Superior Court on the 9 day of April, 2002. Defendant was represented by attorney William Coakley who is deceased.

The defendant was told that an appeal would be filed at his

plea/entering hearing. No appeal was filed.

The defendant filed two Out-of-Time appeals to the Morgan County Superior Court only to have the Clerk return them. He third

motion for an out-of-time appeal was filed and a new Clerk

filed it. Appointed counsel Brad J. Evans, P.O. Box 1361, Madison, GA 30650, was counsel for the hearing. This hearing was held on August 15, 2013.

Appointed Counsel Evans did nothing to see that an appeal was

filed. Defendant did not receive the Court's granting of a filing ex-

emption till December 23, 2013.

The following is his enumeration of errors.

ENUMERATION OF ERRORS

I. WERE TRIAL COUNSEL EFFECTIVE?

II. DID THE TRIAL COURT COMMIT ERRORS THAT VIOLATED THE

Defendant's right to a constitutionally viable conviction?

III. Did the prosecutor commit errors that denied the defendant's right

to a constitutionally viable conviction.

IV. Did Plain Error occur in the defendant's case?

I. Defendant contends that his trial counsel was in no way an adversary to

the state and the case against him. The issues that were raised and demands

that the conviction be reversed is waived. On page 4 of the transcript for

the plea/entering on April 9, 2002 reveals that the prosecutor knows that

he could not prove venue, yet appointed counsel in no way used this

issue to prevent the defendant from pleading guilty in a court that

did not have jurisdiction to do so. See Stokard v. Washington,

162 S. Ct. 2052.

II. Defendant argues that the trial acted as a prosecutor and not a

~~mediator/referee~~. The trial court has a responsibility to see

that it has jurisdiction, that the crime was committed in the county

where the court is located. This did not happen. The transcript of the

plea/sentencing hearing condemns the trial court's court. The record is clear and the trial court's failures just as clear. A reversal is warranted. Please see Jones v. St., 651 SE2d 55 (2007).

III. The prosecutor commit errors that resulted in a guilty plea that was in no way constitutional. The prosecutor states on page four of the plea/sentencing hearing that he could not prove venue yet he negotiated with the defendant's trial counsel to get the defendant to plea guilty. This is a violation of the prosecutor's oath to do justice and not amass convictions. The prosecutor knew the court did not have jurisdiction. This is a travesty and a mockery of justice that warrants a reversal. Please see Kyles v. Whiteley, 115 S.Ct. 1555 (1995).

IV. Did PLAIN ERROR occur in the defendant's case? Defendant claims that the facts generated in his case irrefragably demonstrate plain error as it was mandated in U.S. v. Glano, 113 S.Ct. 1770 and U.S. v. Vonn, 122 S.Ct. 1093. It is plain to see that venue was an issue. It is plain that this effected the outcome of the proceedings. It is plain that this obvious error would effect the public's opinion of the court system. A reversal is warranted.

CONCLUSION

Defendant avers that he has never received a fair day in court. The appointed trial counsel was no adversary. This could be the result of a indigent defense that in no way operates effectively, reasonably or professionally. Appointed counsel for his out-of-time appeal is one more example of a farce. He in no way included the defendant in the out-of-time appeal that the clerk of Superior Court refused to file twice was finally filed after almost ten years on the third attempt. Prof. W. Stuntz published The Collapse of the American Criminal Justice in 2011. The indigent defendant proceeding pro se doesn't need a Harvard professor to enlighten him on how corrupt and collapsed the court system of Georgia and America is. A poor man has never received a fair day unless if he was facing the death penalty and as recent history shows over 300 have been released from death row. In the case at hand, the defendant is 75 years old. He has a death sentence, he will not live to see freedom unless this Court sees ^{the} overwhelming errors and grant a reversal.

Respectfully submitted on this the 27th day of December, 2013.


CHARLES E. LIVINGSTON, pro se
#1107249, M.I. PO Box 426
OCLETTSBORPE, GA 31068

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 party(s) listed below by depositing a copy of same in the United States Mail in a properly addressed envelope with adequate postage thereon to below addressee(s).

COURT OF APPEALS OF GEORGIA
47 TRINITY AVE., SUITE 501
ATLANTA, GEORGIA
30334

OFFICE OF THE DISTRICT ATTORNEY
121 N. WILKINSON, ST.
SUITE 305
MILLEDGEVILLE, GEORGIA
31061

This the 27th day of December, 2013.

Signature

Ken L. Herring
PRO-SE

SCANNED

12.11.13

FILED IN OFFICE

DEC 05 2013

COURT CLERK

COURT OF APPEALS OF GEORGIA

GEORGIA

RECEIVED IN OFFICE

4:10 DEC 10 PM 2:55

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

CHARLES E. LIVINGSTON
VS,
STATE OF GEORGIA
DCKET NO # A-14A0443

MOTION FOR EXTENSION OF TIME

Comes now, Charles E. Livingston, filing pro se, in the above styled case and ask this honorable court for an extension of time in filing his briefs on his appeal.

Livingston would like to state for the record that he isn't self employed in the field of law and the proper procedures in filing pleas, also that he's incarcerated at MDCON STATE PRISON AND ONLY GETS TWO(2) hrs, a week for law lib. time to research case laws.

Also Livingston would like to state that he hasn't received a copy of the transcript from his hearing on the out-of-time appeal case # 2013010227, which is the reason for this appeal.

Livingston prays this honorable court will grant this motion, and any other order it feels would be proper.

Respectfully Submitted

Charles E. Livingston

CHARLES E. LIVINGSTON - 1107249
MDCON STATE PRISON - M1-25B,
RA BOX 434
Oglethorpe, GA, 31068

DATE NOV, 20th 2013
RETURNED, RECEIVED:
DEC. 31, 2013
RECEIVED: DEC. 31, 2013

RECEIVED IN OFFICE
2013 NOV 22 PM 2:50
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Court of Appeals of the State of Georgia

ATLANTA, November 21, 2013

The Court of Appeals hereby passes the following order:

A14A0443. CHARLES E. LIVINGSTON v. THE STATE.

A jury found Charles Livingston guilty of child molestation in 2002. In 2011, Livingston filed a motion for out-of-time appeal. The trial court denied his motion on August 20, 2013, and Livingston filed this direct appeal on October 14, 2013. We lack jurisdiction.

Livingston's notice of appeal is untimely. Under OCGA § 5-6-38 (a), a notice of appeal must be filed within 30 days after entry of the appealable order. The proper and timely filing of a notice of appeal is an absolute requirement to confer jurisdiction on this Court. *Rocha v. State*, 287 Ga. App. 446 (1) (a) (651 SE2d 781) (2007). Here, Livingston filed his notice of appeal 55 days after the order was entered.

For this reason, we lack jurisdiction to consider Livingston's appeal. Accordingly, it is hereby DISMISSED.



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 11/21/2013*

*I certify that the above is a true extract from
the minutes of the Court of Appeals of Georgia.*

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

Stephen E. Costello , Clerk.

SCANNED

12.11.13

FILED IN OFFICE

DEC 05 2013

COURT CLERK
CLERK COURT OF APPEALS OF GA

COURT OF APPEALS OF
GEORGIA

RECEIVED IN OFFICE
2013 NOV 22 PM 2:50
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

RECEIVED IN OFFICE

DEC 10 PM 2:55

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

CHARLES B. LIVINGSTON
VS.
STATE OF GEORGIA

DOCKET NO # A-14A0443

MOTION FOR EXTENSION OF TIME

COMES NOW, CHARLES E. LIVINGSTON, Filing Pro. Se. IN THE ABOVE STYLED CASE AND ASK THIS HONORABLE COURT FOR AN EXTENSION OF TIME IN FILING HIS BRIEFS ON HIS APPEAL.

LIVINGSTON WOULD LIKE TO STATE FOR THE RECORD THAT HE ISN'T ~~scholar~~ ^{cl} SCHOLAR IN THE FIELD OF LAW AND THE PROPER PROCEDURES IN FILING PLEAS, ALSO THAT HE'S ~~now~~ INCARCERATED AT MACON STATE PRISON AND ONLY GETS TWO (2) HRS, A WEEK FOR LAW LIB. TIME TO RESEARCH CASE LAWS,

ALSO LIVINGSTON WOULD LIKE TO STATE THAT HE HASN'T RECEIVED A COPY OF THE TRANSCRIPT FROM HIS HEARING ON THE OUT-OF-TIME APPEAL CASE # 9001CC227, WHICH IS THE REASON FOR THIS APPEAL.

LIVINGSTON PRAYS THIS HONORABLE COURT WILL GRANT THIS MOTION, AND ANY OTHER ORDER IT FEELS WOULD BE PROPER.

DATE: NOV, 20th 2013

RETURNED/RECEIVED:
DEC. 31st, 2013
REMAILED: DEC. 31st. 2013

Respectfully Submitted

Charles E. Livingston

CHARLES E. LIVINGSTON - 11507249
MACON STATE PRISON - M1-25B,
PO BOX 426
Oglethorpe, GA, 31068

IN THE GEORGIA COURT OF APPEALS
STATE OF GEORGIA

SCANNED

1.3.13

CHARLES E. LIVINGSTON,

v. ~~the~~

STATE OF GEORGIA.

RECEIVED IN OFFICE

2014 JAN -2 PM 3:53

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

CASE No.

A14A0233443

FILED IN OFFICE

DEC 31 2013

COURT CLERK
CLERK COURT OF APPEALS OF GA

NOTICE OF FILING

Now comes the defendant, Charles E. Livingston informing the Court and the State's attorney that he is filing an appeal to the Final Order to Morgan County Superior Court.

Defendant avers that he has placed a copy of his enumeration of errors in the prison mail with ample first class postage affixed addressed to this Court, 47 Trinity Ave, Ste 506, Atlanta, GA 30334 and to the office of the District Attorney, 121 N. Wilkinson St., Ste. 305, Milledgeville, GA 31061 on this the 27th day of December 2013.

Respectfully submitted this the 27th day of December 2013.



Charles E. Livingston, pro se
#1107249, M-1, PO Box 426
Oglethorpe, GA 31068

STATEMENT OF THE CASE

The defendant entered a guilty plea in Morgan County Superior Court on the 9 day of April, 2002. Defendant was represented by attorney William Creelius who is deceased.

The defendant was told that an appeal would be filed at his plea/sentencing hearing. No appeal was filed.

The defendant filed two Out-of-Time appeals to the Morgan County Superior Court only to have the Clerk return them. A third motion for an out-of-time appeal was filed and a new Clerk filed it. Appointed counsel Brad J. Evans, Po Box 1361, Madison, GA 30650, was counsel for the hearing. This hearing was held on August ~~16~~ 2013. Appointed Counsel Evans did nothing to see that an appeal was filed.

Defendant did not receive the Court's granting of a filing extension till December 23, 2013.

The following is his enumeration of errors.

ENUMERATION OF ERRORS

I. WERE TRIAL COUNSEL EFFECTIVE?
II. DID THE TRIAL COURT ~~WITH~~ ^{COMMIT} ERRORS THAT VIOLATED THE
Defendant's right to a constitutionally viable conviction?

III. Did the prosecutor commit errors that denied the defendant's right
to a constitutionally viable conviction.

IV. Did Plain Error occur in the defendant's case?

I. Defendant contends that his trial counsel was in no way an adversary to
the state and the case against him. The issue that warrants and demands
that the conviction be reversed is venue. On page 4 of the transcript for
the plea/contending on April 9, 2002 reveals that the prosecutor knew that
he could not prove venue, yet appointed counsel in no way used this
issue to prevent the defendant from pleading guilty in a court that
did not have jurisdiction to do so. Please see Stickland v. Washington,
102 S. Ct. 2052.

II. Defendant argues that the trial acted as a prosecutor and not a
~~mediator/referee~~. The trial court has a responsibility to see
that it has jurisdiction, that the crime was committed in the county
where the court is located. This did not happen. The transcript of the

plea/sentencing hearing condemns the trial court's court. The record is clear and the trial court's failures just as clear. A reversal is warranted. Please see Jones v. St., 651 SE2d 55 (2007).

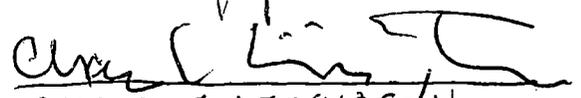
III. The prosecutor commit errors that resulted in a guilty plea that was in no way constitutional. The prosecutor states on page four of the plea/sentencing hearing that he could not prove venue yet he negotiated with the defendant's trial counsel to get the defendant to plea guilty. This is a violation of the prosecutor's oath to do justice and not amass convictions. The prosecutor knew the court did not have jurisdiction. This is a travesty and a mockery of justice that warrants a reversal. Please see Kyles v. Whitley, 115 S.Ct. 1555 (1995).

IV. Did **PLAIN ERROR** occur in the defendant's case? Defendant claims that the facts generated in his case irrefragably demonstrate plain error as it was mandated in U.S. v. Glano, 113 S.Ct. 1770 and U.S. v. Vonn, 122 S.Ct. 1093. It is plain to see that venue was an issue. It is plain that this effected the outcome of the proceedings. It is plain that this obvious error would effect the public's opinion of the court system. A reversal is warranted.

CONCLUSION

Defendant avers that he has never received a fair day in court. The appointed trial counsel was no adversary. This could be the result of a indigent defense that in no way operates effectively, reasonably or professionally. Appointed counsel for his out-of-time appeal is one more example of a farce. He in no way included the defendant in the out-of-time appeal that the clerk of Superior Court refused to file twice was finally filed after almost ten years on the third attempt. Prof. W. Stuntz published The Collapse of the American Criminal Justice in 2011. The indigent defendant proceeding pro se doesn't need a Harvard professor to enlighten him on how corrupt and collapsed the court system of Georgia and America is. A poor man has never received a fair day unless s/he was facing the death penalty and as recent history shows over 300 have been released from death row. In the case at hand, the defendant is 75 years old. He has a death sentence, he will not live to see freedom unless this Court sees ^{the} overwhelming errors and grant a reversal.

Respectfully submitted on this the 27th day of December, 2013.


CHARLES E. LIVINGSTON, pro se
#1107249, M.I., PO Box 426
OCLETHORPE, GA 31068

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

January 21, 2014

Mr. Rodney Parsons
Post Office Box 474
Red Oak, Georgia 30272

Dear Mr. Parsons:

Regarding your correspondence dated January 13, 2014, I can inform you that we do not have a case docketed in this Court in your name. It may still be in the trial court but we have not yet received it. I note that you sent your letter addressed to Judge Herbert E. Phipps. I am answering on his behalf as none of our judges may correspond with parties who have, or may have, cases which may come before this Court.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld

To The Court Of Appeals Of Fulton County Georgia

From Rodney Parsons Pro Se

Jan 13 - 2014

To Honorable Judge Phipps

Hello and great day to you Honorable Judges and Clerks of the great court of appeals

Please let me know when the date is for my case to be heard....and what you need me to do to step forward

Thank You Kindly And Respectfully

Rodney Parsons

Rodney Parsons

Phone 678 541 1670

7013-2250-0001-7127-9533
Post office mailing #

Case # 2012 CV 219500
Case # 2013 CV 239757

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

January 22, 2014

Ms. Rose Marie Harper Meadows
180 Shawnee Drive
Athens, Georgia 30606

RE: A14A0263. Rose Marie Harper v. Everbank

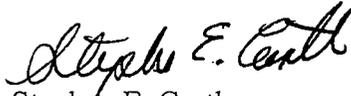
Dear Ms. Davis:

I am in receipt of your Demand Letter, check copy of Independent Foreclosure Review and various other materials and letter copies. The Certificate of Service was improper. A Certificate of Service must include the complete name and mailing address of each opposing counsel and/or pro se party. Rules 1(a) and 6. You will have to provide a copy of your filing to the opposing counsel and include his/her name and address on your Certificate of Service.

This Court can only consider the official record in your case. Exhibits submitted by the parties must be certified by the clerk of the trial court as being part of the appellate record or they cannot be considered by this Court in your appeal.

I am returning your documents to you.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld
Enclosures

1-15-2014



2235 W. Broad St
Athens, GA 30606-3430
Tel.: (706) 353-8755

1/15/2014 12:45:43 PM EST
Receipt #: 885921
Stored Value Card#: 1501001401545934110
Trans.: 8466 Branch: 1501
Register: 003 T111:0292153
Team Member: Bonnie H.

Cash DEPOSIT at Register 1.00

Sub-Total 1.00
Deposit 0.00
Tax 0.00
Total 1.00

Balance remaining on card : \$1.00

fab off

e fax

e to other

Party
to ↓ ↓

fax → 770-392-0367

Certification of Service

*They are aware
of these documents
Gale Marie Hays
706-255-0615*

Additional Sheets I mention in my Brief * there are copies of what I made
1-15-2014

Fax to 770-392-0307
* Certification of Service

A14402103

(1) Here's a copy of the Demand letter
It went to my old address in
Rolling Ridge
I never got a copy
Rose Marie Harper
v/s Evident Affairs CA 3000

(2) Here's a copy of the check
Independent foreclosure Review paid for
The Error of foreclosure

(3) Here's a copy of letter about 13 Banks
finalist injury home in foreclosure.

This has been a lot of stress
& hardship from their Error

All I ask for was a loan Modification
And later my counter claim 5,000

In Court
In Court

RECEIVED IN OFFICE
2014 JAN 16 PM 3:32
CLERK POLYMER BANK
COUNTY OFFICIALS OF CA

STEVENS & STEVENS, LLC

ATTORNEYS AT LAW

Ronald S. Stevens
Andrew M. Stevens

6065 Roswell Road, Suite 880
Atlanta, Georgia 30328

Phone: (770) 393-8900
Fax: (770) 392-0367

Jillian L. Harmon

February 17, 2012

SENT VIA REGULAR U.S. MAIL AND U.S. CERTIFIED MAIL

Rose Marie Harper/Occupant(s)
151 Rolling Ridge Drive
Athens, Georgia 30607



Old Address

**RE: Notice of Eviction and Demand for Possession of Property
Located at 180 Shawnee Drive, Athens, Georgia 30606**

Dear Rose Marie Harper/Occupant(s),

Please be advised that this law firm represents Everbank (hereinafter referred to as "Everbank"), in the above-referenced matter. You are hereby notified that on February 07, 2012, Everbank foreclosed on the property that you currently occupy causing you to be a tenant at sufferance. As such, Everbank is now considered the lawful title holder to the property and hereby demands possession of the property, unless you have a bona fide lease agreement.

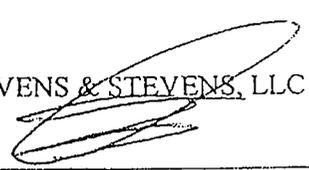
Despite the foreclosure, tenants MAY have specific rights to occupancy of the premises if there is a bona fide lease agreement. Our office has no information regarding you or your occupancy of the subject property. Please provide us with additional occupancy information including, but not limited to, the names of all current occupants, telephone number(s), move-in date, the date(s) your lease started, the date your lease is due to expire, current monthly payment, when rent is due, and evidence of last rental payment. **Please send along with the other occupancy information, a copy of your lease and evidence of rental payments: via fax to (770) 392-0367, or via mail to 6065 Roswell Road, Suite 880, Atlanta, Georgia 30328.** If you need assistance, please call (770)393-8900.

In the event, that you fail to provide the information requested herein within seven (7) days from receipt hereof, we will assume that you do not have a bona fide lease agreement and demand is made that you immediately vacate the property and that you notify the undersigned to surrender any and all keys to the property. Appropriate legal papers will be filed with the Court of Athens-Clarke County to effectuate the eviction.

This letter constitutes written notice to you pursuant to O.C.G.A. § 44-7-50 and pursuant to the Protecting Tenants at Foreclosure Act of 2009. Should you have any questions or concerns, please feel free to contact the undersigned.

GOVERN YOURSELF ACCORDINGLY.

STEVENS & STEVENS, LLC

By: 

OCC2013

A 12W1 000081859

THIS DOCUMENT CONTAINS ANTI-THEFT DEVICES INCLUDING MICRO PRINTING AND A COLORED BACKGROUND. ABSENCE OF THESE FEATURES INDICATE A COPY.

Fund: 1 Independent Foreclosure Review Payment QSF
Loan Servicer: Wells Fargo
P.O. Box 8055
Faribault, MN 55021-9455

The Huntington National Bank
Westerville, OH 43081

56-1512
441

Check No. 5422907

DATE	CLAIM NUMBER	AMOUNT
April 19, 2013	1403192590	\$500.00

VOID AFTER NINETY (90) DAYS
NOT VALID FOR AMOUNT OTHER THAN \$500.00

Payee's signature required on back in order for this instrument to be valid.

Pay: FIVE HUNDRED DOLLARS AND NO CENTS
Pay to the order of: ROSE MARIE HARPER
CLIFTON BAILEY

Authorized Signature

⑈ 5422907⑈ ⑆044115126⑆ 01893001257⑈

As part of consent orders with federal banking regulators, the Office of the Comptroller of the Currency (OCC), the Office of Thrift Supervision (OTS), and the Board of Governors of the Federal Reserve System (FRB), the Independent Foreclosure Review was established to determine whether eligible homeowners suffered financial injury because of errors or other problems during their home foreclosure process between January 1, 2009 and December 31, 2010.

In January 2013, agreements between 13 mortgage servicers and federal banking regulators were reached that ended the Independent Foreclosure Review for those participating servicers. The Agreement will result in all of the eligible borrowers for those servicers receiving a payment under the Agreement. The Agreement includes the following servicers and their affiliated mortgage companies. Click on the servicer name for more information:

- | | | |
|--------------------------|--------------------------|-----------------------------|
| America's Servicing Co. | Countrywide | PNC |
| Aurora Loan Services | EMC Mortgage Corporation | Saxon Mortgage |
| BAC Home Loans Servicing | Goldman Sachs | Sovereign Bank |
| Bank of America | HFC | SunTrust Mortgage |
| Beneficial | HSBC | U.S. Bank |
| Chase | Litton Loan Servicing LP | Wachovia |
| Citibank | Metlife Bank | Washington Mutual |
| CitiFinancial | Morgan Stanley | Wells Fargo |
| CitiMortgage | National City | Wilshire Credit Corporation |

For the servicers listed below that are not participating in the Independent Foreclosure Review Payment Agreement, the Independent Foreclosure Review process continues. Click on the servicer name for more information:

- | | |
|-------------------|--|
| GMAC Mortgage | Everbank/EverHome Mortgage Company |
| Financial Freedom | OneWest Bank/IndyMac Mortgage Services |

Para información en español, haga clic en el nombre de su administrador de servicios hipotecarios de la lista arriba.

Si usted habla español, tenemos representantes que pueden asistirle en su idioma para darle información sobre la Revisión Independiente de Ejecución Hipotecaria.

Assistance is also available in over 200 languages, including: Chinese, Korean, Vietnamese, Tagalog, Hmong and Russian.

提供中文幫助 Trợ giúp miễn phí bằng tiếng Việt Pab muaj cov neeg hais lus Hmoob pab nej

한국어 도움을 제공합니다 Available ang tulong sa wikang Tagalog Помощь на русском языке

THE INDEPENDENT FORECLOSURE REVIEW IS FREE.

Watch out for scams—there is only one Independent Foreclosure Review. Beware of anyone who asks you to pay for any foreclosure review service or to receive a payment under the Agreement.

For additional information, visit the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Prevent Loan Scams, and the Federal Reserve System's Loan Scam Alert websites.

independentforeclosurereview.com | [Privacy Policy](#) | [PDF Reader](#)

Esta información es precisa a la fecha de impresión y está sujeta a cambios sin previo aviso. This information is accurate as of the date of printing and is subject to change without notice.

Paying Agent – Rust Consulting, Inc.
P.O. Box 8055
Faribault, MN 55021-9455



Independent Foreclosure Review

April 19, 2013

IMPORTANT PAYMENT AGREEMENT INFORMATION ENCLOSED



ROSE MARIE HARPER
180 SHAWNEE DR
ATHENS, GA 30606-2450



Your payment is enclosed.

Reference Number: 1403192590

Property Address:
180 SHAWNEE DRIVE
ATHENS GA 30606

Si usted habla español, tenemos representantes que pueden asistirle en su idioma.



Dear Rose Marie Harper,

You were recently sent a notice that you are eligible to receive a payment as a result of an agreement between federal banking regulators and Wells Fargo in connection with an enforcement action related to deficient mortgage servicing and foreclosure processes.

This letter includes your check. It also explains the amount of the payment, why you are receiving a payment, how to cash the check, and other important information and disclosures.

Your payment is: \$500.00.

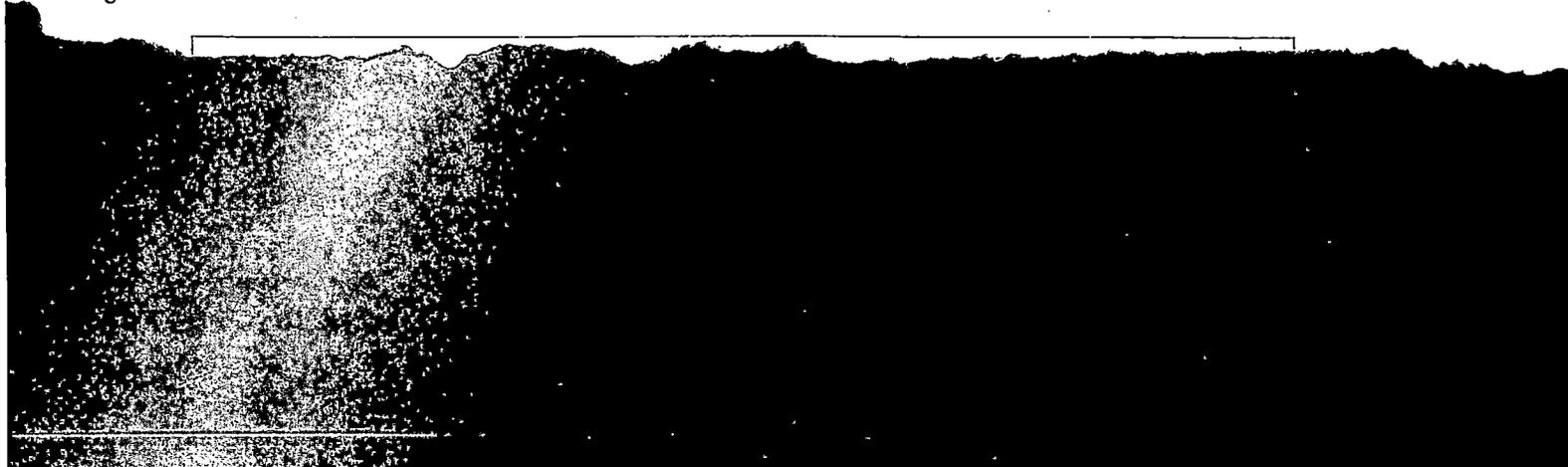
Why you are receiving a payment

Earlier this year, Wells Fargo entered into an agreement with federal banking regulators—the Office of Comptroller of the Currency and the Board of Governors of the Federal Reserve System. This agreement resolved the Independent Foreclosure Review required by the regulators. Additional information about this agreement can be found at www.occ.gov and www.federalreserve.gov.

Regulators determined your payment amount based on the stage of your foreclosure process and other considerations related to your foreclosure.

How to cash the check

You must cash or deposit the check within 90 days, or the check will be void. All borrowers listed on the check must sign it to cash it.



ROSE MARIE HARPER-MEADOWS,

(PLAINTIFF)

V

EVER BANK,

(DEFENDANT)

Notice is hereby given that Rose Marie Harper-Meadows (plaintiff) and Ever Bank (defendant) in the above-named case, hereby appeal to the Supreme Court of Appeals from the judgment on June 10, 2013. The evidence did not support the judgment. This was a harmful error in the application of the law. This case was dismissed twice in Magistrate court for improper foreclosure proceedings. Plaintiff was improperly served at the wrong address.

Signature: _____

Rose Marie Meadows

Date: _____

Rose Marie Harper- Meadows

Logout

Case Management

General Docket	Lower Court	Party/Attorney	Filings	Judgment	Certiorari	Remittitur	Notes	Case History
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Edit **Filings and Actions** **Transfers** **Mailing Labels**

[Tracking](#)

[Return to Search](#)

Case Style	ROSE MARIE HARPER v. EVERBANK
Short Style	ROSE MARIE HARPER v. EVERBANK
Case Number	A14A0263
Assigned Judge: C.J. Herbert E. Phipps Assigned Division: 1 Short Number: 70-014 Assignment Type: System	
Panel: P. J. John J. Ellington, C. J. Herbert E. Phipps, J. Carla Wong McMillian Opinion Status: ND	
Docket Date: 09/27/2013 Term: J14 Docket Calendar: 0114 Status: P Notes: No	

Party Name	ROSE MARIE HARPER					
Party Type	Appellant					
	Bar ID	Name	Firm/GDC#	Address	Phone	E-Filer
View	S14952	ROSE HARPER		180 SHAWNEE DRIVE ATHENS, GA 30606		<input type="checkbox"/>

Party Name	EVERBANK					
Party Type	Appellee					
	Bar ID	Name	Firm/GDC#	Address	Phone	E-Filer
View	108008	John Weitz	ATTORNEY AT LAW	2339 ARMAND ROAD ATLANTA, GA 30324	(404) 926-4454	<input checked="" type="checkbox"/>
View	680632	Andrew Stevens	STEVENS & STEVENS, LLC	6065 ROSWELL RD. SUITE 880 ATLANTA, GA 30328	7703938900	<input checked="" type="checkbox"/>

[Return to Search](#)

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

January 23, 2014

Mr. Josephediva Ramsey
Chatham County Jail
1050 Carl Griffin Drive
Savannah, Georgia 31405

Dear Mr. Ramsey:

In response to your letter dated January 16, 2014 received in this office, we do not have a case styled in your name pending in this Court.

Until a case is docketed in this Court, all communications regarding the status of your case should be directed to your attorney of record or to the trial court from which you are appealing.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld

January 16, 2014

To: Whom this may concern.

I am writing this letter to you in good hopes because I feel I have exhausted every option I have. My name is Josephedua Ramsey, I just went on trial for (2) count of Armed Robbery, and (1) count of Obstruction of an Officer. I was convicted of these crimes which I am innocent of. The state did not present any evidence to prove me guilty. There are affidavits and written confessions in my discovery to prove my innocence and my council never once presented it to the court. The witnesses never identified me as one of the suspects who robbed them. The officer and the D.A. Coerced the witness to say he was robbed by 3 people even after he got on stand and said clearly he was approached by 2 people and robbed. I ask you to please look into this matter because I am an innocent man who came from New York to visit my family, I don't even know my co-defendants, which one of them let the D.A. know in his confession about the crime. I just ask to be given a fair trial and I didn't get one. I ask that you please read the transcript from my trial so you can see I was railroaded and grant me an appeal soon as possible. Thanks for your time.

Respectfully Submitted,

Josephedua Ramsey

RECEIVED IN OFFICE
2014 JAN 23 PM 3:00
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF CA

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

Date: January 23, 2014

To: Mr. Marvlyn Martin, GDC1000861163, Wheeler Correctional Facility, Post Office Box 466,
Alamo, Georgia 30411

Docket Number: A14A0837 **Style:** Marvlyn Martin 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. Your Certificate of Service did not include the complete name and mailing address of each opposing counsel and pro se 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)
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

IN THE COURT OF APPEALS
STATE OF GEORGIA

CASE NO. A14A 0837

Marvlyn Martin,
Appellant,

v.

State of Georgia,
Appellee.

Brief of Appellant

I.

Statement of Case Below And Statement
of Material Facts

This appeal is a direct appeal from the order denying the out of time appeal which order was entered on November 22, 2013. Notice of Appeal pursuant to the grant of the request to appeal this matter out of time was filed on December 6, 2013. This case came before the Clayton County Grand Jury during the December Term of 2011 in which the Appellant was indicted, see

I.

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COUNTY OF APPEALS OF GA

II.

In the reports submitted, there is no mention of the crime having occurred in Clayton County, the only reference to venue being 1184 Burkbank Tr. was vague and inconclusive.

The State prosecuted the appellant based on evidence collected by the City of Morrow Police Dept. The evidence obtained by Sgt. Turner, 911, and Sgt. Hess, 913 in Morrow P.D. case no. 11809355

The Appellant was charged with homicide by vehicle stemming from an incident that had occurred on August 20, 2011, in which the Appellant is accused of causing the death of Frank Cassidy while driving under the influence of alcohol.

Statement of Essential Facts: The Appellant entered a plea of guilty to an indictment that was essentially defective in its failure to charge that the incident in question had in fact occurred in Clayton County.

The Appellant entered a non-negotiated plea of guilty to Count I: Homicide by vehicle with the remaining counts merged and received a sentence of 15 years, 10 years to serve in confinement.

Judgment # 2011 CR 02664-8, the Indictment charges the Appellant with the offense of Homicide By Vehicle; Count II; Driving Under The Influence; Count III; Driving Under The Influence; Count IV; Failure To Maintain Lane; Count V; Driving Left of Center; and Count VI: Poss of Open Container.

This evidence was used by the District Attorneys office and taken before the Clayton County grand jury to indict the appellant.

The indictment in this case sub judice is fatally defective when venue was not properly charged, thus jurisdiction of person or subject matter was not established.

This issue was not attacked by trial counsel, nor was a general demurrer filed.

The appellant entered a non-negotiated plea of guilty with assistance of counsel without being made aware of the material elements to which his plea was entered.

Upon discovering errors in his case, the appellant filed a motion to withdraw his guilty plea on July 26, 2012. This motion was denied on October 30, 2012 by Judge Harold Benefield.

This motion was filed out of term of court due to counsel's failure to make the appellant aware of his right to appeal pursuant to O.C.G.A. § 17-7-93(b).

Jurisdictional Statement

The Georgia Court of Appeals has jurisdiction of this appeal because the judgment of conviction in this case is not one of the matters within the exclusive jurisdiction of the Supreme Court of Georgia.

Art. VI, Sect. VI, Paras. II and III.

IV.

Our Sixth Amendment under the United States Constitution guarantees assistance of counsel at all critical phases of criminal proceedings. *Billings v. State*, 308 Ga. App. 248, 251, 907 S.E.2d 117 (2011).

Jones v. State, 272 Ga. 900 (2000).

or trial strategy."

not to raise the issue was not a reasonable tactic the Supreme Court of Georgia stated: "The decision

In its holding in Henderson v. Hames, *supra*,

HAMES, SIDA0303 (7-12-10).

element of the charge is omitted. Henderson v.

this criminal case is void when an essential

of homicide by vehicle, et al., yet the indictment in

The Appellant was indicted for the offense

elements of the indictment.

ineffective when counsel failed to challenge the

Appellant showed his trial counsel as being

1. The trial court erred in not finding that the

III. Argument And Citation Of Authority

2. Whether the trial court erred in concluding that he was not entitled to appeal.

To challenge the indictment, counsel as being ineffective when counsel failed

that the appellant failed to show his trial

1. Whether the trial court erred in concluding

II. Enumeration of Errors

V.

The Appellant moves this Honorable Court

The trial court, in denying the Appellant's out of Time Appeal, claims the Appellant has a right to appeal but has not shown that such an appeal was frustrated by ineffective assistance of counsel.

2. The Trial Court Erred In Not Finding That The Appellant Was Entitled To An Appeal.

The result of counsel's less than vague efforts to conduct a pre-trial investigation is evident when through counsel's advice an involuntary and unintelligent plea of guilty was entered to offenses in which the elements of the charge were made to stand silent. This representation was harmful and possibly resulted in an outcome that denied the liberty of the Appellant. Strickland v. Washington, 476 U.S. 668 (1984)

The claim of ineffective assistance lies in the fact that trial counsel failed to demur the indictment and show the indictment as being fatally defective. Turpin v. Helms, 271 Ga. 224 (1999).

In this situation, the indictment failed to charge the critical element of venue, a necessary essential element in proving the crime occurred in the county seeking to prosecute, and whether the grand jury had sufficient information to indict the Appellant. Powers v. State, 309 Ga. App. 262, 709 S.E. 2d 821 (2011)

to REVIEW the RECORD; Final Disposition, Page 43-45 and the PLEA colloquy which will show the defendant was not made aware of his right to withdraw his guilty PLEA in accordance with D.C.G.A. § 17-7-93 (b).

Kaiser v. State, 285 Ga. App. 63, 64 (S.E. 2d. 84 (2007))

The Appellant's Out of Time Appeal was not based on the sole contention that the indictment was defective, but also on the fact that he was blindly lead into PLEA negotiations without the benefit of being made aware of the essential elements of the offenses to which his PLEA was entered. U.S. v. Brown, 117 F.3d. 471 (11th Cir. 1997).

During PLEA negotiations attorney-client trust was broke when counsel failed to inform the Appellant of the critical aspects of entering his plea and his statutory right to withdraw his guilty plea in a timely manner.

The record clearly shows the Appellant filed on two occasions to withdraw his plea after sentencing: July 26, 2012 (page 47), and on August 29, 2012 (page 51-53).

The Appellant prays this Honorable Court to grant his Appeal and REMOVE this criminal case back to the trial court as follows:

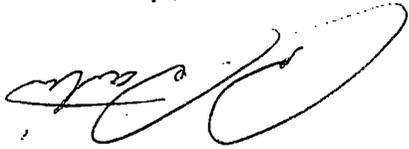
VI.

1. Allow the withdrawal of guilty plea.

2. Impose a sentence that restores the due process and liberty of the accused, and,

3. Appoint counsel that will properly guide the accused through the judicial process.

Respectfully Submitted,



Marvin Martin, Pro SE

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

Date: January 23, 2014

To: Ms. Rose M. Thompson, 6537 Big Oak Court, Columbus, Georgia 31909

Docket Number: A14A0807 **Style:** Rose M. Thompson v. Rick Catrett, et al.

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. Your Certificate of Service did not include the complete name and mailing address of each opposing counsel and pro se 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)
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11. Your motions were submitted in an improper form (joint, compound or alternative motions in one document). Rule 41 (b)
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13. The pages were not sequentially numbered with arabic numerals. Rule 24 (e)
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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:**

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

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COURT OF APPEALS OF GA

CASE # A14A0807

SEE ENCLOSED

- CHECK # 1034905491 \$300.00 FEE
- 53 PICTURES (TO BE RETURNED)
- 2 page BREF
- 1 page request oral argument
- water usage BEFORE/during
years were

Hammer

1-16-14

CASE # A 14A0807

Jan. 16, 2014

This appeal is simply to ask the court to please allow Mr. Thompson, my spouse and myself, Rose Thompson to have you take a look at the pictures presented and note that our yard was NOT done in a professional manner. And to have Rick Catrett doing business as Flat Rock Sand and Gravel to REFUND the full price we paid for services Not done in a professional manner and to also pay the cost of our having to appeal in your court the amount of \$2350.00 plus the \$300.00 court fee. Please see pictures included, (to be returned).

On 5-16-13 I contacted Flat Rock Sand and Gravel to come to my home and let me know if the business could do the work I requested and to and to give an estimate. The owner came by, we walked the yard, front and back to make sure he could do what was requested; grade areas properly to receive fresh soil, following the design I had laid in place with yellow hoses, laying fresh sod to match what we presently have, Zoysia, to replace the drain pipe we have in the back yard leading to the street, to properly CUT the curb to allow the pipe laid to be level with it, and to cover top of pipe to maintain same design as rest of the curb, and also to keep the drainpipe at same height.

On 5-19-13 a second survey was done , got an estimate for 1 full truckload of dirt, or as needed, only ½ half of pipe needed to be replaced for \$500.00, 3 pallets of Zoysia grass to be used \$1200.00, offered pinestraw and was told NO, using my own provider, Santana Pine Straw CO. We would pay ½ at beginning of work bal. due upon completion, \$1125.00 ck#1627 was paid.

Work started late, one young man came to do the work of a team. It was warm, minutes later, worker was appearing to be sleeping on our front porch. We awakened him, inquired and he said he did not have proper tools to do the work. I called Flat Rock and complained, later a team of young men were sent to spread and level dirt.

On 5-20-13 I called work was at a stand still, Mr. Catrett said grass had to be ordered, it was late. Work started on the sidewalk and was getting nowhere. They stated a power saw or cutter would have to be rented because the sidewalk was hard to cut. Apparently, the under thought the job, not having the proper tools.

ROSE M. THOMPSON v. RICK CATRETT

On 5-21-13 still waiting for grass. Still spreading dirt, and had to tell them to NOT park their car on our present grass. Finally grass was being laid, I noticed MY design layout had been changed, why?, finally realized that this business was NOT so professional in my opinion. I try to let them do their job as we asked but things were not going so well. My design was changed, grass was not level, heard one tell another to WALK on the grass, I saw no tool to assume they would do it professionally. I complained of the grass not being even, got words like it will fill in or give it time. Which we did. Followed watering instructions, have increased bill to document new usage, grass continued to get worse. Called repeatedly before Flat Rock returned with more and more excuses. Asked that the grass be removed and done over, Mr. Catrett NO. I said clearly something is wrong with the laying of the sod, the incompleteness of the drainage pipe and the sidewalk, and HE stated he would not be doing anything else. We went to Municipal Court in Col, GA, to NO avail and here we are NOW. Please Help!

CASE# A14A0807

Jan 16, 2014

ROSE M. THOMPSON V. RICK CATRETT

I, Rose Thompson would like to request an oral argument time of 15 minutes, please. Thank you

COURT OF APPEALS

47 Trinity Avenue, S.W.

Suite 501

Atlanta, GA 30334

(404) 656-3450

Receipt No. **110136**

DATE 1.17.13

RECEIVED OF Rosemary Thompson

WE ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

BRIEF OF APPELLANT

ENUMERATION OF ERRORS

WITHDRAWAL FEE

PHOTOCOPIES

ADMISSION FEE

CERTIFICATION FEE

APPLICATION COST

OTHER

AMOUNT \$ 300.⁰⁰
CR 1034905491

CASE NUMBER A14A0807

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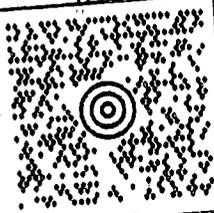
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COLUMBUS GA 31906-1376

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ATLANTA GA 30334-9006



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

Date: January 23, 2014

To: Mr. Neville Turnbull, GDC1000976378, Dooly Correctional Institution, Post Office Box 750, Unadilla, Georgia 31091

Docket Number: A13A1846 **Style:** Neville Curtis Turnbull 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.**
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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: We do not have a filing-type such as, Notice of Intent to File Motion for Reconsideration; you will need to file either a Motion for Reconsideration or a Motion for Extension of Time to File Motion for Reconsideration. Please correct the title of your filing.**

IN THE GEORGIA COURT OF APPEALS, FIRST DIVISION

TURNBULL /

v.

CASE NO. A13A1846

THE STATE OF GEORGIA

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COURT OF APPEALS OF GA

NOTICE OF INTENT TO FILE A MOTION FOR
RECONSIDERATION BE THIS COURT.

COMES NOW TURNBULL, THE ABOVE NAMED PETITIONER
AND NOTICES THIS HONORABLE COURT OF THE FOLLOWING

1. LETTER RECEIVED DRS 2014 JAN 15, DAILY STATE
PRISON, FOR AND FROM APPELLATE COUNSEL, FIRST
JUDICIAL CIRCUIT OFFICE OF THE PUBLIC DEFENDER
INFORMING TURNBULL THAT GA. APPEALS COURT AFFIRMED
LOWER COURT'S DECISIONS TO DENY MOTIONS FOR NEW
TRIAL (TRANSCRIPT DATED 2014 JANUARY 9 TH)
LETTER DATED JANUARY 10, 2014: POST MARK DATED
2014 JAN 13 FROM ZIP 30253 ;
2. TURNBULL IS NOTIFIED THAT HE HAS 10 DAYS TO
FILE A MOTION FOR RECONSIDERATION OF THE ABOVE
JUDGMENT (2014-1-9) IN THE APPEALS COURT ;
3. TURNBULL AT THIS TIME IS PREPARING HIS ARGUMENT
TO SHOW SUFFICIENT PROBABLE CAUSE FOR THIS COURT
TO REVIEW AND RECONSIDER ;

TURNBULL NEWELL SR
1000 976878 - 71-101B
DOOLY CORRECTIONAL INST.

DEAR CLERK

PLEASE CONSIDER DEADLINE OFFICIAL DATES
TO MAKE MY PETITION IN TO YOUR OFFICE, ON THE
BASIS OF THE DATES (NOTIFIED AND RECEIVED BY COUNSEL)
AS LISTED IN PETITION ATTACHMENT.

THANK YOU

~~EXECUTIVE ADULTS 15~~
~~TURNBULL~~
TURNBULL NEWELL SR
RESPECTFULLY SUBMITTED.

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COURT OF APPEALS OF GA

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

Date: January 23, 2014

To: Mr. Daniel W. Taylor, GDC1000332837, Johnson State Prison, Post Office Box 344, Wrightsville, Georgia 31096

Docket Number: A14A0497 **Style:** Daniel W. Taylor 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 or an improper Certificate of Service accompanied your document(s). Rule 6
5. Your Certificate of Service did not include the complete name and mailing address of each opposing counsel and pro se 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.
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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: Your Motion exceeds the page limits.**

COURT OF APPEALS OF GEORGIA

Daniel W. Taylor
Appellant

APPEALS NO: A14A0497
CRIMINAL CASE: 10SC8959

vs.

STATE OF GEORGIA

APPELLANT ASK TO BE EXCUSED FOR SUBMISSION OF LATE FILING BRIEFS IN SUPPORT

Comes Now Appellant Daniel W. Taylor and ask to be excused in his filing of his Briefs. Appellant was unknowingly transferred to DeKalb County Superior Court for a Civil Action (SEE EX-A). I returned to Johnson State Prison January 9, 2014 who was in control and custody of my legal mail, law work and all ready completed Briefs.

This 10th day of January 2014

Respectfully Submitted
Daniel W. Taylor
Daniel W. Taylor
APPELLANT

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

DANIEL TAYLOR,

Petitioner,

vs.

TODD MARKLE, et.al.,

Respondents.

Case No.: 2013-CV-227116 -9

PRODUCTION ORDER and HOLD ORDER

It appearing to the Court that Plaintiff Daniel Taylor is scheduled for a civil hearing on his writ of mandamus action on January 7, 2014, at 1:30 p.m., and

It appearing further that said Plaintiff is currently housed at Johnson State Prison.

IT IS THEREFORE ORDERED, that the Director of the Department of Corrections or his designee, have and produce the body of the Defendant on the 18th day of December, 2013, to be picked up by the Sheriff of DeKalb County, Georgia or his designee. The Sheriff is directed to return the Defendant to the DeKalb County Jail, and keep him there until the conclusion of the Defendant's hearing, at which time said prisoner shall be returned from whence he came, all at the expense of DeKalb County, Georgia.

SO ORDERED, this 5th day of December, 2013.

MARK ANTHONY SCOTT, Judge
DeKalb County Superior Court
Stone Mountain Judicial Circuit
Sitting by Designation

cc: Daniel Taylor, Petitioner
GDC# 1000332837
Johnson State Prison
P.O. Box 344
Wrightsville, GA 31096
Kaye Woodard Burwell, Esq. (counsel for Cathelene Robinson)
Office of the Fulton County Attorney
141 Pryor Street, SW Suite 4038
Atlanta, GA 30303

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

January 24, 2014

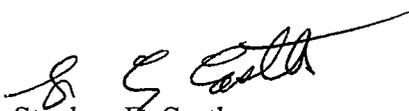
Mr. Menshack Nyepan
GDC1000878813
Hays State Prison
Post Office Box 668
Trion, Georgia 30753

Dear Mr. Nyepan:

In response to your correspondence received in this office, we do not have a case styled in your name pending in this Court.

Your Motion for Out-of-Time Appeal should be directed to the trial court. I am returning your documents to you.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld
Enclosures

Court Of Appeals Of Georgia

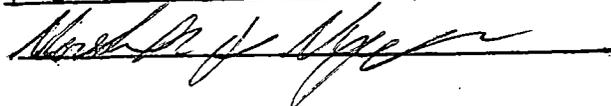
CLERK OF COURTS REVIEW

AT THIS TIME DEFENDANT THROWS HIMSELF UPON THE MERCY OF THE COURTS ASKING THAT HIS MOTION FOR WITHDRAWAL AND OUT-TIME APPEAL BE LOOKED OVER AND REVIEWED BY THE COURTS FOR ABUSE OF DISCRETION BY THE ROCKDALE COUNTY SUPERIOR COURTS DECISION OR LACK OF DECISION ON PART OF HIS MOTION OF WITHDRAWAL AND A LACK OF EFFORT TO ATLEAST HOLD A HEARING TO THE FACTS OF THAT MOTION. THE DEFENDANT IS POSITIVE HE CAN PROVE HIS COUNSEL'S INEFFECTIVENESS BY [STRECKLAND VS. WASHINGTON'S] TWO PART PRONG TEST IF THE COURTS WOULD BE WILLING TO ALLOW AN HEARING ON ALL THESE VALID ISSUES. THE DEFENDANT UNDERSTANDS THAT THE TRIAL COURT IS THE FINAL ARBITER OF ALL FACTUAL ISSUES RAISED BY EVIDENCE ON A MOTION TO WITHDRAW. BUT THE LACK OF DECENCY TO REVIEW ANY EVIDENCE AT ALL SHALL PLAINLY COVER A MANIFEST INJUSTICE, AS WELL AS A MISARRANGE OF JUSTICE IN RESULT FROM THE COURTS REFUSAL TO REVIEW THE CLAIM. ALSO THE STATES FAILURE TO ESTABLISH IDENTITY WILL MORE THAN LIKELY CONSTITUTE CORPUS DELICTI. THEREFORE, THE DEFENDANT PRAYS THE COURTS LOOK OVER THIS MOTION AND DIRECT IT TO THE RIGHT AVENUE OF RELIEF. AND ALSO COPIES TO ALL THE EFFECTIVE CIRCUITS THERE AFTER.

[NOTHING FOLLOWS]

RESPECTFULLY SUBMITTED,

MENSHACK J. NYEPAH



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2014 JAN 23 PM 2:55

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

In the Superior Court of Rockdale County
State of Georgia

State of Georgia

vs.

MENSHACK NYEPAH

Indictment Number

2011-CR-1311

Motion for Out-of-Time Appeal

Comes now the above named Defendant and moves this Court to grant him an Out-of-Time Appeal on the following grounds:

1. "A criminal defendant who has lost his right to appellate review of his conviction due to error of counsel is entitled to an out-of-time appeal." Rowland v. State, 264 GA. 872, 452 S.E. 2d 756 (1995) see Walsh v. State, 302 GA. App. 461, 691 S.E. 2d 320 (2010).
2. On JANUARY 23rd 2010, Defendant pled guilty to ARM ROBBERY, AGG ASSAULT, FALSE IMPRISON(or was convicted of) and was sentenced to FIFTY YEARS TO SERVE TWENTY YEARS IN CONFINEMENT.
3. Defendant has never affirmatively waived his right to appeal nor has he performed any act which can be construed as a waiver.
4. The issues that Defendant would raise on appeal would be clear and can be found in the record of appeal.
5. A hearing would be proper to determine Defendant's claim of Ineffective Assistance of Counsel, Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052 (1984); Roe v. Flores-Ortega, 528 U.S. 470, 120 S.Ct. 1029 (2000) ("Counsel's failure to file of notice of appeal without the defendant's consent, constitutes deficient performance.")

Wherefore, Defendant prays this Honorable Court set this matter down for hearing and grant his motion for Out-of-Time Appeal. This he will ever pray.

Respectfully submitted this 13th day of January, 2014.

Menshak Nyepeh

COURT OF APPEALS OF GEORGIA

DEFENDANT:

MOTION FOR OUT-OF-TIME APPEAL FROM WITHDRAWAL
& MODIFICATION MOTION.

NOW COMES, MENSACK J. NYERAH, DEFENDANT IN THE ABOVE STYLE ACTION AND MOVES THIS HONORABLE COURT TO GRANT HIM MOTION TO OUT-OF-TIME APPEAL FROM MOTION TO WITHDRAW HIS GUILTY PLEA ENTERED WITH THE SUPERIOR COURT OF ROCKDALE COUNTY; THIS DEFENDANT IS SEEKING AN OUT-OF-TIME APPEAL, AFTER SEVERAL STEPS, THAT WENT UNANSWERED, TO RELIEVE HIM OF HIS ILLEGAL GUILTY PLEA, THE FOLLOWING GROUND FOR MOTION FOR OUT-OF-TIME APPEAL WITH PLAINLY MATTER OF FACTLY, DETERMINE WHO, (WHICH MEANING DEFENDANT'S COUNSEL AT THE KNOWN TIME, MAX HIRSH, ULTIMATELY BORE THE RESPONSIBILITY FOR FAILURE TO FILE A TIMELY APPEAL, FROM DEFENDANT'S JANUARY 23rd 2013 CONVICTION. THE FOUNDATION OR ROOT CASE CITED FOR THIS MOTION FOR OUT-OF-TIME APPEAL WILL BE: BROWN VS. STATE NO. A12 A117/A12A1717. DEFENDANT HAS A RIGHT TO APPEAL DIRECTLY THE DENIAL OF HIS TIMELY MOTION TO WITHDRAW GUILTY PLEA AND ALSO ENTITLED TO ASSISTANCE OF COUNSEL FOR SUCH A DIRECT APPEAL

GROUND #1: INEFFECTIVE ASSISTANCE OF COUNSEL

JANUARY 23rd 2013, DEFENDANT NYERAH, AFTER A FULL TWO YEARS IN ROCKDALE COUNTY JAIL, MORE SO A HAND FULL OF PLEA OFFERS, NONE OF WHICH WERE BELOW TWENTY YEARS, WERE ALL DECLINED, FOUND HIMSELF IN AN PLEA HEARING AT SIX O'CLOCK IN THE EVENING ONE OF WHICH FEATURED ROCKDALE SUPERIOR COURT JUDGE IWRIN, PROSECUTOR, DEFENDANT'S ATTORNEY AND VERY FEW WITNESSES. THE DEFENDANT HAD NO KNOWLEDGE OF WHAT THE FOLLOWING PROCEEDINGS WOULD BE BESIDES THAT IT WAS A HEARING WITH THE JUDGE AND D.A, AT THE LAST POSSIBLE MOMENT THE DEFENDANT WAS MADE AWARE THAT THE FOLLOWING HEARING WOULD BE FOR PLEA NEGOTIATIONS. THE DEFENDANT EXPLAINED TO HIS COUNSEL SEVERAL TIMES DOING THE PERIOD OF THIS CASE THAT HE'D RATHER STAND TRIAL, AN OPTION HE TOOK HIGHLY IN UPHOLDING, MORE SO THIS STATEMENT WAS MADE KNOWN ON RECORD TO THE COURTS BY DEFENDANT'S COUNSEL (MAX HIRSH) LATER ON IN THESE EXACT SAME PROCEEDINGS. BEFORE ENTERING THE COURT ROOM DEFENDANT WAITED IN A HOLDING CELL, STILL ABSENT-MINDED ABOUT THE WHOLE SITUATION AT HAND. AFTER A FEW BRIEF HOURS HIS ATTORNEY EXPLAINED THAT THE STATE WOULD BE OFFERING HIM A NON-NEGOTIATED PLEA,

ONE OF WHICH HE DIDNT EXPLAIN IN ITS FULL SPECTRUM OF CONSTITUTIONAL AND STATUTORY RIGHTS. HE WAS TOLD BRIEFLY THAT THE STATE WOULD RECOMMEND FOR LENIENCY FOR AN EXCHANGE OF HIS GUILTY PLEA AND ALSO FOR HIS WORK IN HELPING HIS CO-DEFENDANT (SEAN FOSTER) PLEAD GUILTY ON JANUARY 18TH 2013. DEFENDANT AND SEAN FOSTER WERE ALLOWED BY THE PROSECUTOR TO CONVERSE IN FULL ON THIS DATE. THE PAIR WERE TOLD BY THEIR LAWYERS, THAT THE D.A INFORMED THEM THAT ONE WOULD NOT BE ABLE TO PLEAD OUT IF THE OTHER CHOOSE TO GO TO TRIAL. DO TO THEIR IGNORANCE OF THE LAW, THE PAIR WENT ON TO BELIEVE THIS TRICKERY, AND SEEK, TO HIS KNOWLEDGE, THE ONLY POSSIBLE RESCUE AS TOLD BY THEIR ADVISERS, WITH THE WORD OF THE PROSECUTOR ON LENIENCY AND A DEER OF 30 TO SERVE 10 YEARS IN CONFINEMENT, LIKE SUCH OFFER OF HIS CO-DEFENDANTS, THE DEFENDANT NEVER LEFT THE DECISION WITH THE BEST ADVICE OF HIS COUNSEL TO CHANGE, THE RECORD STATES DEFENDANT'S DECISION AND HIM SAYING WHAT LAYS IN THE CASES EVIDENCE IS MADE KNOWN TO HIM BY HIS ATTORNEY AND HE IS MOVED BY HIS ADVICE ALONE, AFTER PLEADING, SENTENCING IMMEDIATE FOLLOWED WITH THE DEFENDANT PROMPTLY EXPLAINING HIS DILEMMA AND THE RECONSIDERATION OF HIS SENTENCE, WHICH WAS DENIED BY THE COURT, FOLLOWING HIS CONVICTION, FEBRUARY 7TH 2013, THE DEFENDANT FILED A MOTION TO WITHDRAW HIS PLEA IMMEDIATELY, HE PROTESTED THAT THE TERMS OF THE NON-NEGOTIATED PLEA HAD BEEN MISREPRESENTED TO HIM AND HIS RIGHT TO APPEAL WAS NOT ADEQUATELY EXPLAINED TO HIM. BUT FOR THE COUNSEL'S UNPROFESSIONAL ERRORS, THE RESULTS OF THE PROCEEDINGS WOULD HAVE BEEN DIFFERENT. THE DEFENDANT RECEIVED TO A LETTER FROM THE PUBLIC DEFENDANT'S OFFICE OF ROCKDALE COUNTY INFORMING HIM THAT HIS MOTION TO WITHDRAW WAS SHOWN TO THE JUDGE BY THE CHIEF PUBLIC DEFENDER, WHICH WAS NEITHER DENIED OR GRANTED, OR DOCKETED FOR THE RECORD. IT IS FOR A MOTION OF WITHDRAWAL, BY COMING LAW TO CONSTRUCT THE PETITION LIBERLY AND AVOID DISMISSING IT FOR FAILURE TO COMPLY WITH THE TECHNICAL REQUIREMENTS, FURTHERMORE FAILURE TO CONDUCT LITTLE TO NONE PRESENTENCE INVESTIGATION OR ANY INVESTIGATION AT ALL TO THE CLAIMS OF THE DEFENDANT AND THIS CASE IN ALL ITS ASPECTS AND ITS EVIDENCE OF FACTUAL BACICS, MORE SO, PLAIN PRECUCUTES PRIOR TO ENTERING PLEA WERE NOT SATISFIED, AS A MATTER OF LAW ON RECORD. IT IS THE WISH OF THE DEFENDANT TO PROVE BY RECORD THE PLAIN CONFLICT OF INTEREST BETWEEN COUNSEL AND CLIENT, ALSO HELD BY THAT RECORD OR OTHERWISE WILL SHOW HIS

EVALUATING THE ADVICE RENDERED BY DEFENDANT'S COUNSEL.

CONSTITUTIONAL DEPRIVATION WILL MORE THAN LIKELY PLAY A PART IN

OF HIS APPEAL RIGHTS. A DEFENDANT HAS A RIGHT TO APPEAL DIRECTLY PRIOR.

JEGLIGENCE OF ^B IGNORE, OR, IF THE APPELLANT WAS NOT ADEQUATELY INFORMED

APPEAL IS THE REMEDY FOR A FRUSTRATED RIGHT OF APPEAL THROUGH COUNSEL'S

AFFECTED DEFENDANT. BY COMMON LAW / CRIMINAL LAW, THE COURT SAY, "AN OUT-OF-TIME

DATE IN QUESTION. UNTRUE STATEMENTS BY COMMON LAW BY ATTORNEY UNQUESTIONABLY

WITHDRAWS HIS PLEA, ON JANUARY 24TH 2013 AND JUDGMENT WAS FINAL AS OF

STATEMENT BY PHONE IN COUNTY JAIL, STATING THAT HE COULD NOT FILE A MOTION

AND UNSUB. PUNISHMENT IN VIOLATION OF HIS EIGHTH AMENDMENT RIGHTS. COUNSEL

SADLY RESULTING IN THE OUTCOME BEING, FROM COMMON LAW PERSPECTIVE, CRUEL

AND UNJUST. MORE SO, THE SIGNIFICANCE AND CONSEQUENCES OF THIS PLEA

OFFER, BESIDES HIS COUNSEL'S MISINFORMATION EXPLAINING HIS NON-NEGOTIATED

PLEA OFFER, HIS WILLINGNESS TO PROCEED ON WITH TRIAL AND WOULD NOT TAKE THE D.A.'S

AS A GREAT PROBABILITY THAT, HIS ATTORNEY PLAINLY STATES ON RECORD

PREJUDICE COMPONENT IN THE CONTEXT OF HIS GUILTY PLEA WILL BE SEEN

THE SIXTH MONTH PERIOD IN THIS CASE. THE DEFENDANT IS SURE THE

TIMELY MOTION TO SPEEDY TRIAL UPON THE DEFENDANT'S REQUEST AT

WAS INEFFECTIVE BY (STRIKLAND VS. WASHINGTON) NOT FILING A

SENTENCE. IT IS ALSO THE WISH OF THE DEFENDANT TO PROVE HIS COUNSEL

EXPERIENCING ADVERSE COLLATERAL CONSEQUENCES FROM HIS CRIMINAL

OF FORTY TO SERVE TWENTY IN CONFINEMENT. DEFENDANT HAS ALSO BEEN

THE DEFENDANT "STUPID" FOR NOT ACCEPTING THE PROSECUTOR'S OFFER

ONE OF THESE MEETINGS THE COUNSEL EVEN GOES AS FAR AS CALLING

COUNTY JAIL, EACH TIME BEING MORE THAN 15 MINUTES. DURING

FOUR TIMES IN THE TWO YEARS DEFENDANT WAS HELD IN THE

FULLY INVESTIGATE THIS CASE. COUNSEL ONLY SAW DEFENDANT

GROUND#2 JUDICIAL MISCONDUCT + BTAGNESS / EXCESSIVE BAIL

THROUGHOUT THE COURSE OF THIS CASE THE TRIAL JUDGE CAN BE SEEN IMPROPERLY INSERTING HIMSELF INTO THE PLEA BARGAINING PROCESS. AT ONE POINT ADVISING THE DEFENDANT HE WOULD GIVE HIM A PLEA OF 12 YEARS TO SERVE IN CONFINEMENT, BUT HE WOULD NOT GIVE HIM THE SAME SENTENCE CONSIDERATIONS IN THE EVENT THAT HE OPTED TO PROCEED TO TRIAL RATHER THAN ACCEPT THE PROPOSED PLEA. THERE WAS A SUBSTANTIAL LIKELIHOOD THAT THE DEFENDANT WAS UNDUY INFLUENCED TO PLEAD GUILTY BY THE JUDGE'S COMMENTS. IT HAS BEEN SAID THAT: "THE JUDGE BRINGS TO BEAR THE FULL FORCE AND MAJESTY OF HIS OFFICE. HIS AWESOME POWER TO IMPOSE A SUBSTANTIANTLY LONGER OR EVEN MAXIMUM SENTENCE IN EXCESS OF THAT PROPOSED IS PRESENT WHETHER REFERRED TO OR NOT. A DEFENDANT NEEDS NO REMINDER FROM THE COURT THAT IF HE REPELTING THE PROPOSAL, AND STANDS UPON HIS RIGHT TO TRIAL AND IS CONVICTED, HE FACES A SIGNIFICANTLY LONGER SENTENCE. NORRIS VS. THE STATE COURT OF APPEALS OF GEORGIA 277 GA APP 289277 GA APP 286:626 SE 2d 220626 (2006) FURTHERMORE, THE JUDGE'S FAILURE TO CONSIDER MITTIGATING CIRCUMSTANCES SUCH AS THE D.A'S THEORY OF MERE PRESENCE AND MERE ASSOCIATION. THE DOCTRINE OF PROCEDURAL DEFAULT RESULT IN A MISCARRAIGE OF JUSTICE FROM THE COURT'S REFUSAL TO REVIEW THE CLAIM. IT'S IS THE WISH OF THE DEFENDANT TO BE GRANTED A HEARING ON THESE ISSUES WHICH MOST CERTAINLY CAN NOT BE AVOIDED, BY A CLEAR SHOWING OF PREJUDICE. MOST CERTAINLY A CONSEQUENT DENIAL OF THE PROGRESS- NOTICE OF RETRACTION ON THE HONORABLE JUDGE IRRING'S BEH

IT IS ALSO THE WISH OF THE DEFENDANT TO BE GRANTED HIS MOTION FOR OUT-OF-TIME APPEAL TO WITHDRAWAL HIS GUILTY PLEA AND THE SAME ISSUE VIEWED FOR CONSIDERATION. IF IT WOULD PLEASE THE COURTS DEFENDANT WOULD ALSO LIKE TO BE PROVIDED AN APPEAL BOND. THE DEFENDANT BRINGS TO THE ATTENTION OF THE COURTS THAT HE IS A LONG STANDING MEMBER OF THE UNITED STATES ARMY AND WAS ON ACTIVE DUTY STATUS WHEN HE TURNED HIMSELF OVER TO LAW ENFORCEMENT DECEMBER 27th, 2010. HIS CO-DEFENDANTS BAIL WAS SET AT \$250,000 PROPERTY OR CASH BAIL, WHILE HIS WAS SET AT \$2 MILLION DOLLARS FOR NO VISIBLE REASON. THE PRUDICE COMPONENT SET IN DEFENDANTS BAIL ALONE SHALL VISIBLY STATE A VIOLATION OF HIS 8th AMENDMENT OF EXCESSIVE BAIL. OPPRESSIVE PRETRIAL INCARCERATION AND ANXIETY, ARE THE CONCERN BEYOND THAT WHICH NECESSARTLY ATTENDS CONFINEMENT IN A PENAL INSTITUTION. IF GRANTED BAIL THE DEFENDANT WOULD SEEK IMMEDIATE SERVICE FOR OVERSEAS DUTY. Assuming that the imposition of conditions FOR BAIL CAN RISE TO THE LEVEL OF A CRIMINAL PUNISHMENT. TO THE CONCLUSION OF THE COURTS. HALIKTPOULOS VS DILLTON, 139 FSUPP.2d 312,315 (E.D N.Y 2001)

NOTHING ELSE FOLLOWS.

GROUND #3: FAILURE TO APPOINT COUNSEL FOR APPEAL

SEVERAL ATTEMPTS WERE MADE ON DEFENDANT'S BEHALF TO SEEK COUNSEL FOR HIS HEARING TO WITHDRAWAL HIS PLEA, AFTER HIS CONVICTION, NONE OF WHICH WERE ANSWERED. THE DEFENDANT NEVER RECEIVED AN CORRESPONDENCE SAYING HIS MOTION FOR APPOINTED OF COUNSEL HAD BEEN NOTED FOR RECORD OR DECLINED ALL THE SAME. THE RECORD CONTAINS NO EVIDENCE THAT APPEAL COUNSEL WAS APPOINTED AND THERE WAS NO RESPONSE TO HIS LETTERS. (CASE LAW: LEONARD VS. STATE, 293 GA APP 808, 809 (1) (668 S.E. 2d 321) (2008): "PREJUDICE IS PRESUMED AND THE HARMLESS ERROR ANALYSIS DOES NOT APPLY WHERE THERE HAS BEEN A TOTAL DENIAL OF THE ASSISTANCE OF COUNSEL. NYERAH DID NOT CONSENT TO FORGOTING AN APPEAL OF HIS CONVICTION, BY OBSERVATION THE TRIAL COURT THUS ABUSED ITS DISCRETION WHEN IT DENIED HIS MOTION FOR AN OUT-OF-TIME APPEAL"

NOTHING ELSE FOLLOWS

GROUND #4 VALIDITY OF GUILTY PLEA / ILLEGAL SENTENCE

IT HAS BEEN SAID THAT, "IF, INDEED, A GUILTY PLEA DEFENDANT HAS DIMINISHED APPELLATE RIGHTS BECAUSE HE PLEAD GUILTY, SHOULD HE NOT BE INFORMED OF THE CONCOMITANT LOSS OF APPELLATE RIGHTS BEFORE HE ENTERS HIS PLEA? IF THE DEFENDANT PLEAD GUILTY BUT WAS NOT TOLD HE WAS GIVING UP ASPECTS OF HIS RIGHT TO APPEAL INCLUDING THE RIGHT TO ASSERT ON APPEAL THAT HIS ATTORNEY DID NOT RENDER EFFECTIVE ASSISTANCE OF COUNSEL, IS NOT THE PLEA SUBJECT TO ATTACK AS UNKNOWING AND INVOLUNTARY?" CALDWELL VS STATE GA 213 GA APP. 531 CASE NO. A94A-0781

- NOTHING ELSE FOLLOWS -

- ILLEGAL SENTENCE -

THE DEFENDANT WOULD LIKE A REVIEW OF HIS SENTENCE, AS HE FEELS THAT IT IS ILLEGAL IN ITS CAPACITY BEING THAT BY, LUKE VS STATE, SUPRA, THE SAME FACTS WERE USED BOTH TO PROVE ARM-ROBBERY AND AGGRAVATED ASSAULT. THEREFORE THE TWENTY CONVICTIONS OF AGGRAVATED ASSAULT AT ISSUE SHOULD IN FACT MERGE WITH THE ARM-ROBBERY AND POSSIBLY SET ASIDE. BY COMMON LAW, THERE WOULD BE A MERGER IN THE TWO CHARGES BEING THAT ONE CRIME WAS INCLUDED IN THE OTHER. LENON VS STATE 2008, 290 GA APP 626, 660 SE 2d 16. IT IS THE WISH OF THE DEFENDANT THAT THESE ERRORS BE REVIEWED AND THE SAME REVERSED. AS THE STATE FAILED TO ARGUE OR PRESENT SEPERATE UNDELYING FACTS USED TO PROVE AGGRAVATED ASSAULT AND EITHER ARM ROBBERY.

NOTHING ELSE FOLLOWS

GROUND# 5: ERROR FROM DENIAL OF FREEDOM OF INFORMATION ACT REQUEST

ON MARCH 20TH 2013 DEFENDANT, NYEPAH, FILED A PETITION OF FREE
INFORMATION ACT/ PRIVACY ACT REQUEST. THIS PETITION FILED IN
THE SUPERIOR COURT'S OF ROCKDALE COUNTY, DID NOT FOLLOW A
RESPONSE. THIS PETITION IN PURSUANT TO TITLE 5, UNITED STATES
CODE, ACT 5 U.S.C 552, (1982 AND SUPP. IV 1986) SECTIONS 552.552
CO. CD. CO), MOST DEFINITELY PLAYED A HENDERING ROLE IN THE
DEFENDANT'S ABILITY TO PROCEED IN HIS APPEAL FOR OUT-OF-FIG
MOTION, FURTHER MORE, VIOLATING HIS STATUORY RIGHTS IN THIS
SECTION. NONE OF THE REQUESTED INFORMMATION WAS DEEMED
NON-RELEASABLE, MORE SO THE COURTS DID NOT STATE THE
STATUORY OR REGULATORY REASONS FOR DENIAL OF INFORMATION. THE
FREEDOM OF INFORMATION/PRIVACY ACTS, AS AMENED BY PUBLIC LAW
930502, 88 STAT. 1561, A COMPLAINT WAS ALSO FILED WITH THE
U.S. JUSTICE DEPARTMENT OF JUSTICE OF THE UNDERLINED DENIAL.

NOTHING ELSE FOLLOWS

CERTIFICATE OF SERVICE

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

This 13th day of January, 2014.

Respectfully submitted,

MENSHACK NYEPAH

X Menshack Nyepeh

668 P.O. BOX TRION, GA 30753

Person(s) served: 1) Rockdale Clerk of Court Ruth Wilson

2) D.A. Richard R. Read

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

Date: January 24, 2014

To: Mr. Neville Turnbull, GDC1000976378, Dooly Correctional Institution, Post Office Box 750, Unadilla, Georgia 31091

Docket Number: A13A1846 **Style:** Neville Curtis Turnbull 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. **An improper Certificate of Service accompanied your document(s). Rule 6**
5. **Your Certificate of Service did not include the complete name and mailing address of each opposing counsel and pro se 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)
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:**

IN THE COURT OF APPEALS
STATE OF GEORGIA

TURBOW

A13A1846

2010 CR 01805-05

THE STATE OF GEORGIA

Motions for Reconsideration

CLERK, COURT OF APPEALS OF GEORGIA

JAN 23 2014

FILED IN OFFICE

Comes Along, Turbow, the Above-named Applicant/Inventor Darrin F. Turbow, and others, moves for this Court to Reconsider its order denying his motions for new trial, and a reversal, not limited to ineffective assistance of counsel.

RECEIVED IN OFFICE
JAN 23 PM 2:56
COURT OF APPEALS OF GEORGIA

That and foremost, Appellate Counsel was inconsistent for only raising one issue instead of this Court, when she had told otherwise. Hence, Turbow requests all claims, and issues

A reversal motion for new trial was filed by Counsel on January 26, 2012, and amended motions for new trial on December 27, 2012, and a Request for Reconsideration was filed on January 23, 2013, regarding US 3 grounds

Turbow hereby adopts all issues raised in the above three motions and Request Grounds US# 5, 6, 7, 8 and 9 at present, even though

Council was ineffective for abandonment, withdrawing, kicking over them.

Turabul neverby punus good 'rubabus' cause for his case to be reversed, or remanded back to lower court for the purpose of hiring.

NEW APPELLATE COUNCIL AND AN EXPERT WITNESSES TO TESTIFY (AFTER INVESTIGATING HIS TRIAL AND THE STATE'S EXPERTS) AT HIS MOTIONS FOR NEW TRIAL TO SHOW CAUSE WHY TURABUL'S CASE WAS EXHAUSTED, PREJUDICIAL, ADMINISTRATIVE, WHY HE DESERVES A NEW TRIAL.

TURABUL WERE BY SHOWING THAT THE FOLLOWING GROUNDS AND GROUNDS INTER ALIA AT FOUND.

ROUND 1. TURABUL DENIES ACCESS TO EFFECTIVE ASSISTANCE OF COUNSEL, BY HIS TRIAL AND ALSO HIS APPELLATE COUNCIL - INCURPABLE (AMNT #11 - filed 06/12-27)

A. APPELL PROCEED WAS INEFFECTIVE FOR NOT REMAINING AND CHOOSE AN EXPERT WITNESS AT MOTIONS FOR NEW TRIAL HEARING TO REBUT THE TESTIMONY OF CHINA AND THE STATE'S EXPERT (3) WITNESSES

• APPELLATE COURT HAS ORDERED THAT TRIA COURT WAS JUST AS IMPARTIAL FOR NOT DENYING HER APPEAL AS IT WAS FOR DENYING HER APPEAL. THE VERY SAME. TWICE OVER.

• COURT HAS ADMITTED TO APPELLATE COURT: - SHE DID NOT OBTAIN AN EXPERT TO TESTIFY AT (MPT) HEARING: • HER REQUEST FOR EXPERT TO TESTIFY WAS DENIED FOR LACK OF FUNDS BY THE INDEPENDENT DEFENDANT OFFICE. COURTS DID NOT FILE ANY MOTIONS TO THE COURT TO ATTEMPT TO SECURE FUNDS FOR AN EXPERT WITNESS TO TESTIFY AND INVESTIGATE TUMBUWS CASE-LUMA

JOHNSON V. STATE, 266 CA. 380, 393 (2) (1967 S.E. 2D. 542) (1996); STICKLAND V. WASHINGTON, 104 S. CT. 2052 (1984); U.S. V. AMERICA VI. ARK V. OKLAHOMA, 470 U.S. 68 (1985); GILLES V. WAINWRIGHT, 372, U.S. 385 (1963)

(I)

• TURNBULL PRODUCE BELIEVE THAT NOT HAVING EXPERT WITNESSES DESTROYED HIS DEFENSE BASED UPON THE FOLLOWING EXPERT OF THIS FORENSIC STUDY -

ENTITLED:

"INTERVIEWING METHODS AND HEARING TESTIMONY IN BATTERED CHILD SEXUAL ABUSE CASES: QUESTIONS OF ACCURACY"

<http://www.ipt-forensics.com/journal/volume9/19-1-4.htm>

* ABSTRACT: IT IS DIFFICULT TO OBTAIN ACCURATE INFORMATION FROM YOUNG CHILDREN. THE POTENTIAL INACCURACIES IN HEARSAY TESTIMONY ARE A CRUCIAL ISSUE BECAUSE OF THE LIKELY DUE PROCESS VIOLATIONS CREATED BY INACCURATE AND UNRELIABLE HEAR-SAY

• IT IS PARTICULARLY IMPORTANT TO VIDEOTAPE ALL INTERVIEWS WITH THE CHILD.

1.
THE CURRENT RESEARCH TODAY ON INTERVIEWING TECHNIQUES WHICH MAY COMPROMISE THE RELIABILITY OF CHILDREN'S TESTIMONY IN SUSPECTED CHILD SEXUAL ABUSE CASES FALLS UNDER (QUESTIONS OF ACCURACY) AND NOT LIMITED TO:

2.
IMPROPER INTERVIEWING METHODS AND THEIR NEGATIVE AFFECT ON CHILDREN'S TESTIMONY

A.
REPEATED QUESTIONING

B.
SUGGESTIVE OR MISLEADING QUESTIONING

C.

5.

EMOTIONAL TONE OF THE INTERVIEW

D. EFFECTS OF PEER PRESSURE

E. EFFECTS OF BEING INTERVIEWED BY ADULTS WITH HIGH STATUS

F. EFFECTS OF INTERVIEWER BIAS ON CHILDREN'S REPORTS

3. RISK OF INACCURACIES IN HEARSAY TESTIMONY IN CHILD SEXUAL ABUSE CASES ARE:-

A) FAULTY MEMORY

THE DANGER THAT THE DECLARANT WILL FORGET
KEY MATERIAL.

B) AMBIGUITY

THE DANGER THAT THE MEANING INTENDED BY
THE DECLARANT WILL BE MISINTERPRETED BY
THE WITNESS, AND HENCE THE FACT FINDER.

C) MISPERCEPTION

THE DANGER THAT THE DECLARANT MISJUDGES,
MISINTERPRETES, OR MISUNDERSTOOD WHAT
SHE HEARD OR SAW.

D. LACK OF CONSIDERATION
THE RESEARCHER THAT THE RESEARCHER WILL CONSIDER IN
LIFE.

4. SEE ALSO DUE CARE CONSIDERATIONS RELATED
TO HEARSAY AND
TO IMPROPER INTERVIEWING AND INTERVIEWS
AND
RATIONALS FOR VIOLATING OF ALL INTERVIEWS
WITH CHILDREN

Objective Standards

A. THE SUPREME COURT OF THE UNITED STATES
KUIEN IN AND V. ARIAS THAT ADMITS OF
CHILD'S HEARSAY STATEMENTS VIOLATED THE
CONSTITUTION CLAUSE OF THE SIXTH AMENDMENTS.

3. THE SUPREME COURT DECISION HELD THAT
"THE COURT MUST DETERMINE 'PARTICULARIZED
CIRCUMSTANCES OF TRUSTWORTHINESS' REQUIRING
THAT SUCH 'TRUSTWORTHINESS' CIRCUMSTANCES MUST
BE SHOWN FROM THE 'TOTALITY' OF THOSE CIRCUMSTANCES

that found the merits of the statement and render the declarant particularly worthy of belief. " Statement admitted under hearsay exceptions must be "so trustworthy that adversarial testing would add little to its reliability. "

IDAHO V. USUAGT (1990), 497 U.S. 805

C

THE OVERARCHING QUESTION IS WHETHER STATEMENTS OBTAIN FROM A CHILD FACE TO A JUDICIAL PROCEEDING AND OFFER AS HEARSAY DECLARATIONS CAN MEET THE REQUIREMENTS OF

" JUDICIAL NOTICE OF RELIABILITY "

THE EMERGING JUDICIAL SCIENCE LITERATURE SUGGESTS THAT " IMPROPER INTERVIEWING AND INVESTIGATIVE METHODS MAY JEOPARDISE THE TRUSTWORTHINESS OF THE RELIABILITY OF THE EVIDENCE ITSELF.

• HOWEVER, THE LITERATURE SUGGESTS THAT " IMPROPER QUESTIONING CAN, IN EFFECT, DESTROY THE PRIMARY EVIDENCE -- THE TESTIMONY OF THE CHILD -- SUCH THAT CROSS-EXAMINATIONS OF THE CHILD CAN NO LONGER PROVIDE RELIABLE INFORMATION "

6.
 CHILDREN'S TESTIMONY IS SUSCEPTIBLE TO CONTAMINATION
 FROM SEVERAL FACTORS.

THE LEGAL SYSTEM (ACCORDING TO SOME STUDIES) DOES
 LITTLE TO INSULATE A CHILD FROM THIS SUSCEPTIBILITY

— ON THE CONTRARY —

IT COMPOUNDS AND UNDERMINES A CHILD'S
 RESISTANCE.

7.
 SUBSTANTIAL INTERVALS OFTEN OCCUR BETWEEN
 THE OBSERVED EVENTS AND TESTIMONY AT TRIAL

A.
 MULTIPLE PRE-TRIAL INTERVIEWS AND CONDUCTS

B.
 INTERVIEWERS WHO ARE AUTHORITY FIGURES

1. POLICE OFFICERS
2. DETECTIVES
3. PROSECUTORS
4. PARENTS
5. ADVOCATES / COUNSELLORS
6. THERAPISTS

--- MAY CONSCIOUSLY OR UN-CONSCIOUSLY
 INFLUENCE THE CHILD'S ACCOUNTS.

C.
 IN LIGHT OF THESE FACTORS, SUBSTANTIAL —

IMPLEMENT AND DISTRICTS OF A COUNCIL MEMBERS BEH INEVITABLE. THE RESULTS -

CONTRIBUTIONS

8. Young children are sensitive to the status and power of their interviewers. As a result, they are especially likely to comply with the implicit and explicit agenda of their interviewers.

• Children are more likely to believe adults than other children, they are willing to go along with the wishes of adults, and are more apt to incorporate adults' beliefs into their reports.

9. Interviews with children in distressed sexual abuse cases are often conducted using improper techniques.

A. Studies have identified a continuum of questioning methods ranging from frontloaded disclosures by the child with non-leading techniques through to minimally leading, moderately leading, and maximally leading techniques.

B.

STUDIES HAVE NOTED THAT

- IF THE CHILD IS PRESENTED WITH INACCURATE POST-EVENT INFORMATION;
 - INTERPRETATIONS, OR EXPLANATIONS,
- THE MISLEADING INFORMATION WILL MODIFY THE CHILD'S MEMORY OF THE EVENT BEING RECALLED.

C.

GENERALLY SPEAKING, "THE YOUNGER THE CHILD THE MORE LIKELY THE CHILD WILL ACCEPT SOMEONE ELSE'S INTERPRETATION OF AN EVENT IF IT BEARS A RESEMBLANCE TO THE ORIGINAL EVENT."

10.

INTERVIEWS

IS DEFINED AS ANY DISCUSSION WITH ANY PERSONS WHETHER IT IS A "PARENT", A "TEACHER", A "SOCIAL WORKER" AN "ATTORNEY" OR A "LAW ENFORCEMENT OFFICER"

A.

CERTAIN CONDITIONS OF INTERVIEWS HAVE A HIGH RISK OF CONTAMINATION TO YOUNG CHILDREN AND THEIR REPORTS

B.

CONTRARY TO PREVIOUSLY - HELD BELIEFS: -

• Errors made by children in repetitive
lexon abuse are also limited to
errors of commission

— Failure of the child to repeat important events
under certain conditions, young children
can also make

• Errors of commission
under certain conditions, young children
can also make

• Errors of commission
about personally experienced events involving
their own bodies i.e. reporting that an
event occurred, which in fact did not occur.

• The status of the person conducting the
interview can have a significant negative
impact on the testimony which is obtained from
the child.

• Questioning if the interviewer has a "bias"
that lexon abuse has occurred,
The interviewer's method of questioning will be
adversely affected and the child's response
or testimony will be consistent with the
interviewer's bias.

HEARSTY TESTIMONY BASED ON THE MENTAL HEALTH PRACTITIONER'S RECOMMENDATIONS OR BY MEANS OF WRITTEN EXHIBITS HAVE BEEN FOUND UNRELIABLE IN COURT

12.
COURT TROUBLE, CONSERVATORS HAVE BEEN KNOWN ABOUT THE ACCURACY OF HEARSTY TESTIMONY PRESENTED BY MENTAL HEALTH AND OTHER PROFESSIONALS ON BEHALF OF THE CHILD IN SUSPECTED SEXUAL ABUSE CASES (I.E. ADVOCATES)

8.
IMPROPER QUESTIONING METHODS MAY IRREVERSIBLY CONTAMINATE THE EVIDENCE FROM THE CHILD, MAKING DETERMINATIONS OF WHAT REALLY HAPPENED IMPOSSIBLE.

11.
A HOST OF IMPROPER INTERVIEWING TECHNIQUES HAVE BEEN IDENTIFIED ALL OF WHICH CAN PERIODICLY COMPROMISE THE RELIABILITY OF TESTIMONY OBTAINED FROM THE CHILD.

13.
VIDEO-TAPING ALL INTERVIEWS NOT ONLY ALLOWS
 REVIEW OF THE INTERVIEWING METHODS AND
 ACCURACY IN RECOUNTING WHAT TRANSPIRED
 BUT — A.

ALSO MAY PROTECT THE CHILD FROM THE
 TRAUMA OF REPEATED, SUGGESTED, AND
 POSSIBLY EVEN COERCIVE INTERVIEWS.

14.
 IN SUSPECTED SEXUAL ABUSE CASES, THE MANNER
 IN WHICH INTERVIEWS HAVE BEEN CONDUCTED BY
 THE INTERVIEWER, AND TESTIMONY HANDLED HAS
 NOT BEEN GOOD SCIENCE; GOOD CLINICAL PRACTICES,
 AND PERHAPS NOT EVEN GOOD LAW.

15.
 * METHODS OF INTERVIEWING, LACK SCIENTIFIC
 OBJECTIVITY AND INSIGHT.

16.
 HEARSAY WHICH LACKS "SUFFICIENT INDICIA OF
 RELIABILITY" WOULD FAIL TO MEET CRITERIA
 FOR ADMISSIBILITY

A
 BOTH "IMPROPER INTERVIEWING AND INACCURATE
 HEARSAY COULD VERY WELL FAIL TO ENSURE
 DUE PROCESS BY LAW"

IN SUPPORT OF THE ABOVE UNDER INEFFECTIVE COUNSEL

2.

GROUND • THE VERDICT WAS CONTRARY TO WEIGHT OF EVIDENCES
INCORPORATES (MNT) GROUND #5 - FILED 2012-01-26

A.

THE MEDICAL DOCTOR THAT DID THE PELVIC EXAM OF
CHILD, DR. ANGELA STANLEY, DID NOT ARRIVE AT
FINDINGS REF. CHILD'S HYMENS OR ANAL ORIFICE
THAT WOULD BE CONSISTENT WITH THE TYPE OF PENETRATION
THAT THE STATE WAS CLAIMING TURNBULL HAD ENGAGED
IN OF CHILD. THERE WERE NO STRONG
PHYSICAL INDICATORS, IN THE CHILD'S BODY TISSUES,
OF SCARRING, STRETCHING, LAXITY OF MUSCLES OR
ANYTHING OF THAT NATURE.

3.

GROUND • IMPROPER BOLSTERING AND PERSONAL OPINIONS
OF EXPERT WITNESS ON CREDIBILITY OF CHILD IN FRONT
OF JURY

INCORPORATES (MNT) GROUND #6 - FILED 2012-01-26

EXPERT WITNESS JUDITH VAUGHAN WAS ALLOWED TO
REPEATEDLY GIVE HER OPINIONS (BASED ON HER
FORENSIC INTERVIEW OF CHILD) (OF SEXUAL ABUSE)
THAT DETAILS SUPPLIED BY THE CHILD — WERE

COMPULSIVE AND THAT DETAILS SUPPLIED BY CHILD WERE SO IDIOSYNCRATIC THAT ONLY A GENUINELY/GENUINELY ABUSED CHILD WOULD MAKE THESE ALLEGATIONS (OR LOOK AT PORNOGRAPHY THEREAFTER)

SUSAN VAUGHAN IN ADDITION TO ABOVE IN TRIAL TRANSCRIPT PG # 194.18, 182.17, 183.1, 187.15, 191.18, 194.1-2 —

- "WHAT SHE TOLD ME HAPPENED"
- "SHE KNEW WHAT SHE KNEW"
- "SHE TOLD ME WHAT SHE KNEW"

(B)

IN FACT SUSAN VAUGHAN; ANGELA STANLEY REBECCA KOWAL ET AL. --- THESE SO-CALLED EXPERTS, DID NOT EVEN KNOW THE CHILD IN QUESTION HAD VIEWED PORNOGRAPHY ON HER STEP-DAD'S COMPUTER OR ON A COMPUTER AT THEIR RESIDENCE IN NC.

(C)

SUSAN VAUGHAN NOR REBECCA KOWAL DID NOT FEEL IT MIGHT BE NEEDFUL TO REVIEW THE PHYSICAL FINDINGS (OR LACK THEREOF) OF MEDICAL DOCTOR ANGELA STANLEY.

• Craig Foster Herring Lacked Proficiency

4.

TO WARRANT - JUDICIAL OF REQUISITION
CONFORM TO C.R.A. § 94-3-10

• TRIAL COURT DID IN FACT ABUSE ITS BROAD
DISCRETIONS IN DETERMINING THE ADMISSIBILITY
OF STATEMENTS (ALLOWING OUT OF COURT
HEARING, STATEMENTS AND ADMISSIONS
OF 18-CAGED FOREIGN INTERVIEWS WITH CHILD CONTINUED
ON DVD IN GARCIA FERRARI 02, 2010) INTO EVIDENCE
UNDER THE CHILD WELFARE STATUTE THAT
VIOLATED TARRANT'S DUE PROCESS SUBSTANTIAL RIGHTS

4.

IN FACT THESE EXPERTS WERE DISQUALIFIED DURING
THE CRAIG FOSTER HEARING.

• TRIAL TRIAL COURT # 17 TRIM # 56

REPORTING TO COURT THAT THEY OBSERVE NO

REGISTRATION OF CHILD; NO INDICATORS OF

COUNSELING OR INTERVIEW FROM CHILD MOTHER

TO INTERVIEW CHILD etc...

8.

CONSTRY TO STATE QUESTIONS ON I.P.G.#49.16
1. CHILD'S DUTY PRESENTED WHERE NOT INTERFERED
CREDIBLE:

2. THE INTERVIEW WITH CHILD WERE TAKEN PLACE IN A BIAS
DIE IN IIC AND THEN IN GA

THESE BIAS WERE NON-NEUTRAL

3. INTERVIEW WERE DONE WITH CHILD WITH BIAS INSTRUMENTS

4. AN EXPERT TO WHOM INTERVIEWED CHILD I.E

JUSTAS VREUNT, ANJELA JANGLEY, REBECCA KOUNG et al

DID IN FACT OBSERVED INDICATORS OF COERCION:

CHILD'S LANGUAGE WAS INAPPROPRIATE FOR HER AGE

AND THEIR WERE ILL-MOTIVES FROM THE MORAL HARMONY

AT WORK BIAS OCTOBER 2009 BEHIND SEXUAL ABUSE

PERFORM: INVESTIGATION HAS NOT INVESTIGATIVE REPORT

OF INCIDENTS WITH CHILD REPORTED JUNE AUGUST 2009

THAT DECEMBER 2009 PREVIOUS TO WHEN TUNISIAN TOOL

COUNCIL TO BOAT SERVICE TO REPORT MULTIPLE MISDEMEANS

OF ABUSE AND COERCION BY CHILD'S MOTHER — UNKNOWN TO TIME

REPORT INVESTIGATION BIAS IN HER GUID

STATE RECEIVED THE FULL BIRTH CERT FROM DEPT OF

AND CHASE WHAT WAS BIRTH CERT ONLY TO THEM

PROSECUTOR MISMANAGED / FROM

O.P.G.A. 24-3-16 (CUNLEY V. STATE, 2008, 257. GA. APP.

563,571 S.E. 2D. 654. O.P.G.A. 24-3-16. IN RE. J.W. 2001,

249. GA. APP. 849, 549 S.E. 2D. 882.)

5.

ISSUES • TRIAL AND APPELLANT COUNSELLOR BOTH WERE
 INEFFEKTIVE FOR APT :-

(A)

SEVERAL MD BRING AN EXPERT TO TESTIFY
 IN TRIAL AND NOTION THE NEED TRIAL IN THE AREA
 OF DIRECT CARE'S EXPERT ON CHILDREN'S;
 CHILD CUSTODY; SEPARATION; PERENTING etc...
 (BUT THOUGH STATISTICS WOULD SHOW THAT THE
 PERCENT OF THESE AGREEMENTS IN THE COURSE
 OF CUSTODY DISPUTES IS BETWEEN 15 AND 35%
 DEPENDING ON WHAT ISSUE ONE WANTS TO SEPARATE)

10.

ISSUES • PROVISIONS OBTAINED BY A VIOLATION OF
 THE ~~THE~~ PRIVILEGE AGAINST SELF-INCRIMINATION

1.

ISSUES • CONVICTIONS OBTAINED BY USE OF COERCED
 AND COERCED TESTIMONY BY STATE PROSECUTORS
 WITNESSES

D.C.C.A. §§§ 16-10-93, 16-2-20, 24-4-1, 24-2-2,
 16-4-1, 16-15-72, 16-10-94, 16-11-40

CRIMINAL •

Criticisms directed by the undersigned
attorney of the "prosecutors et al." as directed to
defendant's evidence favorable to the defendant.

(497 U.S. at 112-113, 96 S.Ct. at 2462, 49 L.Ed.
9d at 354-355); BRADY v. MARYLAND, 373
U.S. 83, 83 S.Ct. 1194, 10 L.Ed. 2d 915 (1963);
ZAR v. MORGAN, 264 GA. 93 (1994); D.C.C.A. 87-16-1
THU 17-16-92 (disclosure sent); D.C.C.A. 94-4-92

9.

Court improperly merged the counts of the
indictment in case no. 91A CR 1805-05 at
sentencing and favored unusual in
the number counts

WYATT v. STATE, 202 Ga. App. 604 (1996)
BLEWISER v. STATE 271 Ga. 605 (1999)

CRIMINAL •

10.

Court improperly allowed evidence of a bond
order that listed other case nos. and charges
missing evidence of defendant's charges to
be improperly presented to jury

IN OSBORNE (A.M.N.T.) CRIMINAL # 10 Filed 05-12-07

GROUND

11.

COURT IMPROPERLY ALLOWED EVIDENCE OF LETTERS
 DEFENDANT WROTE WHILE IN CUSTODY PRIOR TO
 TRIAL TO HIS CHILDREN'S MOTHER (EX-WIFE RAHMEDA)
 INCORPORATE (A.M.N.T.) GROUND #12 - FILED 2012-12-27

CA. 1980 BRIDGES V. STATE 246 CA. 323, 271
 P.E. 2D. 471

GROUND

12.

THE COURT ERRONEOUSLY, DID NOT ALLOW TURNBULL'S
 DEFENSE TO IMPROACH EX-WIFE PUENIKA DOUGLAS
 INCORPORATE (MAY) GROUND #8 - FILED - 2012-01-26

A.

COURT INTERFERED IN PROCEEDINGS, BY ORDERING
 JURY TO LEAVE COURTROOM - THEN IN TURN
 ASK THE STATE IF THEY WANTED TO OBJECT TO
 PLAYING DEFENSE EVIDENCE - 'AUDIO TAPES'
 WHEN IN FACT THE STATE WAS RESPONSIBLE FOR
 THE OBJECTION

B.

T.T PG# 220.9, 220.16

THIS TAPES WHEN PLAYED BEFORE JURY
 WOULD HAVE EXPOSED PUENIKA'S TRUE MANIPULATIVE
 AND VINDICTIVE CHARACTER FOR RETALIATION AND

WOULD HAVE REBUT, COUNTERED AND IMPROVED
DUE TO THE FACTS AND NEGATIVE TESTIMONY

THAT SHE FORMED TO JURY OF TURKISH CITIZENS
THAT GIVE THE JURY THE IMPRESSION THAT TURKISH
IS AN ABUSER, AND A LIAR AND CONSPIRACY TO
GET PEOPLE IN TROUBLE ETC.

INCORRECT. BOND CRISIS INTRODUCED AT TRIAL
THAT STARTED TURKISH TRIPLY REPEATED & PLANNED
AGAINST HIS AZBI WIFE AND GILFINDA

NATASHA AND ON JAMES GREAT INDICATED
HE HAD A PREVIOUS CASE WHERE HE KILLED HIS
EX-WIFE KANLIDEN.

DEFENSE WAS BARRER AND PREVENTED FROM
EVIDENCE FROM MUBI, MORTAL WITNESS
NATASHA CAREER, COUNTERPARTS ON FREEBOOK
RESULTS BATTY PARTER AND DUGLAS THAT GOT
HEARD (OF WHICH DUE TO DUGLAS INTERVIEW
THE CONTACT AT NOVEMBER 9, 2009 AT 2:15 PM
BAD TALKED NATASHA; BAD TALKED TURKISH
BAD TALKED KANLIDEN (BUT WOMEN & EVANGELICAL
HOSTILE WORDS) UNTIL NOVEMBER 9, 2009 AT 9:30 PM

WITNESS OF CONVERSATIONS PRINTED 12-1-2009
COMPILED BY STATE FROM DISCOVERY

GRAND

e.

THE DAY AFTER WHEN MURKIN GOT IN THE LAST
WORD AND BUCKETED PENEIRA AT 9:32 PM

THAT EVENING - THEN TUMBUL TUMER AFTER

TO LA PENEIRA TO ALL UNDER CONTRACT HIM AND
HE WILL NO UNDER AS THE FORMS - THEN BUCKETED
PENEIRA;

PENEIRA RESISTED AND INITIATED CONTRACT WITH

TUMBUL'S CHINA'S MURKIN AT.

NOVEMBER 9, 2009 - 11:44 P.M. AND CHINA'S

ON FREEZE EVALUATION WITH KAMUEVA

UNTIL NOVEMBER, 11, 2009 - 9:59 P.M.

CHANGE OF ENTIRE FREEZE CASE. PENEIRA 11-16-2009

THE STATE DECIDED TO TAKE POLICE FROM DISORDER

AS IF THEY NEVER EXISTED - JUST LIKE THE FULL

LEGAL SERVICES INVESTIGATIVE REPORT, THAT HINDERS

TRIAL COURSE AND DEFENSES.

THE COURT AND STATE JUST DIVERS DEFENSE FROM

PREPARING THE TRUCKS FIRST TO BUY

BY SECRETING THE TRUCK

MURKIN (MUR) CRIMINAL # 9 - FILED - 2009 - JAN 26

14.

Conditions Excluded by the willful and
knowing use of force, duress, bribery,
and extortion and false testimony and evidence
to jury by prosecutors and witnesses

Violations of Canons 5 of the A. B. A. and
Canons 2 of Professional Ethic

GA. 1983 William V. Bates, 250 GA. 463, 298
S.E. 2d 492

MOONEY V. HALDWIN, 294 U.S. 103 / 55 S. Ct.
340, 79 L. Ed. 791

KIRKES V. BATES, 160 GA. APP. 492 (15, 287 S.E.
2d 316 (1981))

A. THE DISTRICT ATTORNEY IS CHARGED WITH
THE KNOWLEDGE OF FORGED TESTIMONY:

B.

THE DISTRICT ATTORNEY IS NOT ALLOWED TO
LET FORGED TESTIMONY GO UNCORRECTED.

NIX V. WITTEL, 475 U.S. 157 (1982)

LAWYERS, ASSOCIATES, PROSECUTORS, DISTRICT ATTORNEYS, JUDGES ETC... ARE MEMBERS OF THE STATE OF CA AND AMPLIFIED BY ADDITIONAL

1. THEREFORE THEY ARE OFFICERS OF THE COURT AND

BOUND BY CERTAIN ETHICAL RULES THAT MAY

AFFECT THE ATTORNEY - CLIENT RELATIONSHIP.

2. FOR INSTANCE A LAWYER / ADVISOR / PROSECUTOR

CANNOT PREVENT A WITNESS WHO THAT COUNSELOR

REVEALS WILL REVEAL THEMSELVES.

[100 S. CT. 988, 89 L. ED. 2D 123, 54 USLW 4194]

NIX V. WITTEL, 272 N.W. 2D 468 (1978);

MILLER V. PATRICK, 386 U.S. 1, 87 S. CT. 785, 17 L. ED. 2D 690 (1967)

D.

... IN A SERIES OF SUBSEQUENT CASES THE COURT HAS CONSISTENTLY HELD THAT:-

1. A CONVICTION OBTAINED BY THE KNOWING

USE OF FORGED TESTIMONY IS FUNDAMENTALLY

UNFAIR...

2. BECAUSE THEY INVOLVE A CORRUPTION OF THE

TRUTH - BECAUSE FUNCTION OF A TRIAL PROCESS

3. ... THAT THE SUPREME COURT FOUND THAT THE STATE PROSECUTION'S TEAM SHOULD HAVE DONE MORE THAN IT DID TO PROTECT THE DEFENDANT'S DUE PROCESS RIGHTS
 (GA. 1983, WILLIAMS V. STATE) O.C.G.A. 16-10-1
 O.C.G.A. 15-10-25

CROWN •

15.

DEFENDANT DENIED ACCESS TO AN IMPARTIAL JUDGE AND JURY IN HIS TRIAL AND WAS SUBJECTED TO MULTIPLE DEGREES OF BIAS (JUDICIAL BIAS) AND VARIOUS ACTS OF DISCRIMINATION:

A.

• EVIDENCE ON RECORD (10) MONTHS BEFORE JURY TRIAL INDICATED (BASED UPON TRIAL JUDGE'S OWN PREJUDICIAL STATEMENTS) THAT IT WOULD HAVE BEEN QUESTIONABLE TO CHALLENGE IF JUDGE HAD ABILITY TO BE IMPARTIAL.

O.C.G.A. 15-10-24; U.S.C.R. 25:1;
 CHRISTENSON V. STATE, 245 GA. APP. 165 (2000);
 BIRT V. STATE, 256 GA. 483 (1986);
 GUNDE V. STATE, 289 GA. 46 (2001)

B.

" OVER COUNSEL'S STRONG OBJECTIONS, TRIAL COUNSEL DENIED HIS CLIENT ACCESS TO THE IMPANELING OF THE JURY. I.E. TURNBULL HAD NO SAY IN THE MATTER WHO HE WANTED TO STRIKE OFF THE JURY BENCH.

COUNSEL WAS INCOMPETENT TO ALLOWING A RATIO OF 9:3 (9 WOMEN) TO SIT ON THE JURY WHEN IN FACT COUNSEL SHOULD HAVE KNOWN THAT WOMEN WOULD HAVE BEEN EMOTIONALIZED HEARD OF SHOW BIAS / DISCRIMINATION IN GENDER GIVING THE CIRCUMSTANCES OF THE CASE AND ALL THE WOMEN INVOLVED THERE IN:

C.

IN FACT ALL THE PROSECUTIVE JURY WAS CONTAMINATED BY A GENTLEMAN WHO MADE AN OUTBURST OF EXTREME PREJUDICE AND BIAS AND TO WHOM REFUSED TO COUSE DURING THE PLOTTING OF SCIENTIFIC DATA. - WHERE THIS GENTLEMAN SAT RIGHT BEHIND DEFENSES, MAKING VERBOCIOUS JOKES AND EXCCAMATIONS SOUNDS.

COUNSEL DISCRIMINATION AGAINST MAFES / DADS.

16. Defendant must victim to informant and irrefragable breach of public trust

Constitutional rights that citizen and have been violated by the judicial public behavior

17. Restitutive and aborative and aggressive actions and prosecutions by the state resources

18. Defendant subjected to numerous claims and irregularities in his criminal case

19. Various deceptions and acts of discrimination

20. The citizens joining Federal Court Judge made errors in the case and delayed it

CRIMINAL

21.

THE STATE FAILED TO PROPERLY PROVE VENUE
 INCURVULATE (PETER A.M.N.T) GROUND 13 JULY 2013 JARD 3

(A)

SHERRELL V. STATE, 317 GA. APP. 571, 731 P.2 2A
 790, 12 FCAR 2809 (2012)

• PROVING PLACE OF OCCURRENCE OF A
 CRIME D.C.G.A. 16-2-1.1 LIES IN STATE
 INDICEMENT

(B)

MARGRAVE V. STATE, 311 GA. APP. 852, 854 (11),
 717 P.2 485 (2011)

• HOLDING THAT VENUE WAS PROVEN BASED
 ON VICTIM'S TESTIMONY THAT MOLESTATIONS
 OCCURRED IN A SPECIFIC JURISDICTION

(C)

TUMBULL PLEADED NOT GUILTY

(D)

GA. CONST. 1983, ART. VI - SEC. II - PARA. VI;
 D.C.G.A. 17-2-2 (A)

(E)

JONES V. STATE, 272 CA. 900, 1901-02 (2), 1537
 C.E. 2D 80 (2000)

THE CA. CONSTITUTION AND STATUTORY LAW
 REQUIRES THAT A CRIMINAL DEFENDANT BE
 TRIED IN THE COUNTY IN WHICH THE ALLEGED
 CRIME WAS COMMITTED...

... WHERE VENUE IS A JURISDICTIONAL FACT,
 AND IS AN ESSENTIAL ELEMENT IN PROVING
 THAT ONE IS GUILTY OF THE CRIME CHARGED IN
 THE INDICTMENT...

... LIKE EVERY OTHER MATERIAL ALLEGATION
 IN THE INDICTMENT, VENUE MUST BE PROVEN
 BY THE PROSECUTOR BEYOND A REASONABLE DOUBT.

PROOF OF VENUE IS PART OF THE STATE'S
 CASE, AND THE STATE FAILS TO PROVE VENUE
 BEYOND A REASONABLE DOUBT. REVERENDS THE
 VERDICT CONTRARY TO LAW, WITHOUT A SUFFICIENT
 EVIDENTIARY BASIS, AND WARRANTS REVERSAL.

GRANDS •

22

ALL ACCUSED FOR TUMBUWI DEFENSE.
 JAMES DEC 2ND 2019 TRIAL. DECEMBER 2013
 UPON AND REFERENCE AND REMOVALS
 TO CASE NO 2014 CLOIBS-05 WAVE 30123
 TO RESPECTU INVESTIGATE THE CASES AND
 REPAIR CASE FOR TRIAL AND APPEAR.

GRANDS •

23.

TUMBUWI ADVICE AND INCORPORATES ALL ISSUES
 AND GRANDS' BY PARTNER OF FACTS
 AND IS FACTY AND IS FROM SUBMITTEN ON
 RESORD TO THE GRANDS COURT COURT
 AND W.D. SISTER COURT WIVES APPLICABLE
 TO SUPPORT ALL THE GRANDS RAISED
 FROM #1 TUMU 22 WIVINS UN' PRO BE
 NATIONALS ENVIEN.

I.E ALL ISSUES WERE RAISED BEFORE A JURY TRIAL
 AND MOTION FOR DEAS TRIM, BUT STAFF AND DEFENSES
 COUNSEL FINED TO RAISE AND RESORDY THESE BREACHES.

2. Pro Se Motion (Complaints Under Investigative Appellate Counsel Amanda Jura.

A. Defendant's Motion for Case Dismissal
in Connection with his Direct Appeal Motion
for New Trial (U.S. Constitutional Breaches!
Judith Mischauer) filed 02/26/25
Superior Court.

B. Defendant's Motion to Withdraw his Appeal
Certificate and Supplement... filed 02/27/27
Superior Court.

C. Defendant's Request for Case
Withdrawal... filed 02/21/27 Superior Court.

3. This is Motion (Complaints Under Investigative
Trial Counsel Kenneth Ellis and WLD
Motions and Investigative Team (Unlimited)

(A)
Motions to Court of Superior to Investigate
Investigative Appraiser and Mischauer
By Kenneth Ellis and Redvers et al.
filed 02/18/27 - Superior Court.

• Notice for the records of the Judicial Court
in conjunction with his direct appeal
motions for new trial... (interference
concerned upon matters: relevant but
et al "then also per os Judicial Court")

• Notice for the records of Judicial Court...
interference of pros. used in conjunction
with direct appeal motions for new trial
... Pros's Brady obligations and
discovery obligations are... violated.
then also per os - Judicial Court records

• The two records... statements of pros...
Victim Victim Act: Judicial Misconduct
then also per os - Judicial Court
and Supplement Interactions - then
also - Oct 31 - Judicial Court

(E) Notice of Intent to Pledge Response Campaign
CHARGES - 2012 - AUGUST - 30 - Files Bureau Court

(F) Notice to Pledge Suite / Judicial Misbehavior
Due Pledges Violation - Files 2012 - AUG. 31
Bureau Court

(G) Notice for the Results of the Court... Statement
of Pledges for use in conjunctions...
Direct Appeal Motion for New Trial
"Case Special Hearing Lacked Sufficiency
to warrant finding of Reversible Error"
Files - NOV - 05 - Bureau Court

~~EXHIBIT 2012 JAN 05~~
~~(William)~~
Thomas Alvord Jr.
Effectively Surrendered

END OF PART ONE — GROUNDS

PART TWO — ARTICLES ATTACHMENT IN SUPPORT
OF GROUNDS # 1, #2, #3, #4, #5, #7 #8

PART THREE — EVIDENCE, AND REFERENCE / ARGUMENT.

FRAMES OF REFERENCE

IN CONCLUSION TO THE ABOVE GROUNDS
(I THRU 23) TURABULL PRAYS THAT THIS COURT

REMAIND HIS CASE BACK TO LOWER COURT FOR
THE SPECIFIC PURPOSES OF: -

A) HIRING NEW APPELLATE COUNSEL TO REVIEW AND
INVESTIGATE CASE;

B) HIRING EXPERT(S) WITNESSES TO TESTIFY

AT MOTION FOR NEW TRIAL HEARINGS;

C) REVERSE COUNTS III THRU VIII DUE
TO IMPROPER VENUE;

D) REVERSE COUNTS I AND II DUE TO FACT

THE STATE DID NOT PROVE VENUE IN CLAYTON

COUNTY AND DID NOT PROVE THAT ANY

COMMISSIONS OF ANY CRIME OCCURRED IN

THAT SPECIFIC RESIDENCE

E) GRANT THE DEFENDANT ALL OTHER REMEDIES

HE IS ENTITLED TO ON THE BASIS OF ALL GROUNDS
LISTED AS PART ONE OF THIS PETITION

~~EXCEPTED 2014 JANUARY 20~~

(Signature)

TURABULL DEVIN A

RESPECTFULLY SUBMITTED

FILE # - 1000976378.

Certificate of Service

This will serve to certify that this
is a true and correct copy / same
of document entries.

"Notice for Respondents in the

Georgia Court of Appeals Case No. A131846

(PC # 1 Trial PC # 33), was filed in the

case No. at the Kelly Construction Inst.

P.O. Box 750, Atlanta GA 30395 with

cover page for delivery to

Georgia Appellate Court

47 Trinity Avenue S.W.

Suite 501 Atlanta GA 30334

EXCERPTS 2014 JAN 20

~~EXCERPTS~~

Matthew Verque Jr

RESPECTFULLY SUBMITTED

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

Date: January 28, 2014

To: Mr. Neville Turnbull, GDC1000976378, Dooly Correctional Institution, Post Office Box 750, Unadilla, Georgia 31091

Docket Number: A13A1846 **Style:** Neville Curtis Turnbull 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. An improper Certificate of Service accompanied your document(s). Rule 6
5. **No Certificate of Service accompanied your documents(s). 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)
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: Your appeal was affirmed by this Court on January 9, 2014. The remittitur issued on January 24, 2014. This Court no longer has jurisdiction.**

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

IN THE GEORGIA COURT OF APPEALS

FILED IN OFFICE

JAN 24 2014

COURT CLERK
THE STATE OF GEORGIA
COURT OF APPEALS OF GA

Motions for Reconsideration

Supplement: Evidence and References.

In Conjunctions to his previously filed

Motions to this Court dated 2/14/13

Reference to Exhibits; Supplemental Motions

Dated 2/14/13, Reference to Articles

Attorney for Support of this Cause;

Supplement Motion dated 2/14/13

Reference to Arguments on Venue;

Tomball Consensus;

Witness this Motion Tomball list all official

Certified and de advised favorable evidence

that Tomball have been presented in support of

Tomball's Defense. Although previous conclusions

were not, they fail to incorporate and acknowledge

reference & discuss with facts.

Tomball newly submits: -

RECEIVED IN OFFICE

2014 JAN 24 PM 3:45

COURT CLERK
THE STATE OF GEORGIA
COURT OF APPEALS OF GA

A13A1841

Tomball

v.

IN THE GEORGIA COURT OF APPEALS
DIV ONE

TURNBULL

A13A1846

(2010 CR 01805-05)

v.

STATE OF GEORGIA

MOTIONS FOR RECONSIDERATION
ARTICLE ATTACHMENT: INTERVIEWING METHODS AND
HEARSAY TESTIMONY IN SUSPECTED CHILD SEXUAL
ABUSE CASE. (QUESTIONS OF ACCURACY)

FILED IN OFFICE

JAN 24 2014

COURT CLERK
COURT OF APPEALS OF GA

COME NOW, TURNBULL, THE ABOVE PETITIONER
AND FILES THIS ATTACHMENT TO SUPPORT GROUNDS
1, #2, #3, #4, #5, #7, AND #8, PREVIOUSLY
SUBMITTED TO THIS HONORABLE COURT ON 2/04/10 AND 2/0
ENTITLED MOTION FOR RECONSIDERATION, RELEVANT
TO GROUNDS # 1 THRU #23 (33 PGS)

RECEIVED IN OFFICE
2014 JAN 21 PM 3:36
CLERK OF COURT
COURT OF APPEALS OF GA

IN ADDITION TO SAID ATTACHMENT ENCAPTIONED
ABOVE TURNBULL ALSO ADDS (2) ARTICLES IN SUPPORT;
ENTITLED

1. BOSTON NAMING TEST (1 OF 1)
2. FALSE MEMORY SYNDROME (1 OF 1)

THE ABOVE ENCAPTIONED ARTICLE ...

INTERVIEWING METHODS ... (QUESTIONS OF ACCURACY) ...
(CONSIST OF 18 PGS.)

EXCEPTEED 2014 JAN 21
TURNBULL

TURNBULL
RESPECTFULLY SUBMITTED

Georgia Court Appeals

Turnbull

THE STATE OF GEORGIA

v.

A13A1846

(LADIS CR 01805-05)

COURT CLERK
CLERK COURT OF APPEALS OF GA

JAN 27 2014

FILED IN OFFICE

Motions for Recusal/Recusal
Argument in Support for Counsel for
Improper Venue

James Aldous Turnbull the ABOVE Petitioners Petition

AND FILED THIS SUPPLEMENTAL MOTION ATTACHING
ARGUMENTS RELATIVE TO IMPROPER VENUE OF

AND TO SUPPORT HIS COUNSEL LISTED IN HIS FIRST
PETITION DATED 01/14/2014.

BASED ON ARGUMENT, EVIDENCE AND FACTS
OFFERED AND ON RECORD, THE STATE DID NOT
PROPERLY PLEAD VENUE IN THE JUDICIAL FOR
THE COUNTRY OF GEORGIA.

THUS TURNBULL'S CASE MUST BE REVERSED.

TURNBULL DEMANDS THE FOLLOWING FACTS
(TRIASIBLE OFFICIAL, DESCRIBED IN ALTERNATE)

RECEIVED IN OFFICE
2014 JAN 27 AM 10:49
CLERK COURT OF APPEALS OF GA

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

January 28, 2014

Ms. Mary Ann Miller
200 Waterwheel Court
Lizella, Georgia 31052

Dear Ms. Miller:

Our office received your letter of December 31, 2013. I am sorry for all the troubles that you describe in your letter. Regrettably, Chief Judge Herbert E. Phipps is prohibited from providing you any advice or assistance regarding the issues you raised. I am returning your correspondence to you.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld
Enclosures

200 Waterwheel Court
Lizella, GA 31052

December 31, 2013

Chief Judge Herbert E. Phipps
Court of Appeals of Georgia
47 Trinity Avenue S.W., Suite 501 Atlanta, GA 30334

RE: Child-napping by Georgia Department of Family Children Services and Georgia Mentor

Dear Honorable Phipps:

Twenty-Seven Million approximates the number of people in modern-day slavery across the world. Slavery is a system under which people are treated as property to be bought and sold. Slaves can be held against their will from the time of their capture, purchase or birth, and deprived of the right to leave.

According to a 2002 report from the Urban Institute, states spent at least \$20 billion on child welfare services for fiscal year 2000. Federal funds accounted for \$9.9 billion, states contributed \$7.9 billion, and local funds totaled \$2.2 billion. Of the \$20 billion, 45 percent -- \$9.1 billion -- was spent on out-of-home placements, including room and board and support services such as mental health counseling. Funds for adoptions, meanwhile, accounted for 9.5 percent, or \$1.9 billion.

Do you know where Malia and Sasha (Natasha) are at this moment? If they were missing the whole world would know and everyone would be praying for their safe return. I am praying for my son, William Kyle Hargis, to return home to our family. My son is a special needs child and has been child-napped by the Georgia Department of Family and Children Services (DFACS) and Georgia Mentor.

Injustice anywhere is a threat to justice everywhere.-Martin Luther King Jr., No Justice, No Peace! Resonatingly, has been the motto of my struggle for 155 days, 10 hours, and 23 minutes. My name is Mary Ann Miller. I have been a foster parent for the Mentor Network for 10 years. My son Kyle Hargis has been in my care and custody for 9 years awarded to me from Mentor Network. I love my son.

On March 22, 2013, employees and representatives from the Mentor Network named parties: Melinda Sams, Carla Gilmer, Tia Jones, and Brittany Shannon conspired to remove Kyle Hargis from our home, by withdrawing him from Southwest High School Macon, GA and taking him back into custody of the Houston County Department of Family and Children Services. I love my son.

On April 30, 2013, after several attempts to contact the Mentor Network and Houston County DFACS worker Brittany Shannon from my family, friends, and acquaintances to why my son

was removed from our home, The Mentor Network wrote us an letter with erroneous, false findings that I was in non-compliance of prescription medication that was to be administered to my son. These allegations are false and unfounded. I love my son.

I am the voice of parents throughout Georgia who do not know where their children are and have not seen them in years since Georgia DFACS have taken their children into custody. I have witnessed the "Gestapo" at work and I witnessed the deceitful conditions under which children were taken in the middle of the night, out of hospitals, off of school buses, and out of homes. I have witnessed ruthless behavior from many caseworkers, social workers, investigators, lawyers, judges, therapists, and others such as those who "pick up" the children. I have been stunned by what I have seen and heard from victims all across this state.

This letter serves as a Call to Action on Child-napping (Slavery) on behalf of the Georgia Department of Family and Children Services (DFCS). However, I believe Child Protective Services nationwide has become corrupt and that the entire system is broken beyond repair. I am convinced parents and families should be warned of the dangers.

The Department of Child Protective Services, known as the Department of Family and Children Services (DFCS) in Georgia and other titles in other states, has become a "protected empire" built on taking children and separating families. This is not to say that there are not those children who do need to be removed from wretched situations and need protection.

However, my concern is about the children that are sold as property to private agencies so that the State of Georgia can bill the Federal Government for entitlement services that are awarded to these foster children. "Legal kidnapping," is Fraud, Waste, and Abuse. Ineffective policies, and an agency that on certain occasions would not remove a child (or children) when the child is flourishing and prospering in a loving home and ensure that they have a bright future, is not in "the best interest of the child."

My son, Kyle Hargis, was in diapers, walked with a slouch, had problems learning, suffered from recurring seizures, and was so introverted that we thought that he was never going to be happy in our home. But, a family that prays to together, stays together. Kyle does not wear diapers, he walks upwards with confidence, passes ever course in school with the assistance of family and a private tutoring agency, has a clean bill of health and never suffered from a seizure, medication compliance, while in our care, and loves us enough to say our names and thank God for us in his prayers. I love my son.

Parents are victimized by "DFACS" that makes a profit for holding children longer and "bonuses" for not returning children to their parents-slave-trading; these caseworkers and social workers are very often guilty of fraud. They withhold and destroy evidence. They fabricate evidence and they seek to terminate parental rights unnecessarily. The Mentor Network, Houston County Juvenile Court, and Houston County DFACS used their preponderance of power and authority to unlawful remove my son, Kyle Hargis from our home based on false accusations reported by the said individuals: Melinda Sams, Carla Gilmer, Tia Jones, and Brittany Shannon. I love my son.

Why would a state agency take my son, Kyle Hargis from the only family he knew and send him to regression is a question that I do not have an answer to? All parties in the interest of Kyle Hargis are by law to act upon the best interest of the child. Adversely, removing Kyle from a stable home was in the best interest of the State of Georgia and a private agency to further abuse a depleted funded system by placing Kyle back into the system instead of a loving, functional home indefinitely. However, when charges are made against Child Protective Services, the charges are ignored; that the separation of families and the "child-napping" is growing as a business because local governments have grown accustomed to having these taxpayer dollars to balance their ever-expanding budgets; Child Protective Services and Juvenile Court can always hide behind a confidentiality clause in order to protect their decisions and keep the funds flowing. There should be open records and "court watches"!

My complaint is that the actions of the State of Georgia and Mentor Network are unlawful and constitute to a violation of fraud, waste, and abuse of public funding, defamation of character, and trespassing. Please assist me in finding resources to help return my son to his rightful home. This is a case of child-napping; it is unlawful; it is an injustice.

RECOMMENDATIONS:

1. Call for an independent audit of all Georgia Child Protective Services (CPS) and for a Federal Congressional hearing on Child Protective Services nationwide.
2. Activate immediate change. Every day that passes means more families and children are subject to being held hostage and their lives destroyed.
3. Abolish the Federal and State financial incentives that have turned Child Protective Services into a business that separate families for money.
4. Assist families with petitions to have their day in court to have their children returned and restore their families.
5. Return my son, William Kyle Hargis, home to our family.

Child Protective Services have become an adult centered business to the detriment of children. No longer is judgment based on what the child needs or who the child wants to be or with whom, or what is really best for the whole family; it is some adult or bureaucrat who makes the decisions, based often on just hearsay, without ever consulting a family member, or just what is convenient, profitable, or less troublesome for the social workers.

Georgia DFACS and Georgia Mentor obliterate families and children simply because it has the power to do so.

Children deserve better. Families deserve better. It is time to pull back the curtain and set our children and families free.

Free at Last, Free at Last, Thank God Almighty, My voice is heard at Last!

I look forward to hearing from you in the very near future. In the meantime, if you need any further information from me, please write to me at the address shown above or contact me via telephone at the numbers above. Please help me return my son home. I love my son.

Sincerely,

A handwritten signature in cursive script that reads "Mary Ann Miller". The signature is fluid and extends across the width of the text area.

Mrs. Mary Ann Miller

A Concerned and Loving Mother

Dear Your Honor,

On behalf of William Kyle Hargis, I would like to express that he has no control over the jurisdictions of his life. William was happy with the life that he had and with the family he loved. William should have a say about where he lives and whom he lives with. It would be cruel for anyone to take away another person's life and tell them what is in their best interest and not take in consideration what interest they have in the issue. William was very happy with his life and he wants to come home. William and I were in the same location at the local Sam's Choice Store, when he saw me; the first thing he said was "Mamma, you came to bring me home!" I told him "Not yet!" But, your honor you have the right to let William be heard and have a say in where he lives and restore him to his family. Please give him his day in court and let him decide. He is the sole stakeholder in his life.

Thank you very much,

Mary Ann Miller
Mary Ann Miller

Mrs. Mary Ann Miller
200 Waterwheel Court
Lizella, GA 31052

December 31, 2013

Chief Judge Herbert E. Phipps
Court of Appeals of Georgia
47 Trinity Avenue S.W., Suite 501 Atlanta, GA 30334

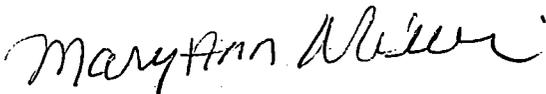
RE: Letter of Appeal

I am writing this letter to appeal your Excellency for directing the Middle Georgia Circuit of Courts to appeal the ruling to dismiss my case for adult guardianship for William Kyle Hargis and denying me a day in court. I would like to inform you that my family has been suffering in agony since Kyle has been gone.

I would like for you to uphold justice and due process to have our day in court. Please let Kyle decide whether or not he wants to remain in the custody of DFACS and the Mentor Network or restore his rightful place with the family he loves. Please do not let the cruel intentions of the State of Georgia agency and associates, diminish the thriving life of a special needs child. He is more than his diagnosis.. Unfortunately, no firm steps have been taken by the officers of the courts to remedy this injustice and I would request you to kindly direct the court personnel to carry our high level enquiry in this matter.

I hope that you will consider my appeal and take necessary action against the same. I will eagerly wait for a positive reply from your side. I would like to thank you for considering my appeal application.

Yours Sincerely,

A handwritten signature in cursive script that reads "Mary Ann Miller".

Mrs. Mary Ann Miller and Family

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

January 31, 2014

Mr. William Middlebrooks
GDC370284 9N6
Wheeler Correctional Facility
Post Office Box 466
Alamo, Georgia 30411

RE: A06A0030. William Middlebrooks v. The State

Dear Mr. Middlebrooks:

Due to the Court's Record Retention Schedule, the Appellant and Appellee Briefs are available for copies or you may obtain a copy of the opinion which consists of 13 pages at a total cost of \$19.50 in the above referenced appeal. You must specify exactly which copies you want when you respond.

Also, please be advised that your pauper status does not excuse you from the copy fees in this Court. Copies are \$1.50 per page.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld

RECEIVED IN OFFICE

2014 JAN 24 PM 3:43

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

WILLIAM MIDDLEBROOKS
QDC-370284, 9N6
POST OFFICE BOX 466
ALAMO, GEORGIA 30411
JANUARY 16, 2014

OFFICE OF THE CLERK
COURT OF APPEALS OF GEORGIA
47 TRINITY AVENUE, SUITE 501
ATLANTA, GEORGIA 30334

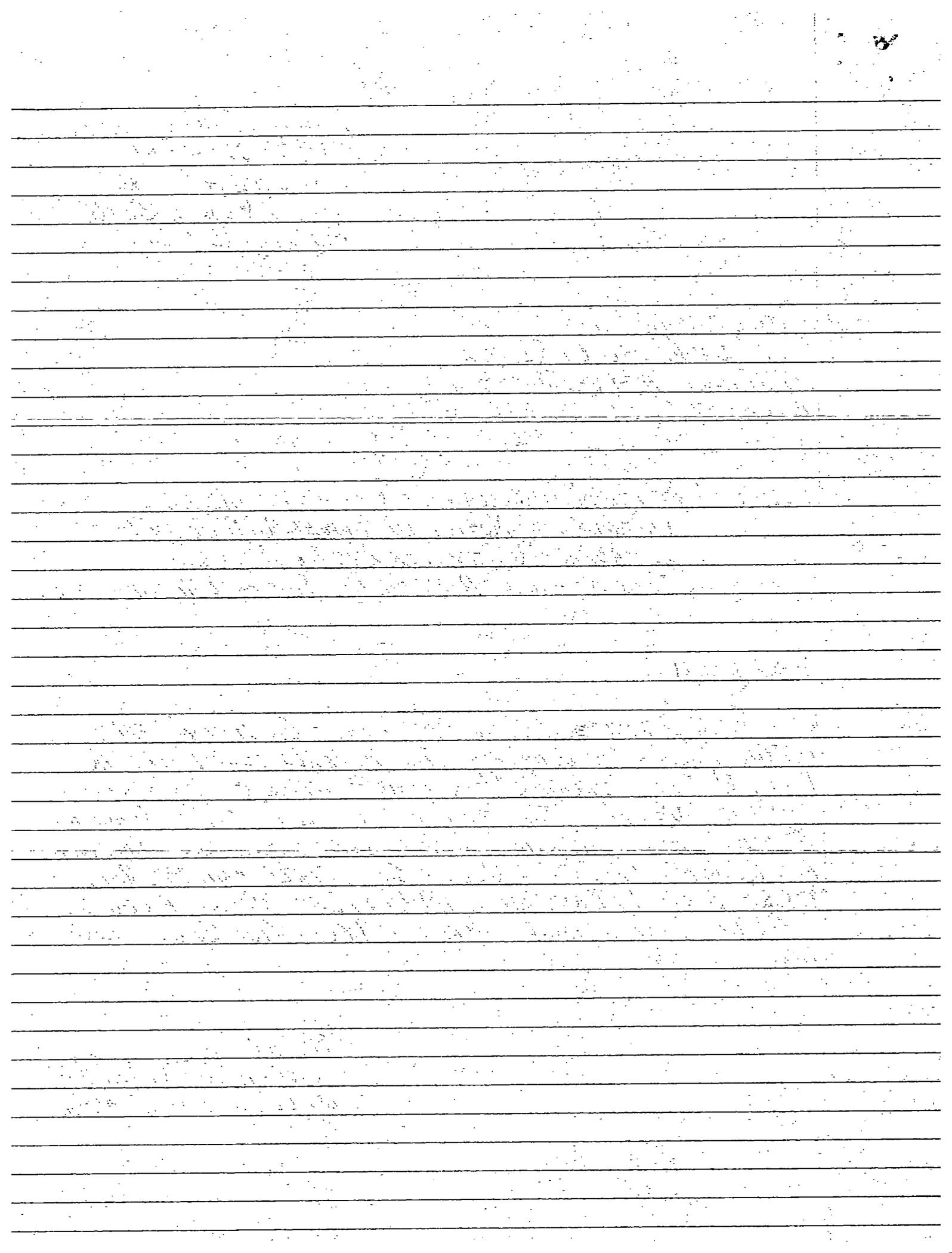
RE: STATE V. MIDDLEBROOKS, CASE No.: 12 DR-0012.
DEFENDANT'S NOTICE OF APPEAL 1) MOTION TO
WITHDRAW GUILTY PLEA AND THE AMENDMENT
THERE TO; AND 2) MOTION FOR SENTENCE MODIFICATION.

DEAR CLERK:

PLEASE ADVISE ME OF THE STATUS OF MY APPEALS
IN THE ABOVE-STYLED CASES. THE APPEALS WAS FILED IN
DOOLY COUNTY SUPERIOR COURT, POST OFFICE BOX 326, VIENNA,
GEORGIA 31092, IN A TIMELY MANNER AND PROPERLY SERVICED
TO ALL CONCERNED PARTIES. NEVERTHELESS, I HAVE NOT RECEIVED
ANY RESPONSE FROM THE COURT OF APPEALS AND IT'S BEEN
MORE THAN 90 DAYS SINCE MY APPEALS WERE FILED.

I LOOK FORWARD TO HEARING FROM YOU CONCERNING
THIS MATTER.

SINCERELY,
Will-Middlebrooks
WILLIAM MIDDLEBROOKS



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

Date: January 31, 2014

To: Mr. Daniel K. Marsh, Jr., GDC1000732010, Jenkins Correctional Center, 3404 Kent Farm Drive,
Millen, Georgia 30442

Docket Number: A14A0795 **Style:** The State v. Daniel K. Marsh, Jr.

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 or an improper Certificate of Service accompanied your document(s). Rule 6
5. Your Certificate of Service did not include the complete name and mailing address of each opposing counsel and pro se 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)
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: You will need to file a Motion to Supplement the Record.**

IN THE COURT OF APPEALS

STATE OF GEORGIA

STATE OF GEORGIA,
Appellee

V.

DANIEL K. MARSH, JR.,
Appellant

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CASE NO.:
11-CR-422

DOCKET NO.:
A14A0795

SUPPLEMENTATION OF APPELLANT BRIEF EXCEEDING
PAGE LIMITATIONS

COMES NOW, Daniel K. Marsh, Jr., pro se litigant, hereafter "Appellant," and files this Brief Supplementation upon order of this Court. This Court granted permission to exceed brief page limitations on Appellant brief on the 16th day of January, 2014. Brief supplementation is as follows:

RECEIVED IN OFFICE
2014 JAN 27 PM 3:31
CLERK OF SUPERIOR COURT
COURT OF APPEALS OF GA

REVISED CONTENTS

- 1. Notice of Appeal (Omitted per duplication) State Record Page #'s 1-3.

- 2. Separate Enumeration of Errors and Certificate of Service
 (Received and Processed by the Court of Appeals on 12-26-13) 4 Pages.

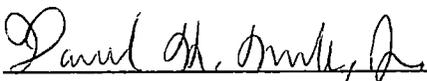
- 3. Appellant Brief and Certificate of Service
 (Received and Processed by the Court of Appeals on 12-26-13) 27 Pages.

- 4. Order appealing from (Omitted per duplication) State Record Page #'s 57-58.

- 5. Exhibit List 1 Page.

- 6. Exhibits (J, S. & T Omitted per duplication)
 Exhibit J – State Record Page #'s 24-26.
 Exhibit S – State Record Page #'s 4-9.
 Exhibit T – State Record Page #'s 11-16. 32 Pages

This the 23rd day of January, 2014.



Daniel K. Marsh, Jr.

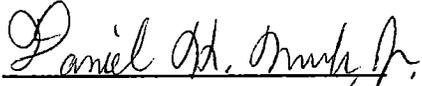
Pro se litigant

Daniel K. Marsh, Jr.
Unit 100-C
GDC # 1000732010
3404 Kent Farm Dr.
Millen, Ga. 30442

CERTIFICATE OF SERVICE

I hereby certify on this the 23rd day of January, 2014, that I served the foregoing
SUPPLEMENTATION OF APPELLANT BRIEF EXCEEDING PAGE
LIMITATIONS via U.S. Mail with sufficient postage to ensure delivery to the
following:

Mrs. Laura Wood
Assistant District Attorney
P.O. Box 99
Valdosta, Georgia 31603
Phone #: 229-244-7170
Fax #: 229-245-5281


Daniel K. Marsh, Jr.
Pro se litigant

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

January 31, 2014

Mr. Freddie Patterson
GDC5345391
Dooly State Prison
Post Office Box 750
Unadilla, Georgia 31091

RE: A09A0881. Freddie Lee Patterson v. The State

Dear Mr. Patterson:

The above appeal was docketed in this Court on January 6, 2009. Your appeal was disposed by order on January 22, 2009. The Court of Appeals dismissed the appeal. The remittitur issued on February 11, 2009, divesting this Court of any further jurisdiction of your case.

A copy of the dismissal order will cost \$1.50. Please send your check or money order to the above letterhead address.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld

RECEIVED IN OFFICE

2014 JAN 28 AM 10:58

CLERK/CLERK ASSISTANT
COUNTY OF APPEALS OF GA

Standard Georgia 31091

P.O. Box 750

Dooly State Prison

Fredrick Jefferson # S35391

Thank you

for

case in the year 2009. So I will be looking to hearing from

me a copy of the ruling that the court had made on my

I had decide to write that because I will like for you to send

DEAR CASHELL

CASE # A09A0881

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

January 22, 2014

Mr. Freddie Patterson
GDC535391
Dooly State Prison
Post Office Box 750
Unadilla, Georgia 31091

Dear Mr. Patterson:

We do not have a case styled in your name pending in this Court. Your Motion to Uplift Hold is being returned to you so that you may use it in a future legal proceeding.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld
Enclosure

Court of Appeals of Georgia, State of Georgia

Freddie Lee Patterson

Plaintiff

Court of Appeals of Georgia

Respondent

CASE # 2006 RCCR 1905

~~Medical to apply to hold on my case~~

I will like to have the hold removed from my case. I have a different loc. His name is Robert Zell. So will you remove the hold from my case. I will be looking to hearing from you date to the hold that is on my case.

RECEIVED IN OFFICE
2014 JAN 16 PM 3:27
CLERK OF COURT
COURT OF APPEALS OF GA

Thank you

Freddie Patterson GC# 53539
Docket Staff Risc
P.O. Box 1750
Milledgeville Georgia 31091

Certification of Mailing

I certify to be true under the penalty of perjury of the facts of the state of Georgia that on this date a true and correct copy of this document was received to the Attorney General by depositing the same into the mails of the United States, postage pre-paid, addressed to Rodney Zell, Attorney at Law, 729 Piedmont Ave. NE, Atlanta Georgia 30308

~~Addressed to~~

~~Date 01/13/17~~

c/o Temporary Mail Location

c/o Fredrick Jefferson # 535391
Dobby State # 501
P.O. Box 750
Lithonia Georgia 31091

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

February 4, 2014

Ralph L. Phillips, P.C.
312 South Main Street
P. O. Box 782
Dawson, Georgia 39842-0782

RE: A13A1579. Clarence Atkins v. Estate of Cason J. Callaway, Jr.

Dear Mr. Phillips:

The above referenced appeal was disposed by opinion on October 11, 2013. The Court of Appeals affirmed the judgment of the trial court. I have enclosed a copy of the opinion for your review. The Statement of Facts received in this office on January 28, 2014 is being returned to you.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld
Enclosures

**SECOND DIVISION
BARNES, P. J.,
MILLER and RAY, 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/>

October 11, 2013

**NOT TO BE OFFICIALLY
REPORTED**

In the Court of Appeals of Georgia

A13A1579. ATKINS v. ESTATE OF CALLAWAY.

MILLER, Judge.

In this case, the following circumstances exist and are dispositive of the appeal:

(1) No reversible error of law appears, and an opinion would have no precedential value;

(2) The judgment of the court below adequately explains the decision; and

(3) The issues are controlled adversely to the appellant for the reasons and authority given in the appellee's brief.

The judgment of the court below therefore is affirmed in accordance with Court of Appeals Rule 36.

Judgment affirmed. Barnes, P. J., and Ray, J., concur.

RECEIVED IN OFFICE

2014 JAN 31 PM 3:44

IN THE COURT OF APPEALS

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

STATE OF GEORGIA

CLARENCE ATKINS,

Appellant,

vs.

ESTATE OF CASON J. CALLAWAY, JR.,

Appellee.

Case No.: A13A1579

FILED IN OFFICE

JAN 28 2014

COURT CLERK
CLERK COURT OF APPEALS OF GA

PART 1

STATEMENT OF FACTS

On October 11, 2013 the Court of Appeals affirmed the lower Court ruling. On October 17, 2013 the Appellant filed a motion for reconsideration. On November 26, 2013 Court of Appeals denied the motion for reconsideration. On November 26, 2013 the Appellant gave notice that he intended to file a Writ of Certiorari to the Supreme Court of Georgia. An Application For Writ of Certiorari was filed with the Supreme Court of Georgia on December 11, 2013.

The Appellee filed a motion to pay all moneys in Courts registry to Appellee. The lower Court issued an order on October 18, 2013 that all moneys be turned over to Appellee. The Appellee filed an addition motion that Appellant pay

additional rents to Appellant. An order was issued that additional rents be paid to the Appellee. This order was also dated on October 18, 2013 both orders were filed with the lower on October 23, 2013. A notice of Appeal was timely filed in the lower Court on November 21, 2013.

All rent deposits as ordered were made until the initial appeal was filed on February 25, 2013. Upon receiving the Notice of Appeal the Appellee made a forced entry and changed the locks on the doors on the house , Tract 3 (caretakers house) on plat recorded in Clerk's office in Plat Book 34 pages 217-218, herein after referred to as "House".

The remitter has not been returned to the lower Court.

PART II

ENUMERATION OF ERROR

1. The Court failed to recognize that all action in this Case was stayed by the notice of Appeal filed on February 25, 2013.
2. The lower Court made an error in exercising jurisdiction when the remitter in the case was still in the Appellant Courts
3. Both orders issued in Case are not valid in that the notice of Appeal filed on November 21, 2013 stayed the orders issued.

THIS COURT RATHER THAN THE SUPREME COURT HAS
JURISDICTION OF THIS APPEAL IN THAT THIS CASE IS NOT
RESERVED TO THE SUPREME COURT.

PART III

ARGUMENT

The notice of appeal filed on February 25, 2013 operated as a stay on all proceeding in the Case until there was a ruling by the Appellant Courts. The case was further stayed by the appeal of the two orders on November 21, 2013.

The remitter is in the Supreme Court and therefore the lower Court lacks jurisdiction in any action until the remitter is returned to the lower Court.

The forced entry and change of locks on the "house" constructively evicted the Appellant. The Appellee further converted approximately \$4000.00 worth of personal property by its action in forced entry and change of locks



Ralph L. Phillips, Attorney for Appellant

Georgia Bar No. 575942

Ralph L. Phillips, PC
312 South Main Street
P. O. Box 782
Dawson, Georgia 39842-0782
Phone: (229) 995-3440
Fax : (229) 995-3653

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served a true and correct copy of the within and foregoing Appellant's Brief upon Appellee by depositing a copy of same in the United States Mail, in an envelope to Appellee's attorneys with sufficient postage affixed thereto to assure delivery, addressed as follows:

Kenneth Bryant Hodges III, Esquire
Amy Mario Palesch, Attorney
Rafuse, Hill & Hodges, LLP
1355 Peachtree Street NE, Suite 500
Atlanta, GA 30309

This 28 day of January, 2014.



Ralph L. Phillips, Attorney for Appellant
Georgia Bar No. 575942

Ralph L. Phillips, PC
312 South Main Street
P. O. Box 782
Dawson, Georgia 39842-0782
Phone: (229) 995-3440
Fax : (229) 995-3653

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

Date: February 4, 2014

To: Mr. Daniel W. Taylor, GDC1000332837, Johnson State Prison, Post Office Box 344, Wrightsville, Georgia 31096

Docket Number: A14A0497 **Style:** Daniel W. Taylor 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 or an improper Certificate of Service accompanied your document(s). Rule 6
5. Your Certificate of Service did not include the complete name and mailing address of each opposing counsel and pro se 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)
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: Enclosed is your mailing on January 13th which was returned to this Court due to your transfer from DeKalb County Jail to Johnson State Prison. Please see attachment.**

January 22, 2014 AH40497

RECEIVED IN OFFICE
2014 JAN 28 AM 10:58
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GEORGIA

TO: THE COURT OF APPEALS
ATT: DIRECT APPEAL

From: Daniel W. Taylor 1000352837
JOHNSON STATE PRISON H-2
PO BOX 344
Wrightsville, GA 31096

DEAR SIR;

I, on the 13th of January 2014 Mailed
to you my Direct Appeal and a copy for
response to Paul Howard 136 Pryor St.
SW. 3rd fl. ATLANTA, GA. 30303. Enclosed

is a copy of the filing submitted to the
mail room. IF this is an ERROR please
write back and let me know OR
contact Johnson State Prison Mail Room.

A copy was also sent to the Supreme
Court of Georgia to show I took my
Direct Appeal.

Daniel W. Taylor

January 22, 2014 AH46497

TO: THE COURT OF APPEALS
ATT: DIRECT APPEAL

FROM: Daniel W. Taylor 1005352837
JOHNSON STATE PRISON H-2
PO BOX 344
WRIGHTSVILLE, GA 31796

RECEIVED IN OFFICE
2014 JAN 28 AM 10:58
CLERK/COURT APPEALS
COURT OF APPEALS OF

DEAR SIR;

I, on the 13th of January 2014 Mailed
to you my Direct Appeal and A Copy for
Response to Paul Howard 136 PRYOR ST.
SW. 3rd fl. ATLANTA, GA. 30303. Enclosed
IS A copy of the filing submitted to the
Mail Room. IF this is AN ERROR please
Write back and let me know OR
Contact Johnson State Prison Mail Room.

A Copy was Also sent to the Supreme
Court of Georgia to show I took my
Direct Appeal.

Daniel W. Taylor

PLEASE RETURN

REQUEST FOR INDIGENT POSTAGE

Attachment 3
SOP IIB04-0001
RECEIVED (6/01/02)
JAN 13 2014
JOHNSON STATE PRISON
BUSINESS OFFICE

DIRECT APPEAL
TO COURT OF APPEALS OF
GEORGIA

() AMOUNT

(3) AMOUNT

(2) AMOUNT

NON-LEGAL FIRST CLASS POSTAGE (Maximum -- three)

LEGAL POSTAGE (Maximum -- five)

SPECIAL MAILING (Maximum -- one)

I fully understand that the funds for the purchase of indigent postage will be a loan from the inmate benefit fund. If I request that my request will be required to reimburse mail and postage charges when my release date arrives.

INMATE/PROBATIONER SIGNATURE

SIGNATURE OF VERIFYING STAFF

NAME

DATE

1-13-14

1/13/14

NON-LEGAL POSTAGE USED:

DATE MAILED TO AMOUNT

LEGAL POSTAGE USED:

DATE MAILED TO AMOUNT

1-13-14
1-13-14

GEORGIA COURT OF APPEALS
PAUL HOWARD D.A. FULTON CO.

SPECIAL MAILING:

DATE MAILED TO AMOUNT

TOTAL POSTAGE USED: 12.88

SIGNATURE OF MAIL ROOM STAFF

J. Sklar

XC: Mail Room
Bookkeeping
Inmate/Probationer File

RETENTION SCHEDULE:

Upon completion, this form will be placed in the inmate/probationer case history file.

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

Date: January 13, 2014

To: Mr. Daniel W. Taylor, X0475714 3SW301, DeKalb County Jail, 4425 Memorial Drive, Decatur, Georgia 30032

Docket Number: A14A0497 **Style:** Daniel W. Taylor 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. Your Certificate of Service did not include the complete name and mailing address of each opposing counsel and pro se 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)
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)
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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
Suite 501
47 Trinity Avenue
Atlanta, Georgia 30334

DeKalb County Sheriff's Office
Mail Services

RECEIVED
 Unacceptable
 Released

**RETURN TO
SENDER**

Mr. Daniel W. Taylor
X0475714 33W301
DeKalb County Jail
4425 Memorial Drive

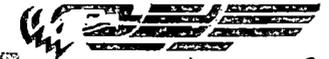
JAN 17 AM 8:52
DEKALB COUNTY SHERIFF'S OFFICE
MAIL SERVICES

K0009473 340090026

Presort
First Class Mail
CombAsPrice



U.S. POSTAGE PITNEY BOWES



ZIP 30336 \$ 000.43³
02 JAN 31 PM 3:49
0001386278 JAN. 14. 2014

RECEIVED IN OFFICE
JAN 31 PM 3:49

RETURN TO SENDER
NOT DELIVERABLE AS ADDRESSED
UNABLE TO FORWARD

RC: 30334900547 *1991-00755-27-35
300 5C 1 7901/27/14

A 1440497

IN THE COURT OF APPEALS OF GEORGIA

CASE NO: 10SC89595

Daniel W. TAYLOR
APPELLANT

vs. STATE OF GEORGIA
APPELEE

RECEIVED IN OFFICE
JAN 13 PM 3:27
CLERK/COURT REPORTERS
COURT OF APPEALS OF GEORGIA

MOTION FOR EXTENSION OF TIME TO FILE
BRIEF'S IN SUPPORT

Comes now Daniel W. Taylor, Appellant in the above Direct appeal of his July 21, 2010, Criminal Conviction, and request an extension of time to file his briefs in support thereof. Appellant avers the following:

I.

Appellant Daniel W Taylor, was unexpectedly transferred to Augusta State Medical Hospital, December 26, 2013, for heart problems.

II.

Appellant does not have in his possession his briefs in support of his Direct Appeal for they are in the possession of Johnson State Prison.

III.

Upon leaving Augusta State Medical Prison, Appellant was not returned to Johnson State Prison but transferred to DeKalb County Jail for a pending Mandamus 2013-CV-2277116. In which he has a hearing January 7, 2014, that has been postponed in the Superior Court of DeKalb County.

IV.

Appellant believes that the State and Johnson State Prison Orchestrated these Hinderances in order to Overt me turning in my briefs so that the State will allow the Court of Appeals to see only there evidence and Argue their Side of the case.

V.

It would be A Manifest Miscarriage of Justice to Allow the State only to Argue and Brief the DIRECT APPEAL AND State that I Waived ANY Argument OR presentation OF ANY EVIDANCE.

Wherefore I ask that I be Allowed Till March 15, 2014 to turn in my Already Completed briefs with EXTRA Exhibits to CORRECTLY Appeal my Conviction.

This 7th day of January 2014.

Respectfully Submitted
Daniel W. Taylor Pro-se

DANIEL W. TAYLOR 100K332837
JOHNSON STATE PRISON H-2
PO. BOX 344
WRIGHTSVILLE, GA. 31096

DEKALB COUNTY JAIL
INMATE GRIEVANCE FORM

DEKALB JAIL
FORM ARP-1 (1981)
(Fill in all information
down to dotted line)

To: Jail Division Commander

OFFICE USE ONLY
 GRIEVANCE NO. G130516
 DATE LOGGED IN: _____
 SIGNATURE, ADMIN REM. CLERK _____

From Taylor Daniel Webster X0475714
LAST NAME FIRST MIDDLE INITIAL SPN# CELL LOCATION

PART A- GRIEVANCE

(Give names of persons involved, date, location of incident, or conditions and witnesses)

1-7-14 I am a STATE INMATE and I am pending a
 Direct Appeal of MV CRIMINAL Conviction. I was
 transferred here from the Hospital without my legal
 papers. I Need to file for An extension of time in the
 Court of Appeals. I Need legal Material to Contact
 the Courts to NOT loose my Appeal Rights.

SOLUTION DESIRED: I Need A legal pad envelopes and
 A pen to File MY Motions for Extension.
 This is URGENT and Need to be Handled
 ASAP. I'm PRO-SE

1-7-14
DATE

Daniel W. Taylor
SIGNATURE OF INMATE

PART B- RECEIPT

Return To: _____
LAST NAME FIRST MIDDLE INITIAL CELL LOCATION

I acknowledge receipt this date of DEKALB JAIL FORM ARP-1 from the above inmate in regard to the following subject:

CASE NO. _____ ASSIGNED

SIGNATURE ADMINISTRATIVE REMEDY CLERK

DATE: _____

DISTRIBUTION: White-- Return to inmate after completion
 Canary-- Administrative Remedy File
 Pink-- Inmate Copy

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

Date: February 4, 2014

To: Mr. Daniel W. Taylor, GDC1000332837, Johnson State Prison, Post Office Box 344, Wrightsville, Georgia 31096

Docket Number: A14A0497 **Style:** Daniel W. Taylor 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)
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10. Your request for court action must be submitted in motion form. Rule 41 (a)
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).
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14. Case and/or record citations were not made in the proper form. Rules 24 (d) and 25 (c) (2)
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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:**

Thank you
Daniel W. Taylor

DEAR COURT OF APPEALS!
IF you have not received my briefs! if
is due to the Misconduct and Conspiracy of
the Attorney General and Johnson State Prison,
There is no way I'll be able to reproduce the
evidence needed to exonerate me in my Direct
Appeal. The state is in collusion to hinder the EXPOS
URE of Malicious prosecution in Judge Johnsons Court
Room. I'm asking this Court to Appoint me
BRIAN STEELE to redo my briefs and obtain
the records needed to show forth my actual time to redo
my briefs and 8 subpoenas to produce the
evidence that will exonerate me.

Daniel W. Taylor 1000332837
JOHNSON STATE PRISON H-2
PO. BOX 344
WRIGHTSWILLE, GA. 31096
JANUARY 27, 2014

RECEIVED IN OFFICE
2014 JUN 31 PM 3:53
CLERK'S OFFICE
COURT OF APPEALS

COURT OF APPEALS OF GEORGIA
IN THE SUPERIOR COURT OF _____ COUNTY

STATE OF GEORGIA

Daniel W. Taylor
Plaintiff

VS.

Type of Action
Civil Action No. A14A0497

STATE OF GEORGIA
Defendant

RULE NISI

The foregoing AFFIDAVIT having been read and considered,
let the same be filed and served on the DISTRICT ATTORNEY provided by law.

The Defendant is hereby ordered to be and appear and show cause before me, at
the ~~Superior Court of~~ COURT OF APPEALS OF GA. County, Georgia, at 9:00 A.m., on the
15th day of FEBRUARY 20 14, why the prayers of the PLAINTIFF should
not be granted.

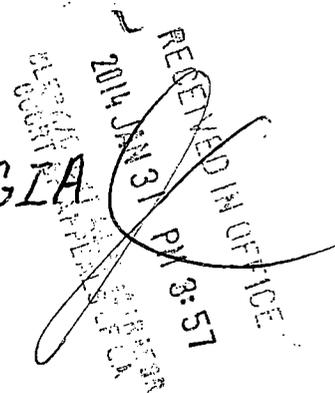
This 24 day of JANUARY, 20 14.

Judge, Superior Court of _____ County

COURT OF APPEALS OF GEORGIA

APPEALS NO: A14AD497
CRIMINAL NO: 10SC89595

Daniel W. TAYLOR vs. STATE OF GEORGIA
APPELLANT APPELLEE



AFFIDAVIT OF DANIEL W. TAYLOR

PERSONALLY appeared before the undersigned OFFICER duly AUTHORIZED to Administer Oaths, DANIEL W. TAYLOR, who after being duly Sworn deposes and says as follows:

1.

I am Daniel W. Taylor, above the age of 18 years, Competent to give this AFFIDAVIT and do so based upon my personal knowledge of the facts stated herein.

2.

On January 13, 2014, after Returning from DeKalb County Jail, Pursuant to Civil Matter 2013-CV-227-116 Taylor vs FULTON County.

3.

I Took to the mail Room and Hand delivered to OFFICER DENTON My DIRECT APPEAL Brief's with ENNUMERATION OF ERRORS a Motion to Allow My EXTRA EXHIBITS, A MOTION to excuse lateness of filing Due to I was in DeKalb County with the order.

IT IS MY FIRM AND UNDISPUTED BELIEF THAT THE ATTORNEY GENERAL OFFICE IS IN CONSPIRACY TO DENY ME A DIRECT APPEAL AND HAS CONTACTED JOHNSON STATE PRISON TO HAVE EITHER LOST OR DESTROYED MY BRIEFS WITH EXTRA EXHIBITS THAT WOULD EXONERATE ME OF THESE CHARGES.

7.

ON JANUARY 22, 2014, I FORWARDED A COPY OF THE INDIGENT POSTAGE REQUEST FORM SIGNED BY OFFICER DENTON ACCEPTING MY DIRECT APPEAL W/ ENUMERATION OF ERRORS AND BRIEFS TO THE COURT OF APPEALS AND THE SUPREME COURT OF GEORGIA.

6.

JANUARY 21, 2014, I RECEIVED FROM THE CLERK OF THE COURT OF APPEALS OF GEORGIA A COURT ORDER DATED JANUARY 17, 2014, THAT MY BRIEF AND ENUMERATION OF ERRORS FOR DIRECT APPEAL A1740497, IN CRIMINAL CASE 10SG89595 HAVE NOT BEEN RECEIVED AND I HAVE 30 DAYS TO COMPLY OR MY APPEAL WILL BE DISMISSED.

5.

OFFICER DENTON SIGNED IN FRONT OF ME THE INDIGENT POSTAGE FORM DATED JANUARY 13, 2014 AND JANUARY 14, 2014. I RECEIVED BACK A FILED STAMPED COPY FROM THE MAIL ROOM VIA REGULAR MAIL.

4.

These same briefs with enumeration of ERRORS were previously filed in this Court and stamped but sent back due to the fact they did not comply with the 50 pages Required to be reviewed.

I then filed for an extension of time and was granted till January 6, 2014 but I could not send them due to I was transferred to DeKalb County Jail.

ERRORS A motion to excuse late briefs with a copy of the production order. January 13, 2014.

The Attorney General's Office has already viewed the evidence in Habeas Corpus 2012-HC-23 which I filed due to Government interference in me taking my direct Appeal. But once the Attorney General's Office by evidence found out I filed a motion for a Direct Appeal of my Denial of My motion to a New trial July 27, 2012. Two years later my case gets DOCKETED by the Court of Appeals and I then take my Direct Appeal.

11.
THE Evidence is Undisputable that I was maliciously prosecuted made to stand trial on known

Perjury and Fabricated evidence, That ATLANTA

Police Officer falsified reports tampered with the Crime Scene and committed perjury before the Grand Jury, that state witnesses committed perjury known to the Courts on the stand and in Affidavits

in Another Federal proceeding and Judge Michael Johnson Conspired by Subordination of perjury in the reading of Interrogatory questions wrong from Case 1:08-cv-3262-cap. He knew the answer was wrong being read to the Jury for he read it first.

Then Vouched for the perjury of the witness Wesley Carmack.

12.

I've notified the Supreme Court of Georgia and sent them proof also Johnson State Prison Accepted my Direct Appeal Briefs and The Court of Appeals of Georgia.

FURTHER THE AFFIANT Soyeth Not.

This 31 day of January 2014

[Handwritten signature]

Sworn to and Subscribed to before me this 27 day of January 2014

[Handwritten signature]

Notary Public



Daniel W. Taylor 100533837
Johnson State Prison #2
PO. Box 344
Wrightsville, GA. 31096

CERTIFICATE OF SERVICE

This is to certify that I have served the opposing party with a complete and accurate copy of the foregoing documents. Service was made by placing the same in an envelope, and with sufficient postage affixed, placed in the U.S. Mail, and on this day mailed to the party(s) as follows:

COURT OF APPEALS OF GA.
SUITE 501
47 TRINITY AVE
ATLANTA, GA. 30334

This the 24 day of JANUARY, 2014

Daniel W. Taylor PRO SE
Daniel W. Taylor GDC# 1000332837

JOHNSON STATE PRISON

P.O. BOX 344

WRIGHTSVILLE, GEORGIA 31096

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

February 4, 2014

Mr. Hoke Thomas
Thomas Brothers Hydro, Inc.
115 Snapping Shoals Road
Covington, Georgia 30209

RE: A11A2377. Thomas, et al. v. Henry County Water and Sewerage
Authority

Dear Mr. Thomas:

Enclosed please find a copy of the opinion in the above referenced appeal. I am returning your receipt and the correspondence enclosed with your request for the copy.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld
Enclosures

SECOND DIVISION
BARNES, P. J.,
ADAMS, 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.
(Court of Appeals Rule 4 (b) and Rule 37 (b), February 21, 2008)
<http://www.gaappeals.us/rules/>

July 2, 2012

In the Court of Appeals of Georgia

A11A2377. THOMAS et al. v. HENRY COUNTY WATER AND
SEWERAGE AUTHORITY.

BARNES, Presiding Judge.

This case involves a boundary dispute over a portion of the South River riverbed located on the Henry and Newton County line, in an area known as Snapping Shoals, and additional land including a portion of the riverbed and dry land in Henry County. The trial court denied summary judgment to Hoke Thomas, Jr. and the estate of Michael Thomas (“the Thomases”) and granted it to the Henry County Water and Sewerage Authority (“the Water Authority”), concluding that the Authority owns the title to the disputed land, subject to an easement. The Thomases appeal, arguing that the trial court erred, but for the reasons that follow, we affirm.

COURT OF APPEALS

47 Trinity Avenue, S.W.

Suite 501

Atlanta, GA 30334

(404) 656-3450

Receipt No. **110249**

DATE 4 February 2014

RECEIVED OF Hoke Thomas

WE ACKNOWLEDGE RECEIPT OF THE FOLLOWING:

BRIEF OF APPELLANT _____

ENUMERATION OF ERRORS _____

WITHDRAWAL FEE _____

PHOTOCOPIES _____

ADMISSION FEE _____

CERTIFICATION FEE _____

APPLICATION COST _____

OTHER _____

CASE NUMBER A11A2377 - opinion

AMOUNT \$ 18.⁰⁰
Bank of North Georgia #2992

R. M. Diamond
CLERK

**CAN
A GOVERNMENT AGENCY
POSTHUMOUSLY
PURCHASE STOLEN PROPERTY,
MAN-MADE IMPROVEMENTS AND
NATURAL RESOURCES (WATER RIGHTS)
FROM
THE SOLICITED, PRO BONO CLIENT
OF
SAID AGENCY'S ATTORNEY**

The Henry County Water and Sewerage Authority

vs.

Thomas Brothers

Number 2008-SU-CV-2714-W

January 30, 2014

To: Court of Appeals of Georgia
47 Trinity Avenue, S.W. Suite 550
Atlanta, GA 30334
Phone #404-656-3450

RECEIVED IN OFFICE
2014 FEB 23 PM 2:26
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Attn: Stephen E. Castlen, Clerk/Court Administrator

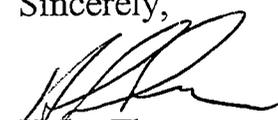
From: Thomas Brothers Hydro, Inc.
115 Snapping Shoals Road
Covington, GA 30209
Phone #404-386-1256
Fax #770-787-7988
Email: hokethomasjr@aol.com

Subj: Reply to your letter of January 6, 2014, r/e "Hoke S. Thomas, Jr., et al v. Henry County Water and Sewerage Authority, #A11A2377

I realize your busy schedule and on behalf of my recently deceased brother and business partner of 34 years, we both thank you for the job you are doing for the citizens of Georgia. I will be blunt, you made a mistake in subject ruling, I realize that your review is final, but your court like the Henry County Superior Court was "tricked" by the Smith, Welch and Brittain attorneys as they so clandestinely presented nothing more than a property scam under the guise of a property and natural resource purchase from an individual that did not own the property in question. I beg of you to please read my two attachments and if at all possible support me in my quest for a jury trial back in Henry County in order to clear up this matter.

Please find enclosed my check of 12 pages X \$1.50 per page = \$18.00 for a copy of your opinion as rendered on July 2, 2012.

Sincerely,



Hoke Thomas
Victim

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

February 5, 2014

Mr. Neville Turnbull
GDC1000916378
Dooly Correctional Institution
Post Office Box 750
Unadilla, Georgia 31091

RE: A13A1846. Neville Turnbull v. The State

Dear Mr. Turnbull:

Your appeal, which the Court of Appeals affirmed the judgment of the trial court, was disposed by opinion on January 9, 2014. The remittitur issued on January 24, 2014, divesting this Court of any further jurisdiction of your case. The case is therefore, final. I am returning your documents to you.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld

Court of Appeals of Georgia

Turnbull Neville

v.

A13A1846

The State

Motion for Extension of Time
to file Motion for Reconsideration

Comes Now Turnbull the above Petitioner
and submits the following

RECEIVED IN OFFICE
2014 JAN 31 PM 3:58
CLERK OF SUPERIOR COURT
STATE OF GEORGIA

1.
Turnbull filed a Notice of Intent to file
a motion for reconsideration on JANUARY
22, 2014 alerting court of the short window
he had since the 15th, he received notification
from Appellate Counsel, that State Appeals
Court ruled on January 9, 2014
10 days was expiration to file a motion for
reconsideration from January 9, 2014.

2.

Turnbull tried to be untimed and in compliance
by filing petition on the 23rd of January 2014
but failed, as he overlooked accomplishing
several factors i.e Turnbull received notifications
from clerk today 2014 Jan 28 :-

as failing to provide proper certificate of service pursuant to Rule 6 (as and 6) i.e. forwarding a copy of same petition with service to opposing parties i.e. the District Attorney of Clayton County

2. Turnbull did in fact give notice to the Supreme Court of Georgia, the Attorney General of Ga. and to the Clayton District Attorney Office, that he has filed his petition with the Court of Appeals. --- But it was only a notice of filing.

3. Turnbull request additional time of appeal 5-10 days to make the required exact copies needed for the District Attorneys

4. Please Note that mail at the Noddy State Prison does not run (transport or receive) on Fridays thru Sundays

5. Please note the Noddy State Prison facility does not allow internet access nor photo copying of any document. Thus Turnbull will have to duplicate all originals by hand so the District Attorney can see what Turnbull has filed to this Court.

THE CLAYTON COUNTY D.A.
RACY CURRAN LAWSON
NIGHTRICK ATTORNEY
9151 TARA BLVD. 4TH FLOOR
JONESBORO, GA 30236

Executed 2014 Jan 28
~~Attn: [Signature]~~
Attn: Neville P.
RESPECTFULLY SUBMITTED

RECEIVED IN OFFICE

2014 JAN 31 PM 3:58

CLERK / COURT ADMINISTRATOR
COURT OF APPEALS OF GA

AKM

Turabul Neville #1600976378
Dundy Correctional Inst.
P.O. Bx 750
Madison, Ga. 31091

Please note that this day a copy
of this certificate of service notification
was also sent to all parties above
notifying Turabul's intent to duplicate
copies through help from outside family members
at: Akil Johnson / Gary Rymer
6851 State Ln way
Mableton Ga. 30126

And Replies, Please direct them to Turabul
Neville J #1600976378 at Dundy State Prison
address

~~EXPIRES 2014 JANUARY 28~~

~~TURABUL NEVILLE J
1600976378~~

CERTIFICATE OF SERVICE

This will stand to certify in good faith that a copy / same of this document entitled: Amend Motion for Reconsideration A13A1846 with Attachments (total of 46 Pages) were placed in the Daily State Prison Mailbox P.O. Box 750, Unadilla, GA for delivery to General Power of Attorney Agent / Family member Akil Johnson / Gary Rhumer at.

6851 State Stn Way, Mableton Ga. 30126

For the purposes of making copies of the above said Petition. Turnbold trust that in good faith belief that said Agent @ 770 745 1552 will placed all copies in mail box untimed at the local Postal Service in Mableton Ga. for delivery to the

Court of APPEALS of Georgia

Route 501

41 Trinity Avenue

Atlanta Ga. 30334

Attn Clerk.

TRACY CULHAM LAWSON

District Attorney

Clayton Judicial Circuit

9151 Tara Blvd. 4th Floor

Snickerbo. Ga. 30236

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

February 5, 2014

Ms. Alfredia Pruitt
4499 Beacon Hill Drive
Lilburn, Georgia 30047

RE: Lower Court Case Number: 10A109723
Alfredia Pruitt v. MERS, GMAC, Federal Nation Mortgage Association,
USAA Federal Savings Bank and Fannie Mae

Dear Ms. Pruitt:

We do not have a case styled in your name nor the above referenced appeal, in this Court.
I am returning your "Notice of Belated of Appeal" documents to you.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld
Enclosures

IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

FILED IN OFFICE
CLERK SUPERIOR COURT
GWINNETT COUNTY, GA

2014 JAN 27 PM 1:54

Alfredia Pruitt

RICHARD ALEXANDER, CLERK

Plaintiff

File No: 10-A-10972-3

v) MERS, GMAC, FEDERAL NATIONAL
MORTGAGE ASSOCIATION, USAA
FEDERAL SAVINGS BANK, FANNIE MAE
Defendants

NOTICE OF BELATED OF APPEAL

Notice is given that Alfredia Pruitt(Plaintiff) in the above matter hereby appeal to the District Court of Georgia from the Denied Order of the trial court entered on September 19, 2011, September 29, 2011, October 3, 2011, 10/24/2011, 10/26/2011.

The clerk shall omit nothing from the record of appeal.

The court of Appeals rather than the Supreme Court has jurisdiction of this appeal because the issue involved is **a wrongful foreclosures**, validity of mortgage note(Secured creditor), **Fraud**, violation of The Due Process Clause, and numerous Constitutional guarantees concerning property.

This 27 day of January, 2014



Alfredia Pruitt
4499 Beacon Hill Dr
Lilburn, GA 30047
770-668-3915

Mail To:
The Court of Appeals
State of Georgia
334 State Judicial Building
Atlanta, Ga 30334

Certificate of Service

A. William Loeffler, Esq.
Teah N. Glenn, Esq.
Troutman Sanders LLP,
5200 Bank of America Plaza,
600 Peachtree St. N.E.
Suite 5200
Atlanta, GA 30308-3218

Pro Se

IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

Alfredia Pruitt

Plaintiff

File No: 11-A-10675-3

v) MERS, GMAC, FEDERAL NATIONAL
MORTGAGE ASSOCIATION, USAA
FEDERAL SAVINGS BANK, FANNIE MAE
Defendants

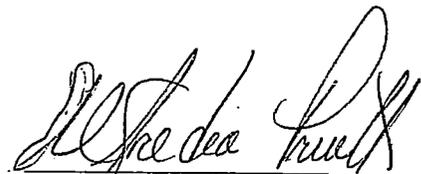
NOTICE OF BELATED OF APPEAL

Notice is given that Alfredia Pruitt(Plaintiff) in the above matter hereby appeal to the District Court of Georgia from the Denied Order of the trial court entered on October 19, 2011, January 26, 2012,. September 30, 2011, October 3, 2011 Petition To Stay Eviction Proceeding Pending Appeal to The District Court of Appeal, Order Denying Pauper's Affidavit/Request for Pauper's Status.

The clerk shall omit nothing from the record of appeal.

The court of Appeals rather than the Supreme Court has jurisdiction of this appeal because the issue involved is **a wrongful foreclosures**, validity of mortgage note(Secured creditor), **Fraud**, violation of The Due Process Clause, and numerous Constitutional guarantees concerning property.

This 27 day of January, 2014



Alfredia Pruitt
4409 Beacon Hill Dr
Lilburn, GA 30047
770-668-3915

Certificate of Service

A. William Loeffler, Esq.
Teah N. Glenn, Esq.
Troutman Sanders LLP,
5200 Bank of America Plaza,
600 Peachtree St. N.E.
Suite 5200
Atlanta, GA 30308-3218

Pro Se

IN THE SUPERIOR COURT OF GWINNETT COUNTY
STATE OF GEORGIA

Alfredia Pruitt

Plaintiff

File No: 11-A-10084-3

v) MERS, GMAC, FEDERAL NATIONAL
MORTGAGE ASSOCIATION, USAA
FEDERAL SAVINGS BANK, FANNIE MAE
Defendants

NOTICE OF BELATED OF APPEAL

Notice is given that Alfredia Pruitt(Plaintiff) in the above matter hereby appeal to the District Court of Georgia from the Denied Order of the trial court entered on September 22, 2011, September 28, 2011, October 3, 2011, 10/26/2011, 1/26/2011.

The clerk shall omit nothing from the record of appeal. *Including Transcript*

The court of Appeals rather than the Supreme Court has jurisdiction of this appeal because the issue involved is **a wrongful foreclosures**, validity of mortgage note(Secured creditor), **Fraud**, violation of The Due Process Clause, and numerous Constitutional guarantees concerning property.

This 27 day of January, 2014


Alfredia Pruitt
4499 Beacon Hill Dr
Lilburn, GA 30047
770-668-3915

Certificate of Service

A. William Loeffler, Esq.
Teah N. Glenn, Esq.
Troutman Sanders LLP,
5200 Bank of America Plaza,
600 Peachtree St. N.E.
Suite 5200
Atlanta, GA 30308-3218

Pro Se

IN THE SUPERIOR COURT FOR THE COUNTY OF GWINNETT
STATE OF GEORGIA

Alfredia Pruitt

Plaintiff

GMAC USA Federal Savings
MERS Federal National
MERS Corp Defendant
Federal National Mortgage

11-A-10084-3

CIVIL ACTION
FILE NO.

10-A-10972-3

11-A-10675-3

13-A-09860-3

12-A-01388-3

AFFIDAVIT OF INDIGENCE

I, Alfredia Pruitt, swear or affirm that

I am an indigent and because of my indigent status am unable to pay the costs of this proceeding.

Alfredia Pruitt
Party Proceeding in Forma Pauperis

Sworn to and Subscribed before me

this 24 day of January, 2014.

Sworn to and Subscribed before me

this _____ day of _____, 20____.

Lori Robinson
Notary Public

Lori Robinson
Notary Public
Gwinnett County, Georgia
My Commission Expires May 26, 2016

Deputy Clerk of Superior Court
Gwinnett County

IN THE SUPERIOR COURT OF GWINNETT COUNTY

STATE OF GEORGIA

Alcedia Pruitt

Plaintiff

CIVIL ACTION
FILE NO. 11-A-10084-3

vs.

GMAC Federal National
Mortgage, MERS Corp
USAA Federal
Savings
Defendant

AFFIDAVIT OF ELIGIBILITY TO PROCEED IN FORMA PAUPERIS

I, Alcedia Pruitt, swear or affirm that I am the

Plaintiff in the above styled case and that because of my indigent status, I am
plaintiff/defendant
unable to pay the costs of this proceeding. I further swear that the responses which I have made to
questions and instructions on this statement relating to my ability to pay the cost of proceeding in
this action are true.

Alcedia Pruitt
Party Proceeding in Forma Pauperis

Sworn to and subscribed before me

this 24 day of January, 2014

Lori Robinson

Notary Public
Lori Robinson
Notary Public
Gwinnett County, Georgia
My Commission Expires May 26, 2016

Sworn to and subscribed before me

this ___ day of _____, 20__

Deputy Clerk of Superior Court
Gwinnett County

A. IDENTIFYING INFORMATION

1. Name Pruitt Alcedia
last first middle

2. Current Address 4499 Beacon Hill Dr
Number and Street

Lilburn GA 30047
Apt. No., if any City State Zip Code

Gwinnett
County

3. Home Telephone 770-668-3917

4. Work or Other Phone 770-309-0405

5. Marital Status Separated

B. DEPENDENTS/DEPENDENCY

1. How many people, not including yourself, do you support? _____

List Below:

Name	Age	Relationship	(yes/no) Support Totally?
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

2. Dependency

Is there any person (parents, husband) who is under a legal duty to support you?

Yes No If yes, give the name of this person and explain.

C. PUBLIC ASSISTANCE

Do you currently receive either Aid to Families of Dependent Children (AFDC) or
Supplements Security Income (SSI)?

Yes No

If yes, list the type of assistance and amount.

\$ _____
_____ \$ _____

TOTAL

\$ _____ Medicaid Card _____ Month and Year Issued

NOTE: If you answer "yes" to the above question, the court may wish to verify the information you have given. Although the court will keep this information confidential, by completing this question you authorize the release of information from the Social Security Administration and/or the Department of Family and Children's Services.

D. MONTHLY INCOME

1. Do you have a job or jobs?

Yes No

List name and phone number(s) of employer(s), if any:

<u>Employer</u>	<u>Phone</u>	<u>Wages per Month</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

Per Month Total \$ _____

2. Do you have any other regular income?

Yes No

If yes, list below. Include all salary or wages and social security benefits that are not listed above plus all workers compensation, pension, payments, insurance benefits, alimony or child support payments, disability payments, unemployment payments, and any other income that you receive on a regular basis.

	<u>Type of Income/Source</u>	<u>Amount per Month</u>
1.	<u>Sasmine Pruitt</u>	_____
2.	<u>Maurice Pruitt</u>	_____
3.	<u>Frank Pruitt Jr</u>	_____

Total \$ _____
Pay Bills do not give me money, I am looking for a job

E. ASSETS

1. How much cash do you currently have available to you, including your checking and savings accounts?

<u>Name of Financial Institution</u>	<u>Account Number</u>	<u>Amount</u>
N/A		

Amount of cash not in an account 0

Total \$ _____

2. Do you own a car, truck, van or other motor vehicle?

Yes No If yes, list below:

<u>Description</u>	<u>Approximate Value (less amount owed if financed)</u>

Total Value \$ _____

3. Do you own a home or other real estate?

Yes No If yes, list below:

<u>Description</u>	<u>Value</u>	<u>Amount Owed (Mortgage)</u>

Total \$ _____

4. Do you own any valuable items of personal property, such as TV sets, stereos, stocks or bonds, jewelry, furs, or other items? (Do not include clothing, furniture, or household appliances such as stoves or refrigerators.)

Yes No If yes, list and describe on the following page:

<u>Description</u>	<u>Value</u>
_____	_____
_____	_____
_____	_____
Total \$ _____	

F. **LIABILITIES**

1. List all debts owed over \$100 and all payments which you must make on a regular basis below. Include house payments, rent, child support or alimony payments, charge account payments, loan payments and any other payment which you must make on a regular basis. Do not include ordinary expenses such as food, clothing, utility bills and similar items.

<u>Source of Debt</u>	<u>Total Amount Owed</u>	<u>Payments Per Month</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
Total \$ _____		

2. Do you have any unusual or extraordinary expenses or circumstances such as large medical bills which are not listed above?

Yes No

If yes, explain below:

I am broke!

3. Are there any other circumstances which render you unable to pay the costs of this action and are not fully explained above: (e.g. disability, illness, etc.)

Yes No

____ If yes, use the space below to explain your circumstances. Include any facts which will help the court to determine whether you can afford to pay the required fee(s).

I am unemployed
looking for work

I don't ~~know~~ understand why all my pauper's Affidavits has been denied, I am poor only one has been approved and that is the one I walked ~~in~~ into the court room myself.
Respectfully,

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

February 6, 2014

To: Mr. Kelvin Perkins, GDC854391, Valdosta State Prison, Post Office Box 310, Valdosta, Georgia 31603

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 under your name. Until a case is docketed in the Court of Appeals in your name, you should direct all correspondence to your attorney or the clerk of the trial court from which you are appealing.
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 a 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 it 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.
Your Notice of Appeal did not include a Certificate of Service or does not include a proper Certificate of Service. A Certificate of Service must accompany your Notice of Appeal. It must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must be actually served with a copy of your filing. In an appeal of a criminal conviction in a superior court, the State is represented by the District Attorney or an Assistant District Attorney.
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 divesting this Court of jurisdiction. The remittitur issued on . 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.

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

COURT OF APPEALS OF GEORGIA
47 Trinity Avenue
Suite 501
Atlanta Georgia 30334

Re: The law is being administered
Unfairly

MURDER 16-5-1(A)

RECEIVED IN OFFICE
2016 FEB -6 AM 11:48
CLERK OF APPEALS OF GA

A person commits the offence of murder when he: (1) unlawfully (2) with malice aforethought (3) cause death

"VERSE" MAICE MURDER 16-5-1.B

'Express malice is that: (1) Deliberate intention (2) unlawfully (3) take life (4) where no considerable PROVOCATION exist (5) showing an abandon and malignant heart.

MAICE 14c (Blacklaw, Uniform Commercial Code)

1. intent (2) without JUSTIFICATION or EXCUSE (3) to commit a wrongful act.

Provoication, Justification or excuse, protection in the second two is disregarded in One.

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

Date: February 6, 2014

To: Ms. Rose M. Thompson, 6537 Big Oak Court, Columbus, Georgia 31909

Docket Number: A14A0807 **Style:** Rose M. Thompson v. Rick Catrett, et al.

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 current Certificate of Service accompanied your document(s). Rule 6**
5. Your Certificate of Service did not include the complete name and mailing address of each opposing counsel and pro se 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)
11. **Your motions were submitted in an improper form (joint). Rule 41 (b) You also requested Oral Argument in the same document.**
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

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

RECEIVED IN OFFICE

2014 JAN 17 PM 1:27

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

CASE # A14A0807

SEE ENCLOSED

- CHECK # 1034905491 \$300.00 FEE
- 53 PICTURES (TO BE RETURNED) 3 sets
- 2 page BREF 3 sets
- 1 page request oral argument 3 sets
- water usage BEFORE/during years were 3 sets

Hammond

1-16-14

RE SUBMITTED w/ corrections

Hammond

1-27-14

RECEIVED IN OFFICE

2014 JAN 28 PM 12:46

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

ROSE M. THOMPSON V. RICK CATRETT

On 5-21-13 still waiting for grass. Still spreading dirt, and had to tell them to NOT park their car on our present grass. Finally grass was being laid, I noticed MY design layout had been changed, why?, finally realized that this business was NOT so professional in my opinion. I try to let them do their job as we asked but things were not going so well. My design was changed, grass was not level, heard one tell another to WALK on the grass, I saw no tool to assume they would do it professionally. I complained of the grass not being even, got words like it will fill in or give it time. Which we did. Followed watering instructions, have increased bill to document new usage, grass continued to get worse. Called repeatedly before Flat Rock returned with more and more excuses. Asked that the grass be removed and done over, Mr. Catrett NO. I said clearly something is wrong with the laying of the sod, the incompleteness of the drainage pipe and the sidewalk, and HE stated he would not be doing anything else. We went to Municipal Court in Col, GA, to NO avail and here we are NOW. Please Help!

Jan. 16, 2014

This appeal is simply to ask the court to please allow Mr. Thompson, my spouse and myself, Rose Thompson to have you take a look at the pictures presented and note that our yard was NOT done in a professional manner. And to have Rick Catrett doing business as Flat Rock Sand and Gravel to REFUND the full price we paid for services Not done in a professional manner and to also pay the cost of our having to appeal in your court the amount of \$2350.00 plus the \$300.00 court fee. Please see pictures included, (to be returned).

On 5-16-13 I contacted Flat Rock Sand and Gravel to come to my home and let me know if the business could do the work I requested and to give an estimate. The owner came by, we walked the yard, front and back to make sure he could do what was requested; grade areas properly to receive fresh soil, following the design I had laid in place with yellow hoses, laying fresh sod to match what we presently have, Zoysia, to replace the drain pipe we have in the back yard leading to the street, to properly CUT the curb to allow the pipe laid to be level with it, and to cover top of pipe to maintain same design as rest of the curb, and also to keep the drainpipe at same height.

On 5-19-13 a second survey was done , got an estimate for 1 full truckload of dirt, or as needed, only ½ half of pipe needed to be replaced for \$500.00, 3 pallets of Zoysia grass to be used \$1200.00, offered pinestraw and was told NO, using my own provider, Santana Pine Straw CO. We would pay ½ at beginning of work bal. due upon completion, \$1125.00 ck#1627 was paid.

Work started late, one young man came to do the work of a team. It was warm, minutes later, worker was appearing to be sleeping on our front porch. We awakened him, inquired and he said he did not have proper tools to do the work. I called Flat Rock and complained, later a team of young men were sent to spread and level dirt.

On 5-20-13 I called work was at a stand still, Mr. Catrett said grass had to be ordered, it was late. Work started on the sidewalk and was getting nowhere. They stated a power saw or cutter would have to be rented because the sidewalk was hard to cut. Apparently, the under thought the job, not having the proper tools.

CASE# A14 A0807

Jan 16, 2014

ROSE M. THOMPSON v. RICK CATRETT

I, Rose Thompson would like to request an oral argument time of 15 minutes, please. Thank you



* * * COLUMBUS WATER WORKS * * *

Print Customer Billing History
from 3/01/2013 to 9/01/2013

Customer 339811-2 ROSE THOMPSON
Property # 120-408-000
Service Location BIG OAK COURT, 6537

Date	Type	Read Date	Amount	Balance	Water Usage	Current Read
3/05/2013	PAY		78.62CR	.00		
3/14/2013	CHG	3/14/13	78.62	78.62	13	228
4/03/2013	PAY		79.43CR	.81CR		
4/15/2013	CHG	4/10/13	74.37	73.56	12	240
4/24/2013	PAY		73.56CR	.00		
5/14/2013	CHG	5/14/13	74.37	74.37	12	252
6/03/2013	PAY		74.37CR	.00		
6/14/2013	CHG	6/12/13	96.31	96.31	19	271
7/02/2013	PAY		96.31CR	.00		
7/16/2013	CHG	7/16/13	96.45	96.45	19	290
8/01/2013	PAY		96.45CR	.00		
8/15/2013	CHG	8/13/13	93.33	93.33	17	307
Current		31 - 60	61 - 90	Over 90		
93.33						
Aged Bal	Unpost \$		Bill Adj	Adj Bal		
93.33				93.33		

Customer Maintenance - History - Water

Cust # 339811-2 Name THOMPSON, ROSE Rating 2000

	2013		2012		2011	
	Usage	Charges	Usage	Charges	Usage	Charges
Jan	11	C 20.05	4	C 9.43	3	C 8.05
Feb	13	22.95	5	10.81	3	8.05
Mar	13	C 22.95	5	C 10.81	3	C 8.05
Apr	12	21.50	4	9.43	3	8.05
May	12	C 21.50	4	C 9.43	3	C 8.05
Jun	19	32.09	9	16.33	9	16.33
Jul	19	C 32.09	9	C 16.33	9	C 16.33
Aug	17	28.97	10	17.71	9	16.33
Sep	17	C 28.97	10	C 17.71	9	C 16.33
Oct	15	25.85	9	16.33	9	16.33
Nov			9	C 16.33	9	C 16.33
Dec			11	19.09	4	9.43
Tot	148	256.92	89	169.74	73	147.66
Avg	15	25.69	7	14.15	6	12.31
F1=No Chgs/Chgs		F2=Next Service	F3=Exit	F5=Yrs-Forward		F6=Yrs-Previous
F12=Cancel		F23=Status				

CERTIFICATE OF SERVICE

This is to certify that I have this day served the foregoing
NOTICE OF APPEAL by depositing a properly addressed copy thereof,
Title of Document
postage prepaid, in the United States Mail upon:

RIC IC CATRETT / FLAT ROCK SAND & GRAVEL
(Other Counsel's or Pro Se Party's Name and Address)

This 23RD day of October, 2013.

How M. Thompson
serving party signature

REVISED
12-9-13

FILED
OCT 18 2013
MUNICIPAL COURT
MUSCOGEE COUNTY

CERTIFICATE OF SERVICE

This is to certify that I have this day served the foregoing
NOTICE OF APPEAL by depositing a properly addressed copy thereof,
Title of Document

postage prepaid, in the United States Mail upon:

RICK CATRETT 706 568 1949
FLAT ROCK SAND GRAVEL 5901 WILMSPRINGS RD. STE B
COLS, GA 31909

(Other Counsel's or Pro Se Party's Name and Address)

This 23rd day of OCT, 2013.

Don Stamps 706-568-7954
6537 BIG OAK COURT COLS, GA 31909
serving party signature

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

Date: February 5, 2014

To: Mr. Archie Ray Tilghman, GDC9851173 G-1-214T, Autry State Prison, Post Office Box 648, Pelham, Georgia 31779

Docket Number: A13A1685

Style: Archie Ray Tilghman 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 or an improper Certificate of Service accompanied your document(s). Rule 6
5. Your Certificate of Service did not include the complete name and mailing address of each opposing counsel and pro se 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). 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)
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

IN THE COURT OF APPEALS OF GEORGIA

Archie Ray Tighman
Appellant

v.

State Of Georgia
Appellee

On An Appeal

Memorandum Of Law

To the court:

Judicial Notice of the following facts of law:

I.

To qualify for consideration as a motion filed pursuant to O.C.G.A. §17-9-4, a motion to vacate a conviction as void must allege a ground upon which the judgment of conviction entered against a criminal defendant can be declared void. Collins v. State, 277 Ga. 586, 591 S.E. 2d 820 (2004).

II.

The denial of the motion is directly appealable if the convicted defendant raised in his motion allegations which would render his conviction void. Doner v. State, 282 Ga. 568, 651 S.E. 2d 720 (2007).

In the latter circumstances, a convicted defendant must raise the issues in a direct appeal from the judgment of conviction, or an extra ordinary motion for new trial, writ of Habeas Corpus, or a motion in arrest of judgment. See Williams v. State, 282 Ga. 94, 95, N. 1, 656 S.E. 2d 144 (2008); Shelby v. State, 276 Ga. 669, 581 S.E. 2d 536 (2003).

Appellant shall demonstrate to this court that the State did not have personal or subject matter jurisdiction over appellant's alleged case

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CLERK OF SUPERIOR COURT
JUDICIAL BRANCH

Case Action No. A13A1685

File under 98-RCCR-364, O.C.G.A. § 17-7-70(a)(b).

Procedural Aspect

O.C.G.A. § 17-7-70(b) states that: Judges of the Superior Court(s) may open their courts at any time without the presence of either a grand jury or a trial jury to receive and act upon pleas of guilty in misdemeanor cases and in felony cases except those punishable by death or life imprisonment, when the judge and the defendant consent thereto.

Under common law prior to the passage of O.C.G.A. § 17-7-70 and its predecessors, the Supreme Court had no jurisdiction to try or accept a plea of guilty of one charged with a felony until the grand jury had returned an indictment. Webb v. Henery, 209 Ga. 442, 449, 74 S.E. 2d (1953).

After passage of the statute, the Superior Court remanded without jurisdiction to dispose of a case involving a felony punishable by death or life imprisonment without an indictment the trial court has no jurisdiction to accept a plea conviction by jury.

When a trial court enters a judgment where it does not have jurisdiction such an illegal judgment will be reversed and not dismissed. Darden v. State, 232 Ga. 756, 758 (1), 208 S.E. 846 (1974).

A void judgment may be attacked at anytime and there is no a situation in which the limitations may apply to this rule. Bennett v. State, 288 Ga. 819, 1870 S.E. 2d 330 (1998).

Please see appellants attached Exhibit A. The criminal docket report under alleged case file no. 98-RCCR-364.

This document does not show that appellants under A13A1685 case on appeal was indicted by a grand jury in ~~March 24, 1998~~ term of court under alleged indictment 98-RCCR-364. The indictment was supposed to be returned in open court by a sworn grand jury panel or grand jury ballot. The Clerk record for the Richmond County Superior Court only shows an indictment otherwise not specified as grand jury or accusation indictment.

Appellant maintains that the state does not have subject matter or personal jurisdiction over his case. The judgment under the above case was "Void Ab-initio" from the beginning.



Date Commission Expires: 10/25/2016

Notary Public
Archie Ray Wigham
Name: Archie Wigham

Name: Archie Wigham

Respectfully Submitted

This 23 day of August 2014.

I, Archie Ray Wigham hereby certify that I have this day served a copy of this Memorandum of Law to: Ashley Wright District Attorney (AJ): Augusta Judicial Circuit 735 James Brown Blvd. Suite 2400 Augusta Georgia 30901 by placing the same in the United States Mail with sufficient postage for safe delivery.

Certificate of Service

Respectfully Submitted
Archie Ray Wigham Esq-Sr
G.D.C. No. 985173 G-1 2147
Avery State Prison P.O. Box 648
Pelham, Ga 31779

Appellant seeks an immediate discharge upon a showing from the face of the records that appellants sentence and conviction was unlawfully obtained without the court having personal or subject matter jurisdiction to impose a 20 year concurrent sentence upon his person. Appellant had done well over 16 and 1/2 of the court imposed illegal sentence and is entitled to his release from this unlawful detention. Brown v. State, Case No. A13A1440 (Oct. 9, 2013).

Remedy for Relief

Please serve:
Archie Ray Wigham
G.D.C. #985173 G-1 2147
Avery State Prison
P.O. Box 648
Pelham, Georgia 31779

Defendant:

TILGHMAN, ARCHIE RAY
1061 HEPH-MCBEAN RD
HEPHZIBAH, GA 30815
DOB : 7/23/1979

True

Case Number: 1998RCCR00364

Judge Name: FRANKLIN H. PIERCE

Case Status: AP

Type Case: F

Term Court: MARCH TERM

Type Filing: CR

Indictment

Book and Page:

Case Dates

Arrest	First Appear	Accusation	Indictment	Filing	Sched Arraign	Arraign Cont	Arraigned	Calender Call
1/19/1998				3/24/1998				
Status Conf	Plea Cal	Motion Cal	PreTrial Cal	Trial	Re-Trial	Ord & Judge	Revoc. Hear	Appeal
Remittitur	Evidentiary	Fi. Fa.	Bond Hearing	Bond Forfeit	Traffic Arraign	Traf Arraign Cont	Warrants Filed	Bench Warrant

Attorney

Attorney Name	Firm Name	Address	Bar Number
BENJAMIN A JACKSON	OFFICE OF THE PUBLIC DEFENDER	401 HALE STREET AUGUSTA GA 30901	386055

Bondsman

Affiant-Prosecutor

Offenses

Cnt #	Description of Offense	Code Section	Category	Off. Date	Plea	Plea Date
1.)	ARMED ROBBERY	16-8-41	F	1/17/1998	G	9/3/1998
Disp:	Date: 9/3/1998	Stage: P	Method: GUILTY MENTALLY ILL			
Original Sentence						
Sent: CONFINEMENT	Years: 20	Months: Days:	Hours:	Prob Fee:	Fine:	
Sent: FINE	Years:	Months: Days:	Hours:	Prob Fee:	Fines: \$57,600.00	
2.)	KIDNAPPING	16-5-40	F	1/17/1998	G	9/3/1998
Disp:	Date: 9/3/1998	Stage: P	Method: GUILTY MENTALLY ILL			
Original Sentence						
Sent: CONFINEMENT	Years: 20	Months: Days:	Hours:	Prob Fee:	Fine:	
Sent: CONCURRENT WITH PRIOR COUNT	Years:	Months: Days:	Hours:	Prob Fee:	Fine:	
3.)	HIJACKING BY MOTOR VEHICLE	16-5-44.1	F	1/17/1998	G	9/3/1998
Disp:	Date: 9/3/1998	Stage: P	Method: GUILTY MENTALLY ILL			
Original Sentence						
Sent: CONFINEMENT	Years: 20	Months: Days:	Hours:	Prob Fee:	Fine:	

4.) ARMED ROBBERY 16-8-41 F 1/17/1998
 Disp: Date: 9/3/1998 Stage: P Method: NOLLE PROSEQUI

5.) POSSESSION OF A FIREARM DURING THE COMMISSION OF A CRIME 16-11-106 F 1/17/1998
 Disp: Date: 9/3/1998 Stage: P Method: NOLLE PROSEQUI

Schedule Date	Case Activity
3/24/1998	INDICTMENT
3/27/1998	GRAND JURY ARREST WARRANT
4/3/1998	MOTION FOR DISCOVERY, NOTICE OF DEFENDANT'S ELECTION TO PROCEED, DEMAND FOR PRETRIAL DISCLOSURE OF EVIDENCE OF INDEPENDENT AND SEPARATE OFFENSES, WRONGS OR ACTS, PRELIMINARY MOTION TO SUPPRESS
4/7/1998	STATE'S DEMAND FOR WRITTEN NOTICE OF DEFENDANT'S INTENT TO RAISE A DEFENSE OF ALIBI, STATE'S DEMAND FOR DISCOVERY
5/6/1998	ORDER FOR MENTAL EVALUATION
9/1/1998	MOTION IN LIMINE TO EXCLUDE INADMISSIBLE EVIDENCE, TESTIMONY, AND ARGUMENT
9/2/1998	STATE'S MOTION IN LIMINE TO EXCLUDE INADMISSIBLE EVIDENCE, TESTIMONY, ARGUMENT, MEMORANDUM LAW IN SUPPORT OF THE STATE'S MOTION IN LIMINE TO EXCLUDE INADMISSIBLE EVIDENCE, TESTIMONY, AND ARGUMENT
9/2/1998	NOTICE OF INTENT OF DEFENSE TO RAISE ISSUE OF INSANITY OR MENTAL INCOMPETENCE
9/3/1998	APPLICATION FOR SENTENCE REVIEW
9/14/1998	SENTENCE, INDICTMENT, DEFENDANTS CHANGE OF PLEA, ACKNOWLEDGEMENT & WAIVER OF RIGHTS, ORDER, AND EXHIBITS
9/16/1998	AFFIDAVIT OF CUSTODIAN
11/25/1998	LETTER FROM DEFENDANT REQUESTING PAPERWORK
1/6/1999	INDICTMENT WITH JURY LIST
1/11/1999	LETTER FROM SUPERIOR COURTS SENTENCE REVIEW PANEL
4/5/1999	PRO-SE MOTION TO PRODUCE RECORDS AND TRANSCRIPTS
1/24/2002	PRO-SE PETITION FOR COPY OF RECORDS
2/15/2002	DEFENDANT'S LETTER, PRO-SE PETITION FOR COPY OF RECORDS, REQUEST TO PROCEED IN FORMA PAUPERIS, DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS
2/20/2002	DEFENDANT'S TRUST ACCOUNT STATEMENT
4/1/2002	LETTER FROM DEFENDANT
12/17/2002	PRO-SE MOTION TO COMPEL COURT REPORTER & CLERK TO PROVIDE COPIES OF COURT PAPERS IN FORMA PAUPERIS
3/12/2003	LETTER FROM DEFENDANT
6/9/2005	APPLICATION FOR SENTENCE REVIEW
6/20/2005	LETTER FROM THE SUPERIOR COURTS SENTENCE REVIEW PANEL
7/31/2006	LETTER FROM DEFENDANT
9/29/2006	PRO-SE MOTION IN ARREST OF JUDGMENT
10/2/2006	PRO-SE AFFIDAVIT
10/10/2006	PRO-SE APPLICATION FOR APPOINTMENT OF COUNSEL & CERTIFICATE OF FINANCIAL RESOURCES, PRO-SE MOTION FOR COMPLETE RECORDING & TRANSCRIPTS OF ALL PROCEEDINGS, PRO-SE HABEAS CORPUS SUMMARY JUDGMENT HEARING NOTICE OF APPEAL
7/17/2008	DEFENDANT'S LETTER

6/24/2009	PRO-SE MOTION TO PRODUCE TRANSCRIPT OF GUILTY BUT MENTALLY ILL AGREEMENT
8/13/2009	PRO-SE MOTION FOR OUT OF TIME APPEAL, REQUEST TO PROCEED IN FORMA PAUPERIS
8/18/2009	ORDER DENYING OUT OF TIME APPEAL
8/18/2009	PRO-SE MOTION FOR OUT OF TIME APPEAL
9/28/2009	PRO-SE REQUEST TO FILE OUT OF TIME NOTICE OF APPEAL
9/28/2009	PRO-SE NOTICE OF APPEAL
10/16/2009	DEFENDANT'S LETTER
11/19/2009	NOTICE OF DOCKETING
12/3/2009	PRO-SE BRIEF OF APPELLANT AND PRO-SE APPELLANT'S REQUEST FOR ORAL ARGUMENT
12/15/2009	COURT OF APPEALS DISMISSAL
12/28/2009	PRO-SE MOTION FOR RECONSIDERATION
2/17/2010	PRO-SE PETITION FOR CERTIORARI, PRO-SE BRIEF SUPPORTING PETITION FOR CERTIORARI
6/17/2010	REMITTITUR COURT OF APPEALS/DISMISSED
4/2/2012	PRO-SE MOTION TO DISMISS AN ILLEGALLY OBTAINED SENTENCE
4/20/2012	DEFENDANTS LETTER
5/17/2012	PRO-SE REQUEST TO PROCEED IN FORMA PAUPERIS; PRO-SE MOTION TO CLARIFY DATE VERBATIM RECORD TRASCRIBED UNDER 98RCCR364
5/30/2012	PRO-SE REQUEST TO PROCEED IN FORMA PAUPERIS, PRO-SE RULE NISI
6/19/2012	ORDER ON DEFENDANTS MOTION TO VACATE VOID SENTENCE IS HEREBY DISMISSED
9/5/2012	PRO-SE ARGUMENT, CITATION OF AUTHORITY, PRO-SE MOTION FOR ARREST OF JUDGEMENT, PRO-SE REQUEST TO PROCEED IN FORMA PAUPERIS, DEFENDANT'S LETTER
9/25/2012	PRO-SE MOTION FOR APPOINTMENT OF ATTORNEY
10/1/2012	PRO-SE AMENDED MOTION FOR ARREST OF JUDGMENT
1/29/2013	ORDER DENYING DEFENDANT'S MOTION FOR APPOINTMENT OF ATTORNEY, MOTION FOR ARREST OF JUDGEMENT AND AMENDED MOTION FOR ARREST OF JUDGEMENT
2/5/2013	PRO-SE NOTICE OF RULING
2/20/2013	PAUPER'S AFFIDAVIT
2/20/2013	NOTICE OF APPEAL
4/19/2013	RETURN RECEIPT FOR ATTORNEY GENRAL
4/19/2013	RETURN RECEIPT FOR ARCHIE RAY TILGHMAN
4/19/2013	RETURN RECEIPT FOR COURT OF APPEALS
4/30/2013	NOTICE OF DOCKETING
8/9/2013	DEFT LETTER
12/26/2013	DEFT'S LETTER

DEFENDANT'S CHANGE OF PLEA

Indictment Number: 98-RCCR-364 (Use separate sheet for each indictment.)

DEFENDANT'S NAME: Archie Ray Tilghman

DEFENSE ATTORNEY: Benjamin A. Jackson

Now comes the defendant in the above indictment, and changes his/her plea from not guilty to guilty or as otherwise hereinafter set forth for each count of the indictment:

Ct. #:	Inc./Acc.	Disposition (with any reduced charges):
1	Armed Robbery	Guilty but mentally ill/mentally retarded
2	Kidnapping	Guilty but mentally ill/mentally retarded
3	Hijacking a Motor Vehicle	Guilty but mentally ill/mentally retarded
4	Armed Robbery	Nolle Prosequi (Dismiss)
5	Possession of a Firearm During Commission of Crime	Nolle Prosequi (Dismiss)

Date: 9-13/98

Archie Ray Tilghman
Defendant

Benjamin A. Jackson
Attorney for Defendant

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

February 6, 2014

Mr. Virgil L. Maddox
GDC1000577031
Smith State Prison
Post Office Box 726
Glennville, Georgia 30427

RE: A12A1741. Virgil Lamar Maddox v. The State

Dear Mr. Maddox:

The Court of Appeals dismissed the above appeal on July 3, 2012. The remittitur issued on July 19, 2012, divesting this Court of any further jurisdiction of your case. The case is therefore, final. I am returning your documents to you.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld.
Enclosures

IN THE COURT OF APPEALS OF GEORGIA
STATE OF GEORGIA

THE STATE OF GEORGIA
PLAINTIFF

VS

VIRGIL L. MADDOX
DEFENDANT

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CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

APPEAL CASE NO: A12A1741

MOTION TO RECONSIDER

COMES NOW THE DEFENDANT, VIRGIL L. MADDOX AND TO REQUEST TO MOVE THIS HONORABLE COURT IN THE ABOVE MOTION, THE DEFENDANT WAS ORIGINALLY SENTENCED ON JUNE 09, 2011 IN FLOYD COUNTY GEORGIA SUPERIOR COURT. THE DEFENDANT IS FULLY AWARE THAT HE WAS FILING MOTIONS SEEKING THE SAME RELIEF, BUT FORMER COUNSEL FAILED TO RESPOND TO THE DEFENDANT'S REPEATED REQUEST. THE DEFENDANT CAN SHOW THAT FORMER COUNSEL FAILED TO FILE THE DEFENDANT'S NOTICE OF APPEAL TO THE COURT OF FLOYD COUNTY ON OCTOBER 06, 2011 AND OCTOBER 11, 2011 LETTER TO THE CLERK OF FLOYD COUNTY REQUESTING FORMER COUNSEL, MR. GARY RANDALL WILLIAMS, THE FORMER PUBLIC DEFENDER TO FILE A NOTICE OF APPEAL. THE DEFENDANT CAN FURTHER SHOW THIS COURT THAT FORMER COUNSEL FAILED TO ADVISE THE DEFENDANT THAT HE HAD A RIGHT TO APPEAL. THEREFORE, IT WILL NOW REQUIRE THE COURT TO GRANT AN OUT-OF-TIME APPEAL TO THE DEFENDANT IN ACCORDANCE WITH AND TO MOBLEY VS STATE, 162 GA. APP. 23, 288, S.E.2D 702 [1982] AND WITH HAYES VS STATE, 224 GA. APP. 64, 65, 488 S.E. 2D 119 [1997] AND THE DEFENDANT HAS THE RIGHT TO EFFECTIVE OF ASSISTANCE OF TRIAL COUNSEL ON APPEAL IN ACCORDANCE WITH SMITH VS STATE, 266 GA. 687 [446 S.E. 2D 436] [1996]. THE DEFENDANT DOESN'T HAVE COUNSEL, SINCE FORMER COUNSEL WITHDREW HIMSELF IN WRITING ON / IN JANUARY 23, 2012 LETTER, [SEE] PHILLIPS VS THE STATE, 238 GA. 499, 233 S.E. 2D 958 [YOUR ATTORNEY MUST WITHDRAW IN WRITING TO BE REMOVED AS COUNSEL IN YOUR CASE] FORMER COUNSEL, MR. GARY RANDALL WILLIAMS DID ON SEVERAL DATES 1/11/2012 AND 1/23/2012 AND 5/02/2012. THEREFORE, THE DEFENDANT BELIEVES THAT COUNSEL, MR. GARY RANDALL WILLIAMS COMMITTED "FRAUD" ON MARCH 24, 2012, [FACT].

THEREFORE, THE DEFENDANT, VIRGIL L. MADDOX REQUEST THAT THIS HONORABLE COURT WILL GRANT THE DEFENDANT'S RIGHT FOR COUNSEL TO FILE AN OUT-OF-TIME APPEAL ON AND FOR THE JUNE 09, 2011 [11CRO0226 JFL 003] GUILTY PLEA HEARING ON THE GROUNDS OF INEFFECTIVE OF ASSISTANCE OF TRIAL COUNSEL IN AND WITH ACCORDANCE TO STRICKLAND VS WASHINGTON, 466 U.S. 668 [1984] AND HILL VS LOCKHART, 474 U.S. 52 [1985] AND UNITED STATES VS WADE, 388 U.S. 218 [1967] AND HALBERT VS MICHIGAN, 545 U.S. 605 [2005] PLN. SEPT. 2005 P. 25] REQUIRING EFFECTIVE OF ASSISTANCE OF COUNSEL ON APPEAL [SEE A12A1741 MAY 02, 2012 DATE OF DOCKETING BY THE COURT OF APPEALS OF GEORGIA, 47 TRINITY AVENUE, S.W., SUITE 501, ATLANTA, GEORGIA 30334] IT WAS DENIED BECAUSE THE DEFENDANT HAD TO DO IT AND FILE IT BECAUSE FORMER COUNSEL NEGLECTED AND DID NOT RESPOND TO DEFENDANT'S REPEATED REQUEST.

IT IS ALSO BELIEVED, THAT, THE ABOVE DEFENDANT'S IDENTIFICATION AND THE DEFENDANT'S NAME AND SOCIAL SECURITY NUMBER IS INCORRECT, IT IS CONFIRMED AND THE DEFENDANT CAN PROVIDE IT TO THIS COURT UPON REQUEST.

CONTINUE NEXT PAGE

IT IS ALSO BELIEVED THAT THIS ISSUE COULD HAVE BEEN SEEN IF FORMER COUNSEL MR GARY RANDALL WILLIAMS WOULD HAVE PROVIDED THE EVIDENCE AND THE DISCOVERY TO THE DEFENDANT ON MAY 05, 2011, SEE IN AND WITH ACCORDANCE TO D.C.G.A § 17-16-6 - FAILURE TO COMPLY WITH DISCOVERY REQUIREMENT. BUT FOR COUNSEL'S INCOMPETENCE LED TO THE DEFENDANTS GUILTY PLEA, AND IN ACCORDANCE WITH GEORGIA LAW, IF THE DEFENDANT IS MISLED OR IS INDUCED TO ENTER HIS PLEA BY FRAUD OR EVEN BY MISTAKE, THE DEFENDANT OUGHT TO BE ALLOWED TO WITHDRAW THE GUILTY PLEA, D.C.G.A § 17-7-93 AND STRICKLAND VS STATE, 179 GA. 792, 35 S.E. 2d 463 [1945] AND WITH O.C.G.A § 24-4-23, MR. GARY RANDALL WILLIAMS FAILED TO ANSWER THE DEFENDANT'S LETTERS, AND FORMER COUNSEL FAILED TO COMMUNICATE TO THE DEFENDANT, O.C.G.A § 24-7-24.

THE DEFENDANT AS OF RIGHT NOW AT SMITH STATE PRISON AND THE COURTS OF FLEED COUNTY IS DENYING ME MY ACCESS TO THE COURTS O.C.G.A § 9-3-73.

THEREFORE, THE DEFENDANT STATES TO THE COURT OF APPEALS OF GEORGIA, THAT FORMER COUNSEL DEFRUED ME, THE DEFENDANT, VIRGIL MAYNARD JR. [VIRGIL L. MADDOX] OF LIFE, LIBERTY AND PROPERTY AND FAMILY AND MY UNITED STATES CONSTITUTIONAL RIGHTS OF THE FIRST, SIXTH, EIGHTH, AND FOURTEENTH [AND A FAIR TRIAL] AMENDMENT RIGHTS.

THE DEFENDANT PRAYS TO THE COURT TO GRANT THE DEFENDANT TO WITHDRAW HIS GUILTY PLEA OR /AND HAVE AN ATTORNEY TO DO AN OUT-OF-TIME APPEAL, PLEASE NOTE, THE DEFENDANT CAN PROVIDE AND PROOF THAT THE SOCIAL SECURITY NUMBER, NAME AND IDENTIFICATION IS WRONG; IT HAS DONE TO THE DEFENDANT EMOTIONAL DISTRESS FOR BEING WRONGFULLY HELD AT SMITH STATE PRISON DUE TO ENEFFECTIVE OF ASSISTANCE OF TRIAL COUNSEL, MR. GARY RANDALL WILLIAMS, [SEE, COBB VS STATE, 284 GA. 74 663 S.E. 2d 262 [2008] AND LAWSON VS STATE, 224 GA. APP. 645 481 S.E 2d 256 [1997] AND STATE VS DICKERSON, 273 GA. 408, 542 S.E. 2d 487 [2001] AND BRADY VS MARYLAND, 373 U.S. 83, 83 S.C.T. 1194. 10 L.E.D 2d 215 [1963] A PROSECUTOR HAS A DUTY TO PROVIDE A DEFENDANT WITH ALL EVIDENCE IN THE STATE'S POSSESSION MATERIALLY FAVORABLE TO THE DEFENDANT'S DEFENSE, AND WITH U.S. VS BRAWSTER, 134 F3d 853, 859-52 [57th CIR. 1998], U.S. VS BELT 89 F3d 710 712 [10th CIR. 1996] COUNSEL FAILURE TO OBJECT AT TIME OF ALLEGED BREACH OF PLEA AGREEMENT [CRIMINAL LAW 1031 [4] [1139]

RESPECTFULLY SUBMITTED THIS 29TH DAY OF January, 2014,



THE DEFENDANT - PROSE

VIRGIL L. MADDOX
Cell # 100021031 / 41-21-B
SMITH STATE PRISON
POST OFFICE BOX 926
GLENVILLE, GEORGIA 30427

GROUND², ✓

4

OCTOBER 11, 2011

MR. RANDALL WILLIAMS,

MY NAME IS VIRGIL LAMAR MADDOX CASE NUMBER
11CR00226 JFLO03, COULD YOU PLEASE FIND THE EXTRA TIME TO COME
UP TO THE FLOYD COUNTY AND TALK TO ME ABOUT MY CASE AND
GIVE ME MY TRANSCRIPTS AND CASE RECORDS. I HAVE ASKED YOU
SEVERAL, SEVERAL TIMES FOR THEM, PLEASE. . . I HAVE MAILED YOU
PAPERS THAT IS NOTARIZED BY A NOTARY BACK ON SEPTEMBER 27, 2011
ALSO I WAS WANTING TO FILE A MOTION FOR APPEAL AND
A MOTION FOR HABEAS CORPUS AND LAST OF ALL A REDRAW OF
MY PLEE

PLEASE HELP ME IN THIS MATTER

THANK YOU,

VIRGIL LAMAR MADDOX
INMATE NUMBER # 107693

P.S. ANSWER SOON

GROUND FOUR

PAGE 8

OCTOBER 6, 2011 ✓

CLERK OF COURT *

GROUND: 2,

MY NAME IS VIRGIL LAMAR MADDOK,
MY CASE NUMBER IS 11CRO0226 - JFL 003. I
WAS WRITING TO KNOW IF YOU COULD HELP ME GET A
COPY OF MY TRANSCRIPTS AND CASE RECORD. I HAVE
ASK MY ATTORNEY SEVERAL, SEVERAL TIMES FOR
~~XXX~~ THEM. I CANNOT GET ANSWERS FROM HIM. COULD
YOU PRETTY PLEASE HELP ME OUT. I ALSO HAVE SENT
YOU A MOTION FOR TRANSCRIPT AND CASE RECORD PAPERS,
THAT IS NOTARIZED, ALSO HOW DO I GO ABOUT FILING A MOTION
FOR APPEAL. PLEASE, HELP ME OUT MY PUBLIC DEFENDER IS SHOWING
ME THAT HE DOESN'T CARE. HELP!!

P.S. PLEASE RESPOND
I AM REQUEST YOUR HELP

Virgil Lamar Maddox
SIGNATURE

ALSO CLERK OF COURT I AM SENDING YOU A COPY OF A LETTER THAT I
WROTE TO MR. RANDELL WILLIAMS PUBLIC DEFENDER, THAT I WAS
REQUESTING FOR MY TRANSCRIPTS AND CASE RECORD IT IS NOTARIZED.

CLERK OF COURT
P.O. BOX 1110
ROME GEORGIA 30162

VIRGIL LAMAR MADDOK
FLOYD COUNTY ADULT DETENTION FACILITY
2526 NEW CALHOUN HIGHWAY
ROME GEORGIA 30161

RANDALL WILLIAMS
12 EAST 4TH AVE SUITE-10
ROME GEORGIA 30162

GROUND 4

IN THE COURT OF APPEALS OF GEORGIA
STATE OF GEORGIA

THE STATE OF GEORGIA,
PLAINTIFF

VS

APPEAL CASE NO: A12A1741

VIRGIL L. MADDOX,
DEFENDANT

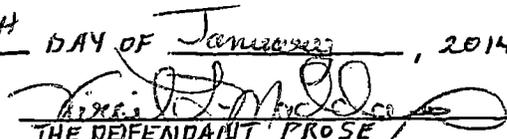
CERTIFICATE OF SERVICE

COMES NOW THE DEFENDANT TO CERTIFY THAT HE HAS THIS DAY SERVED A TRUE AND CORRECT COPY OF THE FORE GOING DOCUMENTS UPON THE BELOW LISTED PERSON [S] BY DEPOSITING A COPY OF SAME IN THE UNITED STATES MAIL IN A PROPERLY ADDRESSED ENVELOPE WITH ADEQUATE POSTAGE THEREON TO ENSURE IT REACHES ITS DESTINATION.

RESPECTFULLY SUBMITTED, THIS 29TH DAY OF January, 2014

PERSON [S] SERVED:

COURT OF APPEALS OF
GEORGIA
44 TRINITY AVENUE
S.W. SUITE 501
ATLANTA GEORGIA 30334


THE DEFENDANT PROSE
VIRGIL L. MADDOX
G.D.C. # 1000571031
SMITH STATE PRISON
POST OFFICE BOX 726
GLENVILLE, GA. 30427

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

February 6, 2014

To: Mr. Wayne McNeal, GDC1325423 1N-418, Fulton County Jail, 901 Rice Street, Atlanta, Georgia
30318

Docket Number: **Style** Wayne McNeal 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. **No Certificate of Service accompanied your document(s). Rule 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.**
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

Supreme Court of Georgia Case Transfer Form

RECEIVED IN OFFICE
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CLERK OF SUPERIOR COURT
JUDICIAL BRANCH

Date: 02/04/2014

Case Number: S14D0630

Date of Transfer: 01/16/2014

Briefs/Motions Filed Before Transfer:

<u>Filing Date</u>	<u>Description</u>	<u>Attached?</u>
01/02/2014	Discretionary Application	<input checked="" type="checkbox"/>
_____	_____	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>
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_____	_____	<input type="checkbox"/>
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Briefs/Motions Filed After Transfer:

<u>Filing Date</u>	<u>Description</u>	<u>Attached?</u>
_____	_____	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>

Costs:

Cost Paid Date:

Payer:

Payment Type: Credit Card Check Cash

Transaction Number (if applicable):

Receipt Number:

Costs Not Paid: Indigent

APPLICATION FOR
DISCRETIONARY APPEAL

D3-012

Case No. S14D0630

D3-012

WAYNE MCNEAL v. THE STATE

Trial Court Order: November 27, 2013

Filed: January 2, 2014

Response by: January 13, 2014

Final order due by: February 3, 2014

Grant: _____

Deny: _____

Dismiss: _____

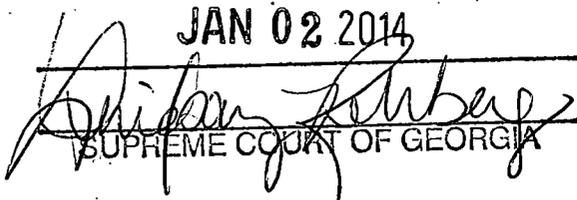
Transfer: _____

Other: _____

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CLERK OF SUPERIOR COURT
COLUMBIA COUNTY, GA

RECEIVED BY HAND DELIVERY
AND FILED:

JAN 02 2014



SUPREME COURT OF GEORGIA



SUPREME COURT OF GEORGIA
Case No. S14D0630

Atlanta, January 16, 2014

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

WAYNE McNEAL v. THE STATE

From the Superior Court of Fulton County.

Applicant seeks review of a November 2013 order revoking his probation. As applicant fails to state any basis for this Court's subject matter jurisdiction, however, and as none appears from the record before this Court, this application hereby is transferred to the Court of Appeals.

All the Justices concur.

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I 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.

Suzanne C. Fulton, Chief Deputy Clerk

RECEIVED
2014 FEB 10 PM 4:08
CLERK'S OFFICE

12-10-2013

IN THE SUPREME COURT STATE OF GEORGIA

Wayne McNeal

No. 10SC97611

State of Georgia

11SC101989

APPLICATION FOR APPELLATE REVIEW

Wayne McNeal, applicant, applies to this court as follows:

(1) To issue an order granting the applicant an appeal from the order of the Superior Court of Fulton County, Honorable Judge Bedford T. Jackson Jr. presiding, in the case styled State of Georgia, Plaintiff v. Wayne McNeal, Defendant, Case No. 10SC97611 concurrent with 11SC101989, this order having held that the probation provisions in the defendant's original sentence be revoked. The defendant is hereby required to serve two years upon the service of this time, the Defendant shall be reinstated on probation under the conditions of the original order of probation dated 08/29/2010.

(2) Applicant shows that jurisdiction is properly in this court because this application of appeal is filed within 30 days of the entry of the order complained of.

(3) Applicant submits that an appeal should be granted because

(a) Defendants counsel provided ineffective assistance under U.S. Constitution Amendment 6 because counsel failed to inform Defendant of his rights to a timely appeal.

12-10-2013

(h) The Order of Revocation was not completed and entered by the Court on 11-18-2013 while Defendant was present at hearing but instead by the probation Supervisor 9 days later absent the defendant and outside of the revocation hearing. The probation Supervisor altered and reworded the original sentence, rewriting it on a form not approved by law in accordance with O.C.G.A. 42-8-38. And added to the order of revocation were alleged violations previously suppressed by the Court during Defendants hearing and the Order of Revocation was thus, dated backwards to 11-18-2013, but was actually completed on 11-27-2013 the day it was filed, indicating forgery and this is a gross miscarriage of justice and even criminal.

(i) The Defendant obtained a new conviction of a reduced non-violent misdemeanor offense after the petition for revocation of probation was filed but before the hearing on the petition was held, under these circumstances the probation Supervisors failure to amend the petition to allege the intervening conviction presented the "fundamental unfairness" proscribed by Tyler in respect to a "piecemeal" approach to probation revocation; furthermore, defense Counsel specifically mentioned the conviction at the revocation hearing, stating it was relevant to the revocation petition based on an alleged felony charge.

Monday December 09, 2013

(K) Probation cannot be revoked for reason other than that stated in revocation petition
Henderson v. State, 1983, 167 Ga. App. 808, 307 S.E. 2d 704.

- ① Banned from all GA Counties Except Ware County, Was not listed as the particulars as reasons stated for violation of terms and conditions of probation under section III Paragraph 2.

To revoke a probation sentence on the theory that certain rules and regulations prescribed therein have been violated, it must appear that the rules were, in fact, prescribed with definiteness and certainty and that there has been an infraction thereof.

Guest v. State, 1952, 87 Ga. App. 184, 73 S.E. 2d 218.

Banned from all GA Counties Except Ware County, was not prescribed with definiteness and certainty, considering the fact defendant was under

- ① active supervision for the first 5 months, requiring him to report in person.

② Defendant was required to complete his community service at Atlanta South-West Probation Unit 1102 Sylvan Road Atlanta, GA 30310 which is located in Fulton County.

- ③ The Probation Supervisor never initiated efforts to transfer defendant's

probation to Ware County, thus defendant could not legally report anywhere other than the probation supervisor assigned to him by the Department of Corrections.

A court is without power to revoke probation based on a violation of an invalid condition.

Dunahoo v. State, 1971, 124 Ga. App. 471, 184 S.E. 2d 359

Petition for Modification / Revocation of Probation
Department of Corrections / Probation Division

FILED IN OFFICE

THE STATE OF GEORGIA

DOCKET NUMBER 10SC97611

WAYNE MCNEAL

JULY-AUGUST TERM 2011

SID# GA3150623T

SUPERIOR COURT OF FULTON COUNTY

NOV 08 2013
[Signature]
DEPUTY CLERK SUPERIOR COURT
FULTON COUNTY, GA

Now comes **KEITH CAMP**, Probation Officer, in the name of and on behalf of the State of Georgia and brings this action against **WAYNE MCNEAL** hereinafter called the defendant, and shows

I
That the defendant entered a plea of guilty to or was convicted of the offense(s) of Criminal Damage 2nd Degree. at the JULY-AUGUST TERM 2011

II
That this Court did sentence the Defendant to serve as follows

Toll time Began/Ended Dates: 2.5.2013/8.28.28

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, and marked "Exhibit A", and specifically incorporated herein:
FIVE(5)YEARS,PROBATED. 100 HOURS COMMUNITY SERVICES, STAY AWAY FROM VICTIM. IT IS HEREBY ORDERED THAT ANY REVOCATION IN THIS CASE BE RETURNED TO JUDGE T JACKSON BEDFORD JR. BANNED FROM ALL GA COUNTIES EXCEPT WARE COUNTY, VOL/MGMT, FAMILY VIOLENCE INTERVENTION PROGRAM

That the Defendant has violated the terms and conditions of probation in the following particulars:
THE DEFENDANT RECEIVED NEW CHARGES OF BURGLARY AND SIMPLE BATTERY (DOCKET # 12SC110956) ON 5/12/13 . THE DEFENDANT HAS FAILED TO PAY AND AN OUTSTANDING BALANCE OF \$690.00 HE HAS FAILED TO COMPLETE COMMUNITY SERVICE. 100 HOURS ORDERED, 54 COMPLETED.

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 because why probation should not be modified or revoked.

10.4.13
Date

[Signature]
KEITH CAMP

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 on the 18 day of Nov, 2013 at 9:30 a.m./p.m. at the courthouse in Fulton County, Georgia why said probation should not be modified/revoked.

This 14th day of Oct, 2013

[Signature]
Judge BEDFORD, T JACKSON JR
Superior Court Fulton Circuit

Petition for Modification / Revocation of Probation
Department of Corrections / Probation Division

FILED IN OFFICE
NOV 08 2013
[Signature]
DEPUTY CLERK SUPERIOR COURT
FULTON COUNTY, GA

THE STATE OF GEORGIA

DOCKET NUMBER 11SC101989

WAYNE MCNEAL

JULY-AUGUST TERM 2011

SID# GA3150623T

SUPERIOR COURT OF FULTON COUNTY

Now comes **KEITH CAMP**, Probation Officer, in the name of and on behalf of the State of Georgia and brings this action against **WAYNE MCNEAL** hereinafter called the defendant, and shows

I

That the defendant entered a plea of guilty to or was convicted of the offense(s) of Terroristic Threats and Acts at the **JULY-AUGUST TERM 2011**

II

That this Court did sentence the Defendant to serve as follows

Toll time Began/Ended Dates: 2.5.2013/8.28.28

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, and marked "Exhibit A", and specifically incorporated herein:
FIVE(5)YEARS,PROBATEDTO RUN CONCURRENT WITH 10SC97611. IT IS HEREBY ORDERED THAT ANY REVOCATION IN THIS CASE BE RETURNED TO JUDGE T JACKSON BEDFORD JR. BANNED FROM ALL GA COUNTIES EXCEPT WARE COUNTY, VOL/MGMT, FAMILY VIOLENCE INTERVENTION PROGRAM

That the Defendant has violated the terms and conditions of probation in the following particulars:
THE DEFENDANT RECEIVED NEW CHARGES OF BURGLARY AND SIMPLE BATTERY (DOCKET # 12SC110956) ON 5/12/13. THE DEFENDANT HAS FAILED TO PAY AND AN OUTSTANDING BALANCE OF \$105.00.

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 because why probation should not be modified or revoked.

10-4-13
Date

[Signature]
KEITH CAMP

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 on the 18 day of Nov, 2013 at 9:30 (a.m./p.m.) at the courthouse in Fulton County, Georgia why said probation should not be modified/revoked.

This 14th day of Oct, 2013

[Signature]
Judge BEDFORD, T JACKSON JR
Superior Court Fulton Circuit

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing petition upon the defendant in person (or by registered mail).

This 11th day of November, 2013.

[Signature]

(Title)

ACKNOWLEDGEMENT

I hereby acknowledge service of the foregoing petition. I further acknowledge I am aware that I may employ legal representation at said hearing and that if I am indigent, I have the right to representation at the hearing by the Circuit Public Defender or to be represented otherwise as the Court may direct.

This 8 day of November, 2013.

[Signature]

(Defendant)

Whereas pursuant to notice given to the defendant, a full hearing was conducted by the Court on the date aforesaid in accordance with O.C.G.A. 42-8-38 and the Court has adjudicated that the terms and conditions of probation had been violated as set forth in the following particulars: _____

- _____ Technical violation of probation conditions or _____ New non-violent misdemeanor offense
- And Revocation/Modification is therefore limited in accordance with O.C.G.A. 17-10-1 (a)(3)(A) to a Probation Division Alternative or County Jail.
- OR
- _____ New violent misdemeanor offense, or
- _____ Serious infraction of rules or regulations in a Community Corrections facility, or _____ New felony offense.
- _____ Violation of Special Condition of Probation so worded and ordered at initial sentencing
- _____ Violation of Special Condition of Probation ordered at a Revocation Hearing or by Waiver/Consent.

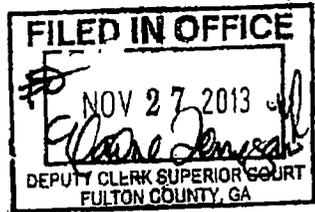
And the defendant is therefore eligible in accordance with O.C.G.A. 17-10-1(a)(3)(A) for Revocation/Modification of sentence to Prison, or a Probation Division Alternative, or County Jail.

NOW, THEREFORE, it is ordered and adjudged that the probation provisions in said original sentence be: _____ **Revoked** in accordance with O.C.G.A. 42-8-38 and the defendant is required to serve _____ yrs. _____ months _____ days with credit for time served from _____ (date) **Indicate:** In the County Jail, County Correctional Institution, State Penal System or other such place as the Court may direct, OR _____ **Continued on probation** subject to the added further provisions that:

So ordered, this the _____ day of _____ 20____.

Restitution Owed _____

Judge BEDFORD, T JACKSON JR
Superior Court Fulton Circuit



IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

INDICTMENT NO. 10SC97611
11SC101989

v.

3 Wayne McNeal

ORDER OF REVOCATION

WHEREAS, the defendant having waived/received formal notice, this Court did conduct a full hearing on the date aforesaid in accordance with Georgia Law. The preponderance of evidence presented compels this Court to find that the Defendant

HAS NOT violated the terms of probation.
 HAS violated the terms of probation in the following manner. (Be Specific)

New misdemeanor offense: 12SC110956
failure to complete community service, pay
and abide by banishment from all GA
counties except Ware county.

NOW, Therefore, it is ordered and adjudged that the probation provisions in the defendant's original sentence

be CONTINUED on probation: Continued on Probation from date of warrant _____

be REVOKED. The defendant is hereby required to serve: TWO (2) years

BALANCE of said sentence. Balance of sentence from date of warrant _____

BALANCE of said sentence, service of time suspended

2 years _____ months _____ days. Upon service of this time, the Defendant shall be
B. REINSTATED on probation under the conditions of the original Order of Probation dated 08/29/2011

_____ years _____ months _____ days. Upon service of time, Defendant's balance of probation shall be SUSPENDED.

The defendant is to serve time, if any (Circle One) In the County Jail, County Correctional Institution, State Penal System or other such place as the Court may direct.

This sentence is to run CONCURRENTLY with the sentence imposed upon defendant in Fulton County Superior Court, case number _____ and/or in Fulton County State Court, case number _____

Toll Time Began (Date of Warrant): _____, End Date (Booked in Date): _____

Other _____

This 18th Day of November, 2013.

[Signature]
Judge, Fulton County Superior Court
Atlanta Judicial Circuit



SUPREME COURT OF GEORGIA

Wayne McNeal
APPELLANT

vs.

State of Georgia
APPELLEE

*
*
*
*
*
*
*

CASE NUMBER

10SC977611 and 11SC101989

PAUPER'S AFFIDAVIT

Comes now Wayne McNeal
(Appellant/Applicant/Petitioner Name)

and first being duly sworn, states that because of my indigence I am financially unable to pay the required filing costs in the Supreme Court of Georgia, and I request that I be permitted to file without having to pay filing fees.

This 24th day of December, 2013

Wayne McNeal
(Your name typed or printed)
Wayne McNeal
(Signature)

Fulton County Jail
901 Rice Street, NW
Atlanta, GA 30318, 1 North-418

(Print complete address and telephone number.)

Sworn to and subscribed before me,
this 24th day of December, 2013.

[Signature] Notary Public
SEAL



DANIEL A MEDRANO
NOTARY PUBLIC
GWINNETT COUNTY, GEORGIA
MY COMMISSION EXPIRES 01-27-14

[Signature]

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

February 7, 2014

Mr. Neville Turnbull
GDC1000976378
Dooly Correctional Institution
Post Office Box 750
Unadilla, Georgia 31091

RE: A13A1846. Neville Curtis Turnbull v. The State

Dear Mr. Turnbull:

I am in receipt of your "Amended Motion for Reconsideration" received in this office on February 6, 2014. The Court of Appeals affirmed the judgment of the trial court. The remittitur issued on January 24, 2014, divesting this Court of any further jurisdiction of your case. The case is therefore, final. Therefore, I am returning your documents to you.

As a courtesy, I have enclosed a copy of the Court's opinion and the remittitur in the referenced appeal for your review.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld
Enclosures

FIRST DIVISION
PHIPPS, C. J.,
ELLINGTON, P. J., and BRANCH, J.

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/>

January 9, 2014

NOT TO BE OFFICIALLY
REPORTED

In the Court of Appeals of Georgia

A13A1846. TURNBULL v. THE STATE.

ELLINGTON, Presiding Judge.

A Clayton County jury found Neville Turnbull guilty of aggravated child molestation, OCGA § 16-6-4 (c); aggravated sodomy, OCGA § 16-6-6 (a) (2); rape, OCGA § 16-6-1 (a) (2); and child molestation, OCGA § 16-6-4 (a) (1). Turnbull appeals from the denial of his motion for a new trial, contending that his trial counsel was ineffective. For the following reasons, we affirm.

Viewed in the light most favorable to the jury's verdict,¹ the record shows as follows. The victim, D. T., is Turnbull's daughter from a previous marriage. In March 2007, Turnbull picked D. T. up from her mother's home to exercise a two-month-long

¹ *Jackson v. Virginia*, 443 U. S. 307, 319 (III) (B) (99 SCt 2781, 61 LE2d 560) (1979).

REMITTITUR

Court of Appeals of Georgia

Atlanta, January 09, 2014

Case No. A13A1846. NEVILE CURTIS TURNBULL v. THE STATE.

Upon consideration of this case, which came before this Court on appeal from the Superior Court of Clayton County, this Court rendered the following decision:

Judgment affirmed.

Phipps, C. J., Ellington, P. J., and Branch, J., concur.

LC NUMBERS:
2010CR1805

Costs paid in the Court of Appeals: \$80



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, January 24, 2014.

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

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

Stephen E. Costello, Clerk.

Court of Appeals of Georgia

Turnbull Asheville

The State

v.

A13A1946

(010 CR 01805-05)

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2011 FEB 16 PM 3:15

CLERK OF SUPERIOR COURT

AMENDED MOTION FOR RECONSIDERATION

Comes Now, Turnbull, the above-named
movant, alleging he is, and hereby
moves for this Court to reconsider its decision
on January 9th, affirming the lower Court's
ruling to deny Turnbull's motion for New trial.
not limited to ineffective assistance of counsel.

First and foremost with respect, Turnbull
at time of trial, was not married to
Shenika Douglas as the divorce was final
per official records in September 2007.

Turnbull's current wife is not Shenika Douglas
(Please correct the transcript record to reflect
this fact.)

Second, Appellant Counsel for Turnbull was
ineffective for raising one sole ground
of ineffective assistance of counsel (trial)
to Court of Appeals, when in fact she was trial
to do otherwise, as there were additional
claims, raised at the motion for New trial

Turnbull hereby puts out to this court the following factors of deficiencies in his case

1. Defendant denied access to effective assistance of counsel.

A. Appeals Counsel was ineffective for not

hiring and retaining and calling experts

witnesses in Turnbull's defense at trial

for new trial hearing to rebut testimony

submitted to the jury by the state's experts.

8.

Appellate Counsel Amanda Hora agreed that

trial Counsel Lloyd Mathews was just as

deficient for not securing expert witnesses

for Turnbull's defense, yet Mr. Hora has

done the same thing over that caused harm

and residue to Turnbull's case.

1. Counsel Hora admitted to the court of
Appeals that she did not obtain an expert
witness to testify at (MUR) hearing.

Because of both these serious deficiencies at the trial and motion for New trial level it was undetermined what these experts for Turnbull's defense, would have testified to.

Turnbull admits he is not an expert nor can he foretell, what an expert would testify to in his case, and since (to no fault of Turnbull's) his counselors failed to make a proffer of this evidence objectively in Turnbull's favor in his trial ---- to Prove the second Prong of the Strickland test of Prejudice Factor --- Turnbull believes he was prejudiced in his jury trial based upon the following excerpts of this forensic article study

Entitled: "Interviewing Methods and hearsay testimony in Suspected Child Sexual Abuse Cases: Questions of Accuracy"
http://www.ipt-forensics.com/journal/volume9/j9_1_4.htm.

Complete Article Submitted to Court of Appeals record file.

Court improperly merged the counts

of the indictment in case 2018 CR 1805-05

at sentencing and sentenced Turnbull

on the incorrect count

Compare *Wheat v. State*, 202 Ga. App.
604 (1996) and

Brewer v. State, 271 Ga. 605 (1999)

Presented to the jury

Incorporate Amend. Motion for News Trial

trial, ground # 10 - filed 2012-12-27

4.

Court improperly allowed evidence of letters petitioner wrote while in custody prior to trial, to state witness (child's mother)

See: Ca. 1980 Bridges v. State, 246 Ca. 323, 271 P.2d 471

Incorporate Amend Motion for News Trial ground # 12 - filed 2012-12-27

5.

The Verdict was contrary to weight of evidence

(A) The medical doctor that did the pelvic exam of child, Dr. Angela Stanley, did not arrive at findings ref. child's hymen or anal orifice that would be consistent -

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

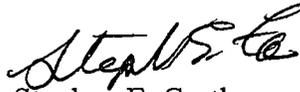
February 18, 2014

Mr. Curtis Tyler
GDC418274
Smith State Prison
Post Office Box 726
Glennville, Georgia 30427

Dear Mr. Tyler:

You should direct an inquiry concerning appointment of counsel to the trial court from which you are appealing.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

February 10, 2014

To: Mr. Kevin Mario Lee, GDC692007, Macon State Prison, Post Office Box 426,
Oglethorpe, Georgia 31068

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 under your name. Until a case is docketed in the Court of Appeals in your name, you should direct your inquiries to your attorney or the clerk of the trial court from which you are appealing.**
- Once the trial court clerk has received and filed a 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 it 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.**
- A Certificate of Service must accompany your Notice of Appeal. It must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must be actually served with a copy of your filing. In an appeal of a criminal conviction in a superior court, the State is represented by the District Attorney or an Assistant District Attorney.**
- 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.**

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

JAN 21 2014

KEVIN MARIO LEE
APPELLANT, GA

VS.

STATE OF GEORGIA
APPELLEE

*
*
*
*
*
*

INDICTMENT: 07SC58528

RECEIVED IN OFFICE
2014 FEB - 7 PM 3: 28
CLERK OF APPEALS OF GA

BRIEF ON BEHALF OF APPELLANT

I. STATEMENT OF THE CASE : STATEMENT OF FACTS

STATEMENT OF THE CASE: THIS IS A DIRECT APPEAL FROM A FINAL ORDER OF THE FULTON COUNTY SUPERIOR COURT DENYING APPELLANT KEVIN MARIO LEE'S MOTION FOR NEW TRIAL IN AN ALLEGED ARMED ROBBERY CASE THAT AROSE FROM A SUSPECTED BURGLAR CALL AT THE RESIDENCE OF RICHARD Mc DANIEL AND CHRISTOPHER Mc CLAIN AT 968 OAK STREET IN ATLANTA, GA JULY 13 2007. APPELLANT WAS INDICTED FOR 2 CTS OF ARMED ROBBERY, AGGRAVATED ASSAULT W/I TO ROB, 2 CTS POSSESSION OF FIRE ARM, APPELLANT WAS INDICTED ALONG WITH CO-DEFENDANT LARRY JAMES BROWN WHO WAS ALSO IN FACT CHARGED WITH THE SAME OFFENSES, PLED TO A LESSER CHARGE AND SENTENCE IN AGREEMENT TO IMPLICATE APPELLANT. AFTER A TWO DAY TRIAL MAY 2010, THE JURY IN THE FULTON COUNTY SUPERIOR COURT SENTENCED APPELLANT TO LIFE W/O PAROLE, CO-DEFENDANT RECEIVED A SPLIT SENTENCE OF 10 YRS TO SERVE TYRS. IN EXCHANGE FOR TESTIMONY ACCUSING APPELLANT OF ALLEGED CHARGES. APPELLANT TIMELY MOVED FOR A NEW TRIAL FOLLOWING SENTENCE & CONVICTION.

STATEMENT OF FACTS: ON JULY 13, 2007 APPELLANT HAD BEEN TRAVELING BY MARTA BUS JOB SEEKING WITH GIRLFRIEND, AND DECIDED TO EXIT THE WESTEND TRAIN STATION IN SEARCH OF A PLACE TO EAT, WALKING DOWN RALPH DAVID ABERNATHY, APPELLANT AND GIRLFRIEND DECIDED TO STOP AT WENDY'S AND EAT. WHEN TWO ATLANTA POLICE APPROACHED APPELLANT AT GUNPOINT AND - ROUGHLY TOOK HIM TO THE GROUND AND BRIEFLY ASSAULTED APPELLANT INJURING RIGHT HAND, AFTER APPELLANT PROTECTED HIS FACE FROM HITTING PAVEMENT. ONCE APPELLANT WAS CUFFED AND PLACED IN POLICE CAR APPELLANT WAS THEN DRIVEN TO A LOCATION WHERE TWO MORE OFFICERS WERE STANDING WITH TWO BLACK MALES OUTSIDE OF A HOME.

APPELLANT CLAIMS AT THIS TIME HIS MIRANDA RIGHTS WERE NEVER, THE TWO MALES WERE PLACED INSIDE OF ANOTHER POLICE CAR, AND WE DROVE TO A SIDE STREET WHERE AN AMBULANCE WAS PARKED, THE TWO MALES WERE TAKEN OUT OF THE POLICE AND WALKED TO THE AMBULANCE AND AFTERWARDS WERE DRIVEN OFF. I WAS THEN FRISKED AND MY PROPERTY WAS AT THAT TIME CONFISCATED, ITEMS TAKEN WERE, SOC SEC CARD, BIRTH CERTIFICATE, CELLPHONE, KEYS, WALLET, DRIVERS LICENSE, MONEY. WAS ALL TAKEN TO CITY HALL EAST, AND I WAS TAKEN TO FULTON COUNTY JAIL.

APPELLANT WAS HELD AT FULTON COUNTY JAIL, JULY 13, 2007 TO JANUARY 2ND, 2008. BEFORE HAVING ANY COMMUNICATIONS WITH COUNSEL CONCERNING THE ALLEGED CHARGES. ATTORNEY ASHLEIGH B. MERCHANT PRESENTED THE DISCOVERY AND INDICTMENT OF CHARGES, AND ASKED APPELLANT DID HE KNOW SOME ONE BY THE NAME LARRY JAMES BROWN, APPELLANT STATED HE WAS FAMILIAR WITH LARRY BROWN BUT HE WAS SOME YEARS OLDER THAN APPELLANT AND WAS A KNOWN CRACK USER, BUT APPELLANT WAS CLOSER TO LARRY BROWN'S YOUNGER BROTHER DARON BROWN BUT ONLY THROUGH SCHOOL AND YOUTH SPORTS AND RECREATION.

ATTORNEY ASHLEIGH B. MERCHANT THEN ASKED APPELLANT DID HE THINK LARRY BROWN WOULD TURN STATES EVIDENCE ON ME AND I STATED NO, NOT UNDERSTANDING I WAS BEING IMPLICATED. ON ALLEGED CHARGES LARRY BROWN COMMITTED. FEBRUARY 2008 APPELLANT RECEIVED A NOTICE FROM ASHLEIGH B. MERCHANT ALONG WITH A PACKAGE OF DISCOVERY FROM ANOTHER ATTORNEY RACHEL SAMUDA, MS. MERCHANT STATED SHE NO LONGER HAD MY CASE, THAT MS. SAMUDA HAD TAKEN IT. MS. SAMUDA'S NOTICE STATED SHE WOULD SUBPOENA THE 911 CALL AND BOLO, AND FILE MOTION FOR WITNESS IDENTIFICATION.

MARCH 10, 2008; WITNESS IDENTIFICATION HEARING WAS CONDUCTED AND DURING HEARING MS. SAMUDA STATED TO OFFICER R. E. JOHNSON THAT HE WASNT SUPPOSE HAVE BEEN PRESENT BECAUSE HE WASNT THE ARRESTING OFFICER. AND SHE STATED SOMETHING TO THE EFFECT THAT THE STATEMENT MADE BY RICHARD Mc DANIEL WAS IN ACCORDANCE DUE TO IN COURT IDENTIFICATION WHICH WAS POSITIVE WHEN INITIAL STATEMENT GIVEN TO POLICE WAS SOMEONE IN A BLACK BUT NO POSITIVE DESCRIPTION MS. SAMUDA HAD ALSO PREVIOUSLY STATED I WOULD BE PREJUDICED IN THIS CASE BECAUSE OF MY RECORD AS OPPOSED TO CO-DEFENDANT.

STATEMENT OF FACTS; CONTINUED

MARCH 17, 2008 AT FULTON COUNTY SUPERIOR COURTHOUSE APPELLANT WAS APPROACHED BY ATTORNEY KEVIN SCHUMAKER WITH TWO INDICTMENTS, WHO WAS RECOGNIZED AS CO-DEFENDANT LARRY JAMES BROWN'S ATTORNEY. MR SCHUMAKER WAS REQUESTING APPELLANT PLEA TO BOTH PENDING INDICTMENTS. ONE INDICTMENT CONSISTED OF THE JANUARY 19, 2007 CASE WHICH WAS DEAD DOCKET MAY 2007.

APRIL 28, 2008; APPELLANT FILED BAR COMPLAINT OF CONFLICT OF INTEREST ON THE ATTORNEY KEVIN SCHUMAKER WHERE HE WAS REPRESENTING CO-DEFENDANT WITH OPPOSING INTEREST IN CASE, LARRY JAMES BROWN ON SUBSEQUENT INDICTMENT 07SCS8528 AND ATTORNEY SCHUMAKER WAS ALSO IN REPRESENTATION OF MARCO THOMAS ON INDICTMENT 07SCS5564, BUT ACTUALLY REPRESENT APPELLANT IN SPITE OF STATE BAR COMPLAINT WHICH WAS PENDING WHILE TRIAL ENSUED.

II. JURISDICTION AND ENUMERATION OF ERRORS.

A. JURISDICTION: THIS COURT HAS JURISDICTION OVER THIS MATTER UNDER ARTICLE VI SECTION VI AND APPEALS OF SUCH CASES, PRE-RESERVED TO THE SUPREME COURT OF GEORGIA UNDER THE CONSTITUTION OF THE STATE OF GEORGIA.

B. ENUMERATION OF ERRORS

1. THE APPELLANT WAS DENIED A FUNDAMENTALLY FAIR TRIAL WHEN HE WAS DENIED THE ASSISTANCE OF COUNSEL GUARANTEED BY THE SIXTH AMENDMENT WHERE APPELLANT WAS DENIED HIS RIGHT TO A PRELIMINARY HEARING, APPELLANT RECEIVED VIA MAZL AT THE FULTON COUNTY JAIL JULY 2007, A NOTICE STATING THE PRELIMINARY HEARING ENTITLED TO HIM WAS WAIVED, WITHOUT COUNSEL, OR EVEN KNOWING COUNSEL WAS APPOINTED TO HIM.

2. APPELLANT WAS PROVIDED INEFFECTIVE ASSISTANCE OF COUNSEL WHERE AT NO TIME AFTER MARCH 10, 2008 APPELLANT CONSULTED WITH COUNSEL DUE TO CONSTANT CHANGING OF COUNSEL AND NO CONTACT.

3. APPELLANT FILED STATE BAR COMPLAINT OF CONFLICT OF INTEREST ON CO-DEFENDANT LARRY JAMES BROWN'S ATTORNEY KEVIN SCHUMAKER WHO ACTUALLY REPRESENTED APPELLANT IN PRIOR TRIAL WHERE APPELLANT WAS CONVICTED BY JURY AND SENTENCED TO LIFES WHILE COMPLAINT WAS ON SEPERATE INDICTMENT 07SC 55564 JUNE 2008.

4. APPELLANT WAS PROVIDED INEFFECTIVE ASSISTANCE OF COUNSEL WHERE TRIAL COUNSEL REID THOMPSON FAILED TO INTERVIEW WITNESS IN BEHALF OF APPELLANTS DEFENSE, ATTORNEY FAILED TO ASK WHETHER OR NOT APPELLANT HAD ANY REBUTLE TO ALLEGED OFFENSE. TRIAL ATTORNEY REID THOMPSON STATED THAT CO-DEFENDANT LARRY JAMES BROWN STATED TO HIM THE ROBBERY WAS SET UP BY HIS COUSIN WHICH WAS CHRISTOPHER MCCLAIN'S EX-GIRLFRIEND AND THAT HE WOULD TELL THE TRUTH, THAT APPELLANT HAD NOTHING TO DO WITH THE ROBBERY BUT ATTORNEY FAILED TO CROSS EXAMINE BROWN FOR PERJURED TESTIMONY.

5. APPELLANT WAS PROVIDED INEFFECTIVE ASSISTANCE OF COUNSEL ON MOTION FOR NEW TRIAL ON INDICTMENT 07SCS8528, WHERE ATTORNEY JENNIFER TRISHMANN STATED PRIOR TO TRIAL THAT IF ALL ELSE FAIL I COULD FILE INEFFECTIVE COMPLAINT TO PRESERVE ARGUMENT, AFTER SHE DISMISSED CLAIM OF INEFFECTIVE COUNSEL ON REID THOMPSON DURING MOTION FOR NEW TRIAL WHERE IT WAS DENIED.

III. ARGUMENTS AND CITATIONS OF AUTHORITY.

1. APPELLANT WAS DENIED A FUNDAMENTALLY FAIR TRIAL WHEN HE WAS DENIED THE ASSISTANCE OF COUNSEL GUARANTEED BY THE SIXTH AMENDMENT WHERE HIS PRELIMINARY HEARING WAS WAIVED VIA MAZL AT THE FULTON COUNTY JAIL, JULY 2007. UNITED STATES V. ~~WADDE~~, 413 U.S. 300, 310, 93, S. CT. 2568. 37. L. ED 2D 619 (1973) COUNSEL MUST BE PRESENT DURING ANY CRITICAL STAGE ABSENT AN INTELLIGENT WAIVER BY DEFENDANT. CARNLEY V. COCHRAN 396 U.S. 506, 82 S. CT. 884, 8 L. ED. 2D 70 (1970) UNITED STATES V. WADE 388 U.S. 218 224, 87 S. CT. (1967). 18 L. ED. 2D 1149 (1967).

2. APPELLANT WAS PROVIDED INEFFECTIVE ASSISTANCE OF COUNSEL WHERE AT NO TIME AFTER MARCH 10 2008, DID APPELLANT RECEIVE AFFECTIVE ASSISTANCE OF COUNSEL DUE TO CONSTANT CHANGING OF ATTORNEY'S ACCEPT AT COURT APPEARANCES WHERE APPELLANT WAS CONSTANTLY APPROACHED BY CO-DEFENDANTS ATTORNEY REQUESTING APPELLANTS PLEA AGREEMENT. UNITED STATES V. CRONIC 466 U.S. 648, 653, 104 S. CT 2039 80 L. ED 2D 657 (1984) CRIMINAL DEFENSE LAWYERS PRESENCE IS ESSENTIAL BECAUSE THEY ARE THE MEANS THROUGH WHICH THE OTHER RIGHTS OF THE PERSON ON TRIAL ARE SECURED. ID OF ALL THE RIGHTS THAT AN ACCUSED PERSON HAS THE RIGHT TO BE REPRESENTED BY COUNSEL BY FAR THE MOST PERVASIVE FOR IT AFFECTS HIS ABILITY TO ASSERT ANY OTHER RIGHTS HE MAY HAVE. CHADMAN V. CALIFORNIA 386 U.S. 1823:1

III. ARGUMENTS AND CITATIONS OF AUTHORITY

3. APPELLANT FILED STATE BAR COMPLAINT OF CONFLICT OF INTEREST ON ATTORNEY KEVIN SCHUMAKER, WHO WAS APPOINTED BY, ACCORDING TO RECORDS (CRIMINAL DOCKET REPORT) TO REPRESENT LARRY JAMES BROWN ON INDICTMENT ON 07SCS8528 PRIOR TO TRIAL. APPELLANT CLAIMS THAT ATTORNEY APPROACHED HIM ON SEVERAL OCCASIONS AS ACTUAL ATTORNEY IN ATTEMPTS TO PERSUADE APPELLANT TO PLEA TO INDICTMENT. ATTORNEY ALSO REPRESENTED APPELLANT ON PREVIOUS TRIAL INDICTMENT 07SCS8564 WHERE APPELLANT WAS FOUND GUILTY AND SENTENCED TO 11 YRS WHILE COMPLAINT WAS PENDING. A SIXTH AMENDMENT RIGHT TO COUNSEL INCLUDES THE RIGHT TO BE REPRESENTED BY AN ATTORNEY WITH UNDIVIDED LOYALTY. WOOD V. GEORGIA 450 U.S. 261, 271, 101, S. CT. 1097 67 L. Ed 2d 220 (1981) THIS GUARANTEE IS SO IMPORTANT THAT UNLIKE WITH OTHER SIXTH AMENDMENT CLAIMS WHEN A DEFENDANT ALLEGES AN UNCONSTITUTIONAL ACTUAL CONFLICT OF INTEREST PREJUDICE MUST BE PRESUMED. DELGADO V. LEWIS 233 F 3d 976, 981 (9TH CIR 2000) CUYLER V. SULLIVAN 446 U.S. 335, 350, 100 S. CT 1708, 64 L. Ed 2d 333 (1980) FTAWAGAN V. UNITED STATES 465, U.S. 259, 268, 104, S. CT. 1051, 79, L. Ed 2d 288 (1984) HARMLESS ERROR DOESNT APPLY.

4. APPELLANT WAS PROVIDED INEFFECTIVE ASSISTANCE OF COUNSEL WHERE TRIAL ATTORNEY REID THOMPSON 1. FAILED TO INTERVIEW MY WITNESS ON BEHALF OF APPELLANT. 2. ATTORNEY FAILED TO ASK APPELLANTS VERSION OF ALLEGED OFFENSES AGAINST HIM. 3. ATTORNEY FAILED TO OBJECT TO CO-DEFENDANTS PERJURED TESTIMONY AT TRIAL. AFTER ATTORNEY STATED TO APPELLANT CO-DEFENDANT TOLD HIM THAT HIS COUSIN STAGED THE ROBBERY OF CHRISTOPHER MCCLAIN WHICH WAS HER EX-BOYFRIEND, AND THAT HE WOULD TELL THE TRUTH THAT APPELLANT HAD NOTHING TO DO WITH ROBBERY. "STATE BAR OF GEORGIA PART IV DISCIPLINE STANDARDS OF CONDUCT RULE 4-102 (d) (STANDARD 44) A LAWYER SHALL NOT WITHOUT JUST CAUSE TO THE DETRIMENT OF HIS CLIENT IN EFFECT WILLFULLY ABANDON OR WILLFULLY DISREGARD A LEGAL MATTER ENTRUSTED TO HIM. A VIOLATION OF THIS STANDARD MAY BE PUNISHED BY DISBARMENT.

"THE LAW QUOTA; IF AN ATTORNEY HAD KNOWLEDGE THAT UNJUST HAD BEEN DONE AND IF HE DOESNT CLARIFY THE ERRORS HE IS INEFFECTIVE COUNSEL"

5. APPELLANT WAS PROVIDED INEFFECTIVE ASSISTANCE OF COUNSEL ON MOTION FOR NEW TRIAL ON INDICTMENT 07SCS8528 WHERE ATTORNEY JENNIFER TRIESHMANI DISMISSED CLAIM OF INEFFECTIVE COUNSEL ON REID THOMPSON APPELLANTS TRIAL COUNSEL ON INDICTMENT 07SCS8528. APPELLANT CLAIMS "ATTORNEY REFUSED TO FILE CLAIM OF INEFFECTIVE COUNSEL ON FELLOW ATTORNEY" NEGLECTING THE RIGHTS OF APPELLANT ON MOTION FOR NEW TRIAL. A DIVIDED-PANEL OF THE COURT OF APPEALS REVERSED, 665, F. 2d 427 (CA2 1981). LAYINE IS A NEW STANDARD, THE MAJORITY HELD THAT WHEN AN APPELLANT REQUESTS THAT (HIS ATTORNEY) RAISE ADDITIONAL COLORABLE POINTS ON (APPEAL) COUNSEL MUST ARGUE THE ADDITIONAL POINTS TO THE FULL EXTENT OF HIS PROFESSIONAL ABILITY. ANDERS. V CALIFORNIA 386, U.S. 738, 87 S. CT. 1396, 18 L. Ed. 2d 493 (1967) IN ANDERS. THIS COURT HELD THAT AN APPOINTED ATTORNEY MUST ADVOCATE HIS CLIENTS CAUSE VIGOROUSLY AND MAY NOT WITHDRAW FROM A NON FRIVOLOUS APPEAL. IT ALSO BARS COUNSEL FROM ABANDONING A NON FRIVOLOUS ISSUE ON APPEAL. SEE 103, S. CT. 3308, 463 U.S. 745, JONES V. BARNES (U.S. N. Y. 1983).

IV CONCLUSION: APPELLANT WAS DENIED HIS BASIC AND ESSENTIAL RIGHT TO A FAIR TRIAL ENTITLED TO HIM BY THE SIXTH AMENDMENT AND THE CONSTITUTION. ACCORDING TO FACTUAL STATEMENTS THAT SUBSTANTIATES THIS DOCUMENT THAT APPELLANT WAS PREJUDICED TO THE DEGREE THAT EXCEEDS HARMFUL ERROR, AND DELIBERATE INDIFFERENCE AS WELL. WHERE THE ISSUES OF INEFFECTIVE ASSISTANCE AND CONFLICT OF INTEREST WAS PROFOUNDLY EVIDENT THROUGHOUT THE ENTIRE EXISTENCE OF THIS CASE, THE CONSTANT CHANGING OF COUNSEL AND THE PERSISTENCE OF CO-DEFENDANTS COUNSEL TO PERSUADE APPELLANT TO PLEA BARGAIN TO CHARGES WHERE CO-DEFENDANT WAS OBVIOUSLY MORE CULPABLE THAN APPELLANT WAS IN VIOLATION OF THE PROFESSIONALISM AND ETHICS OF THE STATE BAR OF GEORGIA AND THE COURT OF LAW AS WELL. APPELLANT EXERCISED HIS RIGHT AS A CITIZEN AND THUS EXERCISED THOSE TO THE BEST OF HIS ABILITY, TO NOT ONLY, BE SUBJECTED TO UNJUST AND CRUEL VINDICTIVE PROSECUTION.

Bennie R. Solomon
Notary Public
Peach County, State of Georgia
Comm. Expires 07-14-2014

Bennie R. Solomon
11/14/13

Mr Paul Howard DA
C/o Lenny Krick ADA
OFFICE OF THE DISTRICT ATTORNEY
136 Pryor St SW Room # 300
ATLANTA, GA 30303

I HEREBY CERTIFY THAT I HAVE SEALED A COPY OF THE WITHIN
AND FOREIGN APPELLANTS BRIEF AND ENDORSEMENT OF ERRORS BY
DEPOSITING SAID COPY IN THE U.S. MAIL IN A PROPERLY ADDRESSED
ENVELOPE WITH ADDRESS POSTAGE ADDRESSED TO:

CERTIFICATE OF SERVICE

Kevin Wilcox Esq
Kevin Wilcox Esq
Gib# 692007
PO 33 DEFENDANT
Macon State Prison
P.O. BOX 426
Oglethorpe, GA 31008

WHEREFORE, MR LEE DAVY THIS COURT VACATE HIS CONVICTIONS AND GRANT
HIM A NEW TRIAL BASED ON THE ABOVE ARGUMENTS.
RESPECTFULLY SUBMITTED THIS DAY OF NOV 2013.

IN THE COURT OF APPEALS OF GEORGIA
STATE OF GEORGIA 11TH CIRCUIT

KEVIN MARIO LEE
APPELLANT
v.
STATE OF GEORGIA
APPELLEE

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INDICTMENT: 07SC58528

AMENDED SUPPLEMENT OF APPELLANT'S ENUMERATION OF ERRORS

I. STATEMENT OF THE CASE & STATEMENT OF FACTS

STATEMENT OF THE CASE: THIS IS A DIRECT APPEAL FROM A FINAL ORDER OF THE FULTON COUNTY SUPERIOR COURT DENYING APPELLANT'S KEVIN MARIO LEE'S MOTION FOR NEW TRIAL IN AN ALLEGED ARMED ROBBERY CASE THAT AROSE FROM A SUSPECTED BURGLARY CALL AT THE RESIDENCE OF RICHARD MCDANIEL AND CHRISTOPHER MCCLAIN AT 918 OAK STREET, IN ATLANTA, JULY 13 2007.

II. JURISDICTION AND ENUMERATION OF ERRORS

A. JURISDICTION; THIS COURT HAS JURISDICTION OVER THIS MATTER UNDER ARTICLE VI, SECTION VI AND APPEALS OF SUCH CASES ARE PRE-RESERVED TO THE SUPREME COURT OF GEORGIA UNDER THE CONSTITUTION OF THE STATE OF GEORGIA.

B. ENUMERATION OF ERRORS.

1. INEFFECTIVE ASSISTANCE OF COUNSEL, IN VIOLATION OF THE SIXTH AMENDMENT OF THE UNITED STATES CONSTITUTION AND THE CORRELATIVE PROVISIONS OF GEORGIA'S CONSTITUTION OF 1983.

FACT: COUNSEL FOR APPELLANT FAILED TO MAKE PROPER OBJECTION OF PRIOR CONVICTIONS PRESENTED AS A FACTOR IN AGGRAVATION OF SENTENCE WHEN THE STATUTORY REQUIREMENT OF "CLEAR NOTICE" TO THE ACCUSED WAS NOT GIVEN PURSUANT TO GEORGIA LAW, O.C.G.A § 17-10-2 (G.C.A § 27-2503) SEE 17-16-4 (a)(5).

2. APPELLANT CLAIMS A VIOLATION OF STATE STATUTORY CREATED RIGHTS AS WELL AS; VIOLATION OF DUE PROCESS UNDER THE 14TH AMENDMENT OF THE UNITED STATES - CONSTITUTION AND CORRELATIVE PROVISIONS OF GEORGIA'S CONSTITUTION OF 1983.

FACT: TRIAL COURT FAILED TO CONDUCT PRE-SENTENCE HEARING AS MANDATED BY GEORGIA STATUTORY LAW. APPELLANT'S CONVICTION WAS IS BASED ON AN IMPROPERLY ENHANCED SENTENCE WITHOUT PROPER NOTICE UNDER O.C.G.A - 17-16-4(a)(5) ALSO THE PRIOR CONVICTIONS USED DOES NOT CONSTITUTE THE - SERIOUS VIOLENT FELONY OFFENSES PURSUANT TO O.C.G.A § 17-10-6.1. G.C.A - § 27-2511.2) (O.C.G.A 17-10-7(b))

NOTARY
Bennie R. Solomon
11/22/13

AutoGRAPH: *[Signature]*
All rights reserved without
prejudice. MCC-1-201

[Signature]
KEVIN MARLO LEE
GDC# 1092007
NACON STATE PRISON
P.O. BOX 426
OGLETHORPE, GA 31068

Respectfully submitted this — DAY OF NOV 2013

Wherefore, THE APPELLANT PRAYS THAT THESE GROUNDS BE CONSIDERED OF BY THE COURT FOR NEW TRIAL AND THAT A NEW TRIAL BE GRANTED.

5. APPELLANT CLAIMS TRIAL COUNSEL'S PERFORMANCE WAS DEFICIENT DUE TO HIS FAILURE TO OBJECT TO THE STATE'S USE OF APPELLANT'S PRIOR CONVICTIONS AT THE SENTENCING STAGE AS AN AGGRAVATING FACTOR WHEN PRIOR CONVICTIONS DO NOT CONSTITUTE "SERIOUS VIOLENT FELONY"; TRIAL COUNSEL'S PERFORMANCE PREJUDICED APPELLANT ENTITLING HIM TO REHEAR (WEST V LUTHERS, 272 GA. 591, 533 S.E. 2D 886 (2000) GA. LEXIS 545, 2000 FULTON COUNTY D, REP 2583, 500A6659 JULY 10 2000 DECIDED.

4. APPELLANT CLAIMS CRUEL AND UNUSUAL PUNISHMENT WHICH IS A VIOLATION OF THE 8TH AMENDMENT OF THE UNITED STATES CONSTITUTION AND - THE CORRELATIVE PROVISIONS OF GEORGIA'S CONSTITUTION OF 1983 - FACT: THE TRIAL COURT IMPOSED AN ILLEGALLY ENHANCED SENTENCE UPON THE APPELLANT UNAUTHORIZED BY GEORGIA'S LAW TO LIFE WITHOUT PAROLE WHICH WAS GREATER THAN THAT PRESCRIBED BY GEORGIA'S LAW FOR THE OFFENSES OF WHICH HE WAS CONVICTED, AND EVIDENCE WHICH WAS PRESENTED, WHICH WAS NONE.

3. APPELLANT CLAIMS VIOLATION OF DUE PROCESS UNDER THE 14TH AMENDMENT OF THE UNITED STATES CONSTITUTION AND CORRELATIVE PROVISIONS OF GEORGIA'S CONSTITUTION OF 1983. FACT: STATE FAILED TO PRESENT "SERIOUS VIOLENT FELONY CONVICTIONS" OF APPELLANT PAST RECORD TO AUTHORIZE THE IMPOSITION OF THE SENTENCE OF LIFE WITHOUT PAROLE UPON THE APPELLANT IN VIOLATION OF GEORGIA'S - RECIPIVA STATUTE LAW, O.C.G.A. § 17-10-61, O.C.G.A. § 17-10-7(b)(1) REQUIRES IMPRISONMENT FOR LIFE WITHOUT PAROLE FOR THE CONVICTION OF TWO SERIOUS VIOLENT FELONY CONVICTIONS, PURSUANT TO O.C.G.A. § 17-10-7(b)(1) O.C.G.A. § 27-2511.

II. ENUMERATION OF ERRORS

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY THAT I HAVE THIS DATE SERVED A TRUE AND CORRECT COPY OF THE WITHIN AND FOREGOING BY PLACING A COPY OF THE SAME IN THE UNITED STATES MAIL PROPERLY ADDRESSED AND WITH ADEQUATE POSTAGE AFFIXED THEREON.

THIS 20 DAY OF NOV 2013

Bennie R. Solomon 11/20/13

NOTARY.

Bennie R. Solomon
Notary Public
Peach County, State of Georgia
Comm. Expires 07-14-2014

Kevin Mario Lee
KEVIN MARIO LEE PRO.
CDC# 692007
MACON STATE PRISON
P.O. BOX 426
DOLYETHORPE, GA 31068

AUTOGRAPH SIG. *Kevin Mario Lee*

ALL RIGHTS RESERVED WITHOUT
PREJUDICE. HCC-1-207

IN THE COURT OF APPEALS OF GEORGIA

STATE OF GEORGIA

~~07SC58528~~

RECEIVED IN OFFICE
2014 FEB -7 PM 3:28
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

KEVIN MARIO LEE
APPELLANT
VS.
STATE OF GEORGIA
APPELLEE

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INDICTMENT; 07SC58528

RECEIVED IN OFFICE
2014 JAN -6 PM 3:28
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

BRIEF ON BEHALF OF APPELLANT

I. STATEMENT OF THE CASE & STATEMENT OF FACTS

STATEMENT OF THE CASE: THIS IS A DIRECT APPEAL FROM A FINAL ORDER OF THE FULTON COUNTY SUPERIOR COURT DENYING APPELLANT KEVIN-LEE'S MOTION FOR NEW TRIAL IN AN ALLEGED ARMED ROBBERY CASE THAT AROSE FROM A SUSPECTED BURGLARY CALL AT THE RESIDENCE OF RICHARD MCDANIEL AND CHRISTOPHER MCCLAIN AT 9188 ORAL STREET IN ATLANTA, GA JULY 13 2007.

APPELLANT WAS INDICTED FOR 2CT OF ARMED ROBBERY, AGGRAVATED ASSAULT W/I TO ROB, 2CTS POSSESSION OF FIREARM. APPELLANT WAS INDICTED ALONG WITH CO-DEFENDANT LARRY JAMES BROWN WHO WAS ALSO IN FACT CHARGED WITH THE SAME OFFENSE, PLED TO A LESSER CHARGE AND SENTENCE IN AGREEMENT TO IMPLICATE APPELLANT. AFTER A TWO DAY TRIAL MAY 2010 THE JURY IN THE FULTON COUNTY SUPERIOR COURT SENTENCED APPELLANT TO LIFE W/O PAROLE. CO-DEFENDANT RECEIVED A SPLIT SENTENCE OF 10 YRS TO SERVE TYRS IN EXCHANGE FOR TESTIMONY ACCUSING APPELLANT OF ALLEGED CHARGES. APPELLANT TIMELY MOVED FOR A NEW TRIAL FOLLOWING SENTENCE & CONVICTION.

STATEMENT OF FACTS: ON JULY 13 2007 APPELLANT HAD BEEN TRAVELING BY MARTA BUS JOB SEEKING WITH GIRLFRIEND, AND DECIDED TO EXIT THE WESTEND TRAM STATION IN SEARCH OF A PLACE TO EAT, WALKING DOWN RAIPH DAVID ABERNATHY, APPELLANT AND GIRLFRIEND DECIDED TO STOP AT WENDY'S AND EAT, WHEN TWO ATLANTA POLICE APPROACHED APPELLANT AT GUNPOINT AND ROUGHLY TOOK HIM TO THE GROUND AND BRIEFLY ASSAULTED APPELLANT INJURING RIGHT HAND, AFTER APPELLANT PROTECTED HIS FACE FROM HITTING PAVEMENT. ONCE APPELLANT WAS CUFFED AND PLACED IN POLICE APPELLANT WAS THEN DRIVEN TO A LOCATION WHERE TWO MORE OFFICERS WAS STANDING WITH TWO BLACK MALES OUTSIDE OF A HOME.

AT THIS TIME MY MIRANDA RIGHTS WAS NEVER READ, THE TWO MALES WERE PLACED INSIDE OF ANOTHER POLICE CAR, WE WERE DRIVEN TO A SIDE STREET WHERE AN AMBULANCE WAS PARKED, THE TWO MALES WERE TAKEN OUT THE POLICE CAR AND WALKED TO THE AMBULANCE AND AFTERWARDS WERE DRIVEN OFF. I WAS THEN FRISKED AND MY PROPERTY WAS AT THAT TIME CONFISCATED, ITEMS TAKEN WERE, SOC SEC CARD, BIRTH CERTIFICATE, CELL PHONE KEYS, WALLET, DRIVERS LISCENCE, MONEY WAS ALL TAKEN TO CITY HALL EAST. AND I WAS TAKEN TO FULTON CO JAIL.

IN THE SUPERIOR COURT OF SUMTER COUNTY

STATE OF GEORGIA

JOHN CROOK
Plaintiff

CIVIL ACTION
FILE NO. 13CV586 (SZ)

v.

JUSTIN LASTER
Defendant

RECEIVED IN OFFICE
2014 FEB -7 11:11
CLERK OF SUPERIOR COURT
SUMTER COUNTY, GA

Comes Now the Defendant, Justin Laster, I am submitting to the Court a Pauper's Affidavit because I am unable to pay the costs of my appeal and I request that you waive the fee for docketing my appeal and the costs of filing my appeal. Thank you.

Respectfully submitted,


Justin Laster

This 3rd day of February, 2014.

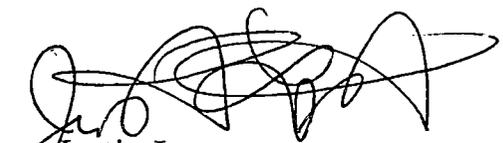
CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY that I have this day served the within and foregoing PAUPER'S AFFIDAVIT & LETTER upon counsel for all parties by depositing a copy thereof, first class mail postage prepaid, in the United States Mail properly addressed upon the following:

Court Of Appeals
47 Trinity Avenue, SW
Suite 501
Atlanta, GA 30344

John Crook
420 Middle River Road
Americus, GA 31709

This 3rd day of February, 2014.



Justin Laster
Pro Se



COURT OF APPEALS
COURT OF GEORGIA

John Crook
APPELLANT

vs.
Justin Laster
APPELLEE Applicant

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CASE NUMBER
13CV586(S2)

PAUPER'S AFFIDAVIT

Comes now Justin Laster
(Appellant/Applicant/Petitioner Name)

and first being duly sworn, states that because of my indigence I am financially unable to pay the required filing costs in the Supreme Court of Georgia, and I request that I be permitted to file without having to pay filing fees.

This 3rd day of February, 2014

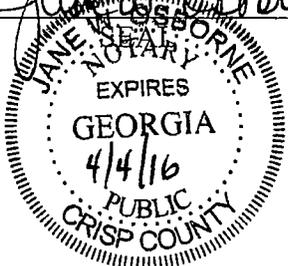
Justin Laster
(Your name typed or printed)
[Signature]
(Signature)

2014 Armony Drive
Americus, GA 31719

(Print complete address and telephone number.)

Sworn to and subscribed before me,
this 3rd day of February, 2014.

Jane M. Osborne Notary Public



COURT OF APPEALS

RECEIVED IN OFFICE
2014 FEB -7 AM 11:12
CLERK OF SUPERIOR COURT
COURT OF APPEALS OF GA

STATE OF GEORGIA

NATIONAL COLLEGIATE
STUDENT LOAN TRUST
2005-3
Plaintiff

CIVIL ACTION
FILE NO. 13CV587 (SZ)

v.

JUSTIN LASTER
Defendant

Comes Now the Defendant, Justin Laster, I am submitting to the Court a Pauper's Affidavit because I am unable to pay the costs of my appeal and I request that you waive the fee for docketing my appeal and the costs of filing my appeal. Thank you.

Respectfully submitted,


Justin Laster

This 3rd day of February, 2014.

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY that I have this day served the within and foregoing PAUPER'S AFFIDAVIT & LETTER upon counsel for all parties by depositing a copy thereof, first class mail postage prepaid, in the United States Mail properly addressed upon the following:

Court Of Appeals
47 Trinity Avenue, SW
Suite 501
Atlanta, GA 30344

Gerald E. Moore, Esq.

John M. Duffoo, Esq.
Gerald E. Moore & Associates, P.C.
P.O. Box 876
Smyrna, GA 30081

This 3rd day of February, 2014.



Justin Laster
Pro Se

Gerald E. Moore and John M. Duffoo, Attorneys for Plaintiff



COURT OF APPEALS
COURT OF GEORGIA

RECEIVED IN OFFICE
2014 FEB 17 AM 11:12
CLERK OF SUPERIOR COURT
COURT OF APPEALS OF GA

National Collegiate
Trust

APPELLANT

vs.
Justin Laster

~~APPELLEE~~ Applicant

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CASE NUMBER
13CU587(S2)

PAUPER'S AFFIDAVIT

Comes now Justin Laster
(Appellant/Applicant/Petitioner Name)

and first being duly sworn, states that because of my indigence I am financially unable to pay the required filing costs in the Supreme Court of Georgia, and I request that I be permitted to file without having to pay filing fees.

This 3rd day of February, 2014
Justin Laster
(Your name typed or printed)
[Signature]
(Signature)
2014 Armory Drive
Americus, GA 31719

(Print complete address and telephone number.)

Sworn to and subscribed before me,
this 3rd day of February, 2014.

Jane W. Osborne

Jane W. Osborne Notary Public



COURT OF APPEALS

RECEIVED IN OFFICE
2014 FEB - 7 AM 11:11
CLERK OF SUPERIOR COURT
STATE OF GEORGIA

STATE OF GEORGIA

NATIONAL COLLEGIATE
STUDENT LOAN TRUST
2005-3
Plaintiff

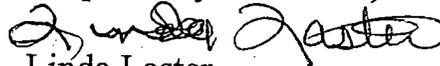
CIVIL ACTION
FILE NO. 13CV588 (SZ)

v.

LINDA LASTER
Defendant

Comes Now the Defendant, Linda Laster, I am submitting to the Court a Pauper's Affidavit because I am unable to pay the costs of my appeal and I request that you waive the fee for docketing my appeal and the costs of filing my appeal. Thank you.

Respectfully submitted,


Linda Laster

This 3rd day of February, 2014.

CERTIFICATE OF SERVICE

I DO HEREBY CERTIFY that I have this day served the within and foregoing PAUPER'S AFFIDAVIT & LETTER upon counsel for all parties by depositing a copy thereof, first class mail postage prepaid, in the United States Mail properly addressed upon the following:

Court Of Appeals
47 Trinity Avenue, SW
Suite 501
Atlanta, GA 30344

Gerald E. Moore, Esq.

John M. Duffoo, Esq.
Gerald E. Moore & Associates, P.C.
P.O. Box 876
Smyrna, GA 30081

This 3rd day of February, 2014.

A handwritten signature in black ink, appearing to read "Linda Laster". The signature is fluid and cursive, with a large initial "L" and a long, sweeping underline.

Linda Laster
Pro Se

Gerald E. Moore and John M. Duffoo, Attorneys for Plaintiff



COURT OF APPEALS
COURT OF GEORGIA

RECEIVED IN OFFICE
2014 FEB 7 AM 11:11
CLERK OF THE SUPREME COURT OF GA

National Collegiate Trust
APPELLANT

vs.

Linda Laster
APPELLEE Applicant

*
*
*
*
*
*
*

CASE NUMBER
13CV588(SZ)

PAUPER'S AFFIDAVIT

Comes now LINDA LASTER
(Appellant/Applicant/Petitioner Name)

and first being duly sworn, states that because of my indigence I am financially unable to pay the required filing costs in the Supreme Court of Georgia, and I request that I be permitted to file without having to pay filing fees.

This 3rd day of February, 2014

LINDA LASTER
(Your name typed or printed)

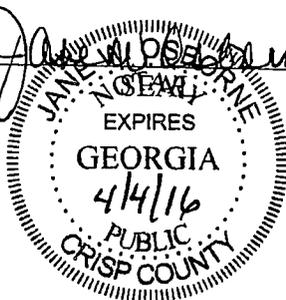
[Handwritten Signature]
(Signature)

508 FIELDSTONE DRIVE
AMERICUS, GA 31709

(Print complete address and telephone number.)

Sworn to, and subscribed before me,
this 3rd day of February, 20 14.

[Handwritten Signature] Notary Public



A13A2170

FILED
CLERK OF SUPERIOR COURT
COLQUITT COUNTY, GA

IN THE SUPERIOR COURT OF COLOQUITT COUNTY
STATE OF GEORGIA.

2014 FEB 12 PM 3:39

LYNN G. PURVIS, CLERK

WILLIE PACE,
Plaintiff,

Vs.

CAROLYN PACE,
Defendant.

* CIVIL ACTION
* FILE NO: 2013-CV-10549
*
*
*
*
*

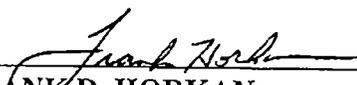
RECEIVED IN OFFICE
2014 FEB 19 PM 2:39
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

JUDGEMENT ON REMITTITUR

The Honorable Court of Appeals of the State of Georgia having reviewed the within and above styled case and returned its Remittitur thereon to this Court,

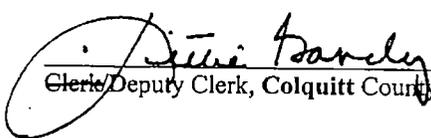
IT IS ORDERED AND ADJUDGED that the judgement of the Court of Appeals of the State of Georgia be, and the same is hereby, made the judgement of this Court.

SO ORDERED, this 12 day of February, 2014.


FRANK D. HORKAN
Judge, Superior Courts
Southern Judicial Circuit

This is to certify that I have this date sent a true and correct copy of the within Order to: Court of Appeals of the State of Georgia; Attorney(s) for Plaintiff s and Attorney(s) for Defendant.

This 13th day of February, 2014.


Clerk/Deputy Clerk, Colquitt County Superior Court

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

February 17, 2014

Mr. Lamarcus Thomas
GDC1075958
Georgia Diagnostic and Classification Center
State Prison
Post Office Box 3877
Jackson, Georgia 30233

RE: A13A1110. Lamarcus Thomas v. Carl Humphrey, Warden

Dear Mr. Thomas:

I am in receipt of your letter. The above appeal was docketed in this Court on February 4, 2013. The appeal was transferred to the Supreme Court on February 15, 2013. I have enclosed a copy of the order transferring the appeal.

You may contact the Supreme Court at the following mailing address: Supreme Court of Georgia, 244 Washington Street, S.W. • Suite 572, Atlanta, Georgia 30334.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld
Enclosure

Court of Appeals of the State of Georgia

ATLANTA, February 15, 2013

The Court of Appeals hereby passes the following order:

A13A1110. LAMARCUS THOMAS v. CARL HUMPHREY, WARDEN.

After the superior court denied his petition for a writ of habeas corpus, Lamarcus Thomas filed an appeal to this Court. The Supreme Court, however, has appellate jurisdiction over all cases involving habeas corpus. See Ga. Const. 1983, Art. VI, Sec. VI, Par. III (4). This appeal is therefore TRANSFERRED to the Supreme Court for disposition.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 02/15/2013

*I certify that the above is a true extract from
the minutes of the Court of Appeals of Georgia.*

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

Hally H. O. Spencer

, Clerk.

Dear Clerk of Court of Appeals I am Kamarcus

Thomas a inmate that filed my Appeal ~~on~~ on Date Docketing February 04, 2013 under Appeal Case Number: A134110 Kamarcus Thomas

VS. Carl Hampton (warden) ~~vs~~ I filed a Documented Return Notice for Brief or motion on Documented June 17, 2013 so Im writing Asking for a Request of my Appeal Decision or my

Pending Status of Case was a Decision made I need to know was a Decision If there was I need to know what I was to there what I need to know why or how long the Pending of Judgement of Decision will take I made a Appeal Attempt I need to know what was the Decision so Im Asking you Clerk of Court of Appeal could you please send me a notice of what was my Decision please Sir or

man so I can know what my next step can be or continue my process on the next fase please man or sir thank you very much Ill be on stand by for a Return Answer by Clerk of Court of Appeals

Sincerely
Kamarcus Thomas
AP # 1075958
Case No: 12-V-73
1-31-14

Notice for Request on Appeal }
Decision

RECEIVED IN OFFICE
JUN 18 11 AM 2:11
COURT OF APPEALS

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

February 18, 2014

To: Mr. Ronald McDougler, GDC874035, Georgia State Prison, 2164 Georgia Highway 147, Reidsville, Georgia 30499

Docket Number: **Style:** **Ronald McDougler 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. **No Certificate of Service accompanied your document(s). Rule 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.**
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

IN THE APPEALS COURT OF
STATE OF GEORGIA

RONALD MCDUGLER
(APPELLANT)

APPEAL CASE No: _____

A13A1592
MCDUGLER VS STATE
IN THE COURT OF APPEALS OF GEORGIA

VS.

STATE OF GEORGIA
(RESPONDENT)

RECEIVED IN OFFICE
2014 FEB 14 PM 3:43
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GEORGIA

MOTION FOR DISCRETIONARY (OUT OF TIME) APPEAL

COMES NOW RONALD MCDUGLER AND HEREBY RESPECTFULLY FILES "NOW" THIS (PROSE) DISCRETIONARY APPEAL (OUT OF TIME) TO RE-ASSERT HIS INITIAL CLAIMS OF THIS APPEAL AND TO INFORM THIS COURT OF THE FOLLOWING FACTS:

1.
APPELLANT CONTENDS THAT ON SEPTEMBER 14, 2013, THIS HONORABLE COURT ISSUED AN ORDER OF REMITTUR IN THE AFORE-MENTIONED CASE BACK TO THE CAMDEN COUNTY SUPERIOR COURT WITH INSTRUCTION "EMPHASIS"!

2
ON NOVEMBER 21, 2013, THE CAMDEN COUNTY COURT AS STATED DENIED (DEFENDANT) APPELLANT'S MOTION FOR DISMISSAL OF INDICTMENT OR ACCUSATION FILED ON JULY 2, 2009 AFTER BALANCING THE BARKER-DOGGETT-FACTORS INSTEAD OF THE "BARKER-WINGO" FACTORS AS ORDERED BY THIS HONORABLE COURT IN ITS REMITTUR ORDER.

IN THE SUPERIOR COURT OF CAMDEN COUNTY

STATE OF GEORGIA

STATE OF GEORGIA

vs.

RONALD McDOUGLER,

Defendant.

)
)
)
)
)
)
)

Case No. 2008CR146

ORDER

On April 21, 2008, Defendant Ronald McDougler was charged, via accusation, with two counts of sale of cocaine and two counts of possession of cocaine. On July 2, 2009, McDougler filed a motion to dismiss the accusation on the grounds that his constitutional right to a speedy trial had been violated. On July 9, 2009, two days after conducting a hearing on McDougler's motion, the Court entered an order denying the motion. The case was tried before a jury on July 16, 2009, and the jury convicted McDougler of all four counts.

On September 10, 2013, the Court of Appeals of Georgia issued its opinion on McDougler's appeal of his convictions and the denial of his motion for new trial. The Court of Appeals remanded the case with the following directions:

...where the trial court's order noted that the "14-month delay" between the time of McDougler's arrest and his trial was "presumptively prejudicial," there were no findings as to any of the other *Barker* factors. Furthermore, there is nothing in the record to indicate whether a hearing was even held on McDougler's speedy-trial claim, much less a transcript containing verbal findings of fact and conclusions of law that would allow us to review the trial court's ruling despite the absence of such findings in the court's order. Given these circumstances, we conclude that the trial court's order is insufficient to provide for proper appellate review. Accordingly, the trial court's order denying McDougler's constitutional speedy-trial claim is vacated, and the case is remanded for the entry of a proper order pursuant to *Barker v. Wingo*.¹

In accordance with the Court of Appeals' direction, and after consideration of the record

¹ *McDougler v. State*, 748 S.E.2d 475, 478 (Ga. Ct. App. 2013) (citations omitted).

STATE OF GEORGIA
CAMDEN SUPERIOR COURT

Filed 11-21-13 at 9:30 A.M.
Ronald M. [Signature] Deputy Clerk

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true and correct copy of the within and foregoing MOTION FOR DISCRETIONARY APPEAL AND EXHIBITS on the below-named person(s) by placing it in the Prison mailbox in a properly addressed envelope with sufficient first class postage affixed thereto.

This the 5TH day of FEBRUARY, 2014. RONALD MCDUGLER
pro se

Please Serve:

1. CLERK
GA COURT OF APPEALS
UN TRINITY AVENUE
ATLANTA, GEORGIA
30234
- 2.
- 3.

IN THE APPEALS COURT OF
STATE OF GEORGIA

RECEIVED IN OFFICE
2014 FEB 14 PM 3:44
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

RONALD MCDUGLER,
(APPELLANT)

APPEAL NO: _____

A1341592
MCDUGLER VS STATE
IN THE COURT OF APPEALS

SUPERIOR COURT CASE NO: 2008CR146

VS.

STATE OF GEORGIA
(RESPONDENT)

RECEIVED IN OFFICE
2014 FEB 14 PM 3:44
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

MOTION FOR LEAVE TO PROCEED

COMES NOW, RONALD MCDUGLER AND HEREBY "RESPECTFULLY" PLEAD THAT THIS (PROSE) MOTION REQUESTING THE COURT'S PERMISSION FOR LEAVE TO PROCEED AND FILE THEREIN THIS COURT A DISCRETIONARY APPEAL APPELLANT. SHOWS THIS HONORABLE COURT THE FOLLOWING FACTS:

1. "THAT" REVERSIBLE ERROR APPEARS TO EXIST

2. "THAT" A MANIFEST MISARRIAGE OF JUSTICE HAS OCCURRED OR IS EVIDENT

3. "THAT" THIS CONVICTION IS UNJUST AND ILLEGAL

"WHEREFORE", HERE APPELLANT ASKS THIS HONORABLE COURT FOR LEAVE TO PROCEED TO EXAMINE APPELLANTS REMAINING CLAIMS OF THIS APPEAL AND TO EXAMINE THE COURT'S UNCONSTITUTIONAL DENIAL OF

THIRD DIVISION
ANDREWS, P. J.,
DILLARD and MCMILLIAN, 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/>

September 10, 2013

In the Court of Appeals of Georgia

A13A1592. MCDOUGLER v. THE STATE.

DILLARD, Judge.

Following a jury trial, Ronald McDouglar was convicted on two counts of sale of cocaine and two counts of possession of cocaine. McDouglar appeals his convictions and the denial of his motion for new trial, arguing that (1) the evidence was insufficient to support his convictions, (2) the trial court erred in failing to adequately instruct the jury regarding similar-transaction evidence, (3) the trial court erred in admitting his custodial statements into evidence, (4) the trial court erred in denying his claim of ineffective assistance of counsel, and (5) the trial court erred in denying his claim that his Sixth Amendment right to a speedy trial was violated. We find that the evidence was sufficient to support McDouglar's convictions. However, because we also find that the trial court's order denying McDouglar's speedy-trial

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

February 18, 2014

Mr. James McQueen
GDC965156
Georgia Diagnostic and Classification
State Prison
Post Office Box 3877
Jackson, Georgia 30233

Dear Mr. McQueen:

In response to your correspondence received in this office we do not have a case styled in your name pending in this Court. We are returning your documents as you may want to use them at a later time.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld
Enclosure

FORM 4 - NOTICE OF FILING CERTIORARI

COURT OF APPEALS OF GEORGIA

RECEIVED IN OFFICE
2014 FEB 17 AM 11:39
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

James L. McQueen

APPELLANT

vs.

Farrell D. Johnson

APPELLEE

*
*
*
*

CASE NUMBER

SU-13-WR-0007-5

NOTICE OF FILING PETITION OF CERTIORARI

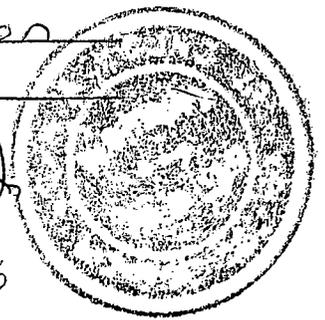
Comes now James McQueen (Appellant/Appellee) in the above appeal and shows he/she this day filed an application for certiorari with the Court of Appeals of Georgia.

This the 3 day of FEBRUARY, 2014.

James Mc Queen # 965156 (Sign your name.)
GEORGIA Diagnostic & Classification Prison
Box 3877, Jackson, GA. 30233

(Your complete address.)

John A. Young



CERTIFICATE OF SERVICE CE 7/1/6

I certify that I have this day served Andrew Marshall (opposing party or attorney) with a copy of this Notice of Filing Petition of Certiorari by _____ (hand delivery/ mailing a copy first class mail postage prepaid) to him/her at: _____

(complete address of party served).

This the _____ day of FEBRUARY, 2014.

James Mc Queen (Sign your name.)

Certificate of Service

This is to certify that I have, this day, served a true and correct copy of the foregoing motion to CERTIORARI

This 4th day of February, 2014.

James McCauley
Name

Georgia Diagnostic & Classification Prison
PO Box 3877
Jackson, Ga. 30233

Note: The clerk's name and address do not appear on this page. Only the opposing party's title and address appear on this page.

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

Date: February 18, 2014

To: Mr. Charles Vincent Rice, GDCX001028, Chatham County Detention Center, 1074 Carl Griffin Drive, Savannah, Georgia 31405

Docket Number: A14A0988 **Style:** Charles Vincent Rice v. Al St. Lawrence

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 or an improper Certificate of Service accompanied your document(s). Rule 6
5. **Your Certificate of Service did not include the complete name and mailing address of each opposing counsel and pro se 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)
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

* APPEAL CASE NO. CHARLES V. RICE

PETITIONER

VS

AL ST LAWRENCE

DEFENDANTS

* A14A0988

* A14A0987

* S14A0307

*

*

* Co-COUNSEL

RECEIVED IN OFFICE
2014 FEB 17 AM 11:34
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

REQUEST FOR ORAL ARGUMENT

Now comes, Charles Vincent Rice,

in the above-style action not
filing the Honorable Court of

Appeals of Georgia that he is re-

questing an oral argument on case

civil actions I declare under

penalty of perjury that all is

true and correct on this date

of (a-8-2014).

Charles Vincent Rice

Secured Party: AHN Repres;

will Subject me to penalties
for perjury according to O.C.G.A.
16-10-70,

CERTIFICATE OF SERVICE

This certifies that a copy of
the foregoing is being sent via
mail delivery to the clerk of
the Court of appeals of Ga.
47 Trinity Avenue, S.W., Suite 501
Atlanta, Ga. 30334.

This 8th Day of Feb 2014

/s/ Charles Vincent Rice
Secured Party:

COURT OF APPEALS OF GEORGIA

CHARLES V. RICE * APPEAL CASE NO:

PETITIONER * A14A0988

VS. * A14A0987

ALSTAIR LAMRANCE * S14A0307

ET AL * *

DEFENDANTS * *

REQUEST TO PROCEED IN

INFORM PROBIS

Now comes, Charles Vincent Rice

Secured Party: Authorized Repres

entative, Depose and say that

because of poverty, I am unable

to pay fees and costs of said

Proceeding, that I am entitled to

address.

1) I'm presently incarcerated unemployed.

2) I do not have any money.

3) I am indigent.

UNDER PENALTY OF PERJURY

I understand that any false statement to any of the above information

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

February 18, 2014

Ms. Teresa L. Royals
GDC1036513 E5-B
Pulaski State Prison
Post Office Box 839
Hawkinsville, Georgia 31036

RE: A14A0279. Teresa Louise Royals v. The State

Dear Ms. Royals:

We received your letter dated February 10, 2014. Copies are \$1.50 per page in this Court. Your pauper status does not excuse you from the copy fees in this Court. The Appellee's Brief contains 10 pages totaling \$15.00. Please send your check or money order to the above letterhead address specifying what copies you would like. Your request will be processed and sent to you by return mail.

Your case is still pending before the Court. Your case was docketed in the 2014 January Term and a decision must be rendered by the Court by the end of the 2014 April Term which ends on July 31, 2014.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld

2-10-14

RECEIVED IN OFFICE

4 FEB 17 AM 11:33

COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Dear Mr. Castlen

My name is Teresa Louise Royals and I am writing to you in reference to case no. A14A 0279 Teresa Louise Royals v. The State.

Initially, I was handling this action Pro Se. However, on October 24th, 2013 I received correspondence from Ms. Lorie Williams-Smith with the Alapaha Judicial Circuit Public Defenders Office stating she had been appointed to assist me with my appeal along with a copy of Entry of Appearance and Request to file Supplemental Brief. In her letter, Ms. Williams-Smith stated that she would forward copies of any documents filed in my case, maintain communication with me & if I had any questions or concerns, not to hesitate to contact her.

That is the only contact I have had from her. I have written her 4 times requesting information such as a copy of the District Attorney's Response (Appellee's Brief), whether or not she requested Oral Argument and a possible time frame for the Appellate Court Judges to render a judgement. I also was

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

February 19, 2014

To: Mr. James M. Martin, GDC1090322 F-212-B, Wilcox State Prison, Post Office Box 397, Abbeville, Georgia 31001

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 under your name.** Until a case is docketed in the Court of Appeals in your name, you should direct your inquiries to your attorney of record or the clerk of the trial court from which you are appealing.
- 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 a 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 it 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.
- Your Notice of Appeal did not include a Certificate of Service or does not include a proper Certificate of Service.** A Certificate of Service must accompany your Notice of Appeal. It must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must be actually served with a copy of your filing. In an appeal of a criminal conviction in a superior court, the State is represented by the District Attorney or an Assistant District Attorney.
- 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 _____
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 Eleventh Circuit Court of Appeals is: Eleventh Circuit Court of Appeals, 56 Forsyth Street, N.W., Atlanta, Georgia 30303.**

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

EXHAUSTION

In Plaintiff's emergency situation Counselor Fitzgerald refused to file an emergency grievance. Plaintiff filed the internal grievance and Warden Toole responded to formal grievance using both internal grievance response on one internal grievance 84735.

Internal grievance no. 84833 for the assault is still pending in limited states court of appeals, Docket No. 13-13091-D.

Internal grievance 84735 for loss of personal property did not have an emergency grievance; even though it occurred after prison guards packed Martin's personal property and dropped it outside the wall to floor where it stayed until first shift change. Plaintiff in good faith has carried this case to 11th Cir. Court of appeals to have an internal grievance 84833 and 84735 must be adjudicated without any monetary compensation for loss of personal property. See Booth v. Churnin, 532 U.S. 731 (2001); but internal grievance 84833 is for personal injury in assault.

In U.S. Supreme Court case Jones v. Bock, 519 U.S. 199 (2007).

The court stated that prisoners do not need to show in their complaint that they have exhausted all grievance procedures. Griffin, 84833 is for property established action against prison officials Lt. Johnny McDonald ordered inmate Harris to come back to dorm and shut that switch mouth; he stated in Id. March 7, 2011. See Saucier v. Katz, 533 U.S. 194 (2001) and Wilson v. Fitzgerald, 457 U.S. 800 (1982). Similar case on mine Prison Hospital News v. Lehman, 397 F.3d 692 (9th Cir. 2005).

Johnny McDonald, defendant is liable to establish personal involvement, see Coleman v.oughlin, 58 F.3d 865 (2nd Cir. 1995).

Travis Fitzgerald must be found negligent in his failure to perform their mandatory non-discretionary duty. Emergent Grievance SOP 11B05-0001(VI)(E). See Holt v. Ray, 682 F.2d 1237, 1251 (9th Cir. 1982):

CASE FILE NO.

James M. Martin v. Sherondah Fields, Civil Action No. A12AD285 and A11D0511. Sherondah Fields's signature was not hers. Inmate Affairs Rick Myrick or Sherondah Fields, never came to Wilson State Prison to investigate these matters.

James M. Martin v. Johnny McDaniel, Civil Action No. 5:11-cv-102. (May 11, 2011).

VIOLATION OF PERJURY

Head Counselor, Melissa Thompson committed PERJURY when she failed to investigate this case, however, she state Martin did not file a formal grievance. Plaintiff did file formal grievance NO. 157240 and Declaration of Melissa Thompson Exhibit B.

CONSTITUTIONAL VIOLATION

In Martin's claim of Eighth and Fourteenth Amendment to United States Constitution, these facts will meet all elements of this constitutional violation.

1. Plaintiff was harmed when Lt. Johnny McDaniel ordered inmate Waleonka Harris to assault Martin for his complaint. The assault (a) caused permanent damage for loss of hearing in my left ear because Harris hit Plaintiff twice with his fist in my left ear rupturing my eardrum. Defendant McDaniel must

I do pray you can answer these few questions for me since I am not receiving any information from my appointed counsel. Because I was handling this myself, I felt informed and now I feel like I'm completely in the dark. I do realize the wheels of justice turn slowly and I do not mean to imply any pressure. I just feel that it's better for Ms. Williams-Smith to properly represent me, since she was not a party in my initial plea & sentencing, she should make me aware of any denials or accusations on my opposing counsel's part for her to be fully informed of both sides.

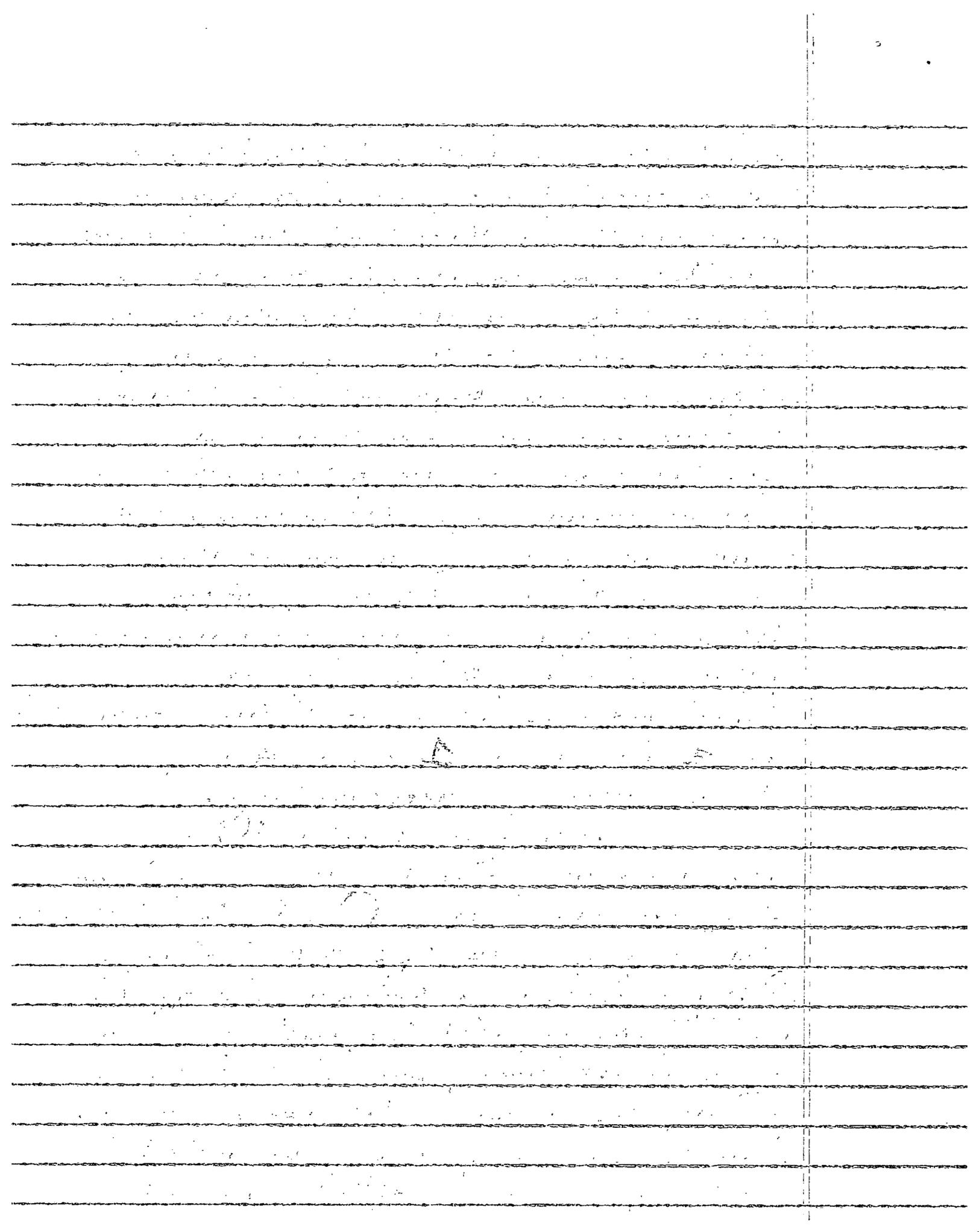
Thank you for your time and assistance Sir. I am anxiously awaiting your response.

Respectfully,
Teresa L. Royals
Teresa L. Royals
1036513 / 55-B
Pulaski State Prison
P.O. Box 839
Unionville, Pa. 37036

[Faint, illegible handwriting on lined paper]

able to call her office in December and speak with the Senior Public Defender, Mrs. Quince Finnel, because Mrs. Williams-Smith was not in. Mrs. Finnel stated she assumed the DA did file a response and didn't think Mrs. Williams-Smith requested Oral Argument but she wasn't certain. She said she would have to ask Mrs. Williams-Smith's attorney with me to answer these questions, but I have not heard from her at all. I did receive from you the order granting Mrs. Williams-Smith permission to file for Supplemental Brief, and most recently (2 times) dismissals and ~~a~~ denial of **1** motions of filed Pro Se, which I understand.

My questions are: 1- Did Mrs. Williams-Smith timely file her Supplemental Brief? 2- Did the District Attorney file an Appellate's Brief? 3- Myal receive a copy of the Appellate's Brief from you? 4- Can you tell me an approximate time frame for a decision in my case? How is the time determined? From the original filing on the docketing date on filing of the Appellate's Brief?



compensate Martin \$25,000,000.00 for loss of his housing for the foreseeable future;

(3) Did Defendant McDaniel performed his duties as he should and not order Harris to go back to the down and shut that Smith matter. Defendant's action; (4) Defendant McDaniel allow or coerced an illegal act "under color of state law"; his personal involvement cause him to be liable.

PRAYER

Plaintiff prays that the court comply with its own ruling and demand the case back to Superior Court of Wilcox County to hold a jury trial.

Respectfully submitted this 10th day of February, 2014.

~~James W. Martin~~
James W. Martin

CERTIFICATE of SERVICE

This do certify that Plaintiff was served all parties below with a same exact copy of the foregoing Writ Habeas Action Demanding Court of Appeals Order Superior Court to hold Jury Trial.

Plaintiff also certifies that he has supplied sufficient postage for delivery via United States Postal Service.

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

Attorney General of Georgia
Department of the Law
10 Capital Square
Atlanta, Georgia 30334

James W. Martin, 1090322
Wilcox State Prison, Bldg. T1/12-B
P.O. Office Box 397
Abbeville, Georgia 31001-0397

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

February 19, 2014

Mr. William Middlebrooks
GDC370284 9N6
Wheeler Correctional Facility
Post Office Box 466
Alamo, Georgia 30411

Dear Mr. Middlebrooks:

I am in receipt of your letter dated February 6, 2014. You will need to discuss the matter with the Superior Court clerk's office. This Court cannot assist you.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld

RECEIVED IN OFFICE

2014 FEB 18 PM 2:42

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

WILLIAM MIDDLEBROOKS
QDC-370284, 9N6
POST OFFICE BOX 466
ALAMO, GEORGIA 30411
FEBRUARY 06, 2014

MR. STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR
THE COURT OF APPEALS OF GEORGIA
47 TRINITY AVENUE, SUITE 501
ATLANTA, GEORGIA 30334

RE: STATE V. MIDDLEBROOKS, CASE NO: 12 DR-0012
NOTICE OF APPEALS AND CASE FILES NOT BEING
FORWARD TO THIS COURT FROM DOOLY COUNTY
SUPERIOR COURT AS REQUIRED BY LAW.

DEAR MR. CASTLEN:

THANK YOU FOR YOUR JANUARY 31, 2014 RESPONSE, TO
MY JANUARY 16, 2014 LETTER IN REFERENCE TO THE
STATUS OF MY APPEAL, STATE V. MIDDLEBROOKS, CASE
NUMBER: 12 DR-0012, WHICH INCLUDE TWO NOTICE OF
APPEALS, ONE FILED AUGUST 06, 2013, ON A MOTION
TO WITHDRAW GUILTY PLEA, AND ANOTHER FILED SEPTEMBER
27, 2013, ON A MOTION FOR SENTENCE MODIFICATION,
BOTH OF THESE NOTICES WERE FILED IN A TIMELY
MANNER MORE THAN 90 DAYS AGO, IN THE SENTENCING
COURT IN DOOLY COUNTY.

HOWEVER, BASED ON THE FACT THAT YOU RESPONDED TO
A TOTALLY DIFFERENT CASE, IS A CLEAR INDICATION THAT
THE SUPERIOR COURT OF DOOLY COUNTY NEGLECTED TO
FORWARD MY APPEAL TO THIS COURT IN A TIMELY MANNER

AS REQUIRED BY LAW. THE CASE YOU REFERRED TO A06A0030, IS A 2006 CASE FROM FAYETTE COUNTY SUPERIOR COURT. THE CASES I AM REFERRING TO IS 2012 CASES FROM DOOLY COUNTY SUPERIOR COURT. THAT APPARENTLY, HAVE NOT BEEN FORWARDED TO YOU.

I HAVE MADE PROTRACTED EFFORTS TO ENCOURAGE DOOLY COUNTY SUPERIOR COURT TO PROCESS AND FORWARD MY APPEALS TO THIS COURT AS REQUIRED BY THE SUPERIOR COURT RULES.

NEVERTHELESS, DOOLY COUNTY SUPERIOR COURT HAVE NOT FOLLOWED THE RULES OF COURT CONCERNING APPEALS PROCEDURES. AS A RESULT THE IS DENYING ME THE OPPORTUNITY TO EXERCISE MY RIGHT TO APPEAL BY WITHHOLDING MY APPEAL FROM THIS COURT.

THEREFORE, I RESPECTFULLY REQUEST THIS HONORABLE COURT TO MOVE TO HAVE MY CASE PROCESSED AND FORWARD TO THIS COURT AS REQUIRED BY LAW.

THANK YOU VERY MUCH IN ADVANCE.

SINCERELY
WILLIAM MIDDLEBROOKS
WILLIAM MIDDLEBROOKS
PRO SE.

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

February 19, 2014

To: Mr. Rodney Terrence Thomas, GDC821394, Georgia Diagnostic and Classification Center, State Prison,
Post Office Box 3877, Jackson, Georgia 30233

Docket Number: **Style:** **Rodney Terrence Thomas 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. **A copy of your filing should be provided to the District Attorney and include his/her name and address on the Certificate of Service as having been served.**
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

Supreme Court of Georgia Case Transfer Form

Date: 02/18/2014

Case Number: S14D0679

Date of Transfer: 02/03/2014

Briefs/Motions Filed Before Transfer:

<u>Filing Date</u>	<u>Description</u>	<u>Attached?</u>
01/09/2014	Discretionary Application	<input checked="" type="checkbox"/>
_____	_____	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>

Briefs/Motions Filed After Transfer:

<u>Filing Date</u>	<u>Description</u>	<u>Attached?</u>
_____	_____	<input type="checkbox"/>
_____	_____	<input type="checkbox"/>

Costs:

Cost Paid Date:

Payer:

Payment Type: Credit Card Check Cash

Transaction Number (if applicable):

Receipt Number:

Costs Not Paid: Indigent _____

APPLICATION FOR
DISCRETIONARY APPEAL

D4-013

Case No. S14D0679

D4-013

RODNEY TERRENCE THOMAS v. THE STATE

Trial Court Order: May 25, 2011

Filed: January 09, 2014

Response by: January 21, 2014

Final order due by: February 10, 2014

Grant: _____

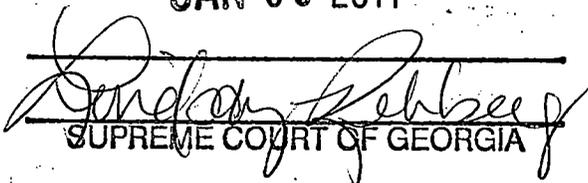
Deny: _____

Dismiss: _____

Transfer: _____

Other: _____

RECEIVED BY MAIL
AND FILED:
JAN 09 2014



SUPREME COURT OF GEORGIA



SUPREME COURT OF GEORGIA
Case No. S14D0679

RECEIVED IN OFFICE

2014 FEB 18 PM 2:28

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Atlanta, February 3, 2014

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed.

RODNEY TERRENCE THOMAS v. THE STATE

From the Superior Court of Fulton County.

It appears that applicant is seeking review of his conviction for violating the sex offender registration requirements. Because applicant was not convicted of murder, and because any constitutional issues he raises involve merely the application of well-settled constitutional principles, his application for discretionary appeal hereby is transferred to the Court of Appeals, see Zepp v. Mayor & Council of the City of Athens, 255 Ga. 449 (339 SE2d 576) (1986).

All the Justices concur.

SUPREME COURT OF THE STATE OF GEORGIA

Clerk 's Office, Atlanta

I 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.

Sean C. Fulton, Chief Deputy Clerk



SUPREME COURT OF GEORGIA

RODNEY THOMAS
APPELLANT

vs.

The State of Georgia
APPELLEE

*
*
*
*
*
*

CASE NUMBER

11SC99782

PAUPER'S AFFIDAVIT

Comes now RODNEY THOMAS
(Appellant/Applicant/Petitioner Name)

and first being duly sworn, states that because of my indigence I am financially unable to pay the required filing costs in the Supreme Court of Georgia, and I request that I be permitted to file without having to pay filing fees.

This 13th day of December

RODNEY THOMAS
(Your name typed or printed)
Rodney Thomas
(Signature)

470 Courtland St., N.E.
ATL, GA. 30308

(Print complete address and telephone number.)

Sworn to and subscribed before me,
this 9th day of January, 2014.

[Signature] Notary Public
SEAL



DANIEL A. MEDRANO
NOTARY PUBLIC
GWINNETT COUNTY, GEORGIA
MY COMMISSION EXPIRES 01-27-14

[Signature]

THE SUPREME COURT OF GEORGIA

RODNEY THOMAS - pro-se

Case #

11SC99782

-VS-

STATE OF GEORGIA

APPLICATION FOR CERTIFICATE OF PROBABLE CAUSE

Comes Now, Petitioner addresses the Honorable Court in lieu of an invalid sentence that transpired on May 20th, 2011, as the state willingly and knowingly had NO probable cause OR cause of action to indict NOR prosecute the aboved style case as the petitioner displays his grounds to the honorable court as follows.

(1)

Based on the U.S. Supreme Court's ruling, Retroactive Registration of sex offender's is Nonpunitive and the said conviction on the month, date and year, did not constitute an Ex Post Facto Law, as well as the Registration not Required for a sentence imposed before effective date of act, O.C.G. § 42-1-12 (a) (3) implied to sentences imposed on or after July 1st 2004, STATE -VS- PLUNKETT, 277 Ga. App 605, 627 S.E. 2d 182 (2006). Registration Act: ~~September~~, 1996.
JULY

(2)

Petitioner's Conviction of the original charge in Escambia County, Pensacola, Florida accrued in 1989 insomuch as parallels with ground number one in which entails that, the STATE has NO actual evidence NOR probable cause, in order to preclude successive prosecution as the state lacks the burden of proof, in terms of bringing the statutory elements of proof from the initial Court outing. Conviction was a ~~Nolo Contendere~~ plea in 1989.

(3)

Petitioner contends that his 5th Amendment of the U.S. Constitution has been violated pertaining to the Double Jeopardy clause as one of its primary policy's is to eliminate Judicial discretion to impose cumulative punishments that the legislature has not authorized.

(4)

IN *Benton vs Maryland*, 395, U.S. 784, 89, S. Ct. 2056, 23 L. Ed 2d 707 (1969) as the STATE willfully neglected and disregarded petitioner's Federal Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution in which expresses an unconstitutional dilemma towards the petitioner's 8th Amendment (Eighth) of cruel & unusual punishment. Petitioner enjoys a presumption of innocence.

(5)

The petitioner addresses the *Ex Parte Yerger*, 75 U.S. 85, 95 (1868) regarding this matter as the petitioner pleads to the Honorable Courts with all due respect to exercise an **INJUNCTIVE RELIEF**, until the matter is resolved.

(6)

Petitioner's Counsel acted under the color of Law based on the grounds of her unethical and professionalism of desolate, being that she was in congruence to the **INVALID SENTENCE** without consulting with me some angle of a defense strategy. Rather than her feisty encouragement of accepting the plea or face a 30 year sentence upon a trial fiasco. In which makes her ineffective assistance as a counsel.

(7)

This said Application For Certification of Probable Cause is prayed upon to the Honorable Court's by the petitioner and based on this affidavit of fact in terms of the aboved grounds of Relevance, Petitioner ask the Honorable Court's to Quash Conviction, with the greatest respect intended for the Honorable COURT., Based on Finnicum - V - STATE, 296 Ga. App. 86, 67: S.E. 2d 604 (2009) Petitioner adds Sections 9-14-41 to 9-14-53. [O.C.G.A.] Respectfully Submitted

X
Boely Shepp

CERTIFICATE OF SERVICE

This is to certify that the Necessary party ^(s) have been rendered a copy of said documents, service was made by U.S. postal Mail with the adequate amount of Necessary postage affixed and on this day mailed to the Necessary party ^(s) as follows.

9th ON this DAY of January, 2014



DANIEL A MEDRANO
NOTARY PUBLIC
GWINNETT COUNTY, GEORGIA
MY COMMISSION EXPIRES 01-27-14

A handwritten signature in black ink, appearing to read "D. Medrano", written over a horizontal line.

A large, stylized handwritten signature in black ink, appearing to read "Rodney Thomas", written over a horizontal line.

RODNEY THOMAS

1-9-14

STATE OF GEORGIA
SUPREME COURT CLERK
244 WASHINGTON STREET
ATLANTA, GA. 30334

FINAL DISPOSITION Revoked 1st der Sentence Amended Sentence Final Sentence Re-Sentencing

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

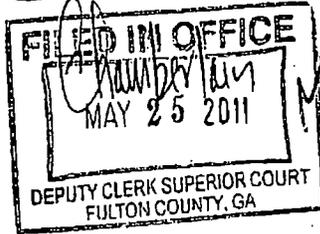
FINAL DISPOSITION
CRIMINAL ACTION NO. 11SC99782

OFFENSE(S) (1) 42-1-12 State
Sexual Offender Registry
Violation

VS

Rodney Terrence Thomas

BK# 1108502



MAY-JUNE TERM 20 11

Alford v. NC PLEA

NEGOTIATED - NON
 GUILTY ON COUNT(S) 1
 NOLO CONTENDERE ON COUNT(S) _____
 TO LESSER INCLUDED OFFENSE(S) _____
ON COUNT(S) _____

VERDICT OTHER DISPOSITION
 JURY NON-JURY
 GUILTY ON COUNT(S) _____
 NOT GUILTY ON COUNT(S) _____
 GUILTY OF INCLUDED OFFENSES _____
ON COUNT(S) _____
 NOLLE PROSEQUI ORDER COUNT(S) _____
 DEAD DOCKET ORDER ON COUNT(S) _____
(SEE SEPARATE ORDER)

DEFENDANT ADVISED OF HIS/HER RIGHT TO HAVE SENTENCE REVIEWED BY THE SUPERIOR COURT'S SENTENCE REVIEW PANEL

FELONY SENTENCE MISDEMEANOR SENTENCE

WHEREAS, the above named defendant has been found guilty of the above stated offense. WHEREUPON, it is ordered and adjudged by the Court that:

The said defendant is hereby sentenced to confinement for a period of Ten (10) years

Credit for time served 3-12-2011 Sentenced per penalty enhancement _____
In the State Penal System or such other institution as the Commissioner of the State Department of Corrections or Court may direct, to be computed as provided by law.

HOWEVER, it is further ordered by the Court:

- 1) THAT the above sentence may be served on probation.
- 2) THAT the above sentence be suspended.
- 3) THAT upon service of six (6) months of the above sentence, the remainder of 9 years, 6 months may be (suspended) (served on probation), PROVIDED that the said defendant complies with the following general and other conditions herein imposed by the Court as a part of this sentence.

GENERAL CONDITIONS OF PROBATION/SUSPENSION

The defendant, having been granted the privilege of serving all or part of the above stated sentence on probation, hereby is sentenced to the following general conditions of probation:

- 1. Do not violate the criminal laws of any governmental unit.
- 2. Avoid use of alcohol and narcotics and other dangerous drugs unless lawfully prescribed - and avoid persons or places of disreputable or harmful character.
- 3. Report to the Probation Officer as directed and do not change your address, move outside Fulton County, or leave the state without prior permission of the Probation Officer. (Probated Sentence Only)
- 4. Maintain employment and support your legal dependants. Submit to evaluations and testing and complete any program as directed by the Probation Officer.
- 5. Submit to a search of your person, residence, papers and/or effects, anytime of the day or night, with or without a search warrant, whenever requested to do so by a Probation Officer or any law enforcement officer upon reasonable cause to believe that you are in violation of the law. You further specifically consent to the use of anything seized as a result of a search as evidence in judicial proceedings.
- 6. Upon oral or written request by any Probation Officer, produce a breath, urine, and/or blood specimen for analysis for the possible presence of a substance prohibited or controlled by any law of the State of Georgia or of the United States. (Probated Sentence Only)

VS.

Rodney Terrence Thomas

OTHER CONDITIONS OF PROBATION/SUSPENSION

IT IS FURTHER ORDERED that the defendant pay a FINE of \$_____. Plus all applicable fees as set by law. Plus \$50.00 IDAF (fee waived). Plus pay \$_____ for Probation/Misdemeanor Probation Fee.

RESTITUTION to the victim in the amount of \$_____.

RESTITUTION to the Court Administrator for ATTORNEY FEES in the amount of \$_____;

OTHER \$_____.

SPECIAL CONDITIONS OF PROBATION/SUSPENSION (O.C.G.A. 42-8-34.1)

- Stay away from victim
- Stay away _____ yards from victim
- _____ hours of community service
- Drug/Alcohol Assessment/must complete any treatment required by the probation department
- Must successfully complete Intensive Probation Program
- Must successfully complete Drug Court Program
- Obtain GED

Register

IT IS THE FURTHER ORDER of the Court, and the defendant is hereby advised that the Court may, at any time, revoke any conditions of this probation/suspension and/or discharge the defendant from probation/suspension. The defendant shall be subject to arrest for violation of any general condition of probation, special condition of probation or suspension herein granted. If such probation/suspension is revoked, the Court may revoke a portion of the sentence which was originally imposed in the manner provided by law after deducting there from the amount of time the defendant has served on probation/suspension. If a special condition of probation is violated, the Court may revoke the entire balance of the probated sentence.

So ordered this 20th day of May, 2011.

[Signature]
Judge, Fulton Superior Court Glanville
Atlanta Judicial Circuit

Defendant's Attorney: Tasha Rodney Pub. Def.
(Employment)(Appointed)

Prosecuting Attorney: Daysha Young

Court Reporter: Amy McKe'e

Signature N/A

Signature _____

CERTIFICATE OF SERVICE

This is to certify that a true & correct copy of this Sentence of Probation has been delivered in person to the defendant & he/she has been instructed regarding the above conditions.

This _____ day of _____, 20____.

Filed in Office this 25 day of May, 20____.

Probation Officer

[Signature]
Deputy Clerk

BOOK 008289 PAGE 397

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

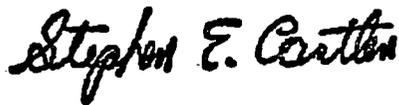
February 19, 2014

Mr. Thomas Ring
GDC1000742199
Jenkins Correctional Center
3404 Kent Farm Drive
Mullen, Georgia 30442

Dear Mr. Ring:

Any information you need to obtain on Anthony N. Perotta, Esq., you will need to directly ask Mr. Perotta.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld

cc: Anthony N. Perotta, Esq.

FEBRUARY 12, 2014

THOMAS RING 1000742199

JENKINS CORRECTIONAL CENTER

3404 KENT FARM DR.

MILLEN, GA 30442

CLERK OF THE COURT

GEORGIA COURT OF APPEALS

SUITE 501

47 TRINITY AVE.

ATLANTA, GA 30334

RE: ANTHONY N. PERKOTA, STATE BAR NO. 572501

DEAR MR OR MS. CLERK :

COULD YOU PLEASE TELL ME IF MY FORMER ATTORNEY,

ANTHONY N. PERKOTA (STATE BAR NO. 572501), IS

ON YOUR COURT'S ROSTER OF ATTORNEYS ELIGIBLE FOR

PRACTICE BEFORE THE GEORGIA COURT OF APPEALS?

WHAT IS THE PROCEDURE FOR ADMISSION TO THE BAR

OF THE GEORGIA COURT OF APPEALS AND HOW LONG

DOES THE ADMISSION PROCESS USUALLY TAKE ?

THANK YOU FOR YOUR HELP.

RESPECTFULLY,

~~ANTHONY N. PERKOTA~~

TOM RING

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

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

404-656-3450

COPY

February 19, 2014

Mr. Charles O'Malia
Member, New England Historic Genealogical Society
134 Country Road
Hanover, Massachusetts 02339

RE: Court of Appeals Case Number: 244. Logan v. Irvin

Dear Mr. O'Malia:

Thank you for your letter regarding the rhyming court filing of Alex W. Stephens in the Logan v. Irvin appeal. You can access more information about the case at the State Archives. You may contact State Archives at the following address:

Georgia Department of Archives and History
5800 Jonesboro Road
Morrow, Georgia 30260-1101
(678) 364-3781

When you contact State Archives, please give them the following coordinates to facilitate their search for the appeal.

Record Group: 56-2-2
Accession: 1907
Box: 5
Location: 291-05

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld

244. LOGAN v. IRVIN.

This case is controlled by an issue of fact, as to which the defendant in error has in his favor the finding of the jury and the approval of the trial court.

Trover, from city court of Washington—Judge Hardeman. February 2, 1907.

Argued March 28,—Decided April 25, 1907.

William Wynne, Alexander W. Stephens, for plaintiff in error.
I. T. Irvin Jr., F. H. Colley, W. D. Thomson, contra.

POWELL, J. Although there have been argued to us in this case many questions of law, and the briefs are full of both rhyme and reason, yet, after a careful study of the record, we find nothing but a bare issue of fact, already decided adversely to the plaintiff in error by the trial court and jury. The argument of the plaintiff in error is unique, being presented in verse. However, when we compare the poetic argument with the record, we find that Shakespeare was correct in saying: "The poet's eye, in a fine frenzy rolling, doth glance from heaven to earth, from earth to heaven, and, as imagination bodies forth the forms of things unknown, the poet's pen turns them to shapes, and gives to airy nothing a local habitation and a name;" and that Pope is not to be trusted in saying that "Truth shines the brighter clad in verse." The "thoughts that breathe and words that burn" must not be allowed to override the merciless logic of the law, which dictates that appellate courts must not disturb a verdict supported by the evidence and approved by the trial judge.

Judgment affirmed.

259. BENTON & BROTHER v. FISH.

HILL, C. J. This case is controlled by the decisions of the Supreme Court in *Nowell v. Haire*, 116 Ga. 386; *Smith v. Bearden*, 117 Ga. 822; and *Palmer v. Inman*, 126 Ga. 519. Civil Code, §§ 3261, 3762.

Judgment affirmed.

Illegality, from city court of Monticello—A. Y. Clement, judge.
February 8, 1907

PRELIMINARY DESCRIPTIVE INVENTORY

Agency: Judicial Department

Record Group 56

Sub-group: Court of Appeals

Sub-group No. 2

Series: Case Records

Series No. 2

Description of series and its contents:

This series consists of (1) the notice of appeal filled by the lower court when a motion to appeal has been filed by a party to a lower court suit, (2) a record of enumeration of errors filed by the appellant, (3) the transcript of the testimony in the lower court, (4) briefs submitted by the appellant and the appellee and sometimes by an amicus curiae (or friend of the court), and (5) the record copy of the decision of the Court of Appeals. The decision of the Court is also published in Georgia Appeals Reports. The cases are filed by case number. The office of the Clerk of the Court of Appeals maintains an index to cases arranged by the names of the appellant and of the appellee. Please see Series 5, General Docket Books, for these indexes. The Georgia Appeals Reports indexes also can be used to determine the case number. Please see also Series 4, Evidence Files, for additional case information.

<u>Box</u>	<u>Case Numbers</u>	<u>Location</u>	<u>Box</u>	<u>Case Numbers</u>	<u>Location</u>
	<u>1907</u>				
1	1 - 45	291-01	25	1206 - 1260	292-10
2	46 - 95	-02	26	1261 - 1305	-12
3	96 - 140	-03	27	1306 - 1360	-13
4	141 - 195	-04	28	1361 - 1470	-15
5	196 - 245	-05 ←	29	1421 - 1470	-16
				(1450 missing)	
6	246 - 290	-06	30	1471 - 1525	-18
7	291 - 345	-07	31	1526 - 1580	293-01
8	346 - 395	-08			
9	396 - 445	-09		<u>1909</u>	
10	446 - 495	-10	32	1581 - 1610	-02
			33	1611 - 1660	-03
11	496 - 540	-11	34	1661 - 1705	-04
	(497, 510 missing)		35	1706 - 1755	-05
12	541 - 595	-12	36	1756 - 1805	-06
13	596 - 641	-13	37	1806 - 1850	-07
14	642 - 690	-14	38	1851 - 1895	-08
15	691 - 740	-15	39	1896 - 1935	-09
16	741 - 790	-16	40	1936 - 2000	-10
17	791 - 845	-17		(1978 missing)	
18	846 - 900	-18	41	2001 - 2050	-11
			42	2051 - 2106	-12
	<u>1908</u>			(2092 missing)	
19	901 - 960	292-01	43	2107 - 2160	-13
20	961 - 1010	-03	44	2161 - 2220	-14
21	1011 - 1060	-04	45	2221 - 2270	-15
22	1061 - 1105	-06	46	2271 - 2325	-16
23	1106 - 1155	-07			
24	1156 - 1205	-09			

By: _____ Date: _____
 Rev: WAS Date: 7/13/82
 Rev: _____ Date: _____

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2014 FEB 14 PM 2:09

COURT OF APPEALS OF GEORGIA
COURT OF APPEALS OF GA

134 Country Road
Hanover, MA 02339
February 8, 2014

Mr. Stephen E. Castlen, Clerk
Court of Appeals of Georgia
47 Trinity Avenue S.W., Suite 501
Atlanta, GA 30334

Dear Mr. Castlen:

I would appreciate it if you would inform me how much you would charge to mail me a copy of the rhyming court filing of Alex. W. Stephens in the case of *Logan versus Irvin*. The case was decided by the Court of Appeals of Georgia in 1907.

I am trying to determine whether that rhyming court filing was republished accurately in *The Green Bag*, a monthly periodical for lawyers (see attached copies).

Enclosed is a self-addressed, stamped return envelope for your convenience in replying.

Thank you in advance for your kind assistance with this matter.

Yours truly,



Charles O'Malia, Member,
New England Historic Genealogical Society

CO/co

Enclosure

Poetic Justice. — The following decision (Georgia Appeals Report, V. 1, p. 656), and the argument of Mr. Stevens deserves immortality.

Logan Versus Irvin.

This case is controlled by an issue of fact, as to which the defendant in error has in his favor the finding of the jury and the approval of the trial court.

Trover, from city court of Washington — Judge Hardeman, Feb. 2, 1907. Argued March 28th, Decided April 25th, 1907. William Wynne, *Alexander W. Stephens*, for plaintiff in error. I. T. Irvin, Jr., F. H. Colley, W. D. Thomson, contra Powell, J. Although there have been argued to us in this case many questions of law, and the briefs are full of both rhyme and reason, yet, after a careful study of the record, we find nothing but a bare issue of fact, already decided adversely to the plaintiff in error by the trial court and jury. The argument of the plaintiff in error is unique, being presented in verse. However, when we compare the poetic argument with the record, we find that Shakespeare was correct in saying: "The poet's eye, in a fine frenzy rolling, doth glance from heaven to earth, from earth to heaven, and, as imagination bodies forth the forms of things unknown, the poet's pen turns them to shapes, and gives to airy nothing a local habitation and a name," and that Pope is not to be trusted in saying that "Truth shines the brighter clad in verse." The "thoughts that breathe and words that burn" must not be allowed to override the merciless logic of the law, which dictates that appellate courts must not disturb a verdict supported by the evidences and approved by the trial judge.

Judgment affirmed.

An Asinine Argument. — Argument of Alex.
W. Stephens, Counsel for plaintiff in error
March 28, 1907. Filed by request of the court.

The argument which I shall here present
I have reduced to rhyme;
And, being about a Georgia mule,
'Tis decidedly *asinine*.

'Twas about a mule the parties fought —
An animal quite contrary —
Which, 'though a seeming paradox,
Bore the gentle name of Mary.

Irvin obtained a money-verdict,
Suing for this mule in trover;
Logan, the defendant, lost and
Wants the case tried over.

The judge below — he "took the studs"
When he passed upon our motion;
We ask this Court to turn him 'round,
And start him in the right direction.

Plaintiff claimed that the mule was his —
That 'twas bought with plaintiff's money —
That he endorsed a note for one Peter Ware —
As shown by the testimony;

And with the money thus obtained
Ware went to a man named Turner,
Paid him part cash and gave his note,
And bought the old "hay-burner."

The note Ware gave was not endorsed
By plaintiff as security —
And was promptly paid when it fell due
And settled at maturity.

Ware took the mule which he had bought,
Obtaining *full possession*;
And when defendant came along
Sold *him* the mule in question.

Upon no kind of title can the
Plaintiff here prevail,
For he never had *possession* nor
Showed a bill of sale.

He cannot claim a title through
Ware as his trustee,
For defendant had no notice
Of a secret equity; —

id this rule is universal — it
Is followed everywhere —
See our briefs submitted and
Authorities cited there.

Nor was this *borrowed*-money to be
Held by Ware in trust,
For he was plaintiff's debtor; and
It's not considered just

To make him doubly liable where
The obligation's one,
And make a *debtor* liable as
A trustee for a fund.

And in a court of law the
Plaintiff isn't able
To recover on a title that is
Purely equitable;

So, in a City Court, to recover
There, he must
Proceed upon the theory of
An executed trust;

And never in the plaintiff could
The legal title vest,
Merging with the interest he
Claimed to have possessed,

Which was title to secure the
Indebtedness from Ware,
With no equitable interest in
The plaintiff anywhere.

Nor was Ware the plaintiff's agent when
He carried through the trade;
Ware didn't act for plaintiff when
The Turner deal was made,

For he took the money borrowed, which
Was in truth *his own*,
And bought the mule he wanted, as
We think was clearly shown.

From an inspection of the record it
Can readily be seen
That, if plaintiff had any title, 'twas a
Purchase-money lien;

And, in order to avail him, from
Whatever source it came,
Should be written and *recorded* to be
Notice of his claim;

And defendant is protected in the
Title he has here,
Because he had *no notice* when he
Bought the mule from Ware;

And when defendant spent his money in
The purchase of his mule,
He acquired *perfect title* by
This well accepted rule

Which was made for the protection of
Those in defendant's fix —
See Code — two-double-seven-seven and
Two double-seven-six.

This point is of importance, and
Let me here repeat —
Defendant had *no notice* when
He bought the mule from Pete;

And there is a clear presumption that
This defendant made
A bona fide purchase when
He carried through the trade;

And on our briefs submitted
Authorities are cited
Showing how in our favor this
Point has been decided.

If the plaintiff claimed a title as
Coming out of Ware
There is no notice shown to
Defendant anywhere.

Plaintiff never had possession — nor
Showed a bill of sale;
He therefore proved no title, and
Defendant *must* prevail.

No possession in *defendant* was
Ever shown at all;
Though plaintiff *had a title* the
Case he brought must fall.

Some evidence was admitted which
We think was immaterial;
And on that ground alone we
Should have another trial.

A verdict for defendant we
Think the proof demanded;
And therefore think in justice it's
A case to be remanded.

March 30th, 1907.

134 Country Road
Hanover, MA 02339
March 13, 2014

Mr. Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia
47 Trinity Avenue SW, Suite 501
Atlanta, GA 30334

RECEIVED IN OFFICE
2014 MAR 17 PM 4:25
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Dear Mr. Castlen:

I am terribly sorry to bother you again, but I was wondering if you could possibly mail me a copy of the Georgia Court of Appeals' decision (written in rhyme) in the case of *Douglas Fraker versus Judd Wheat*.

According to the enclosed February 8, 1963 Rome-News Tribune (Rome, Georgia) article, the decision was issued in February, 1963 and was written by Judge Homer C. Eberhardt of the Georgia Court of Appeals, with both the Chief Judge and Judge Richard Russell concurring - so the decision was unanimous.

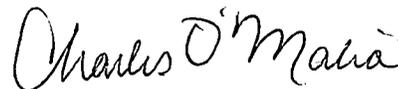
If you are not able to provide me with a copy of this rhyming decision, it would be most helpful if you would provide me with the coordinates for locating it at the Georgia Department of Archives and History.

Enclosed is a self-addressed, stamped envelope for your convenience in replying, along with a money order in the amount of \$3.00 to cover copying costs.

I am sure that a person in your important position has far more pressing matters to attend to than this, but any assistance that you can provide would be greatly appreciated.

Thank you in advance for your kind help!

Yours truly,



Charles O'Malia, Member
New England Historic Genealogical Society
Boston, Massachusetts

CO/co
Enclosures

P.S. I may contact the Georgia State House library (or a law library) and ask them to copy this decision from their bound Georgia Court of Appeals volumes. Would you know in what volume and on what page this rhyming decision can be located?

Georgia Judge Renders Poetic Justice Ruling

ATLANTA (AP)—A judge of the Georgia Court of Appeals has rendered an original version of poetic justice—an entire ruling in verse form.

The case involved a damage suit growing out of a collision at an intersection in Murray County, in north Georgia. Plaintiff Douglas Fraker won his suit and defendant Judd Wheat appealed. Wheat contended the jury foreman, E. J. Tudor, should have been disqualified because Tudor's wife is first cousin to Fraker's wife and second cousin to Wheat's wife.

Judge Homer C. Eberhardt ruled Thursday that the relationship did not warrant upsetting the lower court verdict. Chief Judge Julius F. Felton and Judge Richard Russell concurred, making it a unanimous poetic decision.

Eberhardt's official ruling read:

"Foul, foul play," the defendant cried.

"That I by kinsman be not trammelled.

"Let the issue again be tried
"Before another jury impaneled.

"Remember how from John
"at Runnymede

"The Charter was forced and
"wrested.

"That no matter what the is-
"sue or the deed

"It must by one's peers be
"tested.

"With juror mine adversary
"dugst:

"Try the cause — second
"cousin to my wife

"And to plaintiff's wife a
"first.

"A new trial, sire, I demand
"to settle strife."

"No foul play do I find or
"see."

The judge replied, "Fore-
"man's wife to thine

"And to plaintiff's wife may
"kinsman be

"But to Doug and thee no kin-
"ship do I find.

(Footnote: The groom and
"bride each comes within
"The circle of the other's kin,
"But kin and kin are still no
"more
"Related than they were be-
"fore.)

"Thus it doth not appear
"For any cause or reason told
"That the juror was not thy
"peer

"The case to try and verdict
"mold.

"Moreover, when kinships we
"sought to learn

"It doth not appear as best
"befits

"One who would a kinsman
"spurn

"Thou revealed that cousin
"did on the panel sit?"

"Thy day, in court thou has
"had."

The judge asserted, "and law
"commands

"That no error made, whether
"good or bad.

"The issue tried and settled
"stands."

FILED IN OFFICE

FEB 14 2014

COURT CLERK
CLERK COURT OF APPEALS OF GA

ALVIN L. MOORE,
APPELLANT
306 Len Tenner Court
Statesboro, Georgia 30458
Ph. 912.541-3563
Email: mooreal77@aol.com

RECEIVED IN OFFICE
2014 FEB 19 AM 11:45
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Date Feb. 14, 2014

Clerk,
Court of Appeals of Georgia

Dear Clerk

Enclosed for filing are as to each three original Motion to Dismiss G-P's claims on appeal w/Notice of Motion; Motion for penalty and fine; and certificate of service.

Wherefore, the Appellant respectfully request that clerk file and submit the Motion of Appellant Alvin Moore to the Honorable Court for consideration.
Thanks in advance.

Alvin Moore

ALVIN L. MOORE,
APPELLANT
306 Len Tenner Court
Statesboro, Georgia 30458
Ph. 912.541-3563
Email: mooreal77@aol.com

Date Feb. 13, 2014

Clerk,
Court of Appeals of Georgia

Dear Clerk

Enclosed for filing are three original reply briefs w/certificate of compliance, certificate of service.

Wherefore, the Appellant respectfully request that clerk file and submit the Brief of Appellant Alvin Moore to the Honorable Court for consideration. Thanks in advance.

Alvin Moore

FILED IN OFFICE

FEB 13 2014

COURT CLERK
CLERK COURT OF APPEALS OF GA

RECEIVED IN OFFICE
2014 FEB 19 AM 11:40
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

G-P for having to bring this Motion.

Respectfully submitted

Dated: Feb 14, 2014

/s/ Alvin L. Moore

Alvin Moore, Appellant
Self-Represented Party

306 Len Tenner Court
Statesboro, Georgia 30458
Phone 912.541.3563
Email: mooreal77@aol.com

IN THE GEORGIA COURT OF APPEALS
FOR THE
STATE OF GEORGIA

ALVIN MOORE)
Appellant/Plaintiff,)
v.) Ct.App. Case. No. A14A0831
)
GEORGIA PACIFIC CORP)
Appellee/Defendant.)

CERTIFICATE OF SERVICE

This is to certify that a true copy of the foregoing Notice of Motion, MOTION OF APPELLANT ALVIN MOORE to dismiss appeal claims of Appellees and Motion for Penalty and Fine has been served upon Georgia-Pacific Corp at the following email Address

As follows:

Jennie Halenza Tavaréz, Attorney for Appellee
1665 DeFoor Ave
Atlanta, Georgia 30318
Email: jtavares@esjlegal.com

Dated: Feb. 14, 2014

/s/ Alvin L Moore

Alvin Moore, Self-Represented Appellant
306 Len Tenner Court
Statesboro, Georgia 30458
Ph. 912.541.3563
Email: mooreal77@aol.com

was within the scope of his official duties and employment as a state officer or employee. G-P has not supported this claim with any compelling evidence corroborated by the record of appeal. Consequently, without bringing this claim of preclusion and harassment, which was also after Sept. 12, 2013 when Judge made counsel suffer the consequences, [see R-678, Order denying costs and attorney fees], apparently for ineffective lawyering for failure to secure a final Board Order that explained why the second Administrative Law Judge (ALJ), the Honorable David K. Imahara had to get involved *with this*, see R.Tr., at ..., then pursuant to O.C.G.A. §§ 5-6-46 and 5-6-47,¹²⁸² Judge Karpf either before or either the appeal was docketed on Jan 2, 2014, had a complete factual basis *not to* condition the case as such in a manner that G-P is claiming for the first time on appeal.

G-P might think that (1) Moore had made the Oct. 11, 2013 "Good Claim" petition w/Affidavit of Indigency, see R-4, in

¹²⁸² Which is on top of the Georgia State Board of Workers' Compensation (Board) warning issued to G-P by ruling that it has continuing jurisdiction over injury case to impose civil or criminal penalties, see R-508; and the "facial" rejection of G-P's July 19, 2013 Motion For Reconsideration of Board's Final Order that had claimed that the Board used the wrong procedure in deciding the denial of \$8,450.00 in attorney fees, cost and expenses.

support of petition and Notice of Appeal, **see** R-1-2, so that by entering into this appeal as surety, Moore has submitted himself to this Court's jurisdiction for liability purposes enforceable by Motion without necessity of notice or independent action; (2) that as the transcript of the evidence on appeal makes clear, G-P invoked numerous rulings of the superior court on the merits of the enforcement case¹²⁸³ before urging, or even raising, its jurisdictional and policy defense on instant direct appeal, making for a complete determination on the merits of appellate relief sought; (3) the Sept. 10, 2013 bench ruling [See R.Tr., at 7, lines 19-21] that the superior court does not have subject-matter jurisdiction to entertain and hear enforcement proceeding; (4) the written ruling [see R-677, lines 7-11] in the Sept 12, 2013 Order that the Motion for Entry and Judgment

4.

¹²⁸³ **See R.Tr.**, at 13, lines 21-25; at 14, lines 1-3, 10-11, 24-25; at 15, lines 1-10, 22-25; at 16, lines 1-7. G-P also raised evidentiary matters, **see R.Tr.**, at 15, lines 13-21, that were already determined in the Board by the first ALJ, the Honorable Janice Askin involved *with this*, which provided the basis for the unappealed award of Feb 20, 2013 and agreement and general release of Mar. 19, 2009, hence that clearly cannot be heard in an enforcement case because superior court lacked jurisdiction. See Wade v. Harris, 210 Ga. App 882, 885 (1993).

(Motion for Judgment) pursuant to Ga.Code Ann. § 34-9-106 is without merit; and (5) that his Clerk on Dec. 2, 2013 had took affirmative action [see R-684, Email exchange between clerk and appeals clerk of superior court] to decide this Court's subject matter jurisdiction of appeal before the appeal could be properly docketed, was all lost upon Judge Karpf when Judge issued and entered the Dec. 9, 2013 supersedeas, see R-13, without condition, but the law presumes, see O.C.G.A. § 5-6-46(e), that Judge was well aware of his scope of authority to meet the ends of justice on the pleadings of the parties.

Judge Karpf correctly determined that G-P through counsel has ABANDONED any interest to hold Moore liable in any way by means of G-p's some sort of independent or cross-appeal.

G-P's claims against Judge Karpf's involvement to effectuate supersedeas responsibilities, a serious administration of justice in this case are that he should have let the affirmation of the Board's diestly appealed decision to accept the second ALJ decision and judgment become law of the case superseding or nullifying the unappealed decision and judgment, see R-38, of the first ALJ Askin involved *with this*,

because Moore filed a Motion for Summary Judgment contemporaneous to WC-14 claim that first ALJ Askin was assigned, that gave second ALJ authority to dispose, because first ALJ did not have authority over despite both were filed on Jan 28, 2013, see R-16,17, and find the appeal frivolous. [Brief of Appellees, at 2]. G-P further alleged during oral argument on Judge's exercise of a power separate from the enforcement proceeding, to review final Order of Board on appeal under several standards governing basis of appeal pursuant to Ga.Code Ann. § 34-9-105(c)(1)-(5) that Judge should allow federal compensatory scheme regulated by federal courts to usurp, see R.Tr., at 13-15, independent authority of Superior Court to interpret employee and employer contracts entered into in Georgia [in this case, the general release, see R-21] that made for the exclusive remedy for Moore's injury be under O.C.G.A. § 34-9-11(a), obviously, so that that it could continue to make false appearances to the federal court. G-P contends that Moore attempted to engage in discovery and filed several motions [Brief of Appellees, at 2] after his Feb 19, 2013 Motion for evidentiary hearing [see R-145] on WC-14 claim, was not promptly

decided, may not decided until July 1, 2013 well passed the statutory time limit of 90 days to have courts [board sitting in this case] dispose of motions filed with it, *see* O.C.G.A. § 15-6-21(a), and asserts that Moore was the culprit in making a voluminous record in the Board, a creation of General Assembly for executive branch vested summary power. [Brief of Appellees, at 2-3]. G-P infers that the procedural decision of first ALJ Askin to remove mediation scheduled for Apr. 3, 2013 and to issue and enter an interlocutory ruling that same would not be placed back on Board's calendar until after appellate division's disposition of second ALJ's Order superseded by appeal was entered, was also a substantive decision and judgment invalidating her ruling and judgment on the merits of the WC-14 claim. [Id.].

G-P's claims against a final "Superior Court" ruling and judgment on the supersedeas issues formed and determined *appear* to be based on the mistaken assumption that the Chief Judge sitting in 2013 term did not resemble a Judge. G-P alleges that the State of Georgia and County of Chatham by authority vested in Chief Judge was "arbitrary" and "capricious" when they

"failed to protect the [Corporation, G-P] from the equivalent cost, interest, damages [in money or levy] in liberty, personalty, personal injury and fair name in Chatham County if it proves true by adjudication on the merits of appeal that as petitioned, Alvin Moore has a Good Claim for relief, when Judge did not collaterally estopped claim of appeal with a complete Order in its favor, and that they knew or should have known about "malfeasance" by the Judge. **See Brief of Appellees**, at 4, lines 9-11. G-P made similar allegations about the Board for not issuing a complete final Order in its favor. **See R.Tr.**, at 15, lines 13-21; at 16, lines 17-24 (Ms. Tavares arguing before Chief Judge on why the first ALJ is irrational for failing to agree with her position in issuing the unappealed judgment adversed to G-P's interests).

B. Facts Pertaining to Defective Appeal or Cross Appeal

G-P did not appeal ALJ Askin's Feb 20, 2013 preliminary determination that Moore is entitled to income benefits, medical expenses/treatment, etc, as a compensation. **See R-14-15**, Board's Index of Record generally. In addition, G-P did not appeal or cross appeal any of Superior Court's Sept. 12, 2013 decisions or

judgments. See Index of Record, on Writ of Error sent to this Court by Superior Court. G-P did not file a Ga.Code Ann. § 5-6-46(a) Motion to the trial court and did not express any interest to contest Alvin Moore's claim and the truth made on a Oct. 11, 2013 Superior Court's Pauperi's form that was served, see Id, for failure to file a Ga. Code Ann. § 5-6-47 Petition. Moreover, G-P failed to file a cross-appeal of Alvin Moore's Oct. 11, 2013 Notice of Appeal [R-1-2]. Alvin Moore's Notice of Appeal raised these deficiencies by clearly invoking subject-matter jurisdiction of this Court pursuant to O.C.G.A. § 34-9-106. [Id.]. Alvin Moore's initial brief of Part Two to this court on Jan. 22, 2014 did the same. See Brief of Appellant, at 15-17(citing Kingery Block & Concrete Co. v. Luttrell, 174 Ga. App. 481, 482 (1985)).

After receiving the Notice of Appeal w/ Pauperi's Affidavit and initial Brief, G-P emailed a copy of its Feb 3, 2014 Brief of Appellees and file the same with this Court attempting (albeit unsuccessfully) to amend its deficiencies in failing to appeal and thus, preserve its claims against Chief Judge attaching Orders all but the Board's unappealed Feb 20,

2013 judgment that is really involved in this appeal.

However, with regards to the failure to file notice of appeal within 30 days of Sept. 12, 2013 Order of Chief Judge or the failure to file notice of cross appeal within 15 days of being served with Oct. 11, 2013 Alvin Moore's Notice of Appeal or to file a Motion and a Petition with trial court after Oct 11, 2013 Alvin Moore's supersedeas Petition at any time prior to Dec. 9, 2013, G-P made no response to the appeal and contest defense or statutory deficiencies raised in the initial brief, a means of briefing that does not comply with provisions for liberal amendments under O.C.G.A. § 5-6-48 to meet technical objections to appeals, to the end of facilitating a proper decision on the merits. Alvin Moore, the appealing party at interest in this Appeal opposes **any** attempts by G-P to circumvent the Notice of Appeal requirements set forth in O.C.G.A. § 5-6-38 of the Appellate Practice Act (APA) seeking relief by technical decision from the consequences of a decision on the merits favorable to Moore on appeal. As noted above, G-P in its five (5) page Feb. 3, 2013 letter to this Court simply has not preserved any claim concerning either Moore or Chief

Judge.

C. The Proceedings in the Appellate Court

Alvin Moore now files this Motion to Dismiss G-P's claim, as noted above, and alleges that "But for," the Act of GOD in shutting down all public and private electronic services on Feb 12 , 2013 in Alvin Moore's residency of Bulloch County, Georgia, Moore as stated on page two of Reply Brief, would have filed this Motion simultaneously with the Reply Brief on Feb 13, 2014, nevertheless, because: 1) the facts and arguments made in the initial brief are true and winnable; and because 2) as also set forth in the accompanying Motion for Statutory and Rule 15(b)-(c) penalty, fine and damages, the failure to file a timely independent or cross-appeal makes it affirmatively appear that that a decision would be of no benefit to the complaining party, G-P in this direct Appeal.

JURISDICTIONAL STATEMENT

The Georgia Court of Appeals has jurisdiction over this Motion as the appeal or cross appeal in the Brief of Appellees

to this direct appeal irrespective of the nomenclature given, is untimely filed pursuant to O.C.G.A. §5-6-48(b). See Ga.Const. art VI, § I, Par IV.

STANDARD GOVERNING MOTION TO DISMISS

Standard governing Motion to Dismiss filed with appellate court is "derivative." The Court of Appeal has no jurisdiction to entertain an independent appeal where no notice of appeal has been filed in district court and also must dismiss cross-appeal for same because Court has no jurisdiction to entertain a cross-appeal without deriving a life of its own from the main appeal. Ga.D.O.T. v. Douglas Asphalt Co., 297 Ga. App. 511, 513; 677 S.E.2d 728, 730 (2009).

ARGUMENT AND CITATION OF AUTHORITIES

I. THIS MOTION DOES MEET THE RULE 41(b) AND (d) STANDARD FOR OBTAINING INJUNCTIVE RELIEF ON DIRECT APPEAL

Alvin Moore's Motion succeeds to mention the legal standard set forth in this rule and in the General Assembly's statute, O.C.G.A. § 5-6-48 governing the granting of relief. See O.C.G.A. § 5-6-48(b) (emphasis added). As discussed below, well established law support the mandatory dismissal of G-P's claims in this appeal.

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

Date: February 20, 2014

To: Mr. Alvin Moore, 306 Len Tenner Court, Statesboro, Georgia 30458

Docket Number: A14A0831 **Style:** Alvin Moore v. Georgia-Pacific Corp

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 or an improper Certificate of Service accompanied your document(s). Rule 6
5. Your Certificate of Service did not include the complete name and mailing address of each opposing counsel and pro se 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)
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: The above referenced appeal was dismissed on February 6, 2014. Your documents are being returned to you.**

IN THE GEORGIA COURT OF APPEALS OF THE STATE OF GEORGIA

CASE NO.: A14A0831

ALVIN MOORE,

Appellant,

Vs.

GEORGIA-PACIFIC CORP

Appellee

ON APPEAL TO COURT OF APPEALS FROM
SUPERIOR COURT OF CHATHAM COUNTY

REPLY BRIEF OF APPELLANT ALVIN MOORE

ALVIN L. MOORE
Self-Represented Appellant
306 Len Tenner Court
Statesboro, Georgia 30458
Ph.912.541.3563

FILED IN OFFICE

FEB 13 2014

COURT CLERK
CLERK COURT OF APPEALS OF GA

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

2014 FEB 19 AM 11:41

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IN THE GEORGIA COURT OF APPEALS

FOR THE
STATE OF GEORGIA

FEB. 14, 2014

ALVIN MOORE,)
Appellant,)
v.)
GEORGIA-PACIFIC CORP,)
Appellee.)
_____)

Ct.App.Case. No. A14A0831

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CLERK OF THE COURT OF APPEALS OF GA

APPELLANT ALVIN MOORE'S NOTICE OF RULE 41 (b), (d)
AND GA.CODE ANN. § 5-6-48(b) MOTION TO
DISMISS CLAIMS OF GEORGIA-PACIFIC CORP
MADE ON DIRECT APPEAL AND/OR REQUEST TO
DISMISS G-P'S INDEPENDENT OR CROSS-APPEAL

Please take NOTICE in this case, that for "GOOD CLAIM" SHOWN
THEREIN THE NOTICE OF APPEAL W/PAUPERIS'S AFFIDAVIT AND INITIAL
BRIEF, a Motion to Dismiss Appllees' claim on appeal has been
filed:

This 14th day of Feb. 2014

/s/ Alvin L. Moore

Alvin Moore, Appellant

306 Len Tenner Court

Statesboro, Georgia 30458

912.541.3563

IN THE GEORGIA COURT OF APPEALS

FOR THE
STATE OF GEORGIA

FEB. 14, 2014

ALVIN MOORE,)
Appellant,)
v.) Ct.App.Case. No. A14A0831
GEORGIA-PACIFIC CORP,)
Appellee.)
_____)

APPELLANT ALVIN MOORE'S RULE 41(b), (d)
AND GA.CODE ANN. § 5-6-48(b) MOTION TO
DISMISS CLAIMS OF GEORGIA-PACIFIC CORP
MADE ON DIRECT APPEAL AND/OR REQUEST TO
DISMISS G-P'S INDEPENDENT OR CROSS-APPEAL

NOW COMES the Appellant Alvin Moore contemporaneously to the Feb 13, 2014 Reply Brief of Appellant, and hereby files this Motion to dismiss Appellee Georgia-Pacific Corp's (G-P) new claim e.g., (1) trial court erred in granting Appellant a supersedeas under O.C.G.A. § 5-6-46 et seq, made in the Brief of the Appellees of this Direct Appeal.

STATEMENT OF THE CASE

A. Allegations in the Motion

On Feb 3, 2014, Appellee G-P filed a motion to dismiss appeal in this Court alleging claims of trial court error in issuing

the final and unappealable ruling and judgment to Alvin Moore without having considered Moore's malicious abuse of appellate process. [Brief of Appellees, at p 4, lines 9-11].

Although G-P's Motion is somewhat difficult to decipher, the gist of its appeal of the Superior Court's Dec. 9, 2013 Order, **see R-13**, is that in late 2013 and early 2014, it was unlawfully precluded and harassed by Chief Judge from filing a motion of the appellees, in the trial court to condition the Oct. 11, 2013 Notice of Appeal of Alvin Moore w/Certificate of Service and Pauper's Affidavit, **see R-1-4**, in a fashion that would satisfy the judgment in full, together with costs, interest, and damages for delay if the appeal is found to be frivolous. [Brief of Appellees, at 4, lines 9-11]. Upon information and belief the Honorable Michael L. Karpf is a constitutional officer for the State of Georgia and has not been named in either his Chief Judge or individual capacity in a complaint served and filed in trial court. Any involvement that Judge Karpf may have had in the case of Alvin Moore on supersedeas and affidavit of indigency after Oct 11, 2013 was part of his judicial responsibilities as a trial judge and thus

II. THE TRIAL COURT PROPERLY DISMISSED ANY IMPLIED CLAIM AGAINST ALVIN MOORE WITH RESPECT TO THE SUPERSEDEAS JUDGMENT

Ga. Code Ann § 5-6-47 provides: "In all civil cases where the party taking an appeal files an affidavit stating that because of his indigence he is unable to pay costs or to post a supersedeas bond, if any, as may be required by the trial judge as provided in Code Section 5-6-46, the notice of appeal and affidavit of indigence shall act as supersedeas.

Any party at interest or his agent or attorney may contest the truth of the affidavit of indigence by verifying affirmatively under oath that the same is untrue. The issue thereby formed shall be heard and determined by the trial court under the rules of the court. The judgment of the court on all issues of fact concerning the ability of a party to pay costs or give bond shall be final." See O.C.G.A. § 5-6-47(a)-(b).

This APA provision thus compels dismissal of both Moore and Chief Judge from G-P's case to the extent that it seeks to appeal the supersedeas, see R-13, of Dec. 9, 2013. It is undisputed that the issues arising under Ga. Code Ann. § 34-9-106 were timely asserted for evidentiary hearing in trial court.

(See R-609-621, within seven months after judgment was issued and within 5 years after agreement and general release was executed).

Superior Court had jurisdiction over enforcement case, compare R-677, lines 7-11; R-1-3; R-4 with R-13, despite ruling from the bench that it did not. **See** R.Tr., at 7, lines 15-21.

Thereafter superior court by way of a written order on Sept 12, 2013 denied Motion without a hearing on the evidence. R-677. A timely direct appeal ensued on Oct 11, 2013 pursuant to O.C.G.A. § 5-6-38(a), R-1-2, so that on *all fours*, Alvin Moore met the "*absolute requirement*" to confer jurisdiction upon the appellate court. The proper method by which a civil appellant can secure direct review on questions of law set forth in the brief afforded by jurisdictional statute, O.C.G.A. § 5-6-34(a)(1); (4)-(5); (7).

G-P has agreed to the jurisdiction of this Court, when it filed a Brief of the Appellees on Feb 3, 2013, within which, is a Response asking the Court for relief based on some sort of irregular argument. **See Resp**, at 4, lines 14-14. G-P did not

specifically questioned in its response that the enforcement case has issues that falls under these specific provisions¹²⁸⁴ of this statute.

The completeness of the record prepared after timely filing of Notice of Appeal and "amended" Notice of Appeal, has not been questioned. As stated in the facts of the initial brief and above, the Motion for Judgment is based on specific grounds of contract or agreement and general release, and an unappealed judgment. [R-21-22, 38] No motion ever filed with Superior Court is better laced with merits than Moore's Aug 23, 2013 Motion for Judgment. **See e.g.** R-609-621. The practical support for this claim is that G-P, in making a subsequent oral argument pointing out deficiencies in federal and state compensation schemes wherein Moore has not satisfactorily realized upon the agreement and general release; and the unappealed judgment, G-P failed to support argument with a viable defense w/documentation in

¹²⁸⁴ This Court has thus far, not expressed any doubt as to the existence of its jurisdiction over this direct appeal filed since Oct. 11, 2013 in superior court below. Fairclough v. State, 276 Ga. 602, 603 (2003)(Even without a motion to dismiss the appeal, "[i]t is the duty of this court to raise the question of its jurisdiction in all cases in which there may be any doubt as to the existence of such jurisdiction.").

13.

This Order indisputably establishes that the Chief Judge for the court below, ruled that his Sept 12, 2013 Order contained an *appealable judgment or decision*. And that a reasonable basis exist on which Alvin Moore could anticipate reversal of judgment and vacation of the Order because he reviewed the transcript of the evidence had it approved and filed in his record, which establishes that such judgment and decision was entered without consideration by the trial court of evidence of the enforcement case implicating, *see R.Tr.*, at 7, lines 19-21, direct appellate review of several issues¹²⁸⁵ disposed of in Moore's favor under the Moore's standard[s] of review. *See App. Br.*, at 17-21. "The general statutory meaning of an appeal from an inferior court to a superior one is that,

17.

¹²⁸⁵ Especially, the enforcement case bifurcated with the appeal of a denial of relief by Board as to his Motion for Summary Judgment that was granted by first ALJ Askin involved *with this* but then denied by second ALJ Imahara involved with this, since this Court has summized "[T]he one principal factor that distinguishes a summary judgment from a procedural motion to dismiss a pleading without trial is the considertation by the trail court of evidence.

LINDA CANTRELL

Court Reporter
Douglas County Superior Court
August 12, 2013 Remand Hearing
before Judge Emerson for
Case No: 08CR648
Appeal No: A13A0009

Feb. 19, 2014

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2014 FEB 24 AM 11:04
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

RE: Request for August 12, 2013 Remand Hearing Transcripts and/or status thereof and notification that failure to produce said transcripts within 30 days of the Jan. 15, 2014 Notice of Appeal is in violation of O.C.G.A. § 5-6-42.

This is a request for the transcripts and/or status thereof for the August 12, 2013 Remand Hearing before Judge Emerson in the Superior Court of Douglas County for Case No: 08CR648 / Appeal No: A13A0009 and to notify you that the failure to produce said transcripts within 30 days of the January 15, 2014 Notice of Appeal is in violation of O.C.G.A. § 5-6-42.

The said transcripts were "ordered properly" on Oct. 7, 2013 and "The [trial] court authorizes that the defense copy of the transcript of the proceedings of this case is to be provided to the defendant at the Coffee Corrections Facility address he has specified". See the request for said transcripts mailed to you and also filed with the trial court on Oct. 7, 2013 and the order of the trial court approving said request filed Oct. 9, 2013.

Under Pistacchio v. Frasso, 314 Ga App 119, 121-123, 723 SE2d 322 (2012); O.C.G.A. § 5-6-42; "A delay of more than 30 days in filing a transcript as provided by O.C.G.A. § 5-6-42 is prima facie unreasonable and inexcusable... Delay is unreasonable where it may affect an appeal by: (a) directly prejudicing the position of a party by allowing an intermediate change of conditions or otherwise resulting in inequity; or (b) causing the appeal to be stale, such as, by delaying the just disposition of the case, by preventing placement of the case on the earliest possible appellate court calendar, or by delaying the docketing

of the appeal and hearing of the case by the appellate court. See also Atlanta Orthopedic Surgeons v. Adams, 254 Ga. App. 532, 536, 562 S.E.2d 818 (2012).

As of this date February 19, 2014 (over 6 months since the hearing)

I have not received said transcripts.

By failing to provide said transcripts within 30 days of the

January 15, 2014 Notice of Appeal you are in violation of O.C.G.A. § 5-6-42 and are "delaying the just disposition of [this] case by preventing placement of [this] case on the earliest possible

appellate court calendar."

Please provide me with the said Aug. 12, 2013 Remand hearing transcripts and/or status thereof pursuant to the order of the trial court filed Oct. 9, 2013; O.C.G.A. § 5-6-42. Thank you.

This 19th day of February, 2014.

Respectfully,

Bennie Lee Lynch

Bennie Lee Lynch, pro-se
G.D.C. # 1039834

Coffee Correctional Facility 45

P.O. Box 650

Nicholls, Georgia 31554

Certificate of Service

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

Clerk, Stephen E. Castlen
Georgia Court of Appeals
47 Trinity Avenue, SW
Suite 501
Atlanta, Georgia 30334

MELINDA CANTRELL,
Court Reporter
Douglas County Courthouse
8700 Hospital Drive
Douglasville, Georgia 30134

Tammy Howard, Clerk
Douglas County Courthouse
8700 Hospital Drive
Douglasville, Georgia 30134

David McDade, D.A.
Douglas County Courthouse
8700 Hospital Drive
Douglasville, Georgia 30134

This 19th day of Feb., 2014

Respectfully submitted



Bennie Lee Lynch, Pro-se
1039824
Coffee Correctional Facility
Unit 48
P. O. Box 650
Nicholls, Georgia 31554

LINDA CANTRELL

Court Reporter
Douglas County Superior Court
August 12, 2013 Remand Hearing
before Judge Emerson for
Case No: 08CR648
Appeal No: A13A0009

Feb. 19, 2014

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CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

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This 19th day of February, 2014.

Respectfully,

Bennie Lee Lynch

Bennie Lee Lynch, pro-se
G.D.C. # 1039824
Coffee Correctional Facility 45
P.O. Box 650
Nicholls, Georgia 31554

Certificate of Service

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Clerk, Stephen E. Castlen
Georgia Court of Appeals
47 Trinity Avenue, SW
Suite 501
Atlanta, Georgia 30334

MELINDA CANTRELL,
Court Reporter
Douglas County Courthouse
8700 Hospital Drive
Douglasville, Georgia 30134

Tammy Howard, Clerk
Douglas County Courthouse
8700 Hospital Drive
Douglasville, Georgia 30134

David McDade, D.A.
Douglas County Courthouse
8700 Hospital Drive
Douglasville, Georgia 30134

This 19th day of Feb., 2014

Respectfully submitted



Bennie Lee Lynch, Pro-se
1039824
Coffee Correctional Facility
Unit 43
P. O. Box 650
Nicholls, Georgia 31554

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LINDA GANTRELL
Court Reporter
Douglas County Superior Court
August 12, 2013 Remand Hearing
before Judge Emerson for
Case No: 08CR648
Appeal No: A13A0009

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Feb. 19, 2014

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This 19th day of February, 2014.

Respectfully,

Bennie Lee Lynch

Bennie Lee Lynch, pro-se
G.D.C. # 1039824
Coffee Correctional Facility 45
P.O. Box 650
Nicholls, Georgia 31554

Certificate of Service

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Tammy Howard, Clerk
Douglas County Courthouse
8700 Hospital Drive
Douglasville, Georgia 30134

David McDade, D.A.
Douglas County Courthouse
8700 Hospital Drive
Douglasville, Georgia 30134

This 19th day of Feb., 2014

Respectfully submitted



Bennie Lee Lynch, Pro-se
1039824
Coffee Correctional Facility
Unit 48
P. O. Box 650
Nicholls, Georgia 31554

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

February 20, 2014

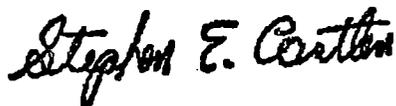
Mr. Carey L. Ross
GDC440745
Hays State Prison
Post Office Box 668
Trion, Georgia 30753

RE: A13A1506. Ross v. The State

Dear Mr. Ross:

Your appeal was disposed by opinion on September 5, 2013. The Court of Appeals affirmed the judgment of the trial court. The remittitur issued on September 20, 2013, divesting this Court of any further jurisdiction of your case. The case is therefore, final.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld

In the Court of Appeals of Georgia

Ross v. THE STATE, # A13A1506

Did the Superior Court of Jasper County, make a Error in the case.

2-10-14

Respectfully submitted,

Carey L. Ross

CAREY L. ROSS

G.D.C. # 440745

Hays State Prison
Post Office Box 668
Trion, Georgia 30753

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COURT OF APPEALS OF GA

2014 FEB 19 PM 2:36

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

February 25, 2014

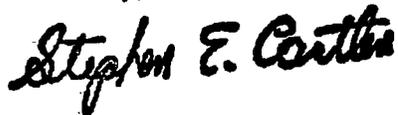
Mr Anthony T. Robinson
Chatham County Jail
1050 Carl Griffin Drive
Savannah, Georgia 31405

Dear Mr Robinson:

In response to your correspondence received in this office, we do not have a case styled in your name pending in this Court.

Until a case is docketed in this Court, all communications regarding the status of a case should be directed to your attorney of record or to the trial court from which you are appealing. I am returning your documents to you.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld
Enclosures

Anthony T. Robinson

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CASE NO. CR13-1163-

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Verdict cannot be based on scintilla of evidence or mere suspicion, guess, surmise, speculation or conjecture. OCGA § 17-9-2. A juror shall not act on own private knowledge. Every juror that served on retrial, a victim to some or most acts of violence.

A witness for the state committed and admitted fraud owing \$16,000 to the state, whom this witness stated she was in debt some district attorney prosecuting case. OCGA § 24-3-50 To make a confession admissible, it must have been made voluntarily, without being induced by another by the slightest hope of benefit.

The retrial was rotten, a clear miscarriage of justice, mistakes were numerous and harmful errors as wrongfully convicted, include character evidence, contradictory statements, hearsay, inconsistent statements, and many more that my 'ineffective assistance of counsel' refuse to give mistrial transcript, discovery, preliminary hearing transcript. Brady v. Maryland, 373 U.S. 83, 83 S. Ct. 1194, 10 L. Ed. 2d 215. Insufficient evidence to establish attempted robbery alleged prior act of the deceased, standing alone, will not establish a viable justification homicide. When you don't have any money to defend yourself, you're at the mercy of the judicial system. Once in the system, it's almost impossible to get out, even if you are innocent. I'm not trying to face human error or have my life stolen by malfeasance. I don't have my judgment set aside, nolle prosequi, sustain motion plea in bar, impaneling of a jury and put in jeopardy, mistrial, and those errors have great effect on my existing rights as well as my constitutional rights.

What this case really had boiled down to was the wrong and blame in it, harmful to racial minorities. A homicide was

deliberate and calculated act of revenge, rather than sudden and irresistible act of passion. Testimony has been tainted by an impermissibly suggestive procedure that wrongful death distinguishable because state framed "Defense" in this case when its murder, framed attempted robbery even with danger had passed or the imminent danger has passed, the use of force. Since revenge is not a material exculpatory factor in a criminal case. Motivated solely by revenge on the 27th, such evidence video recording shows proof of store owner being only male in store with a weapon, self-defense are used to illustrate the alleged inconsistent application of the law.

I am doing my very dead level best to clear my name of this stinking mess through (appeal), thrust in this flimsy evidence hideout from my family until hearsay was never confess in whole or in part to any crime Sept 27, 2012 or Sept 28, 2012 which never indicated for the 25th and character placed in issue. DCGA's 24.2.2 The general character of the party and especially their conduct in other transaction are irrelevant matter unless the nature of the action involves such character.

Brady v. Maryland, U.S. Supreme Court held that the suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution

Pray transcript evidence be send by someone by the system

please help
Anthony N. Robinson

good

IN THE SUPERIOR COURT OF CHATHAM COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,)
)
v.)
)
ANTHONY ROBINSON,)
)
Defendant.)

INDICTMENT NO. CR13-1163-J2

MOTION IN LIMINE TO PREVENT ANY HEARSAY TESTIMONY OR IMPROPER
OPINION OR SPECULATIVE TESTIMONY DESCRIBING THE CONTENTS OF THE
"GOLD EXCHANGE" SURVEILLANCE VIDEOS

COMES NOW the defendant, by and through his attorney, and moves this Honorable Court to exclude inadmissible evidence and further shows the Court as follows:

I. Defendant requests that any testimony describing the contents of the "Gold Exchange" surveillance videotapes, particularly describing the activity and the identification of Benjamin Carter in the September 25, 2012, video, be excluded and that all witnesses be so cautioned prior to testifying, unless the witness personally observed the activity depicted in said video.

1. The Defense anticipates, based on the prior trial transcript of this case, that Tim Johnson, owner of the Gold Exchange, and possibly police officer witnesses for the State may attempt to describe, through hearsay, improper opinion and speculative testimony, the contents of the "Gold Exchange" surveillance videos from September 25, 2012, and September 27, 2012, as showing Benjamin Carter robbing or attempting to rob the Gold Exchange on both occasions. Whether or not the videos do in fact show such is the issue at hand and must be left to the jury to decide if the videos do in fact show such activity by any particular individual. Additionally, the determination of the identity of the individual pictured in each video, specifically whether Benjamin Carter appears in both videos, should be based on the jury's own comparison of the two videos, and it would invade the province of the jury to allow any witnesses for the State to offer their opinions on this matter, as their opinions would merely be based on what is depicted in said videos and readily viewable by the jury.

a. Officers were not present in the store to witness any such action, and to allow such witnesses for the State to testify to such would be improper opinion testimony and would invade the province of the jury. Additionally, allowing police officers to offer such testimony greatly increases the risk of unfair prejudice to the defendant, and should be discouraged. See U.S. v. Pierce, 136 F.3d 770 (11th Cir. 1998).

b. Tim Johnson was present on September 27, 2012, and, as such, he may testify to what he personally witnessed in the store that day, but it would still be improper opinion to allow him to describe what the video depicts, as it is within the province of the jury to determine whether or not the video does in fact depict events described by Tim Johnson as occurring on the date in

question. It would also constitute improper opinion to allow Tim Johnson to testify that the September 27th video depicts the same person as the perpetrator depicted in the September 25th video.

- c. Tim Johnson was not present in the store on September 25, 2012, and, as such, should not be allowed to offer any opinion or description of what is depicted in the September 25th video, as the only foundation for such testimony would be his own viewing of the video, which would invade the province of the jury, or from information relayed to him by Jimmy Skelton, which would merely be improper hearsay with no relevant exception.
 - d. Furthermore, Tim Johnson should not be allowed to draw comparisons between the two surveillance videos, as such comparisons would amount only to his opinion, and it is well within the jury's ability to draw their own comparisons or distinctions between the two videos. "Although relevant [to the formation of Tim Johnson's beliefs on September 27th], evidence may be excluded if its probative value is substantially outweighed by the danger of unfair prejudice, confusion of the issues, or misleading the jury . . ." FRE 403.
 - i. Forming the good faith basis for the defense's request on this matter, the transcript of the previous trial of this case, October 29-31, 2013, is rife with examples of such improper opinion testimony related to Tim Johnson's viewing of the September 25, 2012 surveillance video and comparison to the September 27, 2012, video. See Trial transcript of State v. Anthony Robinson, October 29-31, 2013, p. 93, line 25; p. 94, line 9; p. 95, lines 20-22; p. 96, line 24; p. 97, line 6; p. 97, lines 9-11; p. 98, lines 9-11; p. 99, lines 9-10; p. 100, lines 7-8; p. 117, lines 1-2, 5, 7, 10-11, 16; p. 119, lines 6-10, 15-19; p. 120, lines 4-9; p. 129, lines 2-3, 6, 9-11, 14, 17-18, 21; p. 130, lines 13-15, 22-23, 25; p. 131, lines 2-6, 10-11, 13-16, 18-19, 24
 - ii. Additionally, said transcript reveals numerous examples of questions asked by the prosecutor on direct examination of Tim Johnson that were intended to elicit improper opinion testimony from Mr. Johnson. See Trial transcript of State v. Anthony Robinson, October 29-31, 2013, p. 96, lines 14-15, 17-18, 20-21; p. 117, lines 3-4, 6; p. 118, lines 22-23; p. 119, lines 4-5, 14; p. 120, lines 4-6, 8; p. 128, line 25 – p. 129, line 1; p. 129, lines 4-5, 7-8, 12-13, 15-16, 19-20; p. 130, lines 7-8, 10, 12, 16, 19, 21, 24; p. 131, lines 1, 7, 9, 12, 17, 20, 23.
2. The identification of a person in a videotape by a witness is ordinarily not something beyond the ken of the average juror, and, therefore, testimony to that effect is generally not admissible. See Grimes v. State, 291 Ga. App. 585, 662 S.E.2d 346 (2008); Mitchell v. State, 283 Ga. App. 456, 641 S.E.2d 674 (2007); Carter v. State, 266 Ga. App. 691, 598 S.E.2d 76 (2004) (en banc), overruling Jackson v. State, 262 Ga. App. 451, 585 S.E.2d 745 (2003). Such testimony would only be admissible if the witness is particularly familiar with the appearance or mannerisms of the pictured individual *and* that individual's appearance has changed prior to trial, or if the witness is privy to some characteristic of the pictured individual that is not apparent to the jury. See Dawson v. State, 283 Ga. 315, 658 S.E.2d 755 (2008) (identifying witness was pictured individual's "good friend" of twenty-two years, was familiar with pictured individual's mannerisms depicted in film, and pictured individual had gained fifty pounds prior to trial); Bradford v. State, 274 Ga. App. 659, 618 S.E.2d 709 (2005) (identifying witnesses were familiar with pictured individual's quirky

movements and voice, and their identifications were not based only on the surveillance footage). This exception to the general rule establishing inadmissibility of such testimony is not applicable in the instant case, as everything that Tim Johnson used to make the comparison, excluding improper hearsay related to Jimmy Skelton's statement about what the perpetrator said on the previous occasion, is readily viewable by the jury in the two surveillance recordings. See trial transcript of State v. Anthony Robinson, October 29-31, 2013, p. 95, line 7 – p. 96, line 16.

3. As to testimony describing the September 25, 2012, video in particular, a witness cannot testify to what he or she has seen in a videotape when the witness did not witness the event depicted in a videotape because such testimony is impermissible opinion testimony. Mitchell v. State, 283 Ga. App. 456, 458-59 (2007). To permit a witness to testify as to the contents of a video “tends only to establish a fact which average jurors could decide thinking for themselves and drawing their own conclusions” and invades the province of the jury. Id. (quoting Carter v. State, 266 Ga. App. 691, 693 (2004)). In Mitchell, a police officer testified as to the identity of the person depicted in two photographs taken from a video recording *he made* of drug transactions *that he witnessed*. Id. At 457 (emphasis added). The court held the admission of this testimony to be harmful error. Id. at 458-59.

II. Defendant requests that any testimony related to Tim Johnson's identification of Benjamin Carter as the September 25th perpetrator based on Carter's alleged statement, “What kind of gold do you all sell,” be excluded as improper hearsay.

1. The Defense anticipates, based on the prior trial transcript of this case, that Tim Johnson, owner of the Gold Exchange, will attempt to testify that he identified Benjamin Carter as the perpetrator of the previous robbery based, in part, on the fact that Benjamin Carter made the same statement on September 27th (“What kind of gold do you all sell”) that the perpetrator on September 25th had uttered. See trial transcript of State v. Anthony Robinson, October 29-31, 2013, p. 97, lines 14-19.

- a. The only foundation for this testimony would be that Tim Johnson had been told by Jimmy Skelton, the alleged victim of the September 25th robbery, that the perpetrator had said those words. There is no audio on the surveillance videos, and Tim Johnson testified at the prior trial that the only basis of his knowledge on this point was in fact impermissible hearsay. See trial transcript of State v. Anthony Robinson, October 29-31, 2013, p. 96, lines 7-10.

III. Defendant requests that any testimony related to Tim Johnson's identification of the item seen in the hand(s) of the individual(s) pictured in both surveillance videos, particularly the September 25th video, for which Tim Johnson was not present to view the depicted events, be excluded as improper opinion, speculation and hearsay.

1. The Defense anticipates, based on the prior trial transcript of this case, that Tim Johnson, owner of the Gold Exchange, will attempt to identify an item seen in the hand of the perpetrator on the September 25th surveillance video and in the hand of Benjamin Carter on the September 27th video as a plastic bag in both instances. See trial transcript of State v. Anthony Robinson, October 29-31, 2013, p. 117, lines 1-7.

- a. While Tim Johnson may testify to what he actually observed on September 27th, it would be improper opinion testimony to allow him to identify the item in either video as being, in fact, a plastic bag. Even *expert* opinion testimony should be excluded as unhelpful to “the trier of fact when it offers nothing

more than what lawyers for the parties can argue in closing arguments.” U.S. v. Frazier, 387 F.3d 1244, 1262-63 (11th Cir. 2004).

- b. It would be improper speculation to allow Tim Johnson to identify the item in either video, particularly on the September 25th video, as a plastic bag. See trial transcript of State v. Anthony Robinson, October 29-31, 2013, p. 117, lines 10-11 (“ . . . you see a plastic bag in his left hand or something white in his left hand”), p. 117, line 13 (“ . . . whatever was in his hand”), p. 117, line 24 (“In left hand whatever the white thing is”). Additionally, it would be improper to allow Tim Johnson to testify as to where he believes the “white thing” may be during times when it is not visible on the recordings, particularly when Tim Johnson did not actually observe what is shown in the video, such as footage prior to the persons’ entry into the business. See trial transcript of State v. Anthony Robinson, October 29-31, 2013, p. 117, line 16 (“It’s up under the door handle. You can’t see it”). Such testimony would be improper opinion, speculative, and would invade the province of the jury.
- c. It would be improper hearsay to allow Tim Johnson to identify the item as a plastic bag in the September 25th video, as the only way he could possess such knowledge (beyond his own viewing of the video, which the jury can readily do for themselves) would be if he had been told by Jimmy Skelton that the perpetrator on that date was carrying a plastic bag.

ACCORDINGLY, defendant moves this Court to:

- a. Inquire into this matter and issue its Order excluding any and all evidence that is inadmissible and excluding any reference to such evidence;
- b. Grant such other and further relief as this Honorable Court deems necessary and just.

Respectfully submitted this _____ day of February 2014.

222 W. Oglethorpe Ave.
Savannah, GA 31401
912.447.4901
jwrodman@chathamcounty.gov

John W. Rodman
Assistant Public Defender
Bar No. 107671

CERTIFICATE OF SERVICE

This is to certify that the within and foregoing has this date been served upon
ADA Ann Elmore, The District Attorney's Office Eastern Circuit, Chatham County
Courthouse, 133 Montgomery Street, Savannah, GA 31401 via hand delivery.

This _____ day of February 2014.

PUBLIC DEFENDER'S OFFICE
EASTERN JUDICIAL CIRCUIT

John W. Rodman
Assistant Public Defender
Georgia Bar No. 107671

222 West Oglethorpe Avenue
Savannah, GA 31401
912. 447.4901
jwrodman@chathamcounty.gov

Retrial: Obtain a more favorable chance of a guilty verdict on mistrial
Objectively: Based on facts rather than feeling or opinions: not influenced by feeling
Unreasonable: not fair, sensible, or appropriate: not reasonable
Subjectively: Based on feeling or opinions rather than facts
Genuine: Actual, real, or true: not false or fake: sincere and honest

* * * *

The court held jeopardy attaches when the "jury" is impaneled and sworn; this rule is an integral part of the "Fifth Amendment" and is made applicable to the states through the "Fourteenth Amendment." In the case of Oregon v. Kennedy, held that where a defendant moves for a mistrial, especially on his own motion, because of prosecutorial misconduct, defendant may be tried again unless the conduct of the district attorney was intended to provoke the defendant into moving for a mistrial. I, the defendant, Oct 31, 2013, had a mistrial based on the prosecutorial misconduct; motion for "Plea in bar" was filed Dec 9, 2013. Motion hearing was schedule and set Jan 6, 2014, which was reschedule without my consent, Feb 10, 2014 day of my trial. Trial judge who ruled on the mistrial Oct 2013 denied the plea in bar motion the start date of my trial without holding an hearing even before trial date. However, after the Oct 2013 mistrial, the prosecutor filed moved to appeal, filing motion for reconsideration, notice of withdrawal of appeal application. Prosecutor later acknowledged that she did not have an opportunity for interlocutory appeal because the jury had been impaneled. In Oregon v. Kennedy "A retrial is barred when improper official conduct is so prejudicial to the defendant that it cannot be cured by means short of a mistrial and if the official knows that the conduct is improper and prejudicial and either intends, or is indifferent to the resulting mistrial or reversal." Oct 31, 2013 the state intended to goad the defendant into moving for a mistrial in order for prosecutor to avoid a reversal due to prosecutorial or judicial error, or otherwise to obtain a more favorable chance of a guilty verdict on retrial Feb 10, 2014

I, the defendant, raised the bar of double jeopardy to a second trial after

succeeded in aborting the first on my own motion, that there had been over
reaching by the district attorney and that the error had been motivated by his
faith and prejudice to the defendant, even after the jury was sworn and
impaneled after the witness has been sworn and the court began to hear the
testimony. During first trial, district attorney file a motion in limine prior
to the trial, which was denied. Feb 10, 2013, that some prior difficulty

was used in retrial to obtain a good chance of guilty verdict. Dec 2, 2013
nolle prosequi jury trial Dec 29-31, 2013. However, when a nolle prosequi is entered
over the objection of the defendant after a jury has been impaneled, a retrial
on those charges would be barred. Georgia Constitution provides that no
person shall be put in jeopardy more than once for the same offense ~~except~~
when a new trial has been granted after conviction or in case of mistrial.

I, the defendant, submitted this plea in bar, is dispositive

of my - Dec 2013 - case, which the evidence is propensity, evidence were
irrelevant on inadmissible, placing my character in issue. Dec 2013 and Feb
10, 2013 retrial of prior armed robbery and attempted robbery and felony
murder and other charges was error on declared mistrial and convicted on
retrial Feb 14, 2013 concluding that it tipped the balance of unfair prejudice
to the defendant. What kind of prosecutorial misconduct preclude retrial?
retrial would be barred by the prohibition against double jeopardy, calls
for the trial court to make a finding of facts by informing the existence or
nonexistence of intent from objective facts and circumstances. U.S.C.A.
Const. Amend. 5. Even when my plea in bar were denied on trial day, I couldn't
or didn't have time to appeals that ruling. The trial and conviction was based
on the improper admission of evidence where evidence was propensity,
relevant outweighed by prejudice to the defendant. Both the United States
Constitution and Georgia Constitution guarantee criminal defendants protection

against double jeopardy. Even though originally tried on a void indictment violate the double jeopardy clause.



EVANS v. STATE, 17 Ga. 120, 86. The number of persons comprising a grand jury in this state being limited by law to 23, the finding of a body purporting to act as a grand jury, but consisting of more than that number are void. Re-indicted for the fourth time May 15, 2013 of grand jury consisting as members, motion to quash was denied May 21, 2013.

Dempsey v. State, 290 Ga. 763, 764. If a grand juror is not qualified under the law to serve as such, his presence would violate the action of the body, on void indictment. first indictment, motion to quash April 19, 2013 was nolle prosequi along with second indictment, nolle prosequi Third indictment, nolle prosequi.



The trial Feb 10, 2014 with lack of evidence, evidence was insufficient to support conviction for attempted armed robbery and jury instruction was not an adequate charge on armed robbery where felony murder serve as basis for attempted robbery. I, the defendant, was indicted as an aider and abettor with another who was killed, the deceased, even in the absence of evidence of a prior or previous act. Mere presence at the time and place that a crime is committed is wholly insufficient of itself to evidence participation in a criminal intent, which crime of attempted armed robbery never from the day the deceased killed have one occurred, a hand concealed shows the weapon element of armed robbery, Sept 27, 2013 video recording of gold store that was not the case in this, where store owner claim his or he feared for his life on day he immediately stalked, pursued behind the individual and shot him in the back. The rule of law as to circumstantial

evidence, which there is no evidence of a previous conspiracy to say

I, the defendant, participated in a crime by aiding and abetting. Unreasonably, district attorney in effect, telling the jury to simply trust her, don't ask for proof just believe her opinions. The evidence is not intrinsic, prior robbery is irrelevant and inadmissible when character is placed in issue to the fact that the prior is unchanged and the deceased was not killed by the defendant. Doctrine of reasonable fear does not apply to any case of homicide where the danger apprehended is not urgent and pressing or apparent, at the time of the killing. *DeGh v. State*, 16-3-21. Subjectively, based on feeling, the juror, never saw the deceased with a weapon, based on his feeling on he felt deceased was there to rob him. As trial judge stated during mistrial, what other evidence does the state have that this defendant may have participated in the "prior difficulty" robbery on Sept 25, 2012. Oct 31, 2013, the court that ruled mistrial effectively ruled that the admission of the evidence concerning the prior robbery was error and applied a cumulative error, which should have been the same in retrial. Even statement I made that was played in from the jury was not inconsistent as the store owner and statement should have got him in jail for his own murder. Nothing was based on fact a recorded statement that my attorney never played that statement for jury to hear Feb 13, 2014. Allegation of negligence, insufficient evidence to establish prior difficulty armed robbery I was not indicted on, attempted robbery under any circumstances where I, the defendant, was a party to the crime to the some business two days apart. (1) A person is concerned in the commission of a crime only if he directly commits the crime, which a crime was never committed Sept 27, 2012. (2) Intentionally aids or abets in the commission of the crime, but more like guilt by association, evidence that is otherwise irrelevant and inadmissible and places defendant character in issue of the non-circumstantial evidence of the prior in mistrial and also in retrial to show circumstantial evidence other than misleading jury instruction.

Jury instruction in felony murder prosecution in which attempted armed robbery was charged as underlying felony, that a homicide were committed in the carrying out of a felony when it is committed by the accused while engaged in the performance of any act. A performance was never carry out to show proof, or physical evidence that one can see and inspect without placing character in issue of prior difficulty, where previous robbery Sept 25, 2012 victim and witness who is the Employee never gave testimony during first trial but was call for to testify and didn't show as district attorney witness during retrial. Still, motive and intent was rendered inadmissible, due to the complete absence of evidence to establish the essential element other than Sept 27, 2012 incident which attempt robbery proof did not occur. No different than first trial, the tipping point has overreached such motivate by bad faith on the part of the prosecutor on retrial, state improperly injected defendant character into evidence by introducing evidence of defendant previous difficulties with and act of violence, which evidence was wrongly circumstantial. Objection after objection, sustain or overrule seed already planted for the jury to hear character into evidence even if that question should be stricken from the mind, it don't cure the problem, the scar would remain.

I, the defendant, asserts that the trial court erred in denying motion for mistrial, through out the bad retrial, objection was raised. Verdict cannot rest on scintilla of evidence or mere suspicion, where two theories are presented by the evidence and inferences deducible therefrom, one of guilt and the other of innocence, the theory consistent with innocence must be accepted, where facts in evidence in prosecution resulting in conviction. Even state with held evidence. Placed in issue, there are no absent direct evidence connecting I, the defendant, with crime, and absent direct evidence of defendant participation in even some of elements of crime charged.

The identification of a person in a videotape by a witness is ordinarily not something beyond the ken of the average juror, and therefore testimony to that effect is generally not admissible. Hearsay is defined as evidence that does not derive its value solely from the credit of the witness but rests mainly on the veracity and competency of other persons.

first trial, based on improper hearsay, some as retrial, confusion of the issue, or misleading the jury... still both trial bring unfair prejudice to the defendant. facing the rest of my life in prison cause the deliberate falsity, hearsay where none is a eyewitness. yet still based on allegations that state improperly injected character info evidence by introducing hearsay evidence and still failure to give circumstantial evidence, but frame one to cover up murder.

Ineffective assistance of counsel
NO discovery before trial and after
wrongfully convicted
about view cause
I don't trust attorney
Michael Edwards Bar no. 248112

Court of Appeal

Anthony F. Robinson

RECEIVED IN OFFICE
2014 FEB 20 PM 4:2
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

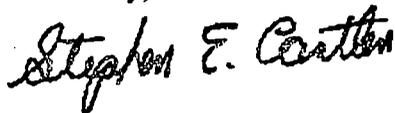
February 25, 2014

Edward T. Riley
GDC570139 D2-21
Georgia Diagnostic and Classification Center
State Prison
Post Office Box 3877
Jackson, Georgia 30233

Dear Mr. Riley:

In response to your Notice of Filing Petition of Certiorari received in this office, we do not have a case styled in your name pending in this Court. I am returning your document to you.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld
Enclosure

FORM 4 - NOTICE OF FILING CERTIORARI

RECEIVED IN OFFICE
2014 FEB 20 PM 3:42
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

COURT OF APPEALS OF GEORGIA

Edward T. Ridley

APPELLANT

vs.

Crisp County

APPELLEE

- * CIVIL ACTION pursuant to O.C.G.A.
- * 42-1-9 failure to remove name and
- * Answer motions, correct illegal and void judgment
- * CASE NUMBER
- * Criminal
- * OR13-149

NOTICE OF FILING PETITION OF CERTIORARI

Comes now Appellant (Appellant/Appellee) in the above appeal and shows he/she this day filed an application for certiorari with the Court of Appeals of Georgia.

This the 12th day of February, 2012.

Edward T. Ridley (Sign your name.)

C.D.C.P., P.O. Box 3877, Jackson, Ga, 30233

(Your complete address.)

CERTIFICATE OF SERVICE

I certify that I have this day served Opposing Party (opposing party or attorney) with a copy of this Notice of Filing Petition of Certiorari by Mail

(hand delivery/ mailing a copy first class mail postage prepaid) to him/her at: Crisp Co. D.A., Denise Fachini, P.O. Box 5510, Cordale, Ga.

31010

(complete address of party served).

This the 12th day of February, 2014.

Edward T. Ridley (Sign your name.)

Ct. of Appeals of GA.

Certificate of Service

This is to certify that I have, this day, served a true and correct copy of the foregoing motion to Appeal Failure to remove name and answer motions pursuant to O.C.G.A. 42-1-9, and to correct void and illegal judgment only not with some plea. Some 42-1-9 motions in Case's no's 025-124 of 518 Crisp Co. D.A
P.O. Box 5510
Cordele, Ga. 31010

This 12th day of February 2014.

Edward Tyrone Ridley 570139
Name
Edward Tyrone Ridley 570139
Georgia Diagnostic & Classification Prison
PO Box 3877
Jackson, Ga. 30233

Note: The clerk's name and address do not appear on this page. Only the opposing party's title and address appear on this page.

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

February 25, 2014

Mr. Regan Reed
Reg. No. 56535-019
Federal Correctional Institution
Post Office Box 15330
Fort Worth, Texas 76119

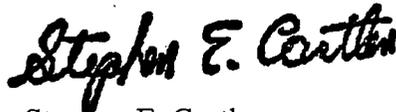
Dear Mr. Reed:

I am returning your Notice of Appeal to you because the 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.

I am enclosing a copy of the Court's Rules for your review.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld
Enclosures

REGAN REED 56535-019
Federal Correctional Institution
Post Office Box 15330
Ft. Worth, Texas 76119

February 7, 2014

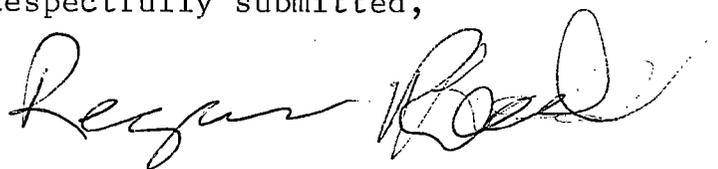
Georgia Court of Appeals
47 Trinity Avenue, Ste 501
Atlanta, Georgia 30334

Re: 91-CR-14548 (Notice of Appeal)

Dear Clerk of The Court:

I am the defendant in the above referenced criminal matter and I filed for Writ of Error Coram Nobis that was denied by the Jackson County Court, Honorable Judge Wayne D. McLocklin on or about September 25, 2013. I timely filed Notice of Appeal in that Court on October 5, 2013. (See Attached Notice of Appeal). The Clerk of the Jackson County Superior Court rejected my Notice of Appeal for reasons unknown. (See undated return item checklist attached). I received the letter on or about November 26, 2013 with a post mark of November 22, 2013. I refile the Notice of Appeal along with the attached letter explaining the reasons my appeal was returned was erroneous as I didn't file my Notice of Appeal in letter form but rather in Motion form and also that I did in fact serve the state/opposing counsel as evidenced by the Certificate of Service on the Notice of Appeal. This effort too was rejected as evidenced by the second rejection notice dated January 10, 2014. I am a pro se litigant and I am held to a less stringent standard than lawyers, however, I am in complete compliance with appeallate procedures. Therefore, I am forwarding the entire record to you and ask that you file my appeal, docket it for review, and send me a briefing schedule for same. Please construe this letter/motion as Notice of Appeal.

Respectfully submitted,



CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

2014 FEB 20 AM 10:33

RECEIVED IN OFFICE

IN THE SUPERIOR COURT OF JACKSON COUNTY
STATE OF GEORGIA

REGAN REED,
Petitioner,

vs.

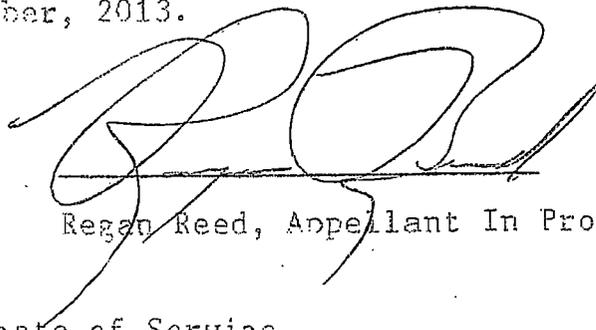
C/A: 91-CR-14548

STATE OF GEORGIA,
Respondent.

NOTICE OF APPEAL

COMES NOW REGAN REED, Petitioner In Pro se, and hereby gives notice of appeal to the Order denying him Writ of Error Coram Nobis and eligibility to proceed in forma pauperis. The Order denying petitioner was entered into the record on September 25, 2013 by the Honorable Wayne D. McLocklin, Superior Court Judge.

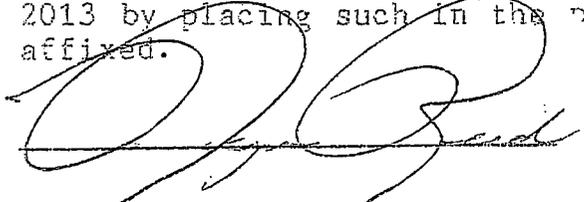
Done this the 5th day of October, 2013.



Regan Reed, Appellant In Pro se

Certificate of Service

I, Regan Reed, do hereby certify that I have mailed the foregoing Notice of Appeal to the District Attorney on October 7, 2013 by placing such in the prison mailbox with adequate postage affixed.



October 7, 2013

OCT 15 2013

Chambers of
David Motes, *Chief Judge*,
Joseph Booth, *Judge* and
Currie Mingledorff, *Judge*.



Piedmont Judicial Circuit
Superior Courts
Serving Banks, Barrow
and Jackson Counties

January 10, 2014

Regan Reed #56535-019
Federal Correctional Institution
P.O. Box 15330
Ft. Worth, TX 76119

RE: Your letter

Dear Mr. Reed:

This is in response to your letter dated November 26, 2013. For the reasons indicated with a checkmark, a copy of your letter is being returned to you.

The Defendant's request cannot be fulfilled through a letter. The appropriate avenue is for the *defendant* to properly file a motion in which his or her request is provided. If a defendant seeks judicial action of any sort, it must be contained within a motion arising from a properly filed lawsuit. See *In re Unsolicited Letters to Federal Judges*, 120 F.Supp.2d 1073 (2000). Your request cannot be acted on in the form of a letter addressed to the judge personally. The judge must hear both sides in court, not one side in private. You should consult an attorney to take the appropriate action.

The Defendant's letter does not show that a copy was provided to the opposing counsel and thus it constitutes an *ex parte* communication. The Georgia Code of Judicial Conduct prohibits a judge from considering *ex parte* communications absent an authorized situation. (Georgia Code Of Judicial Conduct, Canon 3(b)(7)).

The record indicates that the defendant is currently represented by an attorney. In accordance with the holding from the Supreme Court of Georgia, "a layperson does not have the right to represent himself and also be represented by an attorney..." *Seagraves v. State*, 259 Ga. 36, 39, 376 S.E.2d 670, 672 (1989). Please consult your attorney on this matter, which the record shows is _____.

Please be advised that any questions regarding sentence computation, including credit for time served, should be addressed to the appropriate parole authorities, as time computation is outside the jurisdiction of this Court. See *Casario v. State*, 169 Ga. App. 515, 313 S.E.2d 772 (1984). Credit for time served is computed by the pre-sentence custodian and is awarded by the post-sentencing custodian. *Maldonado v. State*, 260 Ga. App. 580 (2003). This Court is not involved in the computation of the Defendant's credit for time served. *Id.*

Other: The Judge's office will not file any letter, motion, or otherwise. It is the responsibility of the litigant to do so.

Sincerely,

Law Clerk, Piedmont Judicial Circuit

Chambers of
David Motes, Chief Judge,
Joseph Booth, Judge and
Currie Mingledorff, Judge.



Piedmont Judicial Circuit
Superior Courts
Serving Banks, Barrow
and Jackson Counties

Dear Sir/Madam:

For the reasons indicated with a checkmark, a copy of your letter is being returned to you.

- The Defendant's request cannot be fulfilled through a letter. The appropriate avenue is for the *defendant* to properly file a motion in which his or her request is provided. If a defendant seeks judicial action of any sort, it must be contained within a motion arising from a properly filed lawsuit. See *In re Unsolicited Letters to Federal Judges*, 120 F.Supp.2d 1073 (2000). Your request cannot be acted on in the form of a letter addressed to the judge personally. The judge must hear both sides in court, not one side in private. You should consult an attorney to take the appropriate action.
- The Defendant's letter does not show that a copy was provided to the opposing counsel and thus it constitutes an *ex parte* communication. The Georgia Code of Judicial Conduct prohibits a judge from considering *ex parte* communications absent an authorized situation. (Georgia Code Of Judicial Conduct, Canon 3(b)(7)).
- The record indicates that the defendant is currently represented by an attorney. In accordance with the holding from the Supreme Court of Georgia, "a layperson does not have the right to represent himself and also be represented by an attorney..." *Seagraves v. State*, 259 Ga. 36, 39, 376 S.E.2d 670, 672 (1989). Please consult your attorney on this matter, which the record shows is _____.
- The Defendant's request cannot be fulfilled through a letter. Please be advised that any questions regarding sentence computation, including credit for time served, should be addressed to the appropriate parole authorities, as time computation is outside the jurisdiction of this Court. See *Casario v. State*, 169 Ga. App. 515, 313 S.E.2d 772 (1984).
- Other: _____

Sincerely,

Law Clerk, Piedmont Judicial Circuit

⇒ Such motions
must be filed with
the Clerk of the Superior Court

REGAN REED 56535-019
Federal Correctional Institution
Post Office Box 15330
Ft. Worth, Texas 76119

November 26, 2013

CLERK OF THE SUPERIOR COURT
Piedmont Judicial Circuit
5000 Jackson Pkwy. Ste. 330
Jefferson, Georgia 30549

Re: 91-CR-14548 NOTICE OF APPEAL

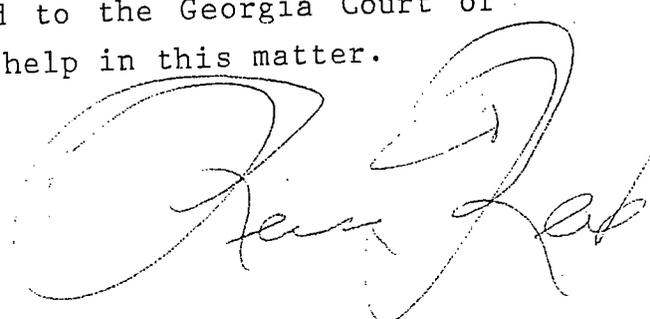
Dear Clerk of The Court:

I received your undated correspondence that was post marked November 22, 2013, whereas you return my NOTICE OF APPEAL to an order denying my Writ of Error Coram Nobis, entered into the record on September 25, 2013 by the Honorable Wayne D. McLocklin. Your reason[s] for returning my Notice of Appeal are: 1) The Defendant's request cannot be fulfilled through a letter....., and 2) The Defendant's letter does not show that a copy was provided to the opposing counsel.....

Both of these reasons are incorrect. Specifically, the Notice of Appeal is presented to the Superior Court in MOTION form; and on the bottom of the MOTION, is the CERTIFICATE OF SERVICE. Nevertheless, "[c]ourts do and should show leniency to pro se litigants not enjoyed to those with the benefit of a legal education. GJR Invs., Inc. v. County of Escambia, Fla., 132 F.3d 1359, 1369 (11th Cir. 1998). A document filed "pro se" is to be liberally construed, and a "pro se" complaint, however in artfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers." Id. at 94 (quoting Estelle v. Gamble, 429 U.S. 97, 106 S.Ct. 285, 50 L.Ed. 2d 251 (1976).

Therefore, I am returning the same said Motion of Notice of Appeal, that contains a Certificate of Service to you for filing and also to forward the entire record to the Georgia Court of Appeals. Thank you in advance for your help in this matter.

cc: Ga. Court of Appeals



IN THE SUPERIOR COURT OF JACKSON COUNTY
STATE OF GEORGIA

REGAN A. REED,
Petitioner,

vs.

Former Docket No. 91-CR-14548

STATE OF GEORGIA,
Respondent.

WRIT FOR ERROR CORAM NOBIS

JURISDICTION

This Court has jurisdiction to grant this petition pursuant to 28 U.S.C. § 1651, The All, Writs Act. A Writ of Coram Nobis is available to correct errors "of the most fundamental character" that have occurred in a criminal proceeding.

STATEMENT OF THE CASE

On or about June, 1991, the Petitioner and four others were arrested in Commerce, Georgia, charged with Violation of Georgia's Controlled Substance Act (V.G.C.S.A.) and Theft by receiving. The Petitioner was at a game room and co-defendant

Everett Poindexter arrived driving a stolen car. The Commerce Police arrived on the scene and another co-defendant, Christopher Niles, ran. While running away from the scene, Niles shed his jacket, which was later found by the police and the jacket contained approximately ½ ounce of cocaine bagged individually for sell. The petitioner in this action was not involved with the drugs nor the stolen vehicle.

Nevertheless, at the advice of his retained counsel, W.W. Wiggins, and the nolle prosequere of a pending charge with his plea of guilt to these charges, the petitioner pled guilty.

The petitioner was sentenced in federal court some 15 years later and his sentence was doubled under United States Sentencing Guidelines (U.S.S.G.) § 851 to a term of 20 years. This illegal conviction and sentence aggravated and enhanced his current federal sentence that he is now under service of.

LEGAL STANDARD

"The writ of coram nobis is an 'extraordinary remedy', available to a petitioner no longer in custody who seeks to vacate his conviction in circumstances where 'the petitioner can demonstrate that he is suffering civil disabilities as a consequence of the criminal convictions and that the challenged error is of sufficient magnitude to justify the extraordinary relief'". United States v. Castro, 26 F.3d 557, 559 (5th Cir. 1994)(citing United States v. Morgan, 346 U.S. 502, 511, 74 S.Ct. 247, 98 L. Ed. 248 (1954) and United States v. Marcello, 876 F.2d 1147, 1154 (5th Cir. 1989) respectively).

Further, the Supreme Court's recent decision in Padilla v. Kentucky, 130 S.Ct. 1473, 176 L.Ed. 2d 284 (2010), may provide another avenue by which a petitioner can pursue a claim for ineffective assistance through the writ of coram nobis. See Santos-Sanchez v. United States, 130 S.Ct. 2340, 176 L.Ed. 2d 559 (2010)(remanded back to the court of appeals for denial of coram nobis relief when the ineffective assistance claims were based on alleged affirmative misrepresentations and failure to warn of consequences of a guilty plea).

Argument

According to Custis v. United States, 511 U.S. 485, 128 L.Ed. 2d 517, 114 S.Ct. 1732, and also the Fourteenth Amendment of the United States Constitution, defendants have the right to challenge prior convictions or bad acts that have been used to aggravate or enhance a subsequent sentence that the defendant is now under service or restriction of.

Every Federal Court of Appeals allows for a Habeas Petitioner to challenge a conviction whose sentence has expired if he or she is currently incarcerated as a result of that conviction, or if it was used to enhance a sentence presently being served. Young v. Vaughn, 83 F.3d 72 (3rd. Cir. 1996)(Habeas Corpus petitioner could attack his expired conviction in the context of habeas petition that was filed while petitioner was serving another sentence where sentence he was serving was a collateral result of an expired conviction). The Court of Appeals for the **Eleventh Circuit** has held that it makes no difference whether the petitioner attacks the expired or the enhanced

sentence: "this is a distinction without a difference."

Petitioner Reed was advised to plead Guilty to the charge[s] in criminal action 91-CR-14548, at the advice of his retained counsel, W.W. Wiggins. The attorney's erroneous advice was the reason the defendant's current federal prison sentence was doubled under U.S.S.G. § 851, which doubles a defendant's sentence for a prior drug conviction. Attorney Wiggins, never warned the petitioner of any subsequent damages or exposures by pleading guilty, nor did he offer any meaningful adversarial challenge to the case against the petitioner. The state could not present evidence to sustain a guilty verdict against the petitioner in the state matter and through the ill-advice of his counsel, Reed pled guilty without any understanding of what elements the government needed to prove to obtain a conviction.

The Supreme Court has stated, "that because a guilty plea is an admission of all elements of a formal criminal charge, it can not be truly voluntary unless the defendant possesses an understanding of the law in relation to the facts." McCarthy v. United States, 394 U.S. 459, 466, 22 L.Ed. 2d 418, 89 S.Ct. 1166 (1969). Petitioner Reed was never advised of the rights he was waiving nor was he advised of the elements the government had to prove to sustain a guilty verdict, however, in the alternative, told by Attorney Wiggins to "put this behind him and plead guilty".

A guilty plea involves waivers of several Constitutional Rights. These rights include: The privilege against self-incrimination, the right to trial by jury, and the right to

confront adverse witnesses. Boykin v. Alabama, 395 U.S. 238, L.Ed. 2d 274, 89 S.Ct. 1709. The waiver of these rights are governed by federal standards. Douglas v. Alabama, 380 U.S. 415, 422, 13 L.Ed. 2d 934, 85 S.Ct. 1074.

The petitioner has sought to obtain the transcripts from this proceeding and was informed by the Court Clerk that there are no such records or transcripts. "presuming waiver from a silent record is impermissible. The record must show, or there must be an allegation and evidence which show, that an accused was.... Anything less is not a waiver". Boykin, (supra)(Id. at 242). "[C]learly the State bears the burden of establishing that such a waiver was knowingly and voluntarily made. Payne v. State, 460 S.E. 2d 297, 298 (1995), (where the right to question was the right to trial by jury). "Once the defendant raise the issue of intelligent and voluntary waiver with respect to prior guilty pleas, the burden is on the state to establish the waiver". Pope v. State, 345 S.E. 2d 831 (1986).

CONCLUSION

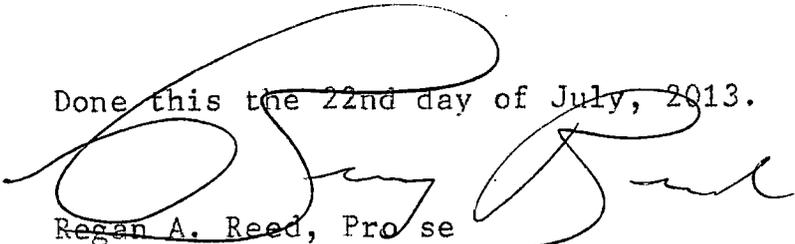
In short, the petitioner in this petition for relief was advised to plead guilty to charges that later come back to haunt him that he was in fact innocent of. The government could not have sustained a conviction against the petitioner in this matter based on the evidence available. However, the petitioner's counsel, W.W. Wiggins was grossly ineffective to not only not challenge the government's case, but to also advise Reed to "put

this behind him and plead guilty". This ill advice aggravated the petitioner's current federal sentence which he is now under service of. It should be noted that the prosecutor for the state, Tim Madison, has since been convicted and prosecuted on corruption charges. He is now in prison. This case has the "stench" of bad acts from the start to the finish and the petitioner is still suffering from the proceedings. In order to obtain a writ of coram nobis, the petitioner must show: (1) that his conviction and or sentence involved an error of the most fundamental character; (2) that not for the error, a different result would have occurred; (3) that adverse consequences continue to flow from the conviction and or sentence such that a case or controversy exists within the meaning of Article III; (4) that a more usual remedy is not available to correct the error; and (5) that sound reason exists for not challenging the error earlier such as by direct appeal or on a 2244 motion. United States v. Denedo, (June 8, 2009)_

Petitioner Regan A. Reed has met the criteria necessary to obtain relief in this miscarriage of justice.

THEREFORE, based on the facts and matters stated herein, the petitioner prays that this court vacate this illegal conviction and sentence in 91-CR-14548.

Done this the 22nd day of July, 2013.



Regan A. Reed, Pro se
Register Number:
Federal Correctional Institution
Post Office Box 15330
Ft. Worth, Texas 76119

IN THE SUPERIOR COURT OF JACKSON COUNTY
STATE OF GEORGIA

REGAN A. REED,
Petitioner,

vs.

Former Docket No. 91-CR-14548

STATE OF GEORGIA,
Respondent.

AFFIDAVIT OF REGAN A. REED

I, Regan A. Reed, under the penalty of perjury, hereby declares:

1. that I am the petitioner in the above-entitled criminal case;
2. that I am proceeding in Pro se with the assistance of another inmate;
3. that I was advised by my attorney to plead guilty to the charge[s] in this action, though I am not guilty;
4. that my attorney never advised me of the subsequent consequences of pleading guilty; and
5. that if called to testify to the facts and matters of this petition, that I will do so truthfully.

Signed this the 22nd day of July, 2013

Regan A. Reed

IN THE SUPERIOR COURT OF JACKSON COUNTY
STATE OF GEORGIA

REGAN A. REED,
Petitioner,

vs..

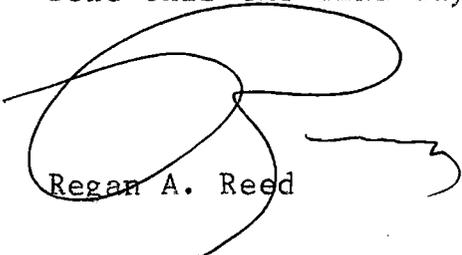
Former Docket No. 91-CR-14548

STATE OF GEORGIA,
Respondent.

MOTION FOR WAIVER OF FEES AND COSTS

I, Regan A. Reed, petitioner, In Pro se, hereby moves this court to waive the fees and costs associated with the filing of this motion, as I am indigent and unable to pay the fees. Granting this motion will not harm the Respondent by granting this motion.

Done this the 22nd day of July, 2013.


Regan A. Reed



IN THE SUPERIOR COURT OF JACKSON COUNTY
STATE OF GEORGIA

REGAN A. REED,
Petitioner,

vs.

Former Docket No. 91-CR-14548

STATE OF GEORGIA,
Respondent.

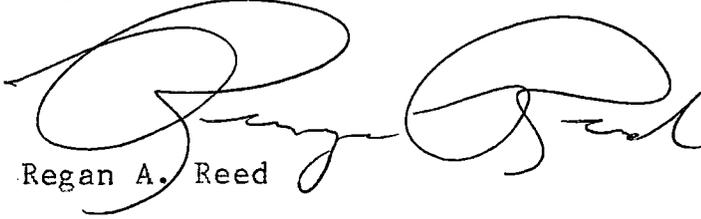
AFFIDAVIT OF INDIGENCY

I, Regan A. Reed, under the penalty of perjury, hereby declares:

1. that I am the petitioner in the above-entitled criminal matter;
2. that I am imprisoned in the Federal Bureau of Prisons;
3. that I am indigent and have only my prison wage which I need for my personal hygiene, legal costs involved in preparing, copying and mailing my legal pleadings and thus, I am unable to pay the fees and costs incurred in litigation of this petition;
4. that I have no checking or savings accounts;
5. that I have no stocks, bonds, or securities;
6. that I have no property, real or otherwise; and
7. that if called to testify to the facts and matters stated

herein, that I will do so truthfully..

Signed this the 22nd day of July, 2013.

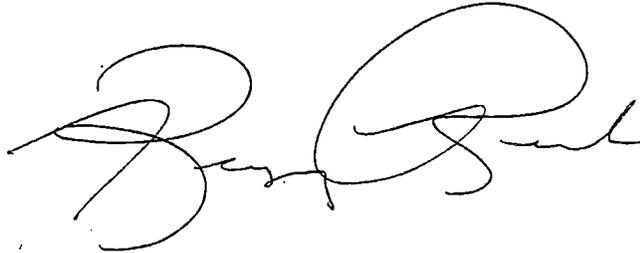


Regan A. Reed

CERTIFICATE OF SERVICE

I, Regan A. Reed, hereby certify that I have mailed a copy of the Motion for Writ For Error Coram Nobis, Affidavit of Regan A. Reed, Motion for Waiver of Fees and Costs, and Affidavit of Indigency to the Jackson County District Attorney at 5000 Jackson Pkwy., Ste. 160, Jefferson, Georgia 30549, by placing such in the prison mailbox with adequate postage on July 22, 2013.

Regan A. Reed

A handwritten signature in black ink, appearing to read 'Regan A. Reed', written in a cursive style.



2014

Georgia Court of Appeals

R U L E S

Last Update: February 19, 2014

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

February 25, 2014

Mr. Desmond Post
GDC1208677
Smith State Prison
Post Office Box 726
Glennville, Georgia 30427

Dear Mr. Post:

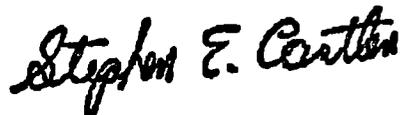
In response to your correspondence received in this office we do not have a case styled in your name pending in this Court. We are therefore returning your documents.

Until a case is docketed in this Court, all communications and questions regarding the status of your case should be directed to your attorney, if you have one, or to the trial court from which you are appealing.

Please be advised that a Notice of Appeal is filed with the clerk of the trial court in the county from which you were sentenced. The trial court clerk will prepare the record and transcript as you request and forward same to the Court of Appeals of Georgia for docketing. When the case is docketed in this Court, you will receive a Docketing Notice with the Briefing Schedule and other important information.

I am also enclosing a copy of the Rules of the Court of Appeals of Georgia for your review.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld
Enclosures

To Whom It May Concern

Hi, best wish to you all. My name is Desmond Post. I come to the court to ask for help. I have sentence for about a year or a little over now. I'm in me steps of my new trial right now. My GDC# is 1208677 and I'm at Smith State Prison. I'm ask the to look at my case do to all the error on my case from Cobb County Court. I feel like this county and the people in this county will do me know justice on my case do to all the error on this case.

I have been staying my case about 5yrs now. I have found so min errors on this case with the of people on the outside. This are some of the errors. . . page 1 and 2 how there wasn't probable cause to arrest or to places hands or handcuffs on me in my home. Page 7 to 11, talks about the heresay to get a warrant for my home. Page 38 and 39 talks about how you need consent to entry a home. Page 55 to 70 talks about the agree of my miranda rights and the signed of it. Page 71 to 76 talks about the evidence rules. Page 85 talks the witness McCater identify me in the other two males. without a jury present at the time the judge said this. Page 90 to 97 talks about the counsels and how they are co-counsels on my case. Page 98 talks about the issue that should have come up at the new trial and never did. This are some of the errors and ask the Georgia of Supreme Court to look at and help me overturn my case. Thank You For Your Time

Desmond Post
Smith State Prison
P.O. Box 726
Gennville GA 30427

RECEIVED IN OFFICE
2014 FEB 24 PM 3:02
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Your very respectfully
Desmond Post
Desmond Post

Probable Cause

The hand book know your rights on page 187 Chapter 3. What happens

if the police arrest me and it turns out that they lacked probable cause?

A judge will not issue an arrest warrant if it appears to the judge that probable

cause for arrest is lacking. However officers are authorized to make

warrantless arrest without getting a judge's permission unless they arrest the

suspect at his home. Many of time these arrest hotel up. Other times though a

judge may later decide that the police "lacked probable" to make the arrest

and order the charges to be dismissed and the suspect to be released.

Here the warrantless arrest was violation of the Fourth Amend since the

defendant was in he HOME AT THE TIME OF ARREST, there were on ~~arrest~~

exigent circumstances and the defendant didn't consent to the arrest. The court emp

asized the fact that the officers had probable cause to arrest honestly though they didn't

need a arrest warrant and didn't engage in any postal of or flagrant misconduct

If call illegal arrest in the didn't admisible See; Thompson v State, 248 Ga. 343, 283

S.E. 2d 685-1981. Also the Supreme Court held Payton rules, requiring an arrest

warrant before a defendant by ARRESTED IN HIS HOME in the absence of

exigent circumstances, is to be applied retroactively to all case in which a

conviction wasn't final on the date of the Payton decision See Johnson v US

457 US 537 at 2579, 73 L. Ed. 2d 802-1982.

WORTH OUT PROBABLE CAUSE

Carriaza v State; the GEORGIA SUPREME COURT "held that ~~the~~

where an officers comm: Had a defendant home in the presence of or in

the immediate knowledge of an officer. There can be no arrest in the home

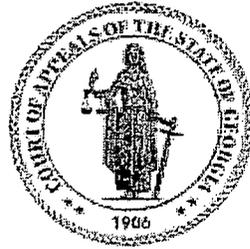
unless there has been consent for the officer to enter or there exigent circum

stance. In the case Rockhold v State also State v Williams the court

affirmed the trial court in finding there was no probable cause to arrest

where the officer of the Suppress in hearing testified that based on the

following factors he believed he had probable cause to transport"



2014

Georgia Court of Appeals

R U L E S

Last Update: February 19, 2014

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

February 25, 2014

Mr. Leon E. Pugh, Jr.
1404 Hazel Street
Waycross, Georgia 31501

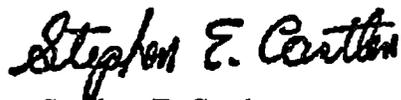
RE: 14-1017-EE. Leon Edward Pugh, Jr. v. William Balish, et al.

Dear Mr. Pugh:

Documents in the above referenced appeal have been received in the Court of Appeals of Georgia. Your mailing indicates that you intended to file your papers in the Eleventh Circuit Court of Appeals rather than the Court of Appeals of Georgia.

The address for the Eleventh Circuit Court of Appeals is 56 Forsyth Street, N.W. in Atlanta, Georgia 30303.

Sincerely,



Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld
Enclosures

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

14-10178-EE

Leon Edward Pugh, Jr.

Plaintiff-Appellant,

v.

William Balish, et al.,

Defendants-Appellees

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

BRIEF OF APPELLANT

LEON EDWARD PUGH, JR.
1404 HAZEL STREET
WAYCROSS, GEORGIA 31501
(912) 604-7742
IF NO ANSWER CALL (912) 508-6963

FROM:

Leon Pugh
1404 Hazel Street
Waycross, GA. 31501

2014 FEB 21
OFFICE
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GA



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30334

U.S. POSTAGE
PAID
WAYCROSS, GA
31501
FEB 21, 14
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TO:

Holly K.O. Sparrow, Clerk
Court of Appeals of Georgia
47 Trinity Avenue, Suite 501
Atlanta, Ga. 30334

RECEIVED IN OFFICE

2014 FEB 24 PM 3:55

COURT OF APPEALS OF GA

Utility Mailer

Read



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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

February 27, 2014

Mr. Wallace Rumph
GDC500133
Wheeler Correctional Facility
Post Office Box 466
Alamo, Georgia 30411

Dear Mr. Rumph:

In response to your letter dated February 20, 2014, we do not have a current case styled in your name pending in this Court.

You have had two cases in the past. A07A0747. Wallace Dale Rumph v. The State, which was dismissed on December 7, 2006. The remittitur issued on December 29, 2006.

The second case, A03A0484. Wallace Dale Rumph v. The State, which the Court affirmed the judgment of the trial court via opinion on February 7, 2003. The remittitur issued on February 25, 2003.

This Court has been divested of any further jurisdiction in both cases. Those cases are final.

Sincerely,

Stephen E. Castlen
Clerk/Court Administrator
Court of Appeals of Georgia

SEC/ld

2-20-14

Clerk of Court,

Maam, I went to a Revocation Hearing on Oct. 30th, 2012 and on Nov. 19th, 2012 I filed a Notice of Appeal and did the Former Pauper's Form also for the Court of Appeals with the Superior Court. I went back on June 12th, 2013 for the Motion for New Trial. The Judge finally did the Order denying the Motion on Feb. 10th, 2014. My question to you is do I need to re-file the Notice of Appeal and the former Pauper's form with the Court of Appeal or is the previous paperwork sufficient. Also Maam, could you please forward me a copy of the Rules in the Court of Appeals. Thank You for your assistance in this matter.

Respectfully,
Wallace Rumph

Return Address:
Wallace Rumph #500133
Wheeler Correctional Facility
P. O. Box 466
Alamo, CA. 30411

RECEIVED IN OFFICE
2014 FEB 26 PM 01:14
COURT ADMINISTRATOR
COURT OF APPEALS OF GA