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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

September 5, 2014

Trell Selensky Rowe
GDC# 345681
Hays State Prison
Post Office Box 668
Trion, GA 30753

Dear Mr. Rowe:

Our office received your letter on September 2, 2014. We are unable to process your notice of intent to apply for certiorari or your request for an extension. Any notice or motion to this Court will not be accepted unless there is a proper certificate stating that you have served the opposing party and providing the address that you sent the materials to. We are returning your submission.

Sincerely,

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

SEC/br
Enclosures

Steve Castlen - Letter to Mr. Rowe

From: Steve Castlen
To: Benita Roberts
Subject: Letter to Mr. Rowe
CC: Lola Diamond

Mr. Rowe,

Our office received your letter on September 2, 2014. We are unable to process your notice of intent to apply for certiorari or your request for an extension. Any notice or motion to this Court will not be accepted unless there is a proper certificate stating that you have served the opposing party and providing the address that you sent the materials to. We are returning you submission.

Selensk Trell Rowe GDC ID 0000345681
Hays State Prison
777 Underwood Dr.
Trion, GA. 30753

RE: State of Georgia V. Trell Rowe
Case NO. A14A0886

I would like to inform the court of my intention to apply for certiorari to the Supreme Court of Georgia And I have done so within the ten day Required this being August 27, 2004

Trell S. Rowe

I would Also like to Ask the Court for A extension of the ten days because of Me bein I A High Security Part of the prison I'm in my access to the law libary is verylimitted And I can only Recieve to Items per visit once a week. It's not As If I can go And lookup or for the proper material I Need, I have to rely on someone else doing it for me.

Thank You Kindly
Trell Selensky Rowe
345681
August 27, 2014

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS
Date: September 8, 2014

To: Willie E. Rogers, GDC# 440538, F-2, 134M, Dooley State Prison, P.O. Box 750, Unadilla, GA 31091

Docket Number: A14A2351 **Style**: Willie E. Rogers 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 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 cannot file an Amended Brief until the Court makes a ruling on your Motion.

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

9.5.14

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

To: Willie E. Rogers
Docket Number: A14A2351 **Style:** Willie E. Rogers 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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17. ☐ The Motion to Supplement has not been granted.

18. ☐ Other: _____

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COURT OF APPEALS OF GEORGIA

WILLIE E. ROGERS G.D.C. 440538
PLAINTIFF

VS.

STATE OF GEORGIA
DEFENDANT

CASE NUMBER 87-CR-1579 I

APPEAL CASE No. A14A2351

BRIEF FOR APPEAL

Comes NOW WILLIE EDWARD ROGERS G.D.C. 440538 FILES THIS BRIEF FOR APPEAL.

THIS COURT HAS JURISDITION PURSUANT TO O.C.GA. 5-6-34

ENUMERATION OF ERRORS.

1.) TRIAL COURT ERRED, AND ABUSED THEIR DISCRETION WHEN IT RULED THAT I WILLIE EDWARD ROGERS G.D.C. 440538 HAD BEEN CONVICTED OF A SEX OFFENSE THAT REQUIRED REGISTRATION.

2.) TRIAL COURT ERRED, AND ABUSED THEIR DISCRETION WHEN IT APPLIED LAW TO WILLIE EDWARD ROGERS G.D.C. 440538, 1987 CONVICTION THAT DID NOT EXIST AT THE TIME OF HIS CONVICTONS THUS VIOLATING THE CONSTITUTIONS EX-POST FACTO CLAUSE. LINDSEY V. WASHINGTON, 301 U.S. 397, 401. 81 LED 1182, 57 SCT 797 (1937).

3) TRIAL COURT FURTHER ERRED IN SUPPORTING THAT THE DEFENDANT WAS CONVICTED OF RAPE, KIDNAPPING, AND OR CHILD MOLESTATION CHARGES WHEN HE NOT, AS THE TRIAL COURT ATTEMPT TO DESCRIBD PURSUANT TO CODE(S) 42-1-19 AND 42-1-12 O.C.G.A.

(4) TRIAL COURT FAILS IN RECOGNIZING DEFENDANT ENTERED A GUILTY PLEA PER EXERCISING FIRST AMENDMENT RIGHT UNDER PLEA DEAL DETAILS PER COURT ACTION IN 1987 CASE / WEAVER VS. GRAHAM, 450 U.S. 24, 67 L. ED 2D 17, 101 SCT 960 (1981)

(5) TRIAL COURT CONTINUES TO FAIL IN RECOGNIZING VICTIM'S DOCUMENTED STATEMENT ON MY BEHALF STATING TO THE RESPONDING OFFICER "— — — THAT THE DEFENDANT NEVER TOUCHED ME IN ANY SEXUAL WAY OR MANNER, NOR MY DAUGHTER. . .

WHEREFORE, I WILLIE EDWARD ROGERS, #440538, THE DEFENDANT/PETITIONER FILES THIS APPEAL BRIEF IN THIS COURT JURISDITION PURSUANT TO O.C.G.A. 5-6-34 TOWARD THE COURT'S APPROVAL OF THE DEFENDANT'S REQUEST TO BE RELEASED FROM THE SEXUAL OFFENDER REGISTRY REQUIREMENT PURSUANT TO O.C.G.A. § 42-1-19, AND PURSUANT TO CODE SECTION 42-1-12.

RESPECTFULLY SUBMITTED THIS 25TH DAY OF AUGUST 2014.

Willie Rogers H.D.C. 440538
DEFENDANT/PETITIONER

Gloria J. Oliver McRay
NOTARY PUBLIC

MY COMMISSION EXPIRES: My Commission Expires August 28, 2016

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS
Date: September 8, 2014

To: Darren Petty, 459 Kenvidge Circle, Stone Mountain, GA 30083

Docket Number: A15A0073 **Style**: Darren Petty 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 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 cannot file an Amended Brief until the Court makes a ruling on your Motion.

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

9.5.14

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

To: Darren Petty
Docket Number: A15A0073
Style: Darren Petty 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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18. ☐ Other: _____

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

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS
Date: September 8, 2014

To: Darren Petty, 459 Kenvidge Circle, Stone Mountain, GA 30083

Docket Number: A15A0073 **Style**: Darren Petty 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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IN THE APPEALS COURT

STATE OF GEORGIA

DARREN PETTY	)	
Applicant,	)	
(Pro Se)	)	Case No. A15A0073
	)	
vs.	)	
	)	
Superior Court Of		
Dekalb COUNTY		

REQUEST FOR ORAL ARGUMENT

Appeallant prays and request that oral argument is granted so that he can explain before the court and present evidence personally that, this injustice can be noted before the judges.

DARREN PETTY

459 KENRIDGE CIR

STN MNT GA 30083

404-468-1177

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS
Date: September 8, 2014

To: Gerald Lowe, GDC# 1008772, Wheeler Correctional Facility, P.O. Box 466, Alamo, GA 30411

Docket Number: A15A0014 **Style:** Gerald Lowe 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:

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

9.2.14

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

To: Gerald Lowe
Docket Number: A15A0014

Style: Gerald Lowe 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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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.

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17. ☐ The Motion to Supplement has not been granted.

18. ☐ Other: _____

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IN THE GEORGIA COURT OF APPEALS
STATE OF GEORGIA

GERALD LOWE ,
V. , CASE NO. A15A0014
STATE OF GEORGIA ,

MOTION FOR TIME EXTENSION

Comes now the above named appellant GERALD LOWE in accord with filing appellant brief with sufficient paupers affidavit, requesting a 90 day extension to file

Respectfully Submitte
Gerald Lowe

Notary Sherry Travis
08/26/14

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS
Date: September 8, 2014

To: Sharla Odom, 335 Hermitage Trail, Alpharetta, GA 30004
Docket Number: A14A2325 **Style:** Sharla Odom v. James Brown, 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 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.

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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 has an attorney of record..**

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

9.3.14

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

To: Shaula Odom
Docket Number: A14A2325
Style: Shaula Odom V. James Brown, 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.

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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: The Appellant has an attorney of record.

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

Updated Form: Sep 2013

COURT OF APPEALS

OF GEORGIA

SHARLA GAYE ODOM,	)	
	)	
Appellant,	)	
	)	Case Number
V.	)	A14A2325
	)	
JAMES WENDELL BROWN, JR.,	)	
	)	
Appellee.	)	

Motion for Extension for Appellant's Brief

COMES NOW SHARLA GAYE ODOM, Appellant, requests a motion be granted for an extension of time of 20 days for her to file her Brief with this Court of Appeals for the following reasons:

1) Appellant received Notice of Docketing several days after the Date of Docketing of August 14, 2014.

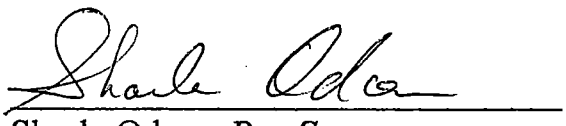
2) Appellant had a death in the family.

3) Appellant's daughter has been ill which has required her immediate attention. Appellant is the sole caretaker for her daughter.

For the forgoing reasons, Appellant is requesting an extension of time be granted by Court of Appeals of Georgia for the filing of Appellant's Brief.

This the 29 day of August, 2014.

Respectfully submitted,



Sharla Odom, *Pro Se*
335 Hermitage Trail
Alpharetta, GA 30004
(770) 740-0321

IN THE COURT OF APPEALS

STATE OF GEORGIA

SHARLA GAYE ODOM,	)	
	)	
Appellant,	)	
	)	Appeal Case No.
V.	)	**A14A2325**
JAMES WENDELL BROWN, JR.,	)	
	)	
Appellee.	)	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of a Motion for a 20 day extension of time to file Appellant's Brief upon all parties by U. S. Postal Service mail delivery system to counsel of record as follows:

Melanie M. Norvell
Bovis, Kyle & Burch, LLC
200 Ashford Center North, Suite 500
Atlanta, GA 30338-2668

This 29 day of August, 2014.

Sharla Odom, *Pro Se*
335 Hermitage Trail
Alpharetta GA 30004
(770) 740-0321

FILED IN OFFICE

AUG 29 2014

COURT CLERK
CLERK COURT OF APPEALS OF GA

RECEIVED IN OFFICE

2014 SEP -3 AM 11:00

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

FORM 2 - PAUPER'S AFFIDAVIT

COURT OF APPEALS OF GEORGIA

Sharla Gaye Odom *

APPELLANT *

vs * CASE NUMBER

James Wendell Brown, Jr. * A14A2325

APPELLEE

PAUPER'S AFFIDAVIT

Comes now Sharla Gaye Odom (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 Appellant's Brief (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: _____

If the answer is "No", state the date of last employment and the amount of the salary and wages per month which you received: April 1, 2014 to July 17, 2014. $4,000 per month.

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: $600.00 for temporary assignment as a Dental Hygienist for a dental office for 2 days.

FORM 2 - PAUPER'S AFFIDAVIT page 2

3. Do you own any cash, or do you have money in a checking or savings account? (Include any funds in prison accounts) ☑ Yes ☐ No
If the answer is "Yes", state the total value of the items owned: $ 250.00 in Checking.

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

5. List the persons who are dependent upon you for financial support, state your relationship to those persons, and indicate how you contribute toward their support:
Channing Brown - Son
Madisyn Brown - Daughter.
Both reside with me full time. I contribute over 50% toward their support for all living expenses.

I understand that a false statement or answer to any question in this affidavit will subject me to penalties for perjury and that state law provides as follows:
(a) A person to whom a lawful oath or affirmation has been administered commits the offense of perjury when, in a judicial proceeding, he knowingly and willfully makes a false statement material to the issue on point in question.
(b) A person convicted of the offense of perjury shall be punished by a fine of not more than $1,000 or by imprisonment for not less than one nor more than ten years, or both. OCGA §16-10-70.

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

This the 29 day of August, 2014.

Sharla Gaye Odom
(Your name printed or typed)

Sharla Gaye Odom
(Sign your name.)

335 Hermitag Trail
Alpharetta Georgia 30004 770-740-0321
(Your complete address and telephone number)

Sworn to and subscribed before me

this the 29 day of Aug, 2014.

Kimberly A Mitchell Notary Public
019322488

KIMBERLY A. MITCHELL
NOTARY PUBLIC
EXPIRES
GEORGIA
March 11, 2016
CHEROKEE COUNTY

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

September 9, 2014

Mr. Mensnack Nyepah
GDC1000878813
Hays State Prison
Post Office Box 668
Trion, Georgia 30753

RE: A14A2097. Mensnack Nyepah v. The State

Dear Mr. Nyepah:

The above appeal was dismissed in this Court on August 14, 2014. Since you intend to file a Writ of Habeas Corpus, the Supreme Court of Georgia, not the Court of Appeals of Georgia, has appellate jurisdiction over habeas corpus matters.

Sincerely,

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

SEC/ld

RE: A14A2097 Menshack Nyepan vs. The State.

Dear Stephen E. Castlen,

This current correspondence is in reference to my recent Appeal in above (Case No A14A2097.) Pro Se. I am in the process or, atleast will be in the near future filing an Habeas Corpus. Therefore, I would like to relinquish my right to proceed with the current appeal in said case. Wherefore, I can seek relief entitled to me through Habeas Courts. Thank you & Good Day

Respectfully. Submitted, Menshack Nyepan

Excuted on: August, 28th, 2014

"ALL RIGHTS RESERVED"

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

September 9, 2014

Mr. Lee A. Peifer
Sutherland Asbill & Brennan, LLP
999 Peachtree Street, N.E. • Suite 2300
Atlanta, Georgia 30309

Dear Mr. Peifer:

Our office is in receipt of your check made payable to the Clerk of the Court of Appeals in the amount of $200.00. I apologize for holding your check for such a long period of time. The reason for holding and voiding - and now returning it - is that our Court's rules for Pro Hac Vice, or Courtesy Appearance, have been under review during this period and there was no firm workable rule for dealing with the funds. Our Court recently passed its final version of the rule. Based upon that rule, I am sending your check back. The new rules provide that:

- Each time an Application for Admission Pro Hac Vice is submitted under this rule, the applicant shall send a check for $200.00 payable to "IOLTA/Georgia Bar Foundation".
- The check must be mailed directly to: The Georgia Bar Foundation, 104 Marietta Street, Suite 610, Atlanta, Georgia 30303.
- The applicant must include a certification with their application stating, "I have submitted a check for $200.00 to the Georgia Bar Foundation."

Since you are already admitted, there is no need to send our Court a "certification" that, "I have submitted a check for $200.00 to the Georgia Bar Foundation". Please accept my apology for this inconvenience and apparent "run around". Please reissue the check and deliver in accordance with our new rule, i.e., directly to the State Bar Foundation.

Thank you very much for your assistance and understanding.

Sincerely,

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

SEC/ld
Enclosures

SUTHERLAND

SUTHERLAND ASBILL & BRENNAN LLP
999 Peachtree St., N.E., Suite 2300
Atlanta, GA 30309-3996
404.853.8000 Fax 404.853.8806
www.sutherland.com

LEE A. PEIFER
DIRECT LINE: 404.853.8182
E-mail: lee.peifer@sutherland.com

June 3, 2014

Via Courier

Mr. Stephen E. Castlen
Clerk of Court
Court of Appeals of Georgia
47 Trinity Avenue S.W., Suite 501
Atlanta, Georgia 30334

Re: *Gold v. DeKalb County School District*,
Appeal No. A14A1557: Motion to Appear *Pro Hac Vice*

Dear Mr. Castlen:

My law firm represents the Appellees in this appeal. Enclosed please find a check in the amount of $200.00 payable to the Court of Appeals of Georgia in connection with the enclosed Motion to Appear *Pro Hac Vice*, which we filed yesterday afternoon using the Court's eFAST filing system. Although we were able to effect payment of the $30.00 fee payable to your office by credit card through the eFAST system, we were unable to make the enclosed $200.00 payment required by Court of Appeals Rule 9(c) electronically.

Please do not hesitate to contact me directly with any questions.

Respectfully yours,

Lee A. Peifer

Enclosures

cc: Mr. Michael B. Terry (*via email without enclosed check*)
Mr. Naveen Ramachandrappa (*via email without enclosed check*)
Mr. Roy E. Barnes (*via email without enclosed check*)
Mr. John F. Salter (*via email without enclosed check*)
Ms. Allegra J. Lawrence-Hardy (*via email without enclosed check*)
Mr. Thomas R. Bundy (*via email without enclosed check*)
Ms. Lisa M. Haldar (*via email without enclosed check*)

89926

Sutherland
OPERATING ACCOUNT - RUSH
404-853-8000
999 Peachtree Street, NE
Atlanta, GA 30309-3996

SunTrust
ACH RT 061000104
64-10-610

EZShield™ Check Fraud Protection for Business

89926

06/03/14

PAY TO THE ORDER OF Clerk, Georgia Court of Appeals $ 200.00********

TWO HUNDRED AND 00/100 DOLLARS

VOID

Security features. Details on back.

Clerk, Georgia Court of Appeals

AUTHORIZED SIGNATURE

MEMO

⑈00089926⑈ ⑆061000104⑆ 1000002870599⑈

Court of Appeals of Georgia

September 9, 2014

TO: Mr. Marvin Turner, GDC764043, Macon State Prison, Post Office Box 426, Oglethorpe, Georgia 31068

RE: **A14A2000. Marvin Turner 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 exactly what copies you want to 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

August 25, 2014 Case No. A14A2000

To: Clerk of Court,

My name is Marvin Turner and, am I am declared indigent pro se prisoner litigant in the above case number who has been granted in forma pauperis status.

Therefore, I am requesting of you and your office to provid me with a copy of the following, due to my indigency and inability to make copies:

1.) Notice of Appeal(s) w/ Certificate of Service; and
2.) Final Judgment Orders attached to the Appellant's Brief (Orders denying, Defendant's motions (Out of time Appeal and to Set Aside & Correct Void Sentence)).

Thank you for your assistance.

Sincerely,

Mr. Marvin Turner, pro se
#764043
Macon State Prison
P.O. Box 426
Oglethorpe, 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

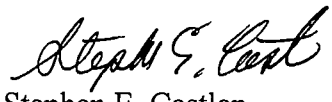
September 9, 2014

Mr. Marvin Turner
GDC764043
Macon State Prison
Post Office Box 426
Oglethorpe, Georgia 31068

Dear Mr. Turner:

Your appellant attorney listed in A95D0333. Marvin Turner v. The State is Ms. Lynn Yvonne Barsuk.

Sincerely,



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

SEC/ld

September 3, 2014

To: Clerk of Court,

My name is Marvin Turner, and as I am a prisoner pro se litigant in the current Case No. A14A2000. And, as I would like to know the name of the attorney listed in Case No. A95A0333, in which I was also a party.

Thank you for your assistance.

Sincerely,

Mr. M. [signature]

Mr. Marvin Turner, pro se
#764043
Macon State Prison
P.O. Box 426
Oglethorpe, Ga. 31068

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

September 9, 2014

To: Mr. Harvey Mapp, GDC401334, Richmond County Correctional Institution, 2314 Tobacco Road, Augusta, Georgia 30906

Case Number: _____ Lower Court: County Superior Court

Court of Appeals Case Number and Style: _____

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

☐ There is no case pending in the Court of Appeals of Georgia under your name.

☑ **A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37. Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.**

☑ **The Notice of Appeal must include a proper Certificate of Service. A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.**

☐ **An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.

☐ **An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.

☐ **Your appeal was disposed by opinion (order) on** _____. The Court of Appeals _____. The remittitur issued on _____ divesting this Court of jurisdiction. The case decision is therefore final.

☐ **Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the is:

☐ **If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.

☐ **A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

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

COPY

In The Superior Court Of Henry County
McDonough, Georgia
State Of Georgia

Harvey Randolph Mapp
vs Criminal Case No.# 2011SU CR 570 AM
The State Georgia Court of Appeals No.# S14D1708-D3-030

Notice of Appeal To The Superior Court of Henry County And The District Attorney Of Henry County

To the District Attorney, Tommy K. Floyd, in Henry County Superior Court. Take notice that defendant, Harvey Randolph Mapp, above named hereby Appeal(s) to the, Georgia Court of Appeals from the order of the Court rendered on April 16, 2013 / October 29, 2013 by Honorable Judge Arch McGarity of said Court denying defendant credit for time served. Included is a copy of defendant motion to, Application For Discretionary Appeal to Georgia Court of Appeals, and also Motion For Court Appointed Counsel.

Respectfully Submitted,
This 2nd day of September 2014.

Signature: X Harvey Randolph Mapp
Defendant / Pro Se

Verification

Motion For Court Appointed Counsel
Certification Of Services

This is to certify that I have, this day, served a true and correct copy of the foregoing motion, To: The Georgia Court Of Appeals, Atlanta, Ga.

Filing Date:
This 18 day of July 2014.

Notary to Public
X _____

Harvey Mapp
Name: Harvey Mapp
Defendant/Pro Se

Date: 9-2-14

Notary Public, Columbia County, Georgia
My Commission Expires Jan. 16, 2018

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

September 9, 2014

Mr. Edward J. Longosz, II
Eckert Seamans Cherin & Mellott, LLC
600 Grant Street • 44th Floor
Pittsburgh, Pennsylvania 15219

Dear Mr. Longosz:

Our office is in receipt of your four (4) checks made payable to the Clerk of the Court of Appeals in the amount of $200.00 each. I apologize for holding the checks for such a long period of time. The reason for holding and voiding - and now returning it - is that our Court's rules for Pro Hac Vice, or Courtesy Appearance, have been under review during this period and there was no firm workable rule for dealing with the funds. Our Court recently passed its final version of the rule. Based upon that rule, I am sending your checks back. The new rules provide that:

- Each time an Application for Admission Pro Hac Vice is submitted under this rule, the applicant shall send a check for $200.00 payable to "IOLTA/Georgia Bar Foundation".
- The check must be mailed directly to: The Georgia Bar Foundation, 104 Marietta Street, Suite 610, Atlanta, Georgia 30303.
- The applicant must include a certification with their application stating, "I have submitted a check for $200.00 to the Georgia Bar Foundation."

Since you are already admitted, there is no need to send our Court a "certification" that, "I have submitted a check for $200.00 to the Georgia Bar Foundation". Please accept my apology for this inconvenience and apparent "run around". Please reissue the checks and deliver in accordance with our new rule, i.e., directly to the State Bar Foundation.

Thank you very much for your assistance and understanding.

Sincerely,

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

SEC/ld
Enclosures

ND INVISIBLE FIBERS AND THE REVERSE SIDE OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK-HOLD AT AN ANGLE TO VIEW

476781

LLOTT, LLC

DATE 06/25/14 | CHECK NO. 476781 | AMOUNT

VOID AFTER 6 MONTHS

$200.00

VOID

ECKERT SEAMANS CHERIN & MELLOTT, LLC

LS OF GEORGIA
W., SUITE 501
4

TWO SIGNATURES REQUIRED IF OVER $25,000.00

AUTHORIZED SIGNATURE

043000096: 0002778051

ND INVISIBLE FIBERS AND THE REVERSE SIDE OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK-HOLD AT AN ANGLE TO VIEW

476780

LLOTT, LLC

DATE 06/25/14 | CHECK NO. 476780 | AMOUNT

VOID AFTER 6 MONTHS

VOID

$200.00

ECKERT SEAMANS CHERIN & MELLOTT, LLC

LS OF GEORGIA
W., SUITE 501
4

TWO SIGNATURES REQUIRED IF OVER $25,000.00

AUTHORIZED SIGNATURE

043000096: 0002778051

ND INVISIBLE FIBERS AND THE REVERSE SIDE OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK-HOLD AT AN ANGLE TO VIEW

476783

LLOTT, LLC

DATE 06/25/14 | CHECK NO. 476783 | AMOUNT

THE FACE OF THIS DOCUMENT CONTAINS A COLORED BACKGROUND AND INVISIBLE FIBERS AND THE REVERSE SIDE OF THIS DOCUMENT CONTAINS AN ARTIFICIAL WATERMARK-HOLD AT AN ANGLE TO VIEW

476782

ECKERT SEAMANS CHERIN & MELLOTT, LLC
FORTY-FOURTH FLOOR
600 GRANT STREET
PITTSBURGH, PA. 15219

DATE 06/25/14

CHECK NO. 476782

AMOUNT

VOID AFTER 6 MONTHS

VOID

PAY TWO HUNDRED AND 00/100

$200.00

ECKERT SEAMANS CHERIN & MELLOTT, LLC

TO THE ORDER OF

COURT OF APPEALS OF GEORGIA
47 TRINITY AVE SW - SUITE 501
ATLANTA, GA 30334

TWO SIGNATURES REQUIRED IF OVER $25,000.00

PNC BANK
PITTSBURGH, PA.

8-9
430

AUTHORIZED SIGNATURE

⑈476782⑈ ⑆043000096⑆ 0002778051⑈

ECKERT SEAMANS
ATTORNEYS AT LAW

Eckert Seamans Cherin & Mellott, LLC
1717 Pennsylvania Avenue, N.W.
12th Floor
Washington, D.C. 20006

TEL 202 659 6600
FAX 202 659 6699
www.eckertseamans.com

Edward J. Longosz, II
Direct: (202) 659-6619
elongosz@eckertseamans.com

June 25, 2014

By Federal Express

Clerk
Court of Appeals of Georgia
47 Trinity Avenue, S.W.
Suite 501
Atlanta, GA 30334

Re: Paul Seckinger v. The Zurich Services Corporation
Appeal Case Number: A14A1914

Dear Sir/Madam:

Enclosed please find my Motion for Admission to Appear *Pro Hac Vice* in the above-referenced matter.

Included is the Motion, Certificate of Good Standing and checks required by Rule 9(c).

Please let me know if you need any additional information.

Thank you for your consideration.

Very truly yours,

Edward J. Longosz, II

/kam
cc: All Counsel of Record

ECKERT SEAMANS
ATTORNEYS AT LAW

Eckert Seamans Cherin & Mellott, LLC
1717 Pennsylvania Avenue, N.W.
12th Floor
Washington, D.C. 20006

TEL 202 659 6600
FAX 202 659 6699
www.eckertseamans.com

Edward J. Longosz, II
Direct: (202) 659-6619
elongosz@eckertseamans.com

June 25, 2014

By Federal Express

Clerk
Court of Appeals of Georgia
47 Trinity Avenue, S.W.
Suite 501
Atlanta, GA 30334

Re: Justin Purnell v. The Zurich Services Corporation
Appeal Case Number: A14A1913

Dear Sir/Madam:

Enclosed please find my Motion for Admission to Appear *Pro Hac Vice* in the above-referenced matter.

Included is the Motion, Certificate of Good Standing and checks required by Rule 9(c).

Please let me know if you need any additional information.

Thank you for your consideration.

Very truly yours,

Edward J. Longosz, II

Edward J. Longosz, II

/kam
cc: All Counsel of Record

ECKERT SEAMANS
ATTORNEYS AT LAW

Eckert Seamans Cherin & Mellott, LLC
1717 Pennsylvania Avenue, N.W.
12th Floor
Washington, D.C. 20006

TEL 202 659 6600
FAX 202 659 6699
www.eckertseamans.com

Edward J. Longosz, II
Direct: (202) 659-6619
elongosz@eckertseamans.com

June 25, 2014

By Federal Express

Clerk
Court of Appeals of Georgia
47 Trinity Avenue, S.W.
Suite 501
Atlanta, GA 30334

Re: Jasmin Lowe, et. al. v. The Zurich Services Corporation
Appeal Case Number: A14A1912

Dear Sir/Madam:

Enclosed please find my Motion for Admission to Appear *Pro Hac Vice* in the above-referenced matter.

Included is the Motion, Certificate of Good Standing and checks required by Rule 9(c).

Please let me know if you need any additional information.

Thank you for your consideration.

Very truly yours,

Edward J. Longosz II

Edward J. Longosz, II

/kam
cc: All Counsel of Record

ECKERT SEAMANS
ATTORNEYS AT LAW

Eckert Seamans Cherin & Mellott, LLC
1717 Pennsylvania Avenue, N.W.
12th Floor
Washington, D.C. 20006

TEL 202 659 6600
FAX 202 659 6699
www.eckertseamans.com

Edward J. Longosz, II
Direct: (202) 659-6619
elongosz@eckertseamans.com

June 25, 2014

By Federal Express

Clerk
Court of Appeals of Georgia
47 Trinity Avenue, S.W.
Suite 501
Atlanta, GA 30334

Re: Derrick Bing v. The Zurich Services Corporation
Appeal Case Number: A14A1911

Dear Sir/Madam:

Enclosed please find my Motion for Admission to Appear *Pro Hac Vice* in the above-referenced matter.

Included is the Motion, Certificate of Good Standing and checks required by Rule 9(c).

Please let me know if you need any additional information.

Thank you for your consideration.

Very truly yours,

Edward J. Longosz II

Edward J. Longosz, II

/kam
cc: All Counsel of Record

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS
Date: September 10, 2014

To: Hoyt G. Tessener, Esq., Martin & Jones, PLLC, 410 Glenwood Avenue • Suite 200, Raleigh, North Carolina 27603

Docket Number: A14A1887 **Style**: DeKalb County v. William Heath

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 **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 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: Mr. Tessener 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

IN THE COURT OF APPEALS
STATE OF GEORGIA

DEKALB COUNTY	:	
Appellant,	:	CIVIL ACTION
vs.	:	FILE NO.: A14A1887
WILLIAM HEATH	:	
Appellee.	:	

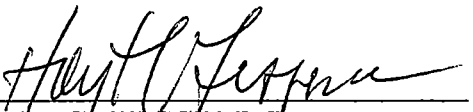
NOTICE OF SUBSTITUTION OF COUNSEL

COMES NOW Appellee in the above-styled action and requests leave of Court to substitute Hoyt G. Tessener of the law firm of Martin & Jones, PLLC as attorney of record for Appellee in the above-entitled and numbered cause.

The undersigned requests that all notices, papers, pleadings and orders filed or served in this matter be addressed to:

Hoyt G. Tessener, Esq.
Martin & Jones, PLLC
410 Glenwood Ave., Suite 200
Raleigh, NC 27603

Respectfully submitted this 29th day of August, 2014.

BY: 

HOYT G. TESSENER
Georgia Bar No. 887644
Martin & Jones, PLLC
410 Glenwood Ave., Suite 200
Raleigh, NC 27603
(919)821-0005
Counsel for Appellee

CERTIFICATE OF SERVICE

This is to certify that the undersigned has this day served a copy of the within and foregoing NOTICE OF SUBSTITUTION OF COUNSEL upon opposing counsel Kendric Smith, DeKalb County Law Department, 1300 Commerce Drive, 5th Floor, Decatur, GA 30030.

This 29th day of August, 2014.

BY: _____

HOYT G. TESSENER
Georgia Bar No. 887644
Martin & Jones, PLLC
410 Glenwood Ave., Suite 200
Raleigh, NC 27603
(919)821-0005
Counsel for Appellee

410 Glenwood Avenue, Suite 200, Raleigh, NC 27603
www.MartinandJones.com | 919-821-0005

MARTIN & JONES PLLC

Attorneys at Law

Katherine N. Bricio (NC)
Carrie R. Guest (NC, TX)
Matthew S. Healey (NC)
H. Forest Horne (GA, NC)
John Alan Jones (NC)
G. Christopher Olson (GA. NC)
E. Spencer Parris (GA, NC, SC, TX)
J. Michael Riley (NC)
Sam L. Starks (DC, GA)
Hoyt G. Tessener (GA, NC)
Huntington M. Willis (NC)

Retired:
Gregory M. Martin (NC)

Elizabeth B. Radulovic
Facsimile: 919-863-6074
E-Mail: ebr@m-j.com

August 29, 2014

Court of Appeals State of Georgia
47 Trinity Avenue S.W., Suite 501
Atlanta, GA 30334

RE: City of Atlanta v. Regina Demita
Civil Action File No. A14A1216

DeKalb County v. William Heath
Civil Action File No. A14A1887

Dear Clerk:

Enclosed please find one (1) original and one (1) copy each of the following Certificates of Service:

1. **Notice of Substitution of Counsel.**

Please file the originals and return the stamped, filed copies to this office in the enclosed self-addressed, stamped envelope. If there are any questions or concerns, please do not hesitate to contact this office.

Sincerely,

Elizabeth B. Radulovic
Legal Assistant

:ebr

Enclosures

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS

September 10, 2014

To: Grady A. Roberts, Esq., Roberts Law, 94 Howell Street, N.E., Atlanta, Georgia 30312

Docket Number: **Style: Ronnette E. Carby, et al. v. U.S. Bank National Association**

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

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS

KA

9/8/14

To: Grady A. Roberts

Docket Number: Style: Ronnette E. Carby et al. v. U.S. Bank National Association

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(s) was (were) not securely bound at the top with staples or round head fasteners. Rules 1(c), 30 (e) and 31 (c)

16. ☐ 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).

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

FILED IN OFFICE

SEP 05 2014

CLERK, COURT OF APPEALS OF GEORGIA

FORM 2 - PAUPER'S AFFIDAVIT

COURT OF APPEALS OF GEORGIA

RECEIVED IN OFFICE 2014 SEP -5 PM 3:33 CLERK/COURT ADMINISTRATOR COURT OF APPEALS OF GA

Bonnette Carby *

APPELLANT *

vs * CASE NUMBER

US Bank N.A., *

APPELLEE

PAUPER'S AFFIDAVIT

Comes now Bonnette Carby (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.

This the 2 day of SEPTEMBER 2014

BONNETTE E. CARBY

(Your name printed or typed.)

BECarby (Sign your name.)

3499 LAKE MILL RD

BUFORD GA 30519

(Your complete address and telephone number.)

Sworn to and subscribed before me

this the 2nd day of September, 2014.

Notary Public

SEAL

NANCY JO GILLIAM MY COMMISSION EXPIRES MAY 12 2018 DEKALB CO., GEORGIA NOTARY PUBLIC

IN THE GEORGIA COURT OF APPEALS

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR MORGAN STANLEY MORTGAGE LOAN TRUST 2006-15XS, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-15XS,

Plaintiff/Appellee

v.

CALEB MICHAEL CARBY, RONNETTE ELIZABETH CARBY AND/OR TENANTS,

Defendants/Appellants

ON APPEAL FROM THE SUPERIOR COURT
OF GWINNETT COUNTY
STATE OF GEORGIA
Civil Action No.: 14-M-04232

APPLICATION FOR DISCRETIONARY APPEAL

GRADY A. ROBERTS

Georgia Bar. No. 609540

ROBERTS LAW

94 Howell St NE

Atlanta, GA 30312

404-794-7000 (Phone)

404-794-7001 (Fax)

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

September 9, 2014

Edward T. Riley
GDC570139
Smith State Priosn
Post Office Box 726
Glennville, Georgia 30427

Dear Mr. Riley:

As per your letter of September 4, 2014, please discuss with your legal representative any newly discovered evidence in the State of Florida and how it should be handled.

Sincerely,

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

SEC/ld

GEORGIA COURT OF APPEALS, STATE OF GEORGIA

A14A 1879, RIDLEY, V. THE STATE

September 4th 2014 7:10 p.m

Clerk/court

I'm writing to apologize for those repetive filings. We have limited access to law library. WAS on lock down and people just started going back to law Library this past Tuesday Sept. 2, 2014. I have sent Exhibits home to get my wife to copy and mail to you I pray she hasent mailed them by time I can make my weekly phone call on Sat. this week to stop her from sending, I will not send any unwanted material

Starting now I will send newly discovered evidence of Florida Statute I got from the Governor Rick Scott office. Where FDLE corruptly left out to part 794.011 where I was sentenced under when that law was omitted for adults and to refer to 800.04 crimes against children to be placed on Florida Sex Offender registery.

This 4th day of September 2014 7:10 p.m

Respectfully

Mr. Edward Tyrone Ridley, 520139

Mr Edward Tyrone Ridley, 520139

Smith State Prison

P.O. Box 726

Claxton, Ga. 30427

Court of Appeals of Georgia

September 10, 2014

TO: Mr. Michael A. Rufus, GDC1000788776, Riverbend Correctional Facility, 198 Laying Farm Road, Milledgeville, Georgia 31061

RE: **A13D0332 and A13A2218. Rufus v. Ozburn, Judge**
A13D0429 and A14A0051. Rufus v. Ozburn, Judge

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. Copies requiring certification is $5.00 per item. The Court of Appeals of Georgia is not subject to the Open Records Act.**

Orders in A13D0332 and A13D0429		1 page each
	Certification	2 pages
Docketing Notices		
	A13A2218	1 page
	A14A0051	1 page
	Certification	2 pages
Remittiturs		
	A13A2218	1 page
	A14A0051	1 page
	Certification	2 pages

Please send your check or money order to the following address specifying exactly what copies you want to 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

We are returning your Western Union Money order (17-082754418) in the amount of $10.00 payable to the Court of Appeals of Georgia.

Update

Ms. Holly K.O. Sparrow retired as Clerk/Court Administrator in August 2013. The new Clerk/Court Administrator is Mr. Stephen E. Castlen.

Michael Alonzo Rufus
GDC No.: 1000788776
Riverbend Correctional Facility
198 Laying Farm Road
Milledgeville, GA 31061

27 August 2014

Holly K.O. Sparrow
Office of the Clerk
Court of Appeals
47 Trinity Avenue
Suite 501
Atlanta, GA 30334

IN RE: A13D0332 / A13A2218
A13D0429 / A14A0051

Mrs Sparrow,

I pray that you will assist me in the instant matter.

I am seeking official documentation that will establish that (1) cases no.: A13D0332 and A13A2218; and A13D0429 and A14A0051 are <u>ultimately two cases</u> for the purpose of <u>filing fees</u>; and (2) that the adjudication and remittiturs of Case no.: A13A2218 on 21 January, 2014 and Case no.: A14A0051 on 15 April, 2014, which states "Costs paid in the Court of Appeals: $300" on each, are meant to be evidence that the $300 filing fees in all the cases has been paid.

Whether due to fraud, negligence or mistake employees of my facility and the Department of Corrections are still holding me obligated to pay the full costs of Case no(s): A13D0332 and A13D0429 in that your notice of costs identified those cases only, the remittitures indicating "Costs paid in the Court of Appeals: $300" are for distinct cases no(s): A13A2218 and A14A0051, and due to their not having received anything from you indicating the original obligations were eliminated.

My attempts to resolve this matter through contacting Stephen E. Castlen has brought the conclusions on 10 April, 2014, I do not owe anything on case A13A2218 but did owe in case A14A0051 then on 28 July, 2014, I owe on cases A13D0332, A13A2218 and A14A0051 but I do not owe anything in case A13D0429.

In the event that you will not or can not provide me a record that can be used as evidence that I do not owe anything in either of the four cases due to the rulings ultimately being in my favor I request that you provide me stamped filed copies of the following:

In case no(s) A13A2218 and A14A0051 a copy of:
1. Notice of Appeal filed in the Superior Court of Walton County and transmitted this Court;
2. Copies of this Courts judgments granting discretionary appeals no(s) A13D0332 and A13D0429 as transmitted this Court;
3. Docketing Sheets for both cases in this Court and
4. Stamped filed or received copy of this correspondence.

For clarification of the aforementioned I am requesting these records as transmitted to this court from the Clerk's Office of Walton County Superior Court to establish that the four cases are ultimately two.

I am prepared to pay for the abovementioned requested documents so please inform me of the cost to fulfill this request if your correspondence does not indicate that my obligation to all these cases are not discharged.

I am thanking you in advance for your assistance.

/S/ M Rufus
MICHAEL ALONZA RUFUS

I am putting a money order for $10.00 in this correspondence to cover costs in this matter.

THIS DOCUMENT CONTAINS A TRUE WATERMARK - HOLD UP TO LIGHT TO VIEW

WESTERN UNION
moving money for better

WESTERN UNION FINANCIAL SERVICES INC. - ISSUER - Englewood, Colorado
Payable at Wells Fargo Bank Grand Junction - Downtown, N.A. - Grand Junction, Colorado

MONEY ORDER

17-082754418

A 338146 D 090314
T 1750 01
170827544186 L 000000

$ 10.00

PAY EXACTLY TEN DOLLARS AND NO CENTS

PAY TO THE ORDER OF Court of Appeals of Georgia

GDC# 100788776
PAYMENT FOR/ACCT. #

1435 E Paris St. Tampa FL 33604
PURCHASER'S ADDRESS

PURCHASER'S SIGNATURE
PURCHASER BY SIGNING YOU AGREE TO THE TERMS ON THE REVERSE SIDE

⑆102100400⑆ 401708275441 86⑈

THIS DOCUMENT CONTAINS A TRUE WATERMARK - HOLD UP TO LIGHT TO VIEW

WESTERN UNION
moving money for better

WESTERN UNION FINANCIAL SERVICES INC. - ISSUER - Englewood, Colorado
Payable at Wells Fargo Bank Grand Junction - Downtown, N.A., Grand Junction, Colorado

MONEY ORDER

17-082754418

A 338146 D 090314
T 1750 01
170827544186 L 000000

$ 10.00

PAY EXACTLY TEN DOLLARS AND NO CENTS

PAY TO THE ORDER OF Court of Appeals of Georgia

GDC# 100788776
PAYMENT FOR/ACCT. #

1435 E. Paris St. Tampa FL 33604
PURCHASER'S ADDRESS

PURCHASER'S SIGNATURE
PURCHASER BY SIGNING YOU AGREE TO THE TERMS ON THE REVERSE SIDE

⑆102100400⑆ 401708275441866⑈

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

September 10, 2014

To: Mr. Billy Moody, Unit 3C10, Douglas County Jail, 8472 Earl D. Lee Boulevard, Douglasville, Georgia 30134

Case Number: _____ Lower Court: _____ County Superior Court _____

Court of Appeals Case Number and Style: _____

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

☑ **There is no case pending in the Court of Appeals of Georgia under your name.**

☐ **A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37.** Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.

☐ **The Notice of Appeal must include a proper Certificate of Service.** A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.

☐ **An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.

☐ **An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.

☐ **Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____. The remittitur issued on _____ divesting this Court of jurisdiction. The case decision is therefore final.

☐ **Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the is:

☐ **If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.

☐ **A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

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

1 The ~~OFA~~ S~~EASON~~ Auther Dairy Queen
2 Who Healed The MD Head
3 Tim mcgraw Live Like you were Dying
4 Blaze of Glory - Jeff Stricklin ISBN-9780805444 Blaze 54-2
5 A Better Way - ISBN 9781484100912 57499
9781484100912 900007

Mike

Forrister 770 443-2876 General ento
443 7821

Georgia toll free 770
1800 Georgia toll Free
220-445-7514
P.O. 1096

~~[illegible]~~ probation
~~[illegible]~~

Michael Pryer
1800 732-8121
404-236-2432
~~[illegible]~~ 8002 567-Joel

~~[illegible]~~

Lexington 770-645-8819

Whatley LLC
9016 Kill Rd.
Lexaton Kentucky

Jones Federal
+ Appellate, LLC
8677 Hospital
Drive
Douglasville
Ga 30134

14 Songs I wrote - Stevie Nix Fleet wood Mac
The Dance

~~Karen Moody~~
~~Sharon DA~~ - ~~cross~~

Record names

Joes Dy Hill
works At Doyleville
~~Rachel Holmes~~
unAold AAnchine
Karen Moody
Rachel Holmes
or ~~Karen Moody~~
or ~~Sharon Dawson~~ might
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be his name
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who Sold my
Songs To Fleet
wood Mac. And
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~~Rachel White~~ - ~~Holmes~~ Att
~~Travis Olson~~ - ~~Rock~~ Atty's
~~Judge~~ ~~Emerson~~ - Court Reco
~~Sara Camp~~ Congressman

Thorse AHr whal lead Dra
use The Atty where
I Sold 29.000000 and
you probly Could Sell
me $12000000.00
because my Book are
worth Alot Also
She told me She
Got 1000000 from
my Songs 14 of them
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different Place Mike
Music Store in
Arlington Al & Red
Lodge in Al Salvation
Army

or Hill Shirt

ORIGINAL

IN THE SUPERIOR COURT OF DOUGLAS COUNTY
STATE OF GEORGIA

FILED

AUG 06 2014

Tammy M. Howard, Clerk
Superior & State Court
Douglas County, GA

STATE OF GEORGIA,	
vs.	CASE NO. 11CR-1132
BILLY STEVEN MOODY,	
Defendant.	

CONSENT ORDER FOR INCOMPETENCY INPATIENT EVALUATION

On January 11, 2013, this Court ordered that the Defendant's mental competency be evaluated. Subsequently, Kiana Wright completed this evaluation. Dr. Wright determined that Defendant suffers from a severe, psychotic mental disorder that affects his thinking significantly and that Defendant is presently incompetent to stand trial. Based on these observations, Defendant is presently incapable of understanding the nature of the charges against him, the object of the proceedings against him, and of rendering his attorney the proper assistance in his defense. This Court determines that the Defendant is presently incompetent to stand trial pursuant to O.C.G.A. 17-7-130 and is hereby remanded to the custody of the Department of Human Resources.

Therefore, the Court hereby ORDERS that the Defendant be confined in a State facility for the mentally ill and that within ninety (90) days after the Department of Human Resources has received custody of the Defendant, the Defendant shall be evaluated and a diagnosis made as to whether he is presently competent to stand trial or whether there is a substantial probability that the Defendant will at some future time attain mental competency to stand trial in the said case.

It is therefore ordered and adjudged that the Defendant be transported to the appropriate facility designated by the Department of Human Resources by the Douglas County Sherriff's Department within 10 days from the date of this order. Once the inpatient evaluation period has begun, the Defendant shall not be transported back to jail except by order of this Court.

copy to DA + PD in ch-RDCV

ORIGINAL

CERTIFICATE OF SERVICE

This is to certify that I have this day served opposing counsel, District Attorney, or a member of his staff, a copy of the foregoing pleading by hand delivery at the Douglas County District Attorney's Office, Douglas County Courthouse, Douglasville, Georgia.

One copy sent via United States mail to:

Forensic Evaluation Services
c/o Georgia Department of Behavioral Health and Developmental Disabilities
705 North Division Street, N.W.
Rome, GA 30165

One copy sent via facsimile to:

Sgt. Allen Watkins
Fax no. (770) 920-4999

This 6 day of August, 2014.

Rachel Holmes
Assistant Public Defender
Georgia Bar No. 454771

Douglas County Courthouse
8700 Hospital Drive
Douglasville, GA 30134
(770) 949-1096

is who Lawyer Johnny was

is who MAYTHO

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS
Date: September 10, 2014

To: Ms. Donna McDaniels, 880 Glenwood Avenue #2327, Atlanta, Georgia 30316

Docket Number: A14A2343 **Style**: Donna McDaniels v. Dillards Distr. Ctr.

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 **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 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

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

Court of Appeals of Georgia

Sept. 3, 2014

Donna McDaniels
VS
Dillards Distr. CTR.

Case number:
A14A2343
14CV00776

I Donna McDaniels would like to request for an oral argument, certifying to the Clerk to notify opposing counsel Billie Treat of Dillard Distr. Ctr. 1600 Cantrell Rd Little Rock, Ar. 7220 and Third Division: P.J. Barnes, J., Bogg, J., Branch

Thank You

Donna McDaniels

RECEIVED IN OFFICE
2014 SEP -4 AM 10:56
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

FILED IN OFFICE
SEP 04 2014
CLERK, COURT OF
APPEALS OF GEORGIA

Courts of Appeals of Georgia

ippeal Case#: A14A2343 Sept. 3, 2014
14CV00776

Donna McDaniels
v.
Dillards Distr. Ctr.

I have been denied unemployment
benefits from my former place of employment, Dillards
because store manager John McDuffie stated and from
documents that I handed my key to store secretary
Bonnie McGuire and said I "quit." Mr. McDuffie never enter
ing evidence or documents showing that I quit my job
On April 19, 2014, a hearing was conducted by an
administrative hearing office. A record of this hearing was
made from testimony given under oath, the AHO said
John McDuffie entered evidence from documents that I
quit my job. This is not true. When I ask Mr. McDuffie
Bonnie McGuire store secretary never said I quit my
ob. John McDuffie reply was I know she did not and this
s in evidence (page 40 on transcript) Can a person lie
under oath and AHO not say nothing? AHO had a lot of
dates, and statments wrong about the in face hearing.
administrative hearing officer changed the case from, I
said I quit, to take home key. I thought either party
could talk to AHO before or after hearing, so why was
it okay for Mr. McDuffie to talk to hearing officer after
hearing? Is this the behavior AHO have and can
call it a fair trial?

Do my evidence or documents get any consideration? I presented the only offical work schedule for the camera operator (which is only 3 people) We got our schedule on the 1 of Nov. 2013. It was Nov. 3, 2013 when I talked to both managers about Millie marking out my time and saying blame it on Obama Care She wanted to work my hours on Nov. 18, 2013. Mr. McDuffie handed into evidence a schedule that every one types up anytime they want to. ~~Lot~~ A lot of things about my case is wrong. What A Ho put in letter and McDuffie misleading the courts.

Jones vs. Clinton sec. 1621 and 1623 of title XVIII of the United states Criminal Code. and sec. 1746 of title 28, United state Code.

Donna McDaniels

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS
Date: September 10, 2014

To: Mr. William Matson, Attorney at Law, 116 East Gaston Street, Savannah, Georgia 31401

Docket Number: A14A2265 **Style**: Heather E. Lowry, as Administrator for the Estate of William B. Lowry v. Robert K. Fenzel f/k/a Robert K. Lowry

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 **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 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 Request to Argue must be in motion form with a Certificate of Service attached.**

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

WILLIAM G. MASTON, P.C.

ATTORNEY AT LAW

116 EAST GASTON STREET

SAVANNAH, GEORGIA 31401-5604

William G. Maston

telephone
(912) 238-4489
---
facsimile
(912) 238-0356
---
electronic mail
lawwgm@aol.com

August 28, 2014

Mr. Stephen E. Castlen
Clerk, GA Court of Appeals
47 Trinity Avenue, Suite 501
Atlanta, Georgia 30334

Re: Heather E. Lowry, as Administrator for the Estate of William B. Lowry v. Roberta K. Fenzel f/k/a Robert K. Lowry
Appeal Case No.: A14A2265

Dear Mr. Castlen:

On behalf of the Appellant, Heather E. Lowry, as Administrator for the Estate of William B. Lowry, I request an oral argument for the above-referenced matter in accordance with Ga. Ct. App. R. 28. Enclosed are two copies of this letter.

Additionally, I certify that I have conducted a telephone conference with Counsel for the Appellee, Michael McLaughlin, Esq., 1820 The Exchange, Suite 150, Atlanta, GA 30339, to notify him of the present request, and I certify that he does wish to argue this case orally.

If the present request is granted, I will argue this matter orally, and I am under the impression that Michael McLaughlin, Esq. will orally argue this case before the Court.

The reason that oral argument would be beneficial to the Court is that this case may present an issue that is of first impression in the State of Georgia. The issue is whether an ex-wife of three years, who has received 186,000.00 in consideration for a relinquishment of any interest she had in stocks held in joint accounts with her ex-husband as stated in the Divorce Decree (that also states an express waiver of future claims), has a legal interest in such holdings and may obtain these funds shortly after the death of the ex-husband in opposition to the heirs of his estate. Depending on an interpretation of the relevant case law, an issue of fact may be present to defeat the grant of the ruling on the Motion for Summary Judgment.

As a sample of the evidence presented to raise an issue of fact, the Appellant examined the Appellee in her deposition on pages 49. and 50. as follows:

Q. All right. And as y'all did this split [wherein she received $186,000.00], then this split was to be representative of, like you say, he keeps his stocks and you keep yours?

A. Yes.

Q. Okay. All right. And when you say his stocks, are you referring to any interest in stock that he had?

A. The stocks he had invested.

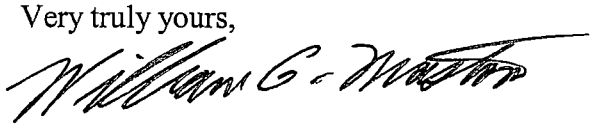
Q. Okay. All right. But that any interest that he had? Is that what you are talking about?

A. Yes.

Appellant has asserted that there is adequate evidence to raise an issue of fact in deciding whether Appellee Fenzel agreed to accept $186,000.00 in exchange for *any* interest that William Lowry had at the time of his divorce, which would include any future interest he had in the joint accounts at the time of his death. Appellant argued that unless the Court can glean an unambiguous intent of the parties from the Separation Agreement on this issue, which appears very unlikely, the issue of Fenzel's intent is a question of fact for the jury.

With kind regards, I am

Very truly yours,



William G. Maston

cc: Michael McLaughlin, Esq.

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

September 10, 2014

Michael E. McLaughlin, Esq.
1820 The Exchange • Suite 150
Atlanta, Georgia 30339

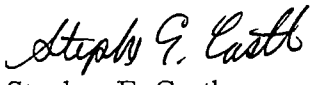
RE: A14A2265. Heather E. Lowry, as Administrator of the Estate of William B. Lowry v. Roberta F. Fenzel f/k/a Roberta K. Lowry

Dear Mr. McLaughlin:

We are in receipt of your letter dated September 3, 2014. Please note that our office does not docket any letters that are submitted to the Court, i.e., the Court does not see them. All contact with the Court is accomplished via motions and briefs. Presently, there is no Motion for Oral Argument on the docket for A14A2265. If there was a letter requesting oral argument, we would not docket it. Also, we will not docket a letter to the Clerk opposing a request for oral argument.

Please let me know if I can be of further assistance.

Sincerely,



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

SEC/ld
cc: William Maston, Esq.
116 East Gaston Street
Savannah, Georgia 31401

MICHAEL E. McLAUGHLIN

ATTORNEY AT LAW

1820 The Exchange, Suite 150
Atlanta, Georgia 30339
Office (770) 952-5000
Fax (770) 955-6173
mclaughlinlaw@bellsouth.net

September 3, 2014

Mr. Stephen E. Castlen
Clerk, Court of Appeals of Georgia
47 Trinity Avenue, S.W.
Suite 501
Atlanta, Georgia 30334

Re: A14A2265
Heather E. Lowry, as Administrator for the Estate of
William B. Lowry v. Roberta K. Fenzel f/k/a Roberta K. Lowry.

Dear Mr. Castlen:

I am in receipt of my opposing counsel's letter to your office requesting oral argument. I feel compelled to clarify two matters presented in Mr. Maston's letter.

First, in paragraph 3, of said letter, Mrs. Jennifer Inmon, from my office, may participate in oral argument, if oral argument is granted by the Court.

Second, in paragraphs 4 and after, of said letter, I must object to the assessment of Mr. Maston's view of the facts in the instant case and his selected use of only partial deposition testimony. Counsel engages in liberal use of certain words in his letter, which are not indicative of the facts or evidence in the case, and fails to include other parts of the same deposition which are detrimental to his position. The undersigned believes that this case is not one of First Impression and that the case law is dispositive of any issue raised in Appellee's Motion for Summary Judgment as illustrated by the trial court's correct application of said case law.

Thank you for your attention to this matter. I enclose two copies of this letter.

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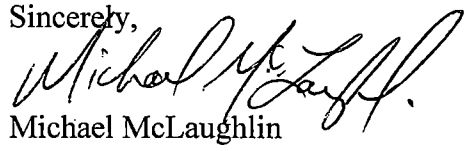

Michael McLaughlin

MM/mp
cc: William Maston, Esq.
Roberta Fenzel

MICHAEL E. McLAUGHLIN

ATTORNEY AT LAW

1820 The Exchange, Suite 150
Atlanta, Georgia 30339
Office (770) 952-5000
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mclaughlinlaw@bellsouth.net

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Clerk, Court of Appeals of Georgia
47 Trinity Avenue, S.W.
Suite 501
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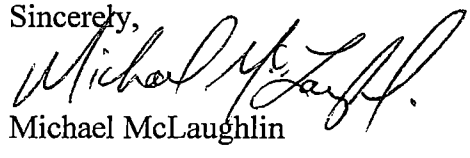

Michael McLaughlin

MM/mp
cc: William Maston, Esq.
Roberta Fenzel

MICHAEL E. McLAUGHLIN

ATTORNEY AT LAW

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Atlanta, Georgia 30339
Office (770) 952-5000
Fax (770) 955-6173
mclaughlinlaw@bellsouth.net

September 3, 2014

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Clerk, Court of Appeals of Georgia
47 Trinity Avenue, S.W.
Suite 501
Atlanta, Georgia 30334

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Heather E. Lowry, as Administrator for the Estate of
William B. Lowry v. Roberta K. Fenzel f/k/a Roberta K. Lowry.

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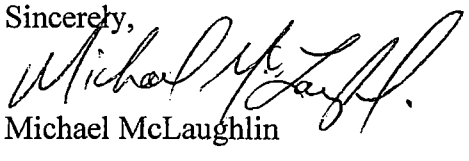

Michael McLaughlin

MM/mp
cc: William Maston, Esq.
Roberta Fenzel

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS
Date: September 10, 2014

To: Mr. William G. Maston, Attorney at Law, 116 East Gaston Street, Savannah, Georgia 31401

Docket Number: A14A2265 **Style:** Heather E. Lowry, as Administrator for the Estate of William B. Lowry v. Roberta K. Fenzel f/k/a Robert K. Lowry

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 **Your pauper's affidavit should be notarized by a notary public.**

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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

IN THE COURT OF APPEALS

STATE OF GEORGIA

HEATHER E. LOWRY, AS ADMINISTRATOR FOR THE ESTATE OF WILLIAM B. LOWRY,	)	
Appellant,	)	
v.	)	Appeal Case No.: A14A2265
ROBERTA K. FENZEL f/k/a ROBERT K. LOWRY,	)	
Appellee.	)	

MOTION FOR ORAL ARGUMENT
and
EXTENSION OF TIME TO REQUEST ORAL ARGUMENT

COMES NOW Appellant in the above-styled matter, who moves this Court for a ruling to extend the period of time to request oral argument and allow oral argument in the above-captioned matter on grounds as follows:

1.

In the above-captioned matter, the date of docketing is August 11, 2014 and the last day to file a request for oral argument was September 2, 2014 in accordance with Ga. Ct. App. R. 28(a)(2) and Rule 3.

2.

On August 28, 2014, Counsel for Appellant asked the Clerk of the Court if there was any particular form or format to request an

oral argument, which may have been inappropriate inquiry of a legal matter.

3.

Uncertain as to the proper format of the request for an oral argument, Counsel for Appellant examined Ga. Ct. App. R.28(a)(3) and found that that the request broadly states it "must be a separate document, … directed to the clerk" and incorrectly chose to present its request in the form of a letter brief, which was mailed to the Clerk's Office with a post mark of August 28,2014 (see attached).

4.

Courteously, the Clerk of Court contacted Counsel for Appellant in the afternoon of September 3, 2014 to explain that the proper form to make such request is by motion.

5.

As a result of such telephone conference, Appellant submits this motion in support of its request for oral argument on grounds as follows:

The reason that oral argument would be beneficial to the Court is that this case may present an issue that is of first impression in the State of Georgia. The issue is whether an ex-wife of three years, who has received 186,000.00 in consideration for a relinquishment of any interest she had in stocks held in joint accounts with her ex-husband as stated in the Divorce

Decree (that also states an express waiver of future claims), has a legal interest in such holdings and may obtain these funds shortly after the death of the ex-husband in opposition to the heirs of his estate. Depending on an interpretation of the relevant case law, an issue of fact may be present to defeat the grant of the ruling on the Motion for Summary Judgment.

6.

As a sample of the evidence presented to raise an issue of fact, the Appellant examined the Appellee in her deposition on pages 49. and 50. as follows:

> Q. All right. And as y'all did this split [wherein she received $186,000.00], then this split was to be representative of, like you say, he keeps his stocks and you keep yours?
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> A. Yes.
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> Q. Okay. All right. And when you say his stocks, are you referring to any interest in stock that he had?
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> A. The stocks he had invested.
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> Q. Okay. All right. But that any interest that he had? Is that what you are talking about?
>
> A. Yes.

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Appellant has asserted that there is adequate evidence to raise an issue of fact in deciding whether Appellee Fenzel agreed to accept $186,000.00 in exchange for *any* interest that William Lowry had at the time of his divorce, which would include any future interest he had in the joint accounts at the time of his death.

8.

Appellant argued that unless the Court can glean an unambiguous intent of the parties from the Separation Agreement on this issue, the issue of Fenzel's intent is a question of fact for the jury.

9.

I certify that I have conducted a telephone conference with Counsel for the Appellee, Michael McLaughlin, Esq., 1820 The Exchange, Suite 150, Atlanta, GA 30339, to notify him of the present request, and I certify that he does wish to argue this case orally.

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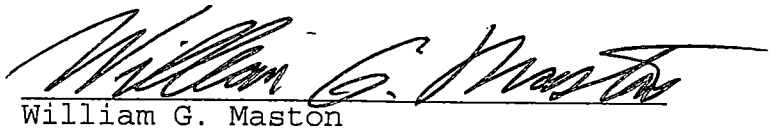
If the present request is granted, I will argue this matter orally, and I am under the impression that Michael McLaughlin, Esq. will orally argue this case before the Court.

(date and signature on next page)

This 4th day of September, 2014.



William G. Maston
Attorney for Appellant
116 East Gaston Street
Savannah, GA 31401
Georgia State Bar No: 476305
(912) 238-4489

WILLIAM G. MASTON, P.C.

ATTORNEY AT LAW

116 EAST GASTON STREET

SAVANNAH, GEORGIA 31401-5604

William G. Maston

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August 28, 2014

Mr. Stephen E. Castlen
Clerk, GA Court of Appeals
47 Trinity Avenue, Suite 501
Atlanta, Georgia 30334

Re: Heather E. Lowry, as Administrator for the Estate of William B. Lowry v. Roberta K. Fenzel f/k/a Robert K. Lowry
Appeal Case No.: A14A2265

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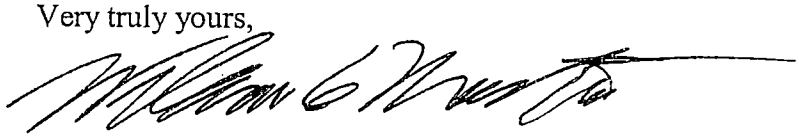


William G. Maston

cc: Michael McLaughlin, Esq.

IN THE COURT OF APPEALS
STATE OF GEORGIA

HEATHER E. LOWRY, AS ADMINISTRATOR FOR THE ESTATE OF WILLIAM B. LOWRY	)	
Appellant,	)	
v.	)	Appeal Case No.: A14A2265
ROBERTA K. FENZEL f/k/a ROBERT K. LOWRY	)	
Appellee.	)	

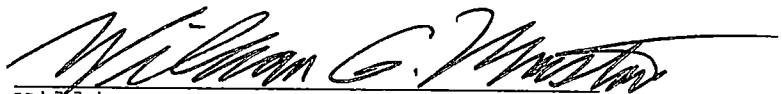
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing MOTION FOR ORAL ARGUMENT AND MOTION FOR EXTENSION OF TIME TO REQUEST ORAL ARGUMENT has been served upon the following:

Michael McLaughlin, Esq.
1820 The Exchange
Suite 150
Atlanta, GA 30339

by depositing the same in the U.S. Mail, First Class with adequate postage affixed.

This 4th day of September, 2014.



William G. Maston, Attorney for Appellant
116 East Gaston Street
Savannah, GA 31401
Georgia State Bar No: 476305
(912) 238-4489

WILLIAM G. MASTON, P.C.

ATTORNEY AT LAW

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SAVANNAH, GEORGIA 31401-5604

William G. Maston

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(912) 238-4489

facsimile
(912) 238-0356

electronic mail
lawwgm@aol.com

September 4, 2014

Mr. Stephen E. Castlen
Clerk, GA Court of Appeals
47 Trinity Avenue, Suite 501
Atlanta, Georgia 30334

Re: Heather E. Lowry, as Administrator for the Estate of William B. Lowry v. Roberta K. Fenzel f/k/a Robert K. Lowry
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Dear Mr. Castlen:

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With kind regards, I am

Very truly yours,

William G. Maston

cc: Michael McLaughlin, Esq. (w/enclosure)

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

September 10, 2014

Mr. James Lackey
GDC189164 3-35
Walton County Jail
1425 South Madison Avenue
Monroe, Georgia 30655

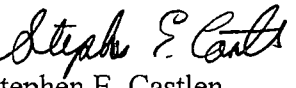
Dear Mr. Lackey:

I am in receipt of your letter. There is no case currently pending in the Court of Appeals of Georgia in your name.

If you are attempting to appeal a probation revocation, you will need to file a Discretionary Application with the Court of Appeals as set out in OCGA §5-6-35 and the rules of this Court. I have enclosed a copy of the Rules for your review.

I am returning your documents to you in case you need them for future proceedings.

Sincerely,



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

SEC/ld
Enclosures

To whom it may Concern,

On 06/24/14 I was arrested for probation violation. My probation said I didn't report and I did. I had two probation officers as a witness that I did report. One testified in court stating I did report. The other wasn't notified by my lawyer to appear. Still with one, should've been good enough to raise Doubt to my probation office claim Instead of charges being dismissed, etc. the Judge went with the recommendation.

I hadn't been outta jail two weeks before my probation officer is trying to violate me with false charges and the Judge is also wrong for not listening to the testimony of another Probation officer who said I did report. He know I reported because he came in my probation officer office and was speaking to him about me since my probation officer is new, etc.

I DON'T KNOW WHAT TO DO. I feel my Rights are being heavly violation. My charge was proved false. I proved my innocense. Yet I'm being treated like I'm Guilty.

☹ Please help I don't know what to do.

If I stay in jail, I will not have no where to stay at when I get out. My room-mate will lose the apartment.

Jail address → 1425 S. Madison Ave
MONROE Ga 30655

Date arrested= 06/24/14
Date Sentenced = 08/13/14

First Witness = Michael Fredrick/Monroe Probation Officer
Second Witness = Rob Johnson/Monroe Probation Officer

MAY 2014

S	M	T	W	T	F	S
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	12	13	14	15	16	17
18	19	20	21	22	23	24

First Report

I'm RELEASED FROM JAIL

It's stated I Didnt Report

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS
Date: September 10, 2014

To: Mr. Sean Langshaw, 12505 Needham Street, Alpharetta, Georgia 30004

Docket Number: A15A0008 **Style:** Sean D. Langshaw, et al. v. LPP Mortgage, Ltd.

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.**

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 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

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

IN THE COURT OF APPEALS STATE OF GEORGIA

APPEAL CASE NUMBER: A15A0008 Docketed: August 18, 2014
2012CV225084

STYLE: SEAN D. LANGSHAW et al. v LPP Mortgage, LTD

APPELLANT'S BRIEF

APPEAL FROM THE MAY 12, 2014 ORDER TO PAY BOND IN CASE NO 2012-CV-225084 IN THE SUPERIOR COURT FULTON COUNTY, GEORGIA

Prepared by,

Sean D. Langshaw, Pro Se

Wanja Njoka Langshaw, Pro Se

Inquiries should be directed to:

12505 Needham Street

Alpharetta, Georgia 30004

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Fax: 770-212-9567

Email: seanlangshaw@gmail.com

Email: wanjalangshaw@gmail.com

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APPELLANT'S BRIEF

PART I

Pursuant to Court of Appeals Rule VII Briefs, Appellants' files this their Brief in case number A15A0008 / 2012CV225084, respectfully requesting that the Court of Appeals Georgia perform a *de novo* review referring to the trial court's records to determine the facts and rule on the evidence and matters of law without giving deference to the court's findings in the Order to pay a bond given on May 12, 2014 in the Superior Court of Fulton County attached hereto as Exhibit "A" which granted Appellee's request that Appellant pay a supersedeas bond in the amount of $100,000.00 dollars within five days, thereby inflicting harm upon Appellants' whereby in a case seeking relief in equity Appellants' shall not be harmed.

STATEMENT OF JURISDICTION

This case was originally filed in the Supreme Court of Georgia Case No. S14D0628 and was transferred to the Court of Appeals Georgia. Order of Supreme Court of Georgia dated January 16, 2014, (R-index 2, p.5-18).

BRIEF STATEMENT OF THE FACTS

On January 21, 2014 Appellee filed motion requesting Appellants' pay bond (R-index 70, p.1383-1388). Appellants' responded on January 23, 2014 in opposition (R-index 74-77, p.1430-1476). Appellants' notice of appeal was initially filed on December 26, 2012 (R-index 1-2, p.1-18), and refiled again on February 26, 2014 in compliance with the Court of Appeals order dated February 24, 2014 (R-index 84, p.1540-1541).

Appellants' filed their affidavit of indigence on January 23, 2014 (R-index 76-77, p. 1471-1476).

At the motion hearing heard on January 31, 2014 the Attorney for the Appellee, John F. Weeks, testified under oath that Appellants' owed costs, but provided no evidence to support this claim (T-index 4 and 5, p. 5-15). After the hearing, the Appellants' inquired with the appeals clerk in the Superior Court as to the matter of cost mentioned at the hearing. A cost bill had not been assessed and Appellants' did not owe costs related to the trial proceedings. On February 3, 2014, Appellants' filed an affidavit (R-index 80, p. 1488-1498 may not be the same) as to the cost mentioned at the motion hearing heard on January 31, 2014.

A cost bill was not assessed until February 4, 2014 and that cost bill was for the preparation and transmittal of the record on appeal to the Court of Appeals.

On February 14, 2014 Appellants' filed a motion to set aside judgment (R-index 82, p.1501-1537) providing documentary proof as to the court's comments regarding the lender possibly not having released the property to Appellee. After filing this motion and while at the courthouse on February 14, 2014, Appellants' paid the cost bill associated with the preparation of the record on appeal, hereto attached at exhibit "B" a copy of the registry of actions as of September 1, 2014. O.C.G.A. § 5.3.22 provides that "a properly filed notice of appeal serves as a supersedeas only upon payment of all costs in the trial court by the appellant"[1] O.C.G.A. § 5-6-46 (a) provides that "once the notice of appeal is filed and costs are paid, then the supersedeas comes into effect and the trial court loses jurisdiction over a given case while the appeal of that case is pending."[2] "The costs that must be paid are accrued trial costs, which do not include those costs associated with preparing the record for appeal." [3] (T-index 4, p.43 line 9-11) wherein the court was discussing the matter as to cost, Appellants' did not owe accrued trial costs.

On February 21, 2014 the court made its ruling on the injunction which was a subject matter of the January 31, 2014 hearing (R-index 83, p.1538-1539), but as

stated in the transcript regarding supersedeas (T-index 4 p1-15 and p.53-63) did not make a ruling on the supersedeas bond, the supersedeas had already come into effect.

On March 18, 2014 Attorney for the Appellee, John F. Weeks, filed an affidavit (R-index 88, p.1564-1582 in response to Appellants' February 3, 2014 affidavit as to costs. In that March 18, 2014 affidavit, Appellee's attorney states that Appellants' appeal had not been docketed by the Clerk of the Georgia Court of Appeals, when in fact it was docketed on February 04, 2014 (Docket number A14D0234).

Sometime thereafter March 18, 2014, Appellee resubmitted their motion for a supersedeas bond, Appellant responded on May 7, 2014 (R-index 90, p.1595-1597), in their response Appellants' made reference to the next paragraph.

On May 5, 2014 the court signed an order denying Appellants' motion to set aside judgment (R-index 85, p. 1542-1544). In that order, the court declared that Appellants' having paid costs on February 14, 2014, the court had been divested of the authority to rule on Appellants' motion to set aside judgment. Pertinent to Appellants' appeal on case number A15A0007, as it relates to this

case, are the documents presented as exhibits in that motion to set aside judgment. The lender had no knowledge of a MERS release. The lender continued to honor the contract between the lender and Appellants' as was agreed to in that Security deed.

On May 12, 2014 the court issued an order granting Appellee's motion for supersedeas bond requiring payment within five days in the amount of 100,000.000 dollars (R-index 94, p.1598-1599). In the May 5, 2014 order the court had already declared that it was divested of its authority. The supersedeas had already come into effect. And as part of the January 31, 2014 hearing the court did state that it did not understand the mechanics of the bond (T-index 4, p.63, L 9-25). If Appellants' had to pay any amount, then the court would not order an amount that would inflict monetary harm to Appellants' in terms of their ability to pay the bond. The requirement to pay the bond within five days inflicted harm. So as to ensure Appellee did not enforce the judgment pending appeal, creating a tort, Appellants' had to incur an additional debt of $100,000.00 dollars to pay bond. No bonding company could produce such a bond within the time allotted by the court.

Each enumeration of error was preserved by Appellants filing affidavit as to cost, stating their contention in open court as to cost, filing the proper and timely notice of appeal.

PART II

ENUMERATION OF ERRORS

1. The court erred in that it came to the wrong conclusion in deciding that because Appellants' owed cost, it had the power to hear the Appellee's motion for supersedeas bond.(T-index 5, p.5 –15), (T-index 5, p.43,ln9-24)

2. The court erred in granting the order requiring Appellants' to pay a supersedeas bond in that it was already divested of jurisdiction to grant an order to pay bond. (R-index 85, p.1542-1544)

3. The court erred in that it abused its discretion in requiring Appellants' to pay a supersedeas bond of $100,000.00 within five days of the order. (R-index 94, p.1598-1599)(T-index 5, p.5-15)(T-index 5, p. 39-63)

4. The court erred in that it was evident at the January 31, 2014 hearing that there was legitimate concern that the lender had not released the Property (T-index 5, p.27-31)(T-index 4, p.60 line 1-18) and a bond should not have

been necessary because Appellants' had legitimate concerns, this being a strong indication that Appellants' appeal is not frivolous.

PART III

ARGUMENT, CITATION OF AUTHORITY

1. Appellants' responded on January 23, 2014 in opposition (R-index 74-77, p.1430-1476). Appellants' notice of appeal was initially filed on December 26, 2012 (R-index 1-2, p.1-18), and refiled again on February 26, 2014 in compliance with the Court of Appeals order dated February 24, 2014 (R-index 84, p.1540-1541).

   Appellants' filed their affidavit of indigence on January 23, 2014 (R-index 76-77, p. 1471-1476).

   At the motion hearing heard on January 31, 2014 the Attorney for the Appellee, John F. Weeks, testified under oath that Appellants' owed costs, but provided no evidence to support this claim (T-index 5 and 5, p. 5-15). After the hearing, the Appellants' inquired with the appeals clerk in the Superior Court as to the matter of cost mentioned at the hearing. A cost bill had not been assessed and Appellants' did not owe costs related to the trial proceedings. On February 3, 2014, Appellants' filed an affidavit (R-index 80,

p. 1488-1498 may not be the same) as to the cost mentioned at the motion hearing heard on January 31, 2014. A cost bill was not assessed until February 4, 2014 and that cost bill was for the preparation and transmittal of the record on appeal to the Court of Appeals.

On February 14, 2014 Appellants' filed a motion to set aside judgment (R-index 82, p.1501-1537) providing documentary proof as to the court's comments regarding the lender possibly not having released the property to Appellee. After filing this motion and while at the courthouse on February 14, 2014, Appellants' paid the cost bill associated with the preparation of the record on appeal, hereto attached at exhibit "B" a copy of the registry of actions as of September 1, 2014. O.C.G.A. § 5.3.22 provides that "a properly filed notice of appeal serves as a supersedeas only upon payment of all costs in the trial court by the appellant"[1] O.C.G.A. § 5-6-46 (a) provides that "once the notice of appeal is filed and costs are paid, then the supersedeas comes into effect and the trial court loses jurisdiction over a given case while the appeal of that case is pending."[3] see also, *A.R.A. Health Servs. v. Stitt, 250 Ga. App. 420, 423, 551 S.E.2d.793, 796 (2001); Duncan v. Ball, 172 Ga. Ap. 750, 751, 324 S.E.2d 447, 479 (1984).*

"The cost that must be paid are accrued trial costs, which do not include those costs associated with preparing the record for appeal".[4] see also, *J.M. Clayton Co. v. Martin, 177 Ga. App. 228, 229, 339 S.E.2d 280, 281(1985).* (T-index 5, p.43 line 9-11) wherein the court was discussing the matter as to cost, Appellants' did not owe accrued trial costs.

On February 21, 2014 the court made its ruling on the injunction which was a subject matter of the January 31, 2014 hearing (R-index 83, p.1538-1539), but as stated in the transcript regarding supersedeas (T-index 5 p1-15 and p.53-63) did not make a ruling on the supersedeas bond, the supersedeas had already come into effect.

On March 5, 2014 the court signed an order denying Appellants' motion to set aside judgment (R-index 85, p. 1542-1544). In that order, the court declared that Appellants' having paid costs on February 14, 2014, the court had been divested of the authority to rule on Appellants' motion to set aside judgment. Pertinent to Appellants' appeal on case number A15A0007, as it relates to this case, are the documents presented as exhibits in that motion to set aside judgment. The lender had no knowledge of a MERS

release. The lender continued to honor the contract between the lender and Appellants' as was agreed to in that Security deed.

On March 18, 2014 Attorney for the Appellee, John F. Weeks, filed an affidavit (R-index 88, p.1564-1582 in response to Appellants' February 3, 2014 affidavit as to costs. In that March 18, 2014 affidavit, Appellee's attorney states that Appellants' appeal had not been docketed by the Clerk of the Georgia Court of Appeals, when in fact it was docketed on February 04, 2014 (Docket number A14D0234).

Sometime in May 2014, Appellee renewed their motion for a supersedeas bond, (may have been an e-mail of intent to file) Appellant responded on May 7, 2014 (R-index 90, p.1595-1597), in their response Appellants' made reference to the May 5, 2014 order wherein the court denied Appellants' motion to set aside judgment, the court had already declared that it was divested of its authority. The supersedeas had already come into effect. The authority to grant a supersedeas at this stage resided with the Court of Appeals. Ga. App. Rule 40(a)[5]

2. On May 12, 2014 the court issued an order granting Appellee's motion for supersedeas bond requiring payment within five days in the amount of 100,000.000 dollars (R-index 94, p.1598-1599).

In the March 5, 2014 order denying Appellants motion to set aside judgment (R-index 85, p.1542-1544) the court had already declared that it was divested of its authority. The supersedeas had already come into effect. (O.C.G.A. §53-3-22), (O.C.G.A. §5-6-46(a)), see also *see also Lott v. Arrington & Hollowell, 258 Ga. App. 51, 54-55, 572 S.E.2d 664, 667 (2002), Ga. Ct. App. Rule 40(a).*[5]

3. And as part of the January 31, 2014 hearing the court did state that it did not understand the mechanics of the bond (T-index 4, p.63, L 9-25). If Appellants' had to pay any amount, then the court would not order an amount that would inflict monetary harm to Appellants' in terms of their ability to pay the bond. The requirement to pay the bond within five days inflicted harm. So as to ensure Appellee did not enforce the judgment pending appeal Appellants' had to incur an additional debt of $100,000.00

dollars. No bonding company would produce such a bond within the time allotted by the court.

4. O.C.G.A. §5-6-46 (a) provides that a supersedeas bond is necessary surety if the appeal is found to be frivolous.[2] Appellants' contend that this appeal is not frivolous and Appellants' show the Court the following:

a. On December 11, 2013 the parties came before the Superior Court of Fulton County case no. 2012-CV-225084 for a non-jury trial on Plaintiff's complaint in equity seeking reformation of a special warranty deed recorded in the real estate records of the Clerk of the Superior Court of Fulton County at Deed book 51271, page 605 (the "Special Warranty Deed"), and granted by Plaintiff Appellee to Appellants'.

b. On December 23, 2013 the Final Judgment for Equitable Decree of Reformation was ordered in favor of the Appellee.

c. Prior to Judgment, on April 14, 2012 the parties entered into an agreement (T-index 3, transcript exhibits p. 38-50) whereby Appellants' intent was to purchase the foreclosure property acquired by Appellee in a Deed to

Purchase at Sale Under Power (T-index 3, p. 18-20) wherein the Property in that deed is described as ALL THAT TRACT OR PARCEL of land lying and being in Lot 1173 of the 2nd Section, 2nd District of Fulton County, Georgia, being Lots 8 and 9 of Bethany Commons S/D, as more particularly depicted on a plat of survey record in Plat Book 266, pages 72 and 73, Fulton County, Georgia records, said plat being a part hereof and by this reference incorporated herein. This deed describes one property to include two lots.

d. That agreement was a subsequent agreement that was deliberately prepared at the discretion of the Appellee, so named the Counter Offer / Addendum (T-index 3, p.38-50). That agreement was prepared at the discretion of one of the contracting parties, the Seller, LPP / the Appellee and was executed by all parties, witnessed by the realtors. In accordance with O.C.G.A § 24-3-6[8] the Counter Offer / Addendum is proof as to a subsequent agreement which is a rebuttal to Appellee's claim in equity.

e. Pursuant to that subsequent agreement, Section 1, "Effect of the Addendum, in the event of conflict between addendum and the contract, this addendum shall prevail."

f. Pursuant to that subsequent agreement, the purchase price is $425,000.00.

g. Pursuant to that subsequent agreement Section 20: Form of Deed, the deed to be delivered at closing shall be a deed that covenants that grantor grant only that title which grantor may have. The only title held by the Appellee was that Deed to Purchase at Sale Under Power (T-index 3 p.18-20) in which the description contained one property encompassing two lots, lots 8 and 9.

h. Pursuant to that subsequent agreement, (T-index 3 p. 38-50) Section 22, Conditions of Sellers Performance a title policy was issued referencing that certain Deed of Conveyance conveying the one property to include the two lots, lots 8 and 9 as was described in that Deed to Purchase at Sale Under Power as was held by Appellee. The title policy (the "Policy") (R- index 27, p. 236-411 exhibit 14).

i. Pursuant to that subsequent agreement, (T-index 3, p.38-50) Section 27 Survival, the Delivery of the Deed to the Property to the Purchaser shall be deemed full performance and discharge of Appellee's entire obligation

under the Contract. Appellee delivered to Appellants' that deed conveying one property to include the two lots 8 and 9 as was held in that Deed to Purchase at Sale under Power as was Appellants' intent to purchase, and Appellee's intent to sell as this one piece of property encompassing the two lots **was** the foreclosure.

j. Pursuant to that subsequent agreement (T-index 3, p. 38-50) Section 30, "the Entire Agreement, the Contract, Counter Offer / Addendum constitute the entire agreement between the Purchaser and Seller and supersede all previous communications, understandings, representation, warranties, covenants, and agreements, whether written or oral, or other written agreement between Purchaser and Seller...."

k. On May 15, 2012 Seller LPP / Appellee deliberately prepared and executed (T-index 3, p.162) Deed of Conveyance in the form of a Certificate and Affidavit of Non-Foreign Status and Affidavit of Exemption from Withholding whereby under penalty of perjury Appellee acknowledged the sale price of $425,000, less cost basis of $1,060,066.81 this being the cost associated with the Deed to Purchase at Sale under Power and attached

thereto was an exhibit "A" containing the legal description of the property conveyed to Appellants to include the one property encompassing the two lots, lots 8 and 9 thereby demonstrating their intent to sell to Appellants the foreclosure as was held in title.

l. On May 15, 2012 Appellee also deliberately prepared and executed a Seller's Affidavit (R- index 27, p.236-411, Discovery documents, exhibit 2 showing file# 12-000771) provided as part of the closing documents for the sale by the closing firm wherein it states the purpose of which was to induce the Title Company to issue an owner's title insurance policy (the "Policy" (R-index 27, p. 236-411 exhibit 14) on the Property. Appellee acknowledging that Title Company is relying upon the representations in this affidavit as being true and correct and that the Policy would not be issued without this affidavit being executed.

m. On May 25, 2012 Appellants' deliberately executed the Security Deed (T-index 3, p. 129-151) made in whole, where in on T-index, p. 130 Transfer of Rights in the Property, the Legal Description Attached Thereto and Made a Part thereof is described in that Exhibit "A", Deed Book 51271 Page 625,

Lots 8 and 9 to secure debt in accordance with O.C.G.A.§ 44-14-64(c)[8], filled in accordance with O.C.G.A. 44-14-33[9] in the Office of the Clerk of the Superior Court of Fulton County.

n. Four months after closing, on September 17, 2012, the closing firm McCurdy & Candler, LLC deliberately prepared and executed a Scrivener's Affidavit (T-index 3, p. 164) certifying that they have reviewed the file having conducted the closing and corrected the only error found in that the above-referenced Special Warranty Deed contained a scrivener's error in that the Grantees names were incorrectly spelled on the Special Warranty Deed (T-index 3, p. 85). That Special Warranty Deed was signed, recorded and delivered to Appellants' thereto attached exhibit "A" wherein the legal description included the one property, to include the two lots, lots 8 and 9.

o. On December 11, 2012 Appellee obtained a MERS Quitclaim Deed of Release from "MERS" Mortgage Electronic Registration System, Inc., granting Appellee, a release of Lot 8 from Appellants' Security Deed. On December 18, 2012 when Appellee file their claim petitioning the court for relief, this MERS Quitclaim deed was blank unsigned document (R-index 4,

p.20-135). Appellee could not have gotten a release without the consent of Appellants' or before first petitioning the court and having received judgment in their favor. O.C.G.A. § 23-1-1[10] equity jurisdiction shall be vested in the superior court of the several counties.

p. On December 18, 2012 Seller LPP / Appellee filed petition in the Superior Court of Fulton County Georgia for an order to reform the "Langshaw Deed" to reflect the intent of the parties such that Appellee conveyed only its title, interest, and rights in Lot 9 to Appellants' and that Appellee did not convey its title, interest, and rights in the "Property" to Appellants'.

q. O.C.G.A. §23-2-21 provides "what mistakes relievable in equity; power to relieve to be exercised cautiously (a) A mistake relievable in equity is some unintentional act, omission, or error arising from ignorance, surprise, imposition, or misplaced confidence. (b) Mistakes may be either of law or of fact. (c) The power to relieve mistakes shall be exercised with caution; to justify it, the evidence shall be clear, unequivocal, and decisive as to the mistake."[11] At the trail Appellee did not provide clear, unequivocal, and decisive evidence as to the mistake that justified relief in equity.

r. Appellee did not show where they were not so negligent in executing the Deed of Conveyance (T-index 3, p.162) or discovering mistakes that may have appeared therein, so as not to be estopped to ask for reformation O.C.G.A. §23-2-29 "If a party, by reasonable diligence, could have had knowledge of the truth, equity shall not grant relief; nor shall the ignorance of a fact known to the opposite party justify an interference if there has been no misplaced confidence, misrepresentation, or other fraudulent act."[12] and *Cox v. Smith, 244 Ga. 280, 282-283(1), 260 S.E. 2d 310 (1979)*[13]

s. The Contract Addendum, proof of subsequent agreement in accordance with O.C.G.A. §24-3-6[14], was drafted only at the direction of one of the contracting parties, Seller LPP/ Appellee and therefore if it was a mistake, it was a **unilateral** mistake, which should not warrant reform. *Decision One Mortgage Company, LLC v. Victor Warren Properties, Inc., 696 S.E. 2d 145, 304 Ga. App. (2010)*[15]

t. O.C.G.A. §23-1-17 which provides "notice sufficient to excite attention and put a party on inquiry shall be notice of everything to which it is afterwards found that such inquiry might have led"[16] the dollar values expressed in the

Deed of Conveyance (T-index 3, p.162), sale price $425,000 as described in that subsequent agreement, less cost basis $1,060,066.88, the cost of the property as was acquired under that power of sale, as was held in title at the time of the execution of that subsequent agreement, was a clear indication in that if there had been a mistake, Appellee's failure to exercise due diligence and discover the truth should not warrant reform.

u. O.C.G.A. §23-2-29 " if a party, by reasonable diligence, could have had knowledge of the truth, equity shall not grant relief; nor shall the ignorance of a fact known to the opposing party justify an interference if there has been no misplaced confidence, misrepresentation, or other fraudulent act."[17]

v. O.C.G.A. § 23-2-32(b) provides "when negligent complainant is granted relief," Plaintiff LPP / Appellee did not show by the evidence presented at the trail whereby "relief may be granted even in cases of negligence by the complainant if it appears that the other party has not been prejudiced thereby."[18] It was evident by Plaintiff exhibit 29 the Security Deed (T-index, 129-151) and all provisions therein pertaining to Section 18, whereby

transfer of any portion of the property gives the lender the option to accelerate and collect the total balance of the loan within 30 days.

w. The decision to relieve in equity was made solely based on the MERS document (T-index 3, p. 152). Relevant to the MERS document, Appellants' objected to its authenticity and to the fact that (a) National Bank of Kansas City, as noted on the T-index, p. 4 in the table of contents as having executed the Quitclaim Deed was NOT the lender of record and could not have executed a release. (b) The current lender of record, CitiMortgage, did not execute a release even though attorneys for the Appellee showed the MERS document (T-index 152) as being **prepared** by CitiMortgage, Inc. **executed** by MERS. If CitiMortgage, Inc. had prepared THAT QuitClaim Deed of Release, they would have also executed the document, and included the CitiMortgage, Inc's Seal, not MERS. CitiMortgage did not release the property.

x. Even if MERS did release, MERS is a stranger to this lawsuit and are not allowed to intervene[19] nor did they have the authority to quitclaim any portion of the property deeded in the Security Deed back to LPP / Appellee,

as the security deed conveying interest to MERS as nominee was made in whole pursuant to O.C.G.A. 44-14-64.[20] And O.C.G.A. § 44-14-30 "a mortgage in this state is only security for a debt and passes no title."[21] Under Georgia Law, a security deed which includes a power of sale is a contract and its provisions are controlling as to the rights of the parties thereto and their privies." *Gordon v. South Central Farm Credit, ACA 446 S.E.2d 514, 213 Ga. App. at 817.*[22] O.C.G.A. § 13-4-4 provides for the "effect of mutual departure from contract terms, reasonable notice must be given to the other of intent to rely on the exact terms of the agreement."[23] No notice was given by Lender or by MERS to Appellants' of intent to release thereby departing from the terms in the contracted Security Deed wherein lot 8 and 9 constitutes the "Property" as treated in that security deed, deed book 51271 page 625. O.C.G.A. § 44-14-33 recording of a properly attested security deed serves as constructive notice to all subsequent bona fide purchasers.[24]

y. No evidence was presented at trial attesting to the provisions of Section 18 "Lender's prior written consent" nor was there any notice given in

accordance with applicable law of lender's intent to deviate from the terms of the contracted security deed.

z. Furthermore, the date on the MERS quitclaim deed is November 11, 2012, **prior to the filing of the Appellee's petition.** Appellant contends that Lender of record was unaware of any pending action as Lender continued to pay the property tax for the 2012 and 2013 tax years and continued to collect taxes for year 2014 via escrow payments made by Appellants' pursuant to the terms of the contracted security deed and there has not been any written notice given by the lender of their intent to modify Appellant's security deed or to modify the required monthly payments on the note. R-index 82, p.1501-1537 thereto attached a copy of Mortgage interest statement for 2013 tax year showing lender paid the tax in 2013 when they had supposedly released the Property in year 2012. Why would they continue to pay tax on property they released in November 11, 2012 according to the MERS Quitclaim Deed? Also suspicious is the fact that the MERS Quitclaim Deed in the Plaintiff original filings is blank and NOT signed. If Plaintiff obtained a Quitclaim Deed from MERS prior to the filing of their case, why was it not a part of the originally filed petition? And why does it

show having been filed on November 18, 2013 with the Clerk of the Superior Court Fulton County Georgia, more than a year later, all without the Appellants' having received any communication, written or otherwise, from either MERS or the lender of record of the intent to depart from the terms of the contract. The Appellants' had met all the terms of the existing contract and were not in foreclosure. The Appellants' were first made aware of this document at the trial.

aa. Appellants' did file a motion requesting Appellee produce all documents pertaining to the sale (R-index 23, p.216-219, and R-index 30, p.415-426). Appellants' also filed motion to obtain admissibility of documents (R-index 41 p. 552-771) and motion that the court take judicial notice (R-index 42, p.772-780).

bb. Appellee's continued refusal to provide documents and evidence prompted Appellants' to file motion requesting pretrial conference (R-index 43, p.781-817) and motion for jury trial. (R-index 47 p. 837-842) the court denied all of Appellants' requests.

cc. Appellants' are now at risk because the holder of the note has the right to sue for default under the contract. O.C.G.A §10-3-1 the transfer of notes secured by a mortgage or otherwise conveys to the transferee the benefit of the security.[25] Section 19 of the Security Deed provides that the borrower shall not have the right to reinstate in the case of acceleration under Section 18.

dd. The final judgment rendered on December 23, 2013 (R-index 66, p.1376-1378) wherein the court estopped the lender, a third party not a party to the suit, from asserting their claim as to paragraph 18 of the security deed is erroneous and only serves to aid Appellee in satisfying the requirements of O.C.G.A. § 23-2-32(b) whereby "relief may be granted even in cases of negligence by the complainant if it appears the other party has not been prejudiced thereby."[26] Appellee did not prove by the evidence presented at trial whereby Appellants' will not be harmed.

ee. Appellants' contacted CitiMortgage Inc., to inquire as to the validity of such a release, CitiMortgage advised Appellants' that they did not release the property and had no intention of releasing any portion on the property held

by the Security Deed. CitiMortgage Inc., also advised Appellants' that in light of the judgment rendered in LPP's favor granting equitable decree for reformation of the special warranty deed after a two-day trial, entered by the court on December 23, 2013, with that judgment, LPP can still sell the property even though Appellants' had filed a notice of appeal. In light of that fact, Appellants' were advised to file a notice of *lis pendens* O.C.G.A. §44-14-160[27], et seq., to let the world know that there is an action pending regarding the property in an effort to protect their interest and Appellants' interest in the property as well as to avoid the possibility of Appellee committing a Tortuous act.

ff. Appellants' did file a notice of *lis pendense* (R-index 69, p.1381-1382) taking such action to protect both their interest and the lenders interest in and to the Property. As well explained in the *Potter's Properties, LLC v. VNS Corporation, 703 S.E. 2d 79, 306 Ga. App. 621 (2010)* strangers to lawsuits ordinarily are not allowed to intervene.[19]

gg. It is Appellants' contention that Appellee did try to commit a tortuous act in an attempt to sell the property. Appellee sent a realtor to inspect and prepare the property (R-index p.70, 71, 72, 78).

hh. Appellants' response in opposition (R-index 74, 75 p.1430-1470) Appellee did send perspective buyers to view the property. Appellants' posting of the notice of *lis pendense* and notice of appeal on the property served as a deterrent and also provided protection for perspective buyers in accordance with O.C.G.A. § 23-1-19 "protection for sale to one without notice,"[28] and O.C.G.A. § 23-1-18 "pending action as notice,"[29] and O.C.G.A. § 23-1-16 "he who takes with notice of equity is subject to that equity."[30]

ii. Appellants' did not pose any substantial threat to Appellee.

WHEREFORE, for all the facts, errors and arguments stated herein, Appellants' respectfully request that the Court perform a *de novo* review referring to the trial court's records to determine the facts and rule on the evidence and matters of law without giving deference to the court's findings. This appeal involves questions of law concerning the nature of a supersedeas bond and the trial courts

entry of an order to pay bond. This court must review the record *de novo* and apply a plain legal error standard of the law. "When a question is at issue,.....we owe no difference to the trial court's ruling and apply the plain legal error standard of review." *Amstead v. McFarland, 632 S.E. 2d 707, 279 Ga. App. 765 (Ga. App., 2006)*[31]

Respectfully submitted this 3 day, September 2014,

By:

Sean D. Langshaw, Pro Se

Wanja Njoka-Langshaw, Pro Se

15. *Decision One Mortgage Company, LLC v. Victor Warren Properties, Inc., 696 S.E. 2d 145, 304 Ga. App. (2010)*

16. O.C.G.A. §23-1-17

17. O.C.G.A. §23-2-29

18. O.C.G.A. § 23-2-32(b)

19. *Potter's Properties, LLC v. VNS Corporation, 703 S.E. 2d 79, 306 Ga. App. 621 (2010)* strangers to lawsuits ordinarily are not allowed to intervene

20. O.C.G.A. 44-14-64

21. O.C.G.A. § 44-14-30

22. *Gordon v. South Central Farm Credit, ACA 446 S.E.2d 514, 213 Ga. .App. at 817.18*

23. O.C.G.A. § 13-4-4

24. O.C.G.A. § 44-14-33

25. O.C.G.A §10-3-1

26. O.C.G.A. § 23-2-32(b)

27. O.C.G.A. §44-14-160 *Lis Pendense*

28. O.C.G.A. § 23-1-19

29. O.C.G.A. § 23-1-18

30. O.C.G.A. § 23-1-16

31.*Amstead v. McFarland, 632 S.E. 2d 707, 279 Ga. App. 765 (Ga. App., 2006)*

IN THE COURT OF APPEALS STATE OF GEORGIA

APPEAL CASE NUMBER: A15A0008 Docketed: August 18, 2014
2012CV225084

STYLE: SEAN D. LANGSHAW et al. v. LPP Mortgage, LTD

CERTIFICATE OF SERVICE

THE UNDERSIGNED APPELANTS, Sean D. Langshaw and Wanja Njoka Langshaw hereby certifies that they have caused on this day the forgoing **APPELLANTS' BREIF** to be served upon counsel for the Appellee **by STATUTORY ELECTRONIC DELIVERY** and depositing a copy of the same in an envelope with sufficient postage paid to ensure first class delivery to:

Edward D. Burch Jr
John F. Weeks IV
Smith, Gambrell & Russell
Promenade, Suite 3100
1230 Peachtree Street, N.E.
Atlanta, GA 30309

Counsel for the Appellee at his last known office address

This 8 day of September, 2014

Sean D. Langshaw, Pro Se

Wanja Njoka Langshaw, Pro Se

Court of Appeals of Georgia

September 10, 2014

TO: Mr. Mack Henry Lott, GDC86015, Macon State Prison, Post Office Box 426, Oglethorpe, Georgia 31068

RE: **A14D0021. Mack Henry Lott v. Ralph Kemp, Warden, et al.**

CHECK RETURN

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

CASE STATUS - DISPOSED

☑ Your appeal was dismissed. The remittitur date is June 5, 2014. The order consists of two pages. 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 exactly what copies you want to 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

CASE STATUS - PENDING

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

APPLICATION FOR PERMISSION TO APPEAL A PROBATION REVOCATION

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

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

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

mr mack Henry Lott 81615
Macon State Prison
P O Box 426
oglethorpe Georgia 31068
Date 8/29/14

Letter to Clerk

Attention Clerk of the Court of Appeals of Georgia
on Aug 22 2014 the Supreme court of Georgia
2246 washington street Room 572
@ return legal Document For Lotts Further Use
@ the remitter was returned to the Court of Appeals
on June 5 2014 Case No S14C0688 Supreme Court
Mack Henry Lott v Ralph Kemp et al
Clerk
therese S Barnes

mr Mack Henry Lott
Lott is requesting the Disposition

Court of Appeals of Georgia

September 10, 2014

TO: Mr. David Lewis, GDC105557, Georgia Diagnostic and Classification Center, State Prison, Post Office Box 3877, Jackson, Georgia 30233

RE: **A14A2132. David T. Lewis v. The State**

CHECK RETURN

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

CASE STATUS - DISPOSED

☐ Your appeal was disposed by opinion (order) on _____. The Court of Appeals _____. The remittitur issued on _____, divesting this Court of any further jurisdiction of your case. The case is therefore, final.

CASE STATUS - PENDING

☑ **The above referenced appeal is the only pending appeal in your name before this Court. The appeal was docketed in the September 2014 Term and a decision must be rendered by the Court by the end of the January 2015 Term which ends on April 14, 2015.**

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.**

The Appellant's Brief contains 18 pages
The Appellee's Brief contains 9 pages

Please send your check or money order to the following address specifying exactly what copies you want to 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

Date - 8/29/2014

To: Court of Appeals of Ga
47 Trinity Ave. S.W. Suite 501
Atlanta Ga. 30334

From: David Lewis 105557
GDCP
P.O. Box 3877
Jackson Ga. 30233

Appeal Case Number: A14A2132
Style - David T Lewis v. The State
Date of Docketing - July 22, 2014

I have attempted to contact my attorney on record, several times. I have been trying to get my questions answered, to determine if my briefs have been filed, and to get a copy of my briefs. He refuses all of the aforementioned, and I am in the process of filing a grievance with the State Bar. It is important that I get a copy of my briefs to make sure that all of my critical appeal points are within the brief. Since my attorney on record is refusing to do so, Can the Ga. Court of Appeals answer my questions, tell me if the briefs have been filed on time, and send me a copy of said briefs? Is it also possible to get a continuance in order to seek co-counsel?

Sincerely,

David Lewis

(2)

Cc. Attorney on Record
Adam Hames
The Hames Law Firm LLC
511 East Paces Ferry Rd. NE.
Atlanta Ga.
30309

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

September 11, 2014

Mr. Byron Tillis
431 Green Leaf Road
Conyers, Georgia 30013

RE: A14A1483. Byron Tillis v. The State

Dear Mr. Tillis:

I am in receipt of the Motion for Reconsideration filed by you in the above appeal. We are unable to docket the Motion for Reconsideration because it does not contain a Certificate of Service showing service to opposing counsel.

Also, your appeal was disposed by opinion on August 6, 2014. The Court of Appeals affirmed the judgment of the trial court. The remittitur issued on August 21, 2014, divesting this Court of any further jurisdiction of your appeal. The appeal is therefore, final.

Sincerely,

Steph E. Castl

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

SEC/ld
Enclosure

COURT OF APPEALS OF GEORGIA

APPEAL CASE NUMBER [A14A1483]

Motion for reconsideration

Come now Byron TILLIS BEFORE GEORGIA COURT OF APPEALS

ASKING FOR RECONSIDERATION FOR TRIAL COURT NOT OPERATING WITH CLEAN HANDS THE POINTS I RASIED IN MY BREIF WAS NOT REBUTTED WITH THE TRUE FACTS OF THE TRUE COURT RECORD OF WHAT WAS SAID IN THE TRIAL COURT BY BYRON TILLIS AND LESLIE LATHAM DA JUDGE. I AM SEEKING A NEW FAIR TRIAL TO BE HEARD WITH OUT BEING THREATENED BY JUDGE AND DA THE RIGHT TO CALL WITHNESS AND CONFRONT WITNESS I PREVIOUSLY SENT A MOTION FOR TO GEORGIA COURT OF APPEALS THAT WAS LOST OR THROWN AWAY AND NOT FILED INTO THE RECORD THIS IS MY SECOND NOTICE

Byron Tillis

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

September 11, 2014

Edward T. Riley
GDC570139
Smith State Prison
Post Office Box 726
Glennville, Georgia 30427

Dear Mr. Riley:

As per my letter to you dated September 8, 2014, you will need to discuss with your legal representative any newly discovered evidence in the State of Florida and how it should be handled. I am returning your documents to you.

Sincerely,

Stephen E. Castlen

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

SEC/ld
Enclosures

Court of Appeals, STATE of Georgia

A14A1879, Ridley V. The State
9/6/14

Clerk

Here is original letter I had faxed to Governor Rick Scott office of Fla. to file a complaint against FDLE for the attached Exhibit B where they intentionally with corrupt and malice motive left out 794.011 where they probably sent DA, Judge have an internet false information where on page 2 F.S. 943.0435 where at top had arrow where they correptly left out the sentence where in cases similar to 794.011 refer to 800.04(5) crimes against minors. Only to cover up them placing me on Fla sex offender registery illegal. The Governor office sent me the correct statute with all information about who is legally required under Fla. 943.0435. This must be part of record I will have my wife to foward to you or bring by your office a copy I sent to Cordele in which I believe as well as you Cordele want send to you Filed in good faith This 6th day of September 2014

Thank you

See Exhibit B
Attached

Mr. Edward Tyrone Ridley 570139

Mr Edward Tyrone Ridley, 570139
Smith State Prison
P.O. Box 726
Glennville, GA. 30427

Certificate of Service

I Edward T. Ridley do hereby declare that I have served a copy of Exhibit B, upon the State 13R-149 letter and illegal statute from FDLE, Fla., and will have commonw law wife Sabrena L. Thomas Cell 229-591-6185 mail or bring by your office a copy of Governor Cavor letter, letter to Clerk with Certificate of service on Bradford Rigby. To below

1 Bradford Rigby
Assistant District Attorney
Crisp Co. Courthouse
510 North 7th Street
P.O. Box 5510
Cordele, GA. 31015
Executed this 6th day of September 2014

Sincerely
Mr. Edward Jerome Ridley
Pro se appellant

Clerk, 8/6/14

Hello,

Is there any way possible you can tell me when will they rule on my emergency motions I see nowhere in rules of Court that refer to time spand. As I said in prior letter I will not file anymore repetative litigation in this case as Court abused me. I'm just concerned becuse the record clearly show I was maliciously prosecuted, fasly imprisoned placed on 42-1-12 - and Fla. 943.0435, illegally I assumed you hadled these such cases as of urgent reguard since liberty is at had. The person in Fla. on Dec. 12, 1995 was 20 not a minor as 42-1-12 or 943.0435, 800.05(4) Fla. require, I never went before a Judge in Clio Ala. on 6/30/11 for extradition, nor a governor warrant was served nor did I go before a Extradition Judge. This Court ruled in several cases a Plea is a Contract Brown v. State (2013), Ewell v. State, New law do apply to old cases. sever others wrote in good faith

Sincerely

Mr. Edward Lyons Ridley 570139

Mr Edward Lyons Ridley, 570139

Smith State Prison

P.O. Box 724

Glennville, Ga. 30427

Page 1 of 1

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS

September 11, 2014

To: Ms. Nadine Marie Jackson-Rone, 5560 Fisherman Court, Villa Rica, Georgia 30180

Docket Number: **Style: Nadine Marie Jackson-Rone v. JP Morgan Chase Bank, N.A.**

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

FILED
GA. CARROLL COUNTY
CLERK _____ COUR
2014 SEP -8 PM 4:27
Alan J. Lee
CLERK SUPERIOR COURT
CARROLL COUNTY GEORGIA

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

NOTICE OF APPEAL

IN THE _____ (SUPERIOR, STATE, ETC.) COURT

OF Carroll COUNTY

STATE OF GEORGIA

PLAINTIFF Nadine Marie Jackson-Rone	*	CASE NUMBER 13CV01637
vs.	*	
DEFENDANT JP Morgan Chase Bank Johnson & Freedman LLC	*	

NOTICE OF APPEAL

Notice is given that Nadine Marie Jackson-Rone (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 11th day of August, 2014.

The clerk shall omit nothing from the record (omit nothing from the record on appeal/will omit from the record on appeal the following: _____.)
A transcript of evidence and proceedings will not (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 forced sale act 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 Johnson and Freedman Esq. (opposing party or attorney) with a copy of this Notice of Appeal by mailing (hand delivery/mailing a copy first class mail/postage prepaid) to him/her at: _____ (complete address of party served)

This the _____ day of September 2014.

_____ (Sign your name.)

RECEIVED IN OFFICE
2014 SEP 10 PM 1:19
CLERK COURT ADMINISTRATOR
COURT OF APPEALS OF GA

FILED
GA. CARROLL COUNTY
CLERK COUR

IN THE SUPERIOR COURT OF CARROLL COUNTY
STATE OF GEORGIA

2014 SEP -8 PM 4:59

Alan J. Lee
CLERK SUPERIOR COURT
CARROLL COUNTY GEORGIA

NADINE MARIE JACKSON-RONE	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CIVIL ACTION
	)	File No. 12-CV-00593
FAIRFIELD PLANTATION PROPERTY OWNERS ASSOCIATION, INC., et al.	)	
	)	
Defendant.	)	

MOTION FOR DEFAULT

Comes now the Plaintiff and moves this court for an Order of Default against Defendant Fairfield Plantation POA Inc., et, al and states that Defendant failed To file a Timely Response to The Complaint Filed on April 01, 2012 in the Carroll County Superior Court Clerk's Office (SEE EXHIBIT- A).

This 08th day of September, 2014

Nadine Marie Jackson-Rone

RECEIVED IN OFFICE
2014 SEP 10 PM 1:20
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

IN THE SUPERIOR COURT OF CARROLL COUNTY
STATE OF GEORGIA

NADINE MARIE JACKSON-RONE	)	
Plaintiff,	)	
vs.	)	CIVIL ACTION
	)	File No. 12-CV-00593
FAIRFIELD PLANTATION PROPERTY OWNERS ASSOCIATION, INC., et al.	)	
Defendant.	)	

RESPONSE TO DEFENDANT'S MOTION FOR SUMMARY JUDGMENT
STATEMENT OF MATERIAL FACTS AND THEORY OF RECOVERY

COMES NOW plaintiff in the above-styled action and files his/her response to the defendant's Statement of Material Facts and Statement of Theory of Recovery as follows:

I.

Plaintiff responds to each numbered paragraph of defendant's Statement of Undisputed Facts and Statement of Theory of Recovery as follows:

1. Plaintiff admits the facts contained in paragraph 1.
2. Plaintiff admits the facts contained in paragraph 2.
3. Plaintiff denies the facts contained in paragraph 3.
4. Plaintiff denies the facts contained in paragraph 4.
5. Plaintiff admits the facts contained in paragraph 5.
6. Plaintiff denies the facts contained in paragraph 6.
7. Plaintiff admits the facts contained in paragraph 7.
8. Plaintiff admits the facts contained in paragraph 8.

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS
Date: September 11, 2014

To: Charles M. Medlin, Esq., Bovis Kyle Burch & Medlin, LLC, 200 Ashford Center North, Suite 500, Atlanta, Georgia 30338

Docket Number: A14A2325 **Style:** Sharla Gaye Odom v. James Wendell Brown, 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 **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 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 Court must have original signatures on all paper filings.**

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

ORIGINAL

IN THE COURT OF APPEALS

STATE OF GEORGIA

FILED IN OFFICE
SEP 10 2014
COURT CLERK
CLERK COURT OF APPEALS OF GA

SHARLA GAYE ODOM,	)	
	)	
Appellant,	)	Appeal No: A14A2325
	)	
v.	)	
	)	
JAMES WENDELL BROWN, JR.,	)	
	)	
Appellee.	)	

NOTICE OF SUBSTITUTION OF COUNSEL

Charles M. Medlin
Georgia Bar No. 500688

BOVIS, KYLE, BURCH, & MEDLIN, LLC
200 Ashford Center North, Suite 500
Atlanta, Georgia 30338-2668
(770) 391-9100
(770) 668-0878 (fax)

Attorney for Appellee
James Wendell Brown, Jr.

RECEIVED IN OFFICE
2014 SEP 10 PM 3:00
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

IN THE COURT OF APPEALS

STATE OF GEORGIA

SHARLA GAYE ODOM,	)	
	)	
Appellant,	)	Appeal No: A14A2325
	)	
v.	)	
	)	
JAMES WENDELL BROWN, JR.,	)	
	)	
Appellee.	)	

NOTICE OF SUBSTITUTION OF COUNSEL

Please substitute Charles McCall Medlin, Esq. for Melanie M. Norvell, Esq. as counsel for the Appellee in this case. Substitute counsel's address, telephone numbers, and Bar numbers are as follows:

Charles McCall Medlin, Esq.
Georgia Bar No. 500688
Bovis, Kyle, Burch & Medlin, LLC
200 Ashford Center North, Suite 500
Atlanta, Georgia 30338-2668
770-391-9100 (telephone)
770-668-0878 (facsimile)

All future pleadings, notices, correspondence, and documents of any kind should be served upon substitute counsel.

Respectfully submitted this 9th day of September, 2014.

/s/

CHARLES M. MEDLIN, ESQ.
Georgia Bar No. 500688
cmm@boviskyle.com
Attorney for Appellee

BOVIS, KYLE, BURCH & MEDLIN, LLC
200 Ashford Center North, Suite 500
Atlanta, GA 30338-2668
770-391-9100 (telephone)
770-668-0878 (facsimile)

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the within and foregoing **Notice of Substitution of Counsel** has been furnished to the below-named addressees via email and by depositing a copy of the same in the United States Mail with sufficient postage affixed thereon as follows:

Tamar Faulhaber
Faulhaber Family Law, LLC
3780 Mansell Road, Suite 450
Alpharetta, GA 30022
tamar@tfamilylaw.com

This 9th day of September, 2014.

/s/

CHARLES M. MEDLIN, ESQ.
Georgia Bar No. 500688
cmm@boviskyle.com
Attorney for Appellee

BOVIS, KYLE, BURCH & MEDLIN, LLC
200 Ashford Center North, Suite 500
Atlanta, GA 30338-2668
770-391-9100 (telephone)
770-668-0878 (facsimile)

BOVIS KYLE
BOVIS, KYLE, BURCH & MEDLIN
ATTORNEYS AT LAW
200 ASHFORD CENTER NORTH
SUITE 500
ATLANTA, GEORGIA 30338-2668

CHARLES MCCALL MEDLIN, ESQ.
DIRECT 678.338.3909

TEL 770.391.9100
FAX 770.668.0878

September 9, 2014

Stephen E. Castlen, Clerk
Court of Appeals of Georgia
47 Trinity Avenue SW, Suite 501
Atlanta, GA 30334

Re: *Sharla Gaye Odom v. James Wendell Brown, Jr.*
In The Court of Appeals, State of Georgia; Appeal No. A14A2325
Our File No: 2679-0009

Dear Mr. Castlen:

Enclosed please find the original and two (2) copies of our **Notice of Substitution of Counsel** in the above-referenced case. Please file the original with the Court, and return the file-stamped copies to my attention in the enclosed self-addressed stamped envelope.

Thank you for your assistance with this matter.

With kind regards.

Sincerely yours,

Charles M. Medlin

CMM/jak
Enc: 1. Notice of Substitution of Counsel (original + 2 copies);
2. S.A.S.E.

cc w/enc: 1. James Wendell Brown, Jr.;
2. Tamar Faulhaber, Esq.

1643474.1

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

September 13, 2013

To: Mr. Folasade A. Olutayo-Togun, 5494 Cobb Meadow, Norcross, Georgia 30093

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 _____. 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

IN THE COURT OF APPEAL OF GEORGIA
STATE OF GEORGIA

FOLASADE A. OLUTAYO-TOGUN,	:	
Appellant,	:	
vs.	:	**APPEAL CASE FILE NO. A-12104355**
JULIE CHUNG,	:	
Appellee.	:	

NOTICE OF APPEAL

COMES NOW FOLASADE A. OLUTAYO-TOGUN, Appellant and tenders Appellant's Notice of Appeal of the Judgment entered by the Georgia Court of Appeals on November 29, 2011, to the Georgia Supreme Court. Appellant hereby directs that the Clerk of the Georgia Court of Appeals all records to the Clerk of the Georgia Supreme Court.

Respectfully submitted,

FOLASADE A. OLUTAYO-TOGUN
Appellant, In Propria Persona
5494 Cobb Meadow
Norcross, GA 30093

Certificate of Service

I hereby certify that I have served a true and accurate copy of the foregoing Notice of Appeal upon Michael R. Dunham, Attorney for Appellee, Gibson, Deal, Fletcher and Dunham, P.C., 3953 Holcomb Bridge Road, Suite 200, Norcross, GA 30092, by placing a copy of the same into an envelope with sufficient postage to ensure delivery and placing the same into the United States Mail this 19th day of December, 2011.

FOLASADE A. OLUTAYO-TOGUN

Appellant
5494 Cobb Meadow
Norcross, GA 30093

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

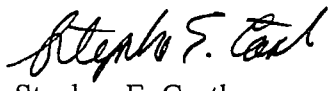
September 17, 2014

Mr. Byron Tillis
431 Greenleaf Road
Conyers, Georgia 30013

Dear Mr. Tillis:

Your appeal was disposed by opinion on August 6, 2014. The Court of Appeals affirmed the judgment of the trial court. The remittitur issued on August 21, 2014, divesting this Court of any further jurisdiction of your appeal. The appeal is therefore, final. I am returning your Motion for Reconsideration to you.

Sincerely,



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

SEC/ld
Enclosure

Motion for reconsideration

Case # A14A1483

Come now Byron Tillis before Georgia court of appeals the record that was sent from the trial court I stated clearly to the judge I felt forced to make a plea also my attorney implied that I felt threatened its clear that this was unfair the trial court did not operate with clean hands neither is Georgia court of appeals by offering me a fair trial at minimum I have not been afforded that opportunity I hope we can resolve the issue without going to the united states department of justice mrs latham proved the prosecutor to be a lie in the record she responded I did not say that if she didn't who did inconsistencies with trial court is clear in the record im asking the Georgia court of appeals for a new and fair trial without threats and duress

Byron Tillis
4001-207

I BYRON TILLIS PRO SE PARTY DO HEREBY CERTIFY THAT I HAVE THIS DAY SERVED THE CERTIFICATE OF SERVICE ON THE INDIVIDUALS LISTED BELOW BY MAILING A COPY OF THE SAME TO THEM BY US MAIL IN EVELOPES HAVING SUFFICENT POSTAGE THERE ON TO INSURE DELIVERY UNLESS OTHERWISE NOTED

NEWTON COUNTY CLERK OF SUPERIOR COURT

1132 USHER STREET

COVINGTON GA 30014

THIS 11 DAY OF SEPTEMBER 2014

SAMUEL D OZBURN

SUPERIOR COURT JUDGE

1132 USHER STREET ROOM 214

COVINGTON GA 30014

UCC 1-207

Court of Appeals of Georgia

September 17, 2014

TO: Mr. David W. Price, GDC1000606341 D-3-29, Autry State Prison, Post Office Box 648, Pelham, Georgia 31779

RE: **A13A2340. David Price 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.**

Appellant's Brief	-	10 pages	-	$15.00
Opinion	-	9 pages	-	$13.50

Please send your check or money order to the following address specifying exactly what copies you want to 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

Clerk Of Court

Court Of Appeals Of Georgia

Suite 501

47 Trinity Avenue

Atlanta, Georgia 30334

September 9, 2014

"Urgent"

RE: State Of Georgia V. David W. Price, Appeal No. A13A2340

Dear Clerk:

Recently I experienced a prison shakedown where 90% of my legal files were either lost or destroyed, which included my Appellate Brief and this Court's decision in reference to the above-mentioned case.

Will the Clerk be so kind as to inform me, at the earliest date possible, the exact fee, plus S&H, that I may obtain a copy of my Appellate Brief and a copy of the Court's decision in reference to the above-mentioned case.

Thanking you in advance for your assistance in this matter. If there are any questions please contact me at the adress below.

Sincerely,

David W. Price

David W. Price, #1000606341
Autry State Prison, D-3 #29
3178 Mount Zion Church Road
P.O. Box 648
Pelham, Georgia 31779

cc: U.S. Dist. Ct.

Mr. G. A. White, Esq.

File

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

September 17, 2014

Mr. Frankie Lee Phillips
473 Harman Road
Carrollton, Georgia 30117

RE: A13A1229. Frankie Lee Phillips v. The State

Dear Mr. Phillips:

This Court is in receipt of your United States Postal Service money order #22178868096 in the amount of $80.00 assumably to pay the fees in the only appeal styled in your name in this Court since no letter was enclosed. The above appeal affirmed the judgment of the lower court on August 21, 2013. The remittitur issued on September 25, 2013. A pauper's affidavit was filed. You do not owe this Court any fees.

As per my letter to you dated May 27, 2014, there still is no current appeal styled in your name in this Court.

I am returning your money order to you.

Sincerely,

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

SEC/ld
Enclosure

UNITED STATES POSTAL SERVICE®

POSTAL MONEY ORDER

Serial Number: 22178868096

Year, Month, Day: 2014-09-12 | Post Office: 301170 | U.S. Dollars and Cents: $80.00

Amount: EIGHTY DOLLARS & 00¢ **********

Pay to: Court of Appeals of Georgia

Clerk: 0007

Address: 47 Trinity Avenue Suite 501 Atlanta Ga 30334

From: Frankie Lee Phillips

Address: 473 Harmon Rd Carrollton Ga. 30117

Memo: A14A2201

SEE REVERSE WARNING • NEGOTIABLE ONLY IN THE U.S. AND POSSESSIONS

⑆00000800 2⑈ 22178868096⑈

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

September 17, 2014

To: Mr. Anthony Reese, GDC656563, Valdosta Transitional Center, 363 Gilharbin Industrial Boulevard, Valdosta, Georgia 31601

Case Number: _____ Lower Court: County Superior Court

Court of Appeals Case Number and Style: _____

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

☑ **There is no case pending in the Court of Appeals of Georgia under your name.**

☑ **A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37. Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.**

☑ **The Notice of Appeal must include a proper Certificate of Service. A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.**

☐ **An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.

☐ **An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.

☐ **Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____. The remittitur issued on _____ divesting this Court of jurisdiction. The case decision is therefore final.

☐ **Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the is:

☐ **If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.

☐ **A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

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

IN THE SUPERIOR COURT OF EVANS COUNTY
STATE OF GEORGIA

ANTHONY K. REESE
Plaintiff,

VS

GEORGIA DEPARTMENT OF CORRECTIONS AND R.H. TIPPINS EVANS COUNTY SHERIFF,
Defendants,

Civil Action No.
2014-V-048

NOTICE OF APPEAL

Notice is hereby given that Anthony K. Reese plaintiff, hereby Appeal to the Georgia Court of Appeals from the Judgement of Order entered herein on August 1st, 2014 on Evans County Sheriff R.H. Tippins Motion To Dismiss. The clerk will please transmit the entire case Index of Records, on appeal, including the PETITION FOR MANDAMUS filed in case. Nothing should be omitted from the record on appeal.

The Georgia Court of Appeals has Jurisdiction of the appeal pursuant to Article VI, Section V, Paragraph III of the Georgia Constitution 1983.

Respectfully Submitted this 8th day of August 2014.

Plaintiff, Anthony K. Reese
PRGSE

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 on envelope, and with sufficient postage affixed, in the U.S. Mail, and on this day mailed to the party(s) as follows:

Kathy P. Hendrix
Evan County Clerk of Superior Court
P.O. Box 845
Claxton, Ga 30417

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

Georgia Department of Corrections
P.O. Box 1529
Forsyth, Ga. 31029

R.H. Tippins
Evans County Sheriff
P.O. Box 425
Claxton, Ga 30417

This the [redacted] day of [redacted], 2014

Anthony Reese PRO SE

GDC#656563

NIKIA S. WOODBURY
NOTARY
MY COMM. EXPIRES MAR. 14, 2017
PUBLIC
WARE COUNTY, GEORGIA

Nikia S. Woodbury

Sworn to and subscribed before me this 9/8/14

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS

September 17, 2014

To: Grady A. Roberts, Esq., Roberts Law, 94 Howell Street, N.E., Atlanta, Georgia 30312

Docket Number: **Style:** **Ronnette E. Carby, et al. v. U.S. Bank National Association**

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)**

   Please Note: The application is being filed from a verbal order instead of a signed order from the judge Rule 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 GEORGIA COURT OF APPEALS

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR MORGAN STANLEY MORTGAGE LOAN TRUST 2006-15XS, MORGAGE PASS THROUGH CERTIFICATES, SERIES 2006-15XS,

Plaintiff/Appellee

v.

CALEB MICHAEL CARBY, RONNETTE ELIZABETH CARBY AND/OR TENANTS,

Defendants/Appellants

ON APPEAL F
OF G
ST
Civil A

APPLICATION F

GR
Geor
R
9
At

404-794-7000 (Phone)

404-794-7001 (Fax)

Returned once before with the same reason.

This application is filed from a verbal order instead of a signed order by the Judge.

Rule 31(e)

IN THE COURT OF APPEALS

STATE OF GEORGIA

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR MORGAN STANLEY MORTGAGE LOAN TRUST 2006-15XS, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-15XS. Plaintiff/Appellee, Vs. CALEB MICHAEL CARBY, RONNETTE ELIZABETH CARBY AND/OR TENANTS, Defendant/Appellant.	Appeal No. _____

APPLICATION FOR DISCRETIONARY APPEAL

I. JURISDICTIONAL STATEMENT

This Court has jurisdiction over this Discretionary Appeal because it is not a matter that The Supreme Court of Georgia has exclusive jurisdiction over. The Court of Appeals shall be a court of review and shall exercise appellate and certiorari jurisdiction in all cases not reserved to the Supreme Court or conferred on other courts by law. The decisions of the Court of Appeals insofar as not in conflict with those of the Supreme Court shall bind all courts except the Supreme Court as precedents. (Ga. Const. art. VI, § 5, ¶ III).

Reversible error appears to exist, resulting in this Discretionary Appeal.

II. STANDARD FOR GRANTING DISCRETIONARY APPEAL

Pursuant to Rule 31 Discretionary Applications.

(a) An application for leave to appeal a final judgment in cases subject to appeal under OCGA § 5-6-35 shall be granted only when:

(1) Reversible error appears to exist; or

(2) The establishment of a precedent is desirable.

Applicant, RONNETTE E. CARBY, contends that "reversible error appears to exist". The following contents of this Application shows that the trial Court has ignored both the rulings of this Honorable Court, as well as the Rulings of Supreme Court of Georgia.

Applicant has attached a stamped filed copy of the trial court's Order: Verbal Order of August 4, 2014.

III. APPLICATION

RONNETTE E. CARBY, Applicant, applies to this court as follows:

(1) To issue an order granting the application for appeal from the verbal Order dated August 4, 2014 Honorable Judge Tangela M. Barrie presiding in the case styled **U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR MORGAN STANLEY MORTGAGE LOAN TRUST 2006-15XS, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-15XS VS CALEB MICHAEL CARBY, RONNETTE ELIZABETH CARBY AND/OR TENANTS CASE NO. 14-M-04232**, this verbal Order having granted a Writ of Possession in violation of Appellant's rights.

(2) Applicant shows that jurisdiction is proper in this Court pursuant to the discretionary appeals procedure of O.C.G.A. § 5-6-35(a)(1). The filing of an application for discretionary review acts as a supersedeas and has the effect of depriving the trial court of jurisdiction to enforce, modify or alter its judgment. *Department of Human Resources v. Holland, 236 Ga App. 273, 274, 511 S.E.2d 628 (1999).* Thus, after the filing of the application in this Court, the trial court is divested of jurisdiction to rule or further impact this matter.

(3) This application of appeal is filed within 7 days of being made aware of the entry of the order. The Applicant did not receive a file stamped copy of the order because the order was issued verbally. The courts have refused to provide a written

copy of the verbal order granting the Writ of Possession. See Court docket annexed which references a writ received by Gwinnett Sheriff's office. Applicant was only made aware of order when the Gwinnett County Sheriff's office showed up to her home to enforce the Writ of Possession.

(4) Copies of all pertinent documents have been attached to this application as exhibits including a copy of the Magistrate Court of Gwinnett County Docket.

(5) Applicant submits that an appeal should be granted because of the following:

a. The Magistrate Court of Gwinnett County erred in entering the Order granting the Writ of Possession as Applicant was not properly served. "Where no copy of summons was mailed to defendant in suit in which plaintiff with a security interest in defendant's personal property sought to foreclosure on such property and in which service of complaint was made by tacking it on door of premises, trial court had acquired no jurisdiction over defendant..." "Since no copy of the summons was mailed to appellant, the trial court was devoid of jurisdiction. The courts have strictly construed service of process requirements, as "notice is the very bedrock of due process." See *McGowan v. W.S. Badcock Corp., 144 Ga. App. 255 (1977)*

b. The Magistrate Court of Gwinnett County erred in forwarding Oral order for Writ of Possession from Appellee's Request for Writ of Possession filed August 1, 2014. An Oral determination ordinarily has no effect upon and does not begin the time for the filing of motions or appellate pleadings but because of the subject matter at bar, the court's refusal to put the oral order in writing and the imminent adverse effect the Applicant will suffer if the Gwinnett Sherriff is allowed to enforce the writ of possession, it is necessary for the Applicant to file this Application for Discretionary Appeal. See *State v Lynch, 286 Ga. 98, 99, 686 S. E. 2d 244 (2009)*

(6)Applicant respectfully shows that if this Honorable Court declines the appeal of this matter and the trial court's ruling will be permitted to stand, and such would be a miscarriage of justice because the applicant will be burdened with eviction, required to pay money she does not owe, lose possession to property that is rightfully in her possession, denied the right to a jury trial, and will have been improperly denied the legal right to appellate review in this matter.

This 5th day of September, 2014.

Respectfully submitted,

GRADY A. ROBERTS, III
ATTORNEY FOR
APPELLANT
GEORGIA BAR NO.: 609540
ROBERTS LAW LLC
94 Howell St N.E.
Atlanta, Georgia 30312
404-794-7000
404-794-7001

IN THE COURT OF APPEALS

STATE OF GEORGIA

U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR MORGAN STANLEY MORTGAGE LOAN TRUST 2006-15XS, MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-15XS. Plaintiff/Appellee, Vs. CALEB MICHAEL CARBY, RONNETTE ELIZABETH CARBY AND/OR TENANTS, Defendant/Appellant.	Appeal No. _____

CERTIFICATE OF SERVICE

This is to certify that I have on this day served a copy of the attached *Application for Discretionary Appeal* to counsel for Appellee by depositing said document into the United States Mail with adequate postage affixed thereto and addressed a follows:

Richard Maner
Richard Maner, P.C.
Building D, Suite 100
5775 Glenridge Drive
Atlanta, GA 30328

This 5th day of September, 2014.

Respectfully submitted,

GRADY A. ROBERTS, III
ATTORNEY FOR APPELLANT
GEORGIA BAR NO.: 609540
ROBERTS LAW LLC
94 Howell St N.E.
Atlanta, Georgia 30312
404-794-7000
404-794-7001

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

September 18, 2014

To: Patricia A. McKenzie, Esq., 306 South Perry Street, Lawrenceville, Georgia 30046

Case Number: _____ Lower Court: County Superior Court

Court of Appeals Case Number and Style: _____

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

☐ There is no case pending in the Court of Appeals of Georgia under your name.

☑ **A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37. Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.**

☐ **The Notice of Appeal must include a proper Certificate of Service.** A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.

☐ **An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.

☐ **An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.

☐ **Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____. The remittitur issued on _____ divesting this Court of jurisdiction. The case decision is therefore final.

☐ **Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the is:

☐ **If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.

☐ **A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

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

LAW OFFICES OF PATRICIA A. MCKENZIE
www.attorneypatmck.com

September 15, 2014

VIA U.S. MAIL
Court of Appeals of the State of Georgia
Clerk of Court
47 Trinity Avenue S.W., Suite 501
Atlanta, GA

RE: Courtney Howard vs. Debra Bennett
Case No.: 14 A 50045

Dear Sir/Madam:

Please find enclosed **Notice of Appeal** and **Certificate of Service** for filing regarding the above mentioned case.

If you should have any questions or concerns, please do not hesitate to contact our office.

Sincerely,

Patricia A. McKenzie, Esq.
Attorney at Law

306 S. PERRY STREET · LAWRENCEVILLE, GA 30046
770.910.7161 O · 678.254.1793 F ·

IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA

COURTNEY HOWARD	)	
	)	CIVIL ACTION FILE NO:
Plaintiff,	)	
vs.	)	14 A 50045
	)	
DEBRA BENNETT	)	
	)	
Defendant.	)	
	)	

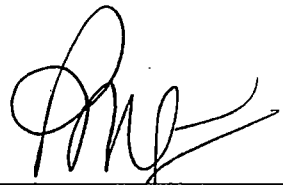
NOTICE OF APPEAL

Notice is hereby given that the above-named Plaintiff, Courtney Howard hereby appeals to the *Court of Appeals* from the Order entered in this action on August 18, 2014, granting Defendant's Motion for Sanctions/Attorney Feess.

The clerk will please omit nothing from the record on appeal. No transcripts are needed.

The Court of Appeals has jurisdiction over this case on appeal pursuant to O.C.G. A. § 5-6-34 (a) and Art. VI, Sec. V, Para. III and Art. VI, Sec. VI, Para. I through VI of the 1983 State Constitution.

This the 15th day of September, 2014.



Patricia A. McKenzie
Georgia Bar No.: 558327
Attorney for Plaintiff

Law Offices of Patricia A. McKenzie
306 South Perry Street
Lawrenceville, GA 30046
770-910-7161

IN THE STATE COURT OF DEKALB COUNTY
STATE OF GEORGIA

COURTNEY HOWARD	)	
	)	CIVIL ACTION FILE NO:
Plaintiff,	)	
vs.	)	14 A 50045
	)	
DEBRA BENNETT	)	
	)	
Defendant.	)	
	)	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the within and foregoing

PLAINTIFF'S NOTICE OF APPEAL

upon all parties to this matter by hand delivery and/or electronic mail and/or depositing a true copy of same via hand delivery and/or via email, proper postage prepaid, addressed to counsel of record as follows:

emermelstein@cmlawfirm.com
Evan R. Mermelstein, Esq.
Cruser & Mitchell, LLP
Meridian II, Suite 2000
275 Scientific Dr.
Norcross, GA 30092

This the 15th day of September, 2014.

Patricia A. McKenzie
Georgia Bar No.: 558327
Attorney for Plaintiff

Law Offices of Patricia A. McKenzie
306 South Perry Street
Lawrenceville, GA 30046
770-910-7161

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

September 18, 2014

To: Mr. Joseph Mahaffey, GDC1293114, Georgia State Prison, 2164 Georgia Highway 147, Reidsville, Georgia 30499

Case Number: _____ Lower Court: County Superior Court

Court of Appeals Case Number and Style: _____

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

☑ **There is no case pending in the Court of Appeals of Georgia under your name.**

☑ **A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37. Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.**

☑ **The Notice of Appeal must include a proper Certificate of Service. A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.**

☐ **An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.

☐ **An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.

☐ **Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____. The remittitur issued on _____ divesting this Court of jurisdiction. The case decision is therefore final.

☐ **Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the is:

☐ **If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.

☐ **A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

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

IN THE SUPERIOR COURT OF HALL COUNTY
IN THE STATE OF GEORGIA

JOSEPH MAHAFFEY
Appellant, Prose

Criminal Case No: 2007-CR-4016

V.

STATE OF GEORGIA
Appellee

NOTICE OF APPEAL

COMES NOW the appellant above-named and hereby submits this NOTICE to this Court in order to challenge the ORDER or JUDGMENT of this Court filed in this Court on 9/5/2014 in the above-styled matter.

THE COURT OF APPEALS OF GEORGIA, and not the Supreme Court of Georgia, has the appellate jurisdiction in this matter under the Constitution of Georgia of 1983, Article VI, Section V, Paragraph III.

The Clerk of this Court will forward a true and exact photocopy of all documents filed in the docket of this matter; NOTHING OMITTED.

Respectfully submitted,

Joseph Mahaffey

CERTIFICATE OF SERVICE

I certify, verify, and declare under penalty of perjury that I have served a copy of the within and foregoing NOTICE OF APPEAL through internal mail system of the prison and/or via United States Postal Service, adequate first-class postage affixed thereto, on this 13 Day of 9, 2014, to cause its prompt delivery to the following:--

Mr./Ms. Appellate Court / District Attorney Esq., District Attorney, HALL County,

Respectfully,
JOSEPH MAHAFFEY
Address: G.S.P.
2164 GA HWY 147
Reidsville, GA 30499

Court of Appeals of Georgia

September 19, 2014

TO: Mr. Terron Nicholas Taylor, GDC1001100387, Coastal State Prison, P.O. Box 7150, Garden City, Georgia 31418

RE: **Request for Appointment of Counsel**

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 exactly what copies you want to 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

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

From: Terron Nicholas Taylor, G.D.C. #1001100387
BLDG H-A / Rm. 120
Coastal State Prison P.O. Box 7150
P.O. Box 7150
Garden City, GA 31418

TERRON NICHOLAS TAYLOR V. STATE OF GEORGIA
APPEAL NO. A15A0111

Honorable Clerk,

The Undersigned Appellant request that this <u>APPELLANT REQUEST TO COURT APPOINTED COUNSEL</u> be placed in the above-referenced Case file and for the Record on appeal.

Be advised that the Undersigned is not sure who will represent the State in this matter so a copy of this document has been sent to the Office of the Attorney General of Georgia as sufficient service on the State.

Thank you.

Respectfully submitted to this Court this 16th day of September, 2014.

Terron Nicholas Taylor, Appellant
G.D.C. #1001100387

IN THE COURT OF APPEALS OF GEORGIA

TERRON NICHOLAS TAYLOR	)	APPEAL NO. A15A0111
V.	)	
STATE OF GEORGIA	)	

APPELLANT REQUEST TO COURT APPOINTED COUNSEL

COMES NOW Terron Nicolas Taylor, Appellant in the above referrenced Case and request that the Court appointed Counsel Peform the following on behalf of the Appellant in custody:

1.

File an Appellant's Brief on behalf of the Appellant in a timely manner and referrence all legal objections raised at trial and in the Appellant's Amended Motion for New Trial and eliminate all moot objectives so that said Brief can be heard in this Court and served on the opposing Counsel. Please observe Court of Appeals Rule 22.

2.

If Possible, Consider the following related subject matter in the Brief for appeal:

a) There was an objection to a Prior act used as evidence by the State at trial.

If recalled the representative for the State entered two Prior transactions of PEEPING TOM under O.C.G.A. Section 24-4-404(b) for the Purpose of showing the Appellant's Intent, Plan, and Absence of Mistake in the Current Case. If the Indictment for the Prior transaction is studied (No. 113627) it appears that the State charged the Appellant with PEEPING TOM (Count 2) even though, when referencing the Officer's Investigative report there doesn't seem

to be any action that would substantiate the charge of PEEPING TOM.

Apparently the Complainant CORY MCHRINGER stated to Marietta Police Officers on July 8th, 2011 that "while he was in bed he heard a "tapping" sound on his window. CORY stated that "he got up with his flashlight and witnessed the same suspect from Previous Complaints walking away from his back Porch and around the Corner of his building." There appears to be no assertion by the Complainant or investigating Officers that the supposed suspect on the night of July 8, 2011 actually "Peeped" or "Peered" or was "Peering" on or about the Premises of another through a window as enumerated in Count 2 of the Six(6) Count Indictment. CORY MEHRINGER (MCHRINGER) does not state any alleged "Peeping" into any window and neither is any assertion made by the other supposed victims that on July 8, 2011 Suspect(s) appeared and was "Peeping" into any Window which would violate O.C.G.A Section 16-11-61 a.k.a. PEEPING TOM. The supposed victim (MEHRINGER/ Just heard "tapping."

However, the State Proceeded to charge the Appellant with the Offense of PEEPING TOM as Seen on Indictment NO. 113627 (Prior Transaction).

Ultimately the Appellant Considered Pursuing a NEGOTIATED PLEA under CRIMINAL TRESSPASS which was alleged as a "lesser included" offense of PEEPING TOM. THE question is, should this Particular transaction been brought into evidence even though there was no allegation of actual "Peeping" or "Peering" made by the Complainant, or the Appellant? The State charged the Appellant in that Case with PEEPING TOM when there Seemed to be no "Peeping" (Ref. Page 5; OCA 0111014200 INVESTIGATIVE/SUPPLEMENTAL REPORT).

b) Consider statements that conflict or seem to conflict by Officer Vaughn. During trial Officer Vaughn testifies that the area where the Appellant was discovered in the Prior transaction is "NOT A VERY HEAVILY TRAVELED FOOT PATH" (Vol 2 Pg. 96 Lines 23-25; Pg. 97 Lines 1-3, Trial record). Recall

that the Appellant was seen by Officer Vaughn ~~testifies that the area where the Appellant was discovered in the Prior transaction~~ between building's 8 and 9 within the apartment Complex referenced in this Case (Vol 2 Pg. 94 Lines 23-25, Trial Record[T]). Recall that the incident in the Prior transaction occured supposedly at or about building nine (9) at apartment 918 (Vol 2 Pg. 93 L. 2-8 [T]). Why does officer Vaughns testimony seem to deviate from his own INCIDENT/INVESTIGATION REPORT where he," states," THERE ARE NUMEROUS TRAVELED FOOT PATHS BETWEEN THE INCIDENT LOCATION, ELMWOOD APARTMENTS, PLANTATION RIDGE APARTMENTS AND BEHIND THE HOMES ON AMANDA LANE," Why would the officer's testimony at trial all of a sudden deviate from his report? This deserves further inquiry. This may or may not be an issue appropriate for this Court but the Appellant raises such a query.

C) Again refer back to the State's intent to introduce evidence of other crimes, wrongs, or Acts Pursuant to O.C.G.A. Section 24-4-404 (b). The State Proceeded to use two Prior transactions of PEEPING TOM dated both July 4, 2011 and July 8, 2011 (Ref. Counts one and two Indictment No. 113627; State's 404(b) Notice, June 6, 2013).

During trial the State entered evidence of subject matter not having to do with the above mentioned transaction dates Provided in the State's 404(b) Notice. Marietta Police Officer Vaughn as State's witness gave testimony relating to July 15th, 2011 (Vol 3 Pas 79-97, [T]) in the Presence of the jury. Realize that the State's 404(b) Notice was restricted to the dates of July 4th, 2011 (Case # 11-9-3627) and July 8th, 2011 ((Case # 11-9-3627). There doesn't seem to be any indication that evidence relating to July 15, 2011 would be used by the State on the 404(b) Notice for the Current Case.

Although the record does reflect that Officer Vaughn in the Prior transaction was investigating Matters Possibly Pertaining to the Supposed incidents on July 4, 2011 and July 8, 2011 this raises the question of should any mention of

the events on July 15, 2011 and other dates not indicated in the State's notice (June 6, 2013) been mentioned and shown to the Jury at trial? This also raises the question of should all documentation with mention of dates other than the ones indicated on the State's 404(b) notice been redacted to only reveal the ones of interest? It would appear that the Indictment in the Prior transaction (No. 113627) reveals alleged offenses having nothing to do with July 4, 2011 and July 8th, 2011 which were the dates indicated on the States 404(b) Notice. Appellant also states that on the 15th day of July, 2011 the State did not charge the Appellant with PEEPING TOM so Mention of anything on said date or any other date not Mentioned in the State's June 6, 2013 404(b) notice shouldn't have been brought into evidence by the State. Such information not related to the 404(b) Prior transaction dates Could've Prejudiced the Appellant in the eyes of the Jury.

d) There was an objection to a statement Made during an interview on Video along with any Oral admissions, or Writings, digital recordings, DVD's C.D.'s or other such Media depicting statements, Confessions, admissions, etc., made by the Appellant while in custody of, and during interrogation by, law enforcement officials in the Current Case (NO. 12-9-3786-33. COBB SUPERIOR COURT), and in the Prior transaction (No. 11-9-3627).

Recall the Detective a JONNIE MOELLER lied to the Appellant on one or more occassions during the interview (Ref. State's Evidence #8; Case No. 12-9-3786-33[T]). JONNIE MOELLER Provided untruthful statements to the Appellant while in custody relating to the events alleged on July 4, 2011 and the Correlating dates of interest regarding the Prior transaction and testified to this at trial (Ref. Vol 3 Pg. 110 L. 4-9 [T]), also see (Vol 3 Pg. 131 L. 15-25 [T]). Is this Detectives Pre-implication of the Appellant and lie during the interview while the Appellant ~~and deceive the accused in this Sexual Offense~~ was in custody not a form of Coercion? Is it legal to Pre-implicate the Appellant and deceive the accused in this Sexual Offense

and is it admissible in Court? Be advised that this Same Detective who lied to the Appellant in said interview is the Same Officer who Proceeded to take out a Warrant for the Appellant (Ref. Warrant No. 11-W-6497; Police Case No. 0111014779, Magistrate Court of Cobb County). Also, observe the Court's charge to the Jury (Vol 4 Pas 84 L.20-25; Pg. 85 L.1-5). Detective Moeller's intentional deception during the interview is a form of Coercion while the Appellant was under Duress! [Ref. State v. Westmoreland, 204 Ga. App. 312, 314 (2), 418 S.E.2d 822 (1992); Cole v. State, 254 Ga. App. 424, 425, 562 S.E.2d 720 (2002) for subject matter dealing with Coercion].

Also, the Appellant would like to reference the charge to the Jury by the Court during trial. "TO BE VOLUNTARY A STATEMENT MUST BE FREELY AND WILLINGLY GIVEN AND WITHOUT COERCION, DURESS, THREATS, USE OF VIOLENCE, FEAR OF INJURY AND-- OR ANY SUGGESTIONS OR PROMISES OF LENIENCY OR REWARD (Vol 4 Pas 85 L.23-25; Pg. 86 L.1). Recall that during trial the Detective went on to explain that lying in Certain Cases is Permissible (Vol 3 Pg. 135 L. 11-25; Pg. 136 L. 1-4). The Detective explains that, "THE COURTS HAVE SAID THAT IN CERTAIN CASES WE CAN USE DECEPTION." (Vol 4 Pg. 135 L. 20-21). This was seemingly confirmed by the Court that stated, "I THINK THEY WOULD CALL IT FUDGE. DEFENSE LAWYER MIGHT SAY JUST TELL AN UNTRUTH, BUT THEY CAN MAKE UP THINGS." (Vol 3 Pg. 48 L. 7-23). Apparently therein exist Case law that Protects an Officer's ability to do this but the Appellant wasn't disclosed of such information.

e) Recall during trial there was an objection to state's Exhibit #7. Recall that the Appellant was Pretty adamant about the shoes at trial weren't the Appellant's (Vol 2 Pas 148-179 [T]). Officer Serkedakis testified that he remembered the shoes the Appellant was wearing the night the Current incident occured. Ms. CYNTHIA BOWER who represented the Appellant

at trial objected to authenticity (Vol 2. Pg 149 L.3-5). According to the Federal Rules Authentication or Identifying Evidence Article 9 Rule 901(a) states that, "To satisfy the requirement of authentication or identifying an item of evidence, the Proponent must Produce evidence sufficient to support a finding that the item is what the Proponent ~~must Produce~~ claims it is." Remember that the Opposing Counsel had to lay an evidence foundation (Vol 2 Pg. 150 L. 1-3). Under Federal Rule Article 9 Rule 901(b)(1), "Testimony that an item is what it is claimed to be," seems to suffice. Officer Serkedakis testifies that he remembered the shoe and that it was a skateboard shoe. The arrest for this Current Case was July 10, 2012, this evidence (Ste #7), was Produced on June 18, 2013 which was the second day of trial. Recall the Officer actually got a chance to see the shoes along with the other clothing apparel a week before the trial date! (Ref Vol 2 Pg. 158 L. 18-19 [T]).

Apparently this Officer got a chance to Consultate with the Prosecution about Potential evidence that was to be Presented during trial and the Defense was not a Party to this event! Isn't this highly Prejudicial? Isn't this the whole Point of an evidentiary hearing? If the State Wanted to Confirm evidence with State's Witnesses that were adverse to the Defense it should've been in Court on record. The Defense should've been a Party to such Consultation. Be advised that this Consultation about evidence was made before the Return of the SEARCH WARRANT & INVENTORY Was made (See Search Warrant No. 13-SW-0552E009349 RETURN OF SEARCH WARRANT + INVENTORY, June 17, 2013). Be advised that the Search was Conducted by an Officer JANIA MEEKS working on behalf of the State who, as the record would reflect, took it upon herself to file for Search Warrant 13-SW-0552 in the Cobb County Magistrate Court to retrieve the Appellant's shoes and other clothing from the inmate Property division at the Cobb County Jail.

Be advised that at no Point in Discovery does the State reveal it's intent to use the Appellant's Clothing apparel and footwear at trial. Only through the Affidavit for the clothing apparel and footwear at trial. Only through the Affidavit for the clothing submitted at an earlier Proceeding on the day of trial that was submitted at an earlier Proceeding on the day of trial that was submitted seemingly by mistake on Part of the Prosecution, does the Defense realize that this evidence would Possibly have come in (Vol 1 Pg. 72 L. 20-24).

The file will reflect that the search was conducted on June 14, 2013 and the return of the Appellant's supposed clothing apparel wasn't made until three days after the search which may be a violation of O.C.G.A. section 17-5-29 because of the delay.

The record would also reflect that none of the above mentioned search warrant documentation was Presented during trial along with the documentation from the Cobb County Jail where the clothing and shoes were located before trial and before Officer Meeks Search and Seizure. Also recall that the Officers, on the night of the Appellant's arrest, did not take the shoes or Clothing that the Appellant was wearing but it was the deputies at the Cobb Jail that Collected the clothing, shoes, and other Personal Property belonging to the Appellant on July 10, 2012 after the arrest when the Appellant made the transition from Civilian to inmate.

Was Officer Serkedakis' testimony sufficient enough to allow State's Evidence #7 in to be viewed by the Jury? Is the fact that the Officer got a chance to see the shoes a mere week before trial highly Prejudicial to the Appellant? Does the fact that the Officer's viewing of the evidence add a taint to his being able to "recollect" (Vol 2 Pg. 158 L. 5-7) what the Appellant was wearing the night of the current alleged incident, July 10, 2012?

In the Appellant's AMENDED MOTION FOR NEW TRIAL, filed April 17th, 2014, the

Appellant's Current appeals attorney, Louis M. Turchiarelli, argues that the "best evidence would have been to introduce the Property Sheet and testimony of the evidence custodian" (Pg. 11). Recall that the record would reflect that unbeknownst to the representative for the State who stated that she was in training, an Agent (Jana Meeks) on behalf of the State took it upon herself to apply for a Search Warrant to retrieve the shoes and other clothing apparel belonging to the Appellant from Cobb Jail a week before trial. This "rogue" Agent working on behalf of the State Conducted the Search and Seizure on June 14, 2013 (Ref. Return of Inventory) but doesn't make the actual return until June 17, 2013, the first day of trial. Where was the Property for those three days? Maybe in the D.A.'s Office? Maybe at her Grandmother's house?

During trial the Appellant testified to wearing all black New Balance Sneakers and not the "skateboard shoes" Presented at trial (Vol 2 Pgs 163-167 [T]). Recall that the opposing Counsel asked if my (Appellant) clothing apparel and footwear was all Packaged together (Vol 2. Pgs 166-167 [T]). Just because they were all Package together when the Appellant went into the jail July, 10, 2012 does not mean that they left the jail and ended up the same way they came in especially when you have this rogue Agent working for the State who took it upon herself to go get them.

Recall that the Appellant's former attorney Cynthia Bower stated at trial that, "WHEN THERE IS A CONFLICT WHERE IT'S DISPUTED THAT THESE ARE THE EXACT ITEMS, THERE DOES NEED TO BE THAT PROOF OF THE CHAIN OF EVIDENCE, ESPECIALLY WHEN SUCH CHAIN EXIST" (Vol 2 Pgs 169-170 [T]). Proof of the Chain of Evidence would Probably be Prudent in this Case since there was this rogue element who handled the Potential evidence, who didn't Make the return until "three" days after the seizure and to a different Magistrate who issued the Warrant.

Also, be advised of the Clothing apparel and footwear worn by the Appellant in the Previous alleged incident. Review Officer Vaugh's testimony during trial in the Current Case, his investigative report, and shoes worn by the ~~Previous alleged incident. Review Officer Vaugh's~~ Appellant in the Jackson/Denno video (State's Exhibit #8).

Again, the above mentioned are Points for the Current Counsel for the Appellant to Consider for the Brief.

3.

Through the legal channels, facilitate the transfer of all tangible evidence to the Court of Appeals. The Appellate Court may want to view the material. If this isn't Possible obtain color Photographs Certified by the Court. Please observe Court of Appeals Rule 21.

4.

Testimony from Officer JANA MEEKS (above) may be required for the appeal as well as the Facilitator of Records, DEENA FINCHER of the Cobb Sheriff's Department. Recall there were issues regarding retrieval of certain Property records that are still on file including actual Photographs of some of the Personal Property belonging to the Appellant when he was "booked-in" to the Cobb County Jail. This information is critical given the objections made by the Appellant at trial. Recall that the Appellant had referred to such material at the Motion For New Trial hearing, May 08th, 2014 in the trial Court to which you replied that they didn't exist (Motion for New Trial hearing, Pg.16).

It turns out that the Appellant was given a Photograph by a Lt. Bains of the Cobb County Jail by and through FINCHER on 6/17/2014 after the Motion for New Trial hearing, 5/8/2014. Reference the Undersigned's DEFENDANT'S COMPLAINT AGAINST COURT APPOINTED COUNSEL filed in the trial Court July 9, 2014.

Apparently such Photographs existed, are still on record, and was not Produced in Court and seem to conflict with Finchter's Affidavit. Be advised that the indigent Appellant could not afford the cost of making copies of the Photograph sent to the Appellant to be served on the opposing Counsel but in Conferring with the Clerk of the trial Court the original documents and all other attachments referred to in the Complaint mentioned above may be obtained and copied (Ref. ID# 2014-0054399-CR, Pgs 6-10).

THEREFORE Appellant ask that his Current Representative Perform the above mentioned matters for the Record and appeal.

Submitted this 16th day of September, 2014.

Terron Nicholas Taylor, Appellant
G.D.C.# 1001100387
BLDG H-A / Rm. 120
Coastal State Prison P.O. Box 7150
Garden City, GA 31418

CERTIFICATE OF SERVICE

This is to certify that I have this day served the opposing party(ies) to this action with a true and correct copy of the with and foregoing APPELLANT REQUEST TO COURT APPOINTED COUNSEL by placing the same in the United States Mail, with adequate postage thereon to ensure prompt delivery, and addressing it to:

OFFICE OF THE ATTORNEY
GENERAL OF GEORGIA
40 Capitol Square, S.W.
Atlanta, GA 30334

LOUIS M. TURCHIARELLI
305 Lawrence St., N.E.
Suite 100
Marietta, GA 30060

This 16th day of SEPTEMBER 20 14

~~Pro se~~ APPELLANT

Sworn to and subscribed to before me
this 16th day of SEPT 20 14

Notary Public

My commission expires: JUNE 4, 2018

CHRISTINA JACKSON DAVIS
NOTARY
My Comm. Exp.
June 4, 2018
PUBLIC
CHATHAM COUNTY, GA

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

September 19, 2014

To: Mr. James Trower, GDC1255858, Riverbend Correctional Facility, 198 Laying Farm Road, Milledgeville, Georgia 31061

Case Number: _____ Lower Court: _____ County Superior Court _____

Court of Appeals Case Number and Style: _____

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

☑ **There is no case pending in the Court of Appeals of Georgia under your name.**

☐ **A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37.** Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.

☐ **The Notice of Appeal must include a proper Certificate of Service.** A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.

☐ **An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.

☐ **An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.

☐ **Your appeal was disposed by opinion (order) on** _____. The Court of Appeals _____. The remittitur issued on _____ divesting this Court of jurisdiction. The case decision is therefore final.

☐ **Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the is:

☐ **If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.

☐ **A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

☑ **OTHER: I have enclosed a copy of the Court's Rules for your review.**

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

James Trower

case # 11-9-0624

To whom This may Concern my name is James Trower I Recently was At cobb County for A motion for A new trial the reason why I wanted to be granted A new trial was Because I Felt that the Judge Forced my Jury to convict me after they ~~Deadlocked~~ were undecided it was going to be A hung Jury.
I was Denied my motion For A new trial, By cobb county's Court system. The D.A mentioned To my lawyer, that he was Trying to get me A 20 do 8 sentence modification. but he ~~w~~ New That cobb was going to denie it.
Now Im awaiting A new Trial At the Court OF Appeals or sentence Modification, Im Writting the Court of Appeals today to Give u A Follow Up on my status AS A Department OF Corrections Inmate. I Have completed motavation for change, and Re-Entry Skills Building classes, Now Im currently Enrolled In G.E.D Program and Have signed up for Hvac / Barbering classes.) I Have been incarcerated 4 1/2 years and Have ~~Been~~ Know DR's OR Diciplinery small Infractions

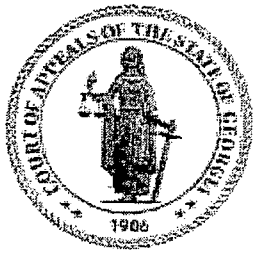
And all that I'm asking is that you take a better look at what Cobb county Courts Has Done To Violate my court Room Rights. I Feel that once you look at my transcripts you will see the wrong Doings that the retyerd Judge and District Attorney Has Done to tamper with my Jury Decision. Cobb county Has wrongfully sentence me. Cobb county Has giving me A 30 year sentence lik I take someone's life, I will not beable to raise my Kids. I Feel like I have Been violated OF my CourtRoom Rights. thank you For your time and God Bless.

Respectfully Submitt
James Trower
James Trower
This 16 Day OF Sept 2014

Certificate OF Service

This is to certify that I Have this Day Served the Supreme court: OF Appeals A with A true and correct copy OF the foregoing In mate Follow-up via U.S. mail with Adequate Postage AFFixed For Delivery

Respectfully
Submitted
James Trower
James Trower
This 16 Day OF Sept 2016



2014

Georgia Court of Appeals

RULES

Last Update: May 15, 2014

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

September 19, 2014

To: Chester K. Little, GDC502419 H-2, Johnson State Prison, Post Office Box 344, Wrightsville, Georgia 31096

Case Number: _____ Lower Court: County Superior Court

Court of Appeals Case Number and Style: A15A0017. Chester Little v. The State

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

☐ **There is no case pending in the Court of Appeals of Georgia under your name.**

☐ **A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. 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.**

☐ **The Notice of Appeal must include a proper Certificate of Service. A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.**

☐ **An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.

☐ **An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.

☐ **Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____. The remittitur issued on _____ divesting this Court of jurisdiction. The case decision is therefore final.

☐ **Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the is:

☑ **If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court. As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.**

☐ **A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

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

IN THE COURT OF APPEALS OF
STATE OF GEORGIA

CHESTER LITTLE
APPELLANT

VS.

STATE OF GEORGIA
APPELLEE

CASE NO. A15A0017

APPELLANT AMENDED BRIEF'S

CHESTER LITTLE 502419
JOHNSON STATE PRISON H-2
PO. BOX 344
WRIGHTSVILLE, GA 31096
PRO-SE FILING

IN THE COURT OF APPEALS OF
STATE OF GEORGIA

CHESTER LITTLE APPELLANT VS. STATE OF GEORGIA APPELLEE	CASE NO. A15A0017

APPELLANT AMENDED BRIEF'S

Comes Now Chester Little, Appellant pro-se, in the Above-styled Action and brings these Appellant Amended brief's to the Original brief's Already filed by Counsel to Support Enumuration of Errors Not Made for Review by Appellate Counsel.

STATEMENT REGARDING ORAL ARGUMENT

The Appellant Respectfully Submits that Oral Argument is Necessary to the Just Resolution of this Appeal and Oral Argument will significantly enhance the decision making process. A Conflict of interest

has a ROSE between APPELLATE Counsel JONATHAN PERRY WATERS, Were as Said Appellate Counsel, has failed to enumerate Errors of the trial Counsel's in-EFFECTIVENESS And deficient performance for this COURTS Review.

STATEMENT OF THE Proceedings

STATEMENT OF the proceedings ARE Laid out in the initial brief's (I.B.P.3-4)

STATEMENT OF MATERIAL FACTS

This Case Revolves Around allegations that Mr. LITTLE Who has A degree in dentistry ON August 25, 2011, PractiCED Dentistry Without A license on, ARICA JARRELLS by Performing A Root Canal and A filing in VioLation of O.C.G.A 43-11-50. Warrants Were Served on Mr. LITTLE And he Was Indicted by A GRAND JURY. A progressive CLaim Agent Jennifer NiX, Who was not the Chief witness testified She had seen paiti-

ent he was WORKing in an OFFICE (T. 46-85.) but NONE OF the Defense witness, even ARIKA JARRELLS, Who the Warrants and Indictment was based on Testified that Chester little preformed any Procedure upon them To violate O.C.G.A. 43-11-17 or 43-11-50 SEE: ARIKA JARRELLS Testimony (T. 213 thru 218), SEAN LECLAIR (T. 189 thru 199) and Antonio Gray (T. 173-183).

ENUMERATION OF ERROR

1.

APPELLANT LITTLE Contends that the INDICTMent was void, for the Indictment was based on practicing Dentistry without A license O.C.G.A. 43-11-50, ON ARIKA JARRELLS, TRIAL Counsel was Ineffective for not filing A Motion to Dismiss.

2.

Appellant LITTLE Contends The evidance is Against the weight OF the Verdict.

3.

APPELLANT Contends that the Arrest was

Without probable Cause And TRIAL Counsel was ineffective for Failing to Investigate.

4.

APPELLATE ~~TRIAL~~ Counsel was Ineffective Assistance of Counsel to Find TRIAL Counsel Ineffective Assistance of Counsel.

ARGUEMENT AND Citation OF Authority

I. ENUMMERATION I: ATTORNEY Performance was so deficent that it denied Appellant A Constitutional RIGHT Under the VI th Amendment To the United States Constitution for Any Competent Attorney would have Known that the Indictment No. 12-CR-67849 was defective And Void For there was no victim Named in the Indictment on who Dentistry was Practiced on or Procedure in violation OF O.C.G.A. 43-11-17 or 43-11-50. The Indictment failed to charge each and every essential element of the OFFense. United STATES, vs. Morales-Rosales 838 F.2d 1359-1361-62 (5th Cir 1988).

A Criminal Conviction will not Stand if the indictment upon which it is based does not Setforth the essential elements of the offense. United STATES vs. ItaliANO 837 F2d 1480 (11th Cir 1988). The Warrants Were issued for ARIKA JARRELLS (T. 213-218) She testified no procedures were performed. The Indictment failed to list her as the victim NOR any of the (9) procedure under O.C.G.A 43-11-17 OR 50 therefore the Indictment was Void and any attorney of Competents would have Known this.

II. ENUMERATION II: Attorney Performance was So deficient under Strickland vs. WASHINGTON 466 US 668 (1984) that Appellant Verdict is AGAINST the weight of the EVIDANCE Pursuant to O.C.G.A. 43-11-50. There Are (9) Factors to be Considered to be in Violation of the Dentistry Act 43-11-17 No One TESTIFIED that LITTLE preformed Any OF the (9) Acts to Constitute Practicing OF Dentistry. Rivers vs. ATLANTA Southern Dental College 187 GA. 720 (1 SE.2d 750 (1939).

ARIRA JARRELLS (T. 213-218) was the Key Witness the Warrants were taken out on, that A filing and A Root Canal was performed by little, this was presented to the grand JURY, but JARRELLS name and procedure PERFORMED Are not in the Indictment. Therefore there was insufficient evidance of Nothing, but Hearsay presented which is inAdmissible. JACKSON VS. VIRGINIA 443 US. 307 (1979).

III. ENUMERATION III: Appellant and trial Counsel performance was so deficient that it violates the Grounds in Strick-Land vs. Washington 466 US. 688 (1984). and The VI th and XIV th Amendment to the United STATES Constitution for Any Competent Attorney would have known that there was no probable Cause to Arrest Appellant under O.C.G.A. 43-11-50. ARIRA (T. 213-218) Who the Warrants were ISSUED for stating LITTLE performed A filing and A Root Canal

Was UNFOUNDED for she testifiED under OATH NO procedure in violation of O.CGA 43-11-50 was EVER performed on her AS Said in the warrant. Attorney's performance was deficient for failure to investigate and interview ARICA JAmells. WalKER vs. STATE A14A0719 (MAY 13, 2014).

IV. ENUMERATION OF ERROR IV:

APPellate Counsel was deficient in not Raising in brief's Romaine vs GeorGIA 484 US 1048 (1988) Where the Supreme Court has AlREADY Decided that A JUdGE Cannot tamper With A Juror Judgement (T. 278-280-281-282-283-287-288). This deficient Performance NOt ONLY is PreJudical, but GEORGIA LAW That's been decided by the SUPREME Court OF the United STATES is Controlling Law Any Competent Attorney in the same Situation Should have known to use.

CONCLUSION

Because Appellate Counsel failed to Raise these ISSUES AS Requested by

Appellant, Appellant ADDS these pro-SE Amendments to the Original and Pray's this Court Reviews them for Appellant to Recieve Some relief.
This 16th day OF SEPTEMBER 2014

RESPECTFULLY Submitted

Chester K. Little Pro-SE

CHESTER K. LITTLE
JOHNSON STATE PRISON H-2
PO. BOX 344
WRIGHTSVILLE, GA. 31096

CERTIFICATE OF SERVICE

I do certify that I have this day Served the within and Foregoing Appellant Amended Brief's by filing the Same by depositing A copy thereof, Postage prepaid in the United States Mail properly Addressed To:

MR. BRIAN GRANGER
BIBB County District Attorney's OFF.
601 Mulberry ST. Suite 301
Macon, GA. 31211

This 16th day OF SEPTEMBER 2014

Chester K. Little

CHESTER KYLE LITTLE
JOHNSON STATE PRISON H-2
POST OFFICE BOX 344
WRIGHTSVILLE, GEORGIA 31096
SEPTEMBER 2, 2014

TO: JONATHAN PERRY WATERS
2476 Vineville AVENUE
MACON, GEORGIA 31204

Copy

DEAR MR. PERRY:

LET ME FIRST Apologize too you, that my letters OF Concern for my APPEAL SEEM threatening to you, but I do Keep COPIES AND Not one Express Any threat towards you. Now, I'm Writing too Assist you with my APPEAL AS I om obligated todo. I'm ASking you NOW to incorporate in my APPEAL and my brief's these errors that Are pertaining to my Case. These issue I Continue to bring to your Attention in other letters, but NO Mention OF them from you Addressing these ERRORS Are being Raised by you. IF you donot Raise them Now they will be procedurally Barred Later for post Conviction Review. So it's important that all ERRORS be Brought to the ATTENTION OF the APPEALS COURT.

The Indictment is Vague and defective (1) there No Victim and (2) There's No Mention of What procedure was done too Violate the the Dentistry Act O.C.G.A. 43-11-17 and 43-11-50. the Case West vs STATE 343 SE 2d 759 Does help for the Supreme Court interpret the Statue As Meaning that any of the Acts enumerated in the Statue Are preformed for A fee or Salary or any other Reward then doing of the Act Constitute the practice of Dentistry RIVERS vs. ATLANTA Southern Dental College 187 GA. 720 (1 SE 2d 750) (1939). Therefore I took No money examined No paitient or victim NOR provided Any Dental treatment too Violate the Law. The Warrants Were Invalid for ARICKA Jarrells testified I did Not preform A Root Canal and any filing making the Arrest Invalid and Without probable Cause. It's Also Unconstitutional for the Judge to Tamper with A Juror to have him change his Decision Romaine vs Georgia is the Supreme Courts Controlling Case to this ERROR OF Justice And there's NO Sufficient evidance I preformed Any Dentistry on Any one. The evidance is Against the Weight OF

Verdict, IF being Concerned About my Defense is threatening too you I'm Sorry. No One else will Contact you but my Daughter BrandI and my Wife RutH Other than what I'm Relaying too you in this letter, Could you Please Move forward with these errors for APPEAL And Send Me A COPY OF those brief's to Me When Completed.

Sincerely

Chester K. Little

CHABARA BRAGG
NOTARY
Comm. Exp.
04/11/17
PUBLIC
LAURENS COUNTY, GA

* Chabara Bragg

Exp: 4/11/17

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS

(1A)

9/19/14

To: Marcus Anthony Terrell

Docket Number: Style: Marcus Anthony Terrell v. Jennifer Lauren Gower

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(s) was (were) not securely bound at the top with staples or round head fasteners. Rules 1(c), 30 (e) and 31 (c)

16. ☐ 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).

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

-(25. cont'd-

(Exhibit 17. App) is A Request To TRANSfer Record
From The Superior Courts To Court of Appeals.

-(26.)-

Petitioner Request Leave from The Honorable
Court of Appeals To Proceed With OUT Custo-
-dian Signature, To Amend, ARE Provide
ORder To Amend Origanel Complaint With
Amended Complaint filed for Reason Set
OUT in This Petition. (Brown V. Johnson, 387
F.3d 1344, 1348-49 (11th Cir. 2004) (Bazrowx V. Scott,
136 F.3d 1053, 1054 (5th Cir. 1998) To Dismiss Pro-SE
Complaint For Grounds, That Should Fail With out
giving The Plaintiff Oppertunity To Amend Gener-
-Ally is Error! (Gomez V. USAA Fed. Sav. Bank, 171 F.3d
794, 795-96 (2d Cir. 1999) Holds That dismissal of A Pro-
-SE Complaint Should Be Done with Leave To Amend.
IN RE: To P.L.R.A. Screening Provisions Does Not
Effect The Rule That A Court Revewing A Complaint
Must Accept AS True All Allegations of Material FACT,

(23. CONT'd)

1. -, 490 U.S. 319, 329 109 S.CT. 1827 (1989) STATES A
2. PLAINTIFF WITH A ARGUEABLE CLAIM SHOULD BE
3. PERMITTED TO AMEND ANY DEFECT. IN (NASIOUS V.
4. TWO UNKNOWN B.I.C.E AGENTS, 492 F.3d 1158 (10th Cir.
5. 2007) STATES COURTS MUST BE PATIENT WITH PRO-
6. -BLEMS OF PRO-SE INMATES. IN-RE: TO BEING
7. REFUSED NOTARY SEALS, (EXHIBIT 2, AFFIDAVIT WAS
8. REFUSED SEAL, EXHIBIT 2 CERTIFICATE OF SERVICE,
9. REQUEST FOR SC-2 FORMS, 2nd ATTEMPT, (TO SERVE
10. THE ATTORNEY GENERAL, WITH! (EXHIBIT 5A.- GOOD FAITH
11. ATTEMPTS TO FOLLOW PROPER PROCEEDURES DATE 6/17/14
12. NO FORMS WAS PROVIDED CAUSING DELAY IN THE
13. FILLING OF PETITIONERS AMENDED COMPLAINT. AND
14. TRYING TO GET A NOTARY SEAL. (WAS REFUSED, SGT BIRARD
15. LAW LIBRARY ADMINISTER, GWINNETT CO JAIL,

(24-)

6. PETITIONER IS INDIGENT PRO-SE IN THE COURTS
17. AND HAS INCLUDED THE PROPER AFFIDAVIT FOR
18. TO PROCEED FORMA-PAUPERIS FOR APPEAL

 (CONT'd

(24 cont'd-

1. Petitioners forma-pauperis Affidavit has
2. Been Refused By Petitioners Custodian
3. To Be Sighned From Numerous Attempts
4. In Re: (Exhibit-16-App.) And Petitioner has
5. Been Denied Pro-Se Statues from The
6. Superior Court of Gwinnett (Ref: Exhibit-18-
7. -App.) By NOT Sending The order for Extra-
8. Law Library Time, Which is Pro-Se Statues.

(25.)

9. Petitioner Acct's ARE FROZE (Exhibit-19App)
10. And for This Reason He Can NOT Retain
11. Stamps, Legal Envelopes, And Custodian
12. Does NOT Provide Method To, LARGE Volumes
13. of Court, Papers, To Be Mailed, (Exhibit-17-App)
14. Petitioner Request Transfer, To The Honor-
15. -Able Court of Appeals. Petitioner Claims This
16. Act, "Denies Access To The Courts" (John L V.-
17. Adams, 969 F.2d 228, 235 (6th Cir 1992) States: Incarcer-
18. -Ated Persons Should have Meaningful Court Access!

(cont'd—

(22. cont'd

1. In That Ms. Gower, Violated Discovery Statues
2. To Perform A Experiment Which Requires
3. The Prosecution To Revile All Evidence To The
4. Defense 10 days Prior To Trial. Including Experi-
5. -ments Pursuant To §17-16-4(4) Listed Exhibit 16 of
6. Complaint, Now (Exhibit 6, for App.) WAS Opt-in
7. Further petitioner Argued, A Procedural Rule
8. Violation, Being Customs, Policy's, practice, In
9. That In-Re: To (CARSON V. STATE, 241 Ga. 622, 624 (2) 247
10. S.E. 2d 68 (1978), Where it States Where Their is No
11. Evidence To The Contrary The offical is Said To had
12. properly discharged Their., I Argue Ms. Gower had
13. Clear Evidence To The Contrary From her Own
14. discovery, Being The Reason She Called C.S.I Tech
15. 1 week prior To Trial And Asked if The Crime Scene
16. Been Altered, Re: (Exhibit 1) Table pg. 1 (L-12) of Complaint
17. Her Discovery Story (Exhibit-7 = Refers To 1: Lamp, And
18. (Exhibit 7 & 8 - Reviles Conflicting Storys "Not All" Example"

(cont'd

(22. Cont'd.

1. - Then (Exhibit 9-Appeal) which shows Mr. Jaramillo
2. Clearly saw me, (Exhibit 10)- Reviles Their was
3. No Reading Lamp in The Room, Nor Re: (Exhibit-10
4. -&11, App,) No Lamp on Floor, And Only 2 in The
5. Room, In-Re, Exhibit 1, Table 1, (L12) contents, Where
6. 3 days Before Trial Mr. Jaramillo Gave The Story He Altered
7. The Crime Scene. Before Police Arrived, To Picking
8. up 3 Lamps, (NOTE: New (Appeal (Exhibit. 12) is
9. The Conversation Ms. Gower Had with C.S.I
10. About The, The Lamp:) (Exhibit. 13, Appeal) is The
11. New Story About, The Lamp.) (Exhibit. 14 (Appeal) 14.C)
12. is Ms. Gower Receiving Story on 3/8/13) (Exhibits-
13. -10 & 11 Appeal) are CSI "Night of." (Exhibits-15 Appeal)-
14. -Are The New Picture Took, As Part of A Sound
15. Experiment, That was Showed one Time Before
16. Mr. Jaramillo, Testified, Then Right After, In-Re
17. To (Appeal Exhibit-13), That Corroborates This
18. Reading Lamp, Added To The Said Crime Scene.

(22. cont'd.

1. Ms. Gower, proceeded with this Experiment
2. Knowing All This, And Also Listed As (62-A)
3. The Recorded STATEMENT, PART of Ms. Gowers
4. Discovery Ms. Velasquez STATES, When Petitioner
5. Left The Dog was Barking Their WAS Yelling.
6. (62-A of Trial Transcripts) NOT Transcribed. I Put
7. (IN RE: To Evidence Contrary ARE Rebuttal
8. SET OUT in (CARSON V. STATE) CARSON further STATES
9. The Experiment MUST Be Substantialy Similar,
10. And Reasonable Certainty Their is No, Substitution
11. or Alteration, are, So it Would NOT Change The
12. OCCURANCE, Cite: (McCormick on Evidence (4th ed)
13. §202. Ms. Gower Proceeded, Recklessly in Bad Faith
14. With No Care if, it Altered The Crime are Scene.
15. (NOTE: Experiment WAS Entered Directly After
16. (IN. RE, (Appeal Exhibits. 14/14.A/14.B/14.C/).9/
17. (IN-RE: To Deceit, Fraud, Negligence, Malice,
18. (IN-RE: To, (Buckley V. Fitzsimmons ETAL., 509,-

(cont'd

(22. CONT'd

19. - - (Buckley V. Fitzsimmons ETAL, 509 US 259, 125 L Ed
20. 2d 209, 113 S CT 2606, (Argued 2/22/93) (Decided 6/24/
21. 93/.) This CASE Reversed" Showing When A Prose-
22. Cuters ACT'S ARE OUT Side of The Court Room
23. ARE Investigating GAthering Evidence, The Pro-
24. - Secuter is Only Intitled Qualified Immunity.
25. SAme AS A Investigator. (Hartman V. Moore, (2006 US
26. 126 S CT 1695, 164 L Ed 2d 441 (2006) STATES ACTION MAY
27. Properly be brought Aginst Prosecutors Conduct Taken
28. in (Investigatory CAPACity) To Which Absolute Im
29. unity Does NOT Extend!, (Harlow V. Fitzgerald, 457
30. U.S 800, 73 L Ed 2d 396, 102 S.CT 2727 (Argued 11/30/81)
31. (Decided 6/24/82), Which Gives Te, MArk for Qual-
32. -ified Immunity And quotes," (Verment officals,
33. Generally Are Sheilded, for Thir discretionary Fu
34. -ctions from Liabillity Accer When They Violate
35. Established STATutory Constitutional
36. Petitioner Claims," Fe S. Gouv

(22. CONT'd

19. - - (Buckley V. Fitzsimmons ETAL, 509 US 259, 125 L Ed
20. 2d 209, 113 S Ct 2606, (Argued 2/22/93) (Decided 6/24/
21. -93/.) This CASE Reversed" Showing When A Prose-
22. Cuters Act's Are Out Side of The Court Room
23. ARE Investigating Gathering Evidence, The Pro-
24. - Secuter is Only Intitled Qualified Immunity
25. Same As A Investigator. (Hartman V. Moore, (2006, US)
26. 126 S.Ct 1695, 164 L Ed 2d 441 (2006) STATES Action may
27. Properly be brought Aginst Prosecutors Conduct Taken
28. in (Investigatory Capacity) To Which Absolute Imm-
29. [illegible]

(22 cont'd

1. This Burden has been overcome, (Buckley) -
2. -US. Led 2d (1993), Further goes on To state The
3. Fact That The Accused Injuries Occured Dur-
4. -ing Criminal Proceedings is Irrelevant To
5. The question Weather (in This case) Fabercation
6. of Evidence is A function Protected by Absolute
7. Immunity, As The case before The Courts The
8. Fabercation Occured, At 1740 Sackets Dr This
9. Being Directed To Ms. Gower, Ms, Velasquez,
10. And Mr. Jaramillo The Defendants. Where
11. That As Set out in "Buckley" And "Harlow" Their
12. Should Be No Immunity Granted. Showing
13. The Dismissal of Petitioners Complaint As
14. "ERROR" (In Re: To (Exhibit. 2) for Reasons pre-
15. -Sented are Evidence in This Petition. Petitioner
16. Argues That his Amended Complaint was With-
17. -in Time Allowed To Amend Pursuant To § 9-10-135
18. Pursuant To § 9-11-15 As Well. In (Neitzke V. Williams, -

 (cont'd

8/19/2014

To: Clerk of Georgia Court of Appeals,

Dear Sir/Madam I Pray The Honorable Courts Will, Except My Applications. Due To Appli-cants Custodian Present, Petitioner WAS Denied Anyway To Fasten The Application Where That We Are Not Allowed To have Staples. Nor Does Petitioners Custodian provide (ACCO) Fastners or will. Being Petitioner Has his Accounts At A Total Freeze, And Their is No Method To Send Bulk Legal Mail, Petitioner Cant Buy Stamps, Nor Legal Envalopes, Please Excuse But Allow The Material petitioner had To Use, Where Petitioners Custodian Is Making it Impossible To Litigate. The Yellow Legal Envalopes is The Origanel Com-plaint, The White is The Application 4. Copys. Thank You for Your Considerations! Sincerely,

Marcus A Terrell #9400367
2900 University Pky E-201-A
Lawrenceville, GA 30043

Respectfully Submitted:
Marcus A Terrell
Applicate / Pro-SE

Georgia Court Of Appeals
Application For Discretionary
Appeal: 8/19/2014

Marcus Anthony Terrell
Plaintiff

v.

Jennifer Lauren Gower
ETAL.

Docket No #14-A-03714-6

STYLE: Civil/Tort Action

Appellate:

Marcus Anthony Terrell
G.C.#94000367/E-201-A
2900 University Pky
Lawrenceville, GA 30043

Smith State Prison
G.D.C.#831124

Staple!!!

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APPLICATIONS FOR DISCRETIONARY APPEAL

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(2.1 CONT'd) - - EXHIBITS - - - - - - - - - - -

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(Exhibits (21. cont'd-

Certificate of Service

Court of Appeals Atlanta Georgia

Marcus Anthony Terrell Plaintiff V. Jennifer Lauren Gower E.T.A.L Defendant	Affidavit in Support Request To Proceed In Forma Pauperis Withdrawal form: Certified Affidavit of Inmate Account Statues

Affidavit And Authorization for Withdrawal from Inmate Account

I, Marcus Anthony Terrell, being first duly Sworn or Under The Penalty of Perjury U.S.C.A §28 §1746 Affirm And Say That I Am The Plaintiff/In The Aboved Styled Case Docket No. 14-A-03714-6 That in Support of My Notice of Appeal To proceed Without Fees or Cost or giving Security Therefore Pursuant To Title 28 U.S.C §1915(A)(1), And Common Laws of The State, I State because of My poverty I Am unable To pay The Cost of Said proceeding or To give Security Therefore I further Swear That The Respones To The Information Below is True And Correct Statement.

(1)

~~Plaintiff~~ ~~Defendant~~ MT has been Incarcerated And Not Employed Since 4/3/12

(2)

~~Plaintiff~~ ~~Defendant~~ MT Receives money from Aunt (Louise Butler) on Average $60.00 A month

(3)

Plaintiff Receives on Average $65.00 per month from mother (Terrissa Duke)

(4)

Plaintiff has no Dependants Divorce/Seperated Divorce Pending 8 yrs

(cont'd

Affidavit and Withdrawal Form

1 (cont'd)

(5)

Plaintiff owns nothing total loss.

(6)

Plaintiffs Acct has been froze, due to Gwinnett Courts not honoring forma-pauperis for Civil Action Filed.

Authorization For Account Withdrawal

I hereby Authorize my Custodian and his/her designned to withdraw funds not to freeze, from inmate as to the percentage of the total on inmates account required as the law set forth being 20% of any funds that exceed $10.00 x or how the Courts Deem the Law Provides. And to transmit the same to the same to the Clerk, of the Court of Appeals to be applied to the filing fee wich I am required to pay in connection with this Appeal. This Authorization shall apply to any institution in which Defendant is housed. Plaintiffs Monthly Average is _____, for the last 6 months.

Executed this 17th RE: _____, day of Aug RE: _____, 2014

x "Refused" RE- _____, x Marcus A Terrell

Signature of Custodian, Plaintiff Pro-SE

(In-Re: Exhibit- 16 App) Leave to Proceed.

Notary: I, [illegible] do hereby Seal this Document this 19 day of August, 2014

Affiant x Marcus Terrell x

Notary Public, Gwinnett County, Georgia
My Commission Expires June 18, 2018

Marcus A. Terrell #94000367
2900 University pky E-201-A
Lawrenceville, GA 30043
D.O.C #831124

Date : 07/16/2014
Time : 15:01

Account Activity Ledger

From: 01/01/2014 To: 07/16/2014

Comment	Trx Date	Time	Batch /Inv #	Trx #	Trx Type	Invoice	Deposit	Withdrawal	Balance Forward
ID 94000367	**Name** TERRELL, MARCUS ANTHONY			**Block** E-201-A			**Previous Balance**		35.06
Sales Transaction	01/06/2014	12:19	I#172887		I	35.06			0.00
	01/09/2014	08:33	B#168308	753088	D		30.00		30.00
Medical Co-Pay	01/09/2014	12:12	B#168337	753235	W			-5.00	25.00
Sales Transaction	01/13/2014	12:17	I#174064		I	24.94			0.06
	01/14/2014	08:18	B#169342	757536	D		30.00		30.06
Sales Transaction	01/20/2014	12:13	I#175233		I	30.00			0.06
	01/23/2014	08:17	B#171113	764680	D		30.00		30.06
Sales Transaction	01/27/2014	12:14	I#177391		I	29.94			0.12
	01/31/2014	07:48	B#172417	770084	D		35.00		35.12
Sales Transaction	02/03/2014	12:23	I#177918		I	35.07			0.05
	02/06/2014	08:17	B#173662	775214	D		30.00		30.05
Sales Transaction	02/10/2014	12:13	I#178887		I	29.97			0.08
SmartDep. louise but	02/15/2014	19:38	B#175442	782294	D		100.00		100.08
	02/17/2014	08:15	B#175808	783826	D		65.00		165.08
Sales Transaction	02/17/2014	12:15	I#181330		I	109.75			55.33
SmartDep. louise but	02/23/2014	12:39	B#176912	788526	D		100.00		155.33
Sales Transaction	02/24/2014	12:17	I#181913		I	119.69			35.64
SmartDep. louise but	03/01/2014	19:54	B#178227	794302	D		30.00		65.64
Sales Transaction	03/03/2014	12:16	I#183027		I	65.62			0.02
Released 03/04/2014	03/04/2014	07:33	B#178891	797179	W			0.00	0.02
Sales Transaction	03/05/2014	08:13	I#184044		C	-65.62			65.64
ID: 94000367.	03/05/2014	12:35	B#179082	798281	W			-65.64	0.00
Imported Entry	05/15/2014	12:02	B#192781	860808	D		0.00		0.00
SmartDep. louise but	05/17/2014	18:02	B#193219	862558	D		100.00		100.00
Sales Transaction	05/19/2014	12:30	I#198490		I	99.88			0.12
	05/22/2014	08:34	B#194217	867014	D		30.00		30.12
Sales Transaction	05/26/2014	12:32	I#199184		I	29.95			0.17
	05/29/2014	08:22	B#195751	873134	D		30.00		30.17
Sales Transaction	06/02/2014	12:36	I#200398		I	29.95			0.22
SmartDep. louise but	06/04/2014	15:04	B#197070	878986	D		100.00		100.22
	06/05/2014	08:02	B#197163	879464	D		30.00		130.22
Sales Transaction	06/09/2014	12:31	I#202013		I	119.96			10.26
	06/12/2014	08:22	B#198597	885914	D		30.00		40.26
Sales Transaction	06/16/2014	12:33	I#203343		I	40.23			0.03
	06/19/2014	08:17	B#200120	892210	D		35.00		35.03
Court Filing Fee14A0	06/19/2014	08:17	B#200120	892211	W			-7.00	28.03
Medical Co-Pay	06/20/2014	14:20	B#200344	893231	W			-5.00	23.03
Sales Transaction	06/23/2014	12:39	I#204431		I	22.73			0.30
	06/26/2014	08:23	B#201536	898464	D		30.00		30.30
Court Filing Fee14A0	06/26/2014	08:23	B#201536	898465	W			-6.00	24.30
Sales Transaction	06/30/2014	15:02	I#206042		I	24.25			0.05

Account Activity Ledger

From: 01/01/2014 To: 07/16/2014

Comment	Trx Date	Time	Batch /Inv #	Trx #	Trx Type	Invoice	Deposit	Withdrawal	Balance Forward
		Deposits	18	For	$ 835.00				
		Withdraws	6	For	$ -88.64				
		Invoices	17	For	$ 781.37				
		Outstanding Debt			$ 391.00				
		Savings Balance			$ 0.00				
		Bond Balance			$ 0.00				

IN The APPeals COURT of FULTON COUNTY STATE of Georgia,

Marcus ANTHONY TERRELL PlainTiff V. JeniffeR LAUREN Gower E.T.A.L DefendANT	DOCKET No. 14-A-0314-6

APPLICATION FOR DISCRETIONARY APPeal

Now Comes PlainTiff, Marcus ANTHONY Terrell, And Moves The Honorable Courts of APPeals For LEA-
-ve To APPeal The Dismissal of The Above Styled ACTION Pursuant § 5-6-34(A)(1) Has JurisdicTion

(1.)

1. PeTiTioner Does Show Need for APPeal for
2. Dismissal of PeTiTioners ComPlainT ON 8/8/14.
3. Where The ComPlainT is Record of FACT
3.A. And Reviles Direct Evidence of The TorTs
4. ThaT CAUSED SubSTANTiAl InJury To PeTiTione-
5. -r Being FRAud, DeceiT, And Negligence.

(2.)

6. The Issues Raised During Involved in (CONT'd-

(2. CONT'd-

1. ARE SET OUT IN PETITIONERS COMPLAINT LISTE-
2. -D AS (EXHIBIT (1.) of PETITION And Amended
3. COMPLAINT LISTED AS (EXHIBIT (2.) of PETITION
4. And The TRANSCRIPTS of The MOTION To DIS-
5. MISS Hearing AS (EXHIBIT (3.) If PETITIONERS
6. Request for The TRANSCRIPT of Record is Honored.
7. All Other MOTIONS, Responeses, LETTERS, ARE LABled
8. AS EXHIBITS Here After.

(3.)

9. X PETITIONERS COMPLAINT WAS Filled ON 4/28/2014
10. (EXHIBIT 1, of PETITION), IN-RE" To (TABle of
11. CONTENTS) (Pg1.) (L1-11) of The TABle Revile Pure FAB-
12. -ERCATION of A CRime from MR. JARAMILLO, And
13. Ms. Velasquez That Took Place on The dates of
14. 4/2/12 And AGAIN ON 3/8/13. AT The Resident
15. Of 1740 SACKETTS Dr, LAWRENCEVILLE, GA 30043.

(4)

16. ON (TABle pg1. (Line 12), And (TABle Pg1 (L5, L11,) Revile-
17. -S in PART Reason For Ms. Gower A.D.A, Defendant
(CONT'd

(4. Cont'd

1. To Perform A Experiment And Event of
2. Performing, The Experiment That WAS A
3. Act of Fabercation To Corroborate, Mr.
4. Jaramillo And Ms. Velasquez Fabercation Of
5. A Crime. In-Re (Exhibit 1 Complaint)

(5)

6. The Experiment WAS Performed ON 3/8/13
7. At 1740 Sackett's Dr The Crime Scene 3 days
8. Prior To Trail on Week of 3/11/13 day one.

(6.)

9. The Defense WAS NOT informed, Nor WAS
10. Any Procedural Safe Guards Used Based ON
11. Sound With No Sound Recording, OR Video Nor
12. Sound Experts USED Violating Discovery in
13. Bad Faith, Entered Day of Trial, In Furthere-
14. -nce WAS In Violation of Rules of Discovery
15. And Experiments, That Exsist So Their is NO
16. Alteration of A Crime Scene ARE OCCURENCES.

(7.)

17. The Experiment WAS To prove, And Disprove
18. To Corroborate, A Struggle Took Place in-

(Cont'd

(7. Cont'd-

1. Ms. Valesquez Bedroom, And To Prove Mr. Jar-
2. - Amillo was in The House 50ft Away from The
3. Room But him Nor his Dog Could hear The
4. Screams And Lamp or Lamps Being Knocked
5. To The Floor. That He was obliviouse To EVENT
6. Till Ms. Velasquez Entered The Study And
7. Claimed To Been Raped.

(8.)

8. The Experiment Consisted of Ms. Gower Being
9. in The Bedroom Screaming C.S.I Tech, And
10. A Detective for Gwinnett Would Watch To
11. See If Mr. Jaramillo would Raise his hand
12. If A SCREAM was heard By Mr. Jaramillo,
13. In Re To (Table pg3 (L33) of (Exhibit 1 complaint)

(9.)

14. Petitioner Complained That Mr. Jaramillo was
5. Not in The Study That He Caught The Petitioner
6. And Ms. Velasquez in A Affair, That Petitioner
7. Ran Past Mr. Jaramillo And His Dog He was
8. Yelling, Upset And His dog was Barking.

(10.)

During Trial The Resaults of The Experiment

WAS Produced Which Altered, Concealed Evide-

-nce That Corroborated Evidence Known To

Be False. Set out in (Exhibit 1 Table of Content (pg 1.)

(L5) and (L-11) (L12)

(11.)

(Exhibit 1, complaint) (L10) MR. JARAMillo Reviles

And Admitts under Oath, That He Infact Did

See, Petitioner Reviling He Could Not of

Been in The Study, obliviouse To Events

(12.)

(Exhibit 1 (pg3 Table of Contents) (L-33) (Record Exhibit 3 pg 365)

This is 1st Introduction of The Experiment, Altered

picture had Been produced one Time Already.

(13)

Right After it was Clear That The Experimen-

-t was A Alteration To The Occurence of The

Events To Said Crime, The Next Evidence Intro-

-duced was The Experiment And Its Experts.

Being Act, To Deceive, Fraud And Maliciouse

Tool To Convict

(14.)

(EXhibiT(3B.) is The NoTice of Hearing MoTion To Dismiss STAMPed ~~7/11/14~~ (7/7/14,)

(15)

(EXHibiT(4) is A Copy of PeTiTioners MoTion To OPPOSE (STAMPed 7/18/14) Showing Clearly The TORT Claims AT Issue. And WAS Served To Defendants, And Attorney General Assist "Deborah Nolan Gore."

(16.)

(EXhibiT(5), is The Affidavit, in Support of MoTion To OPPose (STAMPed 7/24/14), WiTh CiTA-TION And AUthority There in.

(17.)

(EXHibiT(6.) Is THe Amended ComplainT, This ComplainT WAS SenT To Pick UP To Be SenT ON July 11th, 2014, The Amended ComplainT, RequesT The Municiple CorporATion Be JoiNed, AS TORT feaser And WAS RequesTed for The Sc.2 Forms To PerfeeT Service ON The ATTorney General. THE Amended ComplainT Delay was Due To Numeros RequesT for A NoTary Seal. WAS RefuSed 2 Times

(Cont'd

(17. CONT'd

1. By Present Custodian of CARE, Sgt Birard, LAW
2. Library, Sgt, Petitioner Never Received SC.2
3. Forms from Superior Court Clerk.

—— Arguement And Authority ——

(18)

4. IN-RE: TO (Exhibit-3) NOT YET Published. MS.
5. Gore, Assist Attorney General Argued That
6. (A) The Attorney General WAS NOT Served.
7. (B) Petitioner Failed To STATE A Claim.
8. (C.) That Petitioners Claim WAS CONSTITUTIONAL
9. (D.) That The Defendants Was Immune

(19.)

10. IN Re: To (A.) Petitioner Argues Pursuant To §9-10-133
11. That The Mistake are Non-Complience of A Minis-
12. -Trail officer Should NOT Be, Work To The Injury of
13. Petitioner Where Within (Exhibit 2- Notice of Motion
14. for Leave To Amend Shows Non-Complience
15. from Custodian of CARES Ministrial officers
16. And The Certificate of Service, Request Service of

(CONT'd

(19.) cont'd

of The SC, 2 Forms And To Be Served UPON
The Attorney General, further Exhibit 4
Which is Motion To oppose Filed on July 18th 14"
Shows WAS Directed Directly To Ms. Deborah Nolan
Gore. And The Defendants And Should of
Been Granted Leave Pursuant To §9-11-15!
please See (Exhibit. 5). A) Letter" Sent To The
Clerk of Courts Never Received Which Caused
Delay. Sent on 6/17/14.

(20.)

In Re: To (B). Failed To State A Claim Petition-
er Argues, The Claim was! Spelled Out in his
Complaint And, Amended, Complaint As Well
The Motion To Oppose, And Affidavit Thereof.
Listed As Exhibit. 1) Exhibit. 2) & Exhibit. 4) —
Exhibit 1.) - Table of Contents Pg 2 - (L-16 & 17, List
Deceit, Fraud, Malice, Statue Violations, And
Procedural Violations, (Exhibit. 2) = Amend Comp-
-laint, (Pg 2) No. 8, 9) (Pg 3) No. 10, 11) List Again, Deceit,

(Pg. 8)

(cont'd

(20 cont'd-

1. Fraud, & Negligence, (Exhibit-4- and Exhibit,
2. -5, Being Motion To Oppose and Affidavit Thereof.
3. Clearly Spells out The Tort Claims. Sought.
4. (Exhibit.1.(Pg2) No (L18&19) Table of Content, Again
5. Spells out Fraud, Deceit, Malice, (Bell Atlan-
6. Tic Corp V. Twombly, 550 U.S. 544, 555, 127 S. Ct. 1955 (2007)
7. States: That A Claim Does not Need A heightened
8. Fact Pleading of Specifics, but only Enough Facts
9. To State A Claim for relief. Petitioners Hole Claim
10. is Backed With Fact of State Evidence Being
11. Pictures And Transcripts. Ms. Gowers Discovery

(21)

12. Next, Ms. Gore, Exhaustion Under "1983" Argued
13. "In Re: To Exhibit-3-; Listed (C.) No. 18 of This Petition
14. Which was Petitioner, Had Alternative Relief
15. Being his Appeal. Petitioner Argues, Even
16. Though, Their is A Constitutional Violation
17. Stated Petitioner was not Moving on The
18. Violation Just State Torts. (Re: Exhibit 1. (Table

(Cont'd

(21. cont'd

1. -- of Contents (Pg 2) Listed, Jurisdiction Claim
2. Which Reviles This was A State, Tort Claim,
3. Though I Revile The Courts Jurisdiction
4. Authority To Try Civil Claims, Petitioner Did
5. Not Cite Any Civil Authority, As Claimed
6. Or Federal, Just State. Again (Exhibit, -4-)
7. Motion To oppose Shows Clearly This being
8. State Tort Claim For Damages, And does Not
9. have, Exhaustion Requirements As "1983"
10. Does for Damages Claims. <u>Not Conviction, Attack,</u>

(22.)

11. In-Re: Exhibit 3. Listed (D) No. 18 of This Petition
12. Defendants Claim, To Being Immune To Action
13. For Damages. This being Ground of Dismiss-
14. al. Petitioner Argued (That The Act Ms. Gower
15. A.D.A of Gwinnett Was in Her <u>Investigative Capa-</u>
6. -City When The Torts Occured, In This Capacity
17. Ms. Gower Should only Be intitled Qualified
18. Immunity, Being Good Faith Immunity

(Pg 9)-B)

(cont'd

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS

September 19, 2014

To: Mr. Mrcus A. Terrell, GDC94000367, Gwinnett County Detention Center, 2900 University Parkway, Lawrenceville, Georgia 30043

Docket Number: **Style** Marcus Anthony Terrell v. Jennifer Lauren Gower

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

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

September 19, 2014

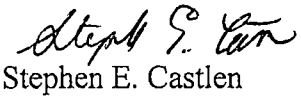
Stephen T. Rushing, Esq.
Taulbee Rushing Snipes Marsh & Hodgin, LLC
Post Office Box 327
Statesboro, Georgia 30459

RE: A14D0015. Bulloch County Board of Commissioners v. Kimberly Williams

Dear Mr. Rushing:

Enclosed please find the "Amicus Brief in Support of Application for Discretionary Review" received in this office to be filed by you. Our records indicate you are not a member of the Bar of the Court of Appeals of Georgia, thus, we are unable to accept the Brief.

Sincerely,



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

SEC/ld
Enclosure

IN THE COURT OF APPEALS
STATE OF GEORGIA

BULLOCH COUNTY BOARD OF COMMISSIONERS,	)	
Applicant,	)	
vs.	)	**Application No. A15D0015**
KIMBERLY WILLIAMS,	)	
Respondent.	)	

AMICUS BRIEF IN SUPPORT OF APPLICATION FOR DISCRETIONARY REVIEW

COME NOW TYLER FINCH, GREG AND JULIE ANDERSON, JIMMY MALLARD, ROBBIE HOWELL, ELLEN BUNCH, CLAIRE WRIGHTS, PEGGY GILMORE, ROY FINCH, RUTH THIGPEN, RANDY SAUNDERS AND GEORGE W. DANIELS, (hereinafter collectively referred to as "Neighbors"), as neighboring land owners to the property of Respondent in the above-styled case, and hereby file this their Amicus Brief in Support of the Application for Discretionary Review filed by the Bulloch County Board of Commissioners ("Board") pursuant to O.C.G.A. § 5-6-35(d) and Court of Appeals Rule 26. The Neighbors will show support for the Application which asserts to the Court that reversible error exists.

JURISDICTIONAL STATEMENT

The Court has jurisdiction of the underlying Application pursuant to § 5-6-35(d) and Rule 31. This Amicus Brief is authorized by Rule 26 of this Court. The Court should accept the Applicant's Application for Discretionary Review because the trial court below clearly erred in this case by failing to apply the proper "any evidence" standard.

IDENTITY AND INTEREST OF THE NEIGHBORS

The Respondent's property which is the subject of the conditional use request is located at 3565 Ponderosa Road in Bulloch County, Georgia. Neighbors, Greg and Julie Anderson, own the adjacent property to the east and north of Respondent's property at 3573 Ponderosa Road. Neighbor, Tyler Finch, owns the property at 3597 Ponderosa Road located immediately east of the Property of Respondent separated only by the driveway of Neighbors, Greg and Julie Anderson. There lies a pond on Mr. Finch's property that is located approximately 150' from the back porch of subject house located on the Respondent's property. Ellen Bunch owns the adjacent property to the west of the Respondent Property at 3547 Ponderosa Road. All of the other Neighbors own property in the general area of the subject property of Respondent that either front on Ponderosa Road or to which access is made from Ponderosa Road. As the owners of the immediately adjoining property on all sides of the subject property of Respondent and in the general neighborhood have an interest in the outcome of this case, in fact the greatest interest in the outcome of this case, the Neighbors respectfully submit this amicus brief.

STATEMENT OF PROCEEDINGS BELOW

The Parties through their briefs have made an adequate statement of the proceedings below though it may be fair to point out that the Zoning Administrator receives information from the Applicant for Conditional Use without a hearing or formal setting to hear from the neighbors with respect to their interests in the Application for Conditional Use. See Code of Ordinances for Bulloch County (the "Code") at §413(b). The Planning and Zoning Commission ("PZC") and the Board of Commissioners are required to consider the following standards in arriving at a decision on the Conditional Use:

(1) Is the type of street providing access to the use adequate to serve the proposed conditional use;

(2) Is access into and out of the property adequate to provide for traffic and pedestrian safety, the anticipated volume of traffic flow, and access by emergency vehicles;

(3) Are public facilities such as schools, EMS, sheriff and fire protection adequate to serve the conditional use;

(4) Are refuse, service, parking and loading areas on the property located or screened to protect other properties in the area from such adverse effects as noise, light, glare or odor;

(5) Will the hours and manner of operation of the conditional use have no adverse effects on other properties in the area;

(6) Will the height, size, or location of the buildings or other structures on the property be compatible with the height, size or location of buildings or other structures on neighboring properties; and

(7) Is the proposed conditional use consistent with the purpose and intent of the zoning ordinance.

See §413(c) Bulloch County Ordinances. It is the responsibility of the PZC to review and make a recommendation to the Board on Applications for a Conditional Use. See §415(c) Bulloch County Ordinances. However, the PZC does not have the power to amend the Zoning Ordinance, to rezone any land or to allow any use not permitted. See §413(e) Bulloch County Ordinances. Only the Board can make the decision as to an Application for Conditional Use. See §413(a) and

§503(b) Bulloch County Ordinances. The Board may make its own review and analysis of the Application and in so doing may choose to accept the recommendation of the PZC or not do so. The Board of Commissioners is not bound by the recommendation of the planning and zoning commission. The board of commissioners may grant or deny the application for a zoning request and, if granted, establish such additional conditions and development standards as it deems appropriate to satisfy the standards in article 4. See §410(f)(1) Bulloch County Ordinances.

Following PZC's action, the Board held a hearing on the conditional request as required by Bulloch County Ordinance §410(c)(3) on June 4, 2013. Under the ordinance, the Board is to independently consider the request according to the factors listed above in the context of a public hearing. The Board considered the comments of the Respondent and her attorney as well as those of the attorney representing the Neighbors. In particular, the attorney for the Neighbors presented evidence of the following concerns:

- The proposed personal care home would be located 1.5 miles down a "washboard dirt road" that is commonly used by slow-moving farm vehicles. This road would not be amenable to the increased traffic and need for ingress and egress of emergency vehicles. See Bulloch County Minutes at 492.
- The driveway to the home is narrow and not easy to find. Id.
- East Georgia Regional Hospital is approximately 18.6 miles from the home; all other personal care homes in Bulloch County are located in the city of Statesboro or, with the exception of one home on Pulaski Road, within five miles of the city line. Id.
- There is a pond on the property of Neighbor, Tyler Finch, located approximately 150 feet from the house of Respondent. Id. at 493.

- All the other buildings in the area are single-family homes. In addition, there is cultivated land in the area which may present a hazard to the residents from persistent chemical applications. Id.
- While appellant stated that her home could handle six residents in its present state, she had conceded at a previous meeting that she was unlikely to get a permit from the Department of Community Health for six residents unless she added at least one other bathroom to the two-bathroom house. Id. at 428.

After considering this evidence and applying the factors contained in the ordinance, the Board voted 4-2 to deny the conditional use request.

ARGUMENT AND CITATION OF AUTHORITIES

1. Standard of Review

The Court should grant the Board's Application for Discretionary Review because reversible error exists in this case. In rendering its decision, the Superior Court applied the wrong standard to the record before it. Rather than apply the "any evidence" standard that is set forth in the case law, the Superior Court in its order placed emphasis upon the recommendations made by the Zoning Administrator and the PZC and did not respect the independence of the Board in making the final decision on the conditional use request as provided in Sections 413(a) and 503(b) County Code of Ordinances. Because there was evidence presented at the public hearing conducted by the Board and included in the record that one or more of the standards in the ordinance had not been met and which would support the Board's decision to deny, the Superior Court should have upheld the Board's decision.

2. There is Clearly Reversible Error in This Case Because the Record Before the Superior Court Contained Evidence to Support the Board's Denial in Light of the Applicable Standards

Reversible error exists in this case because the Superior Court reversed the Board's decision despite that fact that there was more than ample evidence in the record to support the Board's decision in light of the applicable standards. The minutes of the public hearing conducted by the Board on June 4, 2013 in more than 2 single spaced pages fairly states all of the information presented to the Board by both the Respondent and her counsel and by the Neighbors through their counsel. The Rules of Evidence of the Superior Court are not applicable to the hearing conducted by the Board. It was undisputed at the hearing that the subject property on which the personal care home is proposed is located approximately 18.6 miles from the nearest hospital, the last 1.5 miles being a county dirt road which is often in poor condition. In light of the First Standard[1], this information weighed heavily on at least one Commissioner who initiated discussion about the paving of the road in the discussion by the Board prior to a Motion being made. See Minutes of the Meeting of the Board of Commissioners on June 4, 2013. That same Commissioner stated further in that discussion that the Board of Commissioners does have a lot of confidence in the Planning and Zoning Commission, but the Commissioners do their own homework and sometimes they have to overturn the Planning and Zoning Commission's recommendation. The proper standard of review for a superior court is whether the denial of the permit constitutes a gross abuse of discretion. City of Roswell v. Fellowship Christian School,

[1] First Standard text: Is the type of street providing access to the use adequate to serve the proposed conditional use.

Inc., 281 Ga. 767, 768 (2007). If there is any evidence in the record to support the decision of the governing Board, the superior court should affirm the decision. Fulton County et. al. v. Congregation of Anshei Chesad, 275 Ga. 856, 859 (2002). The Supreme Court of Georgia in the Anshei Chesad case noted in its decision that:

> The transcript of the county commissioners' discussion on the proposed use permit establishes that a commissioner whose position prevailed was opposed to introducing an "institutional" use to the west side of Highpoint Road south of Greenland Road, which area was used for single-family residences. A representative of the neighborhood civic association said any change in use threatened the stability of the neighborhood, noting the increased density developments that followed the introduction of institutional uses on the east side of Highpoint Road. Since the record contains evidence supporting the decision of the Board of Commissioners, we must reverse the trial court.

The Court in Anshei Chesad then cited City of Alpharetta v. Estate of Sims, 272 Ga. 680 (2000). In that case, the decision of the Court hinged upon evidence of the City Council's concern about a single oak tree in light of the single standard that "the conditional use will not be injurious to the use and enjoyment of the environment." Id. at 680, n. 1. The ordinance in that case contained no less than 4 standards for the City Council to apply to an application. The evidence in that case was that there was insufficient effort to save the oak tree and that being "any evidence", the Court reversed the Trial Court which had held that the City Council had abused its discretion when denying the use permit. Id. at 682. "*Any* evidence is sufficient to support the decision of the local governing body." City of Atlanta v. Starship Enter. of Atlanta,

Inc., 308 Ga. App. 700, 701 (2011) (emphasis in original). A Superior Court's obligation is to review the evidence before it and not to reweigh that evidence. Fellowship Christian School, Inc., 281 Ga. at 768 (citing to Gwinnett Cty v. Ehler, 270 Ga. 570 (1999)). In this Court, the standard of review is whether any evidence supports the Board's decision, not whether any evidence supports the trial court's decision. The Superior Court failed to consider the evidence reflected in the record which clearly supported the Board's decision to deny in light of the applicable standards. It therefore applied the wrong standard and reversible error exists such that the Application for Discretionary Review should be granted.

The Respondent points to the notice of the decision that was mailed by the Zoning Administrator to the Respondent as containing no evidence considered by the Board to support its decision. However, the notice of decision is not the only source of review by the trial court but rather the entire minutes of the hearing conducted by the Board on June 4, 2013 as well as the recording of that hearing. Clearly, the minutes contain multiple instances of evidence that would support the Commissioner's decision to deny the use permit not the least of which is the distance from emergency services and the condition of the access road when considering the first and second standards, supra.

A review of the Superior Court's order reveals that the Superior Court failed to apply the correct standard to the appeal. There is no recitation anywhere in the order regarding what standard the Superior Court was applying. The order acknowledges that the concerns of Neighbors were reported to the Board, but then dismisses this evidence as having been "addressed by the professional staff of the PZC in its report recommending approval of the application." See Order at 2. The Superior Court then concludes that the Board's decision has

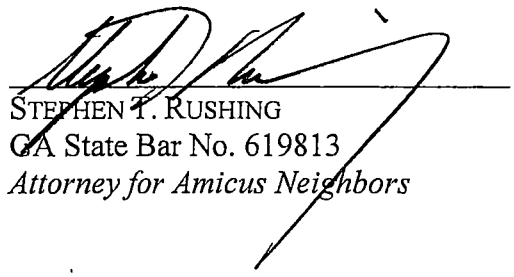
no "objective" support and that its exercise of power was "arbitrary and capricious." Id. The trial court may not substitute its analysis of the evidence presented at the hearing for that of the Commissioners. Instead, it is for the trial court to ascertain whether there was "any" evidence presented to the Commission that would support its decision. City of Atlanta Bd. of Zoning Adjustment v. Kelly, 238 Ga. App. 799, 801(1) (1999). A review of the minutes of the meeting quickly reveals there was evidence before the Board and not just "any" evidence, but significant evidence to support the denial that was directly relevant to the objective criteria to the ordinance. In particular, there were concerns raised about 1) the adequacy of the road; 2) the distance to emergency services; 3) safety hazards on the subject property; and 4) suitability of the use to the surrounding area. These concerns directly address the criteria set forth in the statute regarding 1) access for users and for emergency vehicles; 2) the adequacy of public facilities, including EMS; and 3) consistency of the proposed use with the zoning scheme and existing uses. §413(c) Bulloch County Ordinances.

CONCLUSION

In light of the foregoing, this Court should GRANT the Board's Application for Discretionary Review because reversible error exists in this case. Evidence was submitted to the Board at the hearing which clearly supports the Board's decision to deny the use request based upon the applicable standards. There being "any evidence" in the record presented to the trial court, the decision of the Board should have been upheld. The Superior Court clearly did not apply the correct standard. The failure by the Superior Court to apply the correct standard is plainly error. To allow this error to stand would have the greatest negative impact on the Neighbors, whose land and homes surround the subject property of the Respondent.

Accordingly, the Application of the Board of Commissioners should be GRANTED and the Board should be allowed to file an appeal with this Court.

Respectfully Submitted,



STEPHEN T. RUSHING
GA State Bar No. 619813
Attorney for Amicus Neighbors

TAULBEE, RUSHING, SNIPES,
MARSH & HODGIN, LLC
Post Office Box 327
Statesboro, Georgia 30459
(912) 764-9055
(912) 764-8687 (Fax)

IN THE COURT OF APPEALS
STATE OF GEORGIA

BULLOCH COUNTY BOARD OF COMMISSIONERS,	)	
Applicant,	)	
vs.	)	**Application No. A15D0015**
KIMBERLY WILLIAMS,	)	
Respondent.	)	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Amicus Curiae Brief has been served via United States mail, with adequate postage thereon, upon the following:

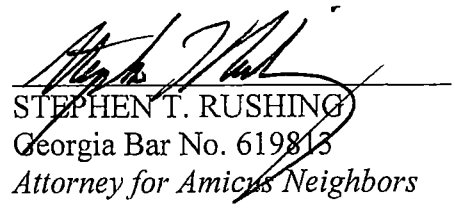
Jeffrey Akins
Bulloch County Board
of Commissioners
115 North Main Street
Statesboro, Georgia 30458

Michael J. Classens
Edenfield, Cox, Bruce & Classens, PC
115 Savannah Avenue
Statesboro, GA 30458

Laura Wheaton
Brown Rountree PC
26 North Main Street
Statesboro, GA 30458

R. Hubert Reeves, III
Post Office Box 690
Millen, GA 30442

This 11th day of September, 2014.



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September 11, 2014

Clerk, Court of Appeals of Georgia
Suite 501, 47 Trinity Avenue, S.W.
Atlanta, Georgia 30334

RE: Bulloch County Board of Commissioners v. Kimberly Williams
In The Court of Appeals, State of Georgia; Application No. A15D0015

Dear Clerk:

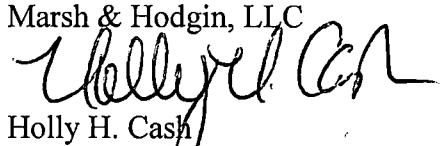
I enclose for filing the original and two copies of the Amicus Curiae Brief in connection with the above-referenced matter. Please return a file-stamped copy in the self-addressed envelope enclosed.

If you have any questions, please do not hesitate to contact our office.

Best regards.

Very truly yours,

Taulbee, Rushing, Snipes,
Marsh & Hodgin, LLC



Holly H. Cash
Legal Assistant

/hhc

Enclosures
cc: Jeffrey Akins
Michael J. Classens
Laura Wheaton
R. Hubert Reeves, III

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS

September 23, 2014

To: Mr. Christopher Andrew Lynch, GDC1000768589, Valdosta State Prison, Post Office Box 310, Valdosta, Georgia 31603

Docket Number: **Style: In RE: Christopher Andrew Lynch**

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

September 19, 2014
Clerk of Court
Georgia Court of Appeals

Dear Clerk,

Please find enclosed: my Application / Brief for Appeal, with Request for In forma Pauperis and my Affidavit of Indigence. Included with, is the original documents relating to the case from which I seek appeal, paper-clipped together.

Respectfully,

Christopher Andrew Lynch
#1000768589
Valdosta State Prison
P.O. Box 310
Valdosta, GA 31603

P.S.

Please know and note that all the documents are within the envelope from DeKalb County Court; ~~which~~ which was enclosed in the envelope addressed to you.

IN THE
GEORGIA
COURT OF APPEALS

In RE: Christopher Andrew Lynch
GDC # 1000748589

PETITIONER'S
APPLICATION/BRIEF
FOR APPEAL

Pro Se
Christopher Andrew Lynch
Valdosta State Prison
P.O. Box 310
Valdosta, GA 31603

IN THE
GEORGIA
COURT OF APPEALS

In RE: Christopher Andrew Lynch

Civil Appeal #:

PETITIONER'S
APPLICATION/BRIEF
OF
APPEAL

NOW COMES Petitioner Lynch and hereby respectfully moves the very honorable Georgia Court of Appeals to grant appellate review, pursuant to O.C.G.A. § 5-6-35, for the following reasons:

STATEMENT OF FACT

The Petitioner, Christopher Andrew Lynch (hereafter "the Petitioner") filed a Petition for Name Change with Affidavit and Request for In Forma Pauperis in the DeKalb County Superior Court on May 19th, 2014. A copy of various documents were filed contemporaneously with,

and in support of, the Petition for Name and In Forma Pauperis. Petitioner Lyn (23) twenty-three year old pre-operative, male-to-female transsexual and has been diagnosed with Gender Identity Disorder ("GID"). The Petitioner, an inmate currently housed at Valdosta State Prison, has very intense GID and suffers from severe depression, distress and dysfunction. The Petitioner recieves regular psychotherapy and counseling to mitigate pre-occupation with auto-castration and patterns of mutilation (i.e., cutting of the wrists, arms, inner thigh and surrounding the genitals). The Petitioner's mental health providers have stated a name change "would also address dysphoria more effectively than any treatment currently available", in a clinical report (provided as Exibit H of the Name Change Petition, which has been attached to this Application

Individuals with GID, such as this Petitioner, often seek to change their names, so as to begin actuating what mental health professionals (and the Harry Benjamin Standards of Care) call the "real-life experience"; a peaceful psychological assimilation of the "outer identity" with the "inner identity." In the instant matter, Petitioner Lynch sought to have a name change in order to begin a process of healing and to

alleviate psychological distress and to ce
dangerous, harmful patterns of self-injury.
The Petitioner's last episode of self harm resulted
in the permenant scar on the inner thigh that
reads "coochie", from when Petitioner carved
"I want a coochie" on the inner right thigh.

On 7/25/14, the Petitioner wrote the Clerk of
DeKalb County Court because, after 90 days,
the Petitioner had still not heard from the Court.
No response came from the Court. Then in early
August, the Petitioner contacted Black & Pink
News Paper (and Gray Rights group) who then
arranged to contact DeKalb County Court on the
Petitioner's behalf if no response was recieved by
September 1, 2014. A phone call was made to
DeKalb County Court from Black & Pink in or
around the first week of September, and Petitioner
wrote the clerk of court again. On September
10th, 2014, the Petitioner recieved mail from the
DeKalb County Superior Court, although the mail
had been at the prison since the 2nd of September.
Petitioner recieved a Court Order (and all filed
documents were returned), dated 8/22/14, which
read that "based upon the Court's review, the
informa pauperis request does not comply with
the requirements of the Prison Litigation Reform
Act..." A copy of the order has been attached here to

ENUMERATIONS OF ERROR

AND

ARGUEMENTS

1 As a preliminary matter, Petitioner humbly points out that Judge Beeker's Order does not make a finding of the Petitioner's indigency. That Order, from Case No. 14-1026-194-6, reads "In accordance with O.C.G.A. §9-15-2(d) and 42-12-4 and 5, the Court has examined the Petitioner's petition for name change and request to proceed in forma pauperis. Based upon the Court's review, the in forma pauperis request does not comply with the requirements of the Prison Litigation Reform Act." This suggest that the Petitioner failed to heed a provision of the PLRA, not that the Petitioner could indeed pay the costs involved with the action.

However, in the event that the Honorable Georgia Court of Appeals is inclined to view the Order as a finding regarding the Petitioner's indigency, the Petitioner argues that Tootle v. Player does not make a trial court's finding on indigency non-reviewable. In Tootle v. Player, 225 Ga. 431; 169 S.E. 2d 340 (1969), we find the parent of all the progenious case law that states that a trial Court's findings on indigency are non-reviewable. What's

weird though is that although the progeny case law may say this, Tootle v. Player never stated such. In Tootle v. Player, the GA Supreme Court did NOT state that a trial Court's findings on indigency were non-reviewable; Tootle states that the Court, like its lower counterpart, accepted the "ad valorem tax returns" evidence presented by Mrs. Stella T. Player against Mr. Dave Tootle, which demonstrated that Mr. Tootle was not, in fact, indigent. All that Tootle v. Player states is that Justice Undercofler applied former Code Ann § 6-1003 in deciding that Mr. Tootle could not proceed in forma pauperis, based upon the evidence entered into the record. In the instant case, there was only irrefutable evidence of this Petitioner's indigence, and, thus, appellate review is just.

2 The Petitioner's Bequest for In Forma Pauperis did, in fact, comply with the Prison Litigation Reform Act.

The Honorable Judge Cynthia J. Beeher was mistaken when she issued the order, which reads "In accordance with O.C.G.A. § 9-15-2 (d) and 42-12-4 and 5, the Court has examined the Petitioner's petition for name change and request to proceed in forma pauperis. Based upon the Court's review, the in forma pauperis request does

not comply with the requirements of the Prison Litigation Reform Act, O.C.G.A. § 42-12-1 et. seq."

This Petitioner carefully reviewed O.C.G.A. § 42-12-1 through 42-12-5, with careful attention to 42-12-4 and 5 since they were specifically cited in Her Honor's order. The Petitioner had no choice but to conclude that the Court was mistaken in its findings. A copy of this Petitioner's In Forma Pauperis (the original, actually) has been attached here to and consists of: the handwritten motion; a typed 'Affidavit of Poverty' notarized by prison officials; a verification signed and notarized by prison officials; certification form signed by prison officials; a print out of Petitioner's indigent Inmate Account.

The (5th) fifth page, the Verification form, lists the Petitioner's aliases and meets the requirements of 42-12-5(D)(2). Every single provision of O.C.G.A. 42-12-5 is met by one page or another within the packet that is the In Forma Pauperis request. In no way has the Petitioner "run astray" of O.C.G.A. § 42-12-1 et. seq., or failed to meet requirements of the statutes.

Indeed, the Court must have made an honest mistake because the Petitioner has complied with the Prison Litigation Reform Act, to the letter. The Petitioner has satisfied every provision or requirement required by

the statues.

WHEREFORE, this Petitioner prays that appeal be granted, in order to actuate a name change to treat the Petitioner's Gender Identity Disorder.

This 15th day of September, 2014

Pursuant to 28 U.S.C. § 1746 I, Christopher Lynch, hereby certify, depose and state under penalty of perjury that the above, set forth herein, is both true and correct to the best of my knowledge.

Respectfully,

Christopher Andrew Lynch
GDC # 1000768589
Valdosta State Prison
P.O. box 310
Valdosta, GA 31603

IN THE
GEORGIA
COURT OF APPEALS

In RE: Christopher Andrew Lynch

STATEMENT
PURSUANT
TO O.C.G.A. § 5-6-4

I, Christopher Andrew Lynch, now come and hereby provide this statement, pursuant to O.C.G.A. § 5-6-4, that I have filed a Request and Affidavit of In Forma Pauperis.

This 15th day of September, 2014

Respectfully,

Christopher A. Lynch
#1000768588

IN THE
GEORGIA
COURT OF APPEALS

In RE: Christopher Andrew Lynch

REQUEST
FOR
IN FORMA PAUPERIS

Now Comes Petitioner Christopher Lynch and files this request for Petitioner's Appellate Application/Brief to proceed In Forma Pauperis. The Petitioner has no bonds, no stock, no checking or savings account, no allowance nor inheritance, no income at all. Petitioner has been indigent and without funds in his inmate account for near to 4 years. Enclosed/attached to this Request is the In Forma Pauperis packet filed previously with the DeKalb County Superior Court, it includes a copy of Petitioner's Inmate Account and has others forms which also substantiate Petitioner's indigence. Petitioner's alias' are: Pasha Nicole, Pasha Romanovich — stage names used by the Petitioner before incarceration — and Petitioner is generally known as "Christina" to all friends and associates. I am entirely impoverished.

I, Christopher Lynch, do swear and affirm under penalty of perjury that the statements contained in this affidavit are true. I further attest that this application for informa pauperis status is not presented to harass or to cause unnecessary delay or needless increases in the costs of litigation.

Pursuant to 28 U.S.C. 1746 I do hereby declare and certify that I am indeed indigent and that this Request for In Forma Pauperis contains fact that is true and correct.

Respectfully,

Christopher Lynch
#10007685880
V.S.P.
P.O. box 310
Valdosta, GA 31603

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

September 24, 2014

To: Mr. Neville Turnbull, GDC1000976378, Dooly Correctional Institution, Post Office Box 750 Unadilla, Georgia 31091

Case Number: _____ Lower Court: County Superior Court

Court of Appeals Case Number and Style: _____

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

☐ **There is no case pending in the Court of Appeals of Georgia under your name.**

☑ **A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37. Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.**

☑ **The Notice of Appeal must include a proper Certificate of Service. A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.**

☐ **An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.

☐ **An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.

☐ **Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____. The remittitur issued on _____ divesting this Court of jurisdiction. The case decision is therefore final.

☐ **Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the is:

☐ **If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.

☐ **A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

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

IN THE STATE COURT OF GEORGIA, COUNTY OF CLAYTON

Turnbull Neville C

v.

State of Georgia

CAUSE NO. 2010CR09954-D
Appeal No. A12Q1201

NOTICE OF APPEAL

Notice is hereby given that Neville C. Turnbull the above named appellant, appeals to the Georgia Appellate Court, from the denial of his Pro Se Motion to void an illegal conviction and sentence under cause no 2010CR09954-D. Said Judgement was entered by the Court on the 4th day of September 2014. The denial of a Petition to correct a sentence on the ground that the original sentence was void is appealable as a matter of right by virtue of Williams v. State, 271 Ga. 686(1) (523 S.E. 2d 857) (1999)

The Clerk will please transmit the entire record "Omitting Nothing" to the Georgia Appellate Court which has Jurisdiction of the case Pursuant to the Constitution of Georgia 1983 Art. VI Sec. VI. Par III

Submitted this 17 day of September 2014

Turnbull
Turnbull Neville C
Respectfully.

IN THE GEORGIA COURT OF APPEALS, STATE OF GEORGIA

Turnbull Neville C

v. CASE NO:

The State of Georgia.

Pro Se Entry of Appearance

Pursuant to this Courts local Appellate Rules, comes now Turnbull to enter his appearance Pro Se. Turnbull states the following under Penalty of Perjury:

1. Turnbull Neville C, #1000976378
   Dooly State Prison, Po Box 750, unadilla Ga. 31091
2. Cause no. Trial 2010 CR 09954-A, Previous appeal no. A12A1201.
3. That I am the appellant in the foregoing instrument
4. I believe I am entitled to relief sought.
5. That because of my poverty, I do not have sufficient means to pay the cost for service that I request.

Respectfully submitted this 17 day of September 2014

Turnbull

Respectfully.

In the Georgia Court of Appeals, State of Georgia
Turnbull Neville C

v. Appeals No.

State of Georgia

Allegations

Comes Now Turnbull Pro Se Petitioner, and moves this court to grant relief declaring that the sentence and conviction in the case of 2010CR0954-A were indeed void as the Court lacked Jurisdiction and or Venue.

Authority

Pursuant to Georgia Constitution. 1983, Article VI. Sec. II Para. VI; O.C.G.A. 17-2-2 (a); Sixth Amendment to the United States Constitution; O.C.G.A. 17-9-4

Cites / Cases

Bizzard v. State, Ga. App No A11A1396 (2011) Graham v. State, Ga. Sup. Ct. No S02A0425 (2002); Hammock v. Zant, 243 Ga. 259, 253 S.E 2d 727 (1979)

Facts

1. A warrant was sought upon Turnbull 2009 CWS 23071 by Clayton County Police accused that on or about the 20th day of December, 2009 Turnbull called alleged victim at Place of Employment 1933 Eshelman, ...30349... for the Purpose of harrassment.

   a. victim's Place of employment lay outside the Jurisdiction and Venue of Clayton County and was not at address 1933 Eshelman Ct. East Point Police Precinct had Jurisdiction.

2. According to the State's averment of Transaction on the official indictment accusation case no. 2010 Cr 09954-A, The State elected to Specifically charge Turnbull with the offense of harrassing Phone calls "... for that the accused on the 20th day of December 2009, in Clayton Co. Georgia did repeatedly telephone Carter for the Purpose of annoying and harrassing..." at address 1933 Eshelman Ct. 30349

   a. The Trial court did not take Judicial notice that residence was layed entirely within Clayton County.

   b. residence was in the Jurisdiction of Fulton County Police Precinct.

3.. Newly discovered Evidence, unknown to Turnbull as of September 11, 2014, within the State's file revealed the following:-

a. according to the State's investigation on 18 day August 2010 there were no corroborating evidence to support harrassing Phone calls to victim's place of resident Employer

b. Victim through witness statement to Police on 12/20/2009 at 18:20 Told Police:-
"On Sunday 12/20/2009 at 0800... I was unable to Call anyone (at residence 1933 Eshelman Ct) because (Turnbull) disconnected my cell Phone Service the night before (12/19/2009)

c. Witness Tamika Vann corroborated the above statement to Police on 1/2/2010 that:
"On December 19, 2009 was the day Turnbull disconnected Services on the cell (Victim was using)"

d. Evidence revealed in the State's investigation file that the Phone Carter (victim) was using belonged To Turnbull as he was the account holder, and the registered address for victim's cell was at 371 E. lake Place, Marietta Ga 30008.
The cell Phone Turnbull used to make call's was also registered to the above address in Cobb County.

e. Witness Statement to Police between 12/19/2009 and 1/2/2010 by both alleged victim and Tamika Vann revealed that Turnbull did indeed acquired Police escort on or about December 19, 2009 at residence in an attempt to retrieve his Property.

3. Other Evidence revealed now for the first time would infer or indicate that Carter did have motive and criminal intent to breach Turnbull's Bank account, when Carter became aware Turnbull was going to be or was incarcerated, hence the alleged victim Carter fabricated, concealed and exaggerated her claims to Police, that would have convince the Police to immediately arrest Turnbull with the aid of other false witnesses.

- Suspiciously Carter on 12/21/2009 17:15 wrote another witness statement entailing...,
  "....I left and checked the balance to our joint bank accounts only to learn Turnbull had moved all funds to a seperate account which only Turnbull had access to. I called his cell phone and asked Turnbull why he moved the money when he knew some of it belonged to me and I had bills coming out of the account soon ... I told him I would call or text Turnbull later telling him when he could come back so we can complete the transaction..."

4. Turnbull was arrested on (4) warrants to include this charge (2) felonies (2) misdemeanors on December 22, 2009 with a bond on each of $25,000 totalling $100,000 bond.
Turnbull could not afford to make bond.
Subsequently (3) of the charges were dismissed by the State as there were no evidence to corroborate Carter's claims.

a. Under account fraud Investigation claim no. ID Feb 2010_883642 on Turnbull's Primary account "only he had access to" account no. 1809. Investigation revealed by both banks that a check, was forged, and deposited in Carter's Private account Bank, other than the bank Carter shared with Turnbull, for the amount of $900.00+- of which Carter received the funds. Turnbull's Private account check was forged on the same day he was arrested December 22, 2009, and deposited somewhere between the 19th and 22nd of December 2009. (assuming it takes at least (3) days for a check belonging to another bank to clear.

b. The background is that Turnbull's bank, since he moved to Marrietta, erroneously sent new account materials to Carter's residence. When Turnbull became aware of this through phone inquiry, and cleared the error, the bank relayed that since it was too late to void the order, as the checking account material were already shipped out, the Bank will flag the first order as lost/stolen so no one can use the material and resend new ones to Turnbull's Marietta address.

c. Evidence to corroborate Identity Theft, deposit account theft and fraud, and mail theft are filed currently on record of The Habeas Court of Dooly County under case no 14DV0062 Supreme Court no. S14H1822

To conclude by the authority of O.C.G.A 17-9-4 and by virtue of O.C.G.A 17-2-2(a) The State failed to Prove Venue beyond a reasonable doubt, which makes the Judgment void. Williams v. State (Supra), 271 Ga. 686(1) (523 S.E. 2d 857) (1999); Curtis v. State, 275 Ga. 576(1) (571 S.E. 2d 376) (2002)---

Thus Turnbull's case demands to be declared void, in the interest of Justice as law demands.

I certify under Penalty of Perjury that the above and foregoing is true and correct.

Executed 9-17-2014

Respectfully.

Certificate of Service

This will stand to Certify that arrangements were made through third Party contact to have the above and foregoing Copies/Same to be Photo Copied and forwarded to.

- Clayton County State Court Georgia
  9151 Tara Blvd (4th Floor Attn D.A)
  Jonesboro Ga. 30236
  Attn to Clerk of Court.

- Clayton County District Attorney
  9151 Tara Blvd (4th Floor)
  Jonesboro Ga.

- Georgia Appellate Court
  47 Trinity Av. S.W
  Suite 501 Atlanta Ga. 30334

Executed 9-17-2014

Respectfully Submitted.

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

September 25, 2014

Mr. Marvin Turner
GDC764043
Macon State Prison
Post Office Box 426
Oglethorpe, Georgia 31068

RE: A95D0333. Marvin Turner v. The State

Dear Mr. Turner:

The above reference Discretionary Application (probation revocation) was denied in this Court on August 10, 1995. If you would like to obtain copies, you may want to contact your attorney, Lynne Yvonne Borsuk, Esq., 2786 North Decatur Road in Decatur, Georgia 30030 or the DeKalb County Superior Court.

Sincerely,

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

SEC/ld

September 17th, 2014

To: Clerk of the Court,

I would like to know, "the total cost of purchase for the Discretionary Appeal", that was filed in case no. A95D0333, in which I was the appellant.

Thank you for your assistance.

Sincerely,

Mr. Marvin Turner, pro se
#764043
Macon State Prison
P.O. Box 426
Oglethorpe, Ga. 31068

RECEIVED IN OFFICE
2014 SEP 24 PM 3:31
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

P.S. I would also like to know, was your office in receipt of my "Motion for Reconsideration" filed for case no. A14A2000? And, has a decision been made, in regards to the motion?

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

September 23, 2014

Mr. Thomas J. Morris
321 Axson Road
Pearson, Georgia 31642

Dear Mr. Morris:

I am in receipt of your "Withdrawal as Named Appellant." I am sorry to say that we are unable to file your submission as it may only be filed with our Court through your attorney. Your attorney must file a Motion to Withdraw the case (as it relates 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

JULIAN RIGBY, ET AL.,	§	
Appellants,	§	
VS.	§	CASE NO. A14A1369
JERRY E. BOATRIGHT, ET AL.,	§	
Appellees.	§	

WITHDRAWAL AS NAMED APPELLANT

Comes now Thomas J. Morris, a named appellant in the above-styled case and withdraws as such, respectfully showing unto the Court the following:

1. Movant no longer desires to participate in the proceedings involved in this case.

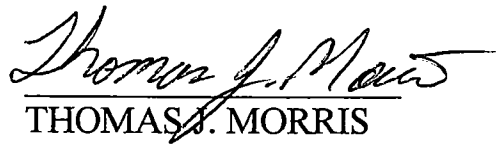
2. Movant has communicated his desires with respect to this case to Kenneth Futch, attorney for Appellants, who, despite the admonitions of Georgia Bar Rule 1.16, has refused to take any action.

3. Movant has no choice but to attempt to accomplish his desires without the assistance of counsel.

WHEREFORE, Movant moves the Court for an order deleting him as a named Appellant in this case.

This the 16 day of September, 2014

RESPECTFULY SUBMITTED,



THOMAS J. MORRIS

IN THE COURT OF APPEALS

STATE OF GEORGIA

JULIAN RIGBY, ET. AL.,	§	
Appellants,	§	
VS.	§	**CASE NO: A14A1369**
JERRY BOATRIGHT, ET. AL.,	§	
Appellees	§	

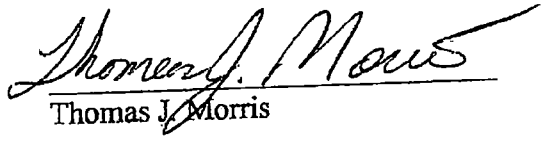
CERTIFICATE OF SERVICE

This is to certify that I have this day served a true and correct copy of the above and foregoing Withdrawal as Named Appellant by depositing the same in the United States Mail in properly addressed envelopes with postage affixed to each sufficient to insure delivery to:

Mr. James L. Roberts, IV
Attorney at Law
P.O. Box 21828
St. Simmons Island, GA 31522

Mr. Kenneth Futch
Attorney at Law
110 Screven Ave.
Waycross, GA 31501

This the 16th day of September, 2014.



Thomas J. Morris

Steve Castlen - Morris Letter

From: Steve Castlen
To: Lola Diamond
Subject: Morris Letter

Mr. Morris,

I am in receipt of your "Withdrawal as Named Appellant". I am sorry to say that we are unable to file your submission as it may only be filed with our Court through your attorney. Your attorney must file a motion to withdraw the case (as it relates to you).

SEC

Court of Appeals of Georgia

September 29, 2014

TO: Mr. David Lewis, GDC105557, Georgia Diagnostic and Classification Center, State Prison, Post Office Box 3877, Jackson, Georgia 30233

RE: **A14A2132. David T. Lewis v. The State**

CHECK RETURN

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

CASE STATUS - DISPOSED

☐ Your appeal was disposed by opinion (order) on _____. The Court of Appeals _____. The remittitur issued on _____, divesting this Court of any further jurisdiction of your case. The case is therefore, final.

CASE STATUS - PENDING

☑ **The above referenced appeal was docketed in the September 2014 Term and a decision must be rendered by the Court by the end of the January 2015 Term which ends on April 14, 2015.**

☑ **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.**

Appellant's Brief	**18 pages**	**$ 27.00**
Appellee's Brief	**9 pages**	**$ 13.50**
Appellant's Reply Brief	**6 pages**	**$ 9.00**

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

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

To: Ga. Court of Appeals

From: David Lewis 105557

GDCP

P.O. Box 3877

Jackson Ga 30233

Case # A14A2132

David Lewis vs. State of Ga.

Attorney on Record: Adam M Hames Georgia Bar No. 320498

Im sorry to personally have to bother the Ga. Court of Appeals, but my attorney basically refuses all communication with me. In our agreement, he was to answer all of my questions, and get me copies of any and all briefs. Appellant and Appellee brief has been filed. Could you please let me know when the 3rd brief is filed (Appellant brief) and the # of pages, so I can get a copy of this 3rd brief from the Ga. Court of Appeals?

Thanks

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

September 29, 2014

To: Ms. Anita K. C. Lawson, Lumpking County Detention Center, 385 East Main Street, Dahlonega, Georgia 30533

Case Number: _____ Lower Court: County Superior Court

Court of Appeals Case Number and Style: _____

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

☑ **There is no case pending in the Court of Appeals of Georgia under your name.**

☑ **A Notice of Appeal is filed with the clerk of the trial court. 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.**

☑ **The Notice of Appeal must include a proper Certificate of Service. A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.**

☐ **An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.

☐ **An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.

☐ **Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____. The remittitur issued on _____ divesting this Court of jurisdiction. The case decision is therefore final.

☐ **Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the is:

☐ **If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.

☐ **A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

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

Whitten
"Vs"
Whitten

Civil Case #
1405239

Lumpkin County, GA
Judge Stan Gunter

9-22-14

To Whom it May Concern,

ON September 3, 2014 I was arrested for Civil Contempt in Lumpkin County, GA. Judge Stan Gunter Sentenced me to 1550 days for failing to pay $ 20,000 in 6 days attorney fees to Mr. Whitten, My ex-husband.

ON July 2012, My attorney Mr. O'Marra and I was told to appear in Lumpkin County for an emergency Motion of relief. This Same hearing the Judge Stated We can hear the divorce, "Since this was a four Month marriage and no Children". Mr. O'Marra traveled 4 hours unprepared and neighter party was Served regarding a divorce hearing. My Ex-husband grossed $ 180,000 and I 20,000 as nurse and full time Student. I was Sentenced to pay all attorney fees and the order Set me up to pay all attorney fees when a Motion was filed.

IN August 2012, Lynn Alderman, my attorney answered a motion of Contempt. The Motion was filed because I Couldn't Ever pay $ 8,500.00 from the previous Motion. During this hearing My attorney asked the Judge to recuse himself from my case, and the previous ordered Violated my rights. The Judge refused to recuse himself from my Case. I was ordered to pay More attorney fees.

In November 2012, Another Motion was filed, I was protected under Bankruptcy and I was never served regarding this hearing. Additional attorney fees were ordered for me to pay.

In July 2013, Another motion was filed. This hearing Judge Gunter ordered My ex-husband to Come to my home in Blairsville, GA and remove any items that Mr. Whitten believed belong to him. Mr. Whitten entered my home and removed family heirloom's that belonged to my Grand-father.

On August 2013, Judge Gunter ordered me to pay $ 20,000 or turn myself into the Lumpkin County Jail. I was given 6 days to pay.

↓ over

I was protected by the bankruptcy Court and in feb/ 2014 I was forced to dismissed due to Judge Gunter evicted me and my Children from our Blairsville, GA Home. I was renting this home and was current w/ rent. After being homeless, no job and no Means to provide for my family I was forced to relocate to Kentucky w/ family.

In October 2014, Mr. James Deals, my ex husband attorney, filed another Motion in Lumpkin County, GA, I had relocated to Kentucky and was not served any notice but additional attorney fees were granted.

My ex-husband and his attorney Mr. Deal have been personal friends for 17yrs and I recently learned they had a previous relationship. I was married to Mr. Whitten only 4 months and asked for a divorce after learning he was under the care of a Mental MD in Gainesville, GA, Diagnosed with STDS and had continued a 6yr romance with a Women in Mississippi - None of this was told to me before I married Mr. Whitten. However, I was ordered to contact Mutual friends and state I "lied" about what I had discovered about Mr. Whitten. I was forced to produce documents - That never exists. I was ordered to produced in a Discovery Info on my drug use. - I have never done any drugs much less Drink - I am asking the GA Court of Appeals to hear my case. I'm a victim of the injustice in Lumpkin County, GA. If you can't help me please help me with removing this Judge Gunter from my case -

Sincerely,

Anita Kim Cestra Cawthon

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS

September 29, 2014

To: Mr. Michael L. Powell, GDC736204, Georgia Department of Corrections, Post Office Box 310, Valdosta, Georgia 31603

Docket Number: **Style:** **Michael Lee Powell 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 COURT OF APPEALS
STATE OF GEORGIA

STATE OF GEORGIA	LOWER CASE NO:
VS-	2012-CR-072
MICHAEL LEE POWELL	DOCKET NO:
	PREVIOUS DOCKET NO: A14A1874

"REQUEST FOR DISCRETIONARY APPEAL"

Comes now, Michael L. Powell, pro se, and having been found indigent by the Convicting Court of Randolph County, Requests this Courts granting of a "Discretionary Appeal" of the Aug. 8th, 2014 Order of Judge Joe C. Bishop Denying the: Request of Court to Vacate its Improperly Transmitted April 1st, 2014 Denial & Re-Entry of that

Order to correct; and allow a proper "Right to a Timely Notice of Appeal"

Pursuant to O.C.G.A. 5-6-35,

The defendant raises two factual reasons for the Court to Grant this Discretionary Appeal Request.

The defendant here-in notes to the Court of Appeals' own Rules and that: This Court shall not Dismiss because of a subsequent non compliance with it's Rules, but will review his claims of error," based on what we perceive his arguments to be; Cameron v. State, 295 Ga. App. 670 (1) (673 S.E.2d 59) (2009).

"INDEX"

PART ONE:

PART TWO:

PART THREE:

"Statement of Facts"

The defendant entered a non-negotiated guilty plea on June 18th, 2012 to Count One: Criminal Attempt to Commit Felony Murder; Count Two: Aggravatted Battery; Count Five: Possession of a knife during a Crime and received a total of 50 years with 17 years to serve. The state requested the Court to attach Recidivist under O.C.G.A. 17-10-7 (c) only after sentence was pronounced, Without providing any proof to the Court to do so. Defendant filed a Timely Motion to Withdraw on July 18th 2012, the Court appointed Ryan Cleveland as counsel on August 27th 2012, Counsel for defendant, filed

Motion to Withdraw the original Motion to Withdraw Guilty Plea which the Court Granted on January 7th, 2013, without the defendants knowledge or approval.

The defendant then filed both a Motion to Correct Void Sentence under Kaiser v. State, 285 Ga. App. 63 (2007) on January 13th 2014 & Motion for An Out-of-Time Appeal under Stephens v. State, 291 Ga. 837 (2012) on January 9th, 2012. The state filed a Rebuttal to both Motions irronically on the same day as the Jan. 13th Void Sentence Motion, where the state contended it was not required to file any Notice to Seek Recidivist or provide copies of prior convictions, and that he had

not site any relevant case law and had no basis to object to an agreed upon resolution. All 3 of which are complete fraudulent statements of the state. All pleadings of the defendant was accompanied by proper "Certificates of Service" as is required by prose litigants to the Court for filing and All pleadings were responded to by the Clerk of Court in a letter to the defendant at the correct address to the correct prison facility from where he was and is housed at; that being Valdosta State Prison. Even the states rebuttal was properly mailed to the address of V.S.P., P.O. BOX 310, Valdosta, Ga. 31603. The Judge, Honorable Joe C. Bishop, denied All of

defendants Motions in a single Order dated April 1st, 2014, however, as indicated on his own "Certificate of Service" the Order was erroneously sent to the wrong prison albeit intentionally in order to thwart the defendants ability to Timely Appeal that Order. Defendant became aware of the Courts Order on May 12th 2014, when, upon inquiry to the Court on his Motions by private counsel, the Court had faxed the Judges Order to them. Notice of Appeal was filed on May 23rd, 2014, and the Clerk sent the Index to the Court of Appeals on May 23rd 2014, and again, on the same day as the Notice by the defendant was filed. The Direct Appeal was

Docketed on June 6th, 2014; No: A14A1874, defendant filed his brief and this Court Dismissed for an un-timely- Notice of Appeal, Having no Jurisdiction to, to review, and this Courts own acknowledgement to Powells contention that he did not timely receive a copy of the Order from the trial court. The Court of Appeals provided a remedy which was to petition the Trial Court to Vacate and re-enter the Order as a means of correction. Citing: Cambron v. Canal Ins. Co., 246 Ga. 147 (1980).

The defendant here-in complied by filing a Motion to Vacate & Correct to allow a properly Right to a Timely Notice of Appeal. The Judge,

filed an Order of Denial to the remedy that was asserted by defendant and stated in this Order that his prior order was properly served to defendant at the return address listed on the envelope which the Motions were mailed to the Court. Since this reason is neither proper to assert of the Judge but also a complete fabrication of the Courts Records which the defendant can prove, this Appeal follows.

"Statement of Jurisdiction"

The Court of Appeals rather than the Sup. Ct. retains jurisdiction on all Orders of Denial in the Trial Court where a Direct Appeal would lie: O.C.G.A. §6-35.

"PART TWO"

"ENUMERATION OF ERRORS"

I. THE COURTS ORDER OF DENIAL FROM AUGUST 8th, 2014; ALTHOUGH NOT A DIRECTLY APPEALABLE ORDER; IS DIRECTLY ATTACHED TO TWO SEPERATE FILINGS THAT WERE DENIED BY THE COURT AND THE DEFENDANT HAS NOT HAD A "DIRECT APPEAL".

II. THAT BOTH OF THE COURTS ORDERS; THE APRIL 1st, 2014 and AUGUST 8th, 2014 ARE CLEARLY ERRONEOUS AND VIOLATE THE DEFENDANTS 6th AMEND. RIGHT TO APPOINTMENT OF Appeal Counsel as FIRST APPEAL AS OF RIGHT, WHICH HE HAD REQUESTED.

III THAT THE JUDGES ORDER OF DENIAL FROM AUGUST 8th IS CONTRARY TO IT'S CLERK OF COURT RECORDS, AS ALL ENVOLOPES OF DEFENDANTS PLEADINGS HELD THE PROPER ADDRESS OF V.S.P. - MAKING THE ORDER VOID.

IV THAT SINCE THE DEFENDANT HAS NOT HAD A DIRECT APPEAL; THIS COURT GRANT THIS REQUEST IN ORDER TO RESTORE THIS "FRUSTRATED RIGHT OF APPEAL BY THE TRIAL COURT.

"PART THREE"

"ARGUMENT AND CITATION OF AUTHORITY"

I.) THE COURTS ORDER OF DENIAL FROM AUGUST 8th 2014; ALTHOUGH NOT A DIRECTLY APPEALABLE ORDER; IS DIRECTLY ATTACHED TO TWO SEPERATE FILINGS THAT WERE DENIED BY THE COURT AND THE DEFENDANT HAS NOT HAD A "DIRECT APPEAL".

The defendant asserts first that this Courts Dismissal in Docket NO: A14A1874 clearly prove that the Order being requested to Appeal was filed based upon this Courts own remedy to allow the defendant to have his Direct Appeal Rights Restored. See: Attachment "A" and "B."

This Courts own law asserts that the Right to a Direct Appeal also establishes the Right to Counsel for the Direct Appeal. See: Merriweather v.

Chatman, 285 Ga. 765, (2009) -- Thus the first Order of Denial dated April 1st, 2014, held a Motion for Substitute Counsel, as the Courts files stated that Mr. R. Cleveland was still assigned and the desire to have counsel appointed was made known to the Court further, it's apart of his denial, in his Order, That both Motions carried Direct Appeals as of Right. : See: Osborn v. State, 315 Ga. App. 842 (2012) & see: Shields v. State, 278 Ga. 669, (2003). The Court failed in it's duty to Appoint Counsel prior to it's Order of Denial, and the Courts Order prove it was aware of the defendants request. Had the Court appointed counsel, the untimely Notice of Appeal would

Sept. 2nd 2014

Clerk of Court
Court of Appeals

RE: Request for Discretionary Appeal
Request for extension in order to acquire the envelopes in Question.

The defendant has prepared the request for Discretionary Appeal & conformed to the Rules of this Court as they pertain to Briefs - as formats.

He requests an extention of time to allow for the Randolph County Clerks Office to send the "Envelopes" in Question, which the Clerk - Kay Arnold has confirmed to having them, to their being contrary to the Judge assertion - & was placing a copy of them in the Mail as of 8/30/14.

18. ☑ Other: **Your appeal was disposed by order on August 28, 2014. The Court of Appeals dismissed the appeal. The remittitur issued on September 15, 2014, divesting this Court of any further jurisdiction of your case. The case is therefore, final.**

(4.) TRIAL COURT FAILS IN RECOGNIZING DEFENDANT ENTERED A GUILTY PLEA PER EXERCISING FIRST AMENDMENT RIGHTS UNDER PLEA DEAL DETAILS PER COURT ACTION IN 1987 CASE (WEAVER VS. GRAHAM 450 U.S. 24, 67 L. ED 2D 17, 101 SCT 960 (1981).

(5.) TRIAL COURT CONTINUES TO FAIL IN RECOGNIZING VICTIM'S DOCUMENTED STATEMENT ON HIS BEHALF STATING TO THE RESPONDING OFFICER "____ THAT THE DEFENDANT NEVER TOUCHED ANY VICTIMS IN ANY SEXUAL MATTER, NOR THEIR DAUGHTER IF ANY". . .

WHEREFORE, I, WILLIE EDWARD ROGERS, G.D.C. 440538, THE DEFENDANT/PETITIONER FILES THIS APPEAL BRIEF IN THIS COURT JURISDITION PURSUANT TO O.C.G.A. 5-6-34. TOWARD THE COURTS APPROVAL OF THE DEFENDANT'S REQUEST TO BE RELEASED FROM THE SEXUAL OFFENDER REGISTRY REQUIREMENT PURSUANT TO O.C.G.A. 42-1-19, AND PURSUANT TO CODE SECTION 42-1-12.

RESPECTFULLY SUBMITTED THIS 17TH DAY OF SEPTEMBER 2014. ALSO TO THE DISTRICTD ATTORNEY OFFICE PARTIES OF ROCKDALE, COUNTY. CONYERS, GEORGIA, MR. RICHARD [redacted] READ.

Willie Rogers
DEFENDANT / PETITIONER

Gloria J. Oliver-McRey
NOTARY PUBLIC

MY COMMISSION EXPIRES: My Commission Expires August 28, 2016

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the Respondent(s) with a copy of the forgoing, by placing the same in the United States mail in a proper envelope with adequate postage attached, properly addressed to :

MR. RICHARD R. READ
DISTRICT ATTORNEY OFFICE
911 CHAMBER DR.
CONYERS, GEORGIA, 30012

This 17TH Day of SEPTEMBER 2014

Mr. Willie Edward Rogers B.D.C. 440538
Petitioner, Pro Se

MRS. RUTH WILSON
THE CLERK OF COURT OF
ROCKDALE COUNTY, CONYERS,
GEORGIA
911 CHAMBER DR.
CONYERS, GEORGIA, 30012

THE DEPARTMENT OF CORRECTIONS
P.O. BOX 405699
ATLANTA GEORGIA, 30384-5699

MR. DAVID B. IRWING
JUDGE
911 CHAMBER DR.
CONYERS, GEORGIA, 30012

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS
Date: September 30, 2014

To: J. Lopez, 917 Kendall Park Drive, Winder, Georgia 30680

Docket Number: A15A0139 **Style:** Lazarus 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 **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 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: This Court has adopted a new rule which states no payment is due if the appellant is incarcerated. Enclosed please find the North American money order #150747765 in the amount of $300.00, returned to you.**

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

THE FACE OF THIS DOCUMENT HAS A MICRO-PRINT SIGNATURE LINE AND THREE COLOR BACKGROUND GREEN, ORANGE, GREEN.

NORTH AMERICAN MONEY ORDER COMPANY

MONEY ORDER

SECURITY FEATURES ON THIS DOCUMENT INCLUDES MICRO-PRINT SIGNATURE LINES FRONT AND BACK AND SECURITY SCREEN ON THE BACK PRINTED IN GREEN INK. ABSENCE OF THESE FEATURES MAY INDICATE COPIES OR ALTERATIONS.

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PAY TO THE ORDER OF Clerk of the Court of Appeals of GA
Case # A15A0139

PAY ONLY $300.00 THREE HUNDRED DOLLARS AND 00 CENTS

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SEP 27 2014

Purchaser/Drawer Signature

Address 917 Kendall Park Dr. Winder GA 30680

Payable Through
Citizens Community Credit Union
Devils Lake, ND 58301

A15A0139

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THE BACK OF THIS DOCUMENT HAS A SECURITY SCREEN AND MICRO-PRINT LINE

⑈5001⑈ ⑆291378266⑆ 5001 0150747765⑈

Statement of Facts ;
To ; The Honorable, Chief Clerk of ;
The Court of Appeals of Georgia
47 Trinity Avenue S.W ; Suite "501
Atlanta, Georgia 30334

Re ; Civil Action Case No. "2013-1979-1 ; Appeal Case No. A15A-0139 ;
LAZARUS v. State of Georgia ;"

Dear ; Chief Clerk ;

"This Letter is in regards to the Above-Styled Appeal Case Number." In which the Lower Trial Court Clerk, Left-out ; The Trial Court's Order of Denial of The Motion And Request on March 28th, 2014 ;" of ; the Appellant's Amended Notice of Appeal filed in Their Office on August 30th, 2014." Which a Copy of the Same should be filed in Your Office for Verification." Would You please direct, the Clerk of Walton County, Superior Court, to submit the Trial Court's Order Denying the Appellant's Motion And Request on March 28th, 2014 up to Your Office for the Above-Styled Appeal, "Thank you very much."

This 22nd Day of September, 2014.

Yours, very truly

Philip Lazarus, GDC #1001178475
Appellant ; Pro-Se
Wilcox State Prison
Post Office Box. 397
Abbeville, Georgia 31001-0397

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS
Date: September 30, 2014

To: Ms. Brooke Ray, Public Defender, Augusta Judicial Circuit, 402 Taylor Street, Augusta, Georgia 30901

Docket Number: A14A1524 **Style**: Ricky Jones 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 **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 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

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

IN THE COURT OF APPEALS

STATE OF GEORGIA

RICKY JONES,	*	
	*	
Appellant	*	
vs.	*	
	*	**Case No.: A14A1524**
	*	
STATE OF GEORGIA,	*	
	*	
Appellee	*	

MOTION TO WITHDRAW APPEAL

Comes now, Ricky Jones, by and through undersigned counsel and, pursuant to Rule 41(g) of this honorable Court, files this motion to withdraw his appeal in the above styled case.

Procedural History

On September 30, 2013, Mr. Jones pleaded guilty to felony offenses and was sentenced under the First Offender Act to ten years' probation. The Superior Court of Richmond County then revoked Appellant's probation by order filed on December 9, 2013 for the commission of the new felony offenses of possession of

cocaine with intent to distribute and possession of marijuana with intent to distribute. Appellant applied for a discretionary appeal of that order and this Court granted his application. The appeal of the order revoking his probation was docketed on April 18, 2014. Appellant filed his brief on May 7, 2014. This appeal is pending.

Appellant's Reasons for Withdrawal

The Appellant was indicted in Richmond County Superior Court case number 2014-RCCR-205 for charges stemming from the same factual basis as those alleged violations found in the order at issue in this appeal. After discussions with the State, the Defendant entered into an agreement that would resolve his new charges and this appeal in exchange for a sentence of probation.

Prayer

The Appellant respectfully requests this Court allow the withdrawal of this appeal.

Affidavit of Appellant

I, Ricky A. Jones, after being duly sworn, and after careful consideration and advice from counsel, affirm that I understand the following:

RJ The appeal from the order of the Superior Court of Richmond County revoking my probation in case number 2013-RCCR-691 is now pending in the Court of Appeals of Georgia.

RJ My attorney is prepared to continue this appeal until its conclusion.

RJ If my appeal is successful, the order revoking my probation could be vacated and I would return to the position I was in prior to the revocation of my probated sentence.

RJ In consideration of the offer made by the District Attorney to resolve my criminal charges now pending in the Superior Court of Richmond County in case number 2014-RCCR-205, I choose to withdraw this appeal.

RJ After withdrawal, the appeal will no longer be considered by the Court of Appeals of Georgia and all enumerations of error will be abandoned.

RJ This decision is made knowingly, freely, and voluntarily.

Ricky A. Jones
Appellant
Ricky Jones

Sworn to and subscribed

before me this 24TH day of SEPTEMBER 2014.

V. D'C

Notary Public

Notary Public, Richmond County, Georgia
My Commission Expires February 6, 2017

My commission expires: _____

Ricky Jones
Appellant
GDC ID: 1001169387
2978 Hwy 36 W
Jackson, GA 30233

Brooke Ray
Counsel for Appellant
402 Taylor Street
Augusta, GA 30901
706-821-2873 (tel)
706-842-1332 (fax)
bray@augustaga.gov
Georgia Bar # 836228

Court of Appeals of Georgia

October 1, 2014

TO: Mr. Richard A. Prudhomme, GDC751453 G1-222T, Autry State Prison, Post Office Box 648, Pelham, Georgia 31779

RE: **A14D0022. Prudhomme 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.**

Application and Brief in support	20 pages	
All other attachments to the application	70 pages	
	90 pages	$135.00

Please send your check or money order to the following address specifying exactly what copies you want to 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

Georgia Court of Appeal
Suite 501
47 Trinity Avenue
Atlanta Georgia
30334

Re: A14D0022 Prudhomme v. State

Dear Clerk:

My Name is Richard A. Prudhomme, the Appellant in the Above Style Appellate Action Are Request Information on How Much Would it Cost to Receive A Copy of the Application for Discretionary Appeal and A Copy of The Brief in Support.

Thank you!

/s/ Richard A. Prudhomme

Richard Allen Prudhomme
751453 G1-2227
Autry State Prison
Post Office Box 648
Pelham Georgia 31779

Court of Appeals of Georgia

TO: Mr. Anthony Mahone, GDC66715, Ware State Prison, 3620 Harris Road, Norcross, Georgia 31503

RE: **Motion for Out -of Time Appeal**

MOTION FOR OUT-OF-TIME APPEAL

☑ **A request for an out-of-time appeal should be made to the trial court from which you are appealing. If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.**

9-29-14
ANTHONY MAHONE
WARE STATE PRISON

"GA COURT OF APPEALS"

DEAR CLERK,

I AM CURRENTLY IN PURSUIT OF AN LONG! LONG! OUT OF TIME APPEAL, IN WHICH MY CASE WAS NEVER APPEALED & MY ATTORNEY ASSURED ME THAT I COULD ALWAYS GET AN OUT OF TIME APPEAL AS LONG AS MY CASE HAS NEVER BEEN APPEALED. IN WHICH I HAS BEEN LOOK FOR MUCH BETTER REPRESENTATION.

SO THEREFORE, I WOULD LIKE TO KNOW THE PROCESS & PROCEDURE FOR AN OUT OF TIME APPEAL'S, & ALL PAPER WORK I NEED TO FILE FOR IT, PLEASE!

THANKS A LOT!

Sincerely
Mahone Anthony
667415, W.S.P.
Waycross, Ga

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS

October 2, 2014

To: Mr. Willie C. Ramey, II, GDC425211, Jenkins Correctional Faciliyt, 3404 Kent Farm Drive, Millen, Georgia 30442

Docket Number: **Style:** **Willie Caude Ramey, II v. The State**

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

1. ☐ Your Application was not accompanied by the statutory filing fee, $300.00 civil; $80.00 criminal, or a sufficient pauper's affidavit. OCGA§5-6-4 and Rule 5 Please be advised that your pauper's affidavit should be notarized by a notary public.

2. ☐ Portions of the record included were not tabbed and indexed. Rules 30 (e) and 31 (c).

3. ☑ **A stamped "filed" copy of the trial court's order to be appealed was not attached to your Application. Rules 30 (b) and 31 (e)**

4. ☐ A stamped "filed" copy of the Certificate of Immediate Review was not attached to your Interlocutory Application. Rule 30(b)

5. ☐ Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)

6. ☐ There were an insufficient number of copies of your document. Rule 6

7. ☑ **You should provide a copy of your filing to the District Attorney and include his/her name and address on your Certificate of Service.**

8. ☑ **Your Certificate of Service did not include the complete name and /or mailing address of each opposing counsel and pro se party. Rule 1(a) and 6**

9. ☐ Your document exceeds page limits. Rules 24(f) , 30(e) and 31(c)

10. ☐ Your request for court action must be submitted in motion form. Rule 41 (a)

11. ☐ No extension of time for filing an interlocutory application will be granted . Rule 30 (g) . No extension of time will be granted for filing a discretionary application unless the motion for extension is filed on or before the due date of the discretionary application.

12. ☐ The type font was smaller than 10 characters per inch; type was not double-spaced or/and type was on both sides of the paper. Rules 1(c), 24(b), 37(a) and 41(b).

13. ☐ Your motions were submitted in an improper form (joint, compound, or alternative motions in one document). Rule 41 (b)

14. ☐ Margins were too small or paper size was incorrect. Rules 1(c), 24(c), 30(e), 31(c) and 41(b).

15. ☐ Your document was submitted for filing more than 30 days after the date of the order granting, denying or dismissing the application or the order granting, denying or dismissing the Motion for Reconsideration. Rules 30(j) and 31(j).

16. ☐ Other:

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

EXHIBIT # 2

IN THE SUPERIOR COURT OF NEWTON COUNTY
STATE OF GEORGIA

STATE OF GEORGIA, v. WILLIE CLAUDE RAMEY II, Defendant.	CRIMINAL CASE NO. 1995-1402

ORDER

Presented before this Court is the Defendant's pro se motion to vacate the sentence in the above-styled case imposed on December 1, 1996. The Defendant also asks for a hearing and for Judge Samuel D. Ozborn, the judge who entered the sentence, to recuse himself from considering the Defendant's motions.

O.C.G.A. § 17-10-1(f) permits a sentence to be modified within one year of the date on which the sentence was imposed. Inasmuch as the sentence in this case falls outside the one year time period, the Court is without jurisdiction to entertain the motion to vacate unless the trial court imposes a punishment that the law does not allow. Crumbley v. State, 261 Ga. 610, 409 S.E.2d 517 (1991). This Court concludes that no grounds exist for granting the Defendant's motion to vacate the judgment. Therefore, having read and considered the Defendant's motion to vacate the sentence, all argument and evidence of the record, and the applicable law, the Court DISMISSES the motion. Accordingly, no issues remain to be addressed at a hearing, and thus the Defendant's motion for a hearing and motion for recusal are DENIED.

IN THE APPEALS COURT OF GEORGIA

STATE OF GEORGIA

WILLIE CLAUDE RAMEY II

VS.

STATE OF GEORGIA

CASE NO. 95-CR-1402-D
95-CR-1406-D

AFFIDAVIT OF POVERTY

Personally appeared before me, an officer authorized to administer oaths in and for the State of Georgia, WILLIE C. RAMEY II, who having first been duly sworn, did depose and state on his oath the following:

That he is an indigent person, incarcerated within the prison system of the Sate of Georgia, unable to meet or pay the costs and fees attaching to said matter, and that he makes this affidavit in order to be granted leave to proceed *in forma pauperis* and to be relieved from paying all costs which otherwise would be required of him.

Respectfully submitted this the 26TH day of SEPT, 2014.

Willie Ramey
Pro-se

Sworn to and subscribed before me this
this the 26th day of September, 2014.

NOTARY PUBLIC

My Commission Expires:

KIMBERLY L. WILLIAMS
Notary Public, Georgia
Jenkins County
My Commission Expires
March 12, 2016

(Notary Seal)

CERTIFICATE OF SERVICE

I hereby certify on this 26TH day of SEPT., 20 14, that I served the foregoing AFFIDAVIT OF POVERTY via U.S. Mail with sufficient postage to ensure delivery to the following:

MR. STEPHEN E. CASTLEN (CLERK)
COURT OF APPEALS OF GEORGIA
47 TRINITY AVE. SUITE 501
ATLANTA, GA. 30334

Willie C. Ramey II
WILLIE C. RAMEY II
Pro se Litigant

G.D.C. # 425211
JENKINS CORR. CENTER
3404 KENT FARM DR.
MILLEN, GA. 30442

IN THE COURT OF APPEALS OF GEORGIA

STATE OF GEORGIA

WILLIE CLAUDE RAMEY II.,
APPLICANT.

VS.

STATE OF GEORGIA.,
RESPONDENT.

COVER PAGE

INDICTMENT#: 95-CR-2402-D

AUTHORITY:

O.C.G.A § 5-6-34

APPLICATION FOR DISCRETIONARY APPEAL

PRESENTED PRO-SE BY:

WILLIE C. RAMEY II
GDC.#425811

EXHIBIT # 1

IN THE SUPERIOR COURT OF NEWTON, COUNTY
STATE OF GEORGIA

WILLIE CLAUDE RAMEY II., PETITIONER.	CASE NO. 95-CR-1402-0 THRU 95-CR-1406-0
VS.	
STATE OF GEORGIA., RESPONDENT.	AUTHORITY: O.C.G.A § 17-9-4

MOTION TO ENTER A VALID JUDGMENT

NOW COME'S THE PETITIONER HEREIN THE ABOVE STYLED ACTION AND MAKE THIS HIS MOTION TO ENTER A VALID JUDGMENT, AND FOR CAUSE OF THIS ACTION THE PETITIONER SHOW'S THE FOLLOWING:

SUMMARY OF THE CASE

ON THE 2ND DAY OF DECEMBER, 1996 THE PETITIONER WAS THE SUBJECT OF A JURY TRIAL WHICH LASTED THROUGH THE 10TH DAY OF DECEMBER, 1996. RESULTING IN THE PETITIONER BEING FOUND GUILTY OF THE OFFENSE'S TO WIT: KIDNAPPING WITH BODILY INJURY; SEXUAL BATTERY; ARMED ROBBERY; KIDNAPPING; KIDNAPPING; AND WAS SENTENCED TO SERVE LIFE PLUS CONSECUTIVE FORTY ONE YEAR'S, WITH TWO CONSECUTIVE PROBATION REVOCATION BALANCE'S ORDERED TO BE SERVED CONCURRENTLY.,

JURISDICTION

PURSUANT TO O.C.G.A § 17-9-4, THE JUDGMENT OF A COURT HAVING NO JURISDICTION OF A .....

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

October 2, 2014

To: Mr. Terron N. Taylor, GDC1001100387 H-A-120, Coastal State Prison, Post Office Box 7150, Garden City, Georgia 31418

Case Number: _____ Lower Court: County Superior Court

Court of Appeals Case Number and Style: A15A0111. Terron N. Taylor v. The State

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

☐ **There is no case pending in the Court of Appeals of Georgia under your name.**

☐ **A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37.** Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.

☐ **The Notice of Appeal must include a proper Certificate of Service.** A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.

☐ **An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.

☐ **An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.

☐ **Your appeal was disposed by opinion (order) on** _____. The Court of Appeals _____. The remittitur issued on _____ divesting this Court of jurisdiction. The case decision is therefore final.

☐ **Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the is:

☑ **If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court. As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.**

☐ **A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

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

To: Clerk, Court of Appeals of Georgia
Suite 501
47 Trinity Avenue
Atlanta, GA 30334

Date: 9/22/2014

RE: TERRON NICHOLAS TAYLOR V. STATE OF GEORGIA
APPEAL NO. [redacted]

Honorable Clerk,

The following document (APPELLANT REQUEST TO COURT APPOINTED COUNSEL) is NOT a Request for Appointment of Counsel as specified in your current correspondance. It is merely a statement from the Appellant directed to his current Court Appointed Attorney regarding matters involved in the above referenced Appeal. This document sent to the Honorable Clerk of this Court was to be placed in a Case file (if there is one) in this Court as a record of this statement served on my Court Appointed Attorney: Louis M. Turchiarelli of 305 Lawrence St., N.E. Suite 100 Marietta, GA 30060
Phone: (770) 426-7300 Facsimile No. (770) 422-6263

If their exist a Case file at this Court please place this document written by the Appellant in the Case file in this Court.

If this is not possible in this Court confirm if this document is to be placed in the Trial Court previously having Jurisdiction, or this Court of Appeals in it's Case file (if any).

Please read the document if necessary. Thank you!

Terron Nicholas Taylor

TERRON NICHOLAS TAYLOR, G.D.C.# 1001100357
BLOC H-A/ Rm. 130
Coastal State Prison P.O. Box 7150
Garden City, GA 31418

Court of Appeals of Georgia

September 19, 2014

9/22/14

TO: Mr. Terron Nicholas Taylor, GDC1001100387, Coastal State Prison, P.O. Box 7150, Garden City, Georgia 31418

RE: **Request for Appointment of Counsel**

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 exactly what copies you want to 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

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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

IN THE COURT OF APPEALS OF GEORGIA

TERRON NICHOLAS TAYLOR	)	APPEAL NO. A15A0111
V.	)	
STATE OF GEORGIA	)	

APPELLANT REQUEST TO COURT APPOINTED COUNSEL

COMES NOW Terron Nicolas Taylor, Appellant in the above referrenced Case and request that the Court appointed Counsel Peform the following on behalf of the Appellant in Custody:

1.

File an Appellant's Brief on behalf of the Appellant in a timely manner and referrence all legal objections raised at trial and in the Appellant's Amended Motion for New Trial and eliminate all moot objectives so that said Brief can be heard in this Court and served on the opposing Counsel. Please observe Court of Appeals Rule 22.

2.

If Possible, Consider the following related Subject matter in the Brief for appeal:

a) There was an objection to a Prior act used as evidence by the State at trial.

If recalled the representative for the State entered two Prior transactions of PEEPING TOM under O.C.G.A. Section 24-4-404(b) for the Purpose of showing the Appellant's Intent, Plan, and Absence of Mistake in the current Case. If the Indictment for the Prior transaction is studied (No. 113627) it appears that the State charged the Appellant with PEEPING TOM (Count 2) even though, when referencing the Officer's Investigative report there doesn't seem

to be any action that would substantiate the charge of PEEPING TOM.

Apparently the Complainant CORY MCHRINGER stated to Marietta Police Officers on July 8th, 2011 that "while he was in bed he heard a "tapping" sound on his window. CORY stated that "he got up with his flashlight and witnessed the same suspect from Previous Complaints walking away from his back Porch and around the Corner of his building." There appears to be no assertion by the Complainant or investigating Officers that the supposed suspect on the night of July 8, 2011 actually "Peeped" or "Peered" or was "Peering" on or about the Premises of another through a window as enumerated in Count 2 of the Six(6) Count Indictment. CORY MEHRINGER (MCHRINGER) does not state any alleged "Peeping" into any window and neither is any assertion made by the other supposed victims that on July 8, 2011 Suspect(s) appeared and was "Peeping" into any Window which would violate O.C.G.A Section 16-11-61 a.k.a. PEEPING TOM. The supposed victim (MEHRINGER) Just heard "tapping."

However, the State Proceeded to charge the Appellant with the offense of PEEPING TOM as seen on Indictment NO. 113627 (Prior Transaction).

Ultimately the Appellant Considered Pursuing a NEGOTIATED PLEA under CRIMINAL TRESSPASS which was alleged as a "lesser included" offense of PEEPING TOM. THE question is, should this Particular transaction been brought into evidence even though there was no allegation of actual "Peeping" or "Peering" made by the Complainant, or the Appellant? The State charged the Appellant in that Case with PEEPING TOM when there seemed to be no "Peeping" (Ref. Page 5; OCA 0111014200 INVESTIGATIVE/SUPPLEMENTAL REPORT).

b) Consider statements that Conflict or seem to Conflict by Officer Vaughn. During trial Officer Vaughn testifies that the area where the Appellant was discovered in the Prior transaction is "NOT A VERY HEAVILY TRAVELED FOOT PATH" (Vol 2 Pg. 96 Lines 23-25; Pg. 97 Lines 1-3, Trial record). Recall

that the Appellant was seen by Officer Vaughn ~~testifies that the area where the Appellant was discovered in the Prior transaction~~ between building's 8 and 9 within the apartment Complex referenced in this Case (Vol 2 Pg. 94 Lines 23-25, Trial Record[T]). Recall that the incident in the Prior transaction occured supposedly at or about building nine (9) at apartment 918 (Vol 2 Pg. 93 L. 2-8 [T]). Why does officer Vaughns testimony seem to deviate from his own INCIDENT/INVESTIGATION REPORT where he, "states," THERE ARE NUMEROUS TRAVELED FOOT PATHS BETWEEN THE INCIDENT LOCATION, ELMWOOD APARTMENTS, PLANTATION RIDGE APARTMENTS AND BEHIND THE HOMES ON AMANDA LANE," Why would the officer's testimony at trial all of a sudden deviate from his report? This deserves further inquiry. This may or may not be an issue appropriate for this Court but the Appellant raises such a query.

C) Again refer back to the State's intent to introduce evidence of other Crimes, Wrongs, or Acts Pursuant to O.C.G.A. Section 24-4-404 (b). The State Proceeded to use two Prior transactions of PEEPING TOM dated both July 4, 2011 and July 8, 2011 (Ref. Counts one and two Indictment No. 113627; State's 404(b) Notice, June 6, 2013).

During trial the State entered evidence of subject matter not having to do with the above mentioned transaction dates Provided in the State's 404(b) Notice. Marietta Police Officer Vaughn as State's witness gave testimony relating to July 15th, 2011 (Vol 3 Pas 79-97, [T]) in the Presence of the jury. Realize that the State's 404(b) Notice was restricted to the dates of July 4th, 2011 (Case # 11-9-3627) and July 8th, 2011 (Case # 11-9-3627). There doesn't seem to be any indication that evidence relating to July 15, 2011 would be used by the State on the 404(b) Notice for the Current Case.

Although the record does reflect that Officer Vaughn in the Prior transaction was investigating Matters Possibly Pertaining to the Supposed incidents on July 4, 2011 and July 8, 2011 this raises the question of should any mention of

the events on July 15, 2011 and other dates not indicated in the State's notice (June 6, 2013) been mentioned and shown to the Jury at trial? This also raises the question of should all documentation with mention of dates other than the ones indicated on the State's 404(b) notice been redacted to only reveal the ones of interest? It would appear that the Indictment in the Prior transaction (No. 113627) reveals alleged offenses having nothing to do with July 4, 2011 and July 8th, 2011 which were the dates indicated on the States 404(b) Notice. Appellant also states that on the 15th day of July, 2011 the State did not charge the Appellant with PEEPING TOM so Mention of anything on said date or any other date not Mentioned in the State's June 6, 2013 404(b) notice shouldn't have been brought into evidence by the State. Such information not related to the 404(b) Prior transaction dates Could've Prejudiced the Appellant in the eyes of the Jury.

d) There was an objection to a statement Made during an interview on Video along with any Oral admissions, or Writings, digital recordings, DVD's C.D.'s or other such Media depicting statements, Confessions, admissions, etc., made by the Appellant while in custody of, and during interrogation by, law enforcement officials in the Current Case (No. 12-9-3786-33, COBB SUPERIOR COURT), and in the Prior transaction (No. 11-9-3627).

Recall the Detective a JONNIE MOELLER lied to the Appellant on one or more occassions during the interview (Ref. State's Evidence #8; Case No. 12-9-3786-33[T]). JONNIE MOELLER Provided untruthful statements to the Appellant while in Custody relating to the events alleged on July 4, 2011 and the Correlating dates of interest regarding the Prior transaction and testified to this at trial (Ref. Vol 3 Pg. 110 L. 4-9 [T]), also see (Vol 3 Pg. 131 L. 15-25 [T]). Is this Detectives Pre-implication of the Appellant and lie during the interview while the Appellant ~~and deceive the accused in this Sexual Offense~~ was in custody not a form of Coercion? Is it legal to Pre-implicate the Appellant and deceive the accused in this Sexual Offense

and is it admissible in Court? Be advised that this Same Detective who lied to the Appellant in said interview is the Same Officer who Proceeded to take out a Warrant for the Appellant (Ref. Warrant No. 11-W-6497; Police Case No. 0111014779, Magistrate Court of Cobb County). Also, observe the Court's charge to the Jury (Vol 4 Pas 84 L. 20-25; Pg. 85 L. 1-5). Detective Moeller's intentional deception during the interview is a form of Coercion while the Appellant was under Duress! [Ref. State v. Westmoreland, 204 Ga. App. 312, 314 (2), 418 S.E. 2d 822 (1992); Cole v. State, 254 Ga. App. 424, 425, 562 S.E. 2d 720 (2002) for subject matter dealing with Coercion].

Also, the Appellant would like to reference the charge to the Jury by the Court during trial. "TO BE VOLUNTARY A STATEMENT MUST BE FREELY AND WILLINGLY GIVEN AND WITHOUT COERCION, DURESS, THREATS, USE OF VIOLENCE, FEAR OF INJURY AND-- OR ANY SUGGESTIONS OR PROMISES OF LENIENCY OR REWARD (Vol 4 Pas 85 L. 23-25; Pg. 86 L. 1). Recall that during trial the Detective went on to explain that lying in Certain Cases is Permissible (Vol 3 Pg. 135 L. 11-25; Pg. 136 L. 1-4). The Detective explains that, "THE COURTS HAVE SAID THAT IN CERTAIN CASES WE CAN USE DECEPTION." (Vol 4 Pg. 135 L. 20-21). This was seemingly confirmed by the Court that stated, "I THINK THEY WOULD CALL IT FUDGE. DEFENSE LAWYER MIGHT SAY JUST TELL AN UNTRUTH, BUT THEY CAN MAKE UP THINGS." (Vol 3 Pg. 48 L. 7-23). Apparently therein exist Case law that Protects an Officer's ability to do this but the Appellant wasn't disclosed of such information.

e) Recall during trial there was an objection to state's Exhibit #7. Recall that the Appellant was Pretty adamant about the shoes at trial weren't the Appellant's (Vol 2 Pas 148-179 [T]). Officer Serkedakis testified that he remembered the shoes the Appellant was wearing the night the Current incident occured. Ms. CYNTHIA BOWER who represented the Appellant

at trial objected to authenticity (Vol 2. Pg 149 L.3-5). According to the Federal Rules Authentication or Identifying Evidence Article 9 Rule 901(a) states that, "To satisfy the requirement of authentication or identifying an item of evidence, the Proponent must Produce evidence sufficient to support a finding that the item is what the Proponent ~~must Produce~~ claims it is." Remember that the Opposing Counsel had to lay an evidence foundation (Vol 2 Pg. 150 L. 1-3). Under Federal Rule Article 9 Rule 901(b)(1), "Testimony that an item is what it is claimed to be," seems to suffice. Officer Serkedakis testifies that he remembered the shoe and that it was a skateboard shoe. The arrest for this current case was July 10, 2012, this evidence (Ste #7), was Produced on June 18, 2013 which was the second day of trial. Recall the Officer actually got a chance to see the shoes along with the other clothing apparel a week before the trial date! (Ref Vol 2 Pg. 158 L. 18-19 [T]).

Apparently this Officer got a chance to consultate with the Prosecution about Potential evidence that was to be Presented during trial and the Defense was not a Party to this event! Isn't this highly Prejudicial? Isn't this the whole Point of an evidentiary hearing? If the State wanted to confirm evidence with State's Witnesses that were adverse to the Defense it should've been in Court on record. The Defense should've been a Party to such consultation. Be advised that this consultation about evidence was made before the Return of the SEARCH WARRANT & INVENTORY was made (See Search Warrant No. 13-SW-0552E009349 RETURN OF SEARCH WARRANT + INVENTORY, June 17, 2013). Be advised that the Search was Conducted by an Officer JANA MEEKS working on behalf of the State who, as the record would reflect, took it upon herself to file for Search Warrant 13-SW-0552 in the Cobb County Magistrate Court to retrieve the Appellant's shoes and other clothing from the inmate Property division at the Cobb County Jail.

Be advised that at no Point in Discovery does the State reveal it's intent to use the Appellant's Clothing apparel and footwear at trial. Only through the Affidavit for the clothing apparel and footwear at trial. Only through the Affidavit for the clothing submitted at an earlier Proceeding on the day of trial that was submitted at an earlier Proceeding on the day of trial that was submitted seemingly by mistake on Part of the Prosecution, does the Defense realize that this evidence would Possibly have come in (Vol 1 Pg. 72 L. 20-24).

The file will reflect that the search was conducted on June 14, 2013 and the return of the Appellant's supposed clothing apparel wasn't made until three days after the search which may be a violation of O.C.G.A. section 17-5-29 because of the delay.

The record would also reflect that none of the above mentioned search warrant documentation was Presented during trial along with the documentation from the Cobb County Jail where the clothing and shoes were located before trial and before Officer Meeks's search and seizure. Also recall that the Officers, on the night of the Appellant's arrest, did not take the shoes or Clothing that the Appellant was wearing but it was the deputies at the Cobb Jail that Collected the clothing, shoes, and other Personal Property belonging to the Appellant on July 10, 2012 after the arrest when the Appellant made the transition from Civilian to inmate.

Was Officer Serkedakis' testimony sufficient enough to allow State's Evidence #7 in to be viewed by the Jury? Is the fact that the Officer got a chance to see the shoes a mere week before trial highly Prejudicial to the Appellant? Does the fact that the Officer's viewing of the evidence add a taint to his being able to "recollect" (Vol 2 Pg. 158 L. 5-7) what the Appellant was wearing the night of the current alleged incident, July 10, 2012?

In the Appellant's AMENDED MOTION FOR NEW TRIAL, filed April 17th, 2014, the

Appellant's Current appeals attorney, Louis M. Turchiarelli, argues that the "best evidence would have been to introduce the Property Sheet and testimony of the evidence custodian" (Pg. 11). Recall that the record would reflect that unbeknownst to the representative for the State who stated that she was in training, an Agent (Jana Meeks) on behalf of the State took it upon herself to apply for a Search Warrant to retrieve the shoes and other clothing apparel belonging to the Appellant from Cobb Jail a week before trial. This "rogue" Agent working on behalf of the State Conducted the Search and Seizure on June 14, 2013 (Ref. Return of Inventory) but doesn't make the actual return until June 17, 2013, the first day of trial. Where was the Property for those three days? Maybe in the D.A.'s Office? Maybe at her Grandmother's house?

During trial the Appellant testified to wearing all black New Balance Sneakers and not the "skateboard shoes" Presented at trial (Vol 2 Pgs 163-167 [T]). Recall that the opposing Counsel asked if my (Appellant) clothing apparel and footwear was all Packaged together (Vol 2. Pgs 166-167 [T]). Just because they were all Package together when the Appellant went into the jail July, 10, 2012 does not mean that ther left the jail and ended up the same way they came in especially when you have this rogue Agent working for the State who took it upon herself to go get them.

Recall that the Appellant's former attorney Cynthia Bower stated at trial that, "When there is a Conflict where it's Disputed that these are the exact items, There Does need to be that Proof of the Chain of Evidence, Especially when such Chain Exist" (Vol 2 Pgs 169-170 [T]). Proof of the Chain of Evidence would Probably be Prudent in this Case since there was this rogue element who handled the Potential evidence, who didn't Make the return until "three" days after the seizure and to a different Magistrate who issued the Warrant.

Also, be advised of the Clothing apparel and footwear worn by the Appellant in the Previous alleged incident. Review Officer Vaugh's testimony during trial in the Current Case, his investigative report, and shoes worn by the ~~Previous alleged incident. Review Officer Vaugh's~~ Appellant in the Jackson/Denno video (State's Exhibit #8).

Again, the above mentioned are Points for the Current Counsel for the Appellant to Consider for the Brief.

3.

Through the legal channels, facilitate the transfer of all tangible evidence to the Court of Appeals. The Appellate Court may want to view the material. If this isn't Possible obtain color Photographs Certified by the Court. Please observe Court of Appeals Rule 21.

4.

Testimony from Officer JANA MEEKS (above) may be required for the appeal as well as the Facilitator of Records, DEENA FINCHER of the Cobb Sheriff's Department. Recall there were issues regarding retrieval of certain Property records that are still on file including actual Photographs of some of the Personal Property belonging to the Appellant when he was "booked-in" to the Cobb County Jail. This information is critical given the objections made by the Appellant at trial. Recall that the Appellant had referred to such material at the Motion For New Trial hearing, May 08th, 2014 in the trial Court to which you replied that they didn't exist (Motion for New Trial hearing, Pg. 16).

It turns out that the Appellant was given a Photograph by a Lt. Bains of the Cobb County Jail by and through FINCHER on 6/17/2014 after the Motion for New Trial hearing, 5/8/2014. Reference the Undersigned's DEFENDANT'S COMPLAINT AGAINST COURT APPOINTED COUNSEL filed in the trial Court July 9, 2014.

Apparently such Photographs existed, are still on record, and was not Produced in Court and seem to conflict with Finchter's Affidavit. Be advised that the indigent Appellant could not afford the cost of making copies of the Photograph sent to the Appellant to be served on the opposing Counsel but in Conferring with the Clerk of the trial Court the original documents and all other attachments referred to in the Complaint mentioned above may be obtained and copied (Ref. ID# 2014-0084399-CR, Pgs 6-10).

THEREFORE Appellant ask that his Current Representative Perform the above mentioned matters for the Record and appeal.

Submitted this 16th day of September, 2014.

Terron Nicholas Taylor, Appellant
G.D.C.# 1001100387
BLDG H-A / Rm. 120
Coastal State Prison P.O. Box 7150
Garden City, GA 31418

CERTIFICATE OF SERVICE

This is to certify that I have this day served the opposing party(ies) to this action with a true and correct copy of the with and foregoing APPELLANT REQUEST TO COURT APPOINTED COUNSEL by placing the same in the United States Mail, with adequate postage thereon to ensure prompt delivery, and addressing it to:

OFFICE OF THE ATTORNEY
GENERAL OF GEORGIA
40 Capitol Square, S.W.
Atlanta, GA 30334

LOUIS M. TURCHIARELLI
305 Lawrence St., N.E.
Suite 100
Marietta, GA 30060

This 16th day of SEPTEMBER 2014

~~Pro se~~ APPELLANT

Sworn to and subscribed to before me
this 16th day of SEPT 2014

Notary Public

My commission expires: JUNE 4, 2018

CHRISTINA JACKSON DAVIS
NOTARY
My Comm. Exp.
June 4, 2018
PUBLIC
CHATHAM COUNTY, GA

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS
Date: October 2, 2014

To: Mr. Edward T. Ridley, GDC570139, Smith State Prison, Post Office Box 726, Glennville, Georgia 30427

Docket Number: A14A1879 **Style:** Edward Ridley 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 **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 must include the complete name and mailing address of each opposing party. Rules 1(a) and 6. You should provide a copy of your filing to the District Attorney and include his/her name and address on your Certificate of Service.**

6. ☐ There were an insufficient number of copies of your document. Rule 6.

7. ☐ Your document exceeds page limits. Rules 24 (f) and 27 (a)

8. ☐ Your document was submitted without permission to file (supplemental brief or second motion for reconsideration). Rules 27 (a) and 37 (d)

9. ☐ Letter briefs and letter cites are not permitted. Rule 27 (b)

10. ☐ Your request for court action must be submitted in motion form. Rule 41 (a)

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

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

ELEVENTH CIRCUIT COURT OF APPEALS, STATE OF GEORGIA

EDWARD TYRONE RIDLEY,
Petitioner

V. CASE NO. A14A 1879

GEORGIA COURT OF APPEALS
Respondent

EMERGENCY MOTION TO COMPEL

Petitioner, Pro se, respectfully moves this Honorable Court to ~~rule on the above styled case to protect~~ Compel his right to Due Process. The appeal Court accepted his guilty plea appeal where the State filed their brief on Aug 25, 2014, when the Court of Appeals relied Ridley to Pierce v. State, 289 Ga. 693 (717 SE 2d 202 (2011) see Id. where on the face the sentence is illegal. The lower court in Crisp Co. Ga. illegally without jurisdiction sentenced Ridley to 30 yrs. serve 3 with parole with illegal latches to make parole and fines, fees, with 27 yrs. punishment illegally from my Bay Co. Fla. case 1995, case no. 95-2844 where on December 12, 1995 I was arrested for sexual Battery. On July 29, 1996 in a negotiated

Plea Contract as in Brown v. State case no. A13A1440 Oct. 9, 2013) Plea is a Contract. I in Bay Co. Fla on 7/29/96 I Plead Nolo Contendere to Attempted Sexual Battery by attempted digitial penetration only at jury selection when charge was reduced by State of Florida. The alleged victim on December 12, 1995 was (20) Twenty years old therefore I do Not meet the requirements of 42-1-12 (9)(A) that are crimes against minors or Children Only Not Adults as convicted and illegally forced to register for years since 2003 Casp Co., Ga., 2013 Troy Ala. where I was placed at Schools, jails world wide internet for case 95-2844 as a Child Molestor, violent Child sexual Predator when they All knew the person in Florida was a Adult. The Appeals court later delay my release by failure to prosecute case in 30 days as law state answer or rule on case. I was in prison in Clio, Ala. at Easterling C.F., and on June 30, 2011 was taken into custody by Casp Co. Sheriff Officer Jack Masters, without a govonor warrant in Georgia or Alabama. Did not go before a Extradition Judge for Extradition Proceedings as law required. (See case records filed in Ct. of Appeals)

Citation of Authority

42-1-12 (9)(A); show sentence illegal, 42 U.S.C.S. 14214; 931 F.Supp. 1199 2d (1996, DC N3), Artway v. Attorney General, 876 F.Supp. 666 (D N.J 1995); Doe v. Poritz, 81 F.3d 1235-52 (3rd Cir. 1996), Kennedy v. Mendoza-Martinez, 372 U.S. 144-69; Ricketts v. Adamson, 483 U.S. 1, 8; 107 S. Ct. 260 (1987); 42 U.S.C.S. 16911 (Fla); 42 U.S.C.S. 16901; 42 U.S.C.S. 2423; 18 U.S.C.S. 2244; 510 F.Supp. 2d 923 (2007); cited USDIST LEXIS 68502 21; 291 Ga. App 480. 17-13-1 thru 44, GCA 44-44; 148 U.S. 537; Michigan v. Doran, 439 U.S. 282 (1978). State v. Germany, 246 Ga. 455 (1980); Bousley v. U.S. (1998); Saltabella v. New York, 404 U.S. 257, 262, 92 S.Ct. 495, 499 (1971);

I was sentenced to Code DNA not register as a sex offender was part of my Plea F.S. 943.325,

All sex offender laws are for crimes against Children. In 1994 Congress passed 931 F.Supp 1199 (1996 DCN3) Megan Laws, The Georgia General Assembly passed its Child offender registration in 1996 O.C.G.A. 42-1-12 (1996) ("the registration Act"), Megan Laws; In order to evaluate the statutes in this case it is necessary to review

the (931 F. Supp 1204) circumstances that surrounded their passage. In the summer of 1994, 7yr old Megan Kanka was abducted molested and strangled near her home. (Cert. of Fame Exhibit P2). The man accused of his reprehensible act. Jessee Timmendequas, was previously convicted of sex offenses involving young girls who lived with others who did same act. Come the Megan Laws of today Crimes against Only Children In 1994, Congress passed the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act. 42 U.S.C. 14071, enacting statutes requiring persons convicted of crimes against children and other child sex offenses.

Ridley have shown his FLA case was not a Megan Law Crime the person was a adult. Ridley with malice have been falsly imprisoned, maliciously prosecuted Placed on world wide internet with malice as a sex offender, Child molestor, Child violent sexual Predator done with malice to cause Ridley Extreme Severe acute personal embarrassment, irreducable harm to himself family friends, Extream great Psycological damage. May this Court force Court to Rule Grant Ridley Immediate Emergency Release From State Custody, Public Apology,

Ridley name be immediatly removed of 42-1-12
Issue Injunction to the above. Issue mandamus
directing all 50 states to Abide by my Fla
Contract Nolo Contendere Plea 7/29/96.
Filed in good-faith
Executed this 29th day of september

Respectfully Submitted
Mr. Edward Tyrone Ridley, 570139
Mr. Edward Tyrone Ridley, 570139
Smith State Prison
P.O. Box 726
Colennville, Ga. 30427

DECLARATION UNDER PENALTY OF PERJURY

YOU MUST DECLARE UNDER PENALTY OF PERJURY THAT THE ANSWERS AND INFORMATION YOU HAVE GIVEN HERIN ARE TRUE AND CORRECT. GIVING FALSE ANSWERS OR INFORMATION WILL SUBJECT YOU TO PERJURY CHARGES UNDER BOTH FEDERAL AND STATE LAW.

Understanding the above, I declare under penalty of perjury that the foregoing answers and information provided me are true and correct.

Executed this 29th day of September, 2014

Edward Lynn Ridley 570139

Signature of Declarant

CERTIFICATE OF SERVICE

I, Edward Turner Ridley, 5X0134, Pro se, do hereby certify under perjury that I have served a carbon copy of the foregoing Emergency Motion to Compel by placing same in envelope to be mailed indigent mail on the below.

Clerk Stephen E. Castlen
Georgia Court of Appeals
47 Trinity Ave, Ste 501
Atlanta Ga. 30334

Executed this 29th day of September 2014

Sincerely
Mr. Edward Turner Ridley 5X0134
Pro se Petitioner

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

October 7, 2014

To: Mr. David Rolle, GDC1210165 200P, Wheeler Correctional Facility, P.O. Box 466, Alamo, Georgia 30411

Case Number: _____ Lower Court: County Superior Court

Court of Appeals Case Number and Style: _____

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

☐ **There is no case pending in the Court of Appeals of Georgia under your name.**

☑ **A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37. Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.**

☐ **The Notice of Appeal must include a proper Certificate of Service.** A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.

☐ **An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.

☐ **An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.

☐ **Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____. The remittitur issued on _____ divesting this Court of jurisdiction. The case decision is therefore final.

☐ **Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the is:

☐ **If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.

☐ **A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

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

THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA

David Rolle
Appellant
v.
State of Georgia
Appellee

Case No. 05-9-2318-42

NOTICE OF APPEAL

Notice is given that David-F.-A.: Rolle in the above matter hereby appeals to the Court of Appeals of Georgia from the judgement of the trial court entered on the 11TH day of September, 2014

The Clerk will omit nothing from the record on appeal.

A transcript of evidence and proceedings will be filed for inclusion in the record on appeal and must include, in addition to "a certified true, correct, and complete copy of INDICTMENT NO. 05-9-2318-42:

* a transcript of an September 10, 2014, Extraordinary Motion for New Trial based on newly discovered evidence hearing.

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

Respectfully Submitted this 26TH day of September 2014.

SUI JURIS, PRO SE

ACKNOWLEDGEMENT

SUBSCRIBED TO AND SWORN before me this 26 day of September, A.D. 2014, a Notary, that David Rolle, personally appeared and known to me to be the man whose name subscribed to the within instrument and acknowledged to be the same.

Seal:
Notary Public
My Commission expires

JENNIFER GRACE TAYLOR
NOTARY PUBLIC
Exp. Oct. 06, 2015
COFFEE COUNTY, GA

IN THE SUPERIOR COURT OF COBB COUNTY

STATE OF GEORGIA

David Rolle *

*

CASE NUMBER 05-9-2318-42

v. *

State of Georgia *

MOTION TO PROCEED IN FORMA PAUPERIS

I, David-F.-A.: Rolle, Hereby move this court for leave to proceed without payment of costs or posting security. In support of this motion, I certify Under Penalty of Perjury that I am a State Prison inmate, that I am unable to pay costs or post security, but I believe in good faith that I am entitled to the relief I am seeking.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT PURSUANT TO 28 U.S.C.A. 1746.

Respectfully submitted this 26th day of September 20 14

PRO SE

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 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, properly addressed upon:

JENNIFER GRACE TAYLOR NOTARY PUBLIC EXP. Oct. 06, 2015 COFFEE COUNTY, GA

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 addresse(s).

Georgia Court of Appeals
Stephen E. Castlen, Clerk
47 Trinity Avenue
Suite 501
Atlanta, GA 30334

Rebecca Keaton, Clerk
Cobb Superior Court
Court Division
P.O. Box 3370
Marietta, GA 30061

D. Victor Reynolds, District Attorney
Cobb Judicial Circuit
70 Haynes Street
Marietta, GA 30090

This the 29TH day of September, 2014

/s/ David Rolle
"Without Prejudice" UCC 1-207

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

October 8, 2014

To: Ms. Anita K.C. Lawson, Lumpkin County Detention Center, 385 East Main Street, Dahlonega, Georgia 30533

Case Number: _____ Lower Court: _____ County Superior Court _____

Court of Appeals Case Number and Style: _____

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

☑ **There is no case pending in the Court of Appeals of Georgia under your name.**

☐ **A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37.** Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.

☐ **The Notice of Appeal must include a proper Certificate of Service.** A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.

☐ **An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.

☐ **An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.

☐ **Your appeal was disposed by opinion (order) on** _____. The Court of Appeals _____. The remittitur issued on _____ divesting this Court of jurisdiction. The case decision is therefore final.

☐ **Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the is:

☐ **If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.

☐ **A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

☑ **I have enclosed a copy of the Rules of the Court of Appeals of Georgia for your review.**

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

2014

Georgia Court of Appeals

RULES

Last Update: May 15, 2014

10-3-14.

Court of Appeals of Georgia,

I received the returned notice on 10-2-14. I am asking the Court how do I served Mr. James Deal in Norcross, GA. Currently, I am in the Lumpkin County Detention Center in Lumpkin County, GA. Also, the officers will not help me with gathering information about this case. I have had no contact with any of my family and I have begged to use my cell phone to collect the information but was told no. To this Court, I am at your Mercy for help. I do not have access to the Court's website.

Whitten Scott
vs Case # 1405239
Whitten Anita

In all Sincerity,
Anita K.C. Lawson

Court of Appeals of Georgia

October 10, 2014

TO: Mr. Marvin Turner, GDC764043, Macon State Prison, Post Office Box 426, Oglethorpe, Georgia 31068

RE: **A95D0333. Marvin Turner v. The State**

REQUEST FOR COPIES

☑ **The Court of Appeals of Georgia is not subject to the Open Records Act.**

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

OPEN RECORDS REQUEST

TO: Clerk of the Court
Court of Appeals of Ga.
Suite 501, 47 Trinity Ave.
Atlanta Ga. 30334

FROM: Mr. Marvin Turner
#164043, Macon State Prison
P.O. Box 426
Oglethorpe, Ga. 31068

DATE October 1, 2014

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

1.) Total cost of purchase of "Application for Discretionary Appeal" for case no. A95D0333 ?
(A95D0333)

RECEIVED IN OFFICE
2014 OCT -9 PM 3:10
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

O.C.G.A. 50-18-70 et.. seq. allows three days for your compliance with this request and "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 incure upon you pursuant O.C.G.A. 24-4-23.

Respectfully,

Notary

10/2/14
Date

4/25/17
Expiration of Commission

STEPHEN BOSTICK
NOTARY
EXPIRES
GEORGIA
April 25, 2017
PUBLIC
HOUSTON COUNTY, GA

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

October 10, 2014

To: Mr. Al Rico Mapp, GDC841886 E107, Georgia Diagnostic and Classification Center, State Prison, SMU, Post Office Box 3877, Jackson, Georgia 30233

Case Number: _____ Lower Court: County Superior Court

Court of Appeals Case Number and Style: _____

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

☑ **There is no case pending in the Court of Appeals of Georgia under your name.**

☑ **A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37. Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.**

☑ **The Notice of Appeal must include a proper Certificate of Service. A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.**

☐ **An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.

☐ **An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.

☐ **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.

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

IN THE SUPERIOR COURT OF
CLAYTON COUNTY GEORGIA

AL RICO MAPP PETITIONER

VS.

STATE OF GEORGIA
RESPONDENT

INDICTMENT NUMBER
2004-CR-00852-8

Notice OF Appeal
O.C.G.A. § 5-6-35

Notice OF Appeal

Comes Now Petitioner Herein Above and make This Notice of Appeal in a Timely Effort to secure a review of This Honorable court order of Denial of The Petitioners Motion To Vacate Void Sentence shown on the 21st. Day of August, 2014.

The clerk will omitt nothing from the record(s) of this said subject matter, Jurisdictional over this appeal may be found in Ga. Const. Art. VI § II, Par VIII, (Code Ann 2-3708).

This 3rd Day of Oct., 2014.

Al Rico Mapp 841886
DD&CP / SMU E#107
P.O. Box 3877
Jackson, Ga. 30233

c.c.

CERTIFICATE OF SERVICE

THIS IS TO CERTIFY THAT THE FORGOING NOTICE OF APPEAL HAS BEEN SERVED UPON INTERESTED PARTYS THROUGH THE UNITED STATES MAIL IN PROPERLY ADDRESSED ENVELOPE WITH ADEQUATE POSTAGE ATTACHED.

CLERK OF SUPERIOR COURT (RECORDS DIVISION)
CLAYTON COUNTY
9151 TARA BLVD.
JONESBORO, GA. 30236

COURTS OF APPEAL OF GEORGIA
OFFICE OF THE CLERK
47 TRINITY AVENUE. SUITE #501
ATLANTA, GA. 30334

RESPECTFULLY SUBMITTED

Al Rico Mull 841886
GD & CP / SMU E#107
P.O. BOX, 3877
JACKSON, GA. 30233

To: The Court of Appeals
Office of the Clerk
47 Trinity Avenue
Suite 501
Atlanta, GA 30334

October, 14, 2014

Attn: Holly K.O. Sparrow, Clerk/Court Administrator

From: Hoke Thomas
115 Snapping Shoals Road
Covington, GA 30016
Phone #404-386-1256
Email: hokethomasjr@aol.com

Subj: Apology

Ref: Thomas Brothers 10-12-2014 letter in response to the Smith, Welch, Webb & White 10-01-2014 letter instructing me (Hoke) to cease my property recovery efforts and for the Henry County Magistrate's Court to dismiss my lawsuit against Mr. J.M. Hanger on the grounds of previously being adjudicated.

Judges, I recently received from your office a document that I authored and delivered to the Jasper County Water and Sewerage Authority. In no way did I intend said document to be forwarded to your court. I regret this, and do apologize. However, I am attaching a letter that I have sent to the Henry County Smith, Welch, White and Webb law firm in response to said law firm's response to a lawsuit in Henry County Magistrate's Court that I filed, without the assistance of an attorney, requesting Henry County resident J.M. Hanger, who is the pro bono client of said law firm, to please return to me a small "tear-drop" piece of Newton County property that was not a part of the previous lawsuit, "The Henry County Water & Sewerage Authority vs. Thomas Brothers"; but following Judge Crumbley's June 1, 2011 "final judgment" against Thomas Brothers, was illegally attached, by said law firm to the Judge's "final order", but said "tear-drop" property having a fraudulently obtained Henry County Water and Sewerage Authority plat and no quitclaim or deed from Mr. J.M. Hanger to said Water Authority. I am only addressing the "tear-drop" piece of Newton County property.

Hoke Thomas

COPY

October 12, 2014

To: Barbara A. Harrison
Clerk of Superior Court
1 Courthouse Square
McDonough, GA 30253-3220

Attn: Honorable Wade M. Crumbley, Superior Court Judge

From: Thomas Brothers (Hoke and the late Mike)
115 Snapping Shoals Road
Covington, GA 30016
Phone #404-386-1256
Email: hokethomasjr@aol.com

Subj: Thomas Brothers vs. John M. Hanger, in Henry County Magistrate's Court

Ref: (a) August 27, 2014 filing of subject lawsuit, copy enclosed
(b) October 1, 2014 Smith, Welch, White & Webb response, copy enclosed
(c) October 12, 2014 reply to reference (b) by Thomas Brothers, copy Enclosed

1. Please do not consider this as ex parte or unsolicited information, for I fully accept the fact that the Henry County Superior Court has adjudicated the two lawsuits involving J.M. Hanger, Thomas Brothers and the Henry County Water and Sewerage Authority. This letter is of one accord, to prove to you Sir, that the Smith, Welch, White & Webb law firm is illegally using your Judgeship and your "final order" in both lawsuits involving the Snapping Shoals properties, to attach, without your knowledge or approval and without a deed or proof of ownership, a small "tear-drop" piece of property in Newton County, purchased in two parts in 2004 and 2006 by Thomas Brothers, with a "clear title"; to the Henry County Water and Sewerage Authority, via the Smith, Welch, White & Webb law firm's solicited, pro bono client, Mr. J.M. Hanger. That is all.

Sincerely,

Hoke Thomas
A Henry County citizen for the past 36 years

COPY

October 12, 2014

To: Smith, Welch, Webb & White, LLC
2200 Keys Ferry Court
P.O. Box 10
McDonough, GA 30253
Phone #770-957-3937

Attn: Attorneys William White & Grant McBride

From: Hoke Thomas
115 Snapping Shoals Road
Covington, GA 30016
Phone #404-386-1256
Email: hokethomasjr@aol.com

Subject: Reply to your Exhibit "A", dated October 1, 2014, r/e Hoke Thomas & Estate of Late Mike Thomas vs. John M. Hanger, case #2014-3252-CC, Magistrate Court Henry County

Ref: (a) In the Superior Court of Henry County, Georgia, Hoke S. Thomas, Jr., the Estate of J.Michael Thomas, and Thomas Brothers Hydro, Inc., vs. John M. Hanger case #13-CV-3901-WC

(b) In the Superior Court of Henry County, Georgia, Henry County Water and Sewerage Authority vs. Thomas Brothers, case #2008-SU-CV -2214-W

(c) Thomas Brother's letter of October 4, 2014 to Tina & Gary Vandiver, Russel and & Doris Drafton, r/e "tear-drop", Newton County property

1. I am in receipt of subject Smith, Welch, White and Webb (SWWW) document. Although your law firm, accompanied by your solicited, pro bono client, J.M. Hanger and the judgments contained in references (a) and (b) have totally destroyed my family financially and via the loss of the most strategic portions of Thomas Brother's Snapping Shoals properties coupled to hundreds of thousands of dollars in fruitless defensive legal fees, has now caused the financial demise of my 34 year old registered "C" corporation; *I hold no grudge or ill feelings towards any of you attorneys at SWWW, for I now realize that this is what you all do to earn a living.*

2. Out of financial necessity and not having the monies to hire an attorney, I was duty-bound to file subject lawsuit in the Henry County Magistrate's Court, not suing Mr. Hanger for any monies or attorney fees, but as a gentlemen merely asking Mr. Hanger to please return to me the small "tear-drop" piece of property that he (Hanger) obviously sold to the Henry County Water and Sewerage Authority on March 10, 2008, when said Hanger also sold other properties, improvements, riverbed, dam and water rights that my late brother and I had purchased from Whitehead Die Casting Company, Ltd. (WDCCL) in years 1976 and 1977 and 20.4 acres of South Riverbed unknowingly owned by the heirs of the late principals of WDCCL, via inheritance. *Again, I am only addressing this "tear-drop" property and the fact that I have a survey and plat, warranty deed, closing statement and can verify a "clear title" on said property, whereas Mr. Hanger has none of these legal documents and does not and did not own said property.*

3. Please make note that the February of 2008 mail-order quitclaim to the WDCCL heirs, from which derived the then Smith, Welch & Brittain (SWB) law firm authority to transfer property ownership, that your SWWW attorneys prepared for Mr. Hanger, included 273.6 acres, of which 116 acres were never owned by WDCCL. The aforementioned "tear-drop" piece of Newton County property was not included in said quitclaim neither did said Hanger include the "tear-drop" property in his 3-10-2008 limited warranty deed to the HCWSA. Also, the "tear-drop" property was never owned by WDCCL and was not a part of either reference (a) and (b) lawsuits. *But your government agency client, the Henry County Water and Sewerage Authority (HCWSA) does have a plat, but no deed, showing ownership of the "tear-drop" property and the Newton County Tax Assessor, for some strange reason, shows the HCWSA as owning said "tear-drop" property on the same tax map and parcel number 19-10, which also shows the remains of Thomas Brother's properties following references (a) and (b) lawsuits.*

Although your attorney A.J. Welch, Jr. did **illegally** survey the two pieces of Newton County property, one piece at .82 acres and one at 3.3 acres, that Thomas Brothers purchased from a Mr. Drafton in 2004 and Mr. Vandiver in 2006, said Welch did not have a Henry County Superior Court order to trespass over into Newton County and survey said properties. For example: the SWWW February of 2008 authored quitclaim followed by the SWWW authored March 10, 2008 limited warranty deeds for Mr. Hanger transferring all the aforementioned properties and assets to the HCWSA, did not include an additional .82 + 3.3 Newton County acres, if so the total acres that your law firm quitclaimed for Mr. Hanger would have been .82 + 3.3 + 273.6 for a total of 277.72 acres, not the 273.6 that both of

your deeds for Mr. Hanger specified. To make a long story short, both Mr. Hanger and the HCWSA have a plat, but no quitclaim or limited warranty deeds proving ownership of the "tear-drop" property contained within the .82 + 3.3 acres of Newton County properties lying outside the confines of both references (a) and (b) properties and lawsuits. Therefore, Mr. Hanger has erroneously sold Thomas Brothers Newton County property to the HCWSA with the SWWW law firm representing both parties, and I now request that Mr. Hanger please return my property. It is that simple. *Based on the losses of property to Mr. Hanger, I am now of the opinion that the clerk of court property records in both Newton and Henry Counties are worthless, unless validated by the SWB law firm.*

Please stop threatening me with expensive SWWW legal bills, for I am not requesting your law firm to act on my behalf nor on behalf of Mr. Hanger. I am making a simple request, person to person to Mr. Hanger, please give me back my "tear-drop" Newton County property. I feel that the SWB law firm should be thanking me for pointing out the error, regardless of the fact that said error was intentional or accidental. *But according to the SWB, exhibit "A" reply, your SWB law firm is trying to shift the blame on Judge Crumbley by stating that the Judge has already adjudicated Mr. Hanger's innocence. This is the case with respect to both lawsuits contained in references (a) and (b), but the "tear-drop" piece of Newton County property was not a part of either lawsuit, for there is no way Judge Crumbley would have approved of the SWB law firm selling to the HCWSA, via SWWW pro bono client Mr. Hanger, Newton County property without a deed; for such a transaction constitutes stealing! I contend that your SWB law firm illegally and clandestinely attached this "tear-drop" property to references (a) and (b) without Judge Crumbley's knowledge in a similar fashion as your SWB law firm "tricked" the innocent Whitehead heirs out of their 20.4 acres of Riverbed inheritance. Again, this is what some of you SWWW attorneys do to earn a living.*

4. Contrary to your claims, I (Hoke) am in no way harassing Mr. Hanger nor am I abusing the legal system. I am of the opinion that Mr. Hanger is harassing me and abusing the property ownership system, for I did not instigate this mess, your SWB law firm did so for what I think is an unsuspecting Mr. Hanger. You attorneys, have claimed that both reference lawsuits (a) and (b) have already been adjudicated and regretfully I do agree with your statement, but the Newton County "tear-drop" piece of property lies outside the confines of either lawsuit, that is what I am trying to tell you, and therefore said property has not been adjudicated. It is your law firm that has made the mistake for your pro bono client, J.M. Hanger and according to your wording in your exhibit "A", you want me to pay you to straighten out your mistake. Attorneys White and McBride, this is not exactly fair to me. I contend that

rather than face and correct your SWB error, you have elected to hide behind Judge Crumbley's robe and avoid the issue. As a Henry County citizen, I (Hoke) am being treated most unfairly. *What would be your response, if some attorney, without notice or payment to you and your family, sold the center portion of your yard where your home is located, to the HCWSA? Now you know how my family feels. I am truly sorry attorneys, but I simply do not understand your most negative comments towards me (Hoke). I (Hoke) as a person am not on trial here, only my property, please stick to the issues and stop trying to divert the Court's attention to me as an individual of poor character. It was your law firm, not Mr. Hanger, that started this mess.*

5. On page 2 of your SWWW exhibit "A" you attorneys are requesting the Court to prohibit Thomas Brothers from filing any further lawsuits against Mr. Hanger. I take your most distasteful comment to be a violation of my Civil Rights as guaranteed me under the first amendment to the U.S. Constitution. Attorneys, you, Mr. Hanger and myself all 3 by birth, have the same Civil and Property rights. In my opinion Mr. Hanger, with your law firm's pro bono assistance, has already successfully monetarily raped my family one time with the aforementioned SWWW authored mail-order quitclaim from the innocent and uninformed Whitehead heirs, are you SWB attorneys now requesting the Courts of Henry County to squelch my Civil Rights and deny me my Constitutional right to speak , write and communicate and do nothing while said Hanger might not be required to return my "tear-drop" property containing the "rock wall" and repeat the monetary rape for the second time? *Please allow me to remind you, this is the United States of America, not some third world country controlled by a Dictator.*

6. Back in June of 2008 when this SWB lawsuit, for the HCWSA began, neither my terminally ill brother nor myself had ever been in a court room as Plaintiffs or Defendants, in fact, I have never gotten a traffic ticket, we both are law abiding citizens. As I listened to the Court proceedings, I was totally naïve and had no earthly idea what your law firms intentions were. But a couple of years later, after studying property law, I began to see that your intentions were not honorable, but clandestine and I regret to say this, but in Henry County Superior Court I personally heard attorney White tell a falsehood or lie to Judge Crumbley. *Both of you attorneys are "officers of the court"; to lie means to commit perjury, or in my language, to falsely convince Judge Crumbley of a "tall tale", by misrepresenting the facts to the court, while under oath. Said lies are all recorded in the Henry County Superior Court transcripts. They will not go away.*

After much time with the property law books, I can now un-ravel your lawsuit against Thomas Brothers, the abbreviated sequence of events is as follows:

1. Attorney Welch solicits J.M. Hanger for a mutual $25,000.00 agreement
2. Your law firm of SWB, via a January 30, 2008 letter of instructions to the Whitehead heirs, followed by a SWB authored mail-order quitclaim "fleeces" the innocent Whitehead heirs out of their unknown inheritance from WDCCL of 20.4 acres of ownership of Snapping Shoals Riverbed
3. March 10, 2008 your law firm of SWB sells, "less & except" the Whitehead heirs Riverbed and certain portions of Thomas Brothers properties to the HCWSA, then attorney Welch gets caught on April 26, 2008 while attempting to survey Thomas Brothers Newton County properties using private surveyors, paid by HCWSA funds, without a Resolution, survey or plat, no clear title and no appraisal.
4. Mr. Hanger's June 17, 1991 property purchase from WDCCL was by the acre, 89.2 dry Henry County acres, Mr. Hanger's SWB authored quitclaim was not funded, no consideration to all 13 heirs at time of purchase in 1991and therefore worthless.
5. Lastly, without Judge Crumbley's knowledge, via a fraudulently obtained, but recorded plat and no deed, you SWB attorneys attached the "tear-drop" piece of Newton County property to Judge Crumbley's "final order" of June 1, 2011. In my opinion, J.M. Hanger knew nothing about this transaction, said transaction was a SWWW "in-house" transaction and similar in nature as our lawmakers attaching what is known as "Pork" to a Bill. The only difference is the fact that you as attorneys, had no legal right to attempt to alter a Judges "final order" by attaching "Pork", you are not elected law-makers, but attorneys charged with enforcing the law, or whatever you do to earn a living, for I am thoroughly confused as to what your role in this Henry County community really is.

I could go on and on, but I am saving the most devastating parts for the book that I am writing and would appreciate both of you attorney's participation, on a pro bono basis. My issues are not with the Henry County Superior Court system, but with your law firm and your pro bono client. Therefore to finalize my comments to your exhibit "A", I am sending a copy of this letter to Judge Crumbley, my comments are not ex parte nor are they unsolicited, *I am merely exercising my First Amendment Rights. Before you criticize me for communicating with Judge Crumbley, let me call your attention to the un-solicited, ex parte, April 26, 2011, "final order" that attorney Welch sent to Judge Crumbley during the final stages of reference (b) lawsuit. It does not get any worse than that! Do not throw stones at me.*

7. In case I lose, in Henry County Magistrate's Court, to Mr. Hanger and your law firm for the third time, I have taken the liberty to send a letter of instructions to the previous owners of the "tear-drop" properties instructing said past owners that your law firm might be interested in doing some pro bono work for them and also pay the two past property owners a similar $25,000.00 payment, as you did so for Mr. Hanger, in order to obtain their respective signatures on a quitclaim deed giving to Mr. Hanger the entire .82 + 3.3 Newton County acres, thereby giving Mr. Hanger, even over in Newton County, all the property that he thought he purchased in Henry County in 1991. Simply follow your SWB instructions per the SWB January 30, 2008 letter to the Whitehead heirs, for said letter worked on the innocent Whitehead heirs and it just might work on the Drafton and Vandiver families.

8. I tried to get the Coldwell-Banker real estate company to sell all the remnants of what Mr. Hanger left in my possession, but said company stated that due to the convoluted terms of the SWB authored quitclaim and limited warranty deeds that your SWB law firm did for Mr. Hanger, it is impossible to establish who owns what, that the liability is too great, that I would experience much ownership confusion in the near future. That is my current position on the "tear-drop" property. I will never forget the fact that when attorney Welch requested Judge Crumbley to grant him permission to survey the properties that Thomas Brothers purchased from WDCCL, attorney Welch also requested to enter all the buildings and make an inspection. *Thank God, Judge Crumbley denied the Welch request. But this Welch request waves a red flag, for Mr. Hanger did sell all the improvements and said improvements were defined as all the man-made assets, including the buildings. What might be coming next for the financially exhausted Thomas Brothers Hydro, Inc?*

9. Say whatever you desire about me and my closed 34 year old business, but please remember it was your law firm, without a Resolution from the HCWSA, not Mr. Hanger that instigated this entire Snapping Shoals dilemma. To be specific, it was attorney A.J. Welch, Jr., not the two of you attorneys. I hope that the two of you will reconsider my ownership of the "tear-drop" Newton County property, for to conclude that Judge Crumbley has already adjudicated the issue, simply means that Judge Crumbley approved of the selling of privately owned property, not a part of references (a) and (b) lawsuits, to a government agency without a deed of ownership, and I (Hoke) assure your law firm, that Judge Crumbley did not do this!

Please review the contents of Judge Crumbley's June of 2011 "final order", you will see that the Judge delineated each piece of property and water rights that your SWB law firm transferred ownership from Thomas Brothers and the Whitehead heirs to said Hanger, to the HCWSA. NO WHERE did the Judge mention the "tear drop" piece of property belonging to Thomas Brothers over in Newton County. In my opinion, your SWB law firm and your pro bono client, J.M. Hanger have a problem, and I am going straight to Judge Crumbley with this one and request that we all three, including my attorney, have a conference with the Judge to straight forward inform the Judge of you SWB attorney actions. Something is bad wrong with this SWWW Newton County "tear-drop" property transaction for the HCWSA, via SWB pro bono client J.M. Hanger, you simply cannot play both ends against the middle and expect to get away with it all the time.

I have been a resident of Henry County probably longer than the two of you, let me say that Judge Crumbley is my Judge also, not just the Judge for your SWB law firm. If the Judge is being "used", then he needs to know it. In my opinion, it is incomprehensible what you SWWW attorneys are trying to "pull-off". It really is illegal.

No hard feelings, but please do not tamper with my First Amendment Rights,

Hoke Thomas

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

October 15, 2014

Mr. Charles N. Pursley, Jr.
Pursley Friese Torgrimson
Promenade II • Suite 1200
1230 Peachtree Street, N.E.
Atlanta, Georgia 30309

Mr. Wendell K. Willard
Law Offices of Wendell K. Willard
7840 Roswell Road
Building 300 • Suite 330
Sandy Springs, Georgia 30350

RE: A13A0562. Fulton County, Georgia v. Dillard Land Investments, LLC

Dear Misters Pursley and Willard:

Regarding your letter of October 3, 2014, I can inform you that Fulton County, Georgia v. Dillard Land Investments, LLC, et al. was reinstated in the Court of Appeals on August 5, 2014. It is a September 2014 Term case. I cannot give you any guidance on how soon the Court will resolve the case other than the constitutionally required two term rule. In your case, the requirement is that your case, a September Term case, must be decided before March 30, 2015. I hope this assists you with advising your clients.

Sincerely,

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

SEC/ld

PURSLEYFRIESE TORGRIMSON

RECEIVED IN OFFICE

2014 OCT -6 AM 11:16

CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

Charles N. Pursley, Jr.
Direct: 404.665.1231
cpursley@pftlegal.com

October 3, 2014

Clerk of Court
Court of Appeals of Georgia
47 Trinity Avenue, S.W., Suite 501
Atlanta, GA 30334

RE: Fulton County, Georgia v. Dillard Land Investments, LLC; Georgia Court of Appeals Case No. A13A0562

Dear Clerk:

This letter is for information regarding the above-referenced case that was reinstated in the Court of Appeals August 5, 2014.

The appeal in this case is from a condemnation action in the Superior Court of Fulton County in which a special master awarded $5,187,500.00 as just and adequate compensation for the taking of the property owned by Dillard Land Investments, LLC. The case has been involved in litigation in Superior Court, the Court of Appeals, and the Georgia Supreme Court since May 10, 2012, and Dillard Land Investments has not been paid compensation for the taking of this property although it has been deprived of the use of that property. Dillard Land Investments, LLC continues to incur financial damages and hardship for each day of delay of the compensation.

The Georgia Supreme Court entered its decision in this case on July 11, 2014. The remittitur from the Supreme Court was transmitted August 1, 2014, and the case was reinstated in the Court of Appeals August 5, 2014. The case currently is before the Court of Appeals for its action based on the Supreme Court decision and for forwarding the case back to the Superior Court of Fulton County by remittitur. As counsel for Dillard Land Investments, LLC, Mr. Willard and I respectfully request any information you can provide as to an anticipated schedule for the Courts action in the pending matter.

Thank you for your consideration of this request for information.

Sincerely,

PURSLEY FRIESE TORGRIMSON, LLP

Charles N. Pursley, Jr.
1230 Peachtree Street, Suite 1200
Atlanta, GA 30309

Law Offices of Wendell K. Willard

Wendell K. Willard
7840 Roswell Road
Building 300, Suite 330
Sandy Springs, GA 30350

cc: R. David Ware, Esquire
Diana L. Freeman, Esquire
J. Houston Lennard, Esquire
Kaye Woodard Burwell, Esquire
Paul Oliver, Esquire

Steve Castlen - Mr. Pursley & Mr. Willard,

From: Steve Castlen
Date: 10/15/2014 12:11 PM
Subject: Mr. Pursley & Mr. Willard,

Mr. Pursley & Mr. Willard,

Regarding your letter of October 3, 2014, I can inform you that Fulton County, Georgia v. Dillard Land Investments LLC et al was reinstated in the Court of Appeals on August 5, 2014. It is a September, 2014 term case. I can not give you any guidance on how soon the Court will resolve this case other than the constitutionally required two term rule. In your case, that requirement is that your case - a September term case - must be decided before March 30, 2015. I hope this assist you with advising your clients.

Court of Appeals of Georgia

October 16, 2014

TO: Mr. Edward Tyrone Ridley, GDC570139 K-2-123-B, Smith State Prison, Post Office Box 726, Glennville, Georgia 30427

RE: A14A1879. Edward Ridley v. The State

CHECK RETURN

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

CASE STATUS - DISPOSED

☐ Your appeal was disposed by opinion (order) on _____. The Court of Appeals _____. The remittitur issued on _____, divesting this Court of any further jurisdiction of your case. The case is therefore, final.

CASE STATUS - PENDING

☑ **The above referenced appeal is a pending appeal in your name before this Court. The appeal was docketed in the September 2014 Term and a decision must be rendered by the Court by the end of the January 2015 Term which ends on April 14, 2015.**

APPLICATION FOR PERMISSION TO APPEAL A PROBATION REVOCATION

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

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

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

Clerk 10-7-14

Hello!

Ridley v. State A14A1879

This motion have correct certificate of Service. This is against you the Court of Appeals. I write the 11th Circuit Court of Appeals to COMPEL FORCE you to Rule on my case since the 30 day time have expired and the record clearly show that I was not required in Fla. to 42-1-12 (9)(A) Then or Future that make my Ga. Conviction ILLEGAL. The original of this motion was mailed to proper Court original and this copy to you the Judges Ga. Ct. of App.. Please file so Judges can timely answer filed in good-faith Please stop having me waste my stamps.

Sincerely

Mr. Edward Tyrone Ridley 570139

Mr. Edward Tyrone Ridley, 570139

Smith State Prison

P.O. Box 726

Glennville, Ga. 30427

ELEVENTH CIRCUIT COURT OF APPEALS, STATE OF GEORGIA

EDWARD TYRONE RIDLEY,
Petitioner

V. CASE NO. A14A 1879

GEORGIA COURT OF APPEALS
Respondent

EMERGENCY MOTION TO COMPEL

Petitioner, Pro se, respectfully moves this Honorable Court to rule on the above styled case to protect his right to Due Process. The appeal Court accepted his guilty plea appeal where the State filed their brief on Aug 25, 2014, where the Court of Appeals relied Ridley to Pierce v. State, 289 Ga. 693 (717 SE 2d 202 (2011) see Id. where on the face the sentence is illegal. The lower court in Crisp Co. Ga. illegally without jurisdiction sentenced Ridley to 30 yrs. serve 3 with parole with illegal latches to make parole and times, fees, with 27 yrs. punishment illegally from my Bay Co. Fla. case 1995, case no. 95-2844 where on December 12, 1995 I was arrested for sexual Battery. On July 29, 1996 in a negotiated

Plea Contract as in Brown v. State case no. A13A1440 Oct. 9, #2013) Plea is a Contract. I in Bay co. Fla on 7/29/96 I plead Nolo contendere to Attempted Sexual Battery by attempted digital penetration only at jury selection when charge was reduced by State of Florida. The alleged victim on December 12, 1995 was (20) Twenty years old therefore I do Not meet the requirements of 42-1-12 (9)(A) that are crimes against minors or children only not Adults as convicted and illegally forced to register for years since 2003 Crisp Co., Ga., 2013 Troy Ala. where I was placed at schools, jails world wide internet for case 95-2844 as a Child Molester, violent Child sexual Predator when they all knew the person in Florida was a Adult. The Appeals court later delay my release by failure to prosecute case in 30 days as law state answer or rule on case. I was in prison in Clio, Ala. at Easterling C.F., and on June 30, 2011 was taken into custody by Crisp Co. Sheriff Officer Jack Masters, without a governor warrant in Georgia or Alabama. Did not go before a Extradition Judge for Extradition Proceedings as law required. (See case records filed in Ct. of Appeals)

Citation of Authority

42-1-12 (9)(A); show sentence illegal, 42 U.S.C.S. 14214; 931 F.Supp. 1199 2d (1996, DC N3), Artway v. Attorney General, 876 F.Supp. 666 (D N.J 1995); Doe v. Poritz, 81 F.3d 1235-52 (3rd Cir. 1996), Kennedy v. Mendoza-Martinez, 372 U.S. 144-69; Ricketts v. Adamson, 483 U.S. 1, 8; 107 S.Ct. 260 (1987); 42 U.S.C.S. 16911 (Fla); 42 U.S.C.S. 16901; 42 U.S.C.S. 2423; 18 U.S.C.S. 2244; 510 F.Supp. 2d 923 (2007); cafuzed US DIST LEXIS 68502 21; 291 Ga. App 480. 17-13-1 thru 44, 6CA 44-441; 148 U.S. 537; Michigan v. Doran, 439 U.S. 282 (1978); State v. Germany, 246 Ga. 455 (1980); Bousley v. U.S. (1998); Saltabella v. New York, 409 U.S. 257, 262, 92 S.Ct 495, 499 (1971); I was sentenced to Crime ONE not register as a sex offender was part of my Plea. F.S. 943.325,

All sex offender laws are for crimes against Children. In 1994 Congress passed 931 F.Supp 1199 (1996 DCN3) megan Laws, The Georgia General Assembly passed its Child offender registration in 1996 O.C.G.A. 42-1-12 (1996) ("the registration Act"), Megan Laws; In order to evaluate the statutes in this case it is necessary to review

the (931 F. Supp 1204) circumstances that surrounded their passage. In the summer of 1994, 7yr old megan Kanka was abducted molested and strangled near her home. (Cert. of Jane Ficll, P2). The man accused of his reprehensible act. Jessee Timmendequas, was previously convicted of sex offenses involving young girls who lived with others who did same act. Come the megan laws of today Crimes against Only Children In 1994, Congress passed to Jacob wetterling Crimes Against Children and sexually Violent Offender Registration Act. 42 U.S.C 14071, enacting statutes requiring persons convicted of crimes against children and other child sex offenses.

Ridley have shown his Fla Case was not A Megan Law Crime the person was A adult, Ridley with malice have been fasly imprisoned, maliciously prosecuted Placed on world wide internet with malice as a sex offender, Child molestor, Child violent sexual Predator done with malice to cause Ridley Extreme Severe acute personal embarrassment, irreducable harm to himself family friends, extream great psycological damage. Pray this Court force Court to Rule Grant Ridley Immediate Emergency Release From State Custody, Public Apology,

Ridley name be immediatly removed of 42-1-12
Issue Injunction to the above. Issue Mandamus
directing All 50 states to Abide by my Fla
Contract Nolo Contendere Plea 7/29/96.
Filed in good-faith,
Executed this 29th day of september

Respectfully Submitted
Mr. Edward Tyrone Ridley, 570139
Mr Edward Tyrone Ridley, 570139
Smith State Prison
P.O. Box 726
Glennville, Ga. 30427

DECLARATION UNDER PENALTY OF PERJURY

YOU MUST DECLARE UNDER PENALTY OF PERJURY THAT THE ANSWERS AND INFORMATION YOU HAVE GIVEN HERIN ARE TRUE AND CORRECT. GIVING FALSE ANSWERS OR INFORMATION WILL SUBJECT YOU TO PERJURY CHARGES UNDER BOTH FEDERAL AND STATE LAW.

Understanding the above, I declare under penalty of perjury that the foregoing answers and information provided me are true and correct.

Executed this 29th day of September, 2014

Richard Lynn Ridley 570139

Signature of Declarant

CERTIFICATE OF SERVICE

I, Edward Tyrone Ridley, 5X1134, Pro'se, do hereby certify under penalty that I have served a carbon copy of the foregoing Emergency Motion to Compel by placing same in envelope to be mailed indigent mail on the below.

Clerk Stephen E. Castlen
Georgia Court of Appeals
47 Trinity Ave, Ste 501
Atlanta, Ga. 30334

Executed this 29th day of September 2014

Sincerely
Mr. Edward Tyrone Ridley 5X1134
Pro'se Petitioner

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS
Date: October 2, 2014

To: Mr. Edward T. Ridley, GDC570139, Smith State Prison, Post Office Box 726, Glennville, Georgia 30427

Docket Number: A14A1879 **Style:** Edward Ridley 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 **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 must include the complete name and mailing address of each opposing party. Rules 1(a) and 6. You should provide a copy of your filing to the District Attorney and include his/her name and address on your Certificate of Service.**

6. ☐ There were an insufficient number of copies of your document. Rule 6.

7. ☐ Your document exceeds page limits. Rules 24 (f) and 27 (a)

8. ☐ Your document was submitted without permission to file (supplemental brief or second motion for reconsideration). Rules 27 (a) and 37 (d)

9. ☐ Letter briefs and letter cites are not permitted. Rule 27 (b)

10. ☐ Your request for court action must be submitted in motion form. Rule 41 (a)

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

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

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

October 16, 2014

To: Mr. William T. Murray, GDC469640, Georgia Diagnostic and Classification Center, State Prison, Post Office Box 3877, Jackson, Georgia 30233

Case Number: _____ Lower Court: _____ County Superior Court _____

Court of Appeals Case Number and Style: _____

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

☑ **There is no case pending in the Court of Appeals of Georgia under your name.**

☑ **A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37. Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.**

☑ **The Notice of Appeal must include a proper Certificate of Service. A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.**

☐ **An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.

☐ **An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.

☐ **Your appeal was disposed by opinion (order) on** _____. The Court of Appeals _____. The remittitur issued on _____ divesting this Court of jurisdiction. The case decision is therefore final.

☐ **Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the is:

☐ **If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.

☑ **A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

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

Dear: Court of Appeals. 10-9-14

I am in the process of attempting to appeal a denial for an out-of-time appeal which was denied Oct. 7, 2014 in Bartow Co. Superior Court. I am in the process of actually filing a "Notice of Appeal" to that denial of an out-of-time appeal on the grounds my attorney failed to file a timely notice of appeal. (ineffective asst.) when I wished to appeal my convictions. Case # 10-279.

I would like to file in your court "Court of Appeals" at the same time as when I file in Superior Court of Bartow County. Simply because I want to make sure it gets filed.

Sometimes it seems my stuff gets lost in the mail or something, basically I get no response. I usually request "A stamped filed copy" to be returned to me. So I at least know it's under consideration. So at least I know they recieved it.

Basically, is it rear. to file a discretionary appeal or can I file an appeal directly with your court at the same time as Bartow Superior Court. To make sure it gets filed on time and or acknowledge. So I can appeal to your court, I attempted to appeal at one-time but when I filed without my The actual "notice of appeal" they would not acknowledge

If, or rather I was advised to contact my attorney at the trial, who failed to respond or file

Thompson v State 2005 275 Ga. App. 566, 621 SE2d 475 Defendant did not have right to appointment of counsel to assist with out-of-time appeal.

Kane v State 2004 265 Ga Appeal 250, 593 SE2d 711 Defendant was not entitled to the assistance of appointed counsel for his motion for out-of-time appeal.

If appeals court "grants" my motion for out-of-time appeal, then I'll request an appellant attorney.

G.D.C.P.
William T. Murphy
~~G.D.C.P.~~ GDC# 4696490
P.O. Box 3827
Jackson, Ga. 30233

Basically, can you help make sure my case gets heard, filed ect. "I haven't filed a "notice of appeal" yet".

And I'am also confused. At the bottom of my notice of appeal it reads

The court of appeals, rather than the Supreme Court, has jurisdiction of this appeal because the issue involved is

and appeals of such blah, blah.

What generally goes in that blank. I've been putting criminal in it. Is that generally what goes in it?

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS
Date: October 16, 2014

To: Mr. Wekesa O. Madzimoyo, 852 Brafferon Place, Stone Mountain, Georgia 30083

Docket Number: A15A0221 **Style**: Wekesa Madzimoyo v. The Bank of New York, Melton Trust Company

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 **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 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

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

IN THE COURT OF APPEALS

STATE OF GEORGIA

Wekesa O. Madzimoyo Pro Se - Appellant	} APPELLANT BRIEF } ARGUMENT FOR APPEAL } } APPEAL CASE } No. A15A0221

v.

THE BANK OF NEW YORK
MELLON TRUST COMPANY (NYBMT) as
Trustee for RAMP-2006-RP2, NA., (RAMP)
formerly known as The Bank of New
York Trust Company, N.A.,

THE BANK OF NEW YORK
MELLON TRUST COMPANY (NYBMT) as
Trustee for RAAC-2006-RP2 (RAAC)
NA., formerly known as The Bank of New
York Trust Company, N.A.,

JP MORGAN CHASE BANK, NA,
GMAC MORTGAGE, LLC,

MCCURDY AND CANDLER, LLC

- Appellees

MOTION FOR LEAVE TO AMEND APPELLANT'S BRIEF

Due to a serious car accident of Appellant's oldest daughter, he request an extension to amend his appellant brief submitted today, October 8, 2014.

Appellant declares that he will file amendment within ten days of this filing.

Wekesa O Madzimoyo

Wekesa O Madzimoyo

ORDER to amend Appellant's Brief

Appellant Madzimoyo is granted leave to amend his appellant's brief that has been submitted on today October 8, 2014. He will file this amendment within ten days of today's filing date.

~~Judge, Dekalb County, GA~~ WDM 10/8/2014

Date: _____

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS

October 17, 2014

To: Mr. Michael L. Powell, GDC736204, Valdosta State Prison, Post Office Box 310, 3259 Valtech Road, Valdosta, Georgia 31603

Docket Number: **Style:** **Michael Lee Powell 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: Your "Request for Discretionary Appeal" was returned to you on September 29, 2014. Please return the "Request for Discretionary Appeal," the stamped "filed" copy of the order and all other attachments to this Court for filing.**

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

TUE. 07 OCT. 2014
Appeals Case No. A15A0187
Case No. 2012-CR-072
STATE OF GEORGIA v. MICHAEL LEE POWELL

COURT OF APPEALS OF GEORGIA;
OFFICE OF THE CLERK,

Enclosed please find the Courts requested copy of the trial courts last order pursuant to 30(b) and 31(e).

Within the "Discretionary Appeal" submitted to this Court, there were attachments: A, B, and C. The newly submitted trial Courts orders is Attachment "D".

I did not receive this Courts document return notice sheet until today: 07 OCT. 2014; and now I am promptly submitting the requested documents. [see: slip from Prison "Enclosed"]

I am requesting an index from this Court to show the actions that have been filed under the above-new appeals case number.

Thank you for your assistance and cooperation in this case. Please return a filed stamped copy of the attachment for my future records.

Sincerely,

Michael Lee Powell

MICHAEL LEE POWELL # 736204
APPELLANT pro se

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS

September 29, 2014

To: Mr. Michael L. Powell, GDC736204, Georgia Department of Corrections, Post Office Box 310, Valdosta, Georgia 31603

Docket Number: **Style:** **Michael Lee Powell 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

(RETURN COPY)

ATTACHMENT "D"

APPEALS CASE NO. A15A0187

Case No. 2012-CR-072

STATE OF GEORGIA V. MICHAEL LEE POWELL

TRIAL COURTS ORDER

IN THE SUPERIOR COURT OF RANDOLPH COUNTY
STATE OF GEORGIA

STATE OF GEORGIA	*	
	*	
vs.	*	**CASE NO.: 2012-CR-072**
	*	
MICHAEL LEE POWELL	*	FILED IN THIS OFFICE AT 8:55AM
Defendant,	*	THIS 11th DAY OF Aug 2014
	*	Jonnie Stone Deputy
		SUPERIOR COURT CLERK
		RANDOLPH COUNTY, GEORGIA

ORDER

The Court received from Defendant in the above-styled case a Request of court to Vacate Its Improperly Transmitted April 1st Order of Denial and Re-entry of That Order to Correct, and Allow a Proper Right to a Timely Notice of appeal. After careful consideration and evaluation of the claims, this Court denies the Defendant's motion since the order was properly served to Defendant at the return address listed on the envelope in which the motions were mailed to the Court.

SO ORDERED THIS 8th DAY OF Aug, 2014.

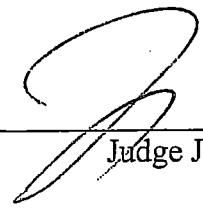
Joe C. Bishop, Chief Judge Superior Court
Pataula Judicial Circuit

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a true and correct copy of the foregoing order upon Defendant by depositing the same in an envelope in the United States mail, first class postage prepaid to the following address:

Michael Lee Powell
GCD# 736204
P.O. Box 310
Valdosta, GA 31603

This the 8th day of August, 2014.



Judge Joe C. Bishop, Chief Judge
P.O. Box 759
Dawson, GA 39842

IN THE SUPERIOR COURT OF RANDOLPH COUNTY
STATE OF GEORGIA

STATE OF GEORGIA	*	
	*	
vs.	*	**CASE NO.: 2012-CR-072**
	*	
MICHAEL LEE POWELL	*	FILED IN THIS OFFICE AT 10:00A M.
Defendant,	*	THIS 1st DAY OF April, 2014
	*	Kay Arnold
		SUPERIOR COURT CLERK
		RANDOLPH COUNTY, GEORGIA

ORDER

The Court received from Defendant in the above-styled case a Motion For An Out-Of-Time Appeal, a Motion to Correct Void Sentence, a Request Not to Return to Court and Appointment of Substitute Counsel and a Motion To Stay Production of Defendant To Correct Void Sentence-Guilty Plea in January and March of 2014, respectively. After careful consideration and evaluation of the claims, this Court finds no legal or evidentiary basis for Defendant's claims and motions. Therefore, Defendant's motions are DENIED.

SO ORDERED THIS 1st DAY OF April, 2014.

Joe C. Bishop, Chief Judge Superior Court
Pataula Judicial Circuit

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a true and correct copy of the foregoing order upon Defendant by depositing the same in an envelope in the United States mail, first class postage prepaid to the following address:

Michael Lee Powell
G.D.C.P#736204 Cell 4-H3
P.O. Box 3879
Jackson, GA 30233

This the 1st day of Apr, 2014.

Judge Joe C. Bishop, Chief Judge
P.O. Box 759
Dawson, GA 39842

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS
Date: October 17, 2014

To: Mr. Phillip Gregory Moore, 2001 Northside Drive, Valdosta, Georgia 31705

Docket Number: A15A0151 **Style:** Phillip Gregory Moore 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 **Your pauper's affidavit should be notarized by a notary public.**

2. ☐ A Request for Oral Argument must be filed as a separate document. Rule 28 (a) (3)

3. ☐ Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)

4. ☑ **No Certificate of Service accompanied your document(s). Rule 6**

5. ☑ **The Certificate of Service must include the complete name and mailing address of each opposing party. Rules 1(a) and 6.**

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

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

Courts of Appeals of Georgia
Notice of Docketing-Direct Appeal
ACN: A15A0151 DOD: September 8, 2014
Phillip Moore v. The State

It is ordered and adjudged that I, Phillip Moore is sentenced to confinement for a total period of 12 months in the Lowndes County Jail, or such place as I may be legally confided, such time to be computed as provided by law. It is ordered that the Defendant comply with all special conditions of probation office of the Sentinel. It is further ordered that I am sentenced under provisions of O.C.G.A.; First Offender Act [(ss) 42-8-60]. Shall, after the service of 1 day in confinement, with the credit for 1 day served, serve the balance of this sentence on probation. Such confinement shall be served in the Lowndes County Jail. Shall serve this sentence consecutive to concurrent with this court's previous sentence. Shall pay a total fine including all required surcharges, of $700.00 as and when directed by the Probation Officer. Shall perform 40 hours of community service work at a rate of not less than 8 hours per week in the manner approved by the Probation Officer. All community service work shall be pre-approved by the Probation Office. Shall not consume or possess any alcohol, illegal drug or narcotic not be at any location where alcohol is served as primary course of business. I shall undergo random drug/alcohol testing whenever directed by Probation Officer at my expense. No balance of this probation shall be suspended or terminated except upon the express written permission of this court. So ordered this 8th day of July, 2014. I have read and written the Court's sentence, Special Conditions of Probation and General Conditions of Probation. I understand that this probation is an alternative to jail sentence. I also understand my probation may be revoked and the balance of my probation served in jail if I fail to abide by the terms of the Court's Sentence. Special Conditions of Probation.

I am appealing the sentence of the Georgia Courts of Appeals. I wish that upon completion of all terms and conditions of this probation, the balance of this sentence shall be suspended provided I have not violated any term or condition of probation or any law while on probation and presents a valid driver's licenses.

In effort to show my willingness to correct my path in a better direction. I sat with my family and we discussed going to counseling of some sort. I attended the C.A.R.T. (Creating a Responsible Thinker) Program, which helped me think for my own actions instead of others. I choose to use my First Offender to show my willingness to be Law Abiding Citizen of this state and country.

I am Health and Physical Education major, who wants to make a positive impact on our youth. With this conviction on my transcript I will not be able complete all requirements of my coursework to graduate. I know that dealing with the well-being of the youth is a big responsibility. My passion to see young children be successful exceeds my temptation of any irresponsible acts. Your approval of this appeal will help me get back to staying on course to graduate. I need this appeal so I can make difference in today's youth.

Phillip Moore

15 October 2014

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS
Date: October 22, 2014

To: Mr. Sean Prather, GDC972246, Smith State Prison, Post Office Box 276, Glennville, Georgia 30427

Docket Number: A15A0276 **Style**: Sean Prather 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 **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.**

5. ☑ **A Certificate of Service must include the complete name and mailing address of each opposing party. Rules 1(a) and 6. You should provide a copy of your filing to the District Attorney and include his/her name and address on your Certificate of Service.**

6. ☐ There were an insufficient number of copies of your document. Rule 6.

7. ☐ Your document exceeds page limits. Rules 24 (f) and 27 (a)

8. ☐ Your document was submitted without permission to file (supplemental brief or second motion for reconsideration). Rules 27 (a) and 37 (d)

9. ☐ Letter briefs and letter cites are not permitted. Rule 27 (b)

10. ☐ Your request for court action must be submitted in motion form. Rule 41 (a)

11. ☐ Your motions were submitted in an improper form (joint, compound or alternative motions in one document). Rule 41 (b)

12. ☐ The type on your document 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 Appellant's Brief was not signed and did not have a Certificate of Service.**

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

FILED IN OFFICE

OCT 16 2014

COURT CLERK
CLERK COURT OF APPEALS OF GA

A15A0276

BRIEF FOR APPEAL OF DENIAL OF EXTRAORDINARY MOTION FOR NEW TRIAL

RECEIVED IN OFFICE
2014 OCT 20 PM 3:30
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

APPELLATE BRIEF

APPELLATE

Date: 10-10-14

SEAN PRATHER
P.O. BOX 726
GLENNVILLE, GEORGIA 30427

IN THE COURT OF APPEALS
STATE OF GEORGIA

SEAN PRATHER
V.
STATE OF GEORGIA

CASE NO. A15A0276

MOTION FOR APPOINTMENT OF COUNSEL
FREE OF CONFLICT

COME NOW, SEAN PRATHER, PROSE, THE APPELLATE IN THE CASE CAPTIONED ABOVED ADD FILES THE MOTION FOR APPOINTMENT OF COUNSEL FREE OF CONFLICT AND GIVES REASON IN SUPPORT AS FOLLOWS:

MR. PRATHER HAS BEEN INDICTED OF THE CHARGES ALLEDGED AND THE DEFENDANT/APPELLATE INTENDS TO RAISE THE CLAIM OF INEFFECTIVE ASSISTANCE OF COUNSEL AT THE EARLIEST PRACTIBLE MOMENT. COUNSEL OF THE RECORD, RUFUS SMITH (TRIAL ATTORNEY), AND BRIAN LEWIS (DIRECT APPEAL COUNSEL) CAN NOT ASSERT OR ARGUE THEIR OWN INEFFECTIVENESS. SEE: Head v. State 282 Ga. 462-63 651 S.E. 2d 88 (2007).

THE RIGHT TO COUNSEL GUARANTEES that COUNSEL IS NOT burdened by a CONFLICT OF INTEREST AND COUNSEL that REPRESENTS a defendant at trial OR ANOTHER COUNSEL OF the SAME PUBLIC DEFENDERS OFFICE ARE NOT to BE CONSIDERED NEWLY APPOINTED COUNSEL SINCE they ARE PROHIBITED FROM RAISING the CLAIM OF INEFFECTIVENESS ASSISTANCE ON THEMSELVES OR ANOTHER PUBLIC DEFENDER EVEN if they ARE FROM different districts. IN which both of these attorney WERE of the SAME diff district AND has shown a CONFLICT by:

1.) Trial COUNSEL REPRESENTED FRIENDS AND family of the ALLEDGED victim whom RESIDED WITHIN the SAME RESIDENT OR HOUSEHOLD.

2.) APPELLATES APPEAL attorney failure to ADDRESS the MANY

IN THE COURT OF APPEALS

STATE OF GEORGIA

STATE OF GEORGIA

v.

SEAN PRATHER

CASE NO. A15A0276

MOTION FOR DESIGNATION OF INDIGENCY TO PROCEED ON APPEAL IN FORMA PAUPERIS

COMES NOW, SEAN PRATHER, PRO SE, IN THE ABOVE-STYLED ACTION AND RESPECTFULLY REQUEST THE COURT TO ALLOW HIM TO PROCEED ON APPEAL FORMA PAUPERIS UPON THE FOLLOWING GROUNDS TO WIT:

(1.)

THE APPELLATE IS IN FACT PENNILESS AND UNABLE TO OBTAIN MONEY TO APPEAL CASE.

(2.)

THE APPELLATE MEETS EVERY TEST UNDER STATE LAW THAT PRESCRIBES STANDARDS OF INDIGENCY AND IS CURRENTLY INCARCERATED WITH MINIMUM FINANCIAL AID.

WHEREFORE THE APPELLATE PRAY THAT HE BE DESIGNATED AN INDIGENT FOR PURPOSES OF APPEALING FROM THE JUDGMENT AND THE DENIAL OF HIS MOTION FOR NEW TRIAL AND THAT THIS COURT ALLOW THE ABOVE-NAMED APPELLATE TO PROCEED IN FORMA PAUPERIS IN HIS APPEAL.

RESPECTFULLY SUBMITTED THIS 6 DAY OF OCTOBER 2014.

BY: Sean Prather

SEAN PRATHER, PRO SE.

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS

October 22, 2014

To: Mr. Dexter Lewis, GDC898346, Georgia State Diagnostic and Classification Center, State Prison, Post Office Box 3877, Jackson, Georgia 30233

Docket Number: **Style:** **Dexter Lewis v. The State**

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

1. ☐ Your Application was not accompanied by the statutory filing fee, $300.00 civil; $80.00 criminal, or a sufficient pauper's affidavit. OCGA§5-6-4 and Rule 5 Please be advised that your pauper's affidavit should be notarized by a notary public.

2. ☐ Portions of the record included were not tabbed and indexed. Rules 30 (e) and 31 (c).

3. ☑ **A stamped "filed" copy of the trial court's order to be appealed was not attached to your Application. Rules 30 (b) and 31 (e)**

4. ☐ A stamped "filed" copy of the Certificate of Immediate Review was not attached to your Interlocutory Application. Rule 30(b)

5. ☐ Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)

6. ☐ There were an insufficient number of copies of your document. Rule 6

7. ☐ You should provide a copy of your filing to the District Attorney and include his/her name and address on your Certificate of Service. Rule 6.

8. ☐ Your Certificate of Service did not include the complete name and /or mailing address of each opposing counsel and/or 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 GEORGIA COURT OF APPEALS
STATE OF GEORGIA

DEXTER G. LEWIS
VS
STATE OF GEORGIA

* CASE NO:
*
*
*

DISCRETIONARY APPEAL

Statement of Case

Comes Now the plaintiff files this appeal because Judge Marshall refused to give the plaintiff Credit time served for 18 months that he had been awaiting a probation hearing in which the plaintiff first filed production order according to O.C.G.A. 42-6-1 to 42-6-5 Statue which states that the District Attorney has two terms of Court to dispose of the case, If not the case be dismissed, These documents were filed by Dougherty County Superior Clerk of Court Evonne S. Mulls on Aug 16, 2013, Nov 25, 2013 and June 26, 2014. And the District Attorney failed to resolve and dispose of this matter before the plaintiff was discharged from Dodge State Prison on 8/12/2014. There fore on 8/12/2014 the plaintiff was Conditionally transfered to Dougherty County jail and on 9/24/2014 the plaintiff was taken to a probation hearing from five counts of uttering bad Check charges. The plaintiff was only made aware of any outstanding warrant in Dougherty when he was arrested on a driving while license suspended or revoked on 1/31/2013 in monroe County. However the warrant in Dougherty County was filed on 7/2/2011, The plaintiff was reporting to Mr. Keith Kakes at the time of the fulton County Probation Office who did not violate the plaintiffs probation because the plaintiff only had misermeanor probation in Dougherty County for ten Consecutive bad check charges. The plaintiff was reporting to fayette County probation which was transfered to fulton County until 6/28/2012, by this warrant never being seen by any one Dougherty Sheriffs Office and Clerk of count did not see this warrant.

The defendant/plaintiff feels that Judge Willie Lockette erred when he sentenced him to 10 years probation in case 98R1287 which expired 6/9/2009 and 10 years consecutive to 98R1287 in case 99R716 which one 12 month sentence after another that expire every year there after 6/10/2009 until 2019. Five counts of the defendant probation for uttering bad checks had expired however the plaintiff feels that code Ann § 27-2510 provides at One term of court A person is convicted on more than one indictment or accusation or on more than one count there and sentenced to probation such sentence shall be served concurrently unless otherwise expressly provide there in, So the 10 years in Case 98R1287 should have been ran concurrently to 99R716 not consecutive. Code Ann § 27-2709-27-2723 At the revocation of probation hearing the trial court found that the probation officer learned on 1/31/2013 that the plaintiff was in legal custody of the State of Georgia fayette and the Department of Correction avialable to his Dougherty County Probation Supervisor for such probation hearing as was conducted 9/24/2014. For once the probationer was incarcerated on 1/31/2013 his time spent on probation should be credited for time served on probation from that date forward. The plaintiff was confined on other charges and the trial court should have specified that time served (in confinement) prior to the probation revocation would be credited as time served on probation. Therefore the trial court should have given the plaintiff credit for 18 months time served on 9/24/2014 and the defendant/plaintiff should have been released on his parole.

Plaintiff's Argument for Discretionary Appeal

There should have never been a probation hearing held on 9/24/2014 because the plaintiff filed numerous Production Orders according to O.C.G.A. 42-6-1 to 42-6-5 which states that the district attorney has two terms of court to dispose of any any all pending charges that a detainer was filed. Because on 1/31/2013 the plaintiff became available to Dougherty County Probation and his probation officer should have learned of his availability to answer the warrant in Case 99B716 which was filed on 7/2/2014.

II

The plaintiff shall be given any time served in confinement which shall be considered apart of the sentence of the plaintiff according to O.C.G.A. 42-8-34(f) and 17-10-11. The Judge may order the execution of the sentence orginally imposed or of any portion thereof. In such event, the time that the plaintiff has served under probation shall be considered apart of the original sentence to serve according to O.C.G.A. 42-8-38(c). Therefore the plaintiff must be given credit time serve from 1/31/2013 and the two sentence imposed by Dougherty County shall be ran concurrent to the two year sentence imposed by fayette County, not consecutive to the fayette County Sentence. Also according to Code Ann § 27-2709, -27-2723

Conclusion

The plaintiff made available to the courts as a result of his arrest and incarceration on 1/31/2013 because all warrants that were issued by Dougherty County and fayette were issued to the plaintiff arrest on 1/31/2013. And the fact that the plaintiff became available to the Dougherty County Superior Court on 1/31/2013 the plaintiff should be given credit for time served since the date of his arrest and incarceration in fayette County and the Georgia Department of Corrections at Dodge State Prison, not the date he was discharge from Prison and parole on a Conditional Transfer to Dougherty County on 8/12/2014. Dilas V. State 159 Ga. App. 39 282 S.E. 2d 690 1980. Therefore the plaintiff should have been released from the Dougherty County jail on parole on 9/24/20

CERTIFICATE OF SERVICE

I certify that I have served the District Attorney Gregory Edwards a true and correct copy of the foregoing Discretionary Appeal at P.O. Box 1827, Albany, Ga. 31702-1827 by U.S. mail. This 24th day of September 2014.

Respectfully Submitted by:
Dexter G. Lewis Prose

FORM 2 - PAUPER'S AFFIDAVIT

COURT OF APPEALS OF GEORGIA

DEXTER G. LEWIS,	*	
APPELLANT	*	
vs	*	CASE NUMBER
STATE OF GEORGIA,	*	_____
APPELLEE		

PAUPER'S AFFIDAVIT

Comes now Dexter G. Lewis (Appellant's name) first being duly sworn, deposes and states I am financially unable to pay the $80.00 filing fee required for filing costs in the Court of Appeals of Georgia, and I request I be permitted to file Discretionary Appeal (Appellant's brief or Appellant's application) without having to pay filing fees.

This the 10th day of October, 2014.

Dexter G. Lewis
(Your name printed or typed.)

_____(Sign your name.)

GDC#898346, GDCP, P.O. Box 3877, Jackson, Ga. 30233
2004 Jones Ave, Albany, Ga. 31707 (229) 888-7125 or 404-275-7827
(Your complete address and telephone number.)

Sworn to and subscribed before me

this the 16 day of October, _____.

_____ Notary Public

SEAL

SHANAY SHEPHERD
MY COMMISSION EXPIRES
OCT 16 2017
DEKALB CO., GEORGIA
NOTARY PUBLIC

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

October 9, 2014

To: Ms. Anita K. C. Lawson, Lumpkin County Detention Center, 385 East Main Street, Dahlonega, Georgia 30533

Case Number: _____ Lower Court: County Superior Court

Court of Appeals Case Number and Style: _____

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

☑ **There is no case pending in the Court of Appeals of Georgia under your name.**

☐ **A Notice of Appeal is filed with the clerk of the trial court. 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.

☐ **The Notice of Appeal must include a proper Certificate of Service.** A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.

☐ **An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.

☐ **An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.

☐ **Your appeal was disposed by opinion (order) on** _____. The Court of Appeals _____. The remittitur issued on _____ divesting this Court of jurisdiction. The case decision is therefore final.

☐ **Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the is:

☐ **If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.

☐ **A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

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

10-6-14

Court of Appeals of Georgia,

I am requesting an emergency relief from incarceration in the Lumpkin County jail. Currently I have been in Jail for 33 days for a Civil Contempt in a divorce. I have a mentally disable Daughter that is living in a homeless Shelter in Cartersville, GA.

I have requested an appeal with the Court of Appeals of GA. The Judge has ordered me to be held in the Lumpkin County Jail for 1550 days. Please help me—

Sincerly,

Anita K Costner Lawson

Scott Whitten
vs
Anita K Whitten

Civil # 12-CV-487-SG / 1405239

Anita Lawson
385 E Main St
Dahlonega GA 30533

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS

October 22, 2014

To: Mr. Dexter Lewis, GDC898346, Georgia State Diagnostic and Classification Center, State Prison, Post Office Box 3877, Jackson, Georgia 30233

Docket Number: **Style:** **Dexter Lewis v. The State**

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

1. ☐ Your Application was not accompanied by the statutory filing fee, $300.00 civil; $80.00 criminal, or a sufficient pauper's affidavit. OCGA§5-6-4 and Rule 5 Please be advised that your pauper's affidavit should be notarized by a notary public.

2. ☐ Portions of the record included were not tabbed and indexed. Rules 30 (e) and 31 (c).

3. ☐ A stamped "filed" copy of the trial court's order to be appealed was not attached to your Application. Rules 30 (b) and 31 (e)

4. ☐ A stamped "filed" copy of the Certificate of Immediate Review was not attached to your Interlocutory Application. Rule 30(b)

5. ☐ Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)

6. ☐ There were an insufficient number of copies of your document. Rule 6

7. ☑ **You should provide a copy of your filing to the District Attorney and include his/her name and address on your Certificate of Service. Rule 6.**

8. ☑ **Your Certificate of Service did not include the complete name and /or mailing address of each opposing counsel and/or 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: **Please indicate which order is being appealed.**

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

10/20/14

To The Georgia Court Of Appeals
Dexter Lewis Requested a copy of the Extra ordionary motion for Judicial Assistance.
CASE # 99R-12 } 2004 or 2005
99R-16

Ms Evonne Mull states that she would send it to him, But she did not. She is the clerk of Court.

I Am Dexter Lewis mother, Minnie Lewis and he ask me send these Documents. I have Been to Dougherty Court house and spoke to Ms. Mull about the above document for my Son. She stated she sent them to him.

I have called her and went to the Dougherty County Courthouse about this matter. I told her he wanted me to mail this information off before 10/24/14. maybe you all can get this Information.
Her Name is Ms. Evonne Mull Ph # 229 431-3274 (229)

He was sent to the GA. state Diagnotic Prison
2978 Hwy 36 West. Jackson, GA. 30233.
Name Dexter G. Lewis OCA-898346

If you Need to Contact me - my Number 229-364-7466

Thank you in Advance
Ms. Minnie Lewis

IN THE GEORGIA COURT OF APPEALS
STATE OF GEORGIA

DEXTER G. LEWIS * CASE NO:
VS. *
STATE OF GEORGIA *
*

DISCRETIONARY APPEAL

Statement of Case

Comes Now the plaintiff files this appeal because Judge Marshall refused to give the plaintiff Credit time served for 18 months that he had been awaiting a probation hearing in which the plaintiff first filed production Orders according to O.C.G.A 42-61 to 42-65 statue which states that the District Attorney has two terms of court to dispose of the case. If not the case shall be dismissed. These documents were filed by Daugherty County Superior Clerk of court Evonne S. Mulls on Aug 16, 2013, Nov 25, 2013 and June 26, 20 And the District Attorney failed to resolve and dispose of this matter before the plaintiff was discharged from Dodge State Prison on 8/12/2014. Therefore on 8/12/2014 the plaintiff was brought to the Daugherty County jail by a Daugherty County Sheriff and on 9/24/2014 the plaintiff was sentenced again by Daugherty County Court for violating his probation for being charged with two offenses which were felonies but have expired because the offenses were committed on 11/8/2008 and the was sentenced to five years probation by Judge Shoobs of fulton County Superior Court in Cases 09SC81134 and 09SC83726 which both cases expired 11/7/2013. The plaintiffs probation officer was Mr. Keith Rakes at this time of the fulton County probation office who did not violate the plaintiff probation because the plaintiff only had misermeanor probation in Daugherty County for ten consecutive bad check charges. And the plaintiff was only made aware of any outstanding warrant in Daugherty County when he was arrested on a driving while license suspended or revoked on 1/31/2013. However the warrant in Daugherty County was filed on 7/2/2011. The plaintiff was reporting to fayette County probation which was transferred to fulton County up until 6/28/2012, but this warrant was never seen by any one, Daugherty Sheriff's office and clerk of court did not see this warrant

STATEMENT OF FACTS

1). The plaintiff feels that Judge Willie Lockette erred when he sentenced him 10 years probation in case 98R1287 which expired on 6/9/2009 and 10 years consecutive to 98R1287 in case 99R716 in 10 consecutive 12 month sentences which were started 6/10/2009 and expire every year there after until 2019. Five counts of the plaintiffs probation for uttering bad checks had expired however the plaintiff feels that code Ann §27-2510 provides at one term of court a person is convicted on more than one indictment or accusation or on more than one count thereof, and sentenced to probation such sentence shall be served concurrently unless otherwise expressly provided there in. So the 10 years in case 99R716 should have been ran concurrently to 98R1287 not consecutive.

2) Code Ann § 27-2709, 27-2723 At the revocations of probation hearings both fayette and Dougherty County trial courts found that the probation officers learned on 1/31/2013 that the plaintiff was in legal custody in the state of Georgia fayette county, available to his Dougherty County probation supervisor for such probation hearing as was conducted 9/24/2014. For once the probation officer learned of the plaintiffs incarceration, his time spent on probation should start running again until revoked. It follows that the plaintiff should be credited for time served on probation from that date foward 1/31/2013 The plaintiff was confined on other charges and trial court should have specified that time served in confinment) prior to probation revocation would be credit as time served on probation.

3) And fayette County Judge Fletcher Sam also made the error by not giving the plaintiff credit time served case 2010R-0264 the felony motor vehicle laws violation which the plaintiff was sentence to serve two years in prison for a techical violation of his probation for being arrested on 1/31/2013 however he was only given credit for time served from 4/9/2013 the date of his probation revocation hearing. Which this error must be corrected because the maximum punishment allowed for a techichal violation of probation is two year imprisonment. So from 1/31/2013 to 1/9/2015 the plaintiffs current parole expiration date that would exceed the maximum sentence. The date should be corrected to show that the plaintiff was arrested on 1/31/2013 and the two year sentence would expire 1/31/2015 which should be ran concurrent in both cases 99R716 and 2010R-0264. Which the probation revocation hearing in Case 2010R-0264 on 4/9/2013 in fayette County Superior Court and 99R716 probation revocation was on 9/24/2014 in Dougherty County Superior Court. The correction should also be tranmitted to the pardon and parole board so that the plaintiff parole expiration date can be correct to 1/31/2015 and the plaintiff should be released from the Dougherty County jail on his parole that was granted on 8/12/2014 and should properly expire on 1/31/2015.

The plaintiff contends the trial courts erred by failing to credit him for time served in the Georgia penal system and continuing suspension of the running of his time on probation after the probation officer learned plaintiff was in custody.

There should have never been a probation hearing held on 9/24/2014 because the plaintiff and the Judge had a long standing conflict of Interest and Dougherty County Should have request Judical assistance from a Circuit Court Judge as it did in 2004. And because the District Attorney refused and failed to resolve and dispose of this matter according to O.C.G.A 42-6-1 to 42-6-5 which states that the District Attorney has two terms of court to dispose of this case and if not the case shall be dismissed. When a detainer was served upon the plaintiff he filed numerous Production Orders, motion for discharge and acquittal, and motion of availability to answer to the warrant, in Case 99R7116. This Judge violated a Court Order.

II

The plaintiff shall be give any time served in confinement which shall be considered a part of the sentence of the plaintiff according to O.C.G.A. 42-8-34 (f) and 17-10-11. The Judge may order the execution of the sentence orginally imposed or of any portion there of. In such event, the time that the plaintiff has served under probation shall be considered a part of the original sentence to serve according to O.C.G.A 42-8-38(c). Therefore the plaintiff must be given credit time served from 1/31/2013 and the two year sentence imposed by Dougherty County Shall be ran concurrent to the two year sentence imposed by fayette County, not consecutive to the fayette County Sentence.

Conclusion

The plaintiff was made available to the courts as a result of his arrest and incarceration on 1/31/2013 because all warrants that were issued by Dougherty County and fayette were issued to the plaintiffs arrest on 1/31/2013. And the fact that the plaintiff became available to the Dougherty County Superior Court on 1/31/2013 the plaintiff should be given credit for time served since the date of his incarceration not the date of his probation revocation hearing on 9/24/2014. Dilas v. State 159 Ga.App 39 282 S.E.2d 690 1980. There fore the plaintiff should have been release from the Dougherty County jail on parole on 9/24/2014. The plaintiff should credited to time served from the date of his arrest 1/31/2013 in fayette County as well

CERTIFICATE OF SERVICE

I certify that I have served the Clerk of Court of the Georgia Court of Appeals and true and correct copy of this forgoing document by U.S. mail.

This 24th day of September 2014.

Respectfully submitted by:
Dexter G. Lewis

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS

October 22, 2014

To: Ms. Christina McLemor, GDC963373, Whitworth Woman's Facility, Post Office Box 769, Hartwell, Georgia 30643

Docket Number: **Style:** **Christina McLemore v. The State**

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

1. ☐ Your Application was not accompanied by the statutory filing fee, $300.00 civil; $80.00 criminal, or a sufficient pauper's affidavit. OCGA§5-6-4 and Rule 5 Please be advised that your pauper's affidavit should be notarized by a notary public.

2. ☐ Portions of the record included were not tabbed and indexed. Rules 30 (e) and 31 (c).

3. ☐ A stamped "filed" copy of the trial court's order to be appealed was not attached to your Application. Rules 30 (b) and 31 (e)

4. ☐ A stamped "filed" copy of the Certificate of Immediate Review was not attached to your Interlocutory Application. Rule 30(b)

5. ☐ Your document(s) was (were) not signed by counsel (No signatures with expressed permission are permitted). Rule 1 (a)

6. ☐ There were an insufficient number of copies of your document. Rule 6

7. ☑ **You should provide a copy of your filing to the District Attorney and include his/her name and address on your Certificate of Service. Rule 6.**

8. ☑ **Your Certificate of Service did not include the complete name and /or mailing address of each opposing counsel and/or 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

Court of Appeals of Georgia

State of Georgia
Vs
Christina McLemore

Criminal Action Numbers 13-CR-128
13-CR-160
13-CR-58

Notice is hereby given that Christina McLemore, defendant/appellant, hereby appeals to the Court of Appeals of Georgia from the decision entered on the 8th day of September 2014 on the motion to modify sentence imposed by the Superior Court of Toombs County Georgia.

The offenses for which the defendant was convicted of on November 21st 2014 are as follows.

13-CR-58 1st Degree Burglary 20 serve 8 years 12 probated
13-CR-128 Possession of methamphetamine 15 serve 8 years without parole
13-CR-160 Financial Card Theft/Fraud Total of 4 years without parole

Motion to modify sentence was filed on the 25th day of July 2014 in Toombs County for all offenses, Emanuel County Jurisdiction was waived. Motion was denied on the 8th day of September 2014

Enclosed is a breif statement of the defendant, motion to modify, letter of denial, Sentencing statements, final depositions, Approval of Affidavit of poverty, Appeal, Certificate of Service, and papuper affidavit.

Please Consider that I, the defendant am incarcerated and indigent. The facility which I am housed are assisting with this appeal to the best of their knowledge and ability. I do not have an Attorney to assist me with this process. Thank you.

Appellant
Defendant
Pro se

Christina McLemore
GDC#963373
Whitworth Womans Facility
P.O. Box 769
Hartwell, GA 30643

JANET BAILEY
NOTARY PUBLIC
Exp. 2/5/17
HART COUNTY, GA

Notary Janet Bailey
my commission expires 2/5/17

State of Georgia
V/S
Christina McLemore

(1)

Criminal Action #'s 13-CR-160
13-CR-128
13-CR-58

Comes now the defendant Christina McLemore to appeal the decision of the Superior Court of Toombs County Georgia ordered on the 8th day of September 2014.

The defendant wishes to appeal for the following enumerations of errors. (1) Ineffective assistance of council (2) Entering a plea under duress (3) 17-10-2(a) State's failure to notify defendant of it's intention to seek repeat offender punishment.

1-) Ineffective Assistance of council - On november 18th 2013 I was scheduled for sentencing in Toombs County Georgia on the offenses in this appeal. The public Defender that represented me had worked out a wrap offer with the District Attorney for a sentence of 20 serve 10 years total all charges were to run concurrent. On CR-160 I waived indictment and was to plea out on the accusation, I waived jurisdiction on the 13 CR 58 for Emanuel County's, so I could plea out in Toombs County for all charges. However the neccessary paperwork was not present at the time for the Emanuel County Case, therefore I was rescheduled for sentencing on november 21st, 2013. Upon entering the courts on the 21st day of November 2013, prepared to enter a plea of guilty for the sentence previously discussed of 20 years serve 10 for all offenses, but to my surprise the attorney that was representing me comes to me and tells that the District Attorney had changed the plea to 20 years serve 8 without parole, and that if I did not accept this plea I would go to trial receive 35 years for just the possession charge and all other sentences would run consecutive.

I was represented by a court appointed attorney, and would not have normally accepted a plea to this extreme had I not been told it was in my best interest.

2-) Entering a plea under duress - On November 21st 2013, I was prepared mentally for the sentence already agreed on, to accept the plea, I was not prepared for what was presented to me less than an hour before sentencing. Although sentencing documents states that the plea was voluntary, I say it was involuntarily reached. I did not affirmatively

desire to plea guilty and accept a plea to a sentence of 20 years serve 8 without parole, rather I felt compelled to do so out of fear of the far greater sentence that I was informed I would receive if I did not accept it. The improper influence of the officials of Authority infact caused the plea of guilty, not of my own voluntariness.

3-) OCGA 17-10-2(a) - State must meet the "clear notice" Requirement, producing a "notice of the States intention to seek punishment of the defendant as a repeat offender".
The purpose of this statue is to give the defendant time to examine the records or evidence to determine if in fact it can be used against him or her.
Richardson vs State 256 Ga. App. 30 states as follows "In order to obtain a reciduist sentence under OCGA 17-10-7 the state must give the defendant "clear notice" before trial of its intention to seek such a sentence."
Only after requesting the final disposition documents pertaining to my sentencing did I realize that I was sentenced under the repeat offender statue OCGA 17-10-7(c). As you can see on Sworn Statement of Defendant form signed by myself on November 21st 2013 that the statue is written off to the right side, afterwards, at the time of my signature this was not present, and only since my incarceration it the Department of Corrections did I learn what the meaning of this statue was.

I ask that the court of appeals please examine this information, and grant the appeal that is being requested. I am not saying I was wrongly convicted nor have I denied my guilt, because in my active addiction I commited these offenses, however I am asking that I be given the same treatment of the courts that one may be given had a paid attorney ~~represted~~ represented. I was not informed anything about a Recidivist Statue at sentencing, only after. where is the justice in that. Hope you will find in my favor and grant me the relief

I am requesting. I thank you for your time and consideration.

Respectfully Submitted.

Signed. Christina M McLemore

Christina M McLemore
GDC# 9633373
Whitworth Womans Facility
P.O. Box 769
Hartwell, Georgia 30643

JAN BAILEY
NOTARY
Exp 2/5/17
PUBLIC
HART COUNTY, GA

Jan Bailey

Table of Exhibits

SC-6.2 Final Disposition Felony Sentence With Probation

IN THE SUPERIOR COURT OF EMANUEL **COUNTY, STATE OF GEORGIA**

STATE OF GEORGIA versus

CHRISTINA MCLEMORE

CRIMINAL ACTION #:

13-CR-58

August **Term of 2013**

Clerk to complete if incomplete:

OTN(s): 88389625365
DOB: 07/30/1977
Ga. ID#:

FILED IN OFFICE
DEC 2 2013
DEPUTY CLERK OF COURT
EMANUEL COUNTY, GA

Final Disposition:
FELONY with PROBATION

First Offender/Conditional Discharge entered under:

☐ O.C.G.A. § 42-8-60 ☐ O.C.G.A. § 16-13-2

☐ **Repeat Offender as imposed below**

☐ Repeat Offender waived

PLEA: ☑ Negotiated ☐ Non-negotiated

VERDICT: ☐ Jury ☐ Non-jury

The Court enters the following judgment:

Count	Charge (as indicted or accused)	Disposition (Guilty, Not Guilty, Guilty-Alford, Guilty-Lesser Incl, Nolo, Nol Pros, Dead Docket)	Sentence	Fine	Concurrent/ Consecutive, Merged, Suspended
1	Burglary 1st Degree	Guilty	20 YRS, SV 8 P/B 12		Concurrent
2					
3					
4					

The Defendant is adjudged guilty or sentenced under First Offender/Conditional Discharge for the above-stated offense(s); the Court sentences the Defendant to confinement in such institution as the Commissioner of the State Department of Corrections may direct, with the period of confinement to be computed as provided by law.

Sentence Summary: The Defendant is sentenced for a total of TWENTY (20) YEARS, ☐ with the first EIGHT (8) to be served in confinement and the remainder to be served on probation; or ☐ to be served on probation.

The Defendant is to receive credit for time served in custody: ☑ from 10/02/13; or ☐ as determined by the custodian.

☐ 1. The above sentence may be served on probation provided the Defendant shall comply with the Conditions of Probation imposed by the Court as part of this sentence.

☑ 2. Upon service of EIGHT (8) YEARS, the remainder of the sentence may be served on probation; PROVIDED, that the Defendant shall comply with the Conditions of Probation imposed by the Court as part of this sentence.

☑ 3. The Court sentences the Defendant as a recidivist under O.C.G.A.:

☐ § 17-10-7(a); ☑ § 17-10-7(c); ☐ § 16-7-1(b); ☐ § 16-8-14(b); or ☐ § _____.

Exhibit A

GEORGIA, Superior Court of Emanuel County

STATE OF GEORGIA

VS.

Christina McLemore, Defendant

Offender Tracking Number (OTN): _____

Case No. 13-CR-58

Offense (s): Ct. 1: Burglary in the 1st degree

SWORN STATEMENT OF DEFENDANT

The Defendant, having been sworn, states the following to the Court: (indicate *Yes* or *No* for each statement)

1. yes — I understand that I am charged with the offense(s) listed above.
2. yes — I understand that a conviction of these charge(s) could result in my imprisonment from 1 to 20 years.
3. yes — I understand that I have a right to a trial by a jury, and I hereby expressly waive that right.
4. yes — I understand that I am presumed to be innocent of the charge(s) and that the State has to prove that I am guilty.
5. yes — I understand that I have a right to confront the witnesses against me.
6. yes — I understand that I have a right to testify in this case if I want to, but I could not otherwise be forced to testify or to incriminate myself in any way.
7. yes — I understand that I can subpoena witnesses to testify on my behalf.
8. yes — I understand that I can present any other relevant evidence in my case.
9. yes — I understand that if I exercised my right to a trial by jury, I have a right to be assisted by a lawyer at that trial.
10. yes — I understand that if I were to plead not guilty; or, if I remained silent and entered no plea at all, then I would automatically receive a jury trial.
11. yes — I understand that the District Attorney has agreed to make a recommendation to the Court as to what sentence to impose in return for my plea of guilty.
12. yes — I understand that if I plead guilty to the charge(s), the District Attorney will recommend as punishment:
    ☐ ____ Fine ☐ ___ hrs Community Service ☐ IPS ☐ PDC ☐ PSATC ☐ Drug Conditions ☐ Sex Offender
    8 yrs to serve without parole with 12 yrs on probation concurrent with any other sentence 17-10-7(c)

    I understand that restitution in the amount of $ 2,220.00 will be ordered by the Court pursuant to O.C.G.A. § 17-14-10. I agree to this amount and further state that I have or will have the financial ability to pay according to the terms of the restitution order.
13. yes — I understand that the Court does not have to accept the negotiated plea; but if the Court rejects this plea, I will be allowed to withdraw my plea of guilty and return to the same legal position that I held before entering my plea.
14. yes — With all of the foregoing in mind, I waive my right to a jury trial and hereby voluntarily plead:
    ☑ Guilty ☐ Best Interest ☐ First Offender Act (FOA) ☐ Pursuant to O.C.G.A. § 16-13-2
15. yes — I am in fact guilty of each offense to which I am pleading guilty.
16. yes — I have had time to confer with an attorney and: (check appropriate response)
    ☐ I do not want an attorney; and, I waive my right to an attorney and I will represent myself.
    ☑ I am satisfied with my attorney's services on my behalf.
17. yes — I understand that this plea may have an impact on my immigration status if I am not a citizen of the United States of America.
18. yes — I understand that any habeas corpus petition on my behalf must be filed within one year of a conviction for a misdemeanor and/or four years for a felony.

I, the undersigned defendant, have either read or have had read to me all of the foregoing statements. I understand the statements and swear or affirm that my answers or responses are true, correct and voluntarily made.

Sworn to and subscribed by the accused before me on this
The 21st day of November, 20 13.

Christina McLemore
Defendant

Clerk, Superior Court of Said County

Attorney for Defendant
☐ By Employment ☑ By Appointment

MJDA Form Plea Sheet Revised 06/25/2012

exhibit B

SC-6.2 Final Disposition Felony Sentence With Probation

IN THE SUPERIOR COURT OF TOOMBS **COUNTY, STATE OF GEORGIA**

STATE OF GEORGIA versus

CHRISTINA MCLEMORE

CRIMINAL ACTION #:

13-CR-128

August **Term of 2013**

Clerk to complete if incomplete:

OTN(s): 88387806183
DOB: 07/30/1977
Ga. ID#:

FILED BY TOOMBS COUNTY CLERK OF COURT
2013 NOV 22 PM 4:01

Final Disposition:
FELONY with PROBATION

First Offender/Conditional Discharge entered under:

☐ O.C.G.A § 42-8-60 ☐ O.C.G.A. § 16-13-2

☐ **Repeat Offender as imposed below**

☐ Repeat Offender waived

PLEA:

☑ Negotiated ☐ Non-negotiated

VERDICT:

☐ Jury ☐ Non-jury

The Court enters the following judgment:

Count	Charge (as indicted or accused)	Disposition (Guilty, Not Guilty, Guilty-Alford, Guilty-Lesser Incl, Nolo, Nol Pros, Dead Docket)	Sentence	Fine	Concurrent/ Consecutive, Merged, Suspended
1	Possession of Methamphetamine	Guilty	15 YRS SV 8 W/O PAROLE P/B 7		
2	Possession of Marijuana Less 1 oz	Guilty	12 MTHS PROB.		Concurrent
3					
4					

The Defendant is adjudged guilty or sentenced under First Offender/Conditional Discharge for the above-stated offense(s); the Court sentences the Defendant to confinement in such institution as the Commissioner of the State Department of Corrections may direct, with the period of confinement to be computed as provided by law.

Sentence Summary: The Defendant is sentenced for a total of FIFTEEN (15) YEARS, ☐ with the first EIGHT (8) to be served in confinement and the remainder to be served on probation; or ☐ to be served on probation.

The Defendant is to receive credit for time served in custody: ☑ from 10/02/13; or ☐ as determined by the custodian.

☐ 1. The above sentence may be served on probation provided the Defendant shall comply with the Conditions of Probation imposed by the Court as part of this sentence.

☑ 2. Upon service of EIGHT (8) YEARS, the remainder of the sentence may be served on probation; PROVIDED, that the Defendant shall comply with the Conditions of Probation imposed by the Court as part of this sentence.

☑ 3. The Court sentences the Defendant as a recidivist under O.C.G.A.:

☐ § 17-10-7(a); ☑ § 17-10-7(c); ☐ § 16-7-1(b); ☐ § 16-8-14(b); or ☐ § _____.

GEORGIA, Superior Court of Toombs County

STATE OF GEORGIA

VS.

Christina M. McLemore, Defendant

Offender Tracking Number (OTN):

Case No. 13-CR-128

Offense(s): Poss of Meth
~~12 mo~~ Marij less 1oz

SWORN STATEMENT OF DEFENDANT

The Defendant, having been sworn, states the following to the Court: (indicate *Yes* or *No* for each statement)

1. yes — I understand that I am charged with the offense(s) listed above.
2. yes — I understand that a conviction of these charge(s) could result in my imprisonment from 1 to 15 - 12 month years.
3. yes — I understand that I have a right to a trial by a jury, and I hereby expressly waive that right.
4. yes — I understand that I am presumed to be innocent of the charge(s) and that the State has to prove that I am guilty.
5. yes — I understand that I have a right to confront the witnesses against me.
6. yes — I understand that I have a right to testify in this case if I want to, but I could not otherwise be forced to testify or to incriminate myself in any way.
7. yes — I understand that I can subpoena witnesses to testify on my behalf.
8. yes — I understand that I can present any other relevant evidence in my case.
9. yes — I understand that if I exercised my right to a trial by jury, I have a right to be assisted by a lawyer at that trial.
10. yes — I understand that if I were to plead not guilty; or, if I remained silent and entered no plea at all, then I would automatically receive a jury trial.
11. yes — I understand that the District Attorney has agreed to make a recommendation to the Court as to what sentence to impose in return for my plea of guilty.
12. yes — I understand that if I plead guilty to the charge(s), the District Attorney will recommend as punishment:
☐ ____ Fine ☐ ___ hrs Community Service ☐ IPS ☐ PDC ☐ PSATC ☐ Drug Conditions ☐ Sex Offender
Count 1: 8 yrs to serve without parole with 7 yrs on probation
Count 2: 12 months concurrent
concurrent with any other sentence

I understand that restitution in the amount of $ _____ will be ordered by the Court pursuant to O.C.G.A. § 17-14-10. I agree to this amount and further state that I have or will have the financial ability to pay according to the terms of the restitution order.

13. yes — I understand that the Court does not have to accept the negotiated plea; but if the Court rejects this plea, I will be allowed to withdraw my plea of guilty and return to the same legal position that I held before entering my plea.
14. yes — With all of the foregoing in mind, I waive my right to a jury trial and hereby voluntarily plead:
☑ Guilty ☐ Best Interest ☐ First Offender Act (FOA) ☐ Pursuant to O.C.G.A. § 16-13-2
15. yes — I am in fact guilty of each offense to which I am pleading guilty.
16. yes — I have had time to confer with an attorney and: (check appropriate response)
☐ I do not want an attorney; and, I waive my right to an attorney and I will represent myself.
☑ I am satisfied with my attorney's services on my behalf.
17. yes — I understand that this plea may have an impact on my immigration status if I am not a citizen of the United States of America.
18. yes — I understand that any habeas corpus petition on my behalf must be filed within one year of a conviction for a misdemeanor and/or four years for a felony.

I, the undersigned defendant, have either read or have had read to me all of the foregoing statements. I understand the statements and swear or affirm that my answers or responses are true, correct and voluntarily made.

Sworn to and subscribed by the accused before me on this The 9th day of November, 2013.

Christina M. McLemore
Defendant

Clerk, Superior Court of Said County
Deputy

Attorney for Defendant
☐ By Employment ☑ By Appointment

MIDA Form Plea Sheet Revised 06/25/2013

SC-6 Final Disposition Felony Confinement Sentence

IN THE SUPERIOR COURT OF TOOMBS **COUNTY, STATE OF GEORGIA**

STATE OF GEORGIA versus

CHRISTINA MCLEMORE

CRIMINAL ACTION #:

13-CR-160

August **Term of 2013**

Clerk to complete if incomplete:

OTN(s): 88391913256
DOB: 07/30/1977
Ga. ID#:

FILED IN TOOMBS COUNTY CLERK OF COURT 2013 NOV 22 PM 4:01

Final Disposition: FELONY CONFINEMENT

First Offender/Conditional Discharge entered under:

☐ O.C.G.A. § 42-8-60 ☐ O.C.G.A. § 16-13-2

☐ **Repeat Offender as imposed below**

☐ Repeat Offender waived

PLEA: ☑ Negotiated ☐ Non-negotiated

VERDICT: ☐ Jury ☐ Non-jury

The Court enters the following judgment:

Count	Charge (as indicted or accused)	Disposition (Guilty, Not Guilty, Guilty-Alford, Guilty-Lesser Incl, Nolo, Nol Pros, Dond Docket)	Sentence	Fine	Concurrent/ Consecutive, Merged, Suspended
1	Financial Transaction Card Theft	Guilty	4 YRS TO SV W/O PAROLE		
2	Financial Transaction Card Fraud	Guilty	3 YRS TO SV W/O PAROLE		Concurrent
3	Financial Transaction Card Fraud	Guilty	2 YRS TO SV W/O PAROLE		Concurrent
4	Financial Transaction Card Fraud	Guilty	2 YRS TO SV W/O PAROLE		Concurrent

The Defendant is adjudged guilty or sentenced under First Offender/Conditional Discharge for the above-stated offense(s); the Court sentences the Defendant to confinement in such institution as the Commissioner of the State Department of Corrections may direct, with the period of confinement to be computed as provided by law.

Sentence Summary: The Defendant is sentenced for a total of FOUR (4) YEARS.

The Defendant is to receive credit for time served in custody: ☑ from 10/02/13; or ☐ as determined by the custodian.

☑ The Court sentences the Defendant as a recidivist under O.C.G.A.:

☐ § 17-10-7(a); ☑ § 17-10-7(c); ☐ § 16-7-1(b); ☐ § 16-8-14(b); or ☐ § _____.

☑ The Defendant shall pay restitution in the amount of $ 495.45 through the Clerk of Court for the benefit of the victim(s), _____.

GEORGIA, Superior Court of Toombs County

STATE OF GEORGIA

VS.

Christina McLemore, Defendant

Offender Tracking Number (OTN):

Case No. 13-CR-160

Offense (s): Fin Trans. Card Theft
Fin. Trans Card Fraud x 5

SWORN STATEMENT OF DEFENDANT

The Defendant, having been sworn, states the following to the Court: (indicate *Yes* or *No* for each statement)

1. Yes I understand that I am charged with the offense(s) listed above.
2. Yes I understand that a conviction of these charge(s) could result in my imprisonment from 1 to 14 years.
3. Yes I understand that I have a right to a trial by a jury, and I hereby expressly waive that right.
4. Yes I understand that I am presumed to be innocent of the charge(s) and that the State has to prove that I am guilty.
5. Yes I understand that I have a right to confront the witnesses against me.
6. Yes I understand that I have a right to testify in this case if I want to, but I could not otherwise be forced to testify or to incriminate myself in any way.
7. Yes I understand that I can subpoena witnesses to testify on my behalf.
8. Yes I understand that I can present any other relevant evidence in my case.
9. Yes I understand that if I exercised my right to a trial by jury, I have a right to be assisted by a lawyer at that trial.
10. Yes I understand that if I were to plead not guilty; or, if I remained silent and entered no plea at all, then I would automatically receive a jury trial.
11. Yes I understand that the District Attorney has agreed to make a recommendation to the Court as to what sentence to impose in return for my plea of guilty.
12. Yes I understand that if I plead guilty to the charge(s), the District Attorney will recommend as punishment:
    ☐____ Fine ☐__ hrs Community Service ☐IPS ☐PDC ☐PSATC ☐Drug Conditions ☐Sex Offender
    Count 1: 4 yrs to serve without parole
    Count 2: 3yrs to serve without parole concurrent
    Count 3-(a): 2yrs to serve without parole concurrent
    Concurrent with any other sentence
    I understand that restitution in the amount of $ 495.45 will be ordered by the Court pursuant to O.C.G.A. § 17-14-10. I agree to this amount and further state that I have or will have the financial ability to pay according to the terms of the restitution order.
13. Yes I understand that the Court does not have to accept the negotiated plea; but if the Court rejects this plea, I will be allowed to withdraw my plea of guilty and return to the same legal position that I held before entering my plea.
14. Yes With all of the foregoing in mind, I waive my right to a jury trial and hereby voluntarily plead:
    ☑ Guilty ☐ Best Interest ☐ First Offender Act (FOA) ☐ Pursuant to O.C.G.A. § 16-13-2
15. Yes I am in fact guilty of each offense to which I am pleading guilty.
16. Yes I have had time to confer with an attorney and: (check appropriate response)
    ☐ I do not want an attorney; and, I waive my right to an attorney and I will represent myself.
    ☑ I am satisfied with my attorney's services on my behalf.
17. Yes I understand that this plea may have an impact on my immigration status if I am not a citizen of the United States of America.
18. Yes I understand that any habeas corpus petition on my behalf must be filed within one year of a conviction for a misdemeanor and/or four years for a felony.

I, the undersigned defendant, have either read or have had read to me all of the foregoing statements. I understand the statements and swear or affirm that my answers or responses are true, correct and voluntarily made.

Sworn to and subscribed by the accused before me on this
The 26th day of November, 20 13.

Clerk, Superior Court of Said County
Deputy

Christina McLemore
Defendant

Attorney for Defendant
☑ By Employment ☐ By Appointment

MJDA Form Plea Sheet Revised 06/25/2012

Exhibit E

14 CV-210

MEMORANDUM

To: Judge Palmer or Judge Reeves

Re: Enclosed please find a Pro se Divorce or Other filing package with an Affidavit of Poverty for your review. Thank you.

☑ Approved — Initials

☐ Denied — Initials

○ Affiant is Present

● Affiant is not Present - Is in Prison

Name of Affiant: Christina McLemore

Notes:

FILED BY TOOMBS COUNTY CLERK OF COURTS
2014 MAR 27 AM 11:55

SCANNED

Exhibit G

IN THE SUPERIOR COURT OF Toombs COUNTY
STATE OF Georgia

Christina M. McLemore
PETITIONER

VS.

CIVIL ACTION NO: 14-CV-210

Telley Lamont McLemore
RESPONDENT

PAPUPER AFFIDAVIT

I Christina M. McLemore, depose and say that I am the petitioner in the above entitled case; that in support of my request to proceed without being required to prepay fees, cost or give security therefore, I state that because of my poverty I am unable to pay the cost of said proceeding or to give security therefore; that I believe I am entitled to redress.

I Christina M. McLemore, verify that the statement I have given are true of my own knowledge.

I understand that a false statement in this affidavit will subject me to penalties for perjury.

Christina McLemore 3/20/14
PETITIONER DATE

Sworn to and subscribed before me

This 20 day of March 20 14

Jan Bailey
Notary Public

JAN BAILEY NOTARY PUBLIC Exp. 2/5/17 HART COUNTY, GA

FILED BY TOOMBS COUNTY CLERK OF COURTS
2014 MAR 27 AM 11:52

SCANNED

Exhibit 11

IN THE SUPERIOR COURT OF TOOMBS COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,	§	Case No: 13-CR-128
	§	13-CR-160
vs.	§	
	§	
CHRISTINA McLEMORE,	§	
	§	Motion to Modify Sentence
Defendant.	§	

RULING AND ORDER

Defendant files instant Motion to Modify Sentence, which does not require an oral hearing. McCrosky v. State, 234 Ga. App. 321 (506 S.E.2d 400) (1998); Ga. Criminal Trial Practice § 26-43 (2006 ed.). Defendant has previously filed a Motion to Modify Sentence which was denied by this Court in an order filed on May 20, 2014. Additionally, this Court notes that Defendant has filed instant motion in Toombs County Superior Court requesting the reduction of a sentence imposed in Emanuel County Superior Court (13CR58).

Defendant pled guilty to two Toombs County cases, 13CR128 and 13CR160, on November 21, 2013. In Toombs County case 13CR160 Defendant pled guilty to one count of Financial Transaction Card theft and five counts of Financial Transaction Card Fraud. As a result of this plea, Defendant was sentenced, in total, to four years to serve without parole with all counts running concurrently. In Toombs County case 13CR128 Defendant pled guilty to one count of Possession of Methamphetamine and one count of Possession of Marijuana less than 1 ounce. Based on this plea, this Court sentenced Defendant, in total, to 15 years with 8 years to be served in confinement with both counts running concurrently Thereafter, Defendant pled guilty on a negotiated plea to Burglary in the first degree in Emanuel County (13CR58) on November 21, 2013. Subsequently, Defendant was sentenced to 20 years with the first 8 years to be served in confinement. This sentence was entered to run concurrently with other sentences stemming from convictions in Toombs County (13CR128, 13CR160).

Exhibit T

Defendant's instant motion avers that her sentence should be modified based upon the fact that she did not receive notice of the state's intention to use prior convictions in aggravation of punishment pursuant to O.C.G.A. § 17-10-2(a).

"O.C.G.A. § 17-10-2(a) is not applicable to sentences imposed pursuant to a hearing on a guilty plea." Burruss v. State, 242 Ga. App. 241, 242, 529 S.E.2d 375 (2000).

Accordingly, Defendant's Motion to Modify Sentence is hereby **DENIED**.

SO ORDERED this 8th day of ~~August~~ September, 2014.

HON. KATHY S. PALMER
Chief Judge of Superior Court
Middle Judicial Circuit

CERTIFICATE OF SERVICE

I, Marsha C. Riner, secretary to Chief Judge Kathy S. Palmer, do hereby certify that I have this date served the within Ruling and Order upon the individuals listed below by mailing a true copy of the same to them by U.S. Mail in envelopes having sufficient postage thereon to ensure delivery and addressed as follows:

CHRISTINA MARIE McLEMORE
GDC No.0000963373
Whitworth Facility
P.O. Box 769
Hartwell, GA 30643

OFFICE OF DISTRICT ATTORNEY
Middle Judicial Circuit
200 Courthouse Square, Suite 1
Lyons, GA 30436

this 8th day of September, 2014.

Marsha Riner

Marsha C. Riner
Secretary to Hon. Kathy S. Palmer
Chief Judge of Superior Court
Middle Judicial Circuit

P.O. Box 330
Swainsboro, GA 30401
Phone: 478-237-3260
Fax : 478-237-0949

In the Superior Court of Toombs County State of Georgia

State of Georgia
vs
Christina Marie McLemore

Criminal Action Number(s) #13-CR-58
#13-CR-128
#13-CR-160

Motion to Modify Sentence

Comes now the defendant Christina Marie McLemore to file this motion to motify the sentence of the court entered on November 21st, 2013 in Toombs County.

The defendant shows that she is within one year of the sentencing date and are therefore with in the statutory limit for filing this motion.

The defendand shows that she plead guilty to the following charges.

(1)

First Degree Burglary-sentence 20 years serve 8 years without parole, sentenced under the recidivist act OCGA 17-10-7(c)

(2)

Possession of Methamphetamine-sentence-15 years serve 8 without parole, sentenced under the recidivist act OCGA 17-10-7(c)

(3)

(1) Count of Financial Transaction Theft, and (5) Counts of Financial Transaction Card Fraud-sentenced to a total of 4 years to serve without parole, also sentenced under the recidivist act OCGA 17-10-7(c)

Comes now the defendant in the above-styled action and moves this Honorable Court to grant her motion to modify sentence, As just cause for the instant action, Defendant shows and states as follows:

(1)

OCGA 17-10-7 provides for enhanced sentencing of repeat offenders, where no other sentencing provision controls, however 17-7-1(b) provides specific sentencing scheme for those convicted more than once for Burglary. For this reason the general

recidivist scheme of OCGA 17-10-7 does not apply.
Norwood vs State 249, Ga. App. 507, 548

(2)

One must be indicted as a recidivist in order to impose recidivist punishment. Brown vs State 144 Ga. App. 509, 241 S.E. 2d 60
In order to receive recidivist punishment one must have been indicted under a recidivist statue, one's prior convictions having been considered by the grand jury, and having been included in the indictment. Aldridge vs State 158 Ga. App. 719, 282 S.E. 2d 1

(3)

OCGA 17-10-2 states That the State must meet the "Clear notice" requirement, producing a "Notice of States intention to seek punishment of the Defendant as a repeat offender.

Plea Bargain negotiations can serve the same purpose as the giving clear notice under subsection (a) of that section and plea bargain negotiations are conducted, the defendant can be given "clear notice" of what the state intends to rely upon in aggravation of sentencing at the guilty plea hearing. ~~Martin vs State 207 Ga. App. 861, 429 S.E. 2d 332 (1993)~~

(4)

17-12-1 This chapter is known as the "Georgia Indigent Defense Act of 2003" Subsection (c) states as follows "The council shall be responsible for assuring that adequate and effective legal representation is provided, independantly of political considerations or private issues or interest, to indigent persons who are entitled to representation under this chapter.
I accepted the pleas in this modification, was under the impression it was in my best interest, however, upon legal research, I no longer believe that. The attorney appointed to represent the cases in this motion, however, failed to inform or even consider the facts implied in this motion, instead pronounced me to take the plea, a sentence I would not have accepted had I know that I should not.

(5)

The defendant does not wish to hide my guilt I am in fact guilty of the charges, do not wish to change that, however, I feel as though I was not represented as well as could have rather than a mistake

recidivist scheme of OCGA 17-10-7 does not apply.
Norwood vs State 249, Ga. App. 507, 548

(2)

One must be indicted as a recidivist in order to impose recidivist punishment. Brown vs State 144 Ga. App. 509, 241 S.E. 2d 62
In order to receive recidivist punishment one must have been indicted under a recidivist statue, one's prior convictions having been considered by the grand jury, and having been included in the indictment. Aldridge vs State 158 Ga. App. 719, 282 SE 2d 11

(3)

OCGA 17-10-2 states That the State must meet the "Clear notice" requirement, producing a "Notice of States intention to seek punishment of the Defendant as a repeat offender.

Plea Bargain negotiations can serve the same purpose as the giving clear notice under subsection (a) of that section and plea bargain negotiations are conducted, the defendant can be given "clear notice" of what the state intends to rely upon in aggravation of sentencing at the guilty plea hearing. Martin vs State 207 Ga. App. 861, 429 S.E. 2d 332 (1993)

(4)

17-12-1 This chapter is known as the "Georgia Indigent Defense Act of 2003". Subsection (c) states as follows "The council shall be responsible for assuring that adequate and effective legal representation is provided, independantly of political considerations or private issues or interest, to indigent persons who are entitled to representation under this chapter.
I accepted the pleas in this modification, was under the impression it was in my best interest, however, upon legal research, I no longer believe that. The attorney appointed to represent the cases in this motion, however, failed to inform or even consider the facts implied in this motion, instead pronounced me to take the plea, a sentence I would not have accepted had I know that I should not.

(5)

The defendant does not wish to hide my guilt I am in fact guilty of the charges, do not wish to change that, however, I feel as though I was not represented as well as could have, rather over worked or a mistake

like the opportunity to be able to prove myself worthy and rehabilitated in order to receive the possibility of parole. To lift the recidivist act 17-10-7(c) of the sentences imposed by the court, through the recommendatio of the District Attorney. I am asking that the court modify the sentences imposed to a more reasonable judgement allowing parole on each sentence and removing the recidivist act 17-10-7(c). Allowing the defendant a chance at parole, will allow the chance for a rehabilitated woman to prove herself worthy to enter society and to contribute to her family.

(6)

Please consider the following,

Since the beginning of my incarceration I have be seeking and obtaining information needed to insure that I can be a productive member of society. Also the treatment of mental health, substance abuse, as well as Domestic Violence Issues. I am currently in a 12 step program which is also faith based "Overcomers". I am truly remorseful for my actions and the damages I have caused, I only wish to correct the wrongs I have made. I can not change my past, however, I can change my future. I hoping that the court grant this motion and give me the chance to do just that by motifying the sentences imposed to the lesser allowing parole to each sentence and by removing the recidivist act 17-10-7(c) Thank you for your time and consideration in this matter.

Respectfully Submitted
Christina McLemore
Christina McLemore 7-1-14
Whitworth Womans Facility
P.O. Box 769
Hartwell Ga. 30643

FILED IN OFFICE
CLERK OF COURTS
2014 JUL 25 AM 10:40
HOOMBS COUNTY
C-2014-163373

Jan Bailey
Notary Public for State of Georgia
My Commission expires 2/5/17

JAN BAILEY
NOTARY PUBLIC
Exp. 2/5/17
HART COUNTY, GA

State of Georgia
V/S
Christina McLemore

Criminal Action #'s
13-CR-128
13-CR-160
13-CR-58

Certificate of Service

This document is to certify that on 14th day of 2014, I sent the following documents

Appeal to Appeals Court of Georgia, Breif statement from defenelant, Motion to modify sentence, Letter of denial, sentencing statements, final depositions, Papupe affidavit, Approval of poverty affidavit, and this Certificate of service.

To the Court of Appeals of Georgia By First Class mail.

The documents are to go to the following

Clerk, Court of Appeals of Georgia
334 State Judicial Building
10 Mitchell Street
Atlanta Georgia 30334

Signed on this 6th day of October 2014

signature Christina McLemore
Christina McLemore
GDC# 9603373
Whitworth Womans facility
P.O. Box 769
Hartwell, GA 30643

Sworn to and affirmed before me, this 5 day of October 2014.

Jan Bailey
Notary Public
my commission expires 2/5/17

JAN BAILEY
NOTARY
Exp. 2/5/17
PUBLIC
HART COUNTY, GA

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

October 23, 2014

To: Mr. Bruce E. Turner, GDC154884, Douglas County Jail, 8472 Earl D. Lee Boulevard, Douglasville, Georgia 30134

Case Number: _____ Lower Court: County Superior Court

Court of Appeals Case Number and Style: _____

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

☑ **There is no case pending in the Court of Appeals of Georgia under your name.**

☐ **A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37.** Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.

☐ **The Notice of Appeal must include a proper Certificate of Service.** A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.

☐ **An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.

☐ **An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.

☐ **Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____. The remittitur issued on _____ divesting this Court of jurisdiction. The case decision is therefore final.

☐ **Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the is:

☐ **If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.

☐ **A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

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

IN THE COURT OF APPEALS STATE OF GEORGIA

BRUCE TURNER
DEFENDANT

VS

THE STATE

ORIGINAL COPY

CASE NO: CR13-376

AMENDMENT TO APPEAL
APPEAL TO DEFENDANT DENIAL
TO WITHDRAW GUILTY PLEA

COME NOW THE DEFENDANT IN THE ABOVE STYLE CASE HEREBY FILE HIS AMENDMENT TO HIS NOTICE TO APPEAL HIS DENIAL TO HIS MOTION TO WITHDRAW GUILTY PLEA.

HISTORY OF THE CASE

THE DEFENDANT WAS ARRESTED IN MAR 25, 2013 FOR THE OFFENSE OF THEFT by SHOPLIFTING FELONY. THEFT by SHOPLIFTING MISDEANO POSSESSION OF MARIJUNA.

DEFENDANT ENTERED A GUILTY PLEA ON JAN 16, 2014, ON JAN 16, 2014 THE COURT SENTENCE THE TEN (10) YRS SERVE EIGHT (8). ON FEB 5, 2014 THE DEFENDANT FILED A MOTION TO WITHDRAW HIS GUILTY PLEA ON JUNE 18, 2014

THE COURT SCHEDULED A HEARRING ON JUNE 18, 201
THE MOTION WAS DENIED ON JULY 1, 2014.

ATTORNEY FOR THE DEFENDANT WAS SWINDLE GROUP INC

The defendant then filed his Notice of Appeal on July 8, 2014. Appealing his denial to his Motion to Motion to Withdraw Guilty Plea.

Ground One: Ineffective Assistance on Appellate Counselor. Mr. Swindle.

Supporting facts: Attorney Swindle, failure to investigate trial counsel performance as to him not investigating the laws and facts surrounding the defendant case before convincing the defendant into taking a plea bargain, which was against the defendant better judgment, since

1) The defendant made an confession while being interrogated, but was never informed during the interrogation that he had the right to have an attorney present during questioning.

2) The defendant never sign a waiver showing that he gave up his rights to be question without the present of an attorney.

3) Nor did the law enforcement officer produce a waiver to establish that the defendant was ever presented with one to sign.

4) Attorney Swindle failure to raise the issue as to trial attorney failure to suppress the evidence as to the alleged substance being marijuana since the substance was never turned over to the crime lab for testing.

(5) THE CHAIN OF CUSTODY AS TO THE ALLEGED SUBSTANCE FOUND ON THE DEFENDANT AT THE TIME OF HIS ARREST WAS BROKEN FROM POINT (A) HIS ARREST, TO POINT (B) HIS COURT APPEARANCE, BECAUSE THE SUBSTANCE WAS NEVER PRESENTED IN COURT, NOR WAS IT TURNED OVER TO THE CRIME LAB FOR TESTING.

(6) ATTORNEY SWINDLE FAIL TO INVESTIGATE ANY OF THE SOURCES OF INFORMATION GIVEN TO HIM BY THE DEFENDANT CONCERNING THE CASE.

(7) ATTORNEY SWINDLE, FAILURE TO CONSULT WITH THE DEFENDANT BEFORE TRIAL TO GAIN BACKGROUND INFORMATION ABOUT THE CASE SO THAT HE COULD PREPARE A DEFENSE

(8) ATTORNEY SWINDLE WAS INEFFECTIVE IN HIS FAILURE TO RAISE THE DUE PROCESS VIOLATION AS TO THE CORRECT PROCEDURE BEING FOLLOWED WHEN AN ALLEGED SUBSTANCE IS FOUNDED BELIEVED TO BE A DRUG OF SOME KIND.

THE EVIDENCE FROM THE TRANSCRIPT OF THE HEARING WILL CLEARLY ESTABLISH THE FACTS AND SHOW THAT COUNSEL SWINDLE WAS JUST AS EQUALLY INEFFECTIVE, AS MY TRIAL ATTORNEY WHO DID NOTHING TO ESTABLISH MY INNOCENSE NOR ESTABLISH ANY KIND OF DEFENSE.

IN DETERMINING WHETHER REPRESENTATION WAS NOT PRESENTE A FACTUAL INQUIRY SHOULD BE CONDUCTED TO DETERMINE.

1). WHETHER THE DEFENDANT HAD A DEFENSE WHICH WAS NOT PRESENTE.

ANSWER: YES. THE DEFENDANT DUE PROCESS RIGHTS WAS VIOLATED WHICH THE FIFTH AND FOURTEEN AMENDMENT TO THE UNITED STATES CONSTITUTION GUARANTEES.

WHEN THE LAW ENFORCEMENT OFFICER FAIL TO TURN OVER THE SUBSTANCE FOUND ON THE DEFENDANT TO THE CRIME LAB FOR TESTING. THE CHAIN OF CUSTODY AS TO THE SUBSTANCE FOUND WAS BROKEN FROM POINT (A) HIS ARREST TO POINT (B) HIS COURT APPERANCE. NOWHE COULD PRODUCE THE SUBSTANCE ALLEGED TO BE FOUND ON THE DEFENDANT AT THE TIME OF HIS ARREST. AT TRIAL, NOR WAS THERE A REPORT FROM THE CRIME LAB AS TO THE SUBSTANCE FOUND.

HAD MR. SWINDLE PRESENTED THE ARGUMENT THAT TRIAL ATTORNEY FAIL TO ESTABLISH, THE EVIDENCE COULD HAVE BEEN SUPPRESS AND THE DEFENDANT DUE PROCESS NOT VIOLATED. SO YES MR. SWINDLE HAD A DEFENSE THAT WAS NOT PRESENTED.

a) WHETHER COUNSEL CONSULTED SUFFICIENTLY WITH DEFENDANT.

ANSWER: NO: WHEN DEFENDANT ARRIVED AT THE DOUGLAS COUNTY MR. SWINDLE DID NOT VISIT THE JAIL TO SPEAK WITH HIS CLIENT, NOR DID HE INFORM HIS CLIENT THAT HE WOULD BE ASKED TO TAKE THE WITNESS STAND.

Mr. Swindle spoke with his client the day of the hearing when the defendant was brought into the court room. So as Mr. Swindle did not consult sufficiently with client.

3) Whether counsel adequately investigate the law and facts.

Answer: No: Mr. Swindle fail to investigate the law as to Miranda, because any ~~[illegible]~~ confession taken before Miranda warning is given violates the fourth amendment and fifth amendment. Since Mr. Swindle fail to argue the fourth and fifth amendment claim, when the record clearly shows that Mr. Swindle did not investigate the law nor the facts supporting the law.

4) Whether omission charged resulted from inadequate preparation, rather than unwise choices of strategy.

When counsel do not have back ground information about the case he is in no position to advise the defendant. Strickland v Washington supra at 685

The prejudice from lack of preparation and experience cannot be nicely weighed. United States v Cronic 275 F.2d 126.

The failure to investigate and prepare sources of evidence which may have been helpful to the defense is but far the greatest breach of the attorney's duty to adequately defend his client. Davis v Alabama 596 F.2d 1214 (1979).

at the heart of effective representation is the independent duty to investigate and prepare. Goodwin v Balkcom 684, 708 F2d 794, 805 (11th Cir 1982)

Therefore permissible trial strategy can never include the failure to conduct a reasonable substantial investigation into a defendant's one plausible line of defense. Weiner v Wainwright 708 F2d 614, 616 (11th Cir 1983)

In the present case, trial counsel's obvious lack of experience and judgment and proper preparation was just that obvious. It has unreasonable to quote from Strickland at 685,

"That a person who happens to be a lawyer who is present alongside the accused, however is not enough to satisfy the the constitutional command. The Sixth Amendment recognizes the right to the assistance of counsel because it envisions counsel's playing a role that is critical to the ability of the adversarial system."

The right to counsel is so fundamental to a fair trial the constitution can not tolerate trials in which counsel, though present in name is unable to assist the defendant to obtain a fair decision on the merits. Supra at 686

Relief Sought

The defendant ask as to ground one, ineffective assistance on Attorney Swindle that his conviction be reverse

Ground Two: Violation of Defendant Miranda Rights

Supporting Facts: While in the police custody the defendant was questioned by police officers in a room in which he was cut off from the outside world. The defendant was not given a full and effective warning of his rights at the outcome or outset of the interrogation process.

The defendant sign an confession with the understanding that he would be free to leave but he could not return back on the store property.

1). The prosecution may not use statements, whether exculpatory or inculpatory, stemming from questioning initiated by law enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of action in any significant way, unless it demonstrates the use of procedural safeguards effective to secure the fifth amendments privilege against self-incrimination. Miranda v Arizona 384 US. 436 (1966).

2). The privilege against self-incrimination, which has had a long and expansive historical development, is the essential mainstay of our adversary system and guarantees to the individual the "right to remain silent unless he chooses to speak in the ~~[illegible]~~ unfettered exercise of his own will." during a period of custodial interrogation.

Escobedo v Illinois. 378 US. 478.

Relief Sought:

Defendant ask that his conviction as to ground two violation of his Marana warning be reverse.

GROUND THREE: OPINION OF A JUDGE 9·10·7 VIOLATION OF D.C.G.A. 17·8·57 AND BIAS. 24·9·68

SUPPORTING FACTS: DURING THE MOTION HEARING TO WITHDRAW GUILTY PLEA, THE STATE NEVER did PRODUCE THE ALLEGED SUBSTANCE FOUND ON THE DEFENDANT AT THE TIME OF HIS ARREST AT THE HEARING AS EVIDENCE.

THE STATE NEVER did PRODUCE NOR INTER IN AS EVIDENCE AT THE HEARING ANY DOCUMENTATION FROM THE CRIME LAB THAT COULD OR did CORROBORATE THE JUDGE'S PERSONAL OPINION STATED IN THE TRANSCRIPT AS TO THE DEFENDANT KNOWING THE SUBSTANCE ALLEGLY FOUND WAS MARIJUNA.

THE TRIAL COURT HAVE A DUTY, EVEN WITHOUT A MOTION THEREFOR TO SEE THAT THE TRIAL OR HEARING WAS FAIRLY CONDUCTED AND WHERE IMPROPER REMARKS ARE NOT MADED BY PROSECUTOR OR JUDGE.

THE ABSOLUTE DUTY OF THE JUDGE TO INTERVENE AND STOP IT AND BY ALL NEEDFUL INSTRUCTIONS REMOVE THE IMPROPER IMPRESSION. BUT WHEN THE VIOLATION IS MADE BY THE JUDGE HIS DECISION, THEN BECOME A PERSONAL OPINION WHICH IS BIAS AND UNSUPPORT BY LAW, FACTS NOR EVIDENCE BUT JUST THAT. AN OPINION.

RELIEF SOUGHT.

DEFENDANT ASK IN GROUND THREE THAT HIS CONVICTION BE REVERSE.

CONCLUSION:

THE DEFENDANT HAS MADE A CLEAR SHOWING FROM THE RECORD AS TO THE VIOLATIONS STATED IN THE FOLLOWING GROUNDS. THE DEFENDANT PRAYS THAT THIS COURT RECOGNIZING THAT PURSUANT TO MCCRAKY V STATE 234 GA APP 321 (1998), IS NOT REQUIRED TO HOLD A HEARING ON THE MOTION.

THE DEFENDANT RECOGNIZING AND ACKNOWLEDGING THAT IT HAS THE JURISDICTION, POWER AND AUTHORITY TO CORRECT OR REDUCE OR REVERSE SENTENCE IMPOSED.

THIS 14 DAY OF OCT 2014

Bruce Turner

BRUCE TURNER 154884
G.D.C.P. P.O. BOX 3877
JACKSON, GEORGIA 30233

PREPARED by:

MR. BRUCE TURNER #154884
G.D.C.P. P.O. BOX 3877
JACKSON GEORGIA 30233
PRO SE

CERTIFICATE OF SERVICE:

I do hereby certify that I have this day served the within and foregoing amendment to appeal in the above style case, prior to filing, the same, by depositing a copy thereof postage prepaid in the United States Mail to the following.

This 14 day of OCT 2014

MR. BRUCE TURNER 154884

COURT OF APPEALS OF GEORGIA
SUITE 501
47 TRINITY AVENUE
ATLANTA, GEORGIA. 30334

DISTRICT ATTORNEY
8700 HOSPITAL DR.
DOUGLASVILLE. GA 30134

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

October 23, 2014

To: Mr. Willie C. Ramey, II, GDC425211 300(b) Jenkins Correctional Center, 3404 Kent Farm Drive, Millen, Georgia 30442

Case Number: _____ Lower Court: County Superior Court

Court of Appeals Case Number and Style: _____

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

☑ **There is no case pending in the Court of Appeals of Georgia under your name.**

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☐ **The Notice of Appeal must include a proper Certificate of Service.** A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.

☐ **An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.

☐ **An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.

☐ **Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____. The remittitur issued on _____ divesting this Court of jurisdiction. The case decision is therefore final.

☐ **Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the is:

☐ **If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.

☐ **A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

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

IN THE COURT OF APPEALS OF GEORGIA
STATE OF GEORGIA

WILLIE CLAUDE RAMEY II.,
APPLICANT.

VS.

STATE OF GEORGIA.,
RESPONDENT.

CASE #: 95-CR-1402-0

MOTION FOR EXTENSION OF TIME

NOW COMES THE APPLICANT REFERENCED HEREIN THE ABOVE STYLED ACTION AND MAKE THIS HIS REQUEST BEFORE THE DUE DATE OF THE DISCRETIONARY APPLICATION FOR APPEAL IS DUE REQUESTING FOR AN EXTENSION OF TIME TO RETAIN FROM THE TRIAL COURT A STAMPED FILED COPY OF THE TRIAL COURT ORDER WHICH IS BEING APPEALED, AND FOR GROUND IN SUPPORT OF THIS MOTION THE APPLICANT SHOW'S THE FOLLOWING:

1

ON THE 22ND DAY OF APRIL, 2014 THE APPLICANT FILED THEREIN THE SUPERIOR COURT OF NEWTON, COUNTY GEORGIA HIS PRO-SE MOTION TO ENTER A VALID JUDGMENT.,

2

ON THE 10TH DAY OF SEPTEMBER, 2014 THE SUPERIOR COURT OF NEWTON, COUNTY GEORGIA ENTERED IT'S ORDER DENYING THE PRO-SE MOTION TO ENTER A VALID JUDGMENT, WHICH WAS RECEIVED BY THE APPLICANT AT THE JENKINS CORRECTIONAL CENTER THEREON THE 15TH DAY OF SEPTEMBER, 2014 WHICH CAUSED THE APPLICANT TO SEEK FURTHER REVIEW HEREIN THIS COURT OF APPEALS., INWHICH, THIS ORDER OF DENIAL FAILED TO SHOW STAMPED DATE FILED IN OPEN COURT..

CONT.

3

ON THE 26TH DAY OF SEPTEMBER, 2014 THE APPLICANT FILED HIS PRO-SE APPLICATION FOR DISCRETIONARY APPEAL HEREIN THIS COURT FOR FURTHER REVIEW OF THE TRIAL COURT ORDER OF DENIAL.,

4

ON THE 2ND DAY OF OCTOBER, 2014 THIS COURT RETURNED TO THE APPLICANT THE PRO-SE APPLICATION FOR DISCRETIONARY APPEAL WITH AN INSTRUCTION SHEET FOR THE APPLICANT TO ATTACH A STAMPED FILED COPY OF THE TRIAL COURT ORDER OF DENIAL:,

5

THE APPLICANT MAINTAINS THAT AN EXTENSION OF TIME SHOULD BE GRANTED THE APPLICANT TO ALLOW THE APPLICANT TO RETRIVE A STAMPED FILED COPY OF THE TRIAL COURT ORDER OF DENIAL AS DIRECTED BY THIS COURT.,

6

THE APPLICANT SHOW'S THAT THE COPY OF THE TRIAL COURT ORDER PROVIDED THIS COURT, WAS WHAT WAS MAILED TO THE APPLICANT BY THE JUDICIAL LAW CLERK OF JUDGE JOHN M. OTT, INWHICH THE APPLICANT IS UNDER NO FORM OF AUTHORITY TO COMPEL THE COURT CLERK TO PROVIDE THE CORRECT RECORD SHOWN REQUESTED BY THIS COURT AND MUST GRANT THIS MOTION TO ALLOW THE APPLICANT TIME TO RETRIEVE THE STAMPED FILED COPY OF THE COURT ORDER.

THIS 15TH DAY OF OCTOBER 2012.

SWORN TO AND SUBSCRIBED BEFORE ME.,
THIS 15th DAY OF October 2014

KIMBERLY L. WILLIAMS
Notary Public, Georgia
Jenkins County
My Commission Expires
March 12, 2016

/s/ Willie Ramey
WILLIE C. RAMEY II
GDC#125211
3404 KENT FARM DR.
MILLEN, GA. 30442

C.C.

CERTIFICATE OF SERVICE

I hereby certify on this 15TH day of OCTOBER, 2014, that I served the foregoing MOTION FOR EXTENSION OF TIME via U.S. Mail with sufficient postage to ensure delivery to the following:

MR. STEPHEN E. CASTIEN (CLERK)
COURT OF APPEALS OF GEORGIA
47 TRINITY AVE, SUITE 501
ATLANTA, GA. 30334

Willie C. Ramey II
WILLIE C. RAMEY II
Pro se Litigant

GDC#425211
JENKINS CORR. CENTER
3404 KENT FARM DR.
MILLEN, GA. 30442

C.C.

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

October 23, 2014

To: Mr. Maurice Chandler Orr, Jr., Jackson County Detention Facility, 555 General Jackson Drive, Jefferson, Georgia 30549

Case Number: _____ Lower Court: _____County Superior Court_____

Court of Appeals Case Number and Style: _____

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

☑ **There is no case pending in the Court of Appeals of Georgia under your name.**

☑ **A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37. Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.**

☑ **The Notice of Appeal must include a proper Certificate of Service. A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.**

☐ **An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.

☐ **An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.

☐ **Your appeal was disposed by opinion (order) on _____.** The Court of Appeals _____. The remittitur issued on _____ divesting this Court of jurisdiction. The case decision is therefore final.

☐ **Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the is:

☐ **If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.

☐ **A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

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

IN THE SUPEPIOR COURT OF JACKSON COUNTY
STATE OF GEORGIA

MAURICE CHANDLER ORR JR.,
KENNETH T. MCCALL,
TIMOTHY SCOENING,
APPEALANTS

V

THE STATE OF GEORGIA
ex. rel.
BRAD SMITH
DISTRICT ATTORNEY
PIEDMONT JUDICIAL CIRCUIT,
Defendants

CIVIL ACTION #W14CV0660

NOTICE OF APPEAL

COMES NOW the Appealants as said above by and through pro se Attorneyship [hereinafter "APPEALANTS"]; and shows the courts the following

1.

BRIEF: On July 25th 2014. due to a unlawful traffic stop, OFC. Garvin Bethel of the Commerce Police Department — without warrent — pulled over a Ford "seven seater" Explorar SUV. Four individules occupied the SUV during the pull over — driver; Kenneth McCall, right side passenger; Maurice C. Orr Jr., right side rear passenger; Vincent Whetstone, Left side rear passenger; Timothy Scoening — during consent pat down searches of all of the occupants persons OFC. Garvin Bethel found LAWFUL U.S. CURRENCY. The occupants where latter arrested for different offensences. Latter, during the pull over of the SUV a rental aggreement was given to OFC. Garvin Bettel by Kenneth McCall; the rental aggreement quoted that a Dr. Clark was the rentee of the rented Ford SUV that Kenneth McCall was driving. It was affirmed that Dr. Clark allowed the occupants to use the vehical. At the Commerce Police Department: $1473.00 LAWFUL U.S. CURRENCY was found on Maurice Chandler Orr Jr. person and placed in the Commerce Police Department Evidence Custodian; $5050.00 LAWFUL U.S. CURRENCY was found on Kenneth T. McCall person and placed

in the Commerce Police Department Evidence Custodian; $800.00 LAWFUL U.S. CURRENCY was found on Timothy Scoening person and placed in the Commerce Police Department Evidence Custodian; and $493.00 LAWFUL U.S. CURRENCY was found on Vincent Whetstone person and placed in the Commerce Police Department Evidence Custodian.

On July 30th, 2014. The State filed a complaint for forfeiture in pursuant to O.C.G.A 16-13-49 addressing the seizure of all of the suv occupants property withe the heading "The State of Georgia V. $1473.00 LAWFUL U.S. CURRENCY, $5050.00 LAWFUL U.S. CURRENCY, $800.00 LAWFUL U.S. CURRENCY, $392.00 LAWFUL U.S. CURRENCY," with the defendants, in rem as pursuant to O.C.G.A. 16-13-49.(6)(1) reason stated was a "Violation of Controlled Substance Act; witness Amphetamine"

Before the deadline (30 day deadline); respondants: Maurice Chandler Orr Jr.; Timothy Scoening, Kenneth McCall all filed claims and answers to the States Complaint for forfeiture as described in O.C.G.A. 16-13-49.(n)(3)

A forfeiture hearing was scheduled in the above referenced case for September 11th, 2014. by the honorable Judge W. McLOCKLIN

On September 4th, 2014. a "Motion for Continuance" was filed in above referenced case by Assistant District Attorney Mr. Andrew Crawford.

On September 5th, 2014 a hearing was held in concern of the States Motion For Continuance and was granted if favor of the State Pursuant to O.C.G. 16-13-49. and the forfeiture hearing was moved to October 09th, 2014.

Before, On October 03rd, 2014. a Order Denying State's Motion for Default Judgment and Final Disposition of Property — filed on September 03rd, 2014. — denied by W. McLOCKLIN, Judge.

On October 09th, 2014. a forfeiture hearing was held; the State and the three respondants argued, and The trial Court Judge W. MCLOCKLIN granted judgment in favor of the State of Georgia.

Finally the respondants [hereinafter "APPEALANTS"] filed this "Notice of Appeal" respectfully.

2.

The "Appealant" as described above files this notice of the Appeal claiming: (1) that the evidence was insufficient to support the State's Complaint for forfeiture, (2) that the trial court erred by granting judgment in favor of the State, (3) that the State failed to meet it's burden as decribed in pursuant to O.C.G.A 16-13-49. (4) that the probable cause for the traffic stop, the reason "A paper litgitament rent a car service drive out tag" was insufficient to support a warrentless unconsented search and stop of the vehical, the search of the vehical violated the "Appealants" Forth Amendment rights, and that (5) that the trial court Judge Denied the the state's Motion for Default Judgment and Final Disposition of the Property, but the property was still moved from the Commerce Police Department Evidence Custodian to a unknown bank account still pending the forfeiture hearings outcome, wit: The Courts official transcript

3.

WHEREFORE, the "APPEALANTS" prays:

1. that the property of $1473.00 LAWFUL U.S. CURRENCY, $5050.00 LAWFUL U.S. CURRENCY, and $800.00 LAWFUL U.S. CURRENCY; totalling $7,323.00 LAWFUL U.S. CURRENCY be frozen pending outcome of Appeal.
2. that a copy of the courts transcript be added to this notice and a copy be allowed for anytime access for the Court of Appeals Judge
3. that this "Notice of Appeal" be filed
4. that the District Attorney (i.e. The State) be informed of this Notice.
5. that the "APPEALANTS" be afforded such other relief and remedies as are available under law.

This 13th day of October, 2014.

Respectfully submitted,

Maurice C. Orr Jr.

MAURICE C. ORR JR.

Maurice Chandler Orr Jr.

U.S.A. Citizen, INMATE ID# 3599

555 GENERAL JACKSON DRIVE

Jefferson, Ga. 30549

We swear under the penalty of perjury that the information contained in the within and foregoing Notice of Appeal filed pursuant to due process of law is true and correct and to the best of our knowledge

This 13th day of October, 2014.

Maurice Chandler Orr Jr.

INMATE; Maurice Chandler Orr Jr.

Kenneth T. McCall

INMATE; Kenneth T. McCall

IN THE SUPERIOR COURT OF JACKSON COUNTY
STATE OF GEORGIA

MAURICE CHANDLER ORR JR.;
KENNETH T. MCCALL;
TIMOTHY SCOENING;

Appealants

V.

STATE OF GEORGIA
ex. rel.
BRAD SMITH
DISTRICT ATTORNEY
PIEDMONT JUDICIAL CIRCUIT,

Defendants

CIVIL ACTION #W14CV0660

CERTIFICATE OF SERVICE

This is to certify that we [hereinafter "Appealants"] have this day served a true and correct copys of the foregoing Notice of Appeal by mail delivering said Notice to the PIEDMONT JUDICIAL CLERK OF COURT & The Georgia Court of Appeals with directions to deliver to:

Judge W. MCLOCKLIN
PIEDMONT JUDICIAL COURT

DISTRICT ATTORNEY BRAD SMITH
PIEDMONT JUDICIAL COURT

The CLERK of The Court
PIEDMONT JUDICIAL COURT

The Appealant Court Judge
The Georgia Court of Appeals

This 13th day of October, 2014.

Court of Appeals of Georgia

October 24, 2014

TO: Mr. Paul Leon Thennes, GDC1000996450, Georgia Diagnostic and Classification Center, State Prison, Post Office Box 3877, Jackson, Georgia 30233

RE: **A14A1348. Paul Leon Thennes v. The State**

CHECK RETURN

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

CASE STATUS - DISPOSED

☐ Your appeal was disposed by opinion (order) on _____. The Court of Appeals _____. The remittitur issued on _____, divesting this Court of any further jurisdiction of your case. The case is therefore, final.

CASE STATUS - PENDING

☑ **The above referenced appeal is pending in your name before this Court. The appeal was docketed in the April 2014 Term and a decision must be rendered by the Court by the end of the September 2014 Term which ends on December 16, 2014.**

APPLICATION FOR PERMISSION TO APPEAL A PROBATION REVOCATION

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

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

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

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR BRIEFS OR MOTIONS
Date: October 24, 2014

To: Mr. Michael Tucker, GDC633157, Muscogee County Prison, Post Office Box 84041, Columbus, Georgia 31908

Docket Number: A15A0033 **Style:** Michael Tucker 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 **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 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

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

IN The Court OF APPeaLs
State OF Georgia,

Michael Tucker
Appellant Pro-Se

Vs.

APPeaL CASe # A15A0033
Superior Court Case#
2013SUCR779

State OF Georgia
Appellee

APPeLLANT's BrieF And ENumeration OF ERRORS,

Michael Allen Tucker
Muscogee County Prison
P.O. Box 84041
Columbus, GA, 31908

1.) Statement of Facts

ON January 7, 2014, I inter a Plea of Guilty Negotiated For 6 years on count 1 and on Count 2 Nolle Pros, With a 1,000 Restitution Payable to a Ms, Sherry Kirby at 418 Eagleview Drive, Ringgold, Ga, 30736,

ON June 6, 2014 Mr. Tucker had filed a motion to Clarify Sentence, ON April 14, 2012 I turn myself in to Catoosa County Sheriffs Dept. and was Booked in and charge with Theft By Taken of a Motor vehicle.

ON April 17, 2012 I Was Released to D.O.C. To Complete My 3 years Sentence, ON 8-7-2019 Mr Tucker Was Return to Catoosa Co. Sheriffs Dept. on Said warrant. and Re Booked in. In closed is a Copie of Court Transcripts, See Pages 6-7 Due to the unusual Complexity of attempting to Compute the Credit For time served, the exact amount of time to receive credit For was not set in stone at the Plea hearing ibid, However, Judge Mr Van Pelt Stated For the record that Should Mr. Tucker encounter difficulty receiving credit For time served awaiting trial to contact him, also it states Mr Tucker said Judge I will receive Credit From April 14, 2012. Mr. Tucker filed a Motion to Clearify Sentence For Time Credit. Witch was denied,

ON April, 15 2012 I was appointed Mr William Lanphier whom worked For the Public Defenders office

at that time, Mr Tucker made several pleas to proceed with the case, However, he never received any response, ~~upon~~ inclosed are letter trying to contact Mr Lanphier to The Superior Court Clerk and The Public Defenders office Mr Dunn, along with the State Bars of Georgia. witch Mr Lanphier did not Respond to either, Mr Tucker found out upon Re turning From D.O.C. To Catoosa Co. Sheriff's Department, He was Reappointed Ms Kristin Patten, For the Public Defenders office, and was told Mr Lanphier was no Longer with The Public Defenders office. I was Never informed By The Public Defenders office.

Mr Tucker only took The Plea (because) He was told By Ms. Kristin Patten if found Guilty He (I) would do at least 20 years. She stated I would Recived all my time credit. See Transcript.

I Later found out ms Kirby stated she had found a Large amount of the item she said Mr Tucker took. Also She Call The District attorney Ms. Leanna Granillo, and ask to Drop charges. She was told if so, The State would take them over. I was never told By my attorney ms. Kristin Patten. Ms Kirby and I Lived together. She can also be contacted By Phone at. 706-935-2424 -(423) 580-0386 To state The above

Case # A14A1348

my address Paul L Thennes Appellant
GDCP P.O. Box 3877
Jackson Ga 30233

Can you please let me know my day of docketing and when my case decision has to be made rendered Thanks for your time.

Paul Leon Thennes

ON July 22, 2014. I filed a motion to Remold Sentence. witch was not Ruled on, It was sent to the Appeals Court with The Motion to Clarify Sentence.

I Later found out Count 2 was Nolle Pros. That Count was Theft By taken on items.

I was Sentence to Count 1 Theft By Taken of a Motor Vehicle. Ms Kirby states on late 2012 There was no damages to the car. The value of the car was only 1,500.00

Under the Plea The Restitution was For Count 2 witch was dismiss. IF I was sentence to Count 2 it only carrys 1-to 5 years in Prison. I was sentence to 6 years on count One and 1,000.00 Restitution That does not Consist of Count 1

My Motion to Remold Sentence States. when the State Nolle Prossed Count two all associated Restitution thereon was as well terminated. The 1,000.00 Restitution Should be omitted. OR Sentence to Count 2 and NOT count 1 witch will carry 1-to 5 years not 6 above the guide Lines.

ON 3-11-14 I filed a motion to Modify sentence. Grounds on my 3 years sentence to D.O.C. I Later find out my Warrants States 3 Theft By Taken Warrants were Stated as Felonys. (Later I Review Warrants) and I was Sentence to D.O.C. For 3 MisDemeanors, Same Attorney as Mr Lanphier I could not Contact By mail as Stated above Presiding Judge The Judge Van Pelt. ON Both case's

Jurisdiction And Enumeration OR error.

Jurisdiction.

The Court of Appeals of Georgia has proper jurisdiction over this matter as this is an appeal from the Final judgment of a Georgia Superior Court in a non-Capital felony case.

Jurisdiction of this Category of appeal is conferred upon this Court under the provisions of Article VI, Section V, Paragrah III of the Georgia Constitution.

Enumeration of Error.

1.) The Courts errors by threaten Mr. Tucker to Give max of Guildline if he does not take Plea.

2.) The Sentence is Void By error in Sentencing

3.) The failure to give Mr Tucker the Correct Jail Credits.

4.) The Motion to Clarify Sentence and to Remold sentence will also show many Case Law's and O.C.G.A.

5.) When the Courts Knew the imposse Sentence of Punishment is illegal And Refuse to Correct, The Public Defenders office and Clerk of Court to Alert Mr Langhion [illegible] them

See Transcripts and Motions Please.

For these Reason, the Defendant Requests this Honorable Court to reverse and or Vacate his Sentence.

Respectfully Submitted this Day Oct. 21, 2014

Michael Allen Tucker
G.D.C. 633157
10-21-2014

(PRO-SE Standards)

The 11th Circuit has ferguently held that the Standards governing the Sufficiency of any petition ~~of~~ ~~drafted~~ any Petition filed Pro-se are to be held with Less Stringent when petition is drafted without aid of Counsel." See, Holsomback V. White, 133 F-3d 1382 (11th circuit 1998) Also McDaniel V Secly For The Dept OF Corr, 2007

In [redacted] County, State Court of Georgia

Turnbull Neville C

v. Criminal act

The State of Georgia File no: 2010cr09954-8

Steven Snider, Esq

Asst Solicitor General

Copy

Motion for Complete Recording: Case Record and Transcript of all Proceedings

Now Comes, Turnbull, Pro Se Petitioner and moves this Court for an order directing the Clerk of Courts for Clayton County to Produce a copy of the record of the Proceedings in this case, including the arraignment, motions, voir dire, opening Statements, closing arguments and every other Proceeding involved in Pre-trial and trial of Turnbull that should have been recorded in accordance with Uniform Superior Court Rule 23.11 (Record of Proceedings)

Turnbull also incorporates the Complete Recording; Case Record and Transcripts i.e arraignment, motions, voir dire, opening Statements, closing argument and every other Proceeding involved in Pretrial and Trial of Turnbull and relevant to Natasha Ladawn Carter, 1933 Eshelman Ct, Atlanta Ga. 30349 for the cases of March 08, 2010 CW 03603; Turnbull v. Carter

March 01 2010 CF 04576-D State v. Turnbull
~~2012-CCU-12724, 2012-CCU-18197, 2010-CF-04576~~
~~2013-CCU-07417~~ etc...
that should have been recorded in accordance with U.S.C.R. 33.11

Turnbull correctly believes valid issues exist in his case which provide the basis for relief. In order to have a meaningful opportunity to establish the validity of the issues in this case, and to properly informed and prepare to seek relief in a court with jurisdiction, Turnbull needs a copy of these materials

In further, Turnbull hereby show the court the following arguments inter alia as follows:

Turnbull is a State Prisoner, confined at Dooly State Prison, and he is a pauper. Turnbull is without sufficient funds to pay the cost of transcribing and producing case records. Except for Turnbull's poverty he would be able to obtain these documents from the Court. The case record is not otherwise available to Turnbull.

2.

Incorporates by virtue of Mechele Clerk 243 S.E. 2d 12 (1978) ; and Edwards v. State, 288 Ga. 459, 707 S.E. 2d 335, 2010 Ga.

3.

This case was docketed in the Ga. Supreme Court since September 2014 — S15D0154 and as of October 16, 2014 — transferred to the Court of Appeals.

The record are needed to file accurate cites to the record in Turnbull's Briefs to the Court.

4.

Turnbull expect to file a Brief in support should the State fail to stipulate that venue was improper and insufficient in Dougher County. O.C.G.A. 17-9-4; Barrett v. State, 183 Ga. App. 729, 730 (1987)

Wherefore, Turnbull prays that this honorable Court direct the Clerk to perform all the requested materials above, and forward the docket and relevant to a copy filed to the Ga. Appeals Court (Turnbull wishes a copy as well) — and forward all to Turnbull. The Petitioner Turnbull respectfully request that he be relieved from paying all cost which would otherwise be required of him. This 21 day, October 2014.

Respectfully Submitted
Turnbull Dante L.

In the Clayton County, State Court, Ga.

Turnbull Neville C

v. Case No. 2010CR0954-D

The State of Ga.
Steven Snyder, Esq.
Asst. Solicitor General
Clayton County.

Trial Judge
Hon Linda S. Cowen

Order

This case comes before the Court Pursuant to a Motion for Complete Recording, Case Record and Transcript of all Proceedings Pertinent to Neville C. Turnbull Doc's State Prison, Natasha Carter 1133 Coleman Ct, Ga. 30349... The Court having been informed and being duly advised in the premises of said Motion Now finds that Petitioners Motion Should be and hereby is Granted. It is therefore Ordered by the Court that the Clerk before the requested Materials and forward them to the Petitioner, as soon as Possible.

So Ordered this _____ day of _____ 20__

_____
Hon. Judge Linda Cowen

Certificate of Service

This will stand to Certify that this day a true and correct copy/Same was sent to the following Parties relevant to this Cause

- Clayton County State Court Georgia
  9151 Tara Blvd, Jonesboro Ga 30236
  Attn Clerk of Court
  Attn Steven Snider CID Chief Inspector General
  4th Floor D.A. Office

- Georgia Appeals Court
  47 Trinity Ave. S.W.
  Suite 501 Atlanta Ga. 30334

Executed 10-31-2014

Respectfully Submitted

Court of Appeals of Georgia

October 24, 2014

TO: Mr. David Robertson, GDC281945 12-B-2, Augusta State Medical Prison, 3001 Gordon Highway, Grovetown, Georgia 30813

RE: **A14A1459. The State v. David Robertson**

CHECK RETURN

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

CASE STATUS - DISPOSED

☑ **Your appeal was disposed by opinion on October 2, 2014. The Court of Appeals affirmed the judgment of the trial court. The remittitur issued on October 20, 2014, divesting this Court of any further jurisdiction of your case. The case is therefore, final.**

No Motion for Reconsideration nor Notice of Intent to Apply for Certiorari with the Supreme Court has been filed.

CASE STATUS - PENDING

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

APPLICATION FOR PERMISSION TO APPEAL A PROBATION REVOCATION

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

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

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

Court of appeals of Georgia

Suite 501

47 Trinity Avenue

Atlanta, Ga 30334

10-17-14

Re: The State v David Robertson

No. # A14A1459

Dear clerk of appeals Court.

I recently on the Seventeenth of october recieved the opinion in the above styled matter. I am aware The State can still ask for a motion for reconsideration \ cert to the Georgia Supreme court. The State must do this within Ten days of the courts opinion. I am requesting information regarding has such a motion been Recieved in the clerks office physically within the proscribed time limit. please inform me if one was recieved please let me know I would greatly appreciate the information. Thank you very much In advance.

Sinc.

David Robertson

ASMP

3001 Gordon Hwy

Grovetown Ga 30813

Gdc# 281945 12-B-2

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

October 28, 2014

To: Mr. Donovan Owens, GDC1305095 2Q-53B, Wheeler Correctional Facility, Post Office Box 466, Alamo, Georgia 30411

Case Number: _____ Lower Court: County Superior Court

Court of Appeals Case Number and Style: _____

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

☑ **There is no case pending in the Court of Appeals of Georgia under your name.**

☑ **A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37. Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.**

☑ **The Notice of Appeal must include a proper Certificate of Service. A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.**

☐ **An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.

☐ **An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.

☐ **Your appeal was disposed by opinion (order) on** _____. The Court of Appeals _____. The remittitur issued on _____ divesting this Court of jurisdiction. The case decision is therefore final.

☐ **Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia.** The address of the Clerk of the is:

☐ **If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.

☐ **A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

IN THE SUPERIOR COURT OF BURKE COUNTY

STATE OF GEORGIA

DONOVAN OWENS

V.

THE STATE OF GEORGIA

CASE #: 2008 R 0078

G.D.C #: 1305095

NOTICE OF APPEAL

NOTICE IS GIVEN THAT DONOVAN OWENS IN THE ABOVE MATTER HEREBY APPEALS TO THE COURT OF APPEALS OF GEORGIA FROM THE JUDGEMENT OF THE TRIAL COURT ENTERED ON THE 8th DAY OF AUGUST, 2014.

THE COURT HAS REFUSED TO SHOW THAT THESE TRANSCRIPTS & MINUTES EVEN EXIST TO EVEN AGREE THAT THE PROPER PROCEDURE WAS TAKEN.

THE CLERK OF COURT HOLDS THE TRANSCRIPTS & MINUTES OF EVERY PROCEEDING (SEE) CODE § 4360. THAT IS WHY I REQUESTED FOR THE RECORDS, NOW I WOULD LIKE FOR THE COURT OF APPEAL TO REVIEW THESE DOCUMENTS TO SEE IF THEY EXIST & TO GRANT ME A COPY.

THE COURT OF APPEALS, RATHER THAN THE SUPREME COURT OF GEORGIA, HAS JURISDICTION OF THIS APPEAL BECAUSE THE ISSUE INVOLVED AND APPEALS OF SUCH CASES ARE NOT RESERVED TO THE SUPREME COURT OF GEORGIA PURSUANT TO ARTICLE VI, SECTION V, PARAGRAPHS II, AND III OF THE CONSTITUTION OF THE STATE OF GEORGIA.

DATE: 10-15-14

*DONOVAN OWENS

*Donovan Owens

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE SUBMITTED COMPLETE ANI CORRECT COPY(S) OF THE FOREGOING DOCUMENTS UPON THE PARTIES LISTE BELOW BY PLACING SAME IN THE UNITED STATES MAIL WITH SUFFICIE POSTAGE AFFIXED.

DONOVAN OWENS
WHEELER CORRECTIONAL FACILI
P.O. BOX 466
ALAMO, GA 30411
LOCATION: 2Q - 53B
G.D.C. #: 1305095

PARTIES SERVED:

SUPERIOR COURT CLERK
MRS. SHERRI COCHRAN CATES
P.O. BOX 803
WAYNESBORO, GA 30830

MR. WILLIAM L. BOWCUTT
DISTRICT ATTORNEY
AUGUSTA JUDICIAL CIRCUIT
735 JAMES BROWN BLVD, SUITE 2400
AUGUSTA, GA 30901

Court of Appeal
lerk/Court Administrator
Stephen E. Castlen
17 Trinity Ave SW, Ste 501
Atlanta, Ga 30334

SHERRY TRAVIS NOTARY PUBLIC Comm. Exp. 6/24/17 WHEELER COUNTY, GA

Sherry Travis
10/15/14

DATE: 10-15-14

DONOVAN OWENS

Donovan Owens

Sherri Cochran Cates
Burke County Clerk of Superior Court
111 East Sixth Street, Room 107
P.O. Box 803
Waynesboro, Georgia 30830
706-554-2279
Fax 706-554-7887

Date: 6/2/2014 Case Number: 2608-R-0078

Dear Sir ~~or Madam~~: Donovan Jacques Owens

We are unable to process your request at this time due to the following reasons.
If you will correct the problem and return the documents to us we will record them.

_____ Include a notarized Pauperis Affidavit. This form can be obtained from prison administration and must be on the Administrative Office of Courts Form. Only this form will be accepted. All affidavits must include a **CERTIFIED** printout of the inmate's account. No handwritten forms can be accepted.

_____ All Record Requests, Mandamus, Pauperis Affidavits, Habeas Corpuses, etc. must be on Administrative Office of Courts Forms. No handwritten forms.

_____ Requested documents or arrest date needed.

_____ Indictment Number or arrest date needed.

_____ Transcript no currently filed. ____ Contact the Court Reporter.

_____ Before this office will provide you with copies of the documents you seek free of charge, you must make a showing of necessity. You may attempt to show necessity by complying with the procedures set forth in the case of Mydell V. Clerk of Superior Court of Chatham County, Ga. 243 S. E. 2nd 72 (1978).

X Contact your attorney.

X Other Our office has filed your motions. Please contact your attorney or the D.A. for the status.

THANK YOU FOR YOUR COOPERATION IN HELPING US TO SERVE YOU BETTER.

In the Superior Court of Burke County

State of Georgia

Donovan Jacques Owens

V.

he State of Georgia

GDC # 1305095

Case#: 2008 R 0078

2008 RCCR 0045

Motion for the Minutes and Transcripts on the Bill of Indictment in Open Court.

ome now Donovan Owens (PRO-SE) IN THE ABOVE STYLE MOTION SKING AND REQUESTING FOR THE FOLLOWING DOCUMENT, THE RETURN OF HE BILL OF INDICTMENT IN OPEN COURT IN WHICH THE CLERK OF HE SUPERIOR COURTS ARE REQUIRED TO KEEP REGULAR MINUTES AND RANSCRIPTS OF THEIR PROCEEDINGS FROM DAY TO DAY (SEE) CIVIL CODE § 4360. I WOULD LIKE TO EXAMIN THOSE RECORDS BEING (PRO-SE) ND MY OWN ATTORNEY.

DATE: 05/22/14

*DONOVAN OWENS

*Donovan Owens

IN THE SUPERIOR COURT OF BURKE COUNTY

STATE OF GEORGIA

IN MAIL
DOCUMENT

DONOVAN JACQUES OWENS

G.D.C. #: 1305095

V.

THE STATE OF GEORGIA

CASE #: 2008 R 0078

2008 RCCR 00456

MOTION REQUESTING FOR
SPECIFIC DOCUMENTS

COME NOW THE DEFENDANT DONOVAN OWENS <PRO-SE> IN THE ABOV
STYLE MOTION ASKING AND REQUESTING FOR THE FOLLOWING DOCUMENTS
HATS IN THE CONTROL AND POSSESSION OF THE CLERK OF COURT.

) CASE DETAIL SHEET OF ALL THE HEARINGS SCHEDULED IN MY BEHAL
<FROM ARRAIGNMENT TO SENTENCING>

) FINAL DISPOSITION

) THE RETURN OF BILL OF INDICTMENT WITH THE
GRAND JUROR'S NAMES ATTACHED.

PLEASE BE INFORMED THAT I WOULD LIKE A COPY MAILED BACK
) ME, TIME DATED, AND STAMPED FOR MY RECORDS PLEASE. THANK
OU.

DATE: 05/22/14

*1 DONOVAN OWENS

*2 Donovan Owens

CERTIFICATE OF SERVICE

I HEREBY CERTIFY THAT I HAVE SUBMITTED COMPLETE AND CORRECT COPY(S) OF THE FOREGOING DOCUMENTS UPON THE PARTIES LISTED BELOW BY PLACING SAME IN THE UNITED STATES MAIL WITH SUFFICIENT POSTAGE AFFIXED.

DATE: 05/22/14

*DONOVAN OWENS

*Donovan Owens

PARTIES SERVED:

COURT REPORTER: MRS. Nancy Staulcup

SUPERIOR COURT CLERK: MRS. Sherri J. Cochran

DISTRICT ATTORNEY: MR. William L. Bowcutt

DONOVAN OWENS
WHEELER CORRECTIONAL FACILI
P.O. BOX 466
ALAMO, GA 30411

Location: 500E-205
G.D.C. #: 1305095

SHERRY TRAVIS
NOTARY
Comm. Exp.
6/24/17
PUBLIC
WHEELER COUNTY, GA

Sherry Travis
05/22/14

COVER SHEET

DEAR: MRS. Sherri J. Cochran
BURKE COUNTY CLERK OF SUPERIOR COURT
111 East Sixth Street, Room 107
P.O. Box 803
Waynesboro, Georgia 30830.

DONOVAN Jacques OWENS
V.
STATE OF GEORGIA
2008 R 0078
INDICTMENT # 2008 RCCR 00452
G.D.C. # 1305095

PLEASE BE ADVISED THAT I AM REQUESTING THAT THE FOLLOWIN INFORMATION BE TIME STAMPED AND DATED WITH A COPY MAILED BACK TO ME FOR MY RECORD PLEASE.

1) MOTION FOR THE MINUTES AND TRANSCRIPTS FOR THE RETURN OF BILL OF INDICTMENT IN OPEN COURT

2) CERTIFICATE OF SERVICE

THANKING YOU IN ADVANCE.

DONOVAN OWENS
WHEELER CORRECTIONAL FACILITY
P.O. Box 466
LAMO, GA 30411

LOCATION: 500E-205
G.D.C. #: 1305095

DATE: 05/22/14
*DONOVAN OWENS
*Donovan Owens

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

October 23, 2014

To: Mr. Virgil Lamar Maddox, GDC1000577031 H1-222B, Smith State Prison, Post Office Box 726, Glennville, Georgia 30427

Case Number: _____ Lower Court: County Superior Court

Court of Appeals Case Number and Style: _____

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

☑ **There is no case pending in the Court of Appeals of Georgia under your name.**

☑ **A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37. Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.**

☑ **The Notice of Appeal must include a proper Certificate of Service. A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.**

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☐ **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.

☐ **A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

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

IN THE SUPERIOR COURT FOR THE COUNTY OF FLOYD
STATE OF GEORGIA

THE STATE OF GEORGIA, PLAINTIFF

VS.

VIRGIL LAMAR MADDOX, DEFENDANT

CRIMINAL ACTION NO.: 11CR00226JFL003

NOTICE OF APPEAL

NOTICE IS HEREBY GIVEN THAT THE DEFENDANT VIRGIL L. MADDOX ABOVE NAME HERE BY APPEALS TO GEORGIA COURT OF APPEALS OF THE JUDGMENT ENTERED BY SUPERIOR COURT FOR FLOYD COUNTY STATE OF GEORGIA HERE ON OCTOBER 08, 2014 ON A MOTION TO VACATE SENTENCE AMENDMENT AND HERE ON AUGUST 26, 2014 ON A MOTION TO RECONSIDER RULING.

THE CLERK WILL PLEASE OMIT NOTHING FROM THE RECORD ON APPEAL TRANSCRIPTS OF EVIDENCE, DOCUMENTS AND PROCEEDING WILL BE FILED FOR INCLUSION IN THE RECORD ON THIS APPEAL.

RESPECTFULLY SUBMITTED, THIS 16TH DAY OF October, 2014.

Virgil Lamar Maddox
THE DEFENDANT PRO-SE

PERSON SERVED:
COURT OF APPEALS
OF GEORGIA
433 STATE JUDICIAL BLDG.
ATLANTA GEORGIA 30334

AND

BARBARA H. PENSON
CLERK OF SUPERIOR COURT
FOR FLOYD COUNTY
POST OFFICE BOX 1110
ROME GEORGIA 30162

VIRGIL LAMAR MADDOX
G.D.C# 1000577031
SMITH STATE PRISON
POST OFFICE BOX 726
GLENNVILLE GA. 30427

RECEIVED IN OFFICE
2014 OCT 23 PM 3:09
CLERK/COURT ADMINISTRATOR
COURT OF APPEALS OF GA

C.C.#3

DECLARATION UNDER PENALTY OF PERJURY

YOU MUST DECLARE UNDER PENALTY OF PERJURY THAT THE ANSWERS AND INFORMATION YOU HAVE GIVEN HERIN ARE TRUE AND CORRECT. GIVING FALSE ANSWERS OR INFORMATION WILL SUBJECT YOU TO PERJURY CHARGES UNDER BOTH FEDERAL AND STATE LAW.

Understanding the above, I declare under penalty of perjury that the foregoing answers and information provided me are true and correct. CASE NO: 11CR00226-JFL-003.

Executed this 16 day of OCTOBER, 20 14.

Signature of Declarant

VIRGIL LAMAR MADDOX
G.D.C.# 1000577031
SMITH STATE PRISON
POST OFFICE BOX 726
GLENNVILLE, GA. 30427

CERTIFICATE OF SERVICE

This is to certify that I have this day served a true and correct copy of the foregoing document(s) 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.

CASE NO: 11CR00226-JFL-003.

This 16TH day of October, 20 14TH.

/s/ [signature]

PERSON(S) SERVED: /s/ VIRGIL LAMAR MADDOX

COURT OF APPEALS OF GEORGIA
433 STATE JUDICIAL BLDG.
ATLANTA GEORGIA 30334

AND

BARBARA H. PENSON
CLERK OF SUPERIOR COURT
FOR FLOYD COUNTY
POST OFFICE BOX 1110
ROME, GEORGIA 30162

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

October 23, 2014

Mr. Sim James Pope, Jr.
GDC369764
Coffee Correctional Facility
Post Office Box 650
Nicholls, Georgia 31554

RE: A15A0322. Sim James Pope, Jr. v. The State

Dear Mr. Pope:

As of the date of this letter, there has been no Brief filed in this Court in the referenced appeal. I am returning your pages 4, 5 and 6.

Sincerely,

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

SEC/ld
Enclosures

Court of Appeals of Georgia
47 Trinity Ave. S.W. Suite 501
Atlanta, Georgia - 30334

10-15-2014
Reference:
Case No. #A15A0332

Dear Clerk of Court:

Please find Page's 4 ,5, and 6 Numbered accordingly and Serve to replace the Same in my Oroginal Discertionary Appeal Brief. Those Page's contain Typo Error's as well as ~~an~~ Error's in Citation's. I hunbly request that you Substitute these Page's. I have also Mailed this Request and Copie's to the Distrist Attorney's Office.

Respectfully Submitted,

Sim James Pope, Jr.

Sim James Pope, Jr.

Defendant argues that according to the Statute's that Existed in 1999, the Time Defendant's Conviction, Probation and Registration Ran Together. O.C.G.A. 42-1-12 became Effective July 1, 2006, including (4)(c)(2)(A) stating that Ten(10) Year's have to Elapsed since Individual Completed All Prison, Parole, Supervised Release, and Probation, before Offender could Petition the Court for Release from Registration. Defendant was Sentenced to Ten(10) Years Probation which place's Defendant under O.C.G.A. 17-10-6.2(d) which leads to O.C.G.A.42-2-1, which states a Defendant given a Probated Sentence, is to be under Statutes that Existed at the Time of Conviction, which caused Registration.

Defendant argues that the Two(2) Year's have to Elapse before a Petitioner can Petition the Court for Registration Release, after Offender has been Denied, "did Not" Exist until after the Life Time Registration Requirement was Enacted July 1, 2006. The Statute O.C.G.A. 42-1-19 did not become Effective until May 20 2010.

The General Assembly and the Legislature Plainly and Unambigously expressed it's intent in the Legislature History, which provides in Partinent Part, this Act shall become Effective on July 1, 2006, and shall Apply to Offense's occuring before July 1 2006 shall be Governed by Statute's in Effect at Time of Offense. SEE: O.C.G.A. 1-3-4 ; also Act 571 of Section 30 (c) of the 2006 Amendant. Polito v Holland, 258 Ga. 54,55, 365 S.E.2d 273(1998) The Universal and well settled Rule of Statutory Construction is that Legislative Enactment's are intended Not To Operate Retroactively. Also, Wilson v State, 281 Ga. 447, 642 S.E.2d 1 (2006), relying on Fleming v Zant, General Assembly express intent that the 2006 Amandant to the Statute Not Effect or Abate the Status as a Crime of any such Act or Omission which occure Prior to July 1, 2006.

The Court in White In Re, 702 S.E. 2d 694, 306 Ga. App. 365(2010), concluded that White Qualified for Registration Release under O.C.G.A. 17-10-6.2, even though his Sentence did not Cite the Statue. Futher, White met the Requirement of O.C.G.A. 42-1-12(g)(2)(a). That this Statute Enactment became Effective July 1, 2006, and thus He could not have met the Literal Requirement that He be Sentenced before the Effective Date of 17-10-6.2. That White may still Petition the Court for Removal from the Sex Offender Registry, if He were Sentenced to Less than the Mandatory Minimum Sentence of Confinement for the Eligible Offense. As it clearly shown in White, that He was Released from Detention Center and Placed on Probation in 1999, and that in 2009, Whiteapplied to be Released from Registration and the State

Conceded that He had met the Ten(10) Year Registration Requirement as Required in O.C.G.A. 42-1-12(g)(2)(a). That He had Registered every Year while on Probation, as Defendant was Registered Every Year from Sentence in 1999 to November 8, 2009, and this Court should Rule as the Court in White, that O.C.G.A. 42-1-12(g)(2)(a) was Satisfied in Present Case.

Defendant reminds this Court that He was Sentenced in 1999, to Ten(10) Years Probation, which is far less than the Manditory Minimum of Confinement. That He, just as White met the Requirement's of O.C.G.A. 17-10-6.2(c)(1)(a) through (c)(1)(f) and just as White, He could not have met the Literal Requirement that He be Sentenced before the Effective Date of O.C.G.A. 42-1-12(g)(2)(a). Therefore, based upon this Assertion, Defendant may Petition under O.C.G.A.17-10-6.2, as the Court allowed in White.

Defendant also argues that based upon the Law of the Case Doctrine in Effect st the Time of Offense, He is Not subject to Registration Requirement's for the Sex Offender to Register until 2019 as the Court said in 2009 and also in 2010, or for His Entire Life, as the Court Order of 12-21-1012 so Stipulated. According to the White Court, "where Statutory Language in Plain and Unequivocal and leads to no Absurb of Impracticable Consequence the Court has No Authority to place a Different Construction upon it." Frazier v State, 284 Ga. 638, 668 S.E. 2d 646 (2008). The Court's Order and Ruling made this determination and Denied Defendant's Petition without the Benefit of a Risk Assessment Classification as Required by Law. O.C.G.A. 42-1-14 becamw Effective July 1, 2006, which was after Defendant's Sentence.

The underling Predicate Charge, Conviction and Ten Year Sentence for Child Molestation has been Served and is now Fully Expired. This Court No Longer has Subject Matter Jurdisiction to Punish. Benefield v State, 245 Ga. App. 488, 575 S.E. 2d 453, 276 Ga. 101. This Court does have however Authority to Release Defendant from Registration Requirement subject to the Statue's afore-mentioned.

As a Pro Se, the Petitioner's pleading are to be Construded liberally and held to a Less Strigent Standard than Formal Pleadings to state a Valid Claim, on which the litigant could prevail on which drafted by Lawyer's. If the Court can reasonable Read Pleading's to State a Valid Claim, on which the Litigant could prevail, it should do so, despite a Failure to Cite proper Legal Authority, Confusion of Legal Theories, Poor Syntax, and Sentence Construction, or Litigant's Unfamiliarity with Pleading REquirement's. Haines v Kerrer,404 U.S.519,30 L.Ed.2d 652,92 S.Ct.594(1972)

Defendant pray's this Court of Appeals will find based on the Case Law that the Defendant has Satified the Requirement's Stipulated by Law, and No Longer Subject Matter Jurisdiction by this, or Any Other Court, and Defendant is hereby Ordered Release from the Registration Requirement

Respectfully Submitted,

Sim James Pope, Jr.

Sim James Pope, Jr.

Certificate of Service

This is to certify that I have this day a served a true and correct copy of the within and foregoing document(s) upon the party(s) listed below by depositing a copy of the same in the United States mail in a properly addressed enveloped with adequate postage thereon or submitted same to the institutional legal mail system, to bellow addressee(s)

Clerk of Court
Ga. Court of Appeals
47 Trinity Ave. S.W. Suite 501
Atlanta, Ga. - 30334

S. Hayward Altman
P.O. Box Drawer 5
101 N. Main St.
Swainsboro, Ga. - 30401

Document(s) Included:
1.) Page's 4, 5, 6 of Brief of Discretionary Appeal

This 16 Day of October, 20 14

Respectfully submitted,
Sim James Pope, Jr
Pro Se

Signature Sim James Pope, Jr
Print: Sim James Pope, Jr.
GDC#: 369764
Address: P.O. Box 650
Nicholls, Ga. - 31554

Court of Appeals of Georgia

October 28, 2014

TO: Mr. Daniel W. Taylor, GDC1000332837 H-2, Johnson State Prison, Post Office Box 344, Wrightsville, Georgia 31096

RE: **A14A0497. Daniel W. Taylor 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. Costs for copies you indicated you would like are:**

Index in the referenced appeal $4.00

Please send your check or money order to the following address specifying exactly what copies you want to 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. This Court cannot appoint counsel for you.

DANIEL W. TAYLOR 1000332837
JOHNSON STATE PRISON H-2
PO. BOX 344
WRIGHTSville, GA. 31096
OCTOBER 23, 2014

TO: The Clerk of the Courts
COURT OF APPEAL OF GEORGIA
47 TRINITY AVENUE
SUITE 501
ATLANTA, GA. 30334 ~~30196~~

RE: 10SC89595
A14A0497

DEAR CLERK;

THERE has been A lot of discrepencies in the Records Transmitted for Review in APPEALS Case A14A0497, I Need A DOCKET Summary of the Records and Transcripts transfered to this Court for Review by the FULTON County SUPERIOR COURT CLERK. These Records Are Needed to Support A pending Federal Habeas Corpus Case NO. 1:14-cv-2470-CAP-LTW, that is Now under Review in the United States DISTRICT COURT. Please ensure A prompt

Return of these Requested Documents for pending Summary Judgement is To be filed by October 30, 2014.

Thank you for your Cooperation elevating Subpeona Production.

Respectfully Submitted

Daniel W. [illegible]

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS

October 29, 2014

To: Mr. Mack Henry Lott, GDC86015, Macon State Prison, Post Office Box 426, Oglethorpe, Georgia 31068

Docket Number: A14D0021 **Style: Mack Henry Lott v. Ralph Kemp, Warden, et al.**

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

A.

IN the Court of APPeals of Georgia

mr Mack Henry Lott
Plaintiff
vs.
Ralph Kemp warden etal
Defendants

A14D0021

Excessive Force

Notice For Ruling

Comes Now mr Mack Henry Lott in the Above style matter I Pray For Your Prompt attention on this matter.

to this day I have Not received a ruling on said matter which is an order to Pay Cost which Lott has Never been order to Pay Cost Lott then Dont have ANY obligation to Pay if the order was Never issue to the Prison System. See clerk records on all cases No ruling Pursuant to O.C.G.A 15-6-21 the time allowance of 90 days has or is about to be expired the Petitioner and the respondent has Not agreed in writing to extend the time Nor has the court declared a Prouidential hinderance For extended time Nor has the Petitioner waived ANY Pertinent Notice this Court has a statutory duty to rule on the Petitioners said motion within the alloted time From

All Filing Fees
Rule of the Court of APPeals of the state of Georgia
All Filing requiring fees must be accomponied by a check or money order or a sufficient Paupers Affidavit Clerk you quoted Rule 2.b
Clerk the Jugde Never Rule on Pro bono Counsel Public sec 28 USC §1915 e1 in Proceedings in Forma Paupers the court may request an Attorney to re Present ANY Persons unable to Afford Counsel
Prior to trial Lott Filed Four motion ASKing the wheeler Court to APPoint AN Attorney to re Present Lott 4 times the motion was denied
the Last motion Lott Submitted the results of Prison tests Showing he had the Educational level of an early sixth grader Lott Composite math and reading Scores Put Lott at grade level 6.2 IF Lott had tried this case when Put up For APPeal Lott would have Lost For Lack of Education etc
motion For APPointment of Counsel S14Co688 7/15/14
a second motion For APPointment of Counsel may 21 2010

B

Defendants Response to Plaintiffs motion For Reconsideration
Titled "Judge Abused Discretion
refusing to grant his six Prior request For an Attorney
ii Argument

Stephen E Curry 202500

Cites Numbers of Cases Willis v Price 256 Ga 767 1987 also See
State of Georgia v Davis 246 Ga 200-201 1980
Left Argument

See Pruitt v mote 503 F3d 647 2007

Nauejaru v Ayala 718 F3d 692 2013
Montgomery v Pinchak 294 F3d 492, 499 (3rd cir 2002)
In Hendricks v Coughlin 114 F3d 390 (2d cir 1997
Parham v Johnson 126 F3d 454, 461 (3d cir 1997)

under Rule 65(c)

thus Some Judge will Not Make People who File in Forma Pauperis
Pay In Miller v Carlson 768 F SuPP 1331, 1346 (ND Cal 1991
He or she is Not SuPPosed to meet with lawyers re Presenting
Prison officials unless he or she APPoint a lawyer For you or order
Prison officials to bring you to Court to Argue your own Case.
Court of APPeals of the State of Georgia
7/26/2012

In this APPlication For discretionary aPPeal Filed on June 6 2012
Mark Henry Left seek review of either the trial courts order of
June 16 2011 dismissing his Complaint Pursuant to OCGA 42-12-7-2
or its order of Sep 30 2011 in which the Court dismissed a
document Filed by Left that is Construed as a Notice of
APPeal' we however lack Jurisdiction
according to id Pruitt
The Court of APPeal of Georgia
was to review Left level of Education which is a level
of a 6 Grader Math reading Skills Lefts Physical
Condition order Left a Physical examination Fed Rules
Civ Proc Rule 35 a 28 USCA deposition - discovery rules
the word "Party" in Rule Providing that on Good Cause
Shown and if mental or Physical Condition of a Party is
in Controversy the Court may order him to Submit to a
Physical or mental examination
Judge Fredrick Mullis Jr Chief Judge is the one who Let
Cases Continue He Left Case Number 09CV-174 Con-
tinue For years without reviewing Left Education
level. Discovery is Not a one-way Proposition according to
Hickman v Taylor 329 US 495 507 67 Sct 385 91 LiEd
451 Issues Cannot be resolved by a doctrine of Favoring
one class of litigants over another

Court of Appeals of Georgia

September 10, 2014

TO: Mr. Mack Henry Lott, GDC86015, Macon State Prison, Post Office Box 426, Oglethorpe, Georgia 31068

RE: **A14D0021. Mack Henry Lott v. Ralph Kemp, Warden, et al.**

CHECK RETURN

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

CASE STATUS - DISPOSED

☑ Your appeal was dismissed. The remittitur date is June 5, 2014. The order consists of two pages. 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 exactly what copies you want to 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

CASE STATUS - PENDING

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

APPLICATION FOR PERMISSION TO APPEAL A PROBATION REVOCATION

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

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

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

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 addresse(s).

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

mr Mack Henry Lott
Macon State Prison
PO Box 426
Oglethorpe Georgia 31068

Stephen E Curry
3508 K1 Professional Circle
Augusta Georgia 30907.2220

This the _____ day of _____, 20_____.

Signature Mack Henry Lott

Bennie R Solomon 9/23/14

BENNIE R SOLOMON
MY COMMISSION EXPIRES
JULY
14
2018
PEACH CO., GEORGIA
NOTARY PUBLIC

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

STEPHEN E. CASTLEN
CLERK AND COURT ADMINISTRATOR

404-656-3450

October 23, 2014

Ms. Anita K.C. Lawson
385 East Main Street
Dahlonega, Georgia 30533

Dear Ms. Lawson:

I am in receipt of your letter dated October 19, 2014 wherein you requested information about filing a complaint against a superior court judge. You may want to contact the Judicial Qualifications Commission at the following address:

Judicial Qualifications Commission
8206 Hazelbrand Road • Suite C
Covington, Georgia 30014

There is no case filed in the Court of Appeals of Georgia in your name.

Sincerely,

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

SEC/ld

10.19.14

Court of Appeals of Georgia

To Whom it Concerns,

I have recently requested an appeal of my Civil Case in Lumpkin County GA - Whitten vs Whitten. I was requesting an appeal and would like updated information on the appeal. Also, Can you provide me the information to file a Complaint on the Superior Court Judge —

Thank you.

Anita K.C. Lawson

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS

October 30, 2014

To: Mr. Michael L. Powell, GDC736204, Valdosta State Prison, Post Office Box 310, 3259 Valtech Road, Valdosta, Georgia 31603

Docket Number: **Style:** **Michael Lee Powell 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: Please add the stamped "filed" copy of the order dated August 8, 2014 when you return the enclosures.**

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

IN THE COURT OF APPEALS
STATE OF GEORGIA

STATE OF GEORGIA	LOWER CASE NO:
VS.	2012-CR-072
MICHAEL LEE POWELL	DOCKET NO:
	PREVIOUS DOCKET NO: A14A1874

"REQUEST FOR DISCRETIONARY APPEAL"

Comes now, Michael L. Powell, pro se, and having been found indigent by the Convicting Court of Randolph County, Requests this Courts granting of a "Discretionary Appeal" of the Aug. 8th, 2014 Order of Judge Joe C. Bishop Denying the: Request of Court to Vacate its Improperly Transmitted April 1st, 2014 Denial + Re-Entry of that

Order to correct; and allow a proper "Right to a Timely Notice of Appeal", Pursuant to O.C.G.A. 5-6-35, The defendant raises two factual reasons for the Court to Grant this Discretionary Appeal Request.

The defendant here-in notes to the Court of Appeals' own Rules and that; This Court shall not Dismiss because of a subsequent non compliance with it's Rules, but will review his claims of error," based on what we perceive his arguments to be; Cameron v. State, 295 Ga. App. 670 (1) (673 S.E.2d 59) (2009).

"INDEX"

PART ONE:

PART TWO:

PART THREE:

"Statement of Facts"

The defendant entered a non-negotiated guilty plea on June 18th, 2012 to Count One: Criminal Attempt to Commit Felony Murder; Count Two: Aggravatted Battery; Count Five: Possession of a knife during a Crime and received a total of 50 years with 17 years to serve. The state requested the Court to attach Recidivist under O.C.G.A. 17-10-7 (c) only after sentence was pronounced, Withaut providing any proof to the Court to do so. Defendant filed a Timely Motion to Withdraw on July 18th 2012, the Court appointed Ryan Cleveland as counsel on August 27th 2012, Counsel for defendant, filed

Motion to Withdraw the original Motion to Withdraw Guilty Plea which the Court Granted on January 7th, 2013, without the defendants knowledge or approval.

The defendant then filed both a Motion to Correct Void Sentence under Kaiser v. State, 285 Ga. App. 63 (2007) on January 13th 2014 & Motion for An Out-of-Time Appeal under Stephens v. State, 291 Ga. 837 (2012) on January 9th, 2012. The state filed a Rebuttal to both Motions irronically on the same day as the Jan. 13th Void Sentence Motion, where the state contended it was not required to file any Notice to Seek Recidivist or provide copies of prior convictions, and that he had

not site any relevant case law and had no basis to object to an agreed upon resolution. All 3 of which are complete fraudulent statements of the state. All pleadings of the defendant was accompanied by proper "Certificate of Service" as is required by prose litigants to the Court for filing and All pleadings were responded to by the Clerk of Court in a letter to the defendant at the correct address to the correct prison facility from where he was and is housed at; that being Valdosta State Prison Even the states rebuttal was properly mailed to the address of V.S.P., P.O. BOX 310, Valdosta, Ga. 31603. The Judge, Honorable Joe C. Bishop, denied All of

defendants Motions in a single Order dated April 1st, 2014, however, as indicated on his own "Certificate of Service" the Order was erroneously sent to the wrong prison albeit intentionally in order to thwart the defendants ability to Timely Appeal that Order. Defendant became aware of the Courts Order on May 12th 2014, when, upon inquiry to the Court on his Motions by private counsel, the Court had faxed the Judges Order to them. Notice of Appeal was filed on May 23rd, 2014, and the Clerk sent the Index to the Court of Appeals on May 23rd 2014, and again, on the same day as the Notice by the defendant was filed. The Direct Appeal was

Docketed on June 6th, 2014; No: A14A1874, defendant filed his brief and this Court Dismissed for an un-timely Notice of Appeal, Having no Jurisdiction to, to review, and this Courts own acknowledgement to Powells contention that he did not timely receive a copy of the Order from the trial court. The Court of Appeals provided a remedy which was to petition the Trial Court to Vacate and re-enter the Order as a means of correction. Citing: Cambron v. Canal Ins. Co., 246 Ga. 147 (1980).

The defendant here-in complied by filing a Motion to Vacate & Correct to allow a properly Right to a Timely Notice of Appeal. The Judge

filed an Order of Denial to the remedy that was asserted by defendant and stated in this Order that his prior order was properly served to defendant at the return address listed on the envelope which the Motions were mailed to the Court. Since this reason is neither proper to assert of the Judge but also a complete fabrication of the Courts Records which the defendant can prove, this Appeal follows.

"Statement of Jurisdiction"

The Court of Appeals rather than the Sup. Ct. retains jurisdiction on all Orders of Denial in the Trial Court where a Direct Appeal would lie: O.C.G.A. §6-35.

"PART TWO"

"ENUMERATION OF ERRORS"

I. THE COURTS ORDER OF DENIAL FROM AUGUST 8th, 2014; ALTHOUGH NOT A DIRECTLY APPEALABLE ORDER; IS DIRECTLY ATTACHED TO TWO SEPERATE FILINGS THAT WERE DENIED BY THE COURT AND THE DEFENDANT HAS NOT HAD A "DIRECT APPEAL".

II. THAT BOTH OF THE COURTS ORDERS; THE APRIL 1st, 2014 and AUGUST 8th, 2014 ARE CLEARLY ERRONEOUS AND VIOLATE THE DEFENDANTS 6th AMEND. RIGHT TO APPOINTMENT OF Appeal Counsel as FIRST APPEAL AS OF RIGHT, WHICH HE HAD REQUESTED.

III THAT THE JUDGES ORDER OF DENIAL FROM AUGUST 8th IS CONTRARY TO IT'S CLERK OF COURT RECORDS, AS ALL ENVOLEOPES OF DEFENDANTS PLEADINGS HELD THE PROPER ADDRESS OF V.S.P.- MAKING THE ORDER VOID.

IV THAT SINCE THE DEFENDANT HAS NOT HAD A DIRECT APPEAL; THIS COURT GRANT THIS REQUEST IN ORDER TO RESTORE THIS "FRUSTRATED RIGHT OF APPEAL BY THE TRIAL COURT.

"PART THREE"

"ARGUMENT AND CITATION OF AUTHORITY"

I.) THE COURTS ORDER OF DENIAL FROM AUGUST 8th 2014; ALTHOUGH NOT A DIRECTLY APPEALABLE ORDER; IS DIRECTLY ATTACHED TO TWO SEPERATE FILINGS THAT WERE DENIED BY THE COURT AND THE DEFENDANT HAS NOT HAD A "DIRECT APPEAL".

The defendant asserts first that this Courts Dismissal in Docket NO: A14A1874 clearly prove that the Order being requested to Appeal was filed based upon this Courts own remedy to allow the defendant to have his Direct Appeal Rights Restored. See: Attachment "A" and "B."

This Courts own law asserts that the Right to a Direct Appeal also establishes the Right to Counsel for the Direct Appeal. See: Merriweather v.

Chatman, 285 Ga. 765, (2009) -- Thus the first Order of Denial dated April 1st, 2014, held a Motion for Substitute Counsel, as the Courts files stated that Mr. R. Cleveland was still assigned and the desire to have counsel appointed was made known to the Court, further, it's apart of his denial in his Order, That both Motions carried Direct Appeals as of Right. : See: Osborn v. State, 315 Ga. App. 842 (2012) & see: Shields v. State, 276 Ga. 669, (2003). The Court failed in it's duty to Appoint Counsel prior to it's Order of Denial, and the Courts Order prove it was aware of the defendants request. Had the Court appointed counsel, the untimely Notice of Appeal would

more than likely not have occurred. A defendant is entitled to only one Direct Appeal from a judgement of conviction. See: Jackson v. State, 273 Ga. 320, 540 S.E.2d 612 (2001). Accordingly, this Court, being a Court for the correction of errors, should grant this Appeal Request, because the Right to a Appellate Review of his conviction with the Right to pursue the Appeal with appointed counsel, See: Rowland v. State, 264 Ga. 872 (1995). Certainly, this request now is still attached to the pursuit of a "Direct Appeal" - and counsel should have been assigned. This Court Should Address this deprivation now, and make the correction of errors. Hunter v. State, 260 Ga. 762, 399 S.E.2d 921 (1991).

II.) THAT BOTH OF THE COURTS ORDERS, THE APRIL 1st, 2014, and the AUGUST 8th, 2014 ARE CLEARLY ERRONEOUS AND VIOLATE THE DEFENDANTS 6th AMEND. RIGHTS TO APPOINTMENT OF APPEAL COUNSEL AS FIRST APPEAL AS OF RIGHT, WHICH HE HAD REQUESTED.

The law, both State and Federal are grounded in the Right to Counsel in pursuing a Direct Appeal as a First Appeal as of Right. See: Rowland v. State, 264 Ga. 872 452 S.E. 2d 756 (1995).

The "Randolph County Sup. Court INDEX TO CASE NO: 2012CR072," clearly shows that the defendant has not had a Direct Appeal. That he has NOT Had Counsel Appointed in either filings of the Void Sentence or the Motion for Out-of-Time Appeal. Nor was a hearing given prior to the Courts Order of Denial which lead See: Attachment "C."

to the Judge sending the "Order" to the wrong place erroneously, which lead to the untimely filing of the Notice of Appeal, that lead to Dismissal, and the filing of this Motion based on that Dismissal which now, for a second time in a Row!! Has been Denied for reasons either unsupported by law or by fact or by Both. The Const. mandatory Right of the Court to appoint appeal counsel and it's lack of doing so, has caused the defendant to suffer by that deprivation, and this court will not accept waiver from a silent record. See; Larry v. Hicks, 268 Ga. 487, 488 (491 S.E. 2d 373) (1997)

III.) THAT THE JUDGES ORDER OF DENIAL FROM AUGUST 8th IS CONTRARY TO IT'S CLERK OF COURT RECORDS, AS ALL ENVELOPS OF DEFENDANTS PLEADINGS HELD THE PROPER ADDRESS OF V.S.P.- MAKING THE ORDER VOID!

Once the defendant received the Courts Order of Denial; he had the Clerk contacted, and the Clerk - Kay Arnold - told them they had the envelops of each of the pleadings. Then the Clerk further verified that each pleading had been mailed to them by way of V.S.P. & the return address on all envelops from this year was "marked the return address of P.O. BOX 310/ Valdosta, Ga. 31603.

The defendant herein has already sent a request to the Court to be provided those copies in Order to submit them to this Court.

However that has not arrived in the Mail as of this Time to send the Appeal Request. Yet the law is clear! O.C.G.A. 17-1-4- Vacation of Judgements, Orders, etc., any Order of the Court which may have been obtained by any form of Perjury, shall be set aside and be of no effect'. See: Burke v. State, 205 Ga. 656, 54 S.E. 2d 350 (1949).

IV. THAT SINCE THE DEFENDANT HAS NOT HAD A DIRECT APPEAL, THIS COURT GRANT THIS REQUEST IN ORDER TO RESTORE THIS "FRUSTRATED RIGHT OF APPEAL BY THE TRIAL COURT.

Again, the defendant asserts that he has made numerous attempts to secure a Right to a "Direct Appeal" yet his efforts have

Frustrated by the Courts, Judges nefarious conduct to prevent the Defendant from his Direct Appeal Rights. That the issue being raised is both singular in nature and can be resolved by facts appearing in the Record. See: More v. State, 304 Ga. App. 198; 695 S.E. 2d 77 (2010). Where the Record is incomplete on the issue of proper Notice as to Recidivist in the context of a Guilty Plea. See: Mullinax v. State, 242 Ga. App 561, 563 (2000).

WHEREFORE, The defendant prays that he be re instated to his Right to a Direct Appeal of Both Orders of the Court, so the defendant may exercise his Const. Rights before the Court.

Court of Appeals of the State of Georgia

FILED IN THIS OFFICE AT 9:00A M
THIS DAY 26 OF June 2014
Ray Arnold
SUPERIOR COURT CLERK
RANDOLPH COUNTY, GEORGIA

ATLANTA, June 19, 2014

The Court of Appeals hereby passes the following order:

A14A1874. MICHAEL L. POWELL v. THE STATE.

On April 1, 2014, the trial court denied several motions filed by Michael Powell, including one for an out of time appeal. Powell filed his notice of appeal on May 21, 2014. We lack jurisdiction.

OCGA § 5-6-38 (a) requires that a notice of appeal be filed within 30 days of the order sought to be appealed. Powell, however, filed his notice of appeal 50 days after entry of the trial court's order. "[A] timely-filed notice of appeal is a jurisdictional prerequisite to a valid appeal." *Henderson v. State*, 265 Ga. 317 (1) (454 SE2d 458) (1995). Because Powell's notice of appeal is untimely, we lack jurisdiction to consider his appeal, which is hereby DISMISSED.

We note that, in his notice of appeal, Powell contends that he did not timely receive a copy of the order from the trial court. If so, his remedy is to petition the trial court to vacate and re-enter the order as a means of correcting the problem. See id.; *Cambron v. Canal Ins. Co.*, 246 Ga. 147, 148-149 (1) (269 SE2d 426) (1980). The re-entry of the order would begin anew the time for filing a notice of appeal. See *Cambron*, supra.

PAGE 19 of

ATTACHMENT "A"

IN THE SUPERIOR COURT OF RANDOLPH COUNTY
STATE OF GEORGIA

STATE OF GEORGIA VS.- MICHAEL LEE POWELL	CASE NO: 2012-CR-072 FILED IN THIS OFFICE AT 8:00 A M THIS DAY 17 OF July, 2014 Ray Arnold SUPERIOR COURT CLERK RANDOLPH COUNTY, GEORGIA

"REQUEST OF COURT TO VACATE IT'S IMPROPERLY TRANSMITTED APRIL 1st ORDER OF DENIAL AND RE-ENTRY OF THAT ORDER TO CORRECT; AND ALLOW A PROPER RIGHT TO A TIMELY NOTICE OF APPEAL."

Comes now, Michael L. Powell, pro se, and requests this Court's vacating of it's "April 1st, 2014 Order of Denial" and Re-entry of that Order; by it's own improper transmittal as proven in it's "Cert. of Service" to Jackson, Ga. -vs- Valdosta, Ga. Ref: Cambron v. Canal, 246 Ga. 147 (1980).

~~PAGE 1 of 6~~
PAGE 20 of

ATTACHMENT "B"

IN THE GEORGIA COURT OF APPEALS
FROM
RANDOLPH COUNTY SUPERIOR COURT

MICHAEL LEE POWELL
APPELLANT

VS

STATE OF GEORIGA
APPELLEE

INDEX TO CASE NO. 2012CR072

VOLUME II

Ronnie Stagg
Ronnie Stagg, Deputy Clerk

"CERTIFICATE OF SERVICE"

This is to certify that I have this day served the Discretionary Appeal Request upon: Dist. Attorney
David Rhoden
93 Front St. Suite 160
Cuthbert, Ga. 39840

by placing a copy of same in the U.S. Mail with proper address and postage to ensure delivery.

Resptfully Submitted this 2nd day of September 2014,

x Michael Lee Powell
Michael Lee Powell
G.D.C. # 736204
P.O. Box 310
Valdosta, Ga. 31603

Tonya Williams
9/2/14

COURT OF APPEALS OF GEORGIA
DOCUMENT RETURN NOTICE FOR APPLICATIONS

October 17, 2014

To: Mr. Michael L. Powell, GDC736204, Valdosta State Prison, Post Office Box 310, 3259 Valtech Road, Valdosta, Georgia 31603

Docket Number: **Style:** **Michael Lee Powell 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: Your "Request for Discretionary Appeal" was returned to you on September 29, 2014. Please return the "Request for Discretionary Appeal," the stamped "filed" copy of the order and all other attachments to this Court for filing.**

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

(Please Return a Copy)