

COURT OF APPEALS OF GEORGIA

RETURN NOTICE

August 25, 2015

To: Mr. Maxime Patrick Beinaime, GDC000871736, Cobb County Adult Detention Center,
Post Office Box 100110, Marietta, Georgia 30061

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 the name of Maxime Patrick Beinaime.
- 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.

RECEIVED IN OFFICE

2015 AUG 24 PM 3:45

IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

CASE NO:

V.S

14-9-4272-51

Maxime Patrick BEINAIME

OUT OF TIME NOTICE OF APPEAL

In the above-styled case, I the defendant Maxime Patrick Beinaime, file this out of time notice of appeal in lawful response to the court order denying defendant's motion to suppress and unjustifiable, unsubstantial probable cause. I the defendant also request this filing be noted and placed on the record that shows as follow:

1.

My former attorney Mr. Ronald Hood undeniably, unprofessionally provided irresponsible representation on my behalf. The result of such action concluded with Mr. Hood removal of himself from counsel due to his own negligent, and inadequate duties to provide me proper representation including information, decisions and/or guidelines pertaining to any brought forth matters in reference to above-style case.

2.

Mr. Hood knowingly withheld court documentations/information that would lawfully allowed for any further appeal actions to be taken within lawful time frame guidelines (i.e. motion to suppress appeal) and/or any other additional appeal motions. Mr. Hood also made a direct false verbal statement "that I can't appeal a court motion decision."

3.

It was upon new appointed counsel Mr. John Hildebrand and other outside attorney consultations that I was made aware of the false information provided and my rights and protocol to appeal; but unfortunate it was past the allocated time frame for set forth action. Mr. Hildebrand was also ethical in his duties and provided me copies of all legal documents pertaining to my case; which was not provided by Mr. Hood at a later date nor in its entirety as my defense attorney.

4.

Reference enclosed additional documents of Notice to suspend Representation of Attorney Ronald Hood before his own withdrawal of defense counsel Supporting reason to grant appeal notice.

CERTIFICATE OF SERVICE

I do hereby certify that I have this day served the within and foregoing NOTICE, prior to filing the same by depositing a copy thereof, postage paid in the U.S. Mail, properly addressed upon

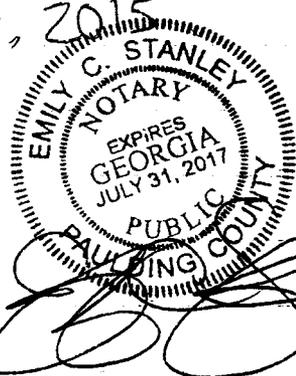
Cobb County Superior Court Clerks
32 Waddell Street
Marietta, Ga. 30090

Vic Reynolds
Cobb County District Attorney
70 Haynes Street
Marietta, GA. 30090

John Hildebrand
Attorney at Law
234 West Dixie Avenue
Marietta, GA. 30008

This 12 day of August, 2015

p.o. Box 100110
Marietta, GA. 30060



x Maxine Bernanke
x ~~Emily C. Stanley~~ Maxine Bernanke

8/13/15

File Stamp & return, etc.

IN THE SUPERIOR COURT OF COBB COUNTY
STATE OF GEORGIA

MAR 26 AM 10:09

STATE OF GEORGIA
Plaintiff

CASE No: 14904272-51

vs.

MAXIME P. BEINAIME
Defendant

NOTICE

COBB COUNTY, GA
FILED
MAR 26 PM 12:47

Because I am disillusioned by the "representation" provided to me by Attorney Ronald Hood, up to this moment, I must express my concerns and voiced desires that Mr. Hood's actions or lack thereof have caused:

I, defendant, was arrested on multiple counts in May 2014. I hired Mr. Hood shortly thereafter.

Since I have retained Ron Hood nearly a year has passed, while I languish in the Cobb County Detention Center.

Mr. Hood has not provided to me or my family the discovery materials that he promised to provide me with since my indictment;

Mr. Hood has refused to talk to my family or ever return their calls.

The law is clear that all motions must be filed no later than 10 days after the arraignment, and so I asked Mr. Hood to file numerous motions two months before the arraignment, but he failed to effectively perform the basic duties afforded to his client.

I want it noted for the record that I requested Ron Hood file the following: General and Special Demurrers, Motion to quash the indictment, Motion for all discovery, Motion in Limine, Motion to produce all electronic and written evidence, that falls under the Brady Rule, Motion to Suppress and Motion to Reserve the right to file additional motions.

Because of Mr. Hood's ineffectiveness, and blatant disregard for preserving appellant rights, I bring this to Mr. Hood's attention to correct and to the ^{court's} attention so as to preserve defendants' constitutional rights.

If Mr. Hood does not feel that he can effectively represent me, the defendant, and argue the motions he agreed to argue, then he may step aside, so my sixth amendments rights will be safe guarded and this court can appoint an attorney to properly present this case for trial.

Respectfully
~~Scott M. Maxillo~~
Maxime P. Bernaine

file stamp & return
4 copies

CERTIFICATE OF SERVICE

This certifies that a copy of "NOTICE" was delivered by regular U.S. Mail and Cobb County "In home mail" on the 24th of March 2015 to:

Vic Reynold DA.
70 Hagner Street
Marietta, GA 30090

Ron Hood
25 Alexander St. Suite 4
Marietta, GA 30060

Cobb County Superior Ct Clerk
32 Waddell St.
Marietta, GA 30090

Rubin Green, Judge
32 Waddell Street
Marietta, GA 30090

Notary

Respectfully
X ~~Maxime P. Belamine~~
Maxime P. Belamine

Rebecca Keaton

IN THE SUPERIOR COURT OF COBB COUNTY

STATE OF GEORGIA

Court Rule: www.cobbsuperiorcourtcourtclerk.com
Rebecca Keaton
Clerk of Superior Court Cobb County

STATE OF GEORGIA)
)
VS.)
)
MAXIME BEINAMIE)
)
Defendant)

CASE NO. 14-4272

MOTION TO SUPPRESS

COMES NOW, MAXIMIE BEINAMIE, Defendant in the above-styled case, and files this his Motion to Suppress and shows to the Court the following:

1.

On May 25, 2014, Defendant MAXIME BEINAMIE, was pulled over by Cobb County police officer CS Henderson .

2.

After the stop, Officer Henderson proceeded to search Defendant Bienaime, and located contraband on Beinamie's person.

3.

Defendant Beinamie was arrested and placed into the custody of Officer Henderson and transported to the Cobb County adult detention center and charged with the instant offenses.

4.

Defendant contends that the instant stop was made without probable cause and in violation of the law. Further, defendant maintains that the subsequent search was unlawful and a violation of his rights under the Fourth and Fourteenth Amendments to the United States Constitution and Article I, Section I, Paragraph XIII of the Constitution of the State of Georgia

5.

Defendant shows that the Court should order that all evidence seized as a result of the instant search should be suppressed

WHEREFORE, Defendant prays:

- a) that this Court inquire into this matter and issue an Order suppressing any and all evidence illegally seized by the police
- b) for such other and further relief as this Court deems necessary and just.

Respectfully Submitted,



RONALD V. HOOD
Attorney for Defendant
Georgia Bar No. 364960

25 Alexander Street Suite 4
Marietta, Georgia 30030
(770) 419-9206
(770) 419-9929 fax

CERTIFICATE OF SERVICE

This is to certify that I have this day served the District Attorney of the Cobb
Judicial Circuit in the matter of STATE OF GEORGIA V. MAXIMIE BEINAMIE, Case
No. 14-4272 with a copy of the within and foregoing documents, by hand delivery of
same addressed as follows:

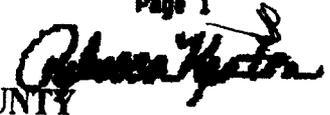
Michael Morrison, Asst. District Attorney
Cobb Judicial Circuit
70 Haynes Street
Marietta, Georgia 30060

This 20th day of January 2015.



RONALD V. HOOD
Attorney for Defendant
Georgia Bar No. 364960

25 Alexander Street Suite 4
Marietta, Georgia 30060
(770) 419-9206 (770) 419-9929 fax



IN THE SUPERIOR COURT OF COBB COUNTY

STATE OF GEORGIA Court Rule: www.cobbsuperiorcourtclerk.com
Rebecca Keaton
Clerk of Superior Court Cobb County

STATE OF GEORGIA,	*	
v.	*	CRIMINAL CASE NO.
MAXIME PATRICK BEINAIME,	*	14-9-4272-51
Defendant.	*	

ORDER DENYING DEFENDANT'S MOTION TO SUPPRESS

The above-styled case came before this Court on March 2, 2015 for a hearing on Defendant's Motion to Suppress, in which Defendant specifically challenges whether the arresting officer had sufficient reasonable articulable suspicion to conduct the traffic stop in said case. Having heard and considered the evidence presented as provided by law, including argument from both parties, the Court hereby finds as follows:

"To determine whether a reasonable articulable suspicion exists, courts must look to the totality of the circumstances." *Evans v. State*, 262 Ga. App. 712, 716 (2003). Further, "[u]nprovoked flight, coupled with other suspicious circumstances, may give rise to reasonable suspicion sufficient to justify a second-tier stop." *Barber v. State*, 317 Ga. App. 600, 602 (2012). The Court of Appeals has also recognized that "nervous, evasive behavior is a pertinent factor in determining reasonable suspicion." *Id.* (citing *Illinois v. Wardlow*, 528 U.S. 119, 124 (2000) and *Crowley v. State*, 267 Ga. App. 718, 720 (2004)).

In this case, the Defendant drove into a restaurant parking lot that had recently been the site of a high number of crimes involving unlawfully entering automobiles. Many of these crimes were perpetrated by an individual or individuals driving rental cars. Defendant was driving a

rental car. Upon entering the parking, the Defendant saw Officer Henderson sitting in his marked patrol vehicle. The Defendant had a panicked look on his face and promptly exited the parking lot. Defendant then rapidly accelerated upon exiting the parking lot, so much so that Officer Henderson had to speed to catch up to the Defendant. Once Officer Henderson's marked patrol vehicle caught up to the Defendant's rental car, the Defendant quickly changed lanes into the turn lane to enter the parking lot of a closed business. Only after that time did Officer Henderson activate the blue lights on his patrol vehicle and initiate the stop of the Defendant. Taking all of these facts into consideration, as well as the inferences and deductions of a trained law enforcement officer, the Court finds that Officer Henderson had reasonable articulable suspicion to conduct the stop of the Defendant.

Therefore, it is hereby ORDERED that the Defendant's Motion to Suppress be DENIED.

SO ORDERED, this the 16th day of April, 2015.



Judge Reuben M. Green
Superior Court Judge
Cobb Judicial Circuit

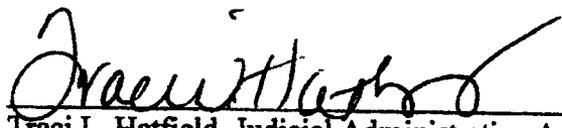
CERTIFICATE OF SERVICE

This is to certify that I have this day served counsel for the parties to this action with a copy of the within and foregoing Order / Notice by depositing a copy of same in the United States Mail, in a properly addressed envelope with adequate postage affixed thereon to:

Matt Carlton
Assistant District Attorney
Cobb Judicial Circuit
70 Haynes Street
Marietta, GA 30090

Ron Hood
25 Alexander Street
Suite 4
Marietta, GA 30090

This 21 day April 2015.


Traci L. Hatfield, Judicial Administrative Assistant
to Judge Reuben M. Green