



Court of Appeals of Georgia

December 29, 2015

TO: Mr. Shawn Demetrius Spiers, GDC1001313526, Muscogee County Prison, Post Office Box 84041, Columbus, Georgia 31908

RE: **A16A0421. Shawn Demetrius Spiers v. The State**

CHECK RETURN

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

CASE STATUS - DISPOSED

- The referenced appeal was _____ on _____. 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 on October 28, 2015 in the January 2016 Term. A decision must be rendered by the Court by the end of the April 2016 Term which ends on or around July 31, 2016.**

Our records indicate your attorney of record as Mr. Daniel Petrey, Dekalb County Public Defender, 320 Church Street in Decatur, Georgia 30030. His phone number is: 404.371.2222.

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.

December 20, 2015

To: Court of Appeals of Georgia
47 Trinity Avenue, S.W.,
- Suite 501
Atlanta, Georgia 30334

RECEIVED IN OFFICE
2016 DEC 28 AM 11:54
CLERK OF SUPERIOR COURT
COURT OF APPEALS OF GA

Dear Clerk, A16A0421

I, Shawn Demetrius Spiers, Defendant case no: 13CR-4288-4, would like to get an update on my case. Have a notice of appeal under my name been filed to the Court of Appeals of Georgia.

Thank you and your wonderful staff in advance for your time and patience.

Shawn Spiers
Defendant

Respectfully submitted this 20 day of December,
2015.

Shawn Demetrius Spiers
GDC-ID# 1001313526
Muscogee County Prison
P.O. Box 84041
Columbus, GA 31908-4041

STONE MOUNTAIN JUDICIAL CIRCUIT
OFFICE OF THE PUBLIC DEFENDER

120 WEST TRINITY PLACE
ROOM 408, CALLAWAY BLDG.
DECATUR, GA 30030

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1001313526

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CONFIDENTIAL



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Shawn Demetrius Spiers
GDC ID: 1001313526
Muscogee County Prison
P.O. Box 84041
Columbus, GA 31908-4041

MAIL

RECEIVED NOV 0 5 2015



COPY

Petrey

IN THE SUPERIOR COURT OF DEKALB COUNTY
STATE OF GEORGIA

THE STATE)
)
 v.)
)
 SHAWN DEMETRIUS SPIERS)

13CR4288-4

CLERK OF SUPERIOR COURT
DEKALB COUNTY, GEORGIA
2015 SEP 30 PM 3:10
APPEALS/AJ OPT/ENS

NOTICE OF APPEAL

Comes now Shawn Demetrius Spiers, by and through his counsel of record, and file this his Notice of Appeal to the Georgia Court of Appeals from the Conviction, Judgment and Sentence entered by the DeKalb County Superior Court on May 7, 2014, and from the denial of his motion for new trial.

Mr. Spiers was found guilty of Kidnapping. After trial he received a sentence of 15 years to serve 10 years.

Mr. Spiers filed a motion for new trial on May 20th, 2014. This motion was heard on February 10th, 2015. The trial court entered an order denying Mr. Spiers's motion for new trial on March 2nd, 2015.

Mr. Spiers filed a motion for out of time appeal on September 1st, 2015. The trial court entered an order permitting an out of time appeal on September 2nd, 2015.

The clerk will please omit nothing from the record on appeal. Transcripts of the trial proceedings and the hearing on the motion for new trial have been filed for inclusion in the record on appeal.

The Court of Appeals has jurisdiction over this case on appeal because this is a criminal case in which a sentence of death could not be imposed. Article VI, § V, ¶ III of the Constitution of the State of Georgia; O.C.G.A. § 15-3-3.

2015 SEP 30 PM 3:23

LAW OFFICE OF THE
PUBLIC DEFENDER

DEKALB COUNTY

STONE MOUNTAIN JUDICIAL CIRCUIT

November 2, 2015

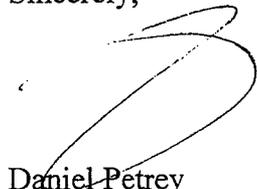
Shawn Demetrius Spiers
GDC ID: 1001313526
Muscogee County Prison
P.O. Box 84041
Columbus, GA 31908-4041

Dear Mr. Spiers:

I have been appointed to represent you on your appeal. Your case has been docketed in the Court of Appeals, which means I will be filing your brief soon. Please let me know as soon as possible any issues you remember from your trial.

I have enclosed copies of the Notice of Appeal and Affidavit of Indigency for your records.

Sincerely,



Daniel Petrey
Assistant Public Defender

enclosure

CLAUDIA S. SAARI CIRCUIT PUBLIC DEFENDER

320 CHURCH STREET, DECATUR, GA 30030 T. 404.371.2222 F. 404.371.2298

COPY
Petrey

IN THE SUPERIOR COURT OF DEKALB COUNTY
STATE OF GEORGIA

THE STATE)
)
 v.)
)
 SHAWN DEMETRIUS SPIERS)

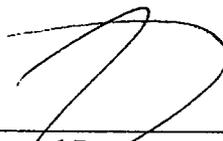
13CR4288-4

CLERK OF SUPERIOR COURT
DEKALB COUNTY, GEORGIA
2015 SEP 30 PM 3:10
APPEALS/ADDITIONAL

AFFIDAVIT

I hereby certify, pursuant to O.C.G.A. § 5-6-4, that I am an Assistant Public Defender of DeKalb County, Georgia, and that my office was appointed to represent Shawn Demetrius Spiers because of Mr. Spiers's indigency. Mr. Spiers has been in continuous custody since his conviction in this case, and is unable to pay the costs of his appeal.

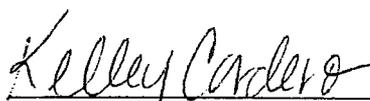
This 30th day of September, 2015.



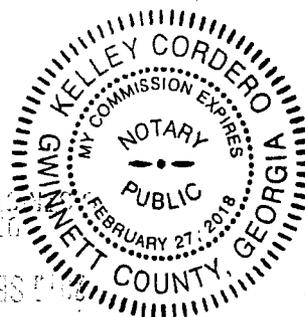
Daniel Petrey
Bar No. 573103
Attorney for Defendant

Office of the DeKalb County Public Defender
320 Church Street
Decatur, Georgia 30030
(404) 371-2222

Sworn and subscribed before me
this 30th day of September, 2015.



Notary Public

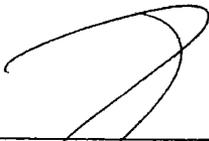


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CERTIFICATE OF SERVICE

I certify that I have served the District Attorney of the Stone Mountain Judicial Circuit and the Attorney General with a copy of the within and foregoing AFFIDAVIT by hand delivery to Lenny Krick, Assistant District Attorney, 556 North McDonough Street, Judicial Tower, Suite 4210, Decatur, GA 30030.

This 30th day of September, 2015.



Daniel Petrey
Bar No. 573103
Attorney for Defendant

Office of the DeKalb County Public Defender
320 Church Street
Decatur, Georgia 30030
(404) 371-2222