



**SUPREME COURT OF GEORGIA**

Case No. S18A1492

Atlanta August 2, 2018

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

**JASON PIERCE v. THE STATE**

From the Superior Court of Fulton County.

Appellant seeks to appeal from a trial court order denying his "Motion to Vacate Void and Illegal Sentences" and an "Addendum" to the motion. However, because appellant has failed to raise a colorable claim that his sentence is truly void, this appeal hereby is dismissed. See von Thomas v. State, 293 Ga. 569, 572 (748 SE2d 446) (2013).

All the Justices concur.

**SUPREME COURT OF THE STATE OF GEORGIA**

Clerk's Office, Atlanta

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

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

*Luc C. Fulton*, Chief Deputy Clerk

APPENDIX "A"

**IN THE SUPERIOR COURT OF FULTON COUNTY  
STATE OF GEORGIA**

STATE OF GEORGIA,

v.

JASON PIERCE,

Defendant.

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Indictment No.:

Y-21241

Judge Kelly Lee Ellerbe

**ORDER DENYING DEFENDANT'S MOTION TO VACATE VOID  
SENTENCE AND ILLEGAL SENTENCES FILED FEBRUARY 26, 2018  
AND ADDENDUM TO DEFENDANT'S MOTION TO VACATE VOID AND  
ILLEGAL SENTENCES FILED MARCH 6, 2018**

This matter is before the Court on Defendant's pro-se Motion to Vacate Void and Illegal Sentences filed February 26, 2018 and Addendum to Defendant's Motion to Vacate Void and Illegal Sentences filed March 6, 2018 (collectively the "Motion to Vacate"). After considering the Motion to Vacate, the record, and applicable law, the Court hereby enters the following Order.

**I. PROCEDURAL HISTORY**

Defendant was indicted in 1999 for two murders and related charges and the State filed its Notice of Intent to Seek the Death Penalty. On December 16, 2003, Defendant entered a guilty plea and the Court imposed a sentence of life imprisonment without the possibility of parole of the first count of murder. On January 13, 2004, Defendant was sentenced on the second count of murder and related charges. Defendant's total sentence was consecutive sentences of life

imprisonment without the possibility of parole for the two counts of murder and consecutive terms of years for the remaining offenses.

On May 11, 2006, Defendant, acting *pro-se*, filed an Out of Time Appeal. On January 19, 2007, Defendant moved for the appointment of counsel for his appeal. On April 16, 2007, Defendant filed his Motion to Vacate Void and Illegal Sentence (the "First Motion to Vacate"). On October 29, 2007, Defendant filed a Renewed Motion for Appointment of Counsel. On January 11, 2008, Defendant filed an Amended Motion for Out of Time Appeal.

On February 28, 2008, the Court denied the Amended Motion for Out of Time Appeal and Defendant did not appeal the Order. On December 29, 2009, Defendant filed his Motion for Ruling on Motions before the Court which sought rulings on his motions filed in 2007. On January 25, 2010, Defendant filed his Motion to Set Aside Judgment.

On February 3, 2011, the Court denied the Motion for Appointment of Counsel, the Renewed Motion for Appointment of Counsel, the First Motion to Vacate, the Motion for Rulings on Motions before the Court, and the Motion to Set Aside Judgment. Defendant timely filed his Notice of Appeal on February 16, 2011 to the Supreme Court of Georgia.

In Pierce v. State, 289 Ga. 893 (2011) ("Pierce I"), the Supreme Court reversed: (1) the Court's Order denying the Motion to Set Aside Judgment because