

## APPENDIX A

### DECISION OF THE COURT OF APPEALS OF GEORGIA

APPENDIX A,

# Court of Appeals of the State of Georgia

ATLANTA, October 04, 2018

*The Court of Appeals hereby passes the following order:*

## **A19A0285. JOHN THOMAS ROONEY v. THE STATE.**

John Thomas Rooney has filed several appeals in this Court seeking to overturn his 1995 convictions and 50 year sentence entered upon a guilty plea to charges of rape, aggravated sodomy, aggravated sexual battery and three counts of battery. In Case No. A00A2387, this court affirmed the denial of Rooney's motion for an out-of-time appeal by unpublished opinion. See *Rooney v. State*, 248 Ga. App. XXVII (2001) (Case No. A00A2387). Thereafter, this Court affirmed or dismissed at least nine other appeals by Rooney regarding his convictions and sentence: Case Nos. A00A2387 (affirmed); A02A1640 (dismissed); A02A1641 (affirmed); A06A0616 (dismissed); A06A1032 (dismissed); A07A1192 (dismissed); A08A2273 (dismissed); A11A1316 (affirmed in *Rooney v. State*, 311 Ga. App. 376 (715 SE2d 780) (2011)); A12A0994 (dismissed in *Rooney v. State*, 318 Ga. App. 385 (734 SE2d 104) (2012); A13A0922 (dismissed).

The present appeal is from the denial of Rooney's sixth challenge to his sentence. "It is axiomatic that the same issue cannot be relitigated *ad infinitum*." *Echols v. State*, 243 Ga. App. 775, 776 (534 SE2d 464) (2000). In light of Rooney's previous appeals, we are precluded from revisiting the issue. See *Paradise v. State*, 321 Ga. App. 371, 373 (740 SE2d 238) (2013) ("Although a void sentence may be challenged at any time, 'this important legal principle is, nevertheless, subject to the equally well established principles of res judicata and the law-of-the-case rule once the issue has been raised and ruled upon.'"); *Ross v. State*, 310 Ga. App. 326, 328 (713 SE2d 438) (2011) (while a void sentence is a nullity and may be vacated at any time, it is still subject to res judicata and law-of-the-case rule; defendant is "not

APPENDIX B

DECISION OF THE SUPERIOR COURT OF GWINNETT  
COUNTY

APPENDIX B

IN THE SUPERIOR COURT FOR THE COUNTY OF GWINNETT

STATE OF GEORGIA

STATE OF GEORGIA,

INDICTMENT NO.: 94-B-02823-2

VS.

JOHN THOMAS ROONEY,

Defendant.

ORDER DENYING MOTION TO VACATE UNCONSTITUTIONAL, NULL  
AND VOID SENTENCES

And

ORDER DENYING MOTION TO SECURE ATTENDANCE OF STATE  
PRISONER AT HEARING

On June 18, 2018, the Defendant herein filed a Motion in Support to Vacate Unconstitutional, Null, And Void Sentences along with a Motion to Secure Attendance of State Prisoner at Hearing. Upon reviewing and considering said Motion requesting the Court to vacate his sentence, the Court hereby **DENIES** same. As a result, the Court also **DENIES** the Motion to Secure Attendance asking that he be transported to this Court for a hearing on the Motion to Vacate. No further action is required of this Court.

SO ORDERED, this 28 day June, 2018.



DEBRA K. TURNER, Judge  
Gwinnett County Superior Court

cc: Parties and/or Counsel of Record

- John Rooney

- DA's Office

# 31938 Dodge State Prison  
PO Box 276  
Chester, GA 31012-0276

U:\My Documents\Court Documents\Orders\Attorney Fees\Criminal\Order Denying Motions;Rooney.wpd: June 27, 2018 (4:38pm)

FILED IN OFFICE  
CLERK SUPERIOR COURT  
GWINNETT COUNTY, GA  
2018 JUN 28 PM 4:12  
RICHARD ALEXANDER, CLERK

APPENDIX C

DECISION OF THE SUPREME COURT OF GEORGIA  
DEYING DISCRETIONARY REVIEW



SUPREME COURT OF GEORGIA  
Case No. S19C0349

May 06, 2019

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed.

**JOHN THOMAS ROONEY v. THE STATE.**

**The Supreme Court today denied the petition for certiorari in this case. All the Justices concur, except Boggs, J., disqualified.**

Court of Appeals Case No. A19A0285

**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.

, Clerk

APPENDIX D

ORDER OF THE SUPREME COURT OF GEORGIA  
DEWING RECONSIDERATION



SUPREME COURT OF GEORGIA  
Case No. S19C0349

June 03, 2019

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed.

**JOHN THOMAS ROONEY v. THE STATE.**

**Upon consideration of the Motion for Reconsideration filed in this case, it is ordered that it be hereby denied.**

**All the Justices concur, except Boggs, J., disqualified.**

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.

*Theresa A. Barnes*  
, Clerk