

No. \_\_\_\_\_

19-5618

IN THE  
SUPREME COURT OF THE UNITED STATES

Charles Singletary Jr PROSE — PETITIONER  
(Your Name)

vs.

The State of Georgia — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

The Georgia Supreme Court  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

FILED

JUL 30 2019

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

PETITION FOR WRIT OF CERTIORARI

Charles Singletary Jr, PROSE  
(Your Name)

PO Box 426  
(Address)

Oglethorpe, Georgia 31068  
(City, State, Zip Code)

\_\_\_\_\_  
(Phone Number)

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SUPREME COURT, U.S.

### QUESTION(S) PRESENTED

Did the Georgia Supreme Court error and violate the Defendant's Access to the Courts and due process under the 5<sup>th</sup> and 14<sup>th</sup> Amendment to the United States Constitution in their pretermittting dismissal of Defendant's "Application for Discretionary Appeal pursuant OCGA 5-6-35" filed 4/9/19 to Appeal the trial Court of Thomas County (Georgia) order denying Defendant's "Motion to Correct Void and illegal Sentence" filed on 2/27/19 as untimely under 5-6-35(D) § 35 A-1

## LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

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### CASES

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### OTHER

IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix \_\_\_\_\_ to the petition and is

- ☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the United States district court appears at Appendix \_\_\_\_\_ to the petition and is

- ☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix 1A to the petition and is

- ☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☒ is unpublished.

The opinion of the Thomas County (Georgia) Superior Trial court appears at Appendix 2B to the petition and is

- ☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

## JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was \_\_\_\_\_.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_ A \_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was May 2, 2019.  
A copy of that decision appears at Appendix 1A.

☐ A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_ A \_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

UNITED STATE CONST. AMEND (5)

Appendix C

UNITED STATE CONST. AMEND (14)

Appendix D

OCGA 5-6-35(D)

Appendix A

OCGA 5-6-35(F)

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28 USC 1257(A)

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~~Supreme Court Rule 27.2~~



## STATEMENT OF THE CASE

ON 12/12/18 the petitioner filed a "Motion To Correct Void And Illegal Sentence" IN REFERENCE to petitioner's guilty plea joint RECOMMENDATION of life without parole on 9/18/06 as being void and illegal pursuant to the unified Appeal Procedure

Rule II(A)(1) and former OCGA 17-10-32.1(B) where state later abandoned by waiver the death penalty notice prior to sentencing the petitioner which was denied on 2/27/19 in the trial court's denial order 1B petitioner then filed both a notice of appeal to the trial court and a Application for Discretionary Appeal pursuant OCGA 5-6-35 to the Georgia Supreme Court on 4/9/19 1B the Georgia Supreme Court docketed the petitioner's Application for Discretionary Appeal also on 4/9/19 — under civil # 519D1116 1E the respondent filed a brief in reply to petitioner claims 1F after which on 5/2/19 the Georgia Supreme Court pretermitted the merits of petitioner's claims dismissed petitioner's Discretionary Appeal as untimely under OCGA 5-6-35(b) 1A which before the Honorable United States Supreme Court the petitioner now seeks constitutional review by writ of certiorari

REASONS FOR GRANTING THE PETITION

Petitioner alleges that his due process under the 5th and 14th Amendment of the

United States Constitution was violated when the Supreme Court of Georgia issued  
in their permitting dismissal of the pro se petitioner's Application for discretionary

Appeal pursuant to OGA 5-6-35 MAY 2, 2019 [received by petitioner May 7, 2019] I.H. as

ultimately pursuant to OGA 5-6-35(d) which states: "the application shall be filed with the  
Clerk of the Supreme Court or Court of Appeal within (30) days of the entry of the order  
decision, or judgment complained of with Application, shall be served upon the opposing  
party or parties as provided by law, except that this service be perfected at or before  
the filing of the Application when a motion for new trial, a motion in arrest of judgment  
or a motion for judgment not withstanding the verdict has been filed the Application  
shall be filed within (30) days after the entry of the order, granting, overruling, or  
other wise final disposing of the motion." I.H. where in references to petitioner's Application  
for discretionary Appeal dismissal there is record evidence that the petitioner received trial  
Court's order denying defendant's "motion to correct void and illegal sentence" on March 6, 2019  
which is the start of time running pursuant to Rule 6(A)(4)(c) Fed R. Civ. P. which states:  
"The day of the event that starts the time running does not get counted, but the deadline is  
counted I.H. making March 7, 2019 the starting date and April 7, 2019 the deadline date  
which was a Sunday where under Rule 6(A)(4)(b) Fed R. Civ. P. which states: "If the deadline  
would otherwise fall on a Saturday, Sunday or legal holiday the deadline is the next business  
day after. All days are counted including intermediate Saturdays, Sundays and legal holidays"  
Rule 6(d) Fed R. Civ. P. which states: "If you are responding to something served on you by  
Mail you get an additional three (3) days for matters pertaining to Appeals, there are  
similar rules in Rule 26 of the Fed R. App. P. I.H. which the petitioner was withheld  
order denying petitioner's "motion to correct void and illegal sentence" by Appellate Court  
Georgia Supreme Court which docketed petitioner's "Application for discretionary  
Appeal April 9, 2019" ~~where~~ the deadline April 11, 2019 and making it timely filed  
There for the Georgia Supreme Court's permitting dismissal should be reversed  
and Remanded with instructions to issue a order granting or denying defendant's  
"Application for discretionary Appeal on the merits of petitioner's timely claims

Under OCGA 5-6-35(F) which states "The Supreme Court or Court of Appeal shall issue an order granting or denying such an Appeal within (30) days of the date on which the Application is filed where in said case a total of (28) days had elapsed of the (30) filing Deadline days 1E and the opposing parties were served timely 4/9/19 1E also see Fallen v United States 378 US At 142, 12 Ed 2d 760, 84 SCT 1689 iiii "So a just determination shall be achieved" see Rule (2) Fed R. Crim. P iiii, Artuz v Bennett 531 US 4, 121 SCT 361, 363-365 iiii where reversible error clearly appears to exist in Georgia Supreme Court time tolling

### CONCLUSION

Based upon truth laid bare in the light of facts and Cite Authority  
I the petitioner ask for the right of privilege for a audience before  
the brotherhood humbly I PRAY Honorable Supreme Court for relief under law and demand  
The petition for a writ of certiorari should be granted. proper

Respectfully submitted,

Charles Singleton Jr :

Date: July 30, 2019