

No. _____

19-5618

IN THE

SUPREME COURT OF THE UNITED STATES

Charles Singlary Jr pro se — PETITIONER
(Your Name)

vs.

Georgia

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

FILED
JUL 30 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

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

PETITION FOR WRIT OF CERTIORARI

Charles Singlary Jr, pro se
(Your Name)

Po Box 426

(Address)

Oglethorpe, Georgia 31068

(City, State, Zip Code)

(Phone Number)

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AUG - 8 2019

OFFICE OF THE CLERK
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 5th and 14th Amendment to the United States Constitution in their pretermittng 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 Defendants' 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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TABLE OF AUTHORITIES CITED

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[] is unpublished.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[] is unpublished.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 is unpublished.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)	Pg. 3, 5
28 USC 1257(A)	Pg. [2, 3]

~~Supreme Court Rule 21.2~~

STATEMENT OF THE CASE

ON 12/12/18 this 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 this 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 #S19D1116 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 claims dismissed petitioner's Discretionary Appeal as untimely under OCGA 5-6-35(d) 1A which before the Honorable United States Supreme Court the petitioner now seeks Constitutional review by writ of certiorari

under OCGA 5-6-35(F) which states "The Supreme Court or Court of Appeal shall issue in 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 Deadlines Days 1E and the opposing parties were served timely 4/9/19 1G also see Fallen v United States 378 US AT 142, 12 LED 2d 760, 84 SCT 1689 1999 so a just determination shall be achieved" see Rule (2) Fed R.Crim.P appears to exist in Georgia Supreme Court time tolling

CONCLUSION

Based upon truth laid bare in this light of facts and this 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 deemed
The petition for a writ of certiorari should be granted.

proper

Respectfully submitted,

Charles Singletary Jr.

Date: July 30, 2019