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Macon S.P.SUPREME COURT OF GEORGIA
Case No. S19D1116

May 2, 2019

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

CHARLES SINGLETARY JR. v. THE STATE.

Applicant, who pled guilty in 2006 to murder and other crimes, filed on April 9, 2019, a discretionary application to appeal the trial court's February 27, 2019 order denying his motion to correct void and illegal sentence. Pretermitted whether applicant presented a valid void sentence claim that would entitle him to an appeal, his application is untimely. See OCGA § 5-6-35 (d). Accordingly, it is dismissed.

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.

Lee C. Fulton, Chief Deputy Clerk

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MAR 06 2019

IN THE SUPERIOR COURT OF THOMAS COUNTY
STATE OF GEORGIATHOMAS COUNTY
CLERK OF COURT
FILED IN OFFICE

FEB 27 2019

CHARLES SINGLETARY JR.,
PetitionerMailroom
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CLERK DEPT. CLERK

CASE NO. 05-CR-259

v.

THE STATE OF GEORGIA,
Respondent**ORDER DENYING DEFENDANT'S MOTION
TO CORRECT VOID AND ILLEGAL SENTENCE**

After having read and considered Defendant's Motion to Correct Void and Illegal Sentence, all evidence of record, and applicable law, the Court **DENIES** the motion.

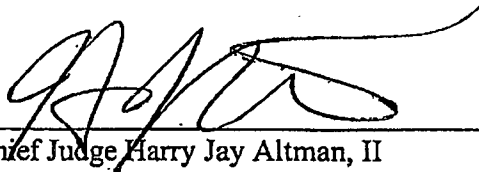
On December 21, 2018, the Defendant, Charles Singletary Jr., filed his Motion to Correct Void and Illegal Sentence. The Defendant entered in a guilty plea to several charges, including murder. The Defendant claims that since the State abandoned their intention to seek the death penalty his sentence of life without parole is a void sentence.

The Court has reviewed the record and sentencing transcript and finds that the State filed their intention to seek the death penalty and never abandoned their intention to seek the death penalty. (See Transcript of the First Proceeding and Arraignment, page 4). The record reveals that instead of going to trial the Defendant chose to enter in a negotiated plea of guilty and thus received a sentence of life without parole, an allowable sentence since the State sought the death penalty. State v. Ingram 266 Ga. 324 (1996).

The Court finds that the imposed sentence falls within the statutory range of punishment and is not a void sentence. The sentence is not subject to post-appeal modification beyond that provided in O.C.G.A. 17-10-1 (f). Therefore, since the sentence is one that is allowed by law, the Defendant's motion is **DENIED**.

The Defendant is hereby informed that he can directly appeal this order. See Williams v. State, 271 Ga. 686 (1999).

SO ORDERED this the 22 day of February, 2019.



Chief Judge Harry Jay Altman, II
Superior Court
Southern Judicial Circuit

Clerk is ordered to furnish copies to all parties