No. 19-6694

IN THE
SUPREME COURT OF THE UNITED STATES

TIM SUNDY,
Petitioner

v.

MARTHA C. CHRISTIAN; CHRISTOPHER CARR; C. ANDREW FULLER; KATHLENE F. GOSSLEIN, JACQUES ("JACK") PARTAIN; BONNIE OLIVER; RICHARD T. WINEGARDEN; G. GRANT BRANTLEY;BRENDA WEAVER; CLINT G. BEARDEN; CHARLES BAKER; LISA COOK; BRENDA BRADY; FRIENDSHIP PAVILION ACQUISITIONCOMPANY, LLC; ARSENAL REAL ESTATE FUND II-IDF, L.P.; GARY PICONE; THOMAS LING; MICHAEL WEINSTEIN;GEORGIA DEPARTMENT OF TRANSPORTATION; NOVA CASUALTY COMPANY,
Respondents

On Petition for a writ of certiorari to the Supreme Court of Georgia from a determination in case S19O1351 of matters in case 2015CV1366 of the Superior Court of Hall County

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PETITION FOR REHEARING

TIM SUNDY
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Pro se Petitioner

with motion and affidavit accompanying
for permission to proceed in forma pauperis

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PETITION FOR REHEARING

Pursuant to Supreme Court Rule 44.1, Petitioner Tim Sundy respectfully petitions for rehearing of the Court's decision issued on 27 January 2020 in 19-6694, SUNDY, TIM V. CHRISTIAN, MARTHA C, *et .al* . Sundy is without a remedy to have a complete record in any state or federal court proceeding in the State of Georgia. Sundy, under extraordinary circumstances and seeking to compel the lower court to complete the record below, moves this Court to grant this petition for rehearing, consider his case with merits briefing and compel Respondents to answer.

This petition for rehearing is timely filed within 25 days. Mr. Sundy acknowledges that this petition is pursuant to Supreme Court Rule 44.2.

INTRODUCTION

Petitioner Sundy's resort to state court remedies has failed to produce a full and fair adjudication of Petitioner's federal contentions, including his right to be secure in his papers, equal protection and consistent due process. Petitioner Sundy's resort to federal court remedies has, likewise, failed to produce a full and fair adjudication. Petitioner Sundy, a self-represented defendant in a proceeding that began *in rem* in Hall County, Georgia under conditions of fraud, RICO and a scheme of prevention of performance, has been threatened with physical injury if he refused to abandon his compulsory counterclaims, enjoined from any reliance on the defensive provisions of Georgia's dispossessory statues while being deprived of private property without compensation under those same dispossessory statutes, denied access to the courts, denied due process and equal protection, and subjected to the unethical and illegal affirmative acts of judges and court clerks tampering

with the record(s) of proceedings. These affirmative acts of tampering have been committed in both the State and Federal Courts. In lower court case S19O1351, as well as every other case in which Mr. Sundy is a party, *pro se* Mr. Sundy is subject to the Clerk of Court or some other court officer tampering with papers in the official record in conflict with the 1st , 4th, 5th, and 14th Amendments of the U.S. Constitution.

On 28 January 2020, the day after this Court denied petition for writ of certiorari in this case, Hall County Superior Court ("HCSC") docketed a Rule Nisi issued by Respondent Judge Martha C. Christian. As a natural consequence of the timing of the HCSC Order, Sundy could not have previously presented the issues raised by the Rule Nisi in 19-6694 nor in petitions 19-6821 and 19-7600. The details of the 28 January 2020 HCSC Order satisfy Rule 44.2 as Petitioner's grounds "not previously presented."

Tampering with a self-represented *("pro se")* litigant's court record is not a routine matter in which the general public could not reasonably be expected to have an interest. According to the Self-Represented Litigation Network, one out of six Americans is a self-represented litigant each year in a newly filed case, and three out of five people in a civil case represent themselves in court. (see https://www.srln.org/node/548/srln-brief-how-many-srls-srln-2019)) As determined by Pro Bono Net, a national nonprofit organization that works with courts, legal-aid organizations, and *pro bono* programs to increase access to justice through innovative uses of technology, "A review of various state legal-needs studies and court statistics revealed that between 40 and 90 percent of litigants are representing themselves, without assistance from an attorney, in civil matters such

as eviction defense, divorce, and creditor claims." (see https://www.probono.net) According to the U.S. Court of Appeals Judicial Business 2018 report, appeals by *pro se* litigants constituted 50 percent of filings. (see https://www.uscourts.gov/statistics/table/b-9/judicial-business/2018/09/30)

Because Mr. Sundy has previously presented a pattern of systematic conduct and behaviour by court officers in the state of Georgia, this Petition for Rehearing may appear to rehash previous factual matters. But the recycling of matters is only to demonstrate that *pro se* Sundy has been denied equal protection in the state and federal courts and, without this Court's intervention under extraordinary circumstances in the present occurrence of 28 January 2020, no self-represented citizen in Georgia will be guaranteed equal protection under the law. [1]

GROUNDS FOR PETITION FOR REHEARING

The United States Constitution does not specifically state a violation when officials collectively conduct themselves in a conspiracy to deprive underprivileged citizens, including the self-represented Mr. Sundy, of constitutional rights. But Mr. Sundy believes that he should be protected under the Ninth Amendment which Mr. Sundy comprehends was added to the Bill of Rights, applying the interpretative maxim of expression *unius est exclusion alterius*—the expression of one thing is the exclusion of another—to ensure that it would not be used at a later time to deny

[1] "But if the statutes show no discrimination, yet in its judicial tribunals one class is unable to secure that enforcement of their rights and punishment for their infraction which is accorded to another, or if secret combinations of men are allowed by the Executive to band together to deprive one class of citizens of their legal rights without a proper effort to discover, detect, and punish the violations of law and order, the State has not afforded to all its citizens the equal protection of the laws." Cong. Globe, 42nd Cong., 1st Sess., App. 315." *Monroe v. Pape,* 365 U.S. 167, **180** (1961)

fundamental rights merely because they were not specifically enumerated in the Constitution.

Mr. Sundy has documented that a petition for writ of Mandamus (or other extraordinary remedy, including an injunction), will not prohibit another court officer from tampering with the record or committing some other transgressive act. The injured Mr. Sundy has discovered that when one court officer violates the Constitution, that officer(s) may cure his/her wrongdoings at the *ex parte,* secret behest of the appellate court while the appellate court drags its feet on Mr. Sundy's petition for writ of mandamus and before an order is issued by the appellate court. This happened in U.S. District Court Case No. 2:18-CV-112-SCJ ("USDC 112") upon Mr. Sundy's Mandamus petition to the 11th Cir. Court of Appeals, 19-10183. [2] The appellate court will then deny mandamus as moot and declare Mr. Sundy's petition as frivolous. Or, the appellate court will dismiss, with prejudice, a petition for mandamus to have the clerk of court restore missing documents and then the clerk of court will initiate his own case to restore the missing documents, naming Mr. Sundy as a respondent. This happened in Hall County Superior Court with the dismissal of HCSC 2017CV0031 and the Clerk of Court initiating HCSC 2017CV1125. A review of civil cases in Hall County Superior Court during the last ten years reveals "scrivener error," i.e., court-created error, occurs at the rate of approximately 20% in cases with

[2] It is not necessary to prove an express compact or agreement among parties. It need not appear that parties have ever met together, either formally or informally, and entered into any explicit formal agreement; it is not necessary that it appear either by word writing that defendants formulated their unlawful objects. It is sufficient that two or more persons in any manner, either positively or tacitly, come to a mutual understanding that they will accomplish the unlawful design. ***Hewitt v. State,*** 127 Ga. App. 180, 193 S.E. 2d 47 (1972).

self-represented litigants. In cases where there is no self-represented party, the rate of "scrivener error" is less than 3%. In Georgia, there will always be another court officer that drops in [3] to commit a constitutional violation, an intentional tort [4] or some other form of malpractice against the self-represented litigant. .

AVERMENTS IN SUPPORT OF GRANTING THE REHEARING

A. New grounds arose on 28 January 2020

On 27 January 2020, in 19-6694, the Supreme Court of the United States ("US.SUP") denied Mr. Sundy's petition for writ of certiorari to the Georgia Supreme Court ("GASUP") in Original Jurisdiction Petition case S19O1351, in which trial court Judge Martha Christian was a named, defaulted respondent. On 28 January 2020, the day after this Court denied certiorari, and more than a year after Sundy filed his Notice of Appeal in Hall County Superior Court ("HCSC") case 2015CV1366, Judge Christian issued a Rule Nisi in HCSC 2015CV1366 to enforce payment of costs for the transmittal of HCSC 2015CV1366's incomplete record.

Despite the fact that the Rule Nisi order had been signed a week earlier by Judge Christian, another example of tampering and giving the appearance the judgealready knew the certiorari would be denied, it was not filed in HCSC until the day after this Court's denial in 19-6694. Running concurrent with Sundy 's 30 days to

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[3] "[A] a conspiracy may be a continuing one; actors may drop out, and others drop in; the details of operation may change from time to time; the members need not know each other, or the part played by others; a member need not know all the details of the plan or the operations; he must, however, know the purpose of the conspiracy and agree to become a party to a plan to effectuate that purpose." *Craig v. U. S.* (C.C.A. 9) 81 F.2d 816, 822.

[4] In applying the key word "Intentional," Sundy argues, "However, not every action by a judge is in exercise of his judicial function. For example, it is not a judicial function for a judge to commit an intentional tort even though the tort occurs in the courthouse." *Yates v. Village of Hoffman Estates*, 209 F. Supp. 757, 758, (N.D.Ill. 1962).

object to disqualified Judge Christian's 28 January 2020 Order for Rule Nisi is the twenty five days for Mr. Sundy to ask for a rehearing in US.SUP.

What appears to qualify Mr. Sundy for rehearing in US.SUP is the situation created by disqualified Judge Christian on 28 January 2020 when Judge Christian, with calculation and malice, weaponized Sundy 's Notice of Appeal which she has been delaying for over a year. If this Court would recall Mr. Sundy's Mandamus case, HCSC 2016CV0982 complained about in this Court in case 19-6821, was delayed for 27 months with the same purpose of weaponizing the case against Mr. Sundy.

The purpose of the trial court's Rule NISI is to put Sundy in another unconstitutional condition, *i.e.,* if Mr. Sundy fails to pay costs for a record that is incomplete and/or tampered with, the trial court is going to dismiss Mr. Sundy's Notice of Appeal under OCGA §5-6-48(c) which provides for dismissal for unreasonable delays to transmit record [5] . With this Court's denial of petition for certiorari, the trial court knows that its officers can continue their unconstitutional actions without fear of review. Like a rebellious teenager who watches until the parents' car has left the driveway before committing a forbidden action, the trial court waited until US.SUP had placed its denial of Mr. Sundy's petition on the record of 19-6694 before filing into HCSC 2015CV1366 its Rule Nisi regarding the costs of the record on appeal. Based upon it previous rulings, the trial court will never acknowledge that it is reasonable for the underprivileged Mr. Sundy to not pay for a flawed and incorrect record which will

[5] "The burden is on the complaining party, "including pro se appellants, [cit.], to compile a complete record of what happened at the trial level, and `when this is not done, there is nothing for the appellate court to review.' [Cit.]" *Wright v. State,* 215 Ga. App. 569, 570 (2) (452 S.E.2d 118)(1994). See also *Johnson v. State,* 261 Ga. 678, 679 (2) (409 S.E.2d 500)(1991); *Brown v. State,* 223 Ga. 540,541 (2)(156 S.E.2d 454)(1967)." *Kegler v. State,* 475 S.E.2d 593 (Ga. 1996)'

effectively deny him an adequate appeal. Instead, the trial court will take advantage of Mr. Sundy's failure to obtain enforcement of a complete record by dismissing his appeal upon the erroneous grounds of OCGA § 5-6-48(c). [6]

As previously established in this Court, before the final judgment in HCSC 2015CV1366 on 3 December 2018, and during the course of the year of the pending Notice of Appeal, and as proven by the cases filed in this court -- 18-5506, 19-6694, 19-6821, 19-7600 – as well as 11th Cir. USCA case 19-11391, the gist of all of Mr. Sundy's cases are his attempts at enforcement of a complete record in HCSC 2015CV1366 and/or to prohibit court officers from tampering with the record.

Tampering may occur as it did in USDC 2:18-CV-112-SCJ when, on 31 July 2018, the first irregularity appeared upon the USDC docket with Document [11] missing. Document [12] then appeared with the docket purporting it as filed by Sundy and other plaintiffs. Mr. Sundy and other plaintiffs filed a motion to strike Document [12] with affidavits averring that Plaintiffs had not filed the document. Then Document [57] was missing from the docket. Then Mr. Sundy's properly filed "MOTION TO STRIKE DEFENDANT FRIENDSHIP'S [78] AND OPPOSITION TO REPLY BRIEF DOC. [78] AND [81]" was not recorded on the docket. Sundy consistently preserved all objections and due process rights as regards Docs. [11], [12], [57], his missing Motion to Strike, and FPAC's default. Upon Mr. Sundy's petition for mandamus to the 11th

[6] "[N]o matter how erroneous a ruling of a trial court might be, a litigant cannot submit to a ruling or acquiesce in the holding, and then complain of the same on appeal. He must stand his ground. Acquiescence deprives him of the right to complain further." (Footnote omitted.) *Roberts v. First Ga. Community Bank*, 335 Ga. App. 228, 230 (1) (779 SE2d 113) (2015). See also *Davis v. Phoebe Putney Health Systems*, 280 Ga. App. 505, 506-507 (1) (634 SE2d 452) (2006) ("A party cannot participate and acquiesce in a trial court's procedure and then complain of it.")

Cir. COA, but without the issue of an order, Docs. [11] and [57] were restored, Sundy's missing MOTION TO STRIKE was "found," but Doc. [12] is still incomplete.

In HCSC 2015CV11366 tampering may occur, as it did, with the removal of Mr. Sundy's document for 18 months, the Clerk's failure to docket a filed transcript, and the Clerk's failure to docket the order restoring Mr. Sundy's document to the record.

To prevail on appeal, a defendant "must be able to show reversible error, and he must do so on the existing record." *Collier v. State,* 834 S.E.2d 769 (Ga. 2019). The existing record is incomplete in 2015CV1366 HCSC as well as every other case in which Mr. Sundy is a party. Mr. Sundy cannot appeal an order that does not exist on the record, nor can he use a transcript that is missing to support his claims. Yet, the Georgia Court of Appeals ("GCOA") informed Mr. Sundy in advance in case A19E0011 that it did not matter how many documents were removed from the official court record in any case involving Sundy, nor what court officer removed them. *Sua sponte* and without jurisdiction, GCOA filed its illegal compound order in four non-joined cases, including 2015CV1366 HCSC, to make sure Mr. Sundy got the message.

It is axiomatic that courts have the power and the duty to correct the record of proceedings, as well as judgments which contain clerical errors or judgments which have issued due to inadvertence or mistake. *Gagnon v. United States*, 193 U.S. 451. Such actions are in the interest of justice to the party affected. To the extent that attorney-represented Defendants have the privilege of all their papers being entered on the docket and before the Court, while *pro se* Sundy is subject to constitutional violations by not having all his papers docketed in the Federal court or State court, *pro se* Sundy reiterates both a class-based denial of due process and inconsistent due

process. It makes no difference whether the constitutional violations in State and Federal court were accidental or intended.

Pro se Sundy has made a consistent claim for a complete record in court proceedings, a claim which is coupled with the right to effective, meaningful, appellate review. A complete record functions to ensure procedural due process on appeal. *U.S. v. Mancilla*, 226 Fed. Appx. 945, 946 (11th Cir. 2007) Mr. Sundy has been deprived of Certificates of Immediate Review by the rebellious and indifferent trial court. Mr. Sundy has been denied an order in the nature of mandamus in every case applied for, the courts instead using under-the-table orders and secret phone calls to the malefactors to correct violations of duty and misdemeanors, allowing Sundy to prevail according to legal theory in the state of Georgia as established in *Robinson v. Glass*, 302 Ga. App. 742 (691 S.E.2d 620) (2010) but with the courts able to declare Mr. Sundy's petitions as frivolous and exonerate court officers in the process. The GCOA has gone on the record that it will not enforce Sundy's constitutional right to be secure in his papers and immune from court officers tampering with the record. And GASUP would rather dismiss S19O1351 – despite the default of Respondent court officers – than consider issues critical to citizens who, by virtue of poverty, must self-represented.

Sundy has neither ordinary remedy nor extraordinary remedy to recover from court officers tampering with the record in cases in which he is a party. Despite the fact that the HCSC 2015CV1366 Notice of Appeal should have been dismissed by the trial court almost 12 months ago, subsequent to the 15 March 2019 determination by

the GCOA that it was untimely, Judge Christian instead has weaponized the non-payment of costs to implement an unconstitutional condition upon Mr. Sundy.

Disqualified Judge Christian is setting up a bad faith trap of invited error by scheduling a Rule Nisi to force Mr. Sundy to pay for an incomplete record, with the trial court knowing the record to be incomplete. Disqualified Judge Christian also knows that even if Mr. Sundy acquiesced and paid for an incomplete record, waiving his rights to an adequate appeal, both the trial court and GCOA can dismiss (and sanction Mr. Sundy) because Mr. Sundy's Appeal is already deemed dismissible by the Georgia General Assembly under OCGA §5-6-48(b)(1).

> "Invited error refers to a trial court's error against which a party cannot complain to an appellate court because the party encouraged or prompted the error by its own conduct during the trial. The original goal of the invited error doctrine was to prohibit a party from setting up an error at trial and then complaining of it on appeal. In *State v. Pam*, the State of Washington intentionally set up an error in order to create a test case for appeal. Since then, the doctrine has been applied even in cases where the error resulted from neither negligence nor bad faith." See, e.g., *State v. Studd*, 137 533, 547 (Wn.2d 1999).

B. The doctrine of "exhaustion of Remedies" cannot be satisfied upon an incomplete record

When Mr. Sundy's resort to state court remedies has failed to afford a full and fair adjudication of the federal contentions raised, including issues of RICO and due process, because state court officers have created collateral issues to deprive Mr. Sundy of remedy and a complete record from which to appeal, a federal court should entertain his petition. When, in Mr. Sundy's particular case, the remedy afforded by state law proves in practice to be unavailable, a federal court should entertain his petition. However, the U.S. District court abstained from Mr. Sundy's issues and failed to rule on his claim of RICO. With this Court's denial of Mr.

Sundy's petition for writ of certiorari to GASUP upon its dismissal of S19O1351, at this point in time, Mr. Sundy is totally without remedy.

> "In determining whether a writ of certiorari will lie to a decision or judgment of an inferior court, a paramount question for consideration is whether there was exercised a judicial function as distinguished from a ministerial act, for certiorari is an available remedy for the correction of erroneous judgments in the exercise of judicial powers, but ordinarily is not a proper remedy to correct errors relating to ministerial acts. " *Hayes v. Brown*, 52 S.E.2d 862 (Ga. 1949)

The courts in Mr. Sundy's cases have apparently determined that it is a judicial function in Georgia to ignore legislative statutes, including OCGA § 15-6-21(b) and OCGA §15-6-21(c). The courts have also apparently determined that it is a judicial function to ignore a self-represented litigant's efforts to comply with OCGA § 5-6-34(b). The record below shows more than six applications for Certificate of Immediate Review filed before a final decision was made in HCSC 2015CV1366. None of the applications were even acknowledged by the court, let alone ruled upon. While Mr. Sundy was trying to invoke the appellate courts on his claim that the record should be complete, the trial court repeatedly placed Sundy under conditions by Orders injunctive in nature which placed Sundy in another unconstitutional condition -- unless Sundy appeared upon an incomplete record, denied a full and fair adjudication of his issues, Sundy would lose a substantial right .

It is obvious by GASUP's Order in case S19O1351 that underprivileged citizens complaining of the denial of a complete record in a court proceeding is not enough of an issue to invoke the court's Original Jurisdiction petition. *Elrod v. Burns*, 427 U.S. 347, 374 (1976) seems to be a citation that every court would agree with (though they do not), stating "Loss of First Amendment Freedoms, for even minimal periods of

time, unquestionably constitutes irreparable injury." When Mr. Sundy filed US.SUP case 18-5506 on 10 August 2018 upon a decision in GCOA A18D215, Mr. Sundy was documenting a loss of First and Fourth Amendment freedoms and was requesting the same basic relief sought today -- freedom from tampering while exercising his right to redress of grievances. Almost two years later, tampering with the record continues and the doctrine of exhaustion of remedies has taken on new meaning.

In light of GASUP's suggestion in S19O1351 that Mr. Sundy go back to the trial court and undertake a fourth *Brown v. Johnson*, 251 Ga. 436,306 S.E. 2d 655 (1983) mandamus action to obtain the complete record that the three previous attempts at *Brown v. Johnson* have failed to produce, it appears that GASUP is requesting that Mr. Sundy do the same thing over and expect a different result – a modern definition of insanity. GASUP knows Sundy will be deprived of rights and injured for at least another 18 months, as he again attempts to obtain the full and fair consideration which should be Sundy's by Constitutional right. .

> "...state courts also have the solemn responsibility, equally with the federal courts, ... to guard, enforce, and protect every right granted or secured by the Constitution of the United States . . .'*Robb* v. *Connolly*, 111 U.S. 624, 637."*Zwickler* v. *Koota*, 389 U.S. 241 (1967)

This case presents the question of whether *pro se* Sundy has equal protection of due process of "NOTICE" and is entitled to process to show cause why he is singled out to have documents concealed, removed and/or withheld from his court record and why he cannot obtain a correct, full, and complete record in either state court or in federal court. GASUP kicked the can down the road in S19O1351. This Court's denial of

petition for certiorari to GASUP has emboldened Respondent Judge Christian to kick the can even further, as demonstrated by her Order entered on 28 January 2020.

Mr. Sundy has gone over and above in his attempt to duly exhaust his remedies in the state and federal courts located in Georgia, only to discover that there is no effective remedy to court officer s tampering with the court record in Georgia. Neither is there meaningful access to the court for a self represented party while the Attorney General supports and encourages the transgressive acts of corrupt public officials.

Does exhaustion of remedies require irreparable injury to Mr. Sundy by court officers colluding to alter the nature and style of the case, rendering any restored document as moot? Can proper exhaustion of remedies, which requires that Mr. Sundy not only pursue all available avenues of relief but also comply with all deadlines and procedural rules, even be accomplished if Mr. Sundy is denied the "full and fair opportunity" to resolve all claims based upon a complete record of court proceedings? If Mr. Sundy cannot "fairly present" his claims, including federal constitutional claims, in each appropriate state court because documents are missing from the court record, does this represent the ultimate "tampering with the record," i.e., . the court can ultimately deny knowledge of Sundy's claims.?

The Georgia General Assembly has provided for its citizens OCGA § 9-6-22 which states:

> OCGA § 9-6-22 Enforcement of officer's duties under Title 5; If any sheriff, clerk, or other officer fails to discharge any duty required of him by any provision of Title 5, upon petition the appellate court or the superior, state, or city court, as the case may be, may compel the performance of such duty by mandamus. No party shall lose any right by reason of the failure of the officer to discharge his duties when the party has been guilty of no fault himself and has exercised ordinary diligence to secure the discharge of such duties.

The decision of GASUP to dismiss S19O1351 and its defaulted Respondents negates OCGA § 9-6-22 while depriving Mr. Sundy of his right of full and fair access to the court and due process, as well as denying Mr. Sundy of his right of equal protection and due process under OCGA § 9-11-55(a) for default judgment against each defaulting Respondent. Rehearing is appropriate for this Court to review GASUP's decision to insulate court officers from the scrutiny of Georgia's citizens and itself from court officers' arguably unconstitutional acts of tampering with the records in official court proceedings.

C. A self represented litigant is entitled to enforcement of "adequate, effective and meaningful" access to the courts

For five years, Mr. Sundy has sought redress of grievance on federal questions and claims that include, but are not limited to, Mr. Sundy's deprivation of property without just compensation, the scheme of prevention of performance implemented by HSCS 2015CV1366 Plaintiff/Third-party Defendant Friendship Pavilion (a respondent in 19-6694), a false affidavit filed in a government entity in FEDERAL AID HIGHWAY PROJECT STP-2688(4), Project PI No. 170735, and affirmative acts of RICO. Mr. Sundy is without adequate appellate remedy for constitutional violations in State court and Federal court and, while papers are missing from the record, is denied the full and fair opportunity to appeal the constitutional violations and ***in rem*** issues any appellate court. Mr. Sundy, barred from ordinary access to the court, is, essentially, in custody and without an enforceable remedy or the support of Georgia's Attorney General to prohibit papers from being tampered with or removed from the court record.

The unrebutted and documented evidence presented in GASUP S19O1351 establishes that Respondents undermined and deprived Mr. Sundy of his Fourth Amendment right to be secure in his papers, defied the rule of law, and added to the violations and injuries Sundy has suffered during proceedings in State and Federal court. GASUP did not uphold its own rules nor the constitutional protections and immunities to which Mr. Sundy is entitled in ruling upon S19O1351. Respondent Judge Christian's 28 January 2020 Order in HCSC 2015CV1366, issued the day after this Court denied Mr. Sundy's petition, demonstrates that Mr. Sundy is subject to further abuse of discretion, violative of due process, and that the trial court, having been noticed of material defects and omissions in the record and over the objection of the *pro se* Sundy, will proceed with a hearing upon an incomplete record, thereby deliberately again placing Mr. Sundy in an unconstitutional condition while depriving Mr. Sundy of the right to properly present his claims and to be fully heard upon a complete record.

CONCLUSION

Accordingly, this Court should grant rehearing so that it may have the benefit of full merits briefing and review the decision of the Georgia Supreme Court in S19O1351 should be reviewed

Respectfully submitted this 21 February 2020.

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