

APPENDIX - A



SUPREME COURT OF GEORGIA
Case No. S19H1212

December 23, 2019

The Honorable Supreme Court met pursuant to
adjournment.

The following order was passed.

CHARLES CLARK v. VANCE LAUGHLIN, WARDEN.

Upon consideration of the application for certificate of
probable cause to appeal the denial of habeas corpus, it is ordered
that it be hereby denied.

All the Justices concur.

Trial Court Case No. 18-CV-056

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 S. Barnes

, Clerk

APPENDIX - B

WHEELER COUNTY, GEORGIA
FILED IN OFFICE

Carroll W. Bragg
CLERK SUPERIOR COURT

RESPONDENTS.

Georgia's habeas corpus statute requires: "Any action brought pursuant to this article shall be filed within...four years in the case of a felony...from: (1) The judgment of conviction becoming final by the conclusion of direct review or the expiration of the time for seeking

review; provided, however, that any person whose conviction has become final as of July 1, 2004, regardless of the date of conviction, shall have until July 1, 2005, in the case of a misdemeanor or until July 1, 2008, in the case of a felony to bring an action pursuant to this Code section.” O.C.G.A. § 9-14-42(c). Petitioner’s conviction became final on or about August 19, 2013, when the time for filing a Notice of Intent to petition the Supreme Court of Georgia for a Writ of Certiorari expired. Consequently, Petitioner had until August 19, 2017, to file a habeas corpus petition challenging his conviction or be barred by the above-referenced statute of limitations. The instant petition was filed June 12, 2018. This Court finds Petitioner’s habeas corpus petition is barred as untimely filed.

SUCCESSIVE PETITION

Petitioner previously filed a petition for writ of habeas corpus challenging his Fulton County convictions for enticing a child and contributing to the delinquency of a minor in the Superior Court of Wheeler County on May 6, 2014. The Superior Court of Wheeler County issued a Final Order denying habeas corpus relief on August 8, 2016. Charles Clark v. Vance Laughlin Warden, and Brian Owens, Commissioner, Georgia Department of Corrections, Civil Action No.: 14-CV-075, Superior Court of Wheeler County. Georgia law requires all allegations for habeas corpus relief be raised in the original or amended habeas corpus petition, and litigation on the merits of such claims is barred absent a showing the claims could not reasonably have been raised in the original petition, or that the claims were constitutionally non-waivable. O.C.G.A. § 9-14-51. Smith v. Zant, 250 Ga. 645 (1983); Tucker v. Kemp, 256 Ga. 571 (1987).

Without addressing the validity or cognizability of Petitioner’s claims, this Court finds Petitioner has presented no claim that could not have been previously raised when this case was called for hearing, and has failed to show cause why his claim could not have been previously raised. The grounds in the instant petition either were raised or could reasonably have been raised in Petitioner’s Wheeler County petition but were not, and his current claim is impermissibly successive. Zant, 250 Ga. 645(1983); Tucker, 256 Ga. 571 (1987). This Court finds that Petitioner’s habeas corpus petition is barred as impermissibly successive.

Accordingly, Respondent’s Motion to Dismiss Petition as Untimely and Successive is

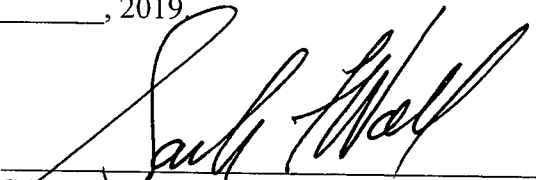
granted. The instant Petition for Writ of Habeas Corpus is dismissed.

CONCLUSION

If Petitioner desires to appeal this order, Petitioner must file a written application for certificate of probable cause to appeal with the Clerk of the Supreme Court of Georgia within thirty (30) days from the date of the filing of this order. Petitioner must also file a notice of appeal with the Clerk of the Superior Court of Wheeler County within the same thirty (30) day period.

The Clerk of the Superior Court of Wheeler County is hereby directed to mail a copy of this order to Petitioner, Respondent, and to Special Assistant Attorney General Daniel M. King, Jr.

SO ORDERED this 5 day of April, 2019.



SARAH F. WALL, Chief Judge
Oconee Judicial Circuit

Order Presented by:
Franklin D. Miller
Of Counsel to Daniel M. King, Jr., SAAG
KING LAW GROUP
Post Office Box 4329
Dublin, Georgia 31040
(478) 275-2255

RECEIVED

MAR 28 2019

**IN THE SUPERIOR COURT OF WHEELER COUNTY
STATE OF GEORGIA**

CHARLES EDWARD CLARK,
GDC – 1000420183,
PETITIONER,

vs.

VANCE LAUGHLIN, WARDEN, and
HOMER BRYSON, COMMISSIONER,
GEORGIA DEPARTMENT OF
CORRECTIONS,
RESPONDENTS,

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CIVIL ACTION NO: 18CV056

CERTIFICATE OF SERVICE

I, Hannah Leyland, Clerk of Superior Court, do hereby certify that I have this day mailed a true and accurate copy of the ORDER DISMISSING PETITION to the below-named parties*, with sufficient postage thereon to assure delivery.

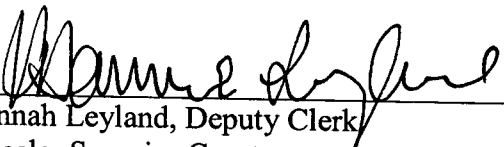
Charles Edward Clark, GDC – 1000420183
Wheeler Correctional Facility
P. O. Box 466
Alamo, GA 30411

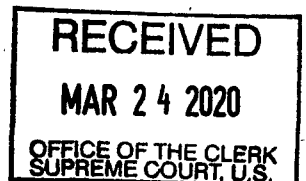
Vance Laughlin, Warden,
Wheeler Correctional Facility
P. O. Box 466
Alamo, GA 30411

Homer Bryson, Commissioner,
Georgia Department of Corrections
State Offices South at Tift College
P. O. Box 1529
Forsyth, GA 31029

Franklin Miller, Esq.,
of Counsel to
Daniel M. King, Jr., SAAG
P. O. Box 4329
Dublin, GA 31040

This the 8th day of April, 2019


Hannah Leyland, Deputy Clerk
Wheeler Superior Court



**Additional material
from this filing is
available in the
Clerk's Office.**