



SUPREME COURT OF GEORGIA
Case No. S19H1186

December 23, 2019

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed.

QUINCY HARRISON 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, except Ellington, J., disqualified.

Trial Court Case No. 18-CV-043

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.

ATTEST: *Theresa L. Barnes*, Clerk

IN THE SUPERIOR COURT OF WHEELER COUNTY
STATE OF GEORGIA

WHEELER COUNTY, GEORGIA
FILED IN OFFICE

2019 APR -8 AM 10:44

QUINCY HARRISON,)
Petitioner,)
GDC No. 1087104)
v.) Habeas Corpus
) File No. 18-CV-043
)
VANCE LAUGHLIN, Warden,)
and HOMER BRYSON, Commissioner,)
GEORGIA DEPARTMENT OF)
CORRECTIONS,)
)
Respondents.)

Carol W. Bragg
CLERK SUPERIOR COURT

ORDER DISMISSING PETITION FOR WRIT OF HABEAS CORPUS

The above-styled case appears before the Court on Respondent's Motion to Dismiss filed on June 27, 2018. After reviewing the record and providing Petitioner with an opportunity to respond, Respondent's Motion is granted and the instant habeas corpus petition is **DISMISSED** with prejudice based upon the following findings of fact and conclusions of law:

On November 30, 2000, Petitioner was convicted by a Hall County jury of armed robbery, hijacking a motor vehicle, kidnapping, and aggravated assault, for which Petitioner received a sentence of forty years. Petitioner's convictions and sentences were affirmed on direct appeal by the Court of Appeals of Georgia on August 1, 2001. Harrison v. State, 251 Ga. App. 302 (2001). Petitioner failed to file a Notice of Intent seeking certiorari review with the Supreme Court of Georgia by August 11, 2001, when Petitioner's conviction became final. Petitioner previously filed a petition for habeas corpus in Telfair County which was dismissed with prejudice as untimely. Quincy Harrison v. William Danforth, Telfair County 13-CV-047. Petitioner's Motion for Out-of-Time appeal was denied on January 18, 2018 by the Hall County Superior Court.

Georgia law provides that habeas corpus actions shall be filed within [...] four years in the case of a felony, other than one challenging a conviction for which a death sentence has been imposed or challenging a sentence of death from:

- (1) The judgment of conviction becoming final by the conclusion of direct review or the expiration of the time for seeking such 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;
- (2) The date on which an impediment to filing a petition which was created by state action in violation of the Constitution or laws of the United States or of this state is removed, if the petitioner was prevented from filing such state action;
- (3) The date on which the right asserted was initially recognized by the Supreme Court of the United States or the Supreme Court of Georgia, if that right was newly recognized by said courts and made retroactively applicable to cases on collateral review; or
- (4) The date on which the facts supporting the claims presented could have been discovered through the exercise of due diligence.

O.C.G.A. § 9-14-42(c).

Petitioner's conviction became final on or about August 11, 2004, when the time in which to file a Notice of Appeal expired. Consequently, Petitioner had until July 1, 2008, to file a habeas corpus petition challenging his conviction or be barred by the above-referenced statute of limitations in O.C.G.A. § 9-14-42(c)(1). Petitioner did not file the instant Petition until May 4, 2018. If this Court takes Petitioner's assertion on its face that he was unable to bring this claim until the new ruling in Garza v. State, 284 Ga. 696 (2008), the date that Petitioner would have first been able to bring his claim was November 3, 2008. Petitioner would then have had until November 3, 2012 to file his petition for writ of habeas corpus. See, Abrams v. Laughlin, 2018WL3014234 (June 18, 2018). Additionally, Petitioner has previously filed a petition for writ of habeas corpus in Telfair County on February 27, 2013 which was dismissed with prejudice as untimely on June 1, 2015.

WHEREFORE, the instant Petition for Writ of Habeas Corpus is **DISMISSED**.

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