



SUPREME COURT OF GEORGIA
Case No. S21A0175

October 5, 2020

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

FRANKIE LEWIS JONES v. THE STATE.

Appellant was convicted of felony murder and burglary, and this Court affirmed the judgment entered on those convictions. See *Jones v. State*, 281 Ga. 789 (642 SE2d 67) (2007). This appeal arises from appellant's motion to dismiss the criminal judgment against him as void, based on an alleged violation of the Interstate Agreement on Detainers. However, such a motion is a nullity, see *Harper v. State*, 286 Ga. 216, 217 (686 SE2d 786) (2009), and the court below should have dismissed the motion, rather than denying it after a discussion of the merits, see *Brooks v. State*, 301 Ga. 748, 752 (804 SE2d 1) (2017). Accordingly, the lower court's order is vacated and the proceedings are remanded to that court for the entry of an order dismissing appellant's unauthorized motion.

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.

Thomie S. Bane, Clerk

"e.g., Appendix B."

IN THE SUPERIOR COURT OF GLYNN COUNTY

STATE OF GEORGIA

STATE OF GEORGIA

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CASE NO. 0200530

vs. FRANKIE LEWIS JONES,

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Defendant.

ORDER

This case is before the Court on Defendant's *pro se* Motion to Dismiss Conviction. In 2004, Defendant was convicted by a jury of felony murder, armed robbery and burglary. For sentencing purposes, the armed robbery conviction merged into the felony murder conviction, and Defendant was sentenced to life imprisonment for felony murder and 20 years for burglary, to run consecutively. In his motion, Defendant contends his conviction and sentence are void in violation of the interstate agreement on detainees.¹

The record reflects that Defendant was indicted by the Glynn County Grand Jury on November 20, 2002, and arrested on or about January 8, 2003, at which time he was in prison at the Federal Correctional Complex in Coleman, Florida for unrelated offenses. Trial counsel was appointed by the Court to represent

¹ See O.C.G.A. § 42-6-20.

"e.g., Appendix A.")

Defendant on the charges. It is unclear from the record whether Defendant ever delivered to the District Attorney written notice of his request for final disposition of the Glynn County charges; however, for purposes of this motion the Court will proceed as if he did. The record reflects there were multiple motion hearings and other appearances, and there was a continuance granted to the State for good cause shown. Ultimately, the case was tried in ~~March~~ of 2004, and the jury found Defendant guilty on all counts.

The Agreement on Detainers Act states, in pertinent part:

Whenever a person has entered upon a term of imprisonment in a penal or correctional institution of a party state, and whenever during the continuance of the term of imprisonment there is pending in any other party state any untried indictment, information or complaint on the basis of which a detainer has been lodged against the prisoner, he shall be brought to trial within one hundred eighty days after he shall have caused to be delivered to the prosecuting officer and the appropriate court of the prosecuting officer's jurisdiction written notice of the place of his imprisonment and his request for a final disposition to be made of the indictment, information or complaint, provided that for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance.

Here, even assuming *arguendo* Defendant had provided the requisite notice under the Interstate Agreement on Detainers, the Court finds that he nonetheless was timely tried absent a showing that the grant of continuance to the State was not necessary or reasonable.² Defendant's conclusory and unsubstantiated statement

² *Parrott v. State*, 206 Ga. App. 829 (1992), cert. denied.

that there was something untoward going on between the Court and the State relative to the continuance is not enough.

Accordingly, Defendant's motion to dismiss is hereby **DENIED**.

SO ORDERED, this 20th day of March, 2018.



STEPHEN G. SCARLETT, SR.
Chief Judge, Superior Courts
Brunswick Judicial Circuit

Ronald M. Adams
CLERK SUPERIOR COURT

IN THE SUPERIOR COURT OF GLYNN COUNTY

STATE OF GEORGIA

STATE OF GEORGIA)

) vs.)

) FRANKIE LEWIS JONES,)

) Defendant.)

) CASE NO. 0200530

AMENDED ORDER TO CORRECT SCRIVENER'S ERROR

This Court's Order on Defendant's motion to dismiss, entered March 21, 2020, having been erroneously dated March 20, 2018, when same should have been dated March 20, 2020, is hereby **AMENDED** to correct the scrivener's error misdating same. The Order as amended should read "SO ORDERED this 20th day of March, 2020."

SO ORDERED, this 20th day of August, 2020.


STEPHEN G. SCARLETT, SR.
Chief Judge, Superior Courts
Brunswick Judicial Circuit

IN THE SUPERIOR COURT OF GLYNN COUNTY
STATE OF GEORGIA

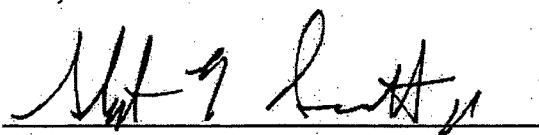
STATE OF GEORGIA)
)
vs.) CASE NO. 0200530
)
FRANKIE LEWIS JONES,)
)
Defendant.)

ORDER

This case is back before the Court on Defendant's *pro se* Motion to Dismiss Conviction pursuant to the Remittitur from the Supreme Court of Georgia wherein this Court was instructed to issue an order dismissing Defendant's motion, rather than denying it after a discussion of the merits. In his motion, Defendant contends the criminal judgment against him is void based upon an alleged violation of the Interstate Agreement on Detainers. However, such a motion is a nullity. "A petition to vacate or modify a judgment of conviction is not an appropriate remedy in a criminal case."¹

Accordingly, Defendant's motion is hereby **DISMISSED**.

SO ORDERED, this 30th day of November, 2020.


STEPHEN G. SCARLETT, SR.
Chief Judge, Superior Courts
Brunswick Judicial Circuit

¹ *Harper. State*, 286 Ga. 216, 218 (2009).

"e. g., Appendix C."

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