

IN THE SUPREME
COURT OF THE UNITED STATES

Glenda M. Marcus,
Petitioner

Case No: _____

Vs

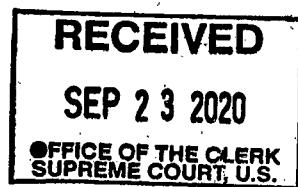
Sylvester Marcus, Sr.
Respondent

Trial Court: 17CV67261

**PETITIONER'S MOTION TO DIRECT THE CLERK TO FILE THE
PETITION OUT OF TIME**

The Petitioner, Glenda Marcus, moves this Court to direct the clerk to file the petition out of time; and for the grounds therefore, states:

1. The issues in this case are complex and involve the constitutionality of state and federal statutes. Because of petitioner's pro se status – a suppression of law is evident.
2. Additional time was necessary to prepare the Writ of Certiorari and the courts were closed due to COVID-19. Mail service began to be slow. Court notices to petitioner were not received by U.S. postal service in a timely manner. (or unlawfully being placed on hold by the postal service and/or employee) The petitioner received the decision by U.S. mail on May 24, 2020 exactly ninety one days later; postmarked December 23, 2019. An extreme effort to eliminate my time to file a writ within the time required appears to be evident.
3. The courts closed due to COVID-19– no calls being answered about cases – calls not returned for months. Multiple messages left no further assistance available. Too many discrepancies between the lower courts.
4. The Supreme Court of Georgia closed my file on January 17, 2020, exactly four (4) months prior to the allowed ninety (90) days to make a petition and cannot tell petitioner why the case was closed by their court. After the 150 day extension does that include holidays?
5. An order to petitioner dated May 28, 2020 of the Supreme Court Judicial Order issued on May 11, 2020 advised me to proceed with my action and it was filed within 10 days.
6. The undersigned petitioner pleads to direct the Clerk for approval to file the petition out of time. The petition is enclosed with this motion.



7. Both state and federal laws were suppressed in order grant respondent equity of the marital property. After clear and tangible evidence show respondent's "unclean hands" and was not entitled to any equity. Neither the court nor the attorney ordered a real estate appraisal. Based on the evidence in the case, the respondent (by law) was not entitled to any equity due to acts of proven adultery.
8. This Motion is made in good faith, and not merely for purposes of a delay. The laws were not followed by the trial court in this civil case; and trial court ordered a moot of all motions and petitions filed by petitioner. As if to keep motions silent to justify its ruling. Defendant's attorney granted verbal permission for the Respondent to return to marital home.
9. It is suspected that the trial court has been repugnant to the Constitution, or laws of the United States. Whereas petitioner believes any title, right, privilege, or immunity is specially set up or claimed under the Constitution was manifest of injustice and suppression of the laws in which the petitioner was lawfully entitled. 28 U.S.C. 1257
10. Petitioner not registered for electronic filing – submission of written request is being mailed to the clerk of the court.

If the court has a specific form that I need to file this motion to direct the clerk to file the petition out of time, please inform.

A true and correct copy of this motion to direct the clerk to file the petition out of time has been deposited by U.S. Mail to Benjamin D. Driggers, Attorney for Respondent at 701 Nottingham Drive Macon, Georgia 31208-6701



Glenda M. Marcus, Petitioner (Pro Se)
P.O. Box 26294
Macon, Georgia 31221
(478) 284.6903
glendamcmullen@yahoo.com

CERTIFICATE OF TIMELINESS

Pursuant to Supreme Court Rule 11.1, [Appellant/Appellee/Petitioner/etc.] certifies that this filing is timely submitted, taking into account the suspension of filing deadlines as prescribed by the Order Declaring Statewide Judicial Emergency entered on March 14, 2020 [and as extended or otherwise prescribed by 5 statewide judicial emergency order (*list statewide and/or local judicial emergency and/or extension orders, as applicable*)]. Specifically:

- (a) This filing was originally due on March 23, 2020 (*This date is to be calculated without regard to any non-emergency-related extensions of time previously granted, and without the application of OCGA § 1-3-1 (d) (3) where the filing deadline would have fallen on a weekend or legal holiday.*)
- (b) The number of days that remained before the date specified in (a), as of the suspension of the deadline on **[Date of Emergency Order]**, was 9.
- (c) This filing is timely because it is being filed within the number of days specified in (b), counting from **[Date Suspension Lifted]**. (*If this new filing deadline falls on a weekend or legal holiday, the due date is to be calculated in accordance with OCGA § 1-3-1 (d) (3).*)

To the extent the deadline for this filing has been affected by any local judicial emergency order entered by the chief judge of a superior court or by any case-specific trial court order, a copy of such order(s) is attached hereto.

Respectfully submitted, this 7th day of June, 2020.



Signature of Party/Attorney



SUPREME COURT OF GEORGIA
Case No. S19C1333

December 23, 2019

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed.

GLENDY MARCUS v. SYLVESTER MARCUS, SR.

The Supreme Court today denied the petition for certiorari in this case.

All the Justices concur.

Court of Appeals Case No. A19A1958

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 J. Barnes, Clerk

Appendix G

Received
3-24-20
10 days
later by
mail

Court of Appeals of the State of Georgia

ATLANTA, May 22, 2019

The Court of Appeals hereby passes the following order:

A19A1958. GLENDA MARCUS v. SYLVESTER MARCUS, SR.

After the parties were divorced pursuant to an amended final judgment, the wife, Glenda Marcus, filed this direct appeal. We, however, lack jurisdiction.

Appeals from “judgments or orders in divorce, alimony, and other domestic relations cases” must be made by application for discretionary appeal. OCGA § 5-6-35 (a) (2). “[C]ompliance with the discretionary appeals procedure is jurisdictional.” *Fabe v. Floyd*, 199 Ga. App. 322, 332 (1) (405 SE2d 265) (1991). The wife’s failure to follow the discretionary appeal procedure deprives us of jurisdiction over this direct appeal. Accordingly, this appeal is hereby DISMISSED.

Court of Appeals of the State of Georgia

Clerk’s Office, Atlanta, 05/22/2019

*I certify that the above is a true extract from
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court
hereto affixed the day and year last above written.*



[Signature] Clerk.

Appendix A-1

Court of Appeals of the State of Georgia

ATLANTA, May 28, 2020

The Court of Appeals hereby passes the following order:

A20A1117. GLENDA M. MARCUS v. SYLVESTER MARCUS, SR.

This case is ripe for a remittitur to be sent to the trial court. Per Section 6 of the Supreme Court Judicial Emergency Order issued on May 11, 2020, you are directed to proceed with any action you intend to file in this case within 10 days of the date of this order. If no action is taken by the 10th day, this Court will issue a remittitur and return jurisdiction to the trial court.



*Court of Appeals of the State of Georgia
Clerk's Office, Atlanta, 05/28/2020*

*I certify that the above is a true extract from
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court
hereto affixed the day and year last above written.*

Stephen E. Castor, Clerk.

Appendix A-2



SUPREME COURT OF GEORGIA

FILED
Administrative Minutes

May 21, 2020

Thérèse S. Barnes,
Clerk/Court Executive

The Honorable Supreme Court met pursuant to adjournment.
The following order was passed:

It is hereby ordered that the Rules of the Supreme Court of Georgia be amended by adding temporary Rule 11.1 (Filings Affected by Judicial Emergency Orders) to provide that in proceedings for which any filing deadlines have been suspended by any order declaring a statewide or local judicial emergency, when submitting the filing so affected, parties must attach a separate certificate showing that the filing is timely.

Temporary Rule 11.1 shall be effective May 28, 2020, and shall expire 180 days after the date of this order, unless further extended. The "Certificate of Timeliness" set out in this Rule will also be posted on the Supreme Court website. The new Rule shall read as follows:

II. FILINGS

...

Rule 11.1 FILINGS AFFECTED BY JUDICIAL EMERGENCY ORDERS. For appeals, petitions for certiorari, applications, motions, disciplinary proceedings, and other proceedings for which any filing deadlines have been suspended by any order declaring a statewide judicial emergency (such as Chief Justice Melton's March 14, 2020 Order), as extended by subsequent orders, or by a local judicial emergency order entered by the chief judge of a superior court, parties shall, when submitting any filing so affected, attach to the end of such filing a separate "Certificate of Timeliness." Such certificate shall not be counted toward the applicable page limitation, see Rule 20 (5), and shall state the following:

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