



SUPREME COURT OF GEORGIA
Case No. S21D0772

March 09, 2021

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed.

RELONZO PHILLIPS v. DEKALB COUNTY SHERIFF.

Upon consideration of the Application for Discretionary Appeal, it is ordered that it be hereby denied.

All the Justices concur.

Trial Court Case No. 21CV14153

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 N. Barnes, Clerk

APPENDIX
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IN THE SUPERIOR COURT OF DEKALB COUNTY
STATE OF GEORGIA

RELONZO PHILLIPS,)
Plaintiff) Case No.: 21-CV-1415-3
vs.)
DEKALB COUNTY SHERIFF,)
Defendant.)

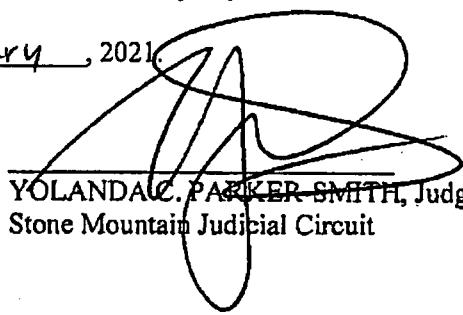
ORDER DISMISSING WRIT OF HABEAS CORPUS

Defendant is in jail with a pending but unindicted robbery charge (Case number D0279704). He filed this Habeas Petition alleging violations of his 4th Amendment rights.

A writ of habeas corpus is not available to one who "is imprisoned under lawful process issued from a court of competent jurisdiction unless his case is one in which bail is allowed and proper bail is tendered...." OCGA § 9-14-16(1); *Britt v. Conway*, 281 Ga. 189 (2006); See also *Stevens v. Clayton County Detention Center*, 286 Ga. 158 (2009). When a petitioner seeks issuance of the writ on grounds other than that he had tendered proper bail in connection with his then-pending prosecution on the criminal charge, dismissal without a hearing is warranted. *Britt* at 190. Such is the case here, and the Petition is DISMISSED.

The Court would note that the Defendant has an appointed attorney in the underlying criminal case and that his bond has been set at ten thousand dollar bond as of May 22, 2020.

SO ORDERED, this 26th day of January, 2021.


YOLANDA C. PARKER-SMITH, Judge
Stone Mountain Judicial Circuit

Cc: Rupal Vaishnav, Assistant District Attorney;
Elizabeth Parks, Counsel for Defendant
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