

# APPENDIX B



## SUPREME COURT OF GEORGIA Case No. S21A0843

April 19, 2021

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

CALVIN JAMES v. JOHN T. WILCHER, SHERIFF.

Appellant filed a notice of appeal directed to this Court and seeking review of a January 15, 2021 order dismissing his pre-trial petition for writ of habeas corpus. While the subject matter of the appeal would invoke this Court's jurisdiction over habeas cases, see Ga. Const. of 1983, Art. VI, Sec. VI, Par. III (4), to appeal the dismissal order, appellant was required by the Prison Litigation Reform Act to follow the discretionary review process set forth in OCGA § 5-6-35. See OCGA § 42-12-8; *Brown v. Crawford*, 289 Ga. 722, 724 (715 SE2d 132) (2011). As he failed to do so, his direct appeal must be and hereby is dismissed.

*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.

  
Thure S. Bane, Clerk

e-Filed in Office  
Tammie Mosley  
Clerk of Superior Court  
Chatham County  
Date: 1/15/2021 11:16 AM  
Reviewer: DM

IN THE SUPERIOR COURT OF CHATHAM COUNTY  
EASTERN JUDICIAL CIRCUIT  
STATE OF GEORGIA

Calvin James, )  
Petitioner, )  
v. )  
John Wilcher, Sheriff of Chatham County, )  
Georgia, )  
Respondent. )  
\_\_\_\_\_  
Civil Action No. SPCV20-00495-AB

ORDER ON RESPONDENT'S MOTION TO DISMISS

Having read and considered respondent's Motion to Dismiss, and upon consideration of the record and the applicable law, the Court hereby GRANTS respondent's Motion to Dismiss and DISMISSES the Petition for Writ of Habeas Corpus.<sup>1</sup>

SO ORDERED, this 13<sup>th</sup> day of January 2021.

Louisa Abbot  
Louisa Abbot, Judge  
Chatham County Superior Court  
EJC, State of Georgia

cc: Calvin James, #22715-021, FCC Coleman USP-1, PO Box 1033, Coleman, FL 33521  
Jennifer Davenport, Esq.

---

<sup>1</sup> Petitioner challenges his May 2018 arrest related to indictment number SPCR18-01582-J5. That case, however, was nolle prossed. On February 14, 2020, an Order of Nolle Prosequi was filed in that underlying case. As such, there is no pre-trial or post-conviction matter for petitioner to state a claim for which relief could be granted in a habeas action. The Court notes that petitioner's prior habeas challenge (SPCV19-00868-KA) to this same underlying case was previously dismissed due to the Order of Nolle Prosequi and the lack of pending charges. Finally, defendant is not in the custody of the Chatham County Detention Center, and Sheriff John T. Wilcher is not the proper party for service of this action.