

MEMORANDUM

Date: October 10, 2022

To: Office of The Clerk(s), Georgia Supreme Court and United States Supreme Court; Georgia Attorney General, et al.

From: Mr. Amos Westmoreland, Jr., Pro Se Appellant - Petitioner (Incarcerated Indigent Litigant)

Re: NOTICE OF CONFLICT OF INTEREST; Westmoreland v. Smith, et al. No. S22H0255 Georgia Supreme Court; Westmoreland v. Smith, et al. No. 22-5718 United States Supreme Court.

Salutations,

I've prepared this **official legal document** specifically to (1) **give notice**; (2) to address an actual **conflict of interest**; and (3) to address potential **impropriety**¹ and/or **collusion of nonjudicial court employees**.

In Mr. Westmoreland's pro se pursuit of seeking post-conviction relief, the erratic conflict with the filing and review processes has infringed on both equal protection and due process guarantees of the United States Constitution. Furthermore, the ccollusive-infused (mis)handling of Mr. Westmoreland's case(s) reflect the disregard of the respective Courts and/or their Offices of the Clerk, in properly and adequately protecting law and federal constitution in accords to governing rules therein. Mr. Westmoreland raises this actual conflict, and politicality seems to inadvertently be a driving force in conflict, since claims raised are both novel and complex.

On Saturday 9/3/2022, Westmoreland prepared and mailed a Writ of Certiorari with postage paid for -- in concert with priority delivery for Tuesday 9/6/22 to the United States Supreme Court. Equivocally, even though the United States Supreme Court received

¹ **Impropriety defined:** An appearance of impropriety occurs when reasonable minds, with knowledge of all the relevant circumstances disclosed by a reasonable inquiry, would conclude that the judge's honesty, integrity, impartiality, temperament, or fitness to serve as a judge is impaired.



MEMORANDUM

filings on September 7, 2022, it was docketed on September 29, 2022. (No. 22-5718)

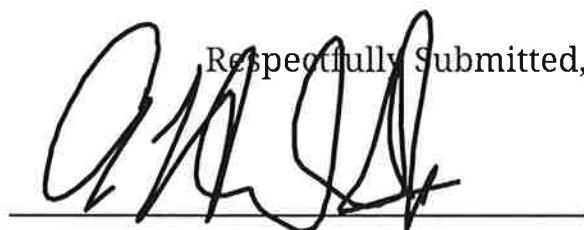
Meanwhile, on Wednesday 9/7/2022, the Georgia Supreme Court denied Mr. Westmoreland's Certificate of Probable Cause {S22H0255}. However, Westmoreland received the decision at Dooly State Prison on Wednesday 7/14/2022. According to Rules of the Georgia Supreme Court, (i.e., Ga. S.Ct. R. 1, 11, 13, 27, 60, 61), Westmoreland had 10 days from the decision to file a Motion for Reconsideration and/or Motion to Stay the Remittitur. Under the circumstances, of expediency and being a pro se incarcerated litigant -- considering the disadvantage of a less than 5 days to prepare, on Friday 9/16/2022, Westmoreland prepared both a *Motion for Reconsideration* and *Motion to Stay the Remittitur* with postage paid for -- in concert with priority delivery before Monday 9/19/2022 to the Georgia Supreme Court. Interesting enough, documents show that the mail was actually received on September 17, 2022. According to the court's own Rules, since 9/17/2022 fell on a Saturday, the next business day would be Monday 9/19/2022. Equivocally, according to the court's public website, both motions were filed on Tuesday 9/20/2022, with the Motion for Reconsideration being filed "*past time*". As a direct result of the bad-faith acts and/or the bureaucratic delay in the filing, the Georgia Supreme Court consequently dismissed the Motion for Reconsideration of Certificate of Probable Cause and denied Motion To Stay The Remittitur on October 4, 2022. Decision was received at Dooly State Prison on October 07, 2022.

First, it's pertinent to note that technically Georgia Supreme Court lost jurisdiction to hear the case on July 15, 2022 under **Georgia Constitution (Sec. VI, Art. IX, Par. II.)**. Secondly, it's equally as important to understand that Ga. Supreme Court **Rule 60(2)** states that "*[A] remittitur shall be transmitted to the Court from which the case was received as follows: "In other cases as soon as practicable after the expiration of 10 days after the entry of the judgment or upon the denial of a motion for reconsideration, see Rule 27, unless otherwise ordered."*"

MEMORANDUM

There is a actual and very crucial conflict of interest and potential collusion with the (Georgia and United States Supreme) Court's and Clerk's alike, in that the consistent procedural irregularities in Westmoreland's pro se filings are both mischievously and intentionally botched. The pervasive recklessness in the highest Courts of Law respectfully, is devastating and implicate Mr. Westmoreland's federal constitutional guarantees. Furthermore, if an American Citizen can't rely on the Due Process of the Court system to remedy legal matters appropriately to seek equal and fundamental justice, there's inadvertently no longer a "*legal*" remedy available.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Amos Westmoreland, Jr.", is written over a horizontal line. The signature is fluid and cursive.

Mr. Amos Westmoreland, Jr., Pro Se

MEMORANDUM

LIST OF ATTACHMENTS

- I. *PROOF OF SERVICE: SEPTEMBER 6, 2022; U.S. POSTAL SERVICE RECEIPT: TRACKING #9505510843512246644435***
- II. *UNITED STATES SUPREME COURT PUBLIC DOCKET; (3) separate documents.***
- III. *PROOF OF SERVICE: SEPTEMBER 17, 2022; U.S. POSTAL SERVICE RECEIPT: TRACKING #9500112469932259751105***
- IV. *GEORGIA SUPREME COURT PUBLIC DOCKET (1 document)***
- V. *DENIAL OF CERTIFICATE OF PROBABLE CAUSE; S22H0255 (SEPTEMBER 7, 2022)***
- VI. *RECEPTION OF DENIAL OF CPC: SEPTEMBER 14, 2022***
- VII. *DISMISSAL OF MOTION FOR RECONSIDERATION AS UNTIMELY (OCTOBER 4, 2022).***
- VIII. *DENIAL OF MOTION TO STAY THE REMITTITUR (OCTOBER 4, 2022).***
- IX. *RECEPTION OF DENIAL AND DISMISSAL OF MOTION(S) FOR RECONSIDERATION AND STAY THE REMITTITUR (OCTOBER 7, 2022).***

MEMORANDUM

PERSONS SERVED:

Christopher M. Carr, Georgia Attorney General

Georgia Department of Law; 40 Capitol Square, S.W., Atlanta, Georgia 30334-1300.

Office of The Clerk, Georgia Supreme Court

244 Washington Street, S.W., 572 State Office Annex; Atlanta, Georgia 30334

Office of The Clerk, United States Supreme Court

1 First Street, N. E., Washington, DC 20543

John G. Roberts, Jr., Supreme Court Chief Justice

1 First Street, N. E., Washington, DC 20543

Michael P. Boggs, Georgia Supreme Court Chief Justice

330 Capital Avenue, S.E., Atlanta, Georgia 30334

Merrick B. Garland, United States Attorney General

U.S. Department of Justice; 950 Pennsylvania Avenue, NW., Washington, DC 20530-0001

Respectfully Submitted,

Mr. Amos Westmoreland, Jr.

Mr. Amos Westmoreland, Jr., Pro Se

1412 Plunkett Road

Unadilla, Georgia 31091



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Tracking Number:

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9505510843512246644435

Latest Update

Your item was picked up at the post office at 10:59 am on September 6, 2022 in WASHINGTON, DC 20543.

Delivered

Delivered, Individual Picked Up at Post Office

WASHINGTON, DC 20543

September 6, 2022, 10:59 am

[See All Tracking History](#)



Search documents in this case

No. 22A269

Title: Amos Westmoreland, Jr., Applicant
v.
Aimee Smith, Warden

Docketed: September 28, 2022

Lower Ct: Supreme Court of Georgia

Case Numbers: (S22H0255)

DATE **PROCEEDINGS AND ORDERS**

Sep 03 2022 Application (22A269) to file petition for a writ of certiorari in excess of page limits, submitted to Justice Thomas.
[Main Document](#)

NAME	ADDRESS	PHONE
Attorneys for Petitioner		
Amos Westmoreland Jr.	1041629 1412 Plunkett Rd. Unadilla, GA 31091	
Party name: Amos Westmoreland, Jr.		



Case No. 22A269	
Title:	Amos Westmoreland, Jr., Applicant v. Aimee Smith, Warden
Docketed:	September 23, 2022
Linked with:	22-5718
Lower Ct:	Supreme Court of Georgia
Case Number:	(S22H0255)

DATE	PROCEEDINGS AND ORDERS
Sep 07 2022	Application (22A269) to file petition for a writ of certiorari in excess of page limits, submitted to Justice Thomas. <i>Main Document</i>
Sep 29 2022	Application (22A269) to file petition for a writ of certiorari in excess of page limit granted by Justice Thomas. The petition for a writ of certiorari may not exceed 54 pages.

NAME	ADDRESS	PHONE
Attorneys for Petitioner		
Amos Westmoreland Jr.	1041527 1412 Plunkett Rd Woodlawn, GA 31091	
Party name: Amos Westmoreland, Jr.		



USPS Tracking

[FAQs >](#)

Tracking Number:

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9500112469932259751105

[Copy](#) [Add to Informed Delivery](#)

Latest Update

Your item was picked up at a postal facility at 11:07 am on September 17, 2022 in ATLANTA, GA 30334.

Delivered

Delivered, Individual Picked Up at Postal Facility

ATLANTA, GA 30334

September 17, 2022, 11:07 am

[See All Tracking History](#)



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 Search documents in this case: <input type="text"/> <input type="button" value="Search"/>	
No. 22-5718	
Title:	Amos Westmoreland, Jr., Petitioner
v.	Aimee Smith, Warden
Docketed:	September 29, 2022
Linked with 22A269	
Lower Ct:	Supreme Court of Georgia
Case Number:	(S22H0255)
Decision Date:	September 7, 2022

DATE	PROCEEDINGS AND ORDERS
Sep 07 2022	Application (22A269) to file petition for a writ of certiorari in excess of page limits, submitted to Justice Thomas.
Main Document	
Sep 07 2022	Petition for a writ of certiorari and motion for leave to proceed in forma pauperis filed. (Response due October 31, 2022)
Sep 29 2022	Application (22A269) to file petition for a writ of certiorari in excess of page limits granted by Justice Thomas. The petition for a writ of certiorari may not exceed 54 pages.

NAME	ADDRESS	PHONE
Attorneys for Petitioner		
Amos Westmoreland, Jr.	1041629 1412 Plunkett Rd. Unadilla, GA 31091	
Party name: Amos Westmoreland, Jr.		



SUPREME COURT OF GEORGIA
Case No. S22H0255

DOCKET DATE FILED
ON

September 07, 2022

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

AMOS WESTMORELAND v. AIMEE SMITH, 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.

Trial Court Case No. 21DV-0021

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 hereunto annexed the day and year last above written.

A handwritten signature in black ink, appearing to read "Thavis S. Banks".

Clerk

U.S. POSTAGE
SUPREME COURT OF GEORGIA
PARKER, GA 30126-3700
1500 Peachtree Street, N.E.
P.O. Box 3700, Bldg. 6, Rm.
Kennesaw, Georgia 30144



Amos Westmoreland Jr.
DOC # D041629
Dooly State Prison
1412 Phunkett Road
Opelika, Georgia 31091

3109125602 R001

01-11-2022
DOOLY STATE PRISON



SUPREME COURT OF GEORGIA
Case No. SC 21H0265

October 04, 2022

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

AMOS WESTMORELAND v. AIMEE SMITH, WARDEN.

Upon consideration of the Motion to Stay Remittitur filed in this case, it is ordered that it be hereby denied.

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 D. Barnes
Theresa D. Barnes, Clerk



SUPREME COURT OF GEORGIA
Case No. S22H0255

October 04, 2022

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

AMOS WESTMORELAND v. AIMEE SMITH, WARDEN.

The motion for reconsideration having been filed late, it is hereby dismissed as untimely. Supreme Court Rule 27.

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.

Theresa D. Barnes, Clerk