

No. 22-7149

Supreme Court, U.S.  
FILED

MAR 15 2023

OFFICE OF THE CLERK

\_\_\_\_\_  
IN THE  
SUPREME COURT OF THE UNITED STATES  
\_\_\_\_\_

Eugene Hammond — PETITIONER  
(Your Name)

vs.

Karl Fort, Warden — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Georgia Supreme Court Habeas Corpus  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Eugene Hammond  
(Your Name)  
Washington State Prison  
P.O. Box 206  
(Address)

Davisboro, GA 31018  
(City, State, Zip Code)

\_\_\_\_\_  
(Phone Number)

ORIGINAL

QUESTION(S) PRESENTED

. Whether the Georgia Supreme Court violated the Petitioner's First Amendment Rights to the Courts by dismissing his Certificate of Probable Cause to Appeal?

. Whether the Georgia Supreme Court erred in circumventing its own laws in not applying its holdings in Edward v State, 288 Ga 459, 707 SE2d 335 (2011).

## LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

## RELATED CASES

*Edwards v State 288 Ga 459, 707 SE2d 335 (2011)*

*Fullwood v Sivley 271 Ga 248 (1999)*

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## TABLE OF AUTHORITIES CITED

### CASES

### PAGE NUMBER

Edwards v State, 288 Ga 459 (2011) p.i, p.5  
Fullwood v State, 271 Ga 248 (1999) p.i

### STATUTES AND RULES

OCGA 9-14-52(b) p. 3, 5  
OCGA 9-14-42 et seq. p. 3  
OCGA 9-14-50 p. 3  
  
13<sup>th</sup> Amendment p. 3, 5  
14<sup>th</sup> Amendment p. 3, 5

### OTHER

IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix \_\_\_\_\_ to the petition and is

- ☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

The opinion of the United States district court appears at Appendix \_\_\_\_\_ to the petition and is

- ☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☐ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

- ☐ reported at Georgia Supreme Court; or,  
☐ has been designated for publication but is not yet reported; or,  
☒ is unpublished.

The opinion of the Washington County Superior Court court appears at Appendix C to the petition and is

- ☐ reported at \_\_\_\_\_; or,  
☐ has been designated for publication but is not yet reported; or,  
☒ is unpublished.

## JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was \_\_\_\_\_.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_ A \_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was December 20, 2022.  
A copy of that decision appears at Appendix A.

☐ A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. \_\_\_\_ A \_\_\_\_.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

## STATEMENT OF THE CASE

Petitioner was convicted of felony murder, aggravated assault, and terroristic threats following a jury trial before the DeKalb County Superior Court on March 10, 2000. Hammond v State, 273 Ga 442, 442 n.1, 542 SE2d 498 (2001). Petitioner Eugene Hammond filed his Application for Writ of Habeas Corpus on March 25, 2021. The habeas court entered its final order in this matter on August 9, 2021, in which order it dismissed the petition for habeas corpus underlying this appeal. Petitioner timely filed the required notice of appeal on August 25, 2021, and he obtained an extension of time from this Court for filing his application for a CPC until November 8, 2021. See Case No. 522T0099 (Oct. 13, 2021)



## REASONS FOR GRANTING THE PETITION

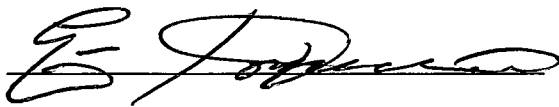
This Court should provide guidance on the contours of "Certificate of Probable Cause to Appeal" under OCGA 9-14-52.

The Georgia Supreme Court erred in failing to follow its own precedent and also erred in dismissing Petitioner's Application for Writ of Habeas Corpus pursuant to the 1st and 14th Amendments. Edwards v State, 288 Ga 459 (2011). In this case the habeas transcript was not available to assist Petitioner in preparing the Certificate of Probable Cause to Appeal during the Month of November 8, 2021. The Petitioner was informed by the Georgia Supreme Court that once he obtain his habeas corpus evidentiary transcript he is given until 30 days after the transcript of the evidentiary hearing held on the petition for a writ of habeas corpus is served on the Petitioner. see Appendix A

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "E. J. Tamm", written over a horizontal line.

Date: MARCH 13 - 2023