IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 22-12680-J

SALEEM D. WILLIAMS,

Petitioner-Appellant,

versus

WARDEN,

Respondent-Appellees.

Appeal from the United States District Court for the
Middle District of Georgia

Before: WILSON, GRANT, and LUCK, Circuit Judges.

BY THE COURT:

This appeal is DISMISSED, *sua sponte*, for lack of jurisdiction. Saleem Williams seeks to appeal the district court's July 5, 2022, judgment dismissing his 28 U.S.C. § 2254 petition. However, his notice of appeal, deemed filed on August 5, 2022, is untimely. *See Hamer v. Neighborhood Hous. Servs. of Chi.*, 138 S. Ct. 13, 21 (2017) (explaining that the timely filing of a notice of appeal in a civil case is a jurisdictional requirement); Fed. R. App. P. 4(a)(1)(A), 4(c); 28 U.S.C. § 2107(a); *Jeffries v. United States*, 748 F.3d 1310, 1314 (11th Cir. 2014) (holding that a *pro se* prisoner's court filing is deemed filed on the date that he delivers it to prison authorities for mailing).

No motion for reconsideration may be filed unless it complies with the timing and other requirements of 11th Cir. R. 27-2 and all other applicable rules.

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FOR THE ELEVENTH CIRCUIT

No. 22-12680-J

SALEEM D. WILLIAMS,

Petitioner-Appellant,

versus

WARDEN,

Respondent-Appellee.

Appeal from the United States District Court for the
Middle District of Georgia

Before: WILSON, GRANT, and LUCK, Circuit Judges.

BY THE COURT:

Saleem Williams's motion for reconsideration of our September 20, 2022, order dismissing this appeal for lack of jurisdiction is DENIED.

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

SALEEM D. WILLIAMS,

Petitioner,

v.

ANNETTIA TOBY, Warden,

Respondent.

Civil Action No. 7:21-CV-44 (HL)

ORDER

Before the Court is the Recommendation of United States Magistrate Judge Thomas Q. Langstaff. (Doc. 16). Finding that the grounds raised by Petitioner Saleem D. Williams do not support the granting of federal habeas relief, the Magistrate Judge recommends denying Petitioner's Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254.

Petitioner filed objections to the Recommendation. (Doc. 19). This Court has fully considered the record in this case and made a *de novo* determination of the portions of the Recommendation to which Petitioner objects. The Court overrules Petitioner's objections and accepts and adopts the Recommendation in full. The Court **DENIES** Petitioner's application for federal habeas corpus relief.

The Court further finds no substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 483-84 (2000). Therefore, a certificate of appealability is denied.

SO ORDERED, this 1st day of July, 2022.

s/ Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

aks

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION

SALEEM D. WILLIAMS,

Petitioner,

VS.

ANNETTIA TOBY, Warden,

Respondent.

7 : 21-CV-44 (HL)

RECOMMENDATION

This federal habeas petition, filed pursuant to 28 U.S.C. § 2254, is before the Court for a ruling on the merits of the petition. The signed petition was filed with the Court on April 26, 2021. (Doc. 4).

In this federal habeas petition, the Petitioner challenges his 2015 Thomas County convictions following a jury trial for kidnapping, rape, false imprisonment, theft by taking, cruelty to children in the third degree, and interstate interference with custody. (Doc. 1). Petitioner received a life sentence for kidnapping, a twenty-five (25) year consecutive sentence for rape, a ten (10) year concurrent sentence for false imprisonment, a ten (10) year concurrent sentence for theft by taking, a twelve (12) month concurrent sentence for cruelty to children, and a five (5) year concurrent sentence for interstate interference with custody. (Doc. 12-14, p. 1). The Court of Appeals of Georgia affirmed Petitioner's convictions on December 20, 2017. *Williams v. State,* No. A17A1895 (Ga.

App. Dec. 20, 2017) (unpublished) (Doc. 12-11, pp. 21-26).

Petitioner filed a state habeas petition in the Superior Court of Hancock County in November 2018, which was denied following evidentiary hearings. (Docs. 12-1 - 12-4). The Supreme Court of Georgia denied Petitioner's application for a certificate of probable cause to appeal on March 15, 2021. (Doc. 12-6).

Petitioner filed this federal habeas petition in April 2021, and filed an amended petition on June 21, 2021. (Docs. 4, 10). Petitioner raises a total of five (5) grounds for relief in his original and amended petitions. *Id.*

Factual Background

The Court of Appeals of Georgia found that

> [t]he evidence at trial demonstrated the following. T.M. had dated Williams intermittently for approximately nine years, and they had two children together. One morning after T.M. had stopped dating Williams, she and her two-year-old child N.W. were at home in Thomas County, Georgia. When T.M. went into a bedroom to gather laundry, Williams emerged from the closet.
>
> T.M. testified about the events that followed, stating that Williams threw her on a bed and asked N.W. repeatedly "how [she wanted] to see [T.M.] die"; asked N.W., "[d]o you want me to kill your mother?"; told N.W. to "say good-bye to [T.M.] because [she] was going to die"; twice forced T.M. to have intercourse with him and to perform oral sex on him; restrained T.M. with duct tape on a bed and gagged her; told T.M. he was leaving with N.W. and would return and kill T.M.; then stole T.M.'s vehicle and left, taking N.W. with him without T.M.'s permission.
>
> On the same day M.C. came to T.M.'s residence to repossess her vehicle. The vehicle was not there, and when he knocked on the door, he heard a woman screaming and asking for help.

> He called the police. Shortly thereafter, Williams arrived at T.M.'s residence in the vehicle and spoke with M.C. When M.C. told Williams that he was there to repossess the vehicle, Williams said that he needed to retrieve some belongings from it first, and "went back to the back to get his daughter." M.C. asked him what was wrong with the woman screaming in the house, and Williams replied, "[y]ou can hear her?" Williams then got back into the vehicle and left. T.M. managed to free herself, ran outside and asked M.C. to help her. Law enforcement officers came to T.M.'s residence. Williams and N.W. were later located in T.M.'s vehicle in Florida.

(Doc. 12-11, pp. 22-23).

Standard of Review

Pursuant to 28 U.S.C. § 2254 (d)(1), a federal court may not grant habeas relief on the basis of a claim adjudicated on the merits in state court unless that adjudication "resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States." In interpreting this portion of the federal habeas rules, the Supreme Court has ruled that a state decision is "contrary to" clearly established Supreme Court precedent if the state court either (1) arrives at a conclusion opposite to that reached by the Supreme Court on a question of law, or (2) confronts facts that are "materially indistinguishable" from a relevant Supreme Court precedent and arrives at an opposite result. *Williams v. Taylor*, 529 U.S. 362, 405 (2000).

Moreover, the Court held that "[u]nder § 2254(d)(1)'s 'unreasonable application' clause, then, a federal habeas court may not issue the writ simply because that court

concludes in its independent judgment that the relevant state-court decision applied clearly established federal law erroneously or incorrectly. Rather, that application must also be unreasonable." *Id.* at 411. An unreasonable application of Supreme Court precedent occurs "if the state court identifies the correct governing legal rule from [Supreme Court] cases but unreasonably applies it to the facts of the particular state prisoner's case." *Id.* at. 407. "In addition, a state court decision involves an unreasonable application of Supreme Court precedent 'if the state court either unreasonably extends a legal principle from [Supreme Court] precedent to a new context where it should not apply or unreasonably refuses to extend that principle to a new context where it should apply.'" *Bottoson v. Moore*, 234 F.3d 526, 531 (11th Cir. 2000) (quoting *Williams*, 529 U.S. at 407).

Accordingly, the Petitioner must first establish that the state habeas court's adjudication of his claims was "contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States; or resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding." 28 U.S.C. § 2254(d). In other words, as this is a post-Anti-Terrorism and Effective Death Penalty Act ("AEDPA") case, the Petitioner herein may obtain federal habeas relief ***only*** if the challenged state court decision was either contrary to or an unreasonable application of Federal law as determined by the Supreme Court, or if the state court issued an unreasonable determination of the facts. *Williams*, 529 U.S. at 405; *Early v. Packer*, 537

U.S. 3, 7 (2002); 28 U.S.C. § 2254(d).

Discussion

Grounds 1 and 4

In Ground 1 of his original habeas petition, Petitioner alleges that trial counsel was ineffective in failing to investigate his case prior to trial. (Doc. 4). Petitioner raised Ground 1 in his appeal and the appellate court deemed it abandoned. (Doc. 12-11, p. 23).

In Ground 4 of his original habeas petition, Petitioner alleges that appellate counsel was ineffective in failing to raise on appeal the ineffectiveness of trial counsel in failing to move for a directed verdict. (Doc. 4). Petitioner has not raised Ground 4 in any prior attack on his convictions.

Under Georgia law,

> [t]he court shall review the trial record and transcript of proceedings and consider whether the petitioner made timely motion or objection or otherwise complied with Georgia procedural rules at trial and on appeal and whether, in the event the petitioner had new counsel subsequent to trial, the petitioner raised any claim of ineffective assistance of trial counsel on appeal; and absent a showing of cause for noncompliance with such requirement, and of actual prejudice, habeas corpus relief shall not be granted.

O.C.G.A. § 9-14-48(d).

Additionally,

> [a]ll grounds for relief claimed by a petitioner for a writ of habeas corpus shall be raised by a petitioner in his original or amended petition. Any grounds not so raised are waived unless the Constitution of the United States or of this state

> otherwise requires or unless any judge to whom the petition is assigned, on considering a subsequent petition, finds grounds for relief asserted therein which could not reasonably have been raised in the original or amended petition.

O.C.G.A. § 9-14-51.

A state prisoner may not obtain federal habeas relief on a claim that the state courts refused to consider or would refuse to consider due to his failure to properly raise the claim, unless the petitioner can establish cause for the failure and actual prejudice resulting therefrom, or a fundamental miscarriage of justice if the federal court does not consider the claims. *Wainwright v. Sykes*, 433 U.S. 72 (1977); *Coleman v. Thompson*, 501 U.S. 722, 724 (1991).

Both cause and prejudice must be established in order to overcome the procedural bar, and the burden of demonstrating cause and prejudice lies with the Petitioner. *McCoy v. Newsome*, 953 F.2d 1252, 1260 (11th Cir. 1992). "[T]he existence of cause for a procedural default must ordinarily turn on whether the prisoner can show that some objective factor external to the defense impeded counsel's efforts to comply with the State's procedural rule." *Murray v. Carrier*, 477 U.S. 480, 488 (1986).

Cause for a procedural default exists "where something *external* to the petitioner, something that cannot fairly be attributed to him[,] . . . 'impeded [his] efforts to comply with the State's procedural rule.'" *Coleman*, 501 U.S. at 753 (quoting *Murray*, 477 U.S. at 488). In general, mistakes made by a prisoner's postconviction attorney that amount to negligence do not qualify as "cause". *Coleman*, 501 U.S. at 753. "The 'cause' excusing

the procedural default must result from some objective factor external to the defense that prevented the prisoner from raising the claim and which cannot be fairly attributable to his own conduct." *McCoy*, 953 F.2d at 1258. "A pro se petitioner is not exempted from the cause and prejudice requirement . . . [and] [h]e must still show either that an objective factor external to himself caused him to default his claim, or that the defaulted claim raises an issue that was intrinsically beyond [a] pro se petitioner's ability to present. A petitioner's failure to act or think like a lawyer cannot be cause for failing to assert a claim since he has no constitutional right to counsel during habeas corpus proceedings. . . [A]bsent a constitutional guarantee to counsel, a state prisoner – whether counseled or not counseled – must accept responsibility for his procedural default." *Id.* (internal citations omitted).

Petitioner has not established cause and actual prejudice to excuse the procedural default of Grounds 1 and 4 nor has he established a fundamental miscarriage of justice if his claims are not heard. "In an extraordinary case, where a petitioner cannot show cause and prejudice, a federal court may still consider a procedurally defaulted claim if it determines that a fundamental miscarriage of justice has probably occurred. A fundamental miscarriage of justice can be said to have occurred when a court finds that a constitutional violation has resulted in the conviction of someone who is actually innocent . . . [and] the exception is only available upon a showing of 'actual innocence'." *Alderman v. Zant*, 22 F.3d 1541,1552 (11th Cir. 1994). As the Petitioner has made no showing of actual innocence, he is not entitled to a finding of a fundamental miscarriage

of justice.

Grounds 2 and 3

In Ground 2 of his petition, Petitioner asserts that appellate counsel was ineffective in failing to raise on appeal trial counsel's alleged ineffectiveness in failing to move for an acquittal based on the State's violation of Petitioner' right to a speedy trial. In Ground 3, Petitioner asserts that appellate counsel was ineffective in failing to raise on appeal the issue of trial counsel's alleged ineffectiveness in failing to file a demurrer in response to the indictment.

The state habeas court found that trial counsel filed a statutory demand for speedy trial on September 11, 2013, but withdrew the demand on March 13, 2014 after the trial court entered an order for a mental evaluation of Petitioner. (Doc. 12-4, pp. 9-10). The state habeas court found that Petitioner executed the withdrawal and that appellate counsel understood that trial counsel withdrew the speedy trial demand so that the mental health evaluation could proceed. *Id.* at p. 10.

In regard to the indictment, the state habeas court found that appellate counsel reviewed the indictment and did not see any indication that any of the charges lacked essential elements or that the indictment was not returned in open court, with the face of the indictment showing that it was received in open court and filed in the superior court clerk's office. *Id.* at p. 8.

The state habeas court, after relying on *Strickland v. Washington*, 466 U.S. 688 (1984), concluded that:

> Petitioner has failed to meet either prong under *Strickland*, much less both as he must do. Petitioner has not shown that appellate counsel performed deficiently, nor has he established prejudice. Appellate counsel thoroughly researched the case for the appellate brief and raised the issues he felt were the most viable and meritorious.
>
> Appellate counsel felt that trial counsel thoroughly investigated the case, and Petitioner has failed to show what any additional investigation would have uncovered. The face of the indictment shows that it was returned by the grand jury in open court. The individual charges in the indictment all contain the essential elements thereof.
>
> Appellate counsel saw no evidence that the indictment was constructively amended, and no evidence that the trial court lacked subject matter jurisdiction over Petitioner's case. The record shows that trial counsel provided Petitioner with a copy of the discovery. Appellate counsel felt that he did not need to cross-examine trial counsel at the motion for new trial hearing based on the State's direct examination of him, but would have done so had there been a need to. Trial counsel had strategic reasons for withdrawing the speedy trial demand and for not playing the video of the victim. Petitioner has not shown that any of the trial counsel claims that the Court of Appeals found to be abandoned had any merit.

(Doc. 12-4, pp. 13-14).

"The question [on review of a state court's ineffective assistance of counsel decision] is not whether a federal court believes the state court's determination under the *Strickland* standard was incorrect but whether that determination was unreasonable – a substantially higher threshold." *Knowles v. Mirzayance*, 556 U.S. 111, 123 (2009). "Reviewing courts apply a strong presumption that counsel's representation was within the wide range of reasonable professional assistance. . . When this presumption is

combined with §2254(d), the result is double deference to the state court ruling on counsel's performance." *Daniel v. Comm'r, Ala. Dep't of Corr.*, 822 F.3d 1248, 1262 (11th Cir. 2016), *citing Strickland*, 466 U.S. at 689.

The state habeas court cited to and relied on the principles governing ineffectiveness set forth in *Strickland*, the clearly established law in this area, and determined that Petitioner's appellate counsel did not provide Petitioner with ineffective representation on appeal in failing to raise the issue of trial counsel's failure to challenge the speedy trial issue or trial counsel's failure to challenge the indictment. Relying on the principles of *Strickland* and its incorporation into Georgia law, the state habeas court found that counsel was not deficient, and that Petitioner did not demonstrate prejudice.

The state habeas court's decision does not reflect an adjudication of the claim that resulted in a decision that was contrary to or an unreasonable application of clearly established federal law, or an adjudication that resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence produced in the state habeas proceeding. The facts as found by the state habeas court, based on the hearing testimony, show that appellate counsel determined that there was no basis for trial counsel to have challenged the speedy trial issue or the indictment. The state habeas court's credibility determinations lie within "the province and function of the state courts, not a federal court engaging in habeas review." *Consalvo v. Sec'y for Dep't of Corr.,* 664 F.3d 842, 845 (11th Cir. 2011). "The deference compelled by AEDPA requires that a federal habeas court more than simply disagree with the state court before rejecting its

factual determinations. Instead, in the absence of clear and convincing evidence, we have no power on federal habeas review to revisit the state court's credibility determinations." *Nejad v. Attorney General, State of Georgia,* 830 F.3d 1280, 1292 (11th Cir. 2016), *internal citations omitted.*

The state habeas court's finding that Petitioner's appellate counsel was not ineffective for failing to raise the issue of trial counsel's alleged ineffectiveness on appeal was not contrary to or an unreasonable application of clearly established federal law, as the state habeas court found that the claims lacked merit. Failure to raise a meritless claim on appeal cannot form the basis of an ineffective assistance claim. *Harrison v. United States*, 577 F. A'ppx 911, 915 (11th Cir. 2014). Therefore, Petitioner's contention that counsel was ineffective will not support the granting of federal habeas relief. "Federal courts may grant habeas relief only when a state court blundered in a manner so well understood and comprehended in existing law and was so lacking in justification that there is no possibility fairminded jurists could disagree." *Tharpe v. Warden*, 834 F.3d 1323, 1338 (11th Cir. 2016).

> The pivotal question is whether the state court's application of the *Strickland* standard was unreasonable. This is different from asking whether defense counsel's performance fell below *Strickland's* standard. Were that the inquiry, the analysis would be no different than if, for example, this Court were adjudicating a *Strickland* claim on direct review of a criminal conviction in a United States district court. Under AEDPA, though, it is a necessary premise that the two questions are different. For purposes of § 2254(d)(1), an *unreasonable* application of federal law is different from an *incorrect* application of federal law. A state court must be

> granted a deference and latitude that are not in operation when the case involves review under the *Strickland* standard itself.
>
> A state court's determination that a claim lacks merit precludes federal habeas relief so long as fairminded jurists could disagree on the correctness of the state court's decision. . . . As a condition for obtaining habeas corpus from a federal court, a state prisoner must show that the state court's ruling on the claim being presented in federal court was so lacking in justification that there was an error well understood and comprehended in existing law beyond any possibility for fairminded disagreement.

Harrington v. Richter, 562 U.S. 86, 101-103 (2011).

Ground 5

In his Amended Petition, Petitioner raises Ground 5, wherein he alleges that his due process rights were violated by the state habeas court denying his Motion for Reconsideration as untimely. (Doc. 10). This ground fails to state a claim for federal habeas relief, as alleged infirmities in state habeas court proceedings do not entitle a federal habeas petitioner to relief. *Vail v. Procunier*, 747 F.2d 277 (5th Cir. 1984); *Quince v. Crosby*, 360 F.3d 1259, 1262 (11th Cir. 2004) ("while habeas relief is available to address defects in a criminal defendant's conviction and sentence, an alleged defect in a collateral proceeding does not state a basis for habeas relief."). Accordingly, this ground will not support the granting of the writ herein.

Conclusion

As the grounds raised by Petitioner will not support the granting of federal habeas

relief, **IT IS RECOMMENDED** that this Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254 be **DENIED**. Pursuant to 28 U.S.C. § 636(b)(1), the parties may serve and file written objections to this Recommendation, or seek an extension of time to file objections, WITHIN FOURTEEN (14) DAYS after being served with a copy thereof. Any objection is limited in length to TWENTY (20) PAGES. *See* M.D. Ga. L.R. 7.4. The District Judge shall make a de novo determination as to those portions of the Recommendation to which objection is made; all other portions of the Recommendation may be reviewed by the District Judge for clear error.

The parties are hereby notified that, pursuant to Eleventh Circuit Rule 3-1, "[a] party failing to object to a magistrate judge's findings or recommendations contained in a report and recommendation in accordance with the provisions of 28 U.S.C. § 636(b)(1) waives the right to challenge on appeal the district court's order based on unobjected-to factual and legal conclusions if the party was informed of the time period for objecting and the consequences on appeal for failing to object. In the absence of a proper objection, however, the court may review on appeal for plain error if necessary in the interests of justice."

The undersigned finds no substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000). Therefore, it is recommended that the Court deny a certificate of appealability in its Final Order. If the Petitioner files an objection to this Recommendation, he may include therein any arguments he wishes to make regarding a certificate of appealability.

SO RECOMMENDED, this 26th day of April, 2022.

s/ ***THOMAS Q. LANGSTAFF***
UNITED STATES MAGISTRATE JUDGE

APPENDIX H

IN THE SUPERIOR COURT OF THOMAS COUNTY
STATE OF GEORGIA

THOMAS COUNTY
CLERK OF COURT
FILED IN OFFICE

AUG 15 2013

CT
CLERK DEP. CLERK

STATE OF GEORGIA

CRIMINAL NO. 13CR400

vs.

CTS. 1-2: KIDNAPPING
CTS. 3, 5: RAPE
CT. 4: AGG. SODOMY
CT. 6: FALSE IMPRISONMENT
CT. 7: BURGLARY 1°
CT. 8: THEFT BY TAKING
CT. 9: BATTERY
CT. 10: CRUELTY TO CHILDREN 3°
CT. 11: INTERFERENCE WITH CUSTODY, INTERSATE

SALEEM DIWOO WILLIAMS
Defendant

WAIVER OF ARRAIGNMENT AND APPEARANCE, PLEA OF NOT GUILTY NOTICE OF DEFENDANT'S ELECTION TO PROCEED UNDER O.C.G.A. SECTION 17-16-1 ET SEQ. AND REQUEST FOR PRODUCTION OF DISCOVERABLE MATERIAL

Comes now the defendant, **SALEEM DIWOO WILLIAMS,** along with his/her attorney in the above-styled case, and after being fully advised of his/her right to formal arraignment, reading of the charges, and to be present at a formal arraignment in this case, does hereby acknowledge that his/her attorney has read and explained the charges contained in the indictment to the defendant, that the defendant understands the charges and the rights aforesaid, and does hereby freely, voluntarily, and knowingly and intelligently, **WAIVES** formal arraignment and reading of the charges, and pleads **NOT GUILTY** to the charges and the indictment and applies for discovery under Article 1 and 2, Chapter 16 of Title 17 O.C.G.A.

Said defendant understands that defendant's attorney requests a copy of all documents and information as specified under the discovery code of O.C.G.A. Sections 17-16-1 et seq.

Said defendant understands that he/she has until 4:00 o'clock p.m. on the 28th day of August, 2013, to file pretrial motions, special pleas and demurrers.

Said defendant understands that the hearings on the pretrial motions are scheduled for the 9th day of September, 2013 and the 10th day of September, 2013, at the Jail Justice Center Courtroom, Thomasville, Georgia.

Said defendant understands that the **trial** of said case is set and scheduled for **9:30 a.m. on the 23rd day of September, 2013 or the 28th day of October, 2013,** at the Thomas County Courthouse, Second Floor, 325 N. Madison Street, Thomasville, Georgia. **Calendar Call** is scheduled for **9:30 a.m. on September 19th, 2013 or October 24th, 2013** at the Bobby Hines Jail Justice Center, 921 Smith Avenue, Thomasville, Georgia.

Said defendant further provides written notice, pursuant to O.C.G.A. Section 17-16-2(a),

that he/she elects to have the provisions of O.C.G.A. Section 17-16-1 et seq. apply to this case.

Said defendant further waives his/her appearance at any hearings on pretrial motions set by this Court and hereby ratifies and authorizes the undersigned counsel to proceed with said pretrial motion hearings without the presence of the defendant. Defendant, by this document does hereby authorize any action by the undersigned counsel and ratifies the same. (Riley v. State, 180 Ga. App. 409, 349 S.E.2d 274).

Said defendant, having elected to have the provision of O.C.G.A. Section 17-16-1 et seq. apply to his/her case, further requests in writing that the State disclose to the defense or produce to the defense for inspection, copying, photographing, examination, testing or analysis, as required by O.C.G.A. Section 17-16-4(a), all materials, items, buildings, places or information described in O.C.G.A. Section 17-16-4(a).

This 15 day of August, 2013.

Defendant

Assistant Public Defender
Southern Judicial Circuit

Address

City, State, Zip

Telephone Number

Thomasville Public Defender Office Address:
418 Smith Avenue
Thomasville, GA 31792
Phone: 229-226-3616
Fax: 229-226-5696

CERTIFICATE OF SERVICE

This will certify that a copy of the foregoing was this day served upon the following by hand delivery to: CATHERINE SMITH

This 15 day of August, 2013.

Assistant Public Defender

APPENDIX I

IN THE SUPERIOR COURT OF THOMAS COUNTY
STATE OF GEORGIA

STATE OF GEORGIA,

WARRANT/CASE NO. 13CR400

v.

SALEEM DIWOO WILLIAMS,
Defendant

DEMAND BY ACCUSED FOR SPEEDY TRIAL

NOW COMES, SALEEM DIWOO WILLIAMS, the Defendant in the above-styled case, at this the term said indictment was found, and there being jurors impaneled and qualified to try said case at this time, Defendant makes this demand for trial pursuant to O.C.G.A. § 17-7-171 and states that this demand has been served on the prosecutor and asks that he be tried at this term or at the next term of this Court, or in default of such trial, that he be fully acquitted and discharged of said offense.

This 11th day of September, 2013.

Don T. Lyles
Assistant Public Defender

THOMAS COUNTY
CLERK OF COURT
FILED IN OFFICE

SEP 1 1 2013

CLERK/DEP. CLERK

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this day served a true and correct copy of the within and foregoing **Demand by Accused for Speedy Trial** upon:

Ms. Catherine Smith
Assistant District Attorney
Southern Judicial Circuit
325 N. Madison Street
Thomasville, GA 31799

And

Honorable Harry Jay Altman, II
Chief Judge, Superior Court
Southern Judicial Circuit
325 N. Madison Street
Thomasville, GA 31799

by hand delivery or placing a copy in their box at the Thomas County Courthouse, Thomasville, Georgia,

this 11th day of September, 2013.

Don T. Lyles
Assistant Public Defender

This Document Prepared by:
Don T. Lyles, A.P.D.
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Georgia Bar No. 461798