

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 22-12873-HH

ROBERT L. REHBERGER,

Plaintiff-Appellant,

versus

HENRY COUNTY, GEORGIA,
STATE OF GEORGIA,
STATE BAR OF GEORGIA,
UNITED STATES OF AMERICA,

Defendants-Appellees.

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

Before: BRANCH and LUCK, Circuit Judges.

BY THE COURT:

Appellant's "Emergency Motion for Affirmative Substantive Relief Under F.R.A.P. 27" is
DENIED.

Appellant's "Motion to Proceed on an Expedited Emergency Basis Under F.R.A.P. 27" is
DENIED.

Appellant's "Motion for Stay of the Briefing Schedule in the Above Case" is DENIED.

Exhibit A

11th Circuit

ARGUMENT

NOTE: The last appeal and perhaps several before that one seems to have created a procedural bar without a ruling on the merits. It also has divested other courts of jurisdiction making this court the actual court of original jurisdiction (the 11th Circuit). The **Notice** was premature and the **Request to Proceed *In Forma Pauperis*** was denied, etc. A failure to or negligent performance of ministerial duties seems to have occurred by a 6th Amendment notice violation. Note that in Georgia, sovereign immunity has been waived concerning failure to perform or negligent performance of ministerial duties per the Georgia Constitution.

Because of ratified government policies and procedures, courts are being excused or prevented from honoring their oath of office and from performing their constitutionally required affirmative ministerial duties, i.e., to vacate mere nullities that are apparently void on the face of the record under the Georgia constitution. Such duties would seem to include the right to adequate, effective, meaningful access to the courts.

Because of ratified government policies and procedures, courts are being excused or prevented from honoring their oath of office and from performing their constitutionally required affirmative ministerial duties, i.e., to vacate mere nullities and their illegal harmful effects that are apparently void on the face of the record,

Exhibit B

(indictment and its amendments, verdict and its amendments, sentence and its amendments, judgment and its amendments).

This allows various prosecutorial misconduct that can prevent a defendant from ensuring and enforcing his or her basic due process rights and fundamental substantive constitutional provisions. This creates various separation of powers problems and allows ratified corrupt policies and procedures to apply claim preclusion and issue preclusion to violations of basic due process rights and violations of fundamental substantive constitutional provisions by a denial of adequate, effective, meaningful access to the courts. This prevents the legislatures from performing their constitutionally required affirmative ministerial duties of protecting the privileges and immunities of citizens, violates the application of basic due process rights as well as equal protection under the 14th Amendment. These violations if left unchecked can also force or allow the executive branch of government to abridge the constitution in the performance of their duties.

If not expeditiously corrected these problems actually allow an illegal suspending, amending or voiding of the United States Constitution as well as the various state constitutions. These abridgments of the United States and the various state Constitutions are usually done to advance the selfish, illegal and unconstitutional hidden agendas of various special interest groups at the expense of violating the rights of non-group members.

It would seem that the courts have a duty to correct these problems rather than compounding them by exercising and aiding their proper jurisdiction under their proper prerogatives to protect all citizens and when proper even all residents. This would seem to be necessary on an expedited emergency basis in order to uphold and to reaffirm the previous well-defined role and function of courts in reference to the other branches of government.

If this court exercises its proper jurisdiction and aids that jurisdiction by the use of its proper prerogatives it will be able to lessen or stop dysfunctional government, reduce violence, protect the privileges and immunities of citizens, ensure basic due process rights, provide equal protection of law, as well as preserve the principles and the economic system the republic was founded upon.

APPEAL,CLOSED

**U.S. District Court
Northern District of Georgia (Atlanta)
CIVIL DOCKET FOR CASE #: 1:22-mi-00030-JPB
Internal Use Only**

Rehberger v. Henry County, Georgia et al [RESTRICTED FILER] Date Filed: 04/14/2022
Assigned to: Judge J. P. Boulee Date Terminated: 08/02/2022
Case in other court: USCA- 11th Circuit, 22-12873-HH Jury Demand: None
USCA - 11th Circuit., 22-12873-J Nature of Suit: 890 Other Statutory Actions
USCA - 11th Circuit., 22-12873-J Jurisdiction: Federal Question
USCA - 11th Circuit, 22-12873-J
Cause: 00:0000 No Cause Specified

Plaintiff

Robert L. Rehberger

represented by **Robert L. Rehberger**
Post Office Box 101
Stockbridge, GA 30281
404-431-5187
PRO SE

V.

Defendant

Henry County, Georgia

Defendant

The State of Georgia

Defendant


The State Bar of Georgia



Defendant


The United States of America

Exhibit C

Date Filed	#	Docket Text
12/27/2022		Notification of Docket Correction re: <u>25</u> USCA Acknowledgment as document was filed with the incorrect date. All necessary corrections have been made. (pjm) (Entered: 12/27/2022)
12/19/2022	<u>25</u>	USCA Acknowledgment of <u>20</u> Amended Notice of Appeal filed by Robert L. Rehberger. Case Appealed to USCA- 11th Circuit. Case Number 22-12873-HH. (pjm) Modified on 12/27/2022 to correct filed date (pjm). (Entered: 12/27/2022)

12/19/2022	<u>24</u>	Appeal Remark: Over the phone extension granted by clerk as to Party Robert L. Rehberger. Appellants brief due on 01/26/2023 as to Appellant Robert L. Rehberger. Appendix due on 02/02/2023 as to Appellant Robert L. Rehberger. Any request for a second or subsequent extension of time shall be subject to 11th Cir. R. 31-2(d) re: <u>20</u> Notice of Appeal and <u>7</u> Notice of Appeal. Case Appealed to USCA-11th Circuit. Case Number 22-12873-HH. (pjm) (Entered: 12/27/2022)
12/05/2022		Clerk's Certificate of Mailing as to Robert L. Rehberger re <u>23</u> Order on Application to Appeal in forma pauperis. (adg) (Entered: 12/05/2022)
12/05/2022	<u>23</u>	ORDER DENYING <u>19</u> Application to Appeal in forma pauperis. Further requests to proceed in forma pauperis should be directed by motion to the circuit court within 30 days pursuant to Fed.R.App.P.24. Signed by Judge J. P. Boulee on 12/5/2022. (adg) (Entered: 12/05/2022)
12/05/2022	<u>22</u>	Transmission of Certified Copy of Notice of Appeal, Order and Docket Sheet to US Court of Appeals re: <u>20</u> Notice of Appeal. (pjm) (Entered: 12/05/2022)
12/05/2022	<u>21</u>	USCA Appeal Transmission Letter to USCA- 11th Circuit re: <u>20</u> Notice of Appeal filed by Robert L. Rehberger. (pjm) (Entered: 12/05/2022)
11/28/2022	<u>20</u>	Amended NOTICE OF APPEAL as to <u>16</u> Order on Motion for Leave to File, Order on Application to Appeal in forma pauperis, by Robert L. Rehberger. (Attachments: # <u>1</u> Cover Letter, # <u>2</u> USCA Appeal Fee Letter)(pjm) (Entered: 12/05/2022)
11/15/2022		Appeal Fee Payment Received re: <u>7</u> Notice of Appeal. \$505.00, receipt number GAN100142378. (kac) (Entered: 11/15/2022)
10/25/2022		Submission of <u>19</u> APPLICATION to Appeal in forma pauperis, to District Judge J. P. Boulee. (jkl) (Entered: 10/25/2022)
10/18/2022	 <u>19</u>	Amended APPLICATION to Appeal in forma pauperis by Robert L. Rehberger. (jkl) (Entered: 10/25/2022)
10/14/2022	<u>18</u>	Forwarded <u>16</u> Order on Motion for Leave to File, Order on Application to Appeal in forma pauperis to USCA re: <u>7</u> Notice of Appeal filed by Robert L. Rehberger. Case Appealed to USCA - 11th Circuit. USCA Case Number 22-12873-J. (kac) (Entered: 10/14/2022)
10/14/2022	<u>17</u>	USCA Inquiry regarding status <u>5</u> Application to Appeal in forma pauperis re: <u>7</u> Notice of Appeal filed by Robert L. Rehberger. An Order was issued on October 11, 2022 DENYING Plaintiff-Appellant's Motion for Leave to Proceed IFP. Case Appealed to USCA - 11th Circuit. USCA Case Number 22-12873-J. (kac) (Entered: 10/14/2022)
10/12/2022		Clerk's Certificate of Mailing as to Robert L. Rehberger re <u>16</u> Order. (bgt) (Entered: 10/12/2022)
10/11/2022	<u>16</u>	ORDER denying <u>4</u> Motion for Leave to File Additional Pleadings and <u>5</u> Application to Appeal In Forma Pauperis. Further requests to proceed in forma pauperis should be directed by motion to the circuit court within 30 days pursuant to Fed.R.App.P.24. Signed by Judge J. P. Boulee on 10/11/2022. (bgt) (Entered: 10/12/2022)
10/05/2022	<u>15</u>	Letter from Robert L. Rehberger (adg) (Entered: 10/07/2022)
10/04/2022	<u>13</u>	USCA Cover Letter from Robert Rehberger (jkl) (Entered: 10/04/2022)
09/16/2022	<u>14</u>	Letter from Robert Rehberger - materials given to USCA. (jkl) (Entered: 10/04/2022)

09/14/2022	<u>12</u>	USCA Inquiry regarding status <u>5</u> Application to Appeal in forma pauperis filed by Robert L. Rehberger. No ruling has been issued. Case Appealed to USCA - 11th Circuit. USCA Case Number 22-12873-J. (kac) (Entered: 09/14/2022)
08/31/2022		Notification of Docket Correction re <u>5</u> Application to Appeal in forma pauperis. Modified event per filing of <u>7</u> Notice of Appeal. (adg) (Entered: 08/31/2022)
08/30/2022	<u>10</u>	USCA Acknowledgment of <u>7</u> Notice of Appeal filed by Robert L. Rehberger. Case Appealed to USCA - 11th Circuit. USCA Case Number 22-12873-J. (kac) (Entered: 08/30/2022)
08/29/2022	<u>11</u>	NOTICE of Corrections to <u>4</u> MOTION for Leave to File Additional Pleadings by Robert L. Rehberger (adg) (Entered: 08/31/2022)
08/29/2022	<u>9</u>	Transmission of Certified Copy of Notice of Appeal, Clerk's Judgment, Order and Docket Sheet to US Court of Appeals re: <u>7</u> Notice of Appeal. (kac) (Entered: 08/29/2022)
08/29/2022	<u>8</u>	USCA Appeal Transmission Letter to 11th Circuit re: <u>7</u> Notice of Appeal filed by Robert L. Rehberger. (kac) (Entered: 08/29/2022)
08/26/2022	<u>7</u>	NOTICE OF APPEAL as to <u>3</u> Clerk's Judgment, <u>2</u> Order ruling on IFP, Order Dismissing Case as Frivolous by Robert L. Rehberger. (kac) (Entered: 08/29/2022)
08/25/2022	<u>6</u>	NOTICE of Corrections to <u>4</u> MOTION for Leave to File Additional Pleadings by Robert L. Rehberger re <u>2</u> Order. (adg) (Entered: 08/25/2022)
08/22/2022		Submission of <u>4</u> MOTION for Leave to File Additional Pleadings, <u>5</u> APPLICATION to Appeal in forma pauperis, to District Judge J. P. Boulee. (adg) Modified on 8/31/2022 (adg). (Entered: 08/22/2022)
08/12/2022	 <u>5</u>	Application to Appeal in forma pauperis by Robert L. Rehberger. (adg) Modified on 8/31/2022 to change to Application to Appeal in forma pauperis per filing of <u>7</u> Notice of Appeal (adg). (Entered: 08/22/2022)
08/12/2022	<u>4</u>	MOTION for Leave to File Additional Pleadings by Robert L. Rehberger. (Attachments: # <u>1</u> Brief on performance of ministerial duties or for negligent performance of ministerial duties, # <u>2</u> Civil Cover Sheet, # <u>3</u> Letter)(adg) (Entered: 08/22/2022)
08/03/2022		(Court only) Filing Restriction against Robert L. Rehberger per <u>2</u> Order. (bgt) (Entered: 08/03/2022)
08/03/2022		Clerk's Certificate of Mailing as to Robert L. Rehberger re <u>2</u> Order and <u>3</u> Judgment (bgt) (Entered: 08/03/2022)
08/03/2022	<u>3</u>	CLERK'S JUDGMENT dismissing case as frivolous. (bgt)--Please refer to http://www.ca11.uscourts.gov to obtain an appeals jurisdiction checklist-- (Entered: 08/03/2022)
08/02/2022		Miscellaneous Case Terminated. (bgt) (Entered: 08/03/2022)
08/02/2022	<u>2</u>	ORDER. The Application to Proceed in District Court without Prepaying Fees or Costs [Doc. <u>1</u>] is GRANTED for the purposes of dismissal only. The Amended Petition [Doc. 1-1] is DISMISSED pursuant to § 1915(e)(2). The Clerk is DIRECTED to close this case. The Clerk is FURTHER DIRECTED not to accept from Plaintiff any future pleadings in this case or in future cases absent authorization from a judge of this Court. Plaintiff is ORDERED to stop calling chambers (404-215-1410). Failure to comply with this Order may be punished by

		contempt of court. Signed by Judge J. P. Boulee on 8/2/2022. (bgt) (Entered: 08/03/2022)
07/12/2022		Received Court copy of Affidavit of Illegality. Placed in file (Duplicate of <u>1</u> -15 Affidavit of Illegality received by the Clerk on 7/8/2022) (adg) (Entered: 07/15/2022)
05/11/2022		Submission of Fee Payment Received, to District Judge J. P. Boulee. (adg) (Entered: 05/11/2022)
05/10/2022		Filing Fee Paid: \$ 49, receipt number GAN100138217 (anc) (Entered: 05/10/2022)
04/18/2022		Submission of <u>1</u> APPLICATION for Leave to Proceed In Forma Pauperis and for Review to District Judge J. P. Boulee. (lwb) (Entered: 04/18/2022)
04/14/2022	 <u>1</u>	APPLICATION for Leave to Proceed In Forma Pauperis by Robert L. Rehberger. (Attachments: # <u>1</u> Petition, # <u>2</u> Motion for Relief and Orders, # <u>3</u> Exhibit I - Motion for Relief, # <u>4</u> Exhibit II - Motion for Relief, # <u>5</u> Motion to Amend and Supplement, # <u>6</u> Amended Request for Immediate Emergency TRO, # <u>7</u> Written Verification Under Oath, # <u>8</u> Exhibits to Amended Request, # <u>9</u> Civil Cover Sheet)(lwb) (Additional attachment(s) added on 5/11/2022: # <u>10</u> Certificate of Service) (adg). (Additional attachment(s) added on 6/3/2022: # <u>11</u> Letter and Summary of Contentions and Issues) (jra). (Additional attachment(s) added on 6/7/2022: # <u>12</u> (Rescan of Letter and Exhibit I re Summary of Contentions and Issues)) (adg). (Additional attachment(s) added on 6/16/2022: # <u>13</u> Amended and Supplemental Pleadings, Emergency Motion. Requesting Injunctive Relief ⁹ Rule Nisi, Motion for Relief Under F.R. C.P. 60(b) and to reinstate Case and Motion to Amend and Supplement Pleadings, # <u>14</u> Summary of My Contentions and Issues) (adg). (Additional attachment(s) added on 7/11/2022: # <u>15</u> Affidavit of Illegality) (adg). (Additional attachment(s) added on 7/25/2022: # <u>16</u> Memorandum of Law in support of request for emergency injunctive relief) (adg). (Entered: 04/18/2022)

U.S. COURT OF APPEALS
RECEIVED
CLERK
FEB 24 2023

February 23rd, 2023

Attn: Mr. Chris Bergquist
To: The Court or the Appropriate Judge or Judges
The United States Court of Appeals For the Eleventh Circuit
56 Forsyth Street, N.W.
Atlanta, Georgia 30303-2218

RE: Appendix for Appeal 22-12873-HH
Dist. Ct. Case No. 1:22-mi-00030-JPB

Dear Sir and/or Madame,

Enclosed, please find original and a copy of the **Appendix** in the above **Ap-
peal**. The **Brief** was timely given to the clerk on January 24th, 2023. The **Appen-
dix** is due on or before March 2nd, 2023, and it is being timely submitted with this
letter, dated February 23rd, 2023.

The **Brief** was hand delivered or mailed to those listed on the enclosed **Cer-
tificate of Service** given to the clerk with the **Brief**. A copy of this letter is also
being sent to those same parties. A copy of the **Appendix** is being hand delivered
or sent by 1st class or better pre-paid mail to the Flint Circuit District and to the
Georgia Department of Law, Attention of the Attorney General and/or the Georgia
Solicitor General.

Note, the decision sequence mentioned when O.C.G.A. 9-11-60 was dis-
cussed in the **Brief**. This application abridges the rights conferred by that statute
and that is a fundamental due process violation because it applies procedural poli-

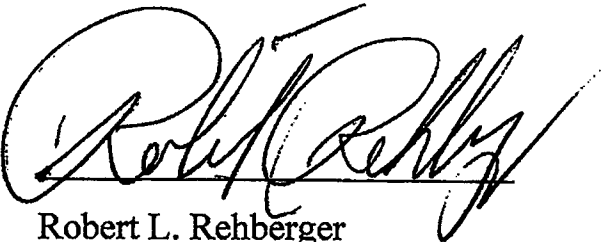
EXHIBIT D

cies over the rights given or conferred in Section 9-11-60(a) of that statute as well as violates equal protection and due process rights and various other substantive constitutional provisions. Note, it would seem that such sequence of those said decisions can be controlled by the court and/or by the state and/or the prosecution.

There is an underlying legal service problem. A copy of the **Appendix** will be provided to any party that enters their appearance by **Plaintiff** if the court does not provide such party with a copy. There is also a failure to allow **Plaintiff** to present his evidence to the court. Both of these problems are discussed in the **Brief**.

Hopefully the court will see fit to expediate proper access to the courts on an emergency basis to immediately stop the ongoing harmful effects from the alleged null and void *ab initio* underlying illegal simulated legal proceedings.

Very truly yours



Robert L. Rehberger

© 404-431-5187

CC: Hon. Darius Pattillo, District Attorney, Flint Judicial Circuit
Hon. Christopher Carr, GA. Attorney General, Georgia Department of Law
Mr. William D. NeSmith, III, Deputy Counsel for the State Bar of Georgia

Hon. Elizabeth Prelogar, Solicitor General of the United States, U.S. Department of Justice

Chief Magistrate Judge, Henry Co. Ga.

Chief Judge Brian Amero, Flint Judicial Circuit

Hon. Brian Kemp, Governor of the State of Georgia

Hon. J. P. Boulee, U.S. Dist. Judge

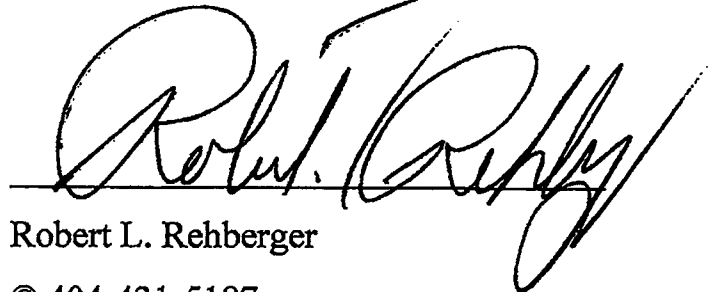
Hon. Gabriel A. Mendel, Asst. U.S. Attorney

CERTIFICATE OF SERVICE OF APPENDIX

A copy of the above **APPENDIX** to **Plaintiff's Brief** is being sent by priority mail or hand carried to: Hon. Darius Pattillo, District Attorney, Flint Judicial Circuit, One Courthouse Square, McDonough, Georgia 30253-3220 and to the Georgia Dept. of Law, Attention: Georgia Attorney General and/or the Georgia Solicitor General, Georgia Department of Law, 40 Capital Square, S.W., Atlanta, Georgia 30334-1300.

Respectfully

This 23rd day of February, 2023

A handwritten signature in black ink, appearing to read "Robert L. Rehberger", written over a horizontal line.

Robert L. Rehberger

© 404-431-5187

**INDEX OF RECORD AND EXHIBITS OF WHAT APPEARS TO BE
SIMULATED LEGAL PROCEEDINGS**

There was no transcript of the proceedings conducted by Judge L. A. McConnell, Judge David K. Smith or Judge Alford J. Dempsey, Jr. Petitioner nor anyone on his behalf was present at any of those proceedings. No pleadings filed by Petitioner were allowed filed and nothing was considered on his behalf. The decisions were based upon erroneous presumptions of validity and possibly void waivers. The index consists of the following:

The Dismissal Order filed on September 2nd, 2021, and signed on August 16th, 2021, by Senior Judge Alford J. Dempsey. That Order was sent to Petitioner on September 3rd, 2021, by the Clerk and he received that Order on September 15th, 2021. The Order was based upon the following underlying predicates:

EX B

1. The alleged void Monday June 28th Order recusing Judges of the 6th Judicial Administrative District signed on Monday, June 28th, 2021, by Judge W. Fletcher Sams and filed on June 30th, 2021.
2. The July 14th, 2021 Order of Judge Brasher assigned Judge Dempsey to hear the case based upon the Monday Order of Judge Sams dated June 28th, 2021, and filed on June 30th, 2021. The Order of Judge Brasher was filed on July 14th the same day it was signed.
3. The Sunday Order of Judge L. A. McConnell, prepared by the Senior Asst. Atty. Gen. Ms. Mick, signed by the Judge on Sunday, Nov. 14th, 2004, and filed on November 19th, 2004.
4. An Order of this court approving Judge L. A. McConnell's Sunday Order and further limiting Petitioner's access to the court. Petitioner was not allowed to appear before the court nor to present any pleadings or evidence.

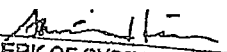
5. Order of Dismissal of Judge David K. Smith dated August 13th, 2020, and filed on August 14th, 2020.
6. Order of Judge Sams requesting assistance and assignment of a Judge.
7. Order of Recusal of Judge Veal dated 2020.
8. Order of Appointment of Judge Smith signed by Judge Van Pelt dated July 17th, 2020.
9. Order of Judge Craig dated May 15th, 1997, prepared by 1st Assistant District Attorney, Thomas R. McBerry, based upon a void presentment and fraudulent representations to the court. The presentment was treated as a legal indictment in Henry Co. Case No. 96CR0258 and it resulted in a conviction at a second trial in May of 1997 and that action was not properly reviewed by the Georgia Supreme Court nor by this court.
10. The Sunday Nov. 14th, 2004 Order of Judge L. A. McConncell filed on Nov. 19th, 2004, and re-

ceived by Petitioner at a prison on Wed., Nov. 24th, 2004. Then a Discretionary Review, now a Direct Appeal.

IN THE SUPERIOR COURT OF HENRY COUNTY
STATE OF GEORGIA

FILED IN OFFICE
HENRY COUNTY
SUPERIOR COURT

SEP 02 2021


CLERK OF SUPERIOR COURT

ROBERT REHBERGER,)
PLAINTIFF,)
vs.) CIVIL ACTION NO.
HENRY COUNTY, GEORGIA and the) 2021-SU-CV-726-BA
STATE OF GEORGIA, ET AL.)
DEFENDANTS.)

The undersigned Judge is presiding over this matter pursuant to special appointment by the Administrative Judge of the 5th Judicial Administrative District in response to a proper request for assistance from the Administrative Judge of the 6th Judicial Administrative District. See Exhibits 1 and 2 attached hereto.

Before the Court is the Petitioner, Robert Rehberger's "Motion For Leave To File" his "Petition Of Robert L. Rehberger To Ensure And To Enforce His Basic Due Process Rights And Fundamental Substantive Constitutional Provisions As Well As To Protect His Privileges And Immunities From Abridgement," and several associated motions and pleadings. Since 2004, Petitioner must seek permission of the Court before being allowed to file a *pro se* civil action in the Superior Court of Henry County against any public official. See Exhibit 3 attached hereto.

Petitioner has provided a number of documents to the Court seeking permission to file same. This Court has reviewed the numerous documents provided by Mr. Rehberger, including:

1. Motion For Leave To File
2. Petition Of Robert L. Rehberger To Ensure And To Enforce His Basic Due Process Rights And Fundamental Substantive Constitutional Provisions As Well As To Protect His Privileges And Immunities From Abridgement
3. Motion For Emergency Expedited Remedies And Relief

4. Motion Requesting A Court Of Competent [sic] Jurisdiction To Determine Subject Matter Jurisdiction Of The Underlying Criminal Proceedings And Their Effects In State V. Rehberger, 96-CR-0258, Henry County, Georgia, And In Other Related Civil Actions
5. Amendment To And Or Addition To Exhibit II To Petition
6. Demand For An Immediate Judicial Determination [sic] Of Due Process Rights And Fundamental Substantive Constitutional Violations On Their Merits
7. List Of Exhibits
8. Page 5 Of Affidavit In Support Of Motion To Recuse Left Out Of What I Brought On Friday March 19th
9. Notice Of Claim
10. Petitioner's Pro Se Petition To Proceed In Forma Pauperis
11. Return Receipt Notices
12. Rule Nisi For Petition And Motions And Request For Extraordinary Remedies And Relief
13. Summons
14. Verification
15. Written Verification Under Oath

Under the guise of seeking to exercise his right to petition the Government for a redress of grievances pursuant to the United States Constitution and the Constitution of the State of Georgia, Petitioner is seeking, yet again, to relitigate matters that occurred some 25 years ago (his conviction¹ and disbarment), as well as the validity of the 2004 Order. The 2004 Order was entered because Mr. Rehberger had a history of filing numerous frivolous lawsuits which conduct was not deterred by previous impositions of attorney's fees.

Subsequent to the entry of the 2004 Order, Petitioner filed in the Court of Appeals an application for interlocutory appeal, three applications for discretionary appeal, and a direct appeal, "all challenging orders denying the filing of various pleadings based upon the direction given in the 2004 Order and asserting that the 2004 Order was void." See *IN RE: ROBERT L.*

¹ His disbarment was confirmed by the Supreme Court in *Rehberger v. State*, 269 Ga. 576 (502 SE2d 222) (1998), and his criminal conviction was affirmed in *Rehberger v. State*, 235 Ga. App. 827 (510 SE2d 594) (1998). The trial court denied his subsequent pro se motion to vacate void sentence and the Court of Appeals affirmed the trial court in *Rehberger v. State*, 267 Ga. App. 778 (600 SE2d 635) (2004).

REHBERGER, A18A0105 Ga. App at p. 3 (March 27, 2018, Unreported Decision) See Exhibit 4 attached hereto.

The Court of Appeals, in affirming the trial court's denial of the filing of Rehberger's Complaint/Petition, stated the following:

In this case, Rehberger filed pleadings in Henry County Superior Court in which he requested an "Order Allowing Filing of Complaint/Petition for Declaratory Judgment and Request for Extra Ordinary Remedies and Relief," seeking to assert claims against Henry County, the State of Georgia, the State Bar of Georgia, the United States of America, and their agents. Pursuant to the 2004 Order, the court reviewed Rehberger's petition, determined it to be frivolous, and issued an order prohibiting the Clerk from filing it. On appeal, Rehberger contends that he is being wrongfully denied adequate, effective, and meaningful access to the courts by virtue of the 2004 Order and the April 2017 Order and seeks to vacate both orders.

This Court has previously denied three applications for discretionary appeal in which Rehberger challenged the 2004 Order and orders stemming from the 2004 Order. "[W]hen this Court examines a request for a discretionary appeal, it acts in an error-correcting mode such that a denial of the application is on the merits, and the order denying the application is res judicata with respect to the substance of the requested review." *PHF II Buckhead LLC v. Dinku*, 315 Ga. App. 76, 79 (1) (726 SE2d 569) (2012); see also *Hook v. Bergen*, 286 Ga. App. 258, 261 (1) (649 SE2d 313) (2007) (denial of application for discretionary appeal is an adjudication on the merits of the underlying order and acts as res judicata in subsequent proceedings). This Court has already properly considered Rehberger's claims with respect to the 2004 Order and orders stemming from the 2004 Order when we reviewed and rejected his discretionary applications to appeal, and as a result, he has no right to file a direct appeal and obtain yet another review of those same claims. See *Northwest Social & Civic Club, Inc. v. Franklin*, 276 Ga. 859, 860 (583 SE2d 858) (2003). Accordingly, Rehberger is estopped from seeking further judicial review of the 2004 Order. See *Elrod v. Sunflower Meadows Dev.*,

LLC, 322 Ga. App. 666, 670-671 (4) (745 SE2d 846) (2013); PHF
II Buckhead LLC, 315 Ga. App. at 79 (1).

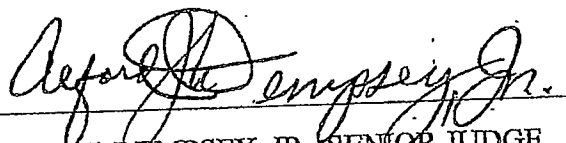
IN RE: ROBERT L. REHBERGER at pp. 3-4.

Notwithstanding the legion of previous trial court orders and appellate decisions prohibiting Petitioner from attempting to relitigate his conviction, disbarment, and validity of the 2004 Order, in 2020 Petitioner sought leave to file an action in Henry County Superior Court designated "2020-su-cv-653-BA". Said proposed action was against the "Chief Judge of the Flint Judicial Circuit, District Attorney of the Flint Judicial Circuit, Chief Public Defender of the Flint Judicial Circuit, and any other proposed Defendants in the handwritten Pleadings". Said proposed action was yet another attempt by Petitioner to relitigate matters which were previously decided. By Order filed on August 14, 2020, then Chief Judge David K. Smith of the Cherokee Circuit dismissed said proposed case as frivolous. See Exhibit 5.

The Petitioner's "Motion For Leave To File", "Petition Of Robert L. Rehberger To Ensure And To Enforce His Basic Due Process Rights And Fundamental Substantive Constitutional Provisions As Well As To Protect His Privileges And Immunities From Abridgement", and the several associated motions and pleadings, together amount to yet another attempt by the Petitioner to relitigate his conviction, disbarment, and validity of the 2004 Order. Based upon the totality of said proposed pleadings, and the extensive history and circumstances of record, the Court finds the motion for leave to file, the petition, and the several associated motions and pleadings, all to be frivolous and without merit. Accordingly, the Court declines to permit said action to be filed. The case designated 2021-SU-CV-726-BA is hereby DISMISSED.

If the Petitioner wishes to appeal to the appellate courts of Georgia, he may do so at his own expense.

SO ORDERED, this 16th day of August, 2021.



ALFORD J. DEMPSEY, JR., SENIOR JUDGE
[SITTING BY DESIGNATION]
SUPERIOR COURT OF HENRY COUNTY
FLINT JUDICIAL CIRCUIT

Court of Appeals of the State of Georgia

ATLANTA, October 27, 2021

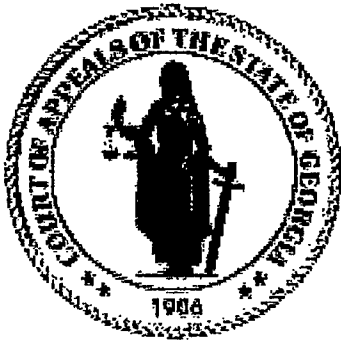
The Court of Appeals hereby passes the following order

A22D0079. ROBERT L. REHBERGER v. HENRY COUNTY, GEORGIA et al. .

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

LC NUMBERS:

2021SUCV726



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, October 27, 2021.

*I certify that the above is a true extract from the minutes
of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto
affixed the day and year last above written.*

Stephen E. Castle, Clerk.

Exhibit I

FILED IN OFFICE
HENRY COUNTY
SUPERIOR COURT

IN THE SUPERIOR COURT OF HENRY COUNTY

JUN 30 2021

STATE OF GEORGIA


CLERK OF SUPERIOR COURT

ROBERT REHBERGER,

*
*
*
*
*
*
*
*
*

Plaintiff,

v.

CIVIL ACTION FILE NO:
2021-SU-CV-0726-HV

HENRY COUNTY, GEORGIA and the
STATE OF GEORGIA, ET AL,

Defendants.

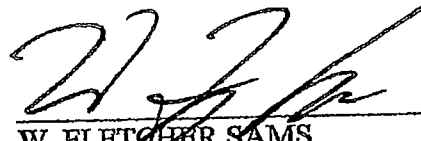
**ORDER RECUSING JUDGES OF 6TH JUDICIAL ADMINISTRATIVE
DISTRICT**

Having reviewed the above-captioned matter, the undersigned Administrative Judge of the Sixth Judicial Administrative District has determined that all active judges of this District should be recused.

Therefore, pursuant to the procedures outlined in Uniform Superior Court Rules 25.4 and 25.7 and O. C. G. A. 15-1-9.1, the Administrative Judge of the Fifth Judicial Administrative District is hereby notified of the matter. This court requests that the Administrative Judge appoint a superior court judge to consider this civil action.

Let the Order, or copy thereof, be filed with the Clerk of Superior Court of Henry County, Georgia and with the offices of the Fifth Judicial District.

SO, ORDERED, this 28th day of June 2021.



W. FLETCHER SAMS
Administrative Judge
6th Judicial Administrative District

EXHIBIT ①

2021-EX-001238

FILED IN OFFICE
JUL 14 2021
DEPUTY CLERK SUPERIOR COURT
FULTON COUNTY, GA

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

IN THE MATTER OF:

ROBERT REHBERGER,

Plaintiff

v.

HENRY COUNTY, GEORGIA

and the STATE OF GEORGIA, ET AL

Defendant

*
*
*
*
*
*
*
*
*
*
*
*
*
*
*

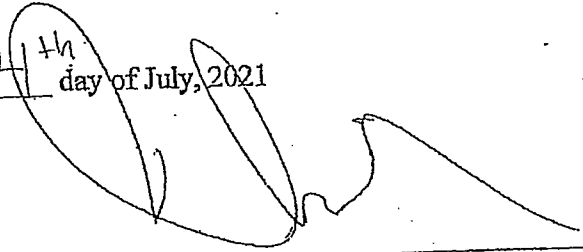
CIVIL ACTION FILE NO:

2021-SU-CV-0726-HV

ORDER APPOINTING JUDGE OF THE ATLANTA JUDICIAL CIRCUIT

The Court having received the request of the Sixth Judicial Administrative District to select a superior court judge from the Atlanta Judicial Circuit to preside over the above-referenced case pursuant to Uniform Superior Court 25.4(E), the undersigned Chief Administrative Judge of the Fifth Judicial Administrative District accepts such request and has selected Senior Judge Alford J. Dempsey to hear said case.

SO ORDERED, this 14th day of July, 2021



Christopher S. Brasher, Chief Judge
Superior Court of Fulton County
Atlanta Judicial Circuit
Fifth Judicial Administrative District

- Copies to:**
The Honorable W. Fletcher Sams, Administrative Judge Sixth Judicial Administrative District
The Honorable Alford J. Dempsey, Senior Judge Superior Court of Fulton County
David Summerlin, District Court Administrator Atlanta Judicial Circuit
Will Simmons, District Court Administrator Sixth Judicial Administrative District
Rebecca Warner, Sixth District Secretary

EXHIBIT (2)

IN THE SUPERIOR COURT OF HENRY COUNTY
STATE OF GEORGIA

FILED IN OFFICE
HENRY COUNTY
SUPERIOR COURT

NOV 19 2004

Quentin L. Lewis
CLERK OF SUPERIOR COURT

ROBERT L. REHBERGER,

Petitioner,

v.

JUDGE WILLIAM CRAIG, et al.

Respondent.

CIVIL ACTION NO.
2004-CV-2597-C

ORDER

After reviewing the briefs in this matter it is hereby ordered and adjudged that Respondents' Motion to dismiss, Motion for fees and injunctive sanctions are hereby granted. Because Mr. Rehberger has a history of filing numerous frivolous lawsuits, and has not curtailed this practice in the wake of previous attorney's fees, this Court finds that that Petitioner shall be barred from filing any future *pro se* civil actions against any public official without leave of court. Mr. Rehberger may retain counsel to file any actions without leave if and only if, all attorneys' fees assessed against Mr. Rehberger are paid in full. Before filing or attempting to file a lawsuit, Mr. Rehberger shall send a copy of the lawsuit directly to the court, who will determine on a case-by-case basis whether said lawsuit is frivolous or malicious. Further, Mr. Rehberger shall attach to the copy of each proposed lawsuit an affidavit certifying under oath that the claims raised are novel and are not frivolous or filed for malicious purposes. Failure to comply with any of these provisions should result in the Clerk returning the lawsuit to Mr. Rehberger without filing.

This 17th day of Nov 2004.

Levis A. McConnell, Jr.
Hon. Levis A. McConnell, Jr.

Prepared by Rebecca Mick
Senior Assistant Attorney General

EXHIBIT 3

**FIFTH DIVISION
MCFADDEN, P. J.,
RAY and RICKMAN, JJ.**

NOTICE: Motions for reconsideration must be physically received in our clerk's office within ten days of the date of decision to be deemed timely filed.
<http://www.gaappeals.us/rules>

March 27, 2018

**NOT TO BE OFFICIALLY
REPORTED**

In the Court of Appeals of Georgia

A18A0105. IN RE: ROBERT L. REHBERGER.

RICKMAN, Judge.

Robert Rehberger, proceeding pro se, appeals from an April 2017 order that denied the filing of a petition for declaratory judgment in which he sought to vacate a November 2004 order that required him to obtain court approval prior to filing further pro se actions against public officials.¹ This saga began when Rehberger, an attorney, was tried by a Henry County jury and convicted of false imprisonment, sexual battery, and simple battery. Following his conviction, the Superior Court of Henry County disbarred Rehberger. His disbarment was confirmed in *Rehberger v. State*, 269 Ga. 576 (502 SE2d 222) (1998), and his criminal conviction was affirmed

¹ Rehberger's appeal was initially filed in the Supreme Court of Georgia and was subsequently transferred to this Court.

EXHIBIT 4

in *Rehberger v. State*, 235 Ga. App. 827 (510 SE2d 594) (1998). Rehberger later filed a pro se motion to vacate a void sentence based on alleged insufficiencies in the indictment against him, and this Court affirmed the trial court's denial of the motion in *Rehberger v. State*, 267 Ga. App. 778 (600 SE2d 635) (2004).

In 2004, in an action filed by Rehberger against the Henry County Superior Court Judge who disbarred him, among others, another superior court judge issued an order stating that:

Because Mr. Rehberger has a history of filing numerous frivolous lawsuits, and has not curtailed this practice in the wake of previous attorney's fees, this Court finds that Petitioner shall be barred from filing any future *pro se* civil actions against any public official without leave of court. Mr. Rehberger may retain counsel to file any actions without leave if and only if, all attorneys' fees assessed against Mr. Rehberger are paid in full. Before filing or attempting to file a lawsuit, Mr. Rehberger shall send a copy of the lawsuit directly to the court, who will determine on a case-by-case basis whether said lawsuit is frivolous or malicious. Further, Mr. Rehberger shall attach to the copy of each proposed lawsuit an affidavit certifying under oath that the claims raised are novel and are not frivolous or filed for malicious purposes. Failure to comply with any of these provisions should result in the Clerk returning the lawsuit to Mr. Rehberger without filing.

Since that order was issued, Rehberger has filed in this Court an application for interlocutory appeal and three applications for discretionary appeal, all challenging orders denying the filing of various pleadings based upon the direction given in the 2004 Order and asserting that the 2004 Order is void.

In this case, Rehberger filed pleadings in Henry County Superior Court in which he requested an "Order Allowing Filing of Complaint/Petition for Declaratory Judgment and Request for Extra Ordinary Remedies and Relief," seeking to assert claims against Henry County, the State of Georgia, the State Bar of Georgia, the United States of America, and their agents. Pursuant to the 2004 Order, the court reviewed Rehberger's petition, determined it to be frivolous, and issued an order prohibiting the Clerk from filing it. On appeal, Rehberger contends that he is being wrongfully denied adequate, effective, and meaningful access to the courts by virtue of the 2004 Order and the April 2017 Order and seeks to vacate both orders.

This Court has previously denied three applications for discretionary appeal in which Rehberger challenged the 2004 Order and orders stemming from the 2004 Order. "[W]hen this Court examines a request for a discretionary appeal, it acts in an error-correcting mode such that a denial of the application is on the merits, and the order denying the application is res judicata with respect to the substance of the

requested review.” *PHF II Buckhead LLC v. Dinku*, 315 Ga. App. 76, 79 (1) (726 SE2d 569) (2012); see also *Hook v. Bergen*, 286 Ga. App. 258, 261 (1) (649 SE2d 313) (2007) (denial of application for discretionary appeal is an adjudication on the merits of the underlying order and acts as res judicata in subsequent proceedings). This Court has already properly considered Rehberger’s claims with respect to the 2004 Order and orders stemming from the 2004 Order when we reviewed and rejected his discretionary applications to appeal, and as a result, he has no right to file a direct appeal and obtain yet another review of those same claims. See *Northwest Social & Civic Club, Inc. v. Franklin*, 276 Ga. 859, 860 (583 SE2d 858) (2003). Accordingly, Rehberger is estopped from seeking further judicial review of the 2004 Order. See *Elrod v. Sunflower Meadows Dev., LLC*, 322 Ga. App. 666, 670-671 (4) (745 SE2d 846) (2013); *PHF II Buckhead LLC*, 315 Ga. App. at 79 (1).

Judgment affirmed. McFadden, P. J., and Ray, J., concur.

IN THE SUPERIOR COURT OF HENRY COUNTY
STATE OF GEORGIA

Filed in office this the 14
day of August, 2020
at 1:55 o'clock P M
Barbara A. Harrison
Clerk, Henry Superior Court

ROBERT L. REHBERGER,

Proposed Plaintiff

v.

CIVIL ACTION 2020-SU-CV-653-BA

Chief Judge of the Flint Judicial
Circuit, District Attorney of the Flint
Judicial Circuit, Chief Public
Defender of the Flint Judicial
Circuit, and any other proposed
Defendants in the handwritten
Pleadings,

Proposed Defendants.

ORDER OF DISMISSAL

The undersigned judge was specially appointed by the
Administrative Judge of the 7th Judicial Administrative
District after proper request for assistance from the
Administrative Judge of the 6th Judicial Administrative
District. See Exhibits 1 and 2 attached hereto.

While this Court respects the right of a member of the
public to represent himself in a court of law, that right
is neither unfettered nor to be flaunted.

Mr. Rehberger was disbarred by the Superior Court of
Henry County by order dated May 15, 1997 after having been
convicted by a jury in the Superior Court of Henry County

FILED IN OFFICE
HENRY COUNTY
SUPERIOR COURT

IN THE SUPERIOR COURT OF HENRY COUNTY

JUL 20 2020

STATE OF GEORGIA

Rebecca A. Williams
CLERK OF SUPERIOR COURT

ROBERT L. REHBERGER,

*
*
*
*
*
*
*
*
*
*

CIVIL ACTION FILE NO:
2020-SU-CV-653-BA

v.

CHIEF JUDGE FLINT CIRCUIT,
HENRY COUNTY, GA-JUDGE
AMERO, FLINT CIRCUIT DISTRICT
ATTORNEY-D. PATILLO AND FLINT
CIRCUIT PUBLIC DEFENDER-
ZACHARY BOWMAN
Defendants.


ORDER FOR ASSIGNMENT TO ANOTHER ADMINISTRATIVE JUDGE

After review, the Administrative Judge of the Sixth Judicial District has determined that since the above styled case involves a Sixth District judge, the appointment of a judge to consider the civil action in this matter should be made by an Administrative Judge of an adjoining district.

Therefore, pursuant to the procedures outlined in Uniform Superior Court Rule 25 and O.C.G.A 15-1-9.1, the Administrative Judge of the Seventh Judicial Administrative District is hereby notified of this matter. This court requests that the Administrative Judge appoint a superior court judge to consider this civil action.

Let the Order, or copy thereof, be filed with the Clerk of the Superior Court of Henry County, Georgia and with the offices of the Seventh Judicial District.

SO, ORDERED, this 16th day of July 2020.



W. FLETCHER SAMMS
Administrative Judge
6th Judicial Administrative District

EXHIBIT ①

FILED IN OFFICE
HENRY COUNTY
SUPERIOR COURT

JUN 25 2020

IN THE SUPERIOR COURT OF HENRY COUNTY

STATE OF GEORGIA

Richard A. Harrison
CLERK OF SUPERIOR COURT

ROBERT L. REHBERGER,

VS.

CRIMINAL CASE NO.:
2020-SU-CV-653-BA

CHIEF JUDGE FLINT CIRCUIT,
HENRY COUNTY, GA JUDGE AMERO,
FLINT CIRCUIT DISTRICT ATTORNEY)
D. PATTILLO AND FLINT CIRCUIT)
PUBLIC DEFENDER)
ZACHARY BOWMAN)
Defendant.)

ORDER OF VOLUNTARY RECUSAL

The undersigned hereby voluntarily recuses herself from the above-styled matter in accordance with Georgia Uniform Superior Court Rule 25.7.

SO ORDERED this 24 day of June, 2020.



Holly W. Veal, Judge
Superior Court of Henry County
Flint Judicial Circuit

FILED IN OFFICE
CLERK OF SUPERIOR COURT
HENRY COUNTY, GEORGIA
SUCV2020000653
BA
JUL 20, 2020 10:54 AM

IN THE SUPERIOR COURT OF HENRY COUNTY
STATE OF GEORGIA

Barbara A. Harrison
Barbara A. Harrison, Clerk
Henry County, Georgia

ROBERT L. REHBERGER,
Petitioner

CIVIL ACTION NO.
2020-SU-CV-653-BA

v.

**CHIEF JUDGE FLINT CIRCUIT,
HENRY COUNTY, GA-JUDGE
AMERO, FLINT CIRCUIT DISTRICT
ATTORNEY-D. PATILLO AND
FLINT CIRCUIT PUBLIC DEFENDER-
ZACHARY BOWMAN,**
Defendants,

ORDER OF APPOINTMENT

There being the need for the temporary services of an additional Superior Court
Judge in the Flint Judicial Circuit; and

WHEREAS, The Honorable David Smith, Judge, Superior Court, State of
Georgia, has agreed to assist the court in said assignment;

It is HEREBY ORDERED that Honorable David Smith, Judge, Superior Court,
State of Georgia, is hereby appointed to preside in this action, said appointment
becoming effective contemporaneously with the filing of this Order and continuing
until such time thereafter as is reasonably necessary to dispose of said case.

The Honorable David Smith is hereby authorized and empowered to preside and
discharge all the duties, power and authority of a Judge of the Superior Courts of the

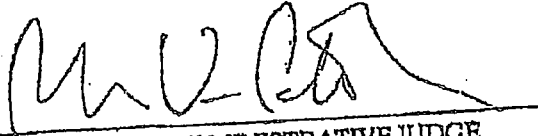
EXHIBIT (2)

Flint Judicial Circuit in Henry Superior Court.

This assignment is made because the judges of the Flint Judicial Circuit have voluntarily recused themselves from participation in the aforementioned matter.

Let this Order, or a copy hereof, be filed with the Clerk of the Superior Court of Henry County, Georgia, and with the office of the Seventh Judicial Administrative District.

This, the 17 day of July, 2020



Ralph Van Felt, Jr., ADMINISTRATIVE JUDGE
SEVENTH JUDICIAL ADMINISTRATIVE DISTRICT

cc. The Honorable David Smith

FILED IN OFFICE
HENRY COUNTY
SUPERIOR COURT

MAY 15 1997

4:56 PM

Anna L. Taylor
CLERK

IN THE SUPERIOR COURT OF HENRY COUNTY

STATE OF GEORGIA

IN RE: ROBERT L. REHBERGER,
STATE BAR OF GEORGIA MEMBER NO. 599410

ORDER DISBARRING ROBERT L. REHBERGER

Robert L. Rehberger, a member of the State Bar of Georgia, was convicted by a jury in the Superior Court of Henry County of the offenses of false imprisonment, sexual battery and simple battery. Standard 66 of Rules 4-102 of the Rules and Regulations for the Organization and Government of the State Bar of Georgia provides that conviction of any felony or misdemeanor involving moral turpitude shall be grounds for disbarment. Subsection (d) of Standard 66 provides that this Standard is not intended to infringe on the inherent right of Georgia courts to suspend or disbar lawyers from practicing before them upon conviction of a crime. In the Matter of Harold A. Miller, III, 264 Ga. 126 (1994).

False imprisonment is a felony offense, OCGA, §16-5-41, and sexual battery is a crime involving moral turpitude OCGA, §16-6-22.1. In the Matter of James L. Brooks, 264 Ga. 583 (1994). While there now appears to be some question as to whether every felony would be an offense involving moral turpitude, Jarrard v. Clayton County Board of Registrars, 262 Ga. 759 (1993), there is no question that the offense of false imprisonment committed by an attorney upon a female client during the commission of a sexual battery and simple battery upon her

EXHIBIT (3)

A68-1

would be a crime involving moral turpitude.

Immediate action is necessary to protect the public from an attorney who is not qualified to practice law due to unprofessional conduct. The confidence of the public cannot be maintained if such a person is allowed to remain a member of the State Bar of Georgia after having been convicted of crimes such as those in this case. In the Matter of Nicholson, 243 Ga. 803, 807 (1979).

Accordingly, Robert L. Rehberger is hereby disbarred from the practice of law in this State, and his name is hereby ordered stricken from the rolls of those authorized to engage in the practice of law. Robert L. Rehberger is ordered to comply with the provisions of State Bar Rule 4-219(a).

This 15th day of May, 1997.

William H. Craig
WILLIAM H. CRAIG
JUDGE, SUPERIOR COURTS
FLINT JUDICIAL CIRCUIT

ALB-7

STATE'S WITNESSES:

Det. Mary Mitchell
Det. Charlene Parker
Henry Co. PD. 954-2900

Bronwyn A. Cherry 1050 Rock Quarry Rd.
~~425 Evergreen Way Apt. 19~~
Stockbridge, GA 30281
770 507-6835 737
H - Contact Mary Mitchell
Kim Rivers
1457 Fairview Road
Ellenwood, GA 30049
770 389-9487

Michelle Butera
3613 Fay Drive
Rex, GA 30273
474-6104

Rebecca Brown
868 Wynn Road
McDonough, GA 30253
770 957-6499, beeper 929-1546

Jack Sposa
1/2 Damons Restaurant
Hwy. 138
Stockbridge, GA

May 22th

Georgia, Henry County

I certify that the foregoing is a true and exact copy of the original which appears of record in this office.

In witness whereof I have this 27th day of May 1996 affixed my seal and signature

Judith A. Lewis, Clerk
Henry Superior Court

96 CR- 0258
HENRY SUPERIOR COURT
April Term, 1996

THE STATE
VS.

ROBERT L. REHBERGER

FALSE IMPRISONMENT
AGGRAVATED ASSAULT
SEXUAL BATTERY
SIMPLE BATTERY

True Bill

James N. McCann Jr.
Foreperson

TOMMY K. FLOYD
DISTRICT ATTORNEY

Returned in open court by Grand Jury.

this 10 day of May, 1996.

Jane P. James, Deputy
Clerk of Superior Court

Recorded in Indictment Book 88 Page 283.

The defendant(s) waives indictment by Grand Jury formal arraignment, copy of the Bill of Indictment and list of witnesses and pleads as follows:

This 5 day of June 1996

James R. Whitfield
District Attorney

Not guilty
Defendant

Defendant's Attorney

guilty
Defendant

Defendant's Attorney

guilty
Defendant

Defendant's Attorney

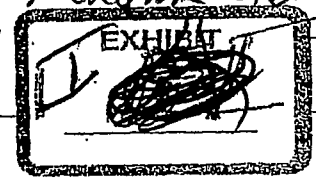
guilty
Defendant

Defendant's Attorney

We the jury find the defendant

This 70th day of Exhibit 1
ORDER of Judge

Foreperson



BILL OF INDICTMENT

96-CR- 0258

Page 2 of 3

STATE OF GEORGIA, COUNTY OF HENRY
IN THE SUPERIOR COURT OF SAID COUNTY

The GRAND JURORS selected, chosen and sworn for the County of Henry, to wit:

1. James N. McCommon, Sr., Foreman
2. Billy Tyler
3. Joe W. Tanner
4. Clifford Johnson, Sr.
5. J. Bradley Ausband
6. June B. Mangini
7. Marion L. Davis
8. Dolph C. Bosse
9. Randy L. Mantooth
10. Brett Whitman
11. Joy Nail Underwood
12. Gordon W. King
13. Whitney Bowden
14. Patricia F. Neal
15. Robert D. Fox, Jr.
16. Janet Hawkins
17. Karen M. Rhodes
18. Billy J. Powers
19. Shirley M. Wilkerson
20. Josephine M. Rodgers
21. Roderick F. Jordan
22. David F. Burton
23. Ruth F. Norton
24. Dale M. Roberts
25. John M. Love, Jr.
26. James J. Jackson

in the name and behalf of the citizens of Georgia, charge and accuse ROBERT L. REHBERGER with the offense of False Imprisonment in that the said accused, in the State and County aforesaid, on the 19th day of February, 1996, did then and there unlawfully in violation of the personal liberty of another, to wit: Bronwyn Cherry, detain her without legal authority, contrary to the laws of said State, the peace, good order and dignity thereof.

Count .2

And the GRAND JURORS, aforesaid, in the name and behalf of the citizens of Georgia, further charge and accuse ROBERT L. REHBERGER with the offense of Aggravated Assault in that the said accused, in the State and County aforesaid, on the 19th day of February, 1996, did then and there unlawfully make an assault upon the person of Bronwyn Cherry, with intent to rape, contrary to the laws of said State, the peace, good order and dignity thereof.

BILL OF INDICTMENT

Page 2 of 3

96-CR- 0258

STATE OF GEORGIA, COUNTY OF HENRY
IN THE SUPERIOR COURT OF SAID COUNTY

The GRAND JURORS selected, chosen and sworn for the County of Henry, to wit:

1. James N. McCommon, Sr., Foreman
2. Billy Tyler
3. Joe W. Tanner
4. Clifford Johnson, Sr.
5. J. Bradley Ausband
6. June B. Mangini
7. Marion L. Davis
8. Dolph C. Bosse
9. Randy L. Mantooth
10. Brett Whitman
11. Joy Nail Underwood
12. Gordon W. King
13. Whitney Bowden
14. Patricia F. Neal
15. Robert D. Fox, Jr.
16. Janet Hawkins
17. Karen M. Rhodes
18. Billy J. Powers
19. Shirley M. Wilkerson
20. Josephine M. Rodgers
21. Roderick F. Jordan
22. David F. Burton
23. Ruth F. Norton
24. Dale M. Roberts
25. John M. Love, Jr.
26. James J. Jackson

in the name and behalf of the citizens of Georgia, charge and accuse
ROBERT L. REHBERGER with the offense of False Imprisonment in that the said
accused, in the State and County aforesaid, on the 19th day of February,
1996, did then and there unlawfully in violation of the personal liberty of
another, to wit: Bronwyn Cherry, detain her without legal authority,
contrary to the laws of said State, the peace, good order and dignity
thereof.

IN THE SUPERIOR COURT OF HENRY COUNTY, GEORGIA

FINAL DISPOSITION

THE STATE OF GEORGIA

VS

CRIMINAL ACTION NO. 96-CR-0258

OFFENSE(S) FALSE IMPRISONMENT (CT. 1);

AGGRAVATED ASSAULT (CT. 2); SEXUAL

BATTERY (CT. 3); SIMPLE BATTERY (CT. 4)

ROBERT L. REHBERGER

APRIL TERM, 19 97

OFFENDER TRACKING NUMBER 61201243

PLEA:

NEGOTIATED

GUILTY ON COUNT(S)

NOLO CONTENDERE ON

COUNT(S)

TO LESSER INCLUDED

OFFENSE(S)

ON COUNT(S)

61104853

JURY

NON-JURY

VERDICT:

GUILTY ON

COUNT(S) 1, 3, 4

NOT GUILTY ON

COUNT(S)

GUILTY OF INCLUDED

OFFENSE(S) OF

ON COUNT(S)

OTHER DISPOSITION:

NOLLE PROSEQUI ORDER ON COUNT(S) 2

DEAD DOCKET ORDER ON COUNT(S)

(SEE SEPARATE ORDER)

DEFENDANT WAS ADVISED OF HIS/HER RIGHT TO HAVE THIS SENTENCE REVIEWED BY THE SUPERIOR COURTS SENTENCE REVIEW PANEL.

Count 1 FELONY SENTENCE Counts 3 and 4 MISDEMEANOR SENTENCE

WHEREAS, the above-named defendant has been found guilty of the above-stated offense, WHEREUPON, it is ordered and adjudged by the Court that: The said defendant is hereby sentenced to confinement for a period of 10 years on Count 1, 12 months on Count 2 and 12 months on Count 3. All to run concurrently.

1) THAT the above sentence may be served on probation of 4 years of the above sentence, the remainder of 6 years may be served on probation PROVIDED that the said defendant complies with the following general and other conditions herein imposed by the Court as a part of this sentence.

GENERAL CONDITIONS OF PROBATION

The defendant having been granted the privilege of serving all or part of the above-stated sentence on probation, hereby is sentenced to the following general conditions of probation.

- 1) Do not violate the criminal laws of any governmental unit.
2) Avoid injurious and vicious habits - especially alcoholic intoxication and narcotics and other dangerous drugs unless prescribed lawfully.
3) Avoid persons or places of disreputable or harmful character.
4) Report to the Probation Officer as directed and permit such Officer to visit him (her) at home or elsewhere.
5) Work faithfully at suitable employment insofar as may be possible.
6) Do not change his (her) present place of abode, move outside the jurisdiction of the Court, or leave the State for any period of time without prior permission of the Probation Supervisor.
7) Support his (her) legal dependants to the best of his (her) ability.
8) Defendant shall reimburse the county for all sums expended in his behalf for payments of attorney's fee in this case.
9) See Special Conditions of Probation, attached, and made a part of this sentence.

OTHER CONDITIONS OF PROBATION

IT IS FURTHER ORDERED that the defendant pay a fine in the amount of plus \$50 or 10%, whichever is less pursuant to O.C.G.A. § 15-21-70, and pay restitution in the amount of Probation Fee \$20.00 Per Month; Court Costs Plus 10% of the original fine pursuant to O.C.G.A. § 15-21-93. Plus 50% of the original fine pursuant to O.C.G.A. § 15-21-100. Plus \$25 or 10%, whichever is less pursuant to O.C.G.A. § 15-21-110. To be paid to the McDonough Probation Office, 45 Keys Ferry Street, McDonough, GA 30253 at the rate of: An additional 5% of fines and costs is imposed pursuant to O.C.G.A. § 15-21-131. Defendant is hereby disbarred. See copy of attached Order.

IT IS THE FURTHER ORDER of the Court, and the defendant is hereby advised that the Court may, at any time, revoke any conditions of this probation and/or discharge the defendant from probation. The probationer shall be subject to arrest for violation of any condition of probation herein granted. If such probation is revoked, the Court may order the execution of the sentence which was originally imposed or any portion thereof in the manner provided by law after deducting therefrom the amount of time the defendant has served on probation.

The defendant was represented by the Honorable Steve Harrison Attorney at Law Henry County, by (Employment)

So ordered this 15th day of May, 19 97

Hal Craig Judge, Henry Superior Court

Certificate of Service - This is to certify and acknowledge that a true and correct copy of this Final Disposition has been delivered in person and the defendant has been duly instructed regarding the conditions as set forth.

This 16th day of May, 19 97

Probation Officer signature

Robert Rehberger Defendant signature

Vertical text on the left margin: Deputy Clerk, 97, 15th, May, Filed in Open Court, this

IN THE SUPERIOR COURT OF HENRY COUNTY, GEORGIA

THE STATE OF GEORGIA

CASE NO. 96-CR-0258

VS

ROBERT L. REHBERGER

SPECIAL CONDITIONS OF PROBATION

- (A) Defendant shall be assigned to Intensive Probation and is hereby ordered to comply with all special conditions and rules and regulations of Intensive Probation, a copy of which is attached and made a part of this sentence.
- (B) Defendant is committed to the Probation Boot Camp as described on the attached order.
- (C) Defendant shall be assigned to a Diversion Center and shall abide by all rules and regulations of said center.
- (D) Probationer shall from time to time, upon oral or written request by a probation officer, or any city, county or state law enforcement officer, produce a breath, spital, urine, and or blood specimen for analysis for possible presence of a substance prohibited or controlled by any law of the State of Georgia or the United States.
- (E) Probationer shall submit to a search of his person, vehicle, residence and property, with or without a warrant at any time such request is made by the probation staff, city, county, or state law enforcement officer and specifically consents to the use of anything seized as evidence in a proceeding to revoke or discipline said probationer.
- (F) Probationer shall submit to counseling as provided by the Probation Department for drug, alcohol, and mental problems.
- (G) Defendant shall perform _____ hours of community service as directed by the probation department.
- (H) Probationer shall be supervised in his county of residence.
- (I) Probationer is remanded to the custody of a probation detention center for a period of not less than 60 nor more than 120 days.
- (J) Probationer shall pay a \$25.00 newspaper publication fee.
- (K) Defendant shall furnish a blood sample for DNA analysis within 45 days as provided in O.C.G.A. 24-4-60 et. seq..
- (L) The Defendant is hereby ordered to submit to an HIV test within 45 days and comply with all requirements as provided in O.C.G.A., § 17-10-15.
- (M) Other Special Condition: _____

This 15th day of May, 1997.

Hal Craig
Judge, Superior Court, Flint JC

IN THE SUPERIOR COURT OF HENRY COUNTY
STATE OF GEORGIA

STATE OF GEORGIA

CASE NO. 96-CR-0258

VS.

CHARGES: FALSE IMPRISONMENT (CT. 1)
AGGRAVATED ASSAULT (CT. 2)
SEXUAL BATTERY (CT. 3) AND
SIMPLE BATTERY (CT. 4)

ROBERT L. REHBERGER
DEFENDANT

DISPOSITION ORDER

The above referenced case is hereby NOLLE PROSEQUI COUNT 2

for the following reason: Defendant has been convicted and sentenced
on the remaining counts.

This 9th day of July, 19 97.

Jerry McBeary
Assistant District Attorney
Flint Judicial Circuit

Walter Craig
Judge, Superior Court
Flint Judicial Circuit

FILED IN OFFICE
HENRY COUNTY
SUPERIOR COURT

JUL 09 1997

David E. Taylor
SUPERIOR COURT

would be a crime involving moral turpitude.

Immediate action is necessary to protect the public from an attorney who is not qualified to practice law due to unprofessional conduct. The confidence of the public cannot be maintained if such a person is allowed to remain a member of the State Bar of Georgia after having been convicted of crimes such as those in this case. In the Matter of Nicholson, 243 Ga. 803, 807 (1979).

Accordingly, Robert L. Rehberger is hereby disbarred from the practice of law in this State, and his name is hereby ordered stricken from the rolls of those authorized to engage in the practice of law. Robert L. Rehberger is ordered to comply with the provisions of State Bar Rule 4-219(c).

This 15th day of May, 1997.

William H. Craig

WILLIAM H. CRAIG
JUDGE, SUPERIOR COURTS
FLINT JUDICIAL CIRCUIT

IN THE SUPERIOR COURT OF HENRY COUNTY, GEORGIA

FINAL DISPOSITION

THE STATE OF GEORGIA

CRIMINAL ACTION NO. 96-CR-0258

VS

OFFENSE(S) FALSE IMPRISONMENT (CT.1);
AGGRAVATED ASSAULT (CT. 2); SEXUAL
BATTERY (CT. 3); SIMPLE BATTERY (CT.

ROBERT L. REHBERGER

OFFENDER TRACKING NUMBER 61201243

APRIL TERM, 1997

- PLEA: NEGOTIATED, GUILTY ON COUNT(S), NOLO CONTENDERE ON COUNT(S), TO LESSER INCLUDED OFFENSE(S) ON COUNT(S)
VERDICT: GUILTY ON COUNT(S) 1, 3, 4, NOT GUILTY ON COUNT(S), GUILTY OF INCLUDED OFFENSE(S) OF ON COUNT(S)
OTHER DISPOSITION: NOLLE PROSEQUI ORDER C COUNT(S) 2, DEAD DOCKET ORDER ON COUNT(S)
(SEE SEPARATE ORDER)

DEFENDANT WAS ADVISED OF HIS/HER RIGHT TO HAVE THIS SENTENCE REVIEWED BY THE SUPERIOR COURTS SENTENCE REVIEW PANEL

Count 1 FELONY SENTENCE, Counts 3 and 4 MISDEMEANOR SENTENCE

WHEREAS, the above-named defendant has been found guilty of the above-stated offense, WHEREUPON, it is ordered and adjudged by the Court that The said defendant is hereby sentenced to confinement for a period of 10 years on Count 1, 12 months on Count 3 and 12 months on Count 4. All to run concurrently.

in the State Penal System or such other institution as the Commissioner of the Georgia Department of Corrections may direct, to be computed as provided by law, HOWEVER, as further ordered by the Court

- 1) THAT the above sentence may be served on probation
2) THAT upon service of 4 years of the above sentence, the remainder of 6 years may be served on probation PROVIDED that the said defendant complies with the following general and other conditions herein imposed by the Court as a part of this sentence.

GENERAL CONDITIONS OF PROBATION

The defendant having been granted the privilege of serving all or part of the above-stated sentence on probation, hereby is sentenced to the following general conditions of probation.

- 1) Do not violate the criminal laws of any governmental unit.
2) Avoid injurious and vicious habits - especially alcoholic intoxication and narcotics and other dangerous drugs unless prescribed lawfully.
3) Avoid persons or places of disputable or harmful character.
4) Report to the Probation Officer as directed and permit such Officer to visit him (her) at home or elsewhere.
5) Work faithfully at suitable employment insofar as may be possible.
6) Do not change his (her) present place of abode, move outside the jurisdiction of the Court, or leave the State for any period of time without prior permission of Probation Supervisor.
7) Support his (her) legal dependents to the best of his (her) ability.
8) Defendant shall reimburse the county for all sums expended in his behalf for payments of attorney's fee in this case.
9) See Special Conditions of Probation, attached, and made a part of this sentence.

OTHER CONDITIONS OF PROBATION

FURTHER ORDERED that the defendant pay a fine in the amount of plus \$50 or 10%, whichever is less pursuant to O.C.G.A. § 15-21-70
stitution in the amount of Probation Fee \$20.00 Per Month; Court Costs
10% of the original fine pursuant to O.C.G.A §15-21-93. Plus 50% of the original fine pursuant to O.C.G.A 15-21-100. Plus \$25 or 10%, whichever is
want to O.C.G.A. § 15-21-110. To be paid to the McDonough Probation Office, 45 Keys Ferry Street, McDonough, GA 30253 at the rate of:
additional 5% of fines and costs is imposed pursuant to O.C.G.A. 15-21-131
defendant is hereby disbarred. See copy of attached Order.

THE FURTHER ORDER of the Court, and the defendant is hereby advised that the Court may, at any time, revoke any conditions of this probation and/or discharge the defendant. The probationer shall be subject to arrest for violation of any condition of probation herein granted. If such probation is revoked, the Court may order the execution of the sentence which was originally imposed or any portion thereof in the manner provided by law after deducting therefrom the amount of time the defendant has served on probation. I have read to correct scrivener's error in original sentence.

Defendant was represented by the Honorable Steve Harrison, Attorney at Law, Henry County, by (Employment ID: 902000)

Witnessed this 16th day of June, 1997. pro tunc to May 15, 1997.

Handwritten signature of Hal Craig, Judge, Henry Superior Court

Witness of Service - This is to certify and acknowledge that a true and correct copy of this Final Disposition has been delivered in person and the defendant has been advised regarding the conditions as set forth.

Witnessed this day of 19

Probation Officer

IN THE SUPERIOR COURT OF HENRY COUNTY
STATE OF GEORGIA

FILED IN OFFICE
HENRY COUNTY
SUPERIOR COURT

ROBERT L. REHBERGER,

Petitioner,

v.

JUDGE WILLIAM CRAIG, et al.

Respondent.

*
*
*
*
*
*
*
*
*

NOV 19 2004

David L. Lewis
CLERK OF SUPERIOR COURT

CIVIL ACTION NO.
2004-CV-2597-C

ORDER

After reviewing the briefs in this matter it is hereby ordered and adjudged that Respondents' Motion to dismiss, Motion for fees and injunctive sanctions are hereby granted. Because Mr. Rehberger has a history of filing numerous frivolous lawsuits, and has not curtailed this practice in the wake of previous attorney's fees, this Court finds that that Petitioner shall be barred from filing any future pro se civil actions against any public official without leave of court. Mr. Rehberger may retain counsel to file any actions without leave if and only if, all attorneys' fees assessed against Mr. Rehberger are paid in full. Before filing or attempting to file a lawsuit, Mr. Rehberger shall send a copy of the lawsuit directly to the court, who will determine on a case-by-case basis whether said lawsuit is frivolous or malicious. Further, Mr. Rehberger shall attach to the copy of each proposed lawsuit an affidavit certifying under oath that the claims raised are novel and are not frivolous or filed for malicious purposes. Failure to comply with any of these provisions should result in the Clerk returning the lawsuit to Mr. Rehberger without filing.

This 13th day of Nov 2004.

David L. Lewis
Hon. Lewis A. McConnell, Jr.

Prepared by Rebecca Mick
Senior Assistant Attorney General

Exhibit 4

IN THE SUPERIOR COURT OF HENRY COUNTY

STATE OF GEORGIA

THE STATE OF GEORGIA

VS.

CASE NUMBER: 96-CR-0258

Robert L. Rehberger

ORDER

The above styled case having come before the court for a hearing on defendant's Special Demurrer and Motion to Dismiss Indictment and the court having heard evidence and argument of counsel, it is the order of this court that said Special Demurrer and Motion to Dismiss Indictment is hereby denied.

SO ORDERED, this ^{29th}~~27~~ day of August, 1996.

Hal Craig

JUDGE, SUPERIOR COURT
FLINT JUDICIAL CIRCUIT

FILED IN OFFICE THIS THE 28th
DAY OF August 19 96
AT 3:15 O'CLOCK P M.
David E. Taylor
Clerk Superior Court



10 08:02p

Jeffrey LeMaster

770-389-1427

p.2

141

Court of Appeals
of the State of Georgia

COPY

ATLANTA, SEPTEMBER 25, 1996

The Honorable Court of Appeals met pursuant to adjournment.

The Following order was passed:

APPLICATION NO. A9710032
ROBERT L. REHBERGER V. THE STATE

Upon consideration of the Application for an Interlocutory
Appeal, it is ordered that it be hereby DENIED.

94004

96CR0258

Court of Appeals of the State of Georgia

Clerk's Office, Atlanta SEP 25 1996

*I certify that the above is a true extract from
the minutes of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court
hereto affixed the day and year last above written.*

William E. Martin Clerk

FILED IN OFFICE THIS THE 26th
DAY OF September 19 96
AT 3:00 O'CLOCK P
Clara C. Burgess
Clerk Superior Court

EX XII

A62-1