



SUPREME COURT OF GEORGIA
Case No. S24C0093

February 6, 2024

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

JOHN THOMAS ROONEY v. THE STATE.

On August 9, 2023, the Court of Appeals dismissed petitioner's appeal from the denial of a motion seeking to challenge his sentence. He did not file a motion for reconsideration in the Court of Appeals or seek a motion for an extension of time to file his petition for a writ of certiorari in this Court. Accordingly, he was required to file his petition by August 29, 2023. See Supreme Court Rule 38 (2). Because it was not filed until August 30, 2023, it is untimely and dismissed.

All the Justices concur, except Ellington, J., disqualified.

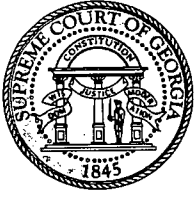
SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

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

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

Theresa S. Davis, Clerk

Appendix C



SUPREME COURT OF GEORGIA
Case No. S24C0093

March 05, 2024

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

JOHN THOMAS ROONEY v. THE STATE.

Upon consideration of the Motion for Reconsideration filed in this case, it is ordered that it be hereby denied.

All the Justices concur, except Ellington, J., disqualified.

SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta

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

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

Theresa A. Barnes, Clerk

Appendix D

Court of Appeals of the State of Georgia

ATLANTA, August 09, 2023

The Court of Appeals hereby passes the following order:

A23A1483. JOHN THOMAS ROONEY v. THE STATE.

John Thomas Rooney has filed several appeals in this Court seeking to overturn his 1995 convictions and sentence entered upon a guilty plea to charges of rape and related crimes. In Case No. A00A2387, this court affirmed the denial of Rooney's motion for an out-of-time appeal by unpublished opinion. See *Rooney v. State*, 248 Ga. App. XXVII (2001) (Case No. A00A2387). Thereafter, this Court affirmed or dismissed at least ten other appeals by Rooney regarding his convictions and sentence.¹

The present appeal is from the denial of what appears to be Rooney's seventh challenge to his sentence. "It is axiomatic that the same issue cannot be relitigated ad infinitum." *Echols v. State*, 243 Ga. App. 775, 776 (534 SE2d 464) (2000). In light of Rooney's previous appeals, we are precluded from revisiting the issue. See *Paradise v. State*, 321 Ga. App. 371, 373 (740 SE2d 238) (2013) ("Although a void sentence may be challenged at any time, 'this important legal principle is, nevertheless, subject to the equally well established principles of res judicata and the law-of-the-case rule once the issue has been raised and ruled upon.'"); *Ross v. State*, 310 Ga. App. 326, 328 (713 SE2d 438) (2011) (while a void sentence is a nullity and

¹ Case Nos. A02A1640 (dismissed Apr. 17, 2002); A02A1641 (affirmed Sept. 19, 2002); A06A0616 (dismissed Dec. 2, 2005); A06A1032 (dismissed Jan. 26, 2006); A07A1192 (dismissed Mar. 6, 2007); A08A2273 (dismissed Feb. 3, 2009); A11A1316 (affirmed in *Rooney v. State*, 311 Ga. App. 376 (715 SE2d 780) (2011)); A12A0994 (dismissed in *Rooney v. State*, 318 Ga. App. 385 (734 SE2d 104) (2012); A13A0922 (dismissed Apr. 1, 2013); A19A0285 (dismissed Oct. 4, 2018).

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may be vacated at any time, it is still subject to res judicata and law-of-the-case rule; defendant is “not entitled to multiple bites at the apple”).

Because Rooney is not entitled to make multiple challenges to the validity of his convictions and sentences in the trial court, and because Rooney has clearly exhausted or otherwise waived all rights he may have had to seek appellate review of his convictions and sentences by direct appeal, this appeal is hereby DISMISSED for lack of jurisdiction.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, 08/09/2023

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.

IN THE SUPERIOR COURT OF GWINNETT COUNTY

STATE OF GEORGIA

STATE OF GEORGIA,

v.

JOHN ROONEY,

Defendant

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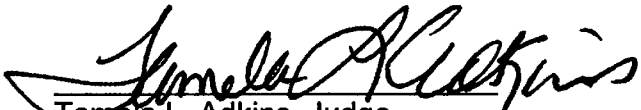
Criminal No. 94-B-2823-4

Pro Se Motion to Void Illegal and Void
Sentences Due to Unconstitutional
Guilty Plea – filed 3/1/2023

ORDER

The above Motion filed Pro Se by the Defendant on March 1, 2023, and the same having been reviewed and considered, the Court finds as follows: A Motion to Vacate a Void Sentence can be made at any time. However, this defendant was given a lawful sentence. Additionally, this is at least, the 4th time the Defendant has challenged his sentence and this issue. See Rooney v. State, 318 Ga. App 385 (2012), Rooney v. State, 287 Ga. 1 (2010) and Rooney v. State, A07A1192 (2007). This issue is Res Judicata and the Defendant's Motion is **DENIED**.

SO ORDERED, this 10th day of April, 2023.


Tameela L. Adkins, Judge
Gwinnett County Superior Court

Copies to:

District Attorney's Office

John Thomas Rooney #31938 92
Washing State Prison
P.O. Box 206
Davisboro, GA 31018

LEGAL MAIL

APR 24 2023

Appendix B

**Additional material
from this filing is
available in the
Clerk's Office.**