

No. 24-5551

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED
SEP - 3 2024
OFFICE OF THE CLERK

SAMUEL ARNOLD — PETITIONER
(Your Name)

vs.

STATE OF GEORGIA — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

SUPREME COURT OF GEORGIA
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

SAMUEL ARNOLD
(Your Name)

P.O. Box 750 / 1412 Plunkett Road
(Address)

Unadilla, GA, 31091
(City, State, Zip Code)

708-631-8441
(Phone Number)

RECEIVED
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SUPREME COURT, U.S.

QUESTION(S) PRESENTED

CAPITAL CASE

1.) DOES GEORGIA SUPREME COURT RULE 13(2)(c) + FEDERAL RULE OF APPELLATE PROCEDURE RULE 4(c) APPLY TO ALL INMATES CONFINED IN AN INSTITUTION? (UNITED STATES CONSTITUTION, AMENDMENT V, VI, AND XIV)

B.) IF SO, IS IT CONSTITUTIONALLY DEPRIVING TO DISMISS AN APPEAL, MADE BY AN INMATE CONFINED IN AN INSTITUTION THAT FOLLOWS GA. SUP. CT. RULE (4)(c), IF APPEAL, NOTARY STAMP, CERTIFICATE OF SERVICE, AND INSTITUTION RECEIPT ALL SHOW FILING WAS GIVEN TO INSTITUTION'S OFFICIALS FOR FORWARDING PRIOR TO DEADLINE, FINDING TO TURN IN APPEALS?

2.) DO AN ATTORNEY FOR THE GOVERNMENT HAVE THE RIGHT TO NOT SIGN AN INDICTMENT? (UNITED STATES CONSTITUTION, AMENDMENT V, VI, AND XIV)

B.) IS THAT INDICTMENT VALID WITHOUT THE SIGNATURE?

3.) CAN AN PROCEEDING BE BROUGHT UPON AN INVALID INDICTMENT?

B.) DOES IT VIOLATE AN DEFENDANT'S CONSTITUTIONAL RIGHTS TO BE SENTENCED UPON AN INVALID INDICTMENT?

CONT...

QUESTIONS PRESENTED

CONT...

DOES IT CONSTITUTIONALLY DEPRIVE AN DEFENDANT IF AN COURT REPEATEDLY IGNORE OR REFUSE TO RULE ON SEVERAL PRO SE FILINGS, LEAVING FILINGS UNRULLED OVER 90 DAYS INCLUDING AN UNANSWERED MOTION FOR COMPLIANCE?

SEE D.C.G.A §15 -10 -21(B) (U.S.CONST. AMEND. V, VI, XIV)

B.) DOES IT CONSTITUTIONALLY DEPRIVE AN DEFENDANT TO CONTINUOUSLY DENY OR IGNORE HIS PRO SE FILINGS BECAUSE HE IS PASSIVELY REPRESENTED BY AN ATTORNEY THAT WAS BOTH FIRED AND REQUESTED TO BE REMOVED FROM CASE PRIOR TO PRO SE FILINGS?

DOES IT CONSTITUTIONALLY DEPRIVE AN DEFENDANT FOR AN COURT TO PASSIVELY DISMISS BY WAY OF IGNORING OR REFUSING TO RULE ON DEFENDANT'S CONTINUAL REQUESTS TO PROCEED PRO SE, EFFECTIVELY FORCING AN ATTORNEY ON DEFENDANT, AND THEN LATER HOLD DEFENDANT ACCOUNTABLE FOR THE FAILURES OF AN ATTORNEY THE SAME COURT REFUSED TO REMOVE?

TAYLOR v. RICKETTS, 239 Ga. 501, 238 S.E.2d 52 (Ga. 1977)

QUESTIONS PRESENTED

CONT...

) IS IT CONSTITUTIONALLY DEPRIVING TO FORCE AN PRO SE PRISONER TO E-FILE AND CONTINUOUSLY NEGLECT TO MAIL THE PRO SE PRISONER THE FILINGS BEING SUBMITTED ON THE CASE/APPEAL YET HOLD THE PRO SE PRISONER ACCOUNTABLE FOR NOT MAKING TIMELY RESPONDS TO FILINGS THAT HE HAS NO WAY OF BEING AWARE ABOUT WITHOUT OUTSIDE ASSISTANCE?

B.) WHO IS RESPONSIBLE FOR CONSTITUTIONALLY DEPRIVING THE PRO SE PRISONER, THE COURT NEGLECTING TO SEND/SERVE THE PRO SE PRISONER FILINGS BEING MADE IN CASE/APPEAL TO EFFECTIVELY SELF-REPRESENT WITHOUT SOURCES OUTSIDE THE PRISON OR THE INSTITUTION DENYING PRO SE PRISONERS ACCESS TO USE LAW LIBRARY COMPUTERS TO TYPE, SUBMIT, PRINT, AND VIEW FILINGS MADE/SUBMITTED TO STATE AND FEDERAL COURT WEBSITES [WHICH WOULD EFFECTIVELY BE AN DENIAL OF ACCESS TO COURTS IF COURTS ARE ALLOWED TO NOT PHYSICALLY SERVE PRISONERS FILING PRO SE]?

C.) IS THE LAW LIBRARY AND IT'S SUBSEQUENT SERVICES, AN ESSENTIAL RIGHT SIMILAR TO MEDICAL ACCESS AND IS MANDATORY OR IS IT AN PRIVILEGE THAT CAN BE RESTRICTED DURING CAMP LOCKDOWNS /NO MOVEMENT LIKE RECREATION AND COMMISSARY?

QUESTIONS PRESENTED

CONT...

.) IF AN VALID INDICTMENT IS ESSENTIAL TO GIVE AN TRIAL COURT SUBJECT MATTER JURISDICTION TO DISPOSE OF A CAPITAL FELONY CASE AND WITHOUT AN INDICTMENT ANY JUDGMENT THAT COURT RENDERS IS VOID (MAYO v. STATE, 277 Ga. 1645, 594 S.E.2d 333 (2004)) AND WITHOUT THE SIGNATURE THERE IS NO VALID INDICTMENT (UNITED STATES v. COX, 342 F.2d 1167, 171 (5TH CIR.), CERT DENIED, 381 U.S. 935 (1965)) (SEE COX, 10 AT 172), CAN AN TRIAL COURT JUST IGNORE AND PASSIVELY DENY AN FILING STATING THAT THE TRIAL COURT'S JUDGEMENT IS VOID AND CITE THE ABOVE - STATED CASE LAW, BECAUSE THE MOTION WAS FILED PRO SE? (SEE JOHNSON v. STATE, 315 Ga 876 (885 S.E.2d 725) (2023))

.)

QUESTIONS PRESENTED

(CONT...)

) IS IT CONSTITUTIONALLY DEPRIVING TO AN DEFENDANT TO ALLOW AN COURT TO NUNC PRO TUNC AN ORDER DISMISSING AN DEFENDANT'S DEMAND FOR AN SPEEDY TRIAL 20 MONTHS AFTER THE STATUTORY EXPIRATION OF DEMAND AND 10 MONTHS AFTER THE DEC. 13, 2021 HEARING WHERE DEFENDANT ARGUED HIS RIGHT TO AN SPEEDY TRIAL HAD BEEN VIOLATED (O.C.G.A. § 15-6-21(b) PROVIDES/ALLOT 90 DAYS)?

B.) WHEN DOES IT VIOLATE THE MAXIM ACTUS CURIE NEMINEM THAT ALL NUNC PRO TUNC FILINGS MUST REST UPON?
(SEE BLACK'S LAW DICTIONARY 11TH EDITION)

C.) DOES IT NOT VIOLATE THE DEFENDANT [PETITIONER]'S CONSTITUTIONAL RIGHT TO EQUAL PROTECTION OF THE LAWS TO ALLOW THE PROSECUTION AND THE TRIAL COURT TO BYPASS STATUTORY DEADLINES AT WILL BY NUNC PRO TUNC'ING AN ORDER THAT IS ESSENTIALLY PUNISHING THE DEFENDANT FOR THE SAME (AN ALLEGED OUT-OF-TIME FILING)? SEE CLAIM 3 OF ORDER, APPENDIX

QUESTIONS PRESENTED

CONT...

) DOES IT ROB AN DEFENDANT OF HIS RIGHT TO BE ACQUITTED IN ABSENCE OF AN SPEEDY TRIAL (CONSTITUTIONALLY AND STATUTORILY) AND/DR HIS ABILITY TO INTERLOCUTORY APPEAL OF AN DENIAL TO AN SPEEDY TRIAL PRIOR TO LOSS OF LIFE/TRYAL IF THE TRIAL COURT FAILS TO RULE ON DEMAND UNTIL 16 MONTHS AFTER THE DEFENDANT WAS FORCE INTO TRIAL BUT ONLY 8 DAYS PRIOR TO THE SCHEDULED HEARING TO DISCUSS DEFENDANT'S MOTION FOR NEW TRIAL, WHICH MENTIONED ON CLAIM #6 DEFENDANT BEING DENIED HIS RIGHT TO SPEEDY TRIAL? SEE APPENDIX

B.) COULD THE DEFENDANT HAVE LAWFULLY APPEALED AN RULING PRIOR TO THE RULING BEING MADE?

C.) WAS IT MALICIOUS TO PLACE THE ORDER ONLY AFTER IT'S ABSENCE APPEARED TO BE BENEFICIAL TO THE DEFENDANT'S ATTEMPT AT NEW TRIAL? COULD IT BE CONSIDERED OBSTRUCTION?

D.) SHOULD THIS BE ALLOWED, AS IT APPEARS TO BE CHANGING STANCES AT THE EXITENCY OF THE MOMENT?

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

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

- PATRICIA BETH ATTAWAY BURTON - DEPUTY ATTORNEY GENERAL (404-458-3570)
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- STATE v. BELL

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TAYLOR v. RICKETTS, 239 Ga. 501, 238 S.E.2d 52 (Ga. 1977)

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

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

OPINIONS BELOW

[] For cases from **federal courts**:

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

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

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

[] reported at _____; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

[] For cases from **state courts**:

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

[] reported at _____; or,
[✓] has been designated for publication but is not yet reported; or,
[] is unpublished.

The opinion of the Ga. Fulton County Superior court appears at Appendix D.1 to the petition and is

[] reported at _____; or,
[✓] has been designated for publication but is not yet reported; or,
[] is unpublished.

1.

JURISDICTION

THIS PETITION FOR A WRIT OF CERTIORARI IS SUBMITTED TO THE SUPREME COURT OF THE UNITED STATES UNDER 28 U.S.C. § 1254(1).

THIS PETITION ADDRESS THE DENIAL OF MY RIGHT TO SELF-REPRESENTATION AND ACCESS TO COURTS, AS GUARANTEED BY THE SIXTH AND FOURTEENTH AMENDMENTS. THE GA SUPREME COURT, AS THE HIGHEST STATE COURT IN THE JURISDICTION, MADE AN DECISION THAT IS REPUGNANT TO THE CONSTITUTION AS IT CONFLICTS WITH ESTABLISHED PRECEDENT AND RAISES IMPORTANT CONSTITUTIONAL QUESTIONS THAT MERIT THE SUPREME COURT'S REVIEW.

THEREFORE, I RESPECTFULLY REQUEST THE SUPREME COURT OF THE UNITED STATES TO GRANT THIS PETITION FOR A WRIT OF CERTIORARI.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. UNITED STATES CONSTITUTION, AMENDMENT V

THE 5TH AMENDMENT GUARANTEES DUE PROCESS RIGHTS, INCLUDING THE RIGHT TO A FAIR HEARING AND ACCESS TO COURTS, AND THE RIGHT TO A SPEEDY TRIAL

2. UNITED STATES CONSTITUTION, AMENDMENT VI

THE 6TH AMENDMENT ENSURES THE RIGHT TO A FAIR TRIAL, LEGAL REPRESENTATION, AND SELF REPRESENTATION, ALONG WITH THE RIGHT TO BE ACQUITTED IN ABSENCE OF A SPEEDY TRIAL.

3. UNITED STATES CONSTITUTION, AMENDMENT XIV

THE 14TH AMENDMENT EXTENDS DUE PROCESS PROTECTIONS AND PROHIBITS STATE VIOLATIONS OF PEOPLE FUNDAMENTAL RIGHTS.

STATEMENT OF THE CASE

SUPREME COURT OF GEORGIA - S24A1039 - "CAPITAL CASE" 11

THE SUPREME COURT OF GEORGIA HAS NEGLECTED TO SERVE THE APPELLANT, AN PRO SE INDIGENT PRISONER WITH ANY FILING(S) MADE IN APPEAL # S24A1039. PRO SE FILLERS ARE NOT REQUIRED TO E-FILE. GA. R. SUP. Ct. 13(1)(b)

ON JUNE 11, 2024, THE SUPREME COURT ERRONEOUSLY DISMISSED APPEAL # S24A1039 FOR BEING OUT OF TIME. THE APPELLANT WAS APPEALING AN ORDER MADE BY THE FULTON COUNTY SUPERIOR TRIAL COURT FILED ON AUGUST 16, 2023 THAT HE WAS SERVED ROUGHLY 7 DAYS LATER, GIVE OR TAKE. DURING THIS TIME, THE APPELLANT WAS INCARCERATED AT COASTAL STATE PRISON, WHERE THE PRISON OFFICIAL / LIBRARIAN MRS. KOHN IS THE ONLY POINT ACCESS BOTH TURN IN INDIGENT LEGAL MAIL AND RECEIVE NOTARY. THE PRISON OFFICIAL, MRS. KOHN AND THE LIBRARY WAS OUT OF SERVICE FOR LITTLE OVER 2 WEEKS UP UNTIL THE DATE OF SEPTEMBER 15, 2023. ON HER RETURN, SEPTEMBER 15, 2023 THE APPELLANT RECEIVED NOTARY SERVICES FOR BOTH HIS APPEAL TO AUGUST 16, 2023'S ORDER AND THE CERTIFICATE OF SERVICE AS SEEN ON APPENDIX C, AND THEN SUBMITTED BOTH INTO THE INSTITUTION'S MAIL SYSTEM FOR INDIGENT LEGAL MAIL ON SEPTEMBER 15, 2023, AS SIGNED OFF AS RETRIEVAL ON MAILING RECEIPT.

ACCORDING TO RELEVANT LAW OR RULE, GEORGIA SUPREME COURT, RULE 13(2)(C) AND FEDERAL RULE FOR APPELLATE PROCEDURE 4(C)...

CONTINUED...

STATEMENT OF THE CASE

CONT...

...AN FILING MADE BY AN PRO SE PRISONER IS CONSIDERED FILED ON THE DAY IT IS TURNED IN TO PRISON OFFICIALS FOR FORWARDING TO THE CLERK, NOT THE DAY IT IS RECEIVED BY THE COURTS. SEE SUPREME COURT OF GEORGIA RULE 13(2)(C). SEE ALSO FERGUSON V. FREEMAN, 1446 S.E. 2d 65, 282 Ga. 180 (Ga. 2007). AS SEEN ON APPENDIX C, THE APPEAL WAS NOTARIZED AND SHOWS A DATE OF SEPTEMBER 15, 2023 AND THERE IS NOTHING IN THE RECORD TO REBUT THE PRESUMPTION THAT IT WAS DELIVERED TO PRISON AUTHORITIES IN WHOSE CUSTODY HE WAS, ON THAT DATE. THUS MAKING SAID APPEAL AN TIMELY APPEAL ACCORDING TO LAW.

THE PRISON MAIL RECEIPT SHOWS APPEAL WAS DELIVERED TO AUTHORITIES ON SEPTEMBER 15, 2023 BUT AUTHORITIES DIDN'T MAIL APPEAL UNTIL OCTOBER 04, 2023 TO BE LATER SEEN BY TRIAL COURT AND FILED AS OCTOBER 11, 2023. APPELLANT HAS NO CONTROL OVER AUTHORITIES EFFECTIVENESS NOR THE PRISON AUTHORITIES INDIFFERENCE TO LEGAL DEADLINES AND PROCEDURES. THE APPELLANT DELIVERED AN TIMELY APPEAL.

CONT... PAGE 10/

STATEMENT OF THE CASE

CONT...

APPEAL - FULTON COUNTY, GEORGIA, SUPERIOR COURT - 2DSC171686D

ON AUGUST 16, 2023, FULTON COUNTY TRIAL COURT FILED AN "ORDER TO DISMISS" [APPELLANT]'S DEMAND FOR SPEEDY TRIAL BUT PRO NUNC TUNC THE ORDER TO DECEMBER 20, 2021, ALMOST TWENTY MONTHS PRIOR. THE APPELLANT'S SPEEDY TRIAL DEMAND, FILED JUNE 11, 2021 [06/11/21] UNDER THE FIFTEENTH EXTENDING ORDER OF THE JUDICIAL EMERGENCY ORDER SECTION (I)(A) + (I)(D) AS SEEN ON APPENDIX G, GAVE THE LAWFUL TWO TRIAL TERMS TO TRIAL OR ACQUIT APPELLANT; THAT DATE/STATITORY DEADLINE TO TRIAL ENDED NOVEMBER 01, 2021. THE APPELLANT WAS TRIED IN APRIL OF 2022. ALSO SEE ~~(III)(D)~~ JUD. EM. 15TH EXT

THE ORDER TO DISMISS THE APPELLANT'S SPEEDY TRIAL DEMAND OR ACQUITTAL IN ABSENCE OF ONE WAS NOT FILED UNTIL 16 MONTHS AFTER TRIAL.

THE APPELLANT WAS UNABLE TO APPEAL AN RULING THAT HAS YET TO BE MADE, AS IT IS UNLAWFUL TO DO SO, AS EXPLAINED BY THE GEORGIA SUPREME COURT ORDER THAT ERRONEOUSLY DISMISSED THE APPELLANT'S APPEAL. SEE APPENDIX A.

STATEMENT OF THE CASE

CONT...

THE SUPERIOR COURT HAD ONLY 90 DAYS TO RULE ON MOTIONS, FILINGS PRESENTED TO THE COURT, IN COUNTIES WITH OVER 100,000 INHABITANTS ACCORDING TO O.C.G.A. §15-10-21(b). NOT ONLY WAS THE COURT'S RULE 487 DAYS BEYOND THE 90 DAYS STATUTORILY GIVEN TO RESPOND AND MAKE AN RULING AFTER MOTION WAS PRESENTED AND ARGUED DECEMBER 13, 2021, IT WAS 520^{1/2} DAYS AFTER THE STATUTORY DEADLINE OF TWO TRIAL TERMS TO TRIAL OR ACQUIT [O.C.G.A. §17-7-170 AND 17-7-171] WHICH ENDED NOVEMBER 01, 2021 AND 476^{1/2} DAYS AFTER THE CONSTITUTIONALLY/STATUTORILY VIOLATING UNTIMELY TRIAL.

THE TRIAL COURT DID NOT ELECT TO FILE AN RULING UNTIL AUGUST 16, 2023, JUST 8 DAYS PRIOR TO THE COURT HEARING TO DISCUSS THE APPELLANT'S [STILL UNRULLED ON AS OF AUG. 20, 2024] AMENDED MOTION FOR NEW TRIAL FILED ON JUNE 2, 2023, WHICH SAID MOTION MENTIONED THE VIOLATION OF THE [APPELLANT]'S RIGHT TO AN SPEEDY TRIAL AS THE CLAIM NUMBER 8 FOR MOTION FOR NEW TRIAL.

THE PURPOSE OF AN NUNC PRO TUNC IS TO CORRECT CLERICAL ERRORS. THE ABSENCE OF AN RULING IS NOT AN CLERICAL ERROR IF THE RULING CANT BE FOUND ON THE TRANSCRIPTS OF THE DATE THE ORDER WAS NUNC PRO TUNC TO, DECEMBER 20, 2021. THERE..

STATEMENT OF THE CASE

(DNT...)

... WAS NOT AN HEARING ON DECEMBER 2D, 2021. THE APPELLANT STRONGLY CONTESTS THAT THIS NUNC PRO TUNC WAS USED AS AN UNETHICAL BYPASS OF NOT ONLY GEORGIA'S STATITORY DEADLINES WITHOUT AN EXTENSION REQUESTED BUT ALSO THE APPELLANT'S RIGHT TO AN FAIR AND SPEEDY TRIAL AND IN THIS CASE AN ACQUITTAL IN ABSENCE OF ONE.

STATEMENT OF THE CASE

CONT...

SUMMARY OF APPELLANT'S BRIEF - SUPREME COURT - S24A1039

THE APPELLANT CONTENDS THAT NOT ONLY DID THE TRIAL COURT ABUSE THEIR NUNC PRO TUNC CAPABILITIES, THE TRIAL COURT'S ORDER TO DISMISS [APPELLANT]'S SPEEDY TRIAL DEMAND CONSISTED OF ONLY 4 SUPPORTING CLAIMS, ALL OF WHICH WERE OPPOSED TO RELEVANT LAW. SEE APPENDIX D

CLAIM 1

INDICTMENT 20SC176860 WAS UNSIGNED BY THE PROSECUTOR ON JUNE 11, 2021, THE DAY THE [APPELLANT]'S DEMAND WAS FILED AND WAS STILL UNSIGNED DECEMBER 13, 2021 THE DAY THE APPELLANT ARGUED HIS DEMAND AND THE EXPIRATION OF IT'S ALLOTTED TRIAL TERMS. D.C.G.A. § 17-11-4(a) STATES THAT THE PROSECUTOR SHALL ENDORSE EVERY INDICTMENT.

SEE UNITED STATES v. Cox, 342 F2d 167, 171 (5TH CIR.), CERT DENIED, 381 U.S. 935, 85 S.Ct. 1767, 14 L.Ed. 2d 700 (1965). THEREFORE, INDICTMENT WAS INVALID AND THE [APPELLANT] WAS NOT CHARGED WITH CAPITAL CRIMES ONLY ACCUSED. SEE APPENDIX H

STATEMENT OF THE CASE

CONT...

CLAIM 2 -

THE [APPELLANT] WAS ONLY PASSIVELY REPRESENTED BY COUNSEL AS THE [APPELLANT] INFORMED THE TRIAL COURT, BY FORM OF LETTER TO COURT ON MARCH 25, 2021, THAT [APPELLANT] WAS WITHOUT COUNSEL. JONATHAN MELNICK, ESD DID NOT PUT IN MOTION TO BE REMOVED UNTIL JUNE 9, 2021, BUT BOTH DATES WERE STILL PRIOR TO THE FILING OF THE [APPELLANT]'S DEMAND FOR SPEEDY TRIAL. SEE APPENDIX D (CASE SUMMARY) + APPENDIX I

CLAIM 3-A.

ACCORDING TO JOHNSON v. STATE, 315 Ga 876 (885 S.E.2d 725) (2023), FILED MARCH 15, 2023 [SEE

APPENDIX E] PRIOR TO THE SUPERIOR COURT'S

ORDER AUGUST 16, 2023, A PRO SE FILING BY

COUNSELED DEFENDANT IS NOT ALWAYS AN

NULLITY. "PUT SIMPLY, THOSE DECISIONS WERE

JUST WRONG. AND THIS ERROR IS NOT HARMLESS!"

- JOHNSON, S22A0964. THIS APPLIED TO PENDING

AND FUTURE CASES, AND SINCE AN DEFENDANT CAN

NOT APPEAL AN RULE PRIOR TO IT BEING MADE, THAT

WOULD MEAN ORDER WAS BOTH AN FUTURE FILING/

CASE AND PENDING.

CONT...

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STATEMENT OF THE CASE

CONT...

CLAIM 3-B

THE JUDICIAL EMERGENCY TOLLED THE FILING REQUIREMENTS OF O.C.G.A. § 17-7-170 + O.C.G.A. § 17-7-171 INCLUDING DEADLINES. THIS TOLLED THE TIME TO FILE AN DEMAND FOR A SPEEDY TRIAL WHILE THE JUDICIAL EMERGENCY WAS STILL ACTIVE. THE [APPELLANT]'S DEMAND WAS MADE PURSUANT TO SECTION (I)(A)+(I)(D) OF THE FIFTEENTH EXTENDING ORDER. SEE APPENDIX G.

CLAIM 4-

ON SECTION (I)(A) OF THE JUDICIAL EMERGENCY, IT CLARIFIES THAT "TIME SCHEDULES AND FILING REQUIREMENTS" WILL BE "COLLECTIVELY HEREIN AS "DEADLINES". FROM THAT POINT FORWARD, THE WORD "DEADLINE" REFERRED TO ALL OF THE ABOVE. SO WHEN SECTION (I)(D) REFERENCE "DEADLINE" OF STATUTORY SPEEDY TRIAL DEMANDS, IT EFFECTIVELY TOLLED THE TIME SCHEDULES AND FILING REQUIREMENT OF O.C.G.A. § 17-7-170 + 17-7-171 WHICH ARE THE "STATUTORY SPEEDY TRIAL DEMAND" STATUTES. THIS WOULD INCLUDE THE "TIME SCHEDULE" TO FILE AND THE

CONT...

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STATEMENT OF THE CASE

CONT...

"FILING REQUIREMENT" TO CITE D.C.G.A. § 17-7-171 FOR CAPITAL CRIMES, AS THESE WERE NOT EXCLUDED FROM THIS BLANKET TOLL WHEN THE DEMAND WAS FILED.

CLAIM 4-B

THE PROSECUTOR NEVER CHARGED THE [APPELLANT] WITH CAPITAL CHARGES, AS THE INDICTMENT IS NOT VALID WITHOUT THE SIGNATURE, AND THERE'S NO PROOF TO PROVE THE ABSENCE OF THE SIGNATURE IS NOT FATAL. SEE UNITED STATES v. COX, 342 F2d 167, 171 (5th Cir.), CERT. DENIED, 381 U.S. 935, 85 S.Ct. 1767, 14 L.Ed 2d 700 (1965). SEE D.C.G.A. § 17-11-4(A) "PROSECUTOR SHALL ENDORSE EVERY INDICTMENT". ON JUNE 11, 2021 (DEMAND), NOVEMBER 01, 2021 (SECOND TRIAL TERMS ENDED), AND DECEMBER 13, 2021 (THE COURT HEARING ARGUING DEMAND), THE INDICTMENT REMAINED UNSIGNED; THEREFORE, THE [APPELLANT] CITED THE CORRECT STATUTE, AND UNDER THE THEN-ACTIVE JUDICIAL EMERGENCY WAS NOT OBLIGATED TO DO ANY DIFFERENT.

THE ENTIRETY OF THE TRIAL COURT'S ORDER WAS OPPOSED TO RELEVANT LAW. APPELLANT WAS LEGALLY ENTITLED TO AN ACQUITTAL.

REASONS FOR GRANTING THE PETITION

THE SUPREME COURT OF GEORGIA HAS DEPARTED FROM THE ACCEPTED AND USUAL COURSE OF JUDICIAL PROCEEDINGS, AND BY DOING SO, HAS MADE AN DECISION THAT ALLOWS AN LOWER COURT TO MAKE AN DECISION THAT CONFLICTS WITH FEDERAL CASE LAW, FEDERAL RULES, STATE CASE LAW, STATE STATUTES, STATE LAW AND CONSTITUTIONAL LAW.

1.) THE SUPREME COURT OF GEORGIA'S DISREGARD FOR IT'S OWN RULE 13(2)(C) RAISES CONCERN ABOUT THE CONSISTENCY AND FAIRNESS OF THE COURT'S DECISION MAKING PROCESS, HIGHLIGHTING THE NEED FOR THIS COURT TO INTERVENE AND UPHOLD THE SUPREME COURT OF GA RULE THAT MIRRORS U.S. SUPREME COURT RULE 29(2) FOR INMATES CONFINED.

2.) THE RIGHT TO SELF-REPRESENTATION, A CORNERSTONE OF DUE PROCESS, HAS BEEN DENIED, SEVERELY IMPACTING THE PETITIONER'S ABILITY TO PRESENT THEIR CASE EFFECTIVELY AND PARTICIPATE FULLY IN THE LEGAL PROCEEDINGS. JOHNSON v. STATE (APPEAL #S22AN9164) (2023)

3.) THE DENIAL OF ACCESS TO COURTS IN THE CASE IMPEDES THE PETITIONER'S ABILITY TO SEEK REDRESS FOR GRIEVANCES AND UNDERMINES THE FUNDAMENTAL RIGHT OF INDIVIDUALS TO HAVE THEIR DAY IN COURT. U.S. SUPREME COURT RULE 29(3) FOR UNREPRESENTED PARTIES

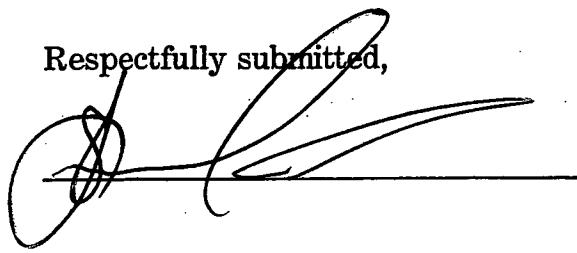
4.) THE CASE INVOLVES SIGNIFICANT VIOLATIONS OF CONSTITUTIONAL DUE PROCESS RIGHTS, INCLUDING A DENIAL OF A FAIR TRIAL HEARING AND PROCEDURAL IRREGULARITIES THAT UNDERMINE THE INTEGRITY OF THE LEGAL PROCESS. G.C.G.A § 17-11-4(a), UNITED STATES v. COX, FED. RULE OF CRIM. P. 4(c)

CONSIDERING THESE COMPELLING REASONS, GRANTING CERTIORARI IS IMPERATIVE TO ADDRESS THE VIOLATIONS OF CONSTITUTIONAL RIGHTS, ENSURE ACCESS TO JUSTICE, UPHOLD THE RIGHT TO SELF-REPRESENTATION, AND REAFFIRM THE IMPORTANCE OF ADHERING TO ESTABLISHED LEGAL PROCEDURES. BY GRANTING CERTIORARI IN THIS CASE, THE U.S. SUPREME COURT CAN UPHOLD THE PRINCIPLES OF JUSTICE, FAIRNESS, AND THE RULE OF LAW IN OUR LEGAL SYSTEM.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: _____

Greg Scott 8/29/24

