

APPENDIX A

9/4/24 Ga. Supreme Court Order
denying appeal.



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SUPREME COURT OF GEORGIA
Case No. S24A1342

September 4, 2024

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

WILLIAM LEMATTY v. THE STATE.

In 1999, Appellant was convicted of murder and other crimes and sentenced to life in prison without parole; no appeal was taken. Nevertheless, Appellant timely filed a Notice of Appeal in order to contest the trial court's June 5, 2024 order denying his "Motion to Correct and Reduce an Illegal, Void, and Excessive Sentence," in which he argued that his sentence was void because it was based on repugnant verdicts. However, a court's jurisdiction to rule on a motion to vacate a void sentence more than one year after imposition exists only to the extent that the motion presents a cognizable claim that the sentence was void. See *von Thomas v. State*, 293 Ga. 569, 571 (748 SE2d 446) (2013). While we have said that "any judgment and sentence entered on repugnant verdicts are void and can be challenged in any proper proceedings," see *State v. Owens*, 312 Ga. 212, 216 (862 SE2d 125) (2021), Appellant's verdicts are inconsistent rather than repugnant and are, therefore, allowed to stand. See *Rutland v. State*, 315 Ga. 521, 522 (883 SE2d 730) (2023). Accordingly, as Appellant has failed to raise a colorable void sentence claim, he is not entitled to an appeal and the trial court lacked jurisdiction to consider his motion in the first place. When a trial court denies on the merits "a motion it lacked jurisdiction to decide, we vacate the trial court's order and remand with instructions to dismiss." *Brooks v. State*, 301 Ga. 748, 752 (804 SE2d

1) (2017). Therefore, the trial court's June 5, 2024 order is vacated and the proceedings are remanded to that court for the entry of an order dismissing Appellant's motion.

All the Justices concur.

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.

 , Clerk

APPENDIX B

5/17/24 Lee County Superior Court
Order denying Motion to
Correct and Reduce an Illegal,
Void, and Excessive Sentence.

IN THE SUPERIOR COURT OF LEE COUNTY
STATE OF GEORGIA

RECEIVED
MAY 23 2024
MACON D.P. IV. 10m

STATE OF GEORGIA

vs.

William LeMatty

Defendant.

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CASE NO.:
97CR00041

**ORDER DENYING MOTION TO CORRECT AND REDUCE AN ILLEGAL, VOID,
AND EXCESSIVE SENTENCE**

The above matter having come before the Court, with the Court having read and considered all evidence, briefs, and having reviewed the record in said matter:

Defendant's Motion to Correct Sentence is hereby DENIED, in part, because "a sentence that falls within the statutory range of punishment is not void." Spargo v. State, 332 Ga. App. 410, 411 (2015).

SO ORDERED, this 17th day of May, 2024.



R Rucker Smith

Chief Judge, Superior Court of Sumter County

Prepared by:
R. Rucker Smith, Chief Judge
Southwestern Judicial Circuit
Bar No. 562662
P.O. Box 784
Americus, Georgia 31709
(229) 928-4554
(229) 928-4552 (fax)

APPENDIX C

9/11/24 Certified mail receipt for petitioner's Motion to Reconsider/Stay of Remittitur (on Motion, expressing alternative) regarding Ga. S.Ct. 9/4/24 Order was timely mailed (within 10 days, before 3 day away deadline) for timely filing.

9/23/24 Ga. S.Ct. letter to petitioner claiming the Motion to Reconsider/Stay of Remittitur was not timely received and lacked jurisdiction to stay the remittitur.



Supreme Court
State of Georgia
NATHAN DEAL JUDICIAL CENTER
Atlanta 30334

September 23, 2024

RE: S24A1342. William LeMatty v. The State.

Mr. LeMatty,

We are in receipt of your Motion for Stay of Remittitur and Motion for Reconsideration. A motion asking the Court to reconsider a ruling must be physically received by the Court within ten days of the order or judgment for which reconsideration is sought. See Ga. Supreme Ct. R. 27. Moreover, a motion to stay the remittitur that is filed after the remittitur has been transmitted to the court from which the case was received shall not be accepted for filing. See Ga. Supreme Ct. R. 61. Please note that the judgment issued in your case on September 4, 2024, and the remittitur issued on September 20, 2024, returning jurisdiction to the superior court. Accordingly, this Court no longer has jurisdiction over the case and does not have the authority to act on your recent submission.

Sincerely,

A handwritten signature in cursive script, appearing to read "Therese S. Barnes".

Therese S. Barnes, Clerk