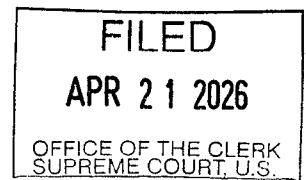


No. **26-5040**

IN THE
SUPREME COURT OF THE UNITED STATES



ANDREW W. BELL,
Petitioner,

v.

STATE OF GEORGIA,
Respondent.

ORIGINAL

ON PETITION FOR A WRIT OF CERTIORARI
TO THE SUPREME COURT OF GEORGIA

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Whether the Due Process Clause of the Fourteenth Amendment is violated when a state court system creates a complete procedural void by: (a) the state supreme court transferring a case raising substantial constitutional questions to an intermediate appellate court; (b) the intermediate appellate court failing to docket the transferred case; and (c) the state supreme court thereafter refusing to accept filings in the case, declaring that the petitioner has "no case pending before this Court" — thereby denying the petitioner access to any appellate forum for the adjudication of preserved constitutional claims in pending criminal cases.

2. Whether the Due Process Clause of the Fourteenth Amendment and *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), and *Rippo v. Baker*, 580 U.S. ___, 137 S. Ct. 905 (2017) (per curiam), require disqualification of a trial judge when the cumulative pattern of conduct demonstrates an unconstitutional probability of bias, including: (a) allowing courtroom personnel to silence a pro se defendant during proceedings; (b) directing staff to inscribe "refused to sign" on a *Faretta* waiver the defendant never received; (c) denying the defendant access to courtroom technology while permitting the prosecution such access; (d) refusing to compel constitutionally mandated discovery; and (e) refusing to rule on multiple properly filed pretrial motions.

3. Whether the State violates *Brady v. Maryland*, 373 U.S. 83 (1963), and the Due Process Clause of the Fourteenth Amendment when it continues to prosecute a defendant based on an arresting officer's testimony about a "person down call" and EMS contact that the State's own representative admits it cannot produce evidence of, the arresting officer's own body camera contradicts the arrest report, a fellow officer stated on camera that they had no probable cause, and a belatedly produced Computer Aided Dispatch report contains internal contradictions and evidence of post-hoc alteration.

4. Whether a state trial court violates the Due Process Clause by systematically refusing to rule on dispositive pretrial motions — including motions to dismiss, motions to compel discovery, motions for reconsideration, and applications for certificate of immediate review — thereby nullifying a criminal defendant's statutory right to meaningful appellate review before trial, and whether state appellate courts may summarily deny mandamus relief without explanation despite un rebutted evidence of such judicial inaction.

PARTIES TO THE PROCEEDINGS

The parties to the proceedings in the court below are:

Petitioner: Andrew W. Bell, defendant in criminal proceedings in the State Court of DeKalb County, Georgia, Case Nos. 22C03994, 23C02652, and 25C00132.

Respondent: State of Georgia, represented by the DeKalb County Solicitor-General's Office.

No corporate parties are involved. No corporate disclosure statement is required.

LIST OF DIRECTLY RELATED PROCEEDINGS

Pursuant to Supreme Court Rule 14.1(b)(iii), the following proceedings are directly related to this case:

1. *State of Georgia v. Andrew W. Bell*, State Court of DeKalb County, Georgia, Case No. 22C03994 (criminal prosecution, pending — trial set for May 19, 2026).
2. *State of Georgia v. Andrew W. Bell*, State Court of DeKalb County, Georgia, Case No. 23C02652 (criminal prosecution, pending).
3. *State of Georgia v. Andrew W. Bell*, State Court of DeKalb County, Georgia, Case No. 25C00132 (criminal prosecution, pending).
4. *Andrew Bell v. The State*, Court of Appeals of the State of Georgia, Case No. A25E0146 (Petition for Writ of Mandamus and Emergency Motion to Stay denied July 1, 2025).

5. *Andrew W. Bell v. The State*, Supreme Court of Georgia, Case No. S25C1346
(Petition for Writ of Certiorari denied December 9, 2025; Motion for Reconsideration denied January 21, 2026) — the judgment directly under review.
6. *Andrew W. Bell v. The State*, Supreme Court of Georgia, Case No. S25I1323
(Application for Discretionary Interlocutory Appeal filed June 27, 2025; transferred to Court of Appeals August 12, 2025; Motion for Reconsideration denied September 16, 2025; case never docketed by Court of Appeals; Supreme Court rejected subsequent filing January 20, 2026).
7. *Andrew W. Bell v. Karli Swift et al.*, Court of Appeals of the State of Georgia, Case No. A26D0290 (Emergency Motion filed January 20, 2026, regarding docketing and notification failures).
8. *Andrew W. Bell v. Karli Swift et al.*, Court of Appeals of the State of Georgia, Case No. A26D0355 (Emergency Motion filed February 23, 2026, regarding docketing and notification failures).

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OPINIONS AND ORDERS BELOW

The order of the Supreme Court of Georgia denying the petition for certiorari (December 9, 2025) is unreported and is reproduced in the Appendix at App. A. The order of the Supreme Court of Georgia denying the motion for reconsideration (January 21, 2026) is unreported and is reproduced in the Appendix at App. B. The order of the Court of Appeals of the State of Georgia denying the Petition for Writ of Mandamus and Emergency Motion to Stay Proceedings in Case No. A25E0146 (July 1, 2025) is unreported and is reproduced in the Appendix at App. C. The order of the State Court of DeKalb County denying Petitioner's Motion to Disqualify Judge (May 1, 2025) is reproduced in the Appendix at App. D.

In the directly related proceeding, the order of the Supreme Court of Georgia transferring Case No. S25I1323 to the Court of Appeals (August 12, 2025) is unreported and is reproduced at App. E. The order denying reconsideration in Case No. S25I1323 (September 16, 2025) is reproduced at App. F. The email from the Supreme Court of Georgia's Clerk rejecting Petitioner's filing in Case No. S25I1323 on January 20, 2026, stating "You do not have a case pending before this Court" is reproduced at App. G.

None of the orders below contains any reasoning, analysis, or explanation beyond the conclusory disposition. The Court of Appeals in A25E0146 denied mandamus without opinion. The Supreme Court of Georgia in S25C1346 denied certiorari without opinion. All denials were by the full court with all Justices concurring, but no Justice wrote separately.

JURISDICTIONAL STATEMENT

The Supreme Court of Georgia denied the petition for certiorari in Case No. S25C1346 on December 9, 2025. App. A. Petitioner timely filed a motion for reconsideration under Supreme Court of Georgia Rule 27 on December 11, 2025. The Supreme Court of Georgia denied the motion for reconsideration on January 21, 2026. App. B.

This petition is timely filed within ninety (90) days of the denial of reconsideration, pursuant to 28 U.S.C. § 2101(c) and Supreme Court Rule 13.1. The ninety-day period expires on April 21, 2026.

This Court has jurisdiction under 28 U.S.C. § 1257(a), which provides:

"Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari."

Although the underlying criminal cases have not reached final judgment, this case falls within the established exceptions to the final judgment rule articulated in *Cox Broadcasting Corp. v. Cohn*, 420 U.S. 469, 477–487 (1975). Specifically, the federal constitutional issues have been finally decided by the state's highest court; the federal claims will be irreparably lost if review is postponed until after trial; and there is no further state court proceeding in which the federal claims can be raised — a circumstance made especially acute by the procedural void documented in the record.

The Georgia Supreme Court's denial of certiorari in S25C1346 constitutes a final judgment of the highest court of the state in which a decision could be had on

the federal questions presented. The companion case, S25I1323, which was transferred to the Court of Appeals and never docketed, further demonstrates that the Supreme Court of Georgia was the only state court that could render a decision on Petitioner's federal constitutional claims, and it declined to do so.

The federal questions were timely raised, preserved, and distinctly presented at every level of the state proceedings. Petitioner invoked the Fourteenth Amendment, the Fourth Amendment, the Sixth Amendment, *Brady v. Maryland*, and the constitutional right of access to the courts in his filings before the trial court, the Court of Appeals of Georgia, and the Supreme Court of Georgia.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

UNITED STATES CONSTITUTION

Amendment IV

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

Amendment VI

"In all criminal prosecutions, the accused shall enjoy the right ... to have the Assistance of Counsel for his defence."

Amendment XIV, Section 1

"... nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

FEDERAL STATUTE

28 U.S.C. § 1257(a)

"Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari, where ... any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States."

STATE CONSTITUTIONAL PROVISIONS

Georgia Constitution, Art. I, Sec. I, Par. I

"No person shall be deprived of life, liberty, or property except by due process of law."

Georgia Constitution, Art. I, Sec. I, Par. XII

"No person shall be denied the right of access to the courts."

Georgia Constitution, Art. VI, Sec. VI, Par. II

"The Supreme Court shall be a court of review and shall exercise exclusive appellate jurisdiction in the following cases: (1) All cases involving the construction of a treaty or of the Constitution of the State of Georgia or of the United States and all cases in which the constitutionality of a law, ordinance, or constitutional provision has been drawn in question."

STATEMENT OF THE CASE

A. Introduction

This case arises from three consolidated criminal prosecutions pending in the State Court of DeKalb County, Georgia (Case Nos. 22C03994, 23C02652, and 25C00132), assigned to Judge Kimberly K. Anderson, Division A-2. Trial is currently scheduled for May 19, 2026. Petitioner Andrew W. Bell, proceeding pro se, has been

arrested without probable cause, prosecuted based on fabricated evidence, denied fair judicial proceedings by a biased trial judge, and systematically denied meaningful appellate review by every level of the Georgia state court system.

Petitioner has exhausted every available state remedy. The trial court refused to rule on his dispositive motions. The Court of Appeals denied mandamus without explanation. The Supreme Court of Georgia denied certiorari without explanation. When Petitioner separately sought interlocutory review of the recusal denial, the Supreme Court of Georgia transferred the case to the Court of Appeals, which never docketed it — and the Supreme Court then refused to accept further filings, telling Petitioner he had "no case pending." Petitioner is a citizen with substantial constitutional claims and no court willing to hear them.

B. The Arrest Without Probable Cause

1. On the night of February 11, 2022, or early morning of February 12, 2022, at approximately 1:03 a.m., Petitioner's vehicle became disabled on Snapfinger Road near ElkrIDGE Drive in DeKalb County, Georgia. Petitioner and a friend pushed the disabled vehicle from the main roadway into the entrance of the Worthington Valley subdivision, directly across from Petitioner's own subdivision. Petitioner remained in his vehicle with hazard lights on and windows up, attempting to arrange a tow. The vehicle was inoperable and could not be driven. Petitioner was not operating the vehicle on any public roadway at the time law enforcement arrived.

2. A DeKalb County firefighter approached the vehicle. Petitioner had to start his truck to operate the power windows to speak with the firefighter. Former DeKalb

County Police Officer Richard Knox and Officer Boswell subsequently arrived on scene. Officer Knox arrested Petitioner. No field sobriety tests were conducted at the scene prior to the arrest. The arrest was made without a warrant and without probable cause to believe that Petitioner had committed any offense.

3. In his arrest report, Knox stated: "I made contact EMS unit AM69, who arrived on scene first. EMS advised that the driver later identified as Mr. Andrew Bell was asleep in his vehicle when they arrived on scene." This statement is demonstrably false and forms the sole evidentiary basis for probable cause for the arrest.

4. Knox's own body camera footage — evidence within the exclusive control of the State — shows no EMS unit, no American Medical Response (AMR) vehicle, and no EMS personnel at the scene at any point during the encounter. The first person Knox encountered was a DeKalb County firefighter with a Station 7 patch and Officer Boswell. The body camera footage directly and irreconcilably contradicts the arrest report that forms the basis for the criminal prosecution.

5. On body camera, Officer Boswell stated to Knox: "Definitely parked, he stays right here... we don't got no other really probable cause outside of the parking here... it's going to be hard to get any other probable cause." This statement — made by a fellow law enforcement officer at the scene, captured on the State's own recording equipment — constitutes an admission that the arresting officers themselves recognized the absence of probable cause. Under *Terry v. Ohio*, 392 U.S. 1 (1968), and

the Fourth Amendment, a warrantless arrest requires probable cause. The officers' own contemporaneous assessment confirms that this standard was not met.

6. Petitioner was never examined by any EMS personnel. Petitioner sustained neck injuries during the arrest but was denied medical treatment. Petitioner was not driving his vehicle at the time of the encounter — the vehicle was disabled and inoperable, having been pushed off the roadway by Petitioner and a companion prior to the arrival of any emergency personnel.

7. On November 12, 2024, at a motion to suppress hearing before the State Court of DeKalb County, Officer Knox testified under oath and repeated the false claims from his arrest report regarding the "person down call" and EMS unit AM69. Knox testified that he responded to a "person down call" and that EMS unit AM69 had arrived first and found Petitioner asleep. This testimony, given under oath, is contradicted by Knox's own body camera footage and constitutes perjury in furtherance of a prosecution founded on fabricated evidence.

C. The State's Discovery Failures and Brady Violations

8. Discovery was first requested on September 26, 2022, pursuant to O.C.G.A. § 17-16-1 *et seq.* A second request was made on February 9, 2023. On February 23, 2023, Petitioner's first attorney, Khalil Eaddy, filed an omnibus motion for discovery. On December 27, 2024, Petitioner sent another request specifically requesting evidence of the "person down call," including dispatch records, CAD reports, EMS run sheets, and any documentation of EMS unit AM69's alleged presence at the scene.

Despite these repeated requests spanning over three years, the State failed to produce any evidence that any "person down call" or EMS unit AM69 ever existed.

9. At the April 28, 2025 disqualification hearing, Assistant Solicitor-General Casey Hall stated on the record: "Your Honor, it's not that we don't want to give Mr. Bell the discovery. We simply don't have it." This admission — made by the State's own representative in open court — confirms that the evidentiary foundation for the arrest and prosecution does not exist in the State's records. The State has continued to prosecute Petitioner for over four years based on an arrest report and sworn testimony describing events that its own representative admits cannot be substantiated.

10. On July 18, 2025, ASG Hall emailed Petitioner a Computer Aided Dispatch (CAD) report. This report, produced after more than three years of repeated requests, far from corroborating Knox's testimony, revealed profound internal contradictions that raise serious questions about the integrity of the State's evidence. The CAD report identifies the caller as "ONSTAR-OP CHANNEL" but the comments section states a "passerby" who "JUST DISC LINE" — yet OnStar, by design and engineering protocol, remains connected on the line until first responders arrive and does not simply disconnect. The CAD report lists "Problem: Unconscious" but no fire department or EMS personnel appear in the "Personnel Assigned" section — an impossibility if an actual medical emergency had been reported and dispatched. The "Activity Log" states "No Call Activity," which is inconsistent with the existence of a dispatched call. Most critically, the "Edit Log" contains entries that were changed

from "False" to "True" — alterations that are consistent with post-hoc modification of official records.

11. Petitioner is a 28-year veteran technician who served in the United States Marine Corps, Bombardier Transportation, and as an Airway Transportation Systems Specialist (ATSS) for the Federal Aviation Administration (FAA). In his professional career, Petitioner has generated and certified hundreds, if not thousands, of official reports subject to federal regulatory standards — including FAA safety documentation where accuracy and integrity are paramount. In his extensive professional experience, Petitioner has never encountered a legitimate government report containing entries altered from "False" to "True" in an edit log. Such alterations are inconsistent with standard record-keeping practices in any professional context and are indicative of fabrication or post-hoc manipulation of official records.

D. The Trial Court's Pattern of Bias and Judicial Inaction

12. Petitioner filed a request for accommodations on February 28, 2025, for his rare eye condition requiring refrigerated medication, and requesting equal access to courtroom technology necessary for a pro se defendant to present motions and evidence at hearings. At the March 11, 2025 motions hearing, no accommodation was provided for over an hour and ten minutes. A pro se defendant who cannot access the courtroom tools available to opposing counsel cannot meaningfully participate in proceedings — a deprivation that strikes at the core of the Sixth Amendment's guarantee of a fair trial and the Fourteenth Amendment's guarantee of due process.

13. Judge Anderson denied Petitioner access to courtroom Wi-Fi while permitting the State's attorneys to use it freely. When Petitioner raised the issue, she directed Petitioner to use a personal phone hotspot — a directive that contradicted the courtroom marshals' standing instructions prohibiting the use of personal phones in the courtroom. This placed Petitioner in an impossible position: compliance with the judge's instruction required violation of the marshals' instruction, and compliance with the marshals' instruction meant inability to access his case files electronically. The result was that the State had full electronic access to its files and Petitioner had none. Under *Johnson v. State*, 315 Ga. 876 (2023), pro se defendants are entitled to the same procedural rights as represented parties, and the trial court's obligation to ensure fair proceedings is heightened, not diminished, when a party appears without counsel.

14. Deputy Thomas, a courtroom marshal, repeatedly silenced Petitioner during the March 11, 2025 hearing without any prompting or direction from Judge Anderson, in direct violation of Canon 2, Rule 2.10(C) of the Georgia Code of Judicial Conduct, which requires the presiding judge to maintain order and control over all courtroom personnel. Judge Anderson neither directed nor restrained Deputy Thomas's conduct, effectively allowing a non-judicial officer to determine when and whether a criminal defendant could speak during proceedings concerning his liberty. When Petitioner was presented with a *Faretta* waiver form, Deputy Thomas directed court staff to inscribe "refused to sign" on the form — a form Petitioner had never received, never read, and never had the opportunity to sign. The inscription of "refused to sign" on a document that was never tendered to the defendant creates a

false record that could be used to establish a knowing and voluntary waiver of the right to counsel — a waiver that never occurred.

15. The transcript of the March 11, 2025 hearing, prepared by court reporter Tina Harris, omits significant portions of the proceedings, including conversations about Wi-Fi access, medication accommodations, and Deputy Thomas's conduct toward Petitioner. These omissions render the official record materially incomplete and prevent meaningful appellate review of the events that occurred. Petitioner filed a complaint with the Board of Court Reporting on June 2, 2025, documenting the discrepancies between the transcript and the actual proceedings.

16. Judge Anderson refused to compel the State to produce discovery, claiming that Petitioner's discovery requests were filed before his attorney's withdrawal was formalized — a rationale that is contrary to Georgia law. The Georgia Supreme Court held in *Johnson v. State*, 315 Ga. 876 (2023), that a defendant's statutory discovery rights under O.C.G.A. § 17-16-1 *et seq.* are not extinguished or suspended by a change in counsel or by the defendant's decision to proceed pro se. The discovery obligations of the State run to the defendant, not to any particular attorney. Judge Anderson's refusal to compel discovery based on this legally erroneous rationale effectively shielded the State from its constitutional obligation to disclose exculpatory and impeachment evidence under *Brady v. Maryland*.

17. Multiple properly filed motions remain unrul'd upon as of the date of this petition. These include: (a) a motion to dismiss the charges for lack of probable cause; (b) motions to compel discovery, including the State's production of evidence relating

to the "person down call" and EMS unit AM69; (c) a motion *in limine* to exclude Officer Knox's testimony regarding the "person down call" as fabricated and unsupported by any corroborating evidence; (d) a motion for reconsideration of the denial of the motion to disqualify Judge Anderson; (e) a Certificate of Immediate Review under O.C.G.A. § 5-6-34(b); and (f) the February 9, 2023 omnibus motion for discovery originally filed by counsel. Petitioner was informed by the court's case manager that no hearings would be held prior to trial — meaning that these dispositive motions, which include challenges to the very existence of probable cause, will never be adjudicated before Petitioner is forced to stand trial. This systematic refusal to rule on pending motions nullifies the defendant's right to meaningful pretrial adjudication of constitutional claims and eliminates the possibility of interlocutory appellate review.

E. The Disqualification Proceedings

18. On March 12, 2025, Petitioner filed a Motion to Disqualify Judge in all three pending cases (Case Nos. 22C03994, 23C02652, and 25C00132), supported by a detailed affidavit documenting the pattern of bias, procedural irregularities, and denial of due process described above. On March 18, 2025, Judge Anderson referred the Motion pursuant to Uniform State Court Rules 25.3 and 25.4(C), which require referral of recusal motions to another judge for determination. On March 20, 2025, Chief Judge Mike Jacobs assigned the disqualification motion to Division A-3, Judge Yolanda Mack.

19. The disqualification hearing was held on April 28, 2025, before Judge Mack. At that hearing, ASG Casey Hall made the critical admission regarding the State's inability to produce discovery: "Your Honor, it's not that we don't want to give Mr. Bell the discovery. We simply don't have it." This admission, made in the context of the disqualification hearing, underscored the very bias Petitioner had alleged — that Judge Anderson's refusal to compel discovery was not a neutral exercise of judicial discretion but a pattern of conduct favoring the prosecution at the expense of the defendant's constitutional rights.

20. The motion was denied on April 30, 2025 (order filed May 1, 2025). App. D. The recusal court found that Petitioner "failed to articulate how said events would result in Judge Anderson's impartiality reasonably being questioned" and concluded that "even assuming all the facts in Defendant's brief and affidavit to be true disqualification is not warranted." This legal standard — that disqualification is unwarranted even assuming all facts are true — is irreconcilable with this Court's holdings in *Caperton* and *Rippo*, which require an objective assessment of whether the cumulative circumstances create an unconstitutional probability of bias.

21. On May 2, 2025, Petitioner filed a Motion for Reconsideration of the disqualification denial, identifying specific errors of law and fact in the recusal court's order. On May 8, 2025, Petitioner filed a Certificate of Immediate Review under O.C.G.A. § 5-6-34(b), seeking to certify the disqualification denial for immediate appellate review. The trial court refused to rule on either motion, thereby preventing Petitioner from obtaining interlocutory appellate review of a constitutional question — judicial bias — that, by its very nature, cannot be remedied after trial.

F. Proceedings in the Georgia Court of Appeals — Case No. A25E0146

22. On or about July 1, 2025, Petitioner filed a Petition for Writ of Mandamus and Emergency Motion to Stay Proceedings in the Court of Appeals of Georgia (Case No. A25E0146), seeking to compel the trial court to rule on the pending dispositive motions before trial. The petition was supported by documentary evidence demonstrating the trial court's systematic refusal to rule on properly filed motions, the State's admission that it could not produce foundational evidence, and the resulting denial of meaningful access to the courts.

23. On July 1, 2025, the Court of Appeals denied the mandamus petition without opinion, without explanation, and without addressing the unrebutted evidence of judicial inaction and procedural irregularities. App. C. The State filed no response opposing the petition. The denial was issued on the same day the petition was filed, suggesting that the merits of Petitioner's claims and supporting evidence were not reviewed. No court — trial or appellate — has ever addressed the substance of Petitioner's constitutional claims on the merits.

G. Proceedings in the Supreme Court of Georgia — Case No. S25C1346

24. On July 2, 2025, Petitioner filed a Petition for Writ of Certiorari in the Supreme Court of Georgia (Case No. S25C1346), seeking review of the Court of Appeals' denial of mandamus in A25E0146. The petition presented two federal constitutional questions: (1) whether a trial court's systematic refusal to rule on dispositive pretrial motions — thereby nullifying a criminal defendant's statutory right to meaningful appellate review before trial — violates the Due Process Clause

of the Fourteenth Amendment; and (2) whether state appellate courts may summarily deny mandamus relief without explanation despite unrebutted evidence of judicial inaction and procedural irregularities that deprive a criminal defendant of fundamental constitutional rights.

25. On July 21, 2025, Petitioner filed a supplemental affidavit documenting newly received evidence, including the CAD report belatedly produced by ASG Hall on July 18, 2025. The supplemental affidavit detailed the CAD report's internal contradictions — the "ONSTAR-OP CHANNEL" caller who is simultaneously a "passerby," the "Unconscious" problem with no EMS assigned, the "No Call Activity" activity log, and the entries changed from "False" to "True" — and demonstrated that this evidence further undermined the evidentiary foundation for the prosecution.

26. On August 6, 2025, Petitioner filed an Amended Brief incorporating the CAD report evidence and additional legal authority supporting the constitutional claims presented.

27. On August 28, 2025, Petitioner filed a 74-page Reply in Support of the Petition for Certiorari, systematically addressing and rebutting each of the State's procedural objections. The Reply cited binding precedent including *Duke v. State*, 306 Ga. 171 (2019); *Griffin v. Illinois*, 351 U.S. 12 (1956); *Evitts v. Lucey*, 469 U.S. 387 (1985); and *Mathews v. Eldridge*, 424 U.S. 319 (1976). Petitioner demonstrated that each of the State's procedural arguments was foreclosed by controlling authority, and that the constitutional merits of the petition required substantive review.

28. On December 9, 2025, the Supreme Court of Georgia denied the petition for certiorari without opinion. All the Justices concurred. No Justice wrote separately. App. A. The denial issued without any engagement with the federal constitutional questions presented, without analysis of the cited precedent, and without acknowledgment of the unrebutted factual record.

29. On December 11, 2025, Petitioner timely filed a Motion for Reconsideration pursuant to Supreme Court of Georgia Rule 27, arguing that the Court overlooked controlling legal principles and material facts presenting substantial constitutional questions and conflicts with the Court's own precedent. The motion specifically identified the federal questions that required resolution and demonstrated that the Court's summary denial was inconsistent with its obligation under the Georgia Constitution, Art. VI, § VI, ¶ II, to exercise exclusive appellate jurisdiction over cases involving the construction of the United States Constitution.

30. On January 21, 2026, the Supreme Court of Georgia denied the Motion for Reconsideration without opinion. All the Justices concurred. App. B.

H. The Parallel Proceeding and Procedural Void — Case No. S25I1323

31. On June 27, 2025, Petitioner filed an Application for Discretionary Interlocutory Appeal and Emergency Stay in the Supreme Court of Georgia (Case No. S25I1323), seeking review of the trial court's denial of the Motion to Disqualify Judge under O.C.G.A. § 5-6-35(a)(1). The application presented the federal constitutional question whether the recusal court's standard — that disqualification is unwarranted

"even assuming all the facts in Defendant's brief and affidavit to be true" — conflicts with this Court's decisions in *Caperton* and *Rippo*.

32. The State filed a Motion to Dismiss the application. On July 3, 2025, Petitioner filed a Reply in Opposition to the State's Motion to Dismiss, demonstrating that O.C.G.A. § 5-6-35(a)(1) confers jurisdiction on the appellate court without requiring trial court certification, and that the application was properly before the Supreme Court of Georgia.

33. On August 12, 2025, the Supreme Court of Georgia transferred the application to the Court of Appeals of Georgia, stating that Petitioner "asserts no basis for invoking this Court's exclusive appellate jurisdiction, and none appears from the application." App. E. This determination was made despite Petitioner's express and repeated invocation of the Fourteenth Amendment to the United States Constitution throughout his filings. The Georgia Constitution, Art. VI, § VI, ¶ II, vests exclusive appellate jurisdiction in the Supreme Court of Georgia in "all cases involving the construction of a treaty or of the Constitution of the State of Georgia or of the United States." Petitioner's application expressly and repeatedly raised constitutional questions under the Fourteenth Amendment — the very category of cases over which the Supreme Court of Georgia has exclusive jurisdiction under its own Constitution.

34. Petitioner was never notified of the transfer order. The Supreme Court of Georgia did not serve or transmit notice of the August 12, 2025 order to Petitioner.

Petitioner discovered the transfer order only through his own review of the court's online docket.

35. On August 21, 2025, Petitioner filed a Motion for Reconsideration of the transfer order, arguing that the Supreme Court of Georgia had constitutional jurisdiction over the application under Art. VI, § VI, ¶ II and that the transfer was erroneous. On September 16, 2025, the Supreme Court of Georgia denied reconsideration. App. F.

36. The Court of Appeals of Georgia has never docketed Case No. S25I1323. Despite the Supreme Court of Georgia's transfer order of August 12, 2025, the Court of Appeals never received, acknowledged, or processed the case. No docket number was assigned. No notice of docketing was issued. No case file was created. The case simply ceased to exist in any court's records. Petitioner's constitutional challenge to judicial bias in his criminal cases has vanished into a procedural void between two courts, with neither court accepting responsibility for the case.

37. On January 20, 2026, Petitioner attempted to electronically file documents in Case No. S25I1323 with the Supreme Court of Georgia. The Clerk's Office rejected the filing, stating: "You do not have a case pending before this Court in which to file your documents." Transaction confirmation number 147639. App. G. This rejection confirms that, as far as the Supreme Court of Georgia is concerned, Petitioner's appeal no longer exists — even though the Supreme Court itself transferred the case to a court that never received it.

38. Petitioner documented these systemic failures in Emergency Motions filed in the Court of Appeals in Case Nos. A26D0290 (January 20, 2026) and A26D0355 (February 23, 2026). In both motions, Petitioner raised the Court of Appeals' failure to docket transferred cases and its failure to send constitutionally required notifications under O.C.G.A. §§ 5-6-32 and 5-6-37. Petitioner further documented that the Court of Appeals had assigned him multiple new e-filing usernames (S25116 and S25232) different from his original username (S22595), preventing him from receiving electronic notifications in his cases — a systemic failure that compounds the denial of due process by denying the notice required under *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306 (1950).

39. By contrast, when the Supreme Court of Georgia transferred Case No. S26D0503 (*Bell v. Swift*) to the Court of Appeals on December 1, 2025, the Court of Appeals docketed that case and sent Petitioner a notice of docketing in the ordinary course. Case No. S25I1323, transferred more than three months earlier on August 12, 2025, was never docketed. The disparate treatment of two transferred cases involving the same petitioner raises serious concerns about whether the failure to docket S25I1323 was inadvertent or deliberate — and in either event, the result is the same: a complete denial of the right of access to the courts.

40. As a result, Petitioner's constitutional claims challenging judicial bias in his criminal cases exist in a complete procedural void. The Supreme Court of Georgia says the case is not pending before it. The Court of Appeals has never docketed it. No court in the State of Georgia will accept filings in the case. Petitioner has preserved constitutional claims of the highest magnitude — claims that a biased judge is

presiding over his criminal cases in violation of the Fourteenth Amendment — and no court in the State of Georgia will hear them. This is not merely a procedural irregularity. It is a systemic denial of the constitutional right of access to the courts, the right to due process of law, and the right to appellate review of constitutional claims.

REASONS FOR GRANTING THE WRIT

I. This Case Presents a Federal Question of Exceptional Importance: Whether a State Court System May Create a Procedural Void That Denies a Criminal Defendant All Appellate Review of Constitutional Claims

This Court should grant certiorari because the Georgia court system has created an unprecedented situation in which a criminal defendant with substantial, preserved federal constitutional claims has been denied access to every level of appellate review. No court at any level has addressed the merits of Petitioner's claims. The trial court refused to rule on dispositive motions. The Court of Appeals denied mandamus without explanation. The Supreme Court of Georgia denied certiorari without explanation. In the companion case, the Supreme Court of Georgia transferred the appeal to a court that never docketed it, then refused to accept further filings. Petitioner has been left without any judicial forum in which his constitutional claims can be heard — a circumstance that is, by any measure, constitutionally intolerable.

The right of access to the courts is a fundamental right guaranteed by the Due Process Clause of the Fourteenth Amendment. *Bounds v. Smith*, 430 U.S. 817, 821 (1977). This right is not satisfied by the mere existence of courthouse doors; access

must be "adequate, effective, and meaningful." *Id.* at 822. When a state court system denies all access — not by explicit ruling on the merits, but through a combination of procedural mechanisms that cause a case to vanish between courts — the deprivation is complete and the constitutional violation is manifest.

This Court has long held that the Due Process Clause requires, at a minimum, "notice and an opportunity to be heard." *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950). Petitioner has received neither. No court has heard his constitutional claims on the merits. No court has analyzed the record. No court has applied the relevant precedent. The Supreme Court of Georgia denied certiorari without opinion, without analysis, and without any engagement with the substantial federal questions presented. The result is that Petitioner's claims have been denied without ever being heard — a deprivation that is the very antithesis of due process.

Under the three-factor balancing test of *Mathews v. Eldridge*, 424 U.S. 319 (1976), every factor weighs decisively in Petitioner's favor. First, the private interest at stake is Petitioner's liberty in three pending criminal cases — among the most significant interests the Constitution protects. Second, the risk of erroneous deprivation is total, because no procedure exists through which Petitioner's constitutional claims can be adjudicated — the trial court will not rule, the Court of Appeals will not compel, the Supreme Court of Georgia will not review, and the companion case has disappeared entirely. Third, the government's interest cannot include an interest in denying all appellate review of constitutional claims; the State of Georgia has no legitimate interest in insulating its courts from constitutional scrutiny.

The procedural void documented here is not merely a Georgia problem. It raises a question of national importance under the Due Process Clause: whether, when a state supreme court transfers a case to an intermediate appellate court, the transferee court must actually receive and docket the case — and if it does not, whether the transferor court retains jurisdiction over the case and the parties. This is a question of first impression in this Court's jurisprudence. The answer has implications for every state court system in the nation, because without a constitutional backstop, any state court could deny appellate review simply by transferring a case to a court that declines to docket it.

The practical consequences of the Georgia courts' actions are severe and irreversible. Petitioner faces trial on May 19, 2026, before the very judge he has accused of bias — a judge who has refused to rule on his dispositive motions, refused to compel discovery, and allowed courtroom personnel to silence him and fabricate his waiver of counsel. If this Court does not intervene, Petitioner will be tried without any prior adjudication of his constitutional claims, and the structural protections of the Due Process Clause will have been rendered meaningless. The federal constitutional issues have been finally decided by the highest state court in which a decision could be had. There is no further state court proceeding in which these claims can be raised. This Court is Petitioner's last resort.

The importance of this question cannot be overstated. If a state court system can extinguish appellate review of constitutional claims through bureaucratic inaction — transferring cases that are never received, failing to send required notifications, assigning incompatible electronic filing credentials — then the Due

Process Clause is a dead letter for any litigant unlucky enough to encounter such dysfunction. This Court should grant certiorari to hold that the Fourteenth Amendment requires, at a minimum, that when a state court orders a case transferred, the case must actually arrive at its destination — and that if it does not, the constitutional right of access to the courts demands a remedy.

II. The Georgia Courts' Handling of Petitioner's Judicial Disqualification Claims Conflicts with This Court's Decisions in *Caperton* and *Rippo*

This Court should grant certiorari because the Georgia courts' treatment of Petitioner's disqualification claims conflicts with the constitutional standards established in *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), and *Rippo v. Baker*, 580 U.S. ___, 137 S. Ct. 905 (2017) (per curiam), and reaffirmed in *Williams v. Pennsylvania*, 579 U.S. 1 (2016).

In *Caperton*, this Court held that the Due Process Clause requires recusal when "the probability of actual bias on the part of the judge or decisionmaker is too high to be constitutionally tolerable." 556 U.S. at 872. The Court emphasized that the inquiry is objective: "The question is not whether the judge is actually, subjectively biased, but whether the average judge in his position is likely to be neutral, or whether there is an unconstitutional potential for bias." *Id.* at 881. In *Rippo*, this Court unanimously vacated a state court decision that "did not ask whether a conflict of interest arising from [the judge's] situation would offer a possible temptation to the average judge to lead him not to hold the balance nice, clear and true." 137 S. Ct. at 907 (quoting *Tumey v. Ohio*, 273 U.S. 510, 532 (1927)) (internal quotation marks omitted).

In *Williams v. Pennsylvania*, 579 U.S. 1, 8 (2016), this Court further emphasized that recusal under the Due Process Clause is a "structural" protection that safeguards the integrity of the judicial process itself: "An unconstitutional failure to recuse constitutes a structural error even if the judge in question did not cast a deciding vote." The structural nature of the right means that the inquiry cannot be limited to whether the judge's bias produced a demonstrably different outcome — the mere existence of an unconstitutional probability of bias is sufficient to require disqualification.

The pattern of conduct by Judge Anderson in this case presents precisely the type of cumulative bias that *Caperton*, *Rippo*, and *Williams* demand courts take seriously. The record, which the recusal court assumed to be true in its entirety, establishes the following pattern: (a) Judge Anderson allowed courtroom personnel — specifically Deputy Thomas — to silence Petitioner, a pro se defendant, during proceedings concerning his liberty, without judicial direction and without judicial restraint; (b) Judge Anderson allowed or directed staff to inscribe "refused to sign" on a *Faretta* waiver form that was never presented to, received by, or read by the defendant, thereby creating a false official record of a waiver of the constitutional right to counsel; (c) Judge Anderson denied Petitioner equal access to courtroom technology (Wi-Fi) while permitting the prosecution's attorneys to use it, placing the pro se defendant at a systematic disadvantage in presenting his case; (d) Judge Anderson refused to compel constitutionally mandated discovery, effectively shielding the State from its *Brady* obligations; and (e) Judge Anderson refused to rule on multiple properly filed pretrial motions — including motions to dismiss, motions

to compel, and a motion for immediate appellate review — thereby denying Petitioner any pretrial adjudication of his constitutional claims.

No single incident in isolation may rise to the level of *Caperton* bias. But *Caperton* does not require that judicial bias manifest in a single dramatic event. The standard is whether the cumulative circumstances create "an unconstitutional potential for bias" — whether, viewing the totality of the judge's conduct, an objective observer would question the judge's impartiality. 556 U.S. at 881. Here, the pattern is unmistakable: at every juncture, Judge Anderson's actions and inactions systematically favored the prosecution and disadvantaged the defendant. She allowed the defendant to be silenced. She allowed his waiver of counsel to be fabricated. She denied him equal access to courtroom tools. She refused to compel discovery. She refused to rule on his motions. The cumulative effect is a proceeding in which the deck is stacked against the defendant at every turn.

Yet the recusal court found that "even assuming all the facts in Defendant's brief and affidavit to be true disqualification is not warranted." App. D. This holding is irreconcilable with *Caperton* and *Rippo*. If a judge may allow courtroom personnel to silence a defendant, allow the fabrication of a waiver of counsel, deny equal access to courtroom technology, refuse to compel discovery, and refuse to rule on dispositive motions — and all of these facts, assumed true, are insufficient to create "an unconstitutional potential for bias" — then the *Caperton* standard has been effectively nullified. Under such a standard, no cumulative pattern of judicial conduct, no matter how egregious, would ever warrant disqualification. That is not the law this Court established in *Caperton*, *Rippo*, and *Williams*.

The refusal to apply *Caperton* and *Rippo* to cumulative patterns of judicial conduct — as opposed to single, dramatic instances of bias — creates a dangerous gap in federal constitutional protection. If the Due Process Clause prohibits judicial bias, it must prohibit the totality of a pattern of bias, not merely its most spectacular individual incidents. A judge who exhibits bias through a sustained course of conduct is no less biased than a judge who exhibits bias in a single dramatic act — and may, in fact, be more dangerous, because the incremental nature of the bias makes it more difficult to identify and challenge. This Court should grant certiorari to clarify that the *Caperton* standard encompasses cumulative patterns of judicial conduct and that state courts may not dismiss such patterns by evaluating each incident in isolation.

Moreover, the procedural posture of this case magnifies the constitutional concern. Every appellate court that has reviewed Petitioner's disqualification claims has denied them without explanation. The Court of Appeals denied mandamus without opinion. The Supreme Court of Georgia denied certiorari without opinion. The companion interlocutory appeal was transferred to a court that never docketed it. At no point in the appellate process has any court engaged with the substance of Petitioner's claims, applied the *Caperton* standard, or explained why the assumed facts are insufficient to create an unconstitutional probability of bias. This silence is itself a constitutional problem: when a state court denies a claim of judicial bias without analysis, there is no way to determine whether the court applied the correct constitutional standard, and there is no meaningful record for this Court to review. The result is a system in which claims of judicial bias can be extinguished without adjudication — a result that *Caperton*, *Rippo*, and *Williams* were designed to prevent.

III. The State's Prosecution Based on Evidence It Admits Does Not Exist Presents an Important Brady Question

This case presents a *Brady* question of unusual clarity and importance. In *Brady v. Maryland*, 373 U.S. 83 (1963), this Court held that "the suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to the punishment of the defendant." *Id.* at 87. The *Brady* obligation extends to impeachment evidence as well as directly exculpatory evidence, and applies regardless of the good faith or bad faith of the prosecution.

Here, the State has gone beyond suppression. Its own representative admitted in open court — on the record, at the April 28, 2025 disqualification hearing — that the State "simply don't have" the evidence underlying the sole basis for probable cause. The "person down call" and EMS unit AM69 that Officer Knox claimed in his arrest report and repeated under oath at the November 12, 2024 suppression hearing do not exist in the State's records. The arresting officer's own body camera footage, which the State produced in discovery, directly contradicts his arrest report — showing no EMS unit, no AMR vehicle, and no EMS personnel at the scene. A fellow officer stated on camera, in real time, that they had no probable cause for the arrest.

This constellation of evidence presents a *Brady* violation of the most fundamental kind. The State is obligated to disclose evidence favorable to the defense. Here, the favorable evidence is the *absence* of evidence — the fact that the foundational claim in the arrest report cannot be substantiated by any document, recording, or witness in the State's possession. When the State knows that the sole

basis for probable cause is unsupported by evidence and continues to prosecute, the *Brady* violation is ongoing and continuous.

Under *California v. Trombetta*, 467 U.S. 479 (1984), the State violates due process when it fails to preserve evidence that has "exculpatory value apparent before the evidence was destroyed" and is "of such a nature that the defendant would be unable to obtain comparable evidence by other reasonably available means." *Id.* at 489. Both prongs of *Trombetta* are met here. If records of the "person down call" and EMS unit AM69 ever existed, their exculpatory value was apparent — they would either corroborate or contradict the arrest report that forms the sole basis for the prosecution. And Petitioner is unable to obtain comparable evidence by other reasonably available means, because dispatch records and EMS logs are maintained exclusively by government agencies and are not accessible to criminal defendants through independent investigation. Alternatively, if these records never existed — if there was never a "person down call" and EMS unit AM69 was never dispatched — then the arrest was based on a fabrication, which is itself exculpatory evidence of the most compelling kind.

The belatedly produced CAD report deepens, rather than resolves, the constitutional concern. Its internal contradictions — the "ONSTAR-OP CHANNEL" caller who is simultaneously a "passerby" who "JUST DISC LINE," the "Unconscious" problem classification with no EMS personnel assigned, the "Activity Log" stating "No Call Activity" for what was supposedly an active emergency dispatch, and the entries in the "Edit Log" changed from "False" to "True" — suggest not mere negligence or poor record-keeping but possible fabrication or post-hoc alteration of

official records. These contradictions, viewed in light of the arresting officer's body camera footage (which shows no EMS presence) and his fellow officer's on-camera admission (that they lacked probable cause), paint a picture of a prosecution built on a foundation that the State's own evidence demonstrates to be false.

This case presents the question whether the Due Process Clause permits the State to continue prosecuting a defendant when: (a) its own evidence contradicts the sole basis for probable cause; (b) its own representative admits the foundational evidence does not exist; (c) the arresting officer's own body camera contradicts his arrest report; (d) a fellow officer stated on the record that they lacked probable cause; and (e) a belatedly produced official record contains internal contradictions and evidence of post-hoc alteration. This Court should grant certiorari to answer that question and to reaffirm that *Brady's* protections extend to the prosecution's obligation to acknowledge and disclose the non-existence of evidence it has claimed exists.

IV. The Summary Denial of Mandamus and Certiorari Without Explanation, Despite Unrebutted Constitutional Claims, Raises Important Questions About Judicial Accountability

At every level of the Georgia appellate system, Petitioner's constitutional claims were denied without any explanation. The Court of Appeals denied mandamus without opinion. The Supreme Court of Georgia denied certiorari without opinion. Neither court engaged with the record, the precedent, or the federal constitutional claims Petitioner raised. Neither court identified any deficiency in Petitioner's filings. Neither court explained why the substantial constitutional questions presented did

not warrant review. The denials were conclusory and unreasoned — form orders that disposed of constitutional claims without constitutional analysis.

While this Court has recognized that state courts generally have discretion in managing their dockets, and that summary denials are a necessary tool for courts with heavy caseloads, the Due Process Clause imposes limits on that discretion. In *Evitts v. Lucey*, 469 U.S. 387, 393 (1985), this Court held that "a State that does grant appellate review must not do so in a way that denies criminal defendants the minimal safeguards necessary to make that review meaningful." When a state provides a right to seek appellate review — as Georgia does through certiorari, mandamus, and discretionary applications — the wholesale refusal to engage with preserved constitutional claims at any level renders the appellate system constitutionally inadequate as applied to the particular litigant.

The concern is heightened when, as here, the denials occur in the context of a criminal prosecution in which the defendant's liberty is at stake. Petitioner is facing trial in three criminal cases. He has raised substantial constitutional claims challenging the very foundation of the prosecution — the existence of probable cause, the integrity of the State's evidence, and the impartiality of the presiding judge. No court has addressed these claims on the merits. The trial court refused to rule. The Court of Appeals refused to compel. The Supreme Court of Georgia refused to review. The result is that Petitioner will be tried without any prior adjudication of claims that go to the constitutional validity of the prosecution itself.

In *Griffin v. Illinois*, 351 U.S. 12, 18 (1956), this Court stated: "There can be no equal justice where the kind of trial a man gets depends on the amount of money

he has." The same principle applies with equal force here: there can be no equal justice where the kind of appellate review a litigant receives depends on whether he has counsel. Petitioner, proceeding pro se, filed comprehensive, well-documented, legally supported filings totaling hundreds of pages across two Supreme Court of Georgia cases. His filings cited binding precedent, presented unrebutted factual records, and raised questions of constitutional significance. Yet Petitioner received nothing more than form denials — the same disposition that might be given to a frivolous or insubstantial filing. The failure to distinguish between meritorious constitutional claims and frivolous filings — the failure to provide any explanation whatsoever — suggests that pro se filings are being categorically dismissed without substantive review, regardless of their merit.

The combination of trial court inaction and appellate court silence creates a closed loop — a self-reinforcing system in which no court ever addresses the constitutional claims. The trial court refuses to rule on motions, thereby preventing the creation of a record that would support interlocutory appeal. The appellate courts refuse to compel the trial court to rule, reasoning that there is no final order to review. The defendant is sent to trial without any adjudication of his constitutional rights, and is told that his remedy is a direct appeal after conviction — by which time the structural protections of due process and judicial impartiality will have been irretrievably lost. This pattern threatens the integrity of the judicial system and warrants this Court's review.

This Court has both the authority and the responsibility to ensure that the constitutional guarantees of the Fourteenth Amendment are not rendered

meaningless by procedural mechanisms that prevent their adjudication. When a criminal defendant raises substantial, preserved, un rebutted constitutional claims — and no court in the state system will address them on the merits — this Court's certiorari jurisdiction is the final safeguard of constitutional rights. That safeguard is needed here.

V. This Petition Satisfies the Criteria of Supreme Court Rule 10

This petition satisfies multiple criteria under Supreme Court Rule 10, which governs the considerations informing the decision to grant certiorari.

Rule 10(a): The Georgia courts' refusal to apply *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), and *Rippo v. Baker*, 580 U.S. ___, 137 S. Ct. 905 (2017), to cumulative patterns of judicial bias creates a conflict with this Court's decisions that Georgia state courts have not acknowledged or resolved. The recusal court's standard — that disqualification is unwarranted even assuming all alleged facts of bias are true — is irreconcilable with the objective probability-of-bias standard established in *Caperton* and reaffirmed in *Rippo* and *Williams v. Pennsylvania*, 579 U.S. 1 (2016). This conflict presents a recurring question of federal constitutional law that will affect every judicial disqualification case in Georgia until this Court provides guidance.

Rule 10(c): The Georgia courts have decided important federal questions — regarding the right of access to the courts, due process, *Brady* obligations, and judicial disqualification — in ways that conflict with relevant decisions of this Court, and these questions have not been, and given the procedural void cannot be, settled by

any state court. The unprecedented procedural void — a case transferred by the state supreme court but never docketed by the transferee court, leaving the appellant with no forum in any court — is itself a federal question of first impression that warrants this Court's guidance. No prior decision of this Court or any federal court addresses the constitutional implications of a state appellate case that ceases to exist because it falls between two courts, and the question has implications for the integrity of every state appellate system in the nation.

CONCLUSION

The petition for a writ of certiorari should be granted.

Petitioner Andrew W. Bell is a citizen of the United States — a veteran of the United States Marine Corps and a 28-year federal employee who has served his country with distinction — who was arrested without probable cause based on a fabricated arrest report; prosecuted for over four years without the State producing the evidence underlying the sole basis for his arrest; denied fair proceedings by a biased trial judge who allowed courtroom personnel to silence him and corrupt his waiver of counsel; denied meaningful appellate review at every level of the Georgia state court system; and left in complete procedural limbo when one of his appeals was transferred to a court that never received it while the transferor court declared it had no case pending.

The Fourteenth Amendment was ratified to prevent precisely this kind of state action — the deprivation of liberty without due process of law, the denial of access to the courts, and the systematic refusal of any forum to adjudicate constitutional

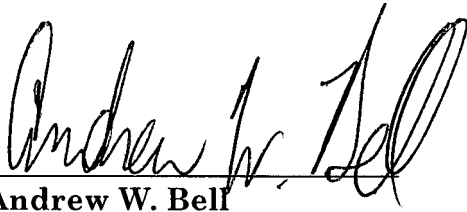
claims. The guarantee that no State shall deprive any person of life, liberty, or property without due process of law is not a mere aspiration. It is a binding constitutional command that every state court is obligated to honor and that this Court is empowered to enforce.

Petitioner has done everything the law requires. He raised his constitutional claims at the trial level. He sought mandamus when the trial court refused to act. He sought certiorari when mandamus was denied. He sought interlocutory review of the disqualification denial. He filed motions for reconsideration at every level. He documented every procedural irregularity with specificity and precision. He cited controlling precedent. He presented un rebutted factual records. And at every turn, every court declined to engage with the substance of his claims.

This Court's intervention is necessary not only to vindicate Petitioner's individual rights — though those rights alone would justify the exercise of certiorari jurisdiction — but to affirm that the Due Process Clause means what it says: no State shall deprive any person of life, liberty, or property without due process of law. If a state court system can extinguish a citizen's constitutional claims by transferring them to a court that never docketes them, by denying review without explanation, and by refusing to rule on dispositive motions, then the Fourteenth Amendment provides no protection at all. That cannot be the law.

Petitioner respectfully requests that this Court grant the petition, issue the writ of certiorari, and set this case for briefing and oral argument.

Respectfully submitted,



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