

No. 26-5040

IN THE SUPREME COURT OF THE UNITED STATES

ANDREW W. BELL,

Petitioner,

v.

STATE OF GEORGIA,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI

TO THE COURT OF APPEALS OF GEORGIA

PETITIONER'S SUPPLEMENTAL BRIEF IN SUPPORT OF
PETITION FOR WRIT OF CERTIORARI

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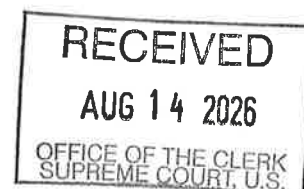


TABLE OF CONTENTS

I. Introduction	1
II. New Developments Since the Filing of the Petition	2
A. Four Additional Void Appellate Orders Issued Without Judicial Authority in Cases A26I0215 and A26O0030	2
B. Trial Court's August 5, 2026 Order Constitutes a Direct Judicial Admission of Willful Refusal to Provide Appellate Access	4
C. Respondent Has Failed to File Any Response by This Court's August 7, 2026 Deadline	5
D. Criminal Trial Is Scheduled to Commence on August 13, 2026 — Four Days Hence	6
E. A Fourth Prosecutor Has Been Assigned Seven Days Before Trial	7
III. Relevance to the Questions Presented	7
IV. Request for Expedited Consideration	9
V. Certificate of Service	10

TABLE OF AUTHORITIES

Cases

<i>Brady v. Maryland</i>, 373 U.S. 83 (1963)	7, 8
<i>Caperton v. A.T. Massey Coal Co.</i> , 556 U.S. 868 (2009)	8
<i>Martinez v. Ryan</i> , 566 U.S. 1 (2012)	
<i>Nken v. Holder</i> , 556 U.S. 418 (2009)	
<i>Rippo v. Baker</i> , 580 U.S. ___, 137 S. Ct. 905 (2017)	8
<i>Tumey v. Ohio</i> , 273 U.S. 510 (1927)	3, 8
<i>United States v. Gonzalez-Lopez</i> , 548 U.S. 140 (2006)	8
<i>Weaver v. Massachusetts</i> , 582 U.S. 286 (2017)	8

Rules

Supreme Court Rule 15.3	5, 6, 9
Supreme Court Rule 29	1
Supreme Court Rule 33.2	
Supreme Court Rule 39	

Statutes

O.C.G.A. § 5-6-34(b) (Certificate of Immediate Review)	4
O.C.G.A. § 15-2-7 (Clerk's ministerial functions)	3
O.C.G.A. § 15-6-21(b), (d) (Mandatory duty to rule; impeachable offense)	5
28 U.S.C. § 1915 (IFP)	

I. INTRODUCTION

Petitioner Andrew W. Bell respectfully submits this supplemental brief pursuant to Supreme Court Rule 15.8 and Rule 29 to call to the Court's attention significant new developments that have occurred since the Petition for Writ of Certiorari was filed on April 21, 2026. These developments directly reinforce each of the four Questions Presented and present a compelling case for immediate action by this Court.

The petition was docketed on July 8, 2026. A response was due August 7, 2026. As of the date of this filing — **August 10, 2026** — no response has been filed by Respondent, the State of Georgia.

Since the April 21, 2026 filing of the Petition, the following critical developments have occurred:

1. Four additional appellate orders have been issued in Georgia Court of Appeals proceedings — Cases A26I0215 and A26O0030 — each bearing only the signature of the Clerk of the Court of Appeals, Christina Cody (Frisch), with no judge named and no judicial panel identified, compounding the systematic due process deprivations alleged in Questions 1 and 4;
2. On August 5, 2026, the trial court (Judge Kimberly K. Anderson, State Court of DeKalb County, Case No. 22C03994) issued a "Notification Regarding Recently Filed Motions" containing a direct judicial admission that the court *"elected not to certify the ruling for immediate review"* — proving the refusal to facilitate appellate review was a deliberate, willful act;
3. Respondent, the State of Georgia, has failed to file any response to the Petition, despite this Court having set a response deadline of August 7, 2026; and

4. Petitioner's criminal trial is scheduled to commence on **August 13, 2026** — four days from the date of this filing — creating an emergency requiring this Court's immediate attention.

These developments are not merely supplemental; they constitute independent corroboration of the constitutional violations identified in the Petition and make the case for certiorari — and for an immediate stay of trial — overwhelming.

II. NEW DEVELOPMENTS SINCE THE FILING OF THE PETITION

A. Four Additional Void Appellate Orders Issued Without Judicial Authority in Cases A26I0215 and A26O0030

Since the April 21, 2026 filing of the Petition, the Georgia Court of Appeals has issued four additional dispositive orders in Cases A26I0215 and A26O0030 — proceedings arising directly from the same unconstitutional judicial conduct challenged in this Petition. Each of these four orders shares the identical structural defect as the order that is the subject of the Petition (A25E0146, July 1, 2025): not one identifies a judge by name, not one identifies a judicial panel, and each is signed solely by Christina Cody (Frisch), the Clerk of the Court of Appeals, in her ministerial capacity.

The four additional void orders are as follows:

5. **Case No. A26I0215, Order of Dismissal (June 3, 2026):** Dismissed Petitioner's interlocutory application challenging the denial of his recusal motion, on the ground that Petitioner failed to obtain a certificate of immediate review — a certificate the trial court has now admitted by its own August 5, 2026 Order that it deliberately chose not to provide. The order bears only the Clerk's signature and seal.

6. **Case No. A26I0215, Order Denying Motion for Reconsideration (July 9, 2026):** Denied Petitioner's motion for reconsideration of the June 3 dismissal. Signed only by the Clerk.
7. **Case No. A26O0030, Order of Dismissal (July 9, 2026):** Dismissed Petitioner's mandamus petition, which the Georgia Supreme Court had transferred to the Court of Appeals. Found that Petitioner was required to file his mandamus in a superior court first — without a single identified judge having reached the constitutional merits. Signed only by the Clerk.
8. **Case No. A26O0030, Order Denying Motion for Reconsideration and Notice of Transfer (July 17, 2026):** Denied all remaining relief. Signed only by the Clerk.

Georgia law is clear: the Clerk of the Court of Appeals exercises only ministerial functions. O.C.G.A. § 15-2-7. Dispositive orders — dismissals, denials of motions for reconsideration — are acts of judicial power. A court clerk has no authority to issue such orders without judicial involvement. *Cf. Tumey v. Ohio*, 273 U.S. 510, 532 (1927) (due process requires a decision rendered by a duly authorized judicial officer). When added to the clerk-signed order in Case A25E0146 (July 1, 2025) — the order that is the direct subject of this Petition — **five consecutive Georgia appellate orders** in Petitioner's cases have been issued without any identified judicial authority.

Crucially, the trial court's August 5, 2026 Order cites the clerk-signed dismissal in A26O0030 as legal authority justifying the trial court's own refusal to certify issues for appellate review. Thus, a void order issued by a clerk is being used to justify the trial court's refusal to allow Petitioner any avenue of appellate access — a disturbing bootstrap that compounds the procedural void identified in Question 1.

B. Trial Court's August 5, 2026 Order Constitutes a Direct Judicial Admission of Willful Refusal to Provide Appellate Access

On August 5, 2026 — eight days before trial — the trial court issued a document styled "Notification Regarding Recently Filed Motions" in Case No. 22C03994. This order contains a direct judicial admission that must be quoted verbatim:

"This Court, in its discretion,

elected

not to certify the ruling for immediate review and did not sign a certification within 10 days of the ruling. Therefore, the underlying ruling stands."

State Court of DeKalb County, Notification Regarding Recently Filed Motions, Case No. 22C03994, at 1 (August 5, 2026) (emphasis added).

The operative word is **"elected."** This is not the language of inadvertence, oversight, or administrative error. "Elected" denotes a deliberate choice — an affirmative exercise of discretion to deny Petitioner the only mechanism available under Georgia law, O.C.G.A. § 5-6-34(b), for obtaining interlocutory appellate review of a ruling that Petitioner contends reflects unconstitutional bias. Having made that choice, the court cited, as its authority, the void clerk's order in A26O0030 — a circular void in which a clerk's unauthorized order validates a judge's willful refusal to rule, and that refusal bars further appellate access.

The August 5, 2026 Order also confirms:

- Petitioner's pending motions to suppress were declared untimely under O.C.G.A. § 17-7-110 and will not be considered before trial — even though the

delay in filing was directly caused by years of appellate proceedings the trial court itself precipitated and controlled;

- Petitioner's Motion in Limine raises arguments the court has "already rejected," ensuring no pretrial suppression hearing will occur; and
- The order was not transmitted through the Clerk of Court but via email from Judge Anderson's personal Case Manager, Sikiki Calloway (), on August 6, 2026 — the day after the order was entered — depriving Petitioner of formal notice through the official court record.

Under O.C.G.A. § 15-6-21(d), a trial court judge has a mandatory duty to decide motions within prescribed time periods. Under O.C.G.A. § 15-6-21(b), the willful failure to perform that duty is an impeachable offense. The August 5, 2026 Order provides this Court with conclusive, on-the-record proof that the conduct described in Question 4 of the Petition — systematic refusal to rule on dispositive pretrial motions — was not only real but deliberate.

C. Respondent Has Failed to File Any Response by This Court's August 7, 2026 Deadline

The docket for Case No. 26-5040 shows that a response was due on August 7, 2026. As of August 9, 2026, no response has been filed by Respondent, the State of Georgia. The docket reflects only the April 21, 2026 filing; no entry for a response appears.

Under Supreme Court Rule 15.3: *"If a respondent fails or declines to file a response within the period allowed, the Court may take any appropriate action, including granting the petition."* The State of Georgia has been represented by the Attorney General throughout this litigation. The Attorney General has had nearly four months since the Petition was filed to respond. The State's silence is not inadvertent.

The failure to respond should be treated as a concession that the Questions Presented are worthy of this Court's review. There is no longer any adversarial basis for denying conference, and Rule 15.3 authorizes this Court to grant certiorari immediately.

D. Criminal Trial Is Scheduled to Commence on August 13, 2026 — Four Days Hence

Petitioner's criminal trial is scheduled to commence on **August 13, 2026** — four days from the filing of this supplemental brief. This is not speculative; the date was confirmed by notice from both the Clerk of the State Court of DeKalb County and Case Manager Calloway on July 29, 2026. The trial was previously set for August 11, 2026, and was moved by the court to August 13, 2026.

Once trial commences, the constitutional violations described in the Petition will cause irreversible injury. Petitioner will have been forced to stand trial:

- Before a judge who, by her own August 5, 2026 admission, deliberately refused to provide the appellate access mechanism that would have allowed a neutral tribunal to review her conduct;
- Without suppression hearings on evidence obtained through constitutionally deficient probable cause — including an audio "person down call" the State admits it cannot produce, an unidentified firefighter witness the State has never disclosed, and a CAD report containing internal contradictions;
- After voir dire was previously aborted on July 29, 2025 when ASG Laural Creek Spainhour asserted that the State Court lacked jurisdiction due to pending Georgia Supreme Court proceedings — using the same pending cases that are still before the Georgia Supreme Court today — after which Petitioner's assembled witnesses dispersed and could not return; and

- With a fourth prosecutor assigned to the case on August 6, 2026, only seven days before trial, ensuring that *Brady* compliance cannot be meaningfully verified.

No post-conviction remedy can restore the fair trial to which Petitioner is constitutionally entitled. The harm from proceeding is irreparable.

E. A Fourth Prosecutor Has Been Assigned Seven Days Before Trial

The August 6, 2026 email from Case Manager Sikiki Calloway, transmitted simultaneously with the "Notification" order, informed Petitioner that ASG Jamell Hamm "is no longer assigned to this case" and that ASG Katie Fite-Magyar () "is currently handling this matter." This is at least the **fourth prosecutor** assigned to Petitioner's consolidated cases. The prior ASGs were Cole Fondersmith, Casey Hall, and Jamell Hamm.

The rotation of four prosecutors has direct *Brady* implications. ASG Casey Hall sent Petitioner a critical email on July 18, 2025, acknowledging the existence of Computer Aided Dispatch (CAD) records that Petitioner contends contain internal contradictions and evidence of post-hoc alteration — the factual core of Question 3. No prior ASG confirmed full *Brady* compliance. A newly assigned prosecutor seven days before trial cannot realistically certify that all exculpatory and impeachment material has been identified and produced. The danger that constitutionally required disclosures have fallen through the cracks of four prosecutor transitions is not speculative; it is nearly certain.

III. RELEVANCE TO THE QUESTIONS PRESENTED

The new developments directly reinforce all four Questions Presented and independently strengthen the case for certiorari:

Question 1 (Procedural Void / Due Process): The four additional clerk-signed orders in A26I0215 and A26O0030, combined with the clerk-signed order in

A25E0146 that is the direct subject of the Petition, demonstrate that Petitioner has now been denied substantive appellate review by any identified judicial officer in **five consecutive Georgia appellate proceedings**. The trial court's August 5, 2026 Order — citing a void clerk's order as authority — closes the procedural loop: no judicial officer has ever reached the constitutional merits of Petitioner's claims, and the void orders are now being used to prevent future access as well.

Question 2 (*Caperton / Rippo Bias*): The trial court's use of the word "elected" — combined with the prior pattern of silencing the defendant, forging "refused to sign" on a Faretta waiver the defendant never received, denying equal technology access, refusing to compel Brady-mandated discovery, and refusing to rule on dispositive motions — now forms an unmistakable cumulative record of unconstitutional judicial bias. The *Caperton* standard asks whether the probability of bias is "too high to be constitutionally tolerable." 556 U.S. at 872. The cumulative record here far exceeds that threshold.

Question 3 (*Brady v. Maryland*): The assignment of a fourth prosecutor seven days before trial, combined with the continued absence of the "person down call" audio, the continued non-identification of the firefighter witness, and the trial court's refusal to conduct any pretrial suppression hearing, ensures that Petitioner will face trial without resolution of the Brady violations central to the Petition. The constitutional harm is now imminent.

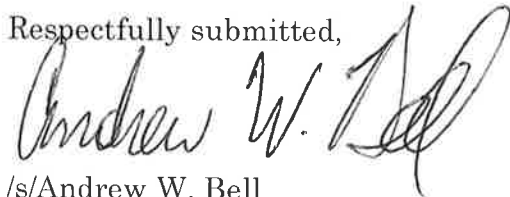
Question 4 (Systematic Refusal to Rule): The August 5, 2026 "Notification" is definitive, on-the-record proof of precisely the conduct described in Question 4. The trial court did not merely fail to rule — it "***elected***" not to enable appellate review, by its own admission. This is the deliberate systemic deprivation that this Court's due process jurisprudence under *Gonzalez-Lopez*, *Weaver*, and *Tumey* forbids.

IV. REQUEST FOR EXPEDITED CONSIDERATION

Given that criminal trial is set for **August 13, 2026** — four days from this filing — Petitioner respectfully requests that this Court:

9. Schedule Case No. 26-5040 for the earliest available conference;
10. Grant the Petition for Writ of Certiorari pursuant to Rule 15.3, given the Respondent's complete failure to file a response; and
11. Enter a stay of trial court proceedings in State Court of DeKalb County, Case No. 22C03994 (consolidated with 23C02652 and 25C00132), pending disposition of this Petition, as requested in Petitioner's separately filed Emergency Application for Stay directed to Justice Thomas as Circuit Justice for the Eleventh Circuit.

Respectfully submitted,



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