

IN THE SUPERIOR COURT OF CHEROKEE COUNTY
STATE OF GEORGIA

KERRY CRAIG WALKER,

Plaintiff,

v.

Cherokee County,
Sheriff Roger Garrison,
Preston Peavy, ET AL,

Defendants.

**MORE DEFINITIVE STATEMENT
OF AMENDED NOTICE OF
NOTICE OF AMENDED APPEAL
TO THE
GEORGIA SUPREME COURT**

**CIVIL ACTION
FILE NO. 07-CV-3325**

**MORE DEFINITIVE STATEMENT OF AMENDED NOTICE OF
NOTICE OF AMENDED APPEAL TO THE GEORGIA SUPREME COURT**

Notice is hereby given that Kerry Craig Walker, Plaintiff in the above-styled case, hereby sends a **More Definitive Statement of Amended Notice of Notice of Amended Appeal to the Georgia Supreme Court** to amend **More Definitive Statement of Amended Notice of Notice of Amended Appeal** dated September 17, 2010.

The criminal cases against Plaintiff were dismissed in full on November 23, 2005 by the Honorable Judge Jackson Harris and Plaintiff completed a timely filing of said lawsuit and filed it on November 20, 2007, within the Statute of Limitations.

On August 20, 2010 Plaintiff had a Hearing on his Expungement Claim and there was no opposition from Counsel for the Defendants. An **ORDER** was issued on August

23rd, 2010 by Judge Murphy C. Miller which **GRANTED** Mr. Walker's expungement request to have his September 25, 2001 arrest expunged from the record. This **ORDER** signed by Judge Murphy C. Miller further **ORDERED** that any warrants, finger prints, or other items collected in connection with the September 25th, 2001 arrest be purged from the criminal records. Said **ORDER** brings about a **final judgment** in the court's order and readies said case for appeal.

The facts will show that the judgment on the pleadings pursuant OCCA § 9-11-12 (c) is incorrect and assertion that the statute of limitations had expired before Plaintiff's lawsuit was filed is incorrect and this can be demonstrated on appeal. Plaintiff's charges were formally dismissed by Judge Jackson Harris on November 23, 2005 finally ending Plaintiff's long nightmare in the criminal courts and said lawsuit was filed on November 20, 2005, within the two (2) year statute of limitations.

This case no longer requires the applications under expressed determination under OCCA § 19-11-54 (b) or compliance with the interlocutory appeal requirements of OCCA § 5-6-34 (b). Neither of these code sections applies now that there has been a **FINAL** judgment in the court's order and all claims have been ruled upon and disposed.

This case under A10A1505 was **dismissed** because the first **appeal was premature** and the **appeal lacked jurisdiction** because **all of the aspects of the case had not been ruled upon**. This appeal has no relation to case No. A10A1505 because on August 23, 2010 an **ORDER** was signed by the **Honorable Judge Murphy C. Miller** thereby bringing his order of February 25, 2010 to a final judgment.

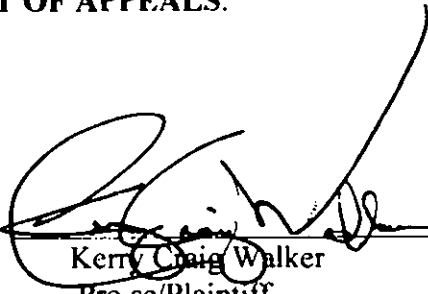
The trial court's order is now **final** and, therefore, this case is ready for appeal and the appellate court has proper jurisdiction.

The Court of Appeals rather than the Supreme Court has jurisdiction because the case does not involve any items enumerated in Article VI, Section VI, Paragraph II of the Constitution of the State of Georgia, but because of **fraud in the court** at the hands of **Deputy Clerk Missy Bergman** who fraudulently state's that **Plaintiff's Paupers Affidavit** is not valid and who refuses to follow the letter of the law on transmitting a case that now has **final judgment** Plaintiff is forced to file a timely appeal to the **Georgia Supreme Court**.

All documents filed in said case going back to the **Original Filing**, and including **Notice of Appeal, Notice of Amended Appeal, Amended Notice of Notice of Amended Appeal, More Definitive Statement of Amended Notice of Notice of Amended Appeal, Argument for Appeal and Response on Motion for Judgment on the Pleadings, Amended Notice to Seek Expungement, Order Granting Pauper's Affidavit, and Order GRANTING Plaintiff's Expungement Request** and **all other documents and transcripts filed in the Cherokee County Superior Court related to this case** need be transmitted as part of the record of appeal.

This appeal to the **GEORGIA SUPREME COURT** will apply only if the fraud of the Court at the hands of Deputy Clerk Missy Bergman is not corrected. otherwise Plaintiff's appeal will be to the **GEORGIA COURT OF APPEALS**.

This 20th day of September, 2010.


Kerry Craig Walker
Pro se/Plaintiff

IN THE SUPERIOR COURT OF CHEROKEE COUNTY
STATE OF GEORGIA

KERRY CRAIG WALKER,

Plaintiff,

v.

**Cherokee County,
Sheriff Roger Garrison,
Preston Peavy, Et Al**

Defendant.

CERTIFICATE OF SERVICE

**CIVIL ACTION
FILE NO. 07-CV-3325**

CERTIFICATE OF SERVICE


I do hereby certify that I have this day served the foregoing. **More Definitive Statement of Amended Notice of Notice of Amended Appeal to the Georgia Supreme Court**, to all interested parties in the within and foregoing matter, Civil Action No. 07-CV-3325, dated September 20, 2010 in the United States mail with sufficient postage affixed thereon to insure delivery as follows:

**Kendrick Kendall McWilliams
SHIVERS & ASSOCIATES
1000 Windward Concourse
Suite 210
Alpharetta, GA 30005**

**Judge Murphy C. Miller
59 S. Main Street, Ste K
Cleveland, GA 30528**

**Angela E. Davis
105 Pilgrim Village Drive, Ste 200
Cumming, GA 30040**

This 20th day of September, 2010.
Please address all
communications to:
Kerry Craig Walker
P.O. Box 2018
Jasper, TN 37347


Kerry Craig Walker/pro se
Plaintiff, Sui Juris