

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.

MOTION TO RE-APPLY
TO THE
GEORGIA COURT OF APPEALS

CIVIL ACTION
FILE NO. 07-CV-3325

MOTION TO RE-APPLY TO THE GEORGIA COURT OF APPEALS

Notice is hereby given that Kerry Craig Walker, Plaintiff in the above-styled case, hereby sends a **MOTION TO RE-APPLY TO THE GEORGIA COURT OF APPEALS**.

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 Plaintiff must file a Motion to Re-apply to the Georgia
Court of Appeals.**

This 20th day of September, 2010.



Kerry Craig Walker
Pro se/Plaintiff

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STATE OF GEORGIA

KERRY CRAIG WALKER,

Plaintiff,

v.

Cherokee County,
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Defendant.

CERTIFICATE OF SERVICE

CIVIL ACTION

FILE NO. 07-CV-3325

CERTIFICATE OF SERVICE

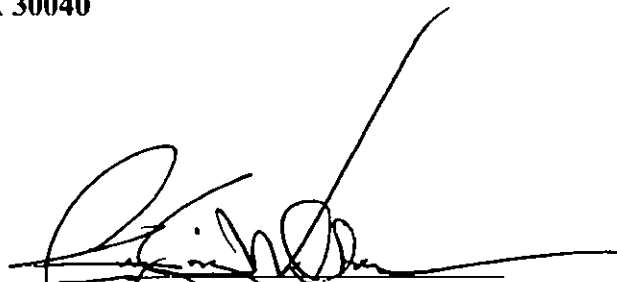
I do hereby certify that I have this day served the foregoing, **Motion to Re-apply to the Georgia Court of Appeals**, to all interested parties in the within and foregoing matter, Civil Action No. 07-CV-3325, dated September 20, 2010 in the United States mail with sufficient postage affixed thereon 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