

From: Kerry Walker [mailto:kerrycw1@gmail.com]

Sent: Thursday, September 30, 2010 10:58 AM

To: Patty Baker

Cc: Jeff Rusbridge; Sherry Swiney; kellycooney@windstream.net; wyndell walker; kimberly walker; Aaron Kollsmith; Andrew Garcia; fuller@cherokeetribune.com; cphillips; Doug MacKay-KeyBoard Composition; David Wollert; McWilliams,Kendrick K; Barbara Rose; RAY WESTPHAL; James S. Campbell, MD.; Michael Bradford; Judge Frank Mills; Missy Bergman; ninthjad@windstream.net; zangarak@gmail.com

Subject: Re: re-send document with name correction

Patty Baker

Clerk of Courts

Cherokee County Superior Court

Ms. Baker,

September 30, 2010

It seems that I'm communicating with two people (you and Ms. Bergman) and one is not communicating with the other. Again you are wrong. Although I mentioned my specific appeal, the ORDER from Judge Miller placed me *in forma paupersi* status which allowed me to proceed in this manner.

I'm afraid your oath means little to me having studied some 35 cases in detail of actual innocence in Georgia, two of which were wrongly convicted in Cherokee County. The former detective Preston Peavy also took an Oath of Office to uphold the law and to uphold my rights (I have a copy of Mr. Peavy's Oath of Office) when he attempted to frame me for crimes I did not commit and where I was in fact the victim of violent crimes. I understand and know fully your intent. My family members have suffered and my dear, sweet, intelligent, talented and very beautiful—and very patriotic mother died under the stress and duress of this nightmare in Georgia.

In a letter to Judge Murphy dated March 16, 2010 I stated, "It turns out that my prayers and hopes were in vain, and my efforts to let the truth shine down on the facts of this case have been met with continued deceit and corruption. The judicial process in Georgia is so deeply corrupted. Not superficially corrupted, but deeply corrupted. In actuality the state of Georgia, where I was born and raised, has been deeply corrupted and operating under the conditioning and illusions of religion for the life of the state's history under the rule of my ancestors. In a legal system so latent with egos, incompetence, stupidity, corruption and deceit, it is difficult to draw a line where these elements begin and end."

Ms Baker, you continue to state that my appeal was DISMISSED by the Court of Appeals but you do not mention the grounds on which it was dismissed which is legally important. It was dismissed because there was not a final judgment and because there was not a final judgment the appeal was premature and, therefore, the appellate court lacked jurisdiction.

“In a case involving multiple parties or multiple claims, a decision adjudicating fewer than all the claims or the rights and liabilities of less than all the parties is not a final judgment. In such circumstances, there must be an express determination under O.C.G.A. § 9-11-54 (b) or there must be compliance with the interlocutory appeal requirements of O.C.G.A. § 5-16-34 (b).”

These are very complex legal issues and legal terms that apply to this appeal and I have included the Legal terms and Law for you to study (below). There has now been a final judgment on August 23, 2010 where I was GRANTED my expungement claim by the Honorable Judge Murphy C. Miller and this now readies my case for appeal. I have no problem filing another Pauper’s Affidavit if that is what this matter requires but it should not be required as my financial struggle is a reality and I hope for this to change in the future with the expungement of my arrest records stemming from my false arrest on September 25th, 2001.

I went through this same unethical process before when Ms. Bergman demanded over \$600.00 when I had submitted my Pauper’s Affidavit during my first attempt at an appeal several months back. She demanded this money and gave me 20 days to pay or my appeal would be dismissed with no regards to the fact that I had filed a Pauper’s Affidavit. Because of her unethical actions I was forced to amend my appeal and drastically reduce the size of the file. Then my Pauper’s Affidavit was approved and an ORDER was signed by Judge Miller and I again was forced to amend my appeal and change the file size back to what it was before. Now I am getting the same nonsense again and now Ms. Bergman demands an absurd \$5,608.00 (Five Thousand Six Hundred and Eight Dollars) to send my documents and then a few days later she demands a ridiculous amount of \$5,758.00 (Five Thousand Seven Hundred and Fifty Eight Dollars) to send my documents to the appellate court or my appeal will be dismissed in 20 days.

You are right— it is very difficult to operate as a pro se litigant in the legal system in this great country. I have spent countless hours over the past 9 years fighting my case. I have also spent over a hundred hours sending my case files to lawyers in hopes of getting help when I have no money and I have been unsuccessful. The fact is I was informed by several lawyers that I was wasting my time

seeking expungement and that I should give it up as it was next to impossible to get records expunged in Georgia, but I refused to give up. There are a few good, honest lawyers in this great country, like Gerry Spence for example, but overall most lawyers are very superficial and dishonest and have become a disgrace to society and a detriment to man. Many lawyers are cowards who are afraid to stand up for the truth because they fear they may have their license taken away.

As I have told you, my struggle is to have my case heard by an impartial jury of my peers in an honest and ethical court, and that is all I have been attempting to accomplish.

The court reporter, Carol Glazier, who transcribed my expungement hearing on August 20, 2010 contacted me and demanded \$45.00 for a copy of the transcript. I explained the same thing to her and she personally asked Judge Miller the next day and then contacted me and informed me that Judge Miller made it very clear to her that his ORDER would cover the transcript and any other documents or relief I sought and it would be paid for by the State. I explained this to Ms. Bergman and she informed me that if Judge Miller sent her a letter stating that his ORDER would have me continue *in forma pauperis* with my appeals processes that she would honor it. I have sent a letter to Judge Miller requesting such a letter be sent to Deputy Clerk Missy Bergman.

I will also put together another Pauper's Affidavit and send it to Judge Miller as my financial situation and my financial struggles have not changed. I have a Bachelors Degree in Engineering Technology and I graduated number seven in my field yet, because of this case, I work part time for Advance Auto Parts for \$8.00/hr and 25% of my earnings are garnished out to pay a credit card debt that I could not keep paying as the result of this case. This \$6.00/hr before taxes working part time allows me to barely survive while seeking justice in my case.

I know the system in this great country and around 5% of the prosecutorial calendar are railroaded or forced into a corner where they take a plea for a crime they did not commit as the State believes. Once a person is arrested he or she becomes nothing more than a cog in a wheel in a legal system that at times has blinders in regards to the truth. I am convinced that the callous and incompetent way the system operates is a major contributor to the neurosis and disorder in our society. The fact is that 258 human beings have been cleared of serious crimes that they did not commit, ONLY because of DNA. There are around 100,000 men and woman that wake up to the nightmare of prison every day in this great country, surrounded by criminals, when they DO NOT belong there and they are counting on me to help them.

My case could have far reaching impact to bring about a positive change to the legal system and bring common law and common sense back to the legal process.

I went through a very long process in Cobb County Superior Court with Judge Adele Grubbs concerning my Paupers Affidavit in that court. I recently attended a Hearing to Consider the Merits of my Pauper's Affidavit and an ORDER was signed by Judge Grubbs on the 2nd day of August, 2010 GRANTING my Paupers Affidavit. I sent you a CERTIFIED COPY of this document by U.S. Mail.

My only hope is to get my case heard in court and it is impossible for me to provide the funds to do so without continuing *in pauperis* with this appeal.

Thank you for your time and your help in this important matter.

Peace and blue skies,

Kerry

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Search: Mathematical Proof of a Creative Intelligence

Legal terms and Law

express determination under O.C.G.A. § 9-11-54 (b)

interlocutory appeal requirements of O.C.G.A. § 5-16-34 (b)

interlocutory: provisional; temporary; not final. An order or judgment is interlocutory if it does not determine the issues but directs some further proceeding preliminary to a final degree. Such an order or judgment is subject change by the court during the pendency of the action to meet the exigencies of the case; order determining an intermediate issue, made in the course of a pending litigation which does not dispose of the case, but abides further court action. Such orders are not generally appealable until after the entire matter has been disposed of by final order or judgment. 28 U.S.C. §§ 1291-1293

exigency: an emergency situation which excuses some particular procedure, right, or law from being followed or enforced.

exigent circumstances: emergency situations or conditions which the law recognizes as excusing compliance with some procedural requirement or law, or recognition of another's property or other interests.

On Wed, Sep 29, 2010 at 5:48 PM, Patty Baker <pbaker@cherokeega.com> wrote:

Mr. Walker,

I have an order granting a paupers affidavit, for the filing of an appeal dated March 10, 2010. That date is specifically stated on the order. That appeal was dismissed by the Court of Appeals. The file # you refer to at the top was placed there by my Deputy Clerk after it was signed by the Judge Miller. I do not interpret orders, but rather follow what they state. I have taken an oath to fulfill my duties and responsibilities as Clerk of Superior Court. I take that oath very seriously and need the documentation of written orders and not verbal communication from any of the parties. This protects all parties including myself, my staff and citizens such as you. I cannot interpret or assume what an order may mean. We have sent you another pauper's affidavit and are asking you to please fill it out and we will gladly abide by it if approved for your new appeal.

As previously stated, one's personal circumstances can change over a 6 month period of time. We have forwarded another paupers affidavit for you to submit. If your circumstances have not changed in the past 6 months you should not have a problem having it approved or amended for this new filing.

You are correct there are many legal technicalities in our system of justice. I can certainly understand your frustration in being a pro se litigant.

Patty Baker

Clerk of Courts

Cherokee County

Superior, State, Juvenile and Magistrate Courts

90 North Street, Suite G170

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678-493-6500

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From: Kerry Walker [mailto:kerrycw1@gmail.com]

Sent: Tuesday, September 21, 2010 1:35 PM

To: Patty Baker

Cc: Jeff Rusbridge; Sherry Swiney; kellycooney@windstream.net; wyndell walker; kimberly walker; Aaron Kollsmith; Andrew Garcia; fuller@cherokeetribune.com; cphillips; Doug MacKay-KeyBoard Composition; David Wollert; McWilliams,Kendrick K; kerrycw1@gmail.com; Barbara Rose; RAY WESTPHAL; James S. Campbell, MD.; Michael Bradford

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Patty Baker

Clerk of Court

Cherokee County Superior Court

90 North Street

Canton, Georgia 30114

September 21, 2010

Ms. Baker,

My Paupers Affidavit was filed per Civil Action 07-CV-3325 and it covers all actions that stem from this case. In fact the ORDER from Judge Murphy C. Miller has this case number on the top of the ORDER. Please note that I filed a Paupers Affidavit so that I could be relieved of paying costs as a prerequisite for filing or obtaining relief. My Paupers Affidavit was approved by the Honorable Judge Murphy C. Miller on March 24, 2010 and filed in the Cherokee County Superior Court on March 26, 2010.

In fact Carol Galzier, with Appalachian Court Reporting (706-745-4455), recently demanded \$45.00 for a transcript from the Hearing to Consider Amended Notice to Seek Expungment on August 20, 2010 and she advised me that my Paupers Affidavit did not cover the cost. I explained to her that it did cover the cost. She said that she would ask Judge Murphy C. Miller if it did and she got back to me and told me that Judge Miller told her that the Paupers Affidavit covered the cost of the transcripts and that all documents or anything that Mr. Walker needs will be covered by the State. I have recently received a copy of this transcript by U.S. Mail at no cost to me.

Ms. Burgman has in the past demanded money for filing and threatened to dismiss my lawsuit if the money was not received, yet a Paupers Affidavit had been filed. This caused me all kind of undue stress

and time to compensate for her unethical and incompetent actions by reducing the file size and then changing the file size again once my Paupers Affidavit was GRANTED. In this case it turned out that my Paupers Affidavit was approved. The court should not demand money when a Paupers Affidavit has been filed until a ruling has taken place to determine the status of the Paupers Affidavit.

I was the victim of violent crimes in Cherokee County and then falsely arrested for crimes I did not commit based on a fake crime report filed by the Defendant in my pending lawsuit in Cobb County that is now going to the Georgia Court of Appeals. My life was ruined and my mother died under the stress and duress of the incompetent, fraudulent, and corrupted legal processes in Cherokee County Georgia. I lost my custom home and everything else and I have suffered more than most people can imagine. My family members have also suffered as a result of this incredible case of malfeasance, corruption and cover up. My health has also been adversely affected from dealing with the stress of this unjust case.

I have the right to a jury trial and for a jury to hear the facts of this case and to present my side of the story and to render a decision based on these facts. This is all I have been attempting to do for past several years.

My appeal was dismissed because it was premature and this court did not have jurisdiction. Now that there has been a complete or final ruling my case is now ready for appeal. If you are not an attorney why are you practicing law?

I have grown tired of our broken legal system that denies due processes of law, puts legal technicalities in the way of truth, and unethically holds thousands of men and woman in cages for crimes they did not commit.

Please ask Judge Murphy C. Miller if my Paupers Affidavit is valid.

Peace and blue skies,

Kerry Craig Walker

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