

COBB COUNTY, GA  
FILED IN OFFICE  
SEP 13 11 21 AM  
J. C. [unclear]  
COBB COUNTY CLERK

IN THE SUPERIOR COURT OF COBB COUNTY  
STATE OF GEORGIA

**KERRY CRAIG WALKER,**

Plaintiff,

v.

**JACQUELYN WAGNER,**

Defendant.

**ARGUMENT FOR APPEAL**

**CIVIL ACTION**

**FILE NO. 07-1-10459-42**

**ARGUMENT FOR APPEAL**

Comes now Plaintiff in the above styled case to present an argument as to why appeal should not have been dismissed by Judge Adele Grubbs and why appeal should be granted.

Plaintiff was arrested on September 25, 2001 for three misdemeanors as the result of a fake Incident Report filed by Jacquelyn Wagner (Defendant). Plaintiff was in actuality the victim of acts of violence by Defendant. Plaintiff's arrest began a chain of tragic events that lasted well over four years and in different contents continues to present day. Plaintiff was indicted for a felony because of false information provided to the Grand Jury as a direct result of the false Incident Report filed by Defendant on September 19, 2001.

As a result of the fake crime report filed by Defendant, Plaintiff suffered financially, emotionally and physically. Plaintiff attended several hearings and showed up for several trial calendars over the course of a year and a half in hopes of going to trial, and Plaintiff finally went to trial on Case 02-CR-0053, which ended with alleged Felony Tampering with Evidence by the State. Plaintiff heard little about his case over the next two years, but later learned that Case 02-CR-0053 was nolle prossed and that Plaintiff had been re-indicted in Case 02-CR-1029. After

learning about the new case against him, Plaintiff sent a letter to the prosecutor asking that his charges be dismissed. Plaintiff received a letter a few days later from the District Attorney's office with a new trial date set for the beginning of the next month. Plaintiff suited up and showed up for over a half dozen trial calendars over the course of a year, but was never given his chance at trial. During the over four year battle to prove his innocence Plaintiff lost his 4300 square foot custom home that Plaintiff designed and personally constructed on a beautiful lot at the corner of the Etowah River and Lake Allatoona and all other assets as well as tens of thousands in cash. The events of this case killed Plaintiff's mother and injured other family members, and Plaintiff's life was ruined.

On November 23, 2005 an Order of Dismissal was entered on Case 02-CR-1029 by Judge Harris and the charges against Plaintiff were formally dismissed by the State. Plaintiff did not receive the Order by U.S. Mail via his attorney until December 19, 2005, over two weeks after the death of Plaintiff's mother. Plaintiff received a Order dated the 25<sup>th</sup> day of February, 2010 granting Plaintiff's expungement claim and granting Plaintiff's right to seek expungement of his arrest records.

Plaintiff filed an appeal within 30 days of said dismissal of the above styled case, and Plaintiff responded to notice of **Hearing on Why Plaintiff's Appeal should not be Dismissed** with no response by Defendant. It was at this hearing that Plaintiff learned from Judge Grubbs about a letter that was sent to him by regular U.S. Mail from the appeals court clerk with information that was required on his appeal. Plaintiff did not receive a letter from the appeals court clerk and Plaintiff pointed out this fact at said hearing. At said hearing, documented on a recording device, Plaintiff understood that Judge Grubbs would take this under advisement and re-send the letter. Plaintiff thanked Judge Grubbs and drove back to Tennessee, where he now


resides. Plaintiff never received said letter, and instead received an Order dismissing his appeal. Plaintiff sent a letter to Judge Adele Grubbs dated March 5, 2010 explaining the facts and his understanding of these facts (see **EXHIBIT A**).

Plaintiff filed another appeal to appeal the judge's unfair decision to dismiss his appeal without re-sending the letter as stated above. Plaintiff has a right by law to appeal his case in the Georgia Court of Appeals.

Plaintiff has all the documents, recordings, and witnesses to support the truth of his case. Plaintiff's witnesses include Attorney Jeff Rusbridge, an expert witness (Wade Pittman), and a citizen witness (Drew Mayo) who was at the scene at the time of the most serious incident alleged by Defendant, but was never interviewed or questioned by investigators.

Plaintiff has suffered emotional, physical, and financial hardships as the result of a fake crime report filed by Defendant. Plaintiff's mother died because of the pressure and duress resulting from the long nightmare that culminated from the fabricated Incident Report filed by Defendant. Plaintiff states a claim from which relief can and should be granted. Plaintiff has a right to a jury trial on this valid and important case and Plaintiff demands a jury trial now.

This 12<sup>th</sup> day of March, 2010.



Kerry Craig Walker  
Sui Juris/Plaintiff

Judge Adele P. Grubbs  
Superior Court of Cobb County  
Cobb Judicial Circuit  
30 Waddell Street  
Marietta, Georgia 30090-9642

## EXHIBIT A

March 5, 2010

Dear Judge Grubbs,

This letter is to inform you that Plaintiff has requested a Hearing in front of Your Honor on March 29, 2010 at 9:00am, regarding Civil Action No. 07-1-10459-42, in the Superior Court of Cobb County. A **Confirmation Letter** has been sent by Plaintiff to the Clerk of Court and a copy has been sent by means of **Certificate of Service** to Defendant in the above styled case.

Plaintiff has an audio recording of hearing on February 12, 2010 and has two witnesses to said hearing. In this hearing Your Honor stated that an Order for specific instructions to validate Plaintiff's Appeal was sent to Plaintiff by U.S. Mail. Plaintiff made clear that he did not receive any Order from the Court by U.S. Mail other than an Order for **Hearing on Why Plaintiff's Appeal Should NOT be DISMISSED**.

**(Every document Plaintiff receives is posted on his website, and this document is not posted because it was never received; search Kerry Walker Story)**

Plaintiff stated that he filed a **Pleading and Response to Hearing on Why Plaintiff's Appeal should NOT be DISMISSED**, with no response. Plaintiff reiterated that he had responded to everything he had received from the Court by U.S. Mail, and that he had **NOT** received this Order with specific instructions. Your Honor stated that you would take this under advisement and re-send the Order. Plaintiff never received this unknown Order and instead received an Order that his Appeal had been DISMISSED by the same Court that had previously dismissed his valid and important Lawsuit.

Plaintiff has an audio recording (with prior notice) of conversation with Appeal's Clerk Katie Lanham and Plaintiff was told by Katie Lanham that he did not send a **Certificate of Service** with his Appeal, and therefore she could not forward it on to the Appellate Court. Plaintiff noted that he had a copy stamped **FILED** in Cobb County Superior Court with a **Certificate of Service** and that he also had a copy of this Appeal online in a PDF file which also showed a **Certificate of Service**. Plaintiff contacted Your Honor's office and talked to Kim Carroll (on audio recording with prior notice) and Kim Carroll told Plaintiff that she had a copy of Plaintiff's Appeal and that it **DID** include a **Certificate of Service**.

Plaintiff also talked with Peter Wilson in the Clerk's office, and this conversation was documented for legal purposes (with prior notice given) and he also confirmed that a **Certificate of Service** was filed with said Appeal. Mr. Wilson suggested that Plaintiff attend a hearing to discuss this matter.

If it pleases Your Honor, Plaintiff admits to having had problems in the distant past, but he turned his life around on April 12, 1992 and has been clean and sober ever since.

Plaintiff has a seven hour drive to attend hearings in Cobb County and has a job at Advance Auto Parts in Dayton, Tennessee, but Plaintiff will do whatever it takes to attend these hearings and to get this case to trial.

This case of a fake crime report filed by Defendant on September 19<sup>th</sup>, 2001 and the financial, physical, and emotional hardships, and the death of my mother, created by this fake crime report should be heard by a jury. This nightmare created by the false accusations of Defendant lasted over four long years, and it continues until present day. I know what it is to love, and I am grateful to have a loving wife, but this unbalanced female took what should have been a joyful weekend and a joyful experience and turned it into a living nightmare.

Even if Plaintiff wins a judgment in this important case, he will most likely never get a penny, but this case is about principle and the positive changes that will be brought to our legal system because of this bizarre and amazing case. Justice will not be served until Defendant is held accountable in some way for her unlawful, dishonest, unjust, and demented actions.

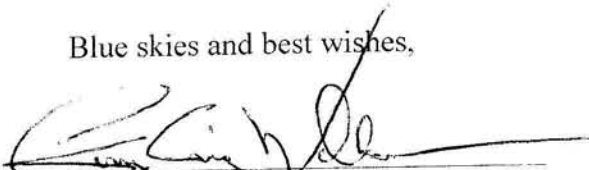
It is difficult to understand why we have a system with so many legal technicalities where innocent people are convicted and kept in prison, and those that are guilty of criminal actions are repeatedly not held accountable.

Plaintiff request that Your Honor do as you stated in the hearing on February 12, 2010 and have the Appeals Court Clerk, Katie Lanham, re-send the Order with instructions on what Plaintiff needs to include in his Appeal in order to have said appeal sent to the Georgia Court of Appeals.

Your Honors dismissal of Plaintiff's Appeal must be reversed and Plaintiff given the opportunity to re-submit his Appeal after having received a copy of this Order of instructions from Katie Lanham.

If Your Honor has any questions regarding this case, please do not hesitate to contact the undersigned.

Blue skies and best wishes,



Kerry Craig Walker  
Pro Se/Plaintiff

cc: Jackie Wagner (Pro Se)  
cc: Attorney Jeff Rusbridge

IN THE SUPERIOR COURT OF COBB COUNTY  
STATE OF GEORGIA

**KERRY CRAIG WALKER,**

Plaintiff,

v.

**JACQUELYN WAGNER,**

Defendant.

CERTIFICATE OF SERVICE

**CIVIL ACTION**

**FILE NO. 07-1-10459-42**

**CERTIFICATE OF SERVICE**

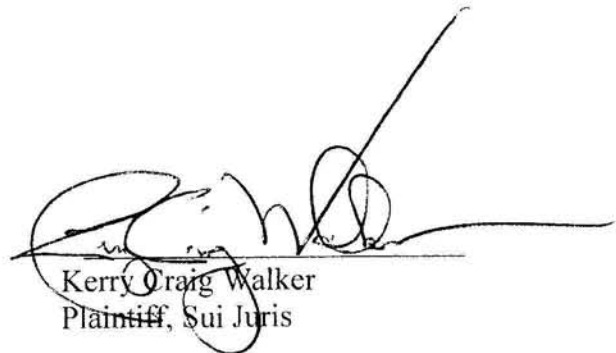
I do hereby certify that I have this day served the foregoing, **Argument for Appeal**, to all interested parties in the within and foregoing matter, Civil Action No. 07-1-10459-42, dated March 12, 2010 in the United States mail with sufficient postage affixed thereon to insure delivery as follows:

Jay C. Stephenson  
Clerk of Superior Court  
Superior Court of Cobb County  
Cobb Judicial Circuit  
30 Waddell Street  
Marietta, Georgia 30090-9642

Jacquelyn Wagner (Pro Se)  
3000 Sandwedge Circle  
Kennesaw, Georgia 30144

This 12<sup>th</sup> Day of March, 2010.

Please address all  
communications to:  
Kerry Craig Walker  
142 Medina Lane  
Evansville, TN 37332  
(423) 260-5803  
email: kerrycw1@gmail.com



Kerry Craig Walker  
Plaintiff, Sui Juris