

April 15, 2014

Joseph Tiger - D. Prince, #428407, 14A4
96 Augusta State Medical Prison
3001 Gordon Highway
Grove town, Georgia 30813

Georgia Dept. of Corrections
Office Of Inv. & Compliance
Inmate Affairs Unit
Interim Manager Lisa Fountain
P.O. Box 1529
Forsyth, Georgia 31029

REASON: Grievance Appeal #168459

Dear Int. Manager Fountain:

I am writing you in the deepest regards and concerns as to the appeal of Computation sentence grievance #168459. Please allow me a brief moment of your time to explain.

On March 6, 2014 I filed a grievance, here at A.S.M.P., in reference to the discomputation of my sentence (Attached hereto as reference to Exhibit #1 is a true xeroxed copy of said grievance). On March 11th, 2014 said grievance was denied. I received the denial on March 12th, 2014 and appealed it on March 14th, 2014. (Attached hereto as reference to Exhibits #2 and #3 reflect the aforementioned steps taken to the grievance and appeal from March 6, 2014 to March 14th, 2014.). Pursuant to the grievance denial appeal I submitted on March 14th, 2014, I attached a copy of a "Petition For Commutation Of An Illegal, Unconstitutional And Void Sentence submitted By Offender Joseph Tiger - D. Prince, #428407", which have already been filed within the

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Enclosures

Georgia Department of Pardons And Paroles presently pending without disposition. My reasoning for having great concern about the appeal of the computation grievance, # 168459, is when I appealed grievance # 166234, you alleged that "The review revealed no witnesses..." But contrary to this, I attached a declaration with six or more witnesses that clearly heard and seen the events of the aforementioned grievance supporting each and every issue I presented. Apparently, the declaration has been overlooked. I am sure my General Population Counselor, Ms. Latoya Selby will recall receiving the declaration with that appeal. (Attached hereto as reference to Exhibit # 4 is your March 18th, 2014 is your "Central Office Appeal Response to grievance appeal # 166234). In taking extreme precaution, I have the most upmost concerns that the attachments to the computation grievance appeal submitted on March 14th, 2014, as to number 168459 will be greatly considered in reaching a resolution to the appeal.

In the computation appeal, I directed the reader to the facts that the initial grievance, and appeal, should be reviewed by the State Board of Pardons & Paroles, Clemency & Parole Selection Division. Emphasizing the facts of the grievance and the appeal, the aforementioned Division should refer to O.C.G.A. § 17-10-11(d), which states: "Any sentence of incarceration under (a) and (c) is NOT Parole eligible. Any jail sentence, except MURDER,³ **MUST** be served in its **ENTIRETY**."

³ O.C.G.A. § 17-10-7(c) is inapplicable to "Capital felonies," i.e., murder [Funderburk v. State, 276 Ga. 554, 580 S.E. 2d 234, (2003) ("since murder is a 'capital felony' and O.C.G.A. § 17-10-

7(c) expressly excepts its purview capital felonies, it follows that a sentence under [subsection (c)] is a punishment which the law does not allow").

In the case of State v. Ingram, 266 Ga. 324, 467 S.E. 2d 523 (1996), the Georgia Supreme Court held that a sentence of life without parole is not appropriate when the state had not given written notice to the clerk of the Court of its intention to seek the death penalty. see also State v. Hinson, 164 Ga. App. 66, 296 S.E. 2d 386 (1982). The state did not seek the death penalty, in court proceedings, (Attached hereto as reference to Exhibit #5 is a sworn affidavit of Professional process server E.C. "Chuck" Genter. The aforementioned document reveals that Clerk Evonne Mull of the Dougherty County Superior Court Clerk's office refused to allow me access to the Courts; fabricated that I have killed someone before; and declared to hire someone inside the prison system to stab me while I would be in the shower or asleep), within the capital malice murder case against me, but yet the trial court gave me an illegal sentence that the law does not allow. The sentencing court gave me a sentence of life without possibility of parole. Not only did I receive an illegal sentence that I have been laboring under since January 13th, 1999, but also a void indictment.

As a direct showing of the invalidity of my conviction and sentence, the state actually indicted me as a recidivist along with malice murder. (Attached hereto as reference to Exhibit #6 is the Murder, Recidivist indictment I have been convicted on).

Accordingly, the indictment I labor under is a void indictment, which means the sentence and conviction under this indictment is void as well. (see Weatherbed v. State, 271 Ga. 736, 738, 524 S.E. 2d 452 (1999); Sides v. State, 233 Ga. 482, 99 S.E. 2d 884 (1957); Clemmons v. State, 233 Ga. 187, 210 S.E. 2d 657 (1974); Tandersly v. State, 155 Ga. App. 917, 920 (5), 273 S.E. 2d 862 (1980); Evans v. State, 253 Ga. 331, 320 S.E. 2d 168 (1984)). Due to my Trial and Appellate counsels failing to file any objections as to the form of the indictment and allowing it to go out to the jury on January 13th, 1999, as it did, without masking the previous convictions (see Sides, *supra*; Hawes v. State, 240 Ga. 327, 329, 240 S.E. 2d 833 (1977); Johnson v. Zant, 249 Ga. 812, 813, 295 S.E. 2d 63 (1982); Guzman v. State, 260 Ga. App. 689, 580 S.E. 2d 654 (2003); Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 80 L.Ed. 2d 674 (1984); Heath v. State, 258 Ga. App. 612, 574 S.E. 2d 852 (2002); State v. Heath, 277 Ga. 337, 338, 588 S.E. 2d 738 (2003); Schofield v. Holsey, 281 Ga. 809, 642 S.E. 2d 56 (2007)).

In as much as the sentencing courts providing offenders with recidivist sentences, which over populate the prison system, an inquiry should be made as to the validity of those sentences. Since my incarceration, I have, personally, ran accross more than two dozen sentences exactly like my own. The inquiry should not only be limited to none violent crimes, but violent ones as well, because where it is unconstitutional for one, it's unconstitutional for the rest. Invalid sentencing are already in the interest of the public (Attached hereto as reference to Exhibit I is a

Newspaper clipping from the USA Today Newspaper, dated March 17th, 2014, making references regarding sentencing reforms).

I am in the deepest hopes that the appeal of grievance #162459 is screened and compared to the full contents of the appeal and a resolution is submitted in my favor expeditiously. Please acknowledge.

With the utmost respect I remain.

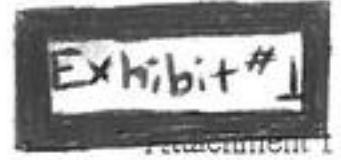
Sincerely,
Joseph Tiger D. Prince

cc: To:

Governor Nathan Deal;
Commissioner Brian Owens;
Deputy Warden Terry Bussey
of A.S.M.P. Care & Treatment;
Warden Stan Shepard of A.S.M.P.;
A.S.M.P. Grievance Coordinator;
General Population Counselor, Ms. L. Selby
of A.S.M.P.;
A.S.M.P. Mental Health Counselor J.
Whitaker;
Ga.'s N.A.A.C.P.;
Mr. Marc Maurer of the Sentencing Project;
U.S. Attorney General Eric Holder;
U.S.A. Today News Editor;
Time Free Press, Jay Lukachick;

Between The Bars Blog;
Attorney G. Morris Carr;
Ga. Dept. of Pardons &
Paroles, Director of Parole;
LTC Brian L. Prince;
News Channel 6, ABC of
Augusta, Georgia;

1414
Sub G



CONFIDENTIAL
Offender GRIEVANCE FORM (Facsimile)

Attachment 1
SOP IIB05-0001

INSTITUTIONAL STAFF USE ONLY

OFFENDER NAME Joseph Tiger-D. Prince OFFENDER NUMBER #422409
INSTITUTION Augusta State Medical Prison GRIEVANCE NUMBER 168459
DATE COMPLETED FORM RECEIVED FROM OFFENDER 3/6/14 BY Selby
DATE APPEAL RECEIVED / / BY

THIS FORM MUST BE COMPLETED IN INK. YOU MUST INCLUDE SPECIFIC INFORMATION CONCERNING YOUR GRIEVANCE TO INCLUDE DATES, NAMES OF PERSONS INVOLVED, AND WITNESSES.

DATE & DESCRIPTION OF INCIDENT: Life w/o parole can not be imposed upon a conviction of malice murder unless the state sought the death penalty, because O.C.G.A. §17-10-7(c) expressly excluded capital felonies from its coverage, and malice murder is a capital felony (see Miller v. State, 283 Ga. 412, 658 S.E. 2d 765 (2008)). I was indicted and sentenced as a recidivist pursuant to O.C.G.A. §17-10-7(c) and given a sentence of life w/o parole, where the death penalty was not sought, which cause the sentence computation discombobulating, void and mere nullity under a void and mere nullity indictment (see Funderburk v. State, 276 Ga. 554, 580 S.E. 2d 234 (2003)).

RESOLUTION REQUESTED: The Ga. Dep't of Pardon & Pardons dismiss the void and mere nullity indictment #95B1119, which will dismiss the void and mere nullity sentence of life w/o parole I labor under.

Joseph Tiger-D. Prince
OFFENDER Signature

3/5/14
Date

Is this grievance being filed within 10 day time limit? Please answer O Yes or O No. If the answer is No, please explain why.

Exhibit #2

WARDEN'S/SUPERINTENDENT'S GRIEVANCE RESPONSE

Offender's Name: **Prince, Joseph**


Grievance Number: 168459

GDC #: 428409

Facility: **Augusta State Medical
Prison**

RESPONSE TO GRIEVANCE:

This grievance has been reviewed. This issue is outside of the Department's control. You will have to address this issue with Pardons and Paroles. This grievance is rejected.


Warden's/Superintendent's signature

3/11/14
(date)

I ACKNOWLEDGE RECEIPT OF THE ABOVE RESPONSE ON THIS DATE:

Joseph Tiger-D. Prince
Offender's signature

3/12/14
(date)

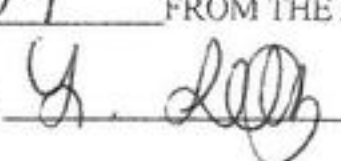
RECEIPT FOR GRIEVANCE AT COUNSELOR'S LEVEL

INMATE'S NAME: Joseph Tiger-D. Prince

I.D.# 428409

I ACKNOWLEDGE RECEIPT OF GRIEVANCE APPEAL NUMBER 168459 FROM THE ABOVE INMATE.

DATE: 03 / 14 / 14

COUNSELOR'S SIGNATURE: 

PI-2001 (REV. 10/01/98)

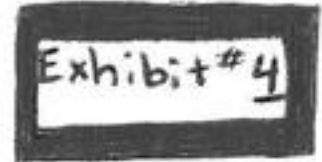
RETENTION SCHEDULE: Upon completion of this form, it will be placed in a file in the Grievance Coordinator's office.

#168459



Georgia Department of Corrections
Office of Investigations and Compliance
Inmate Affairs Unit
P.O. Box 1529
Forsyth, Georgia 31029

ATTACHMENT 9
SOP IIB05-0001



Nathan Deal
Governor

Brian Owens
Commissioner

CENTRAL OFFICE APPEAL RESPONSE

Offender's Name: Prince, Joseph

Grievance Number: 166234

GDC#: 428409

Facility: Augusta State Medical Prison

A member of my staff has reviewed your grievance. In your written statement you allege that on January 24, 2014 you were placed against the fence and searched by CERT Officer Butler. He confiscated (8) honey buns and (2) cheese danishes from that you were going to donate to "a needy Muslim". You allege that this violated your rights. You further claim that Officers Butler and Greenaway declared to give your property to other offenders.

This review revealed no witnesses or evidence to support your claim that CERT Officer Butler confiscated any property from you on 1/23/14 or that he and Officer Greenaway threatened to give your property away. This grievance is denied.

Lisa Fountain

Lisa Fountain, Interim Manager
Inmate Affairs Unit

03-18-2014

(date)

I ACKNOWLEDGE RECEIPT OF THE ABOVE RESPONSE ON THIS DATE:

Joseph Tiger - D. Prince
Offender's signature

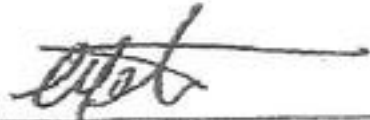
can not recall
(date)

AFFIDAVIT

Comes now your affiant after being duly sworn states as follows:

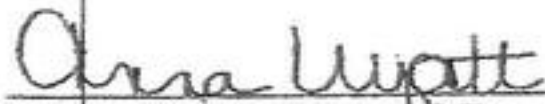
1. That I am a professional process server, serving civil process as a certified process server, private investigator, and holding permanent letters of appointment.
2. That on or about January 8, 2008 I was retained by Joseph Prince to serve civil process on the senior clerk, Evonne Mull, of Dougherty County, Albany, Georgia.
3. That I did in fact serve herein referenced process personally upon Ms. Evonne Mull and witnessed her personal opinion of Mr. Joseph Prince. Her attitude after receiving the process and identifying whom initiated the process was very loquacious, boisterous, demeaning and hostile towards Mr. Prince.
4. Her demeanor was to slander and defame Mr. Prince advising this server, that this was not the first time he had committed such a crime and that he would get nothing from her office other than what he had already received.
5. She further commented that she wished Mr. Prince was dead and that she thought she should hire someone from inside the system to shank, stab, Mr. Prince while he was asleep or in the shower.
6. She made these comments loudly and in the presence of her staff and the fellow server accompanying myself in this serve.
7. This affidavit is made at the request of Mr. Joseph Prince in an attempt and in support of his Motion for Change of Venue as he feels he will not obtain a

trial without discrimination against him and his case. He feels he cannot obtain any unbiased proceedings in Dougherty County. During the brief time frame that I served Ms. Evonne Mull with personal process I have the opinion to support his position.



E.C. "Chuck" Genter
15125 US Hwy 19 S
Suite 178
Thomasville, GA 31792

Sworn to and subscribed before me
This 24th day of February, 2008



Notary Public, State of Georgia

My commission expires: _____



No. 95R1119
SUPERIOR COURT
DOUGHERTY COUNTY

Exhibit # 6

SEPTEMBER TERM, 1995

THE STATE
VS.

JOSEPH TIGER PRINCE

MURDER, RECIDIVIST

TRUE BILL
Betty S. Hatcher
FOREMAN

BRITT R. PRIDDY, District Attorney

DET. CHARLES POOLE
PROSECUTOR

* ☒ INDICTMENT *
* ☐ ACCUSATION *
* ☐ SPECIAL PRESENTMENT *

Received in Open Court from the sworn Grand Jury Bailiff,
and filed in office this 12 day of Oct, 1995.

Maile Gable
CLERK

WITNESSES FOR THE STATE

Charlie Poole

PRESENTED BY: SP

WE THE JURY FIND THE DEFENDANT

This ____ day of _____, 199__.

FOREMAN

The Defendant Joseph T. Prince

waives indictment and arraignment,
list of witnesses, full panel,
formal arraignment, and pleads

Not Guilty
this 19th day of Feb, 1996

Britt R. Priddy
District Attorney

W. K. G. Mark Arinberg
Attorney for Defendant

Refused to sign
Defendant

EXHIBIT

6

MICROFILM

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GEORGIA, DOUGHERTY COU. Y:

THE GRAND JURORS, selected, chosen and sworn for the County of Dougherty, to-wit:

1	BOBBY EUGENE HATCHER	Foreman
2	CURTIS R. HUMPHREY, JR.	13 LINDA D. DAVIS
3	KATRINA JACKSON	14 SANDRA WRIGHT
4	GLORIA J. MCKINNEY	15 EDMOND M. GOLD
5	ODELL WALKER	16 KATHERINE MENDENHALL
6	WILLIE KATE BLANCH	17 IRENE HATCHER
7	PHILLIP JARRETT	18 THADDEUS LEWIS
8	SAMUEL F. SHOCKLEY SALARY	19 BENJAMIN FORD
9	GINA BOWLES	20 CHARLES GREGORY BECK
10	KATIE POWERS	21 SUZANNE LESCOSKY
11	MONICA D. WRIGHT	22 IRENE KENNEDY
12	GWENDOLYN J. OKWUOSA	23 MARY T. HENSON

COUNT I

In the name and behalf of the citizens of Georgia, charge and accuse Joseph Tiger Prince with the offense of Murder, for that the said accused, in the County aforesaid, on or about the 10th day of August, Nineteen Hundred and Ninety-Five, did unlawfully and with malice aforethought cause the death of Edgar Reagan, a human being by stabbing him, contrary to the laws of said State, the good order, peace and dignity thereof,

And the aforesaid Grand Jurors, in the name and behalf of the citizens of Georgia charge that the said accused, Joseph Tiger Prince, prior to committing the above charged offense had entered a plea of guilty to the following offense:

In the Superior Court of Dougherty County, indictment No. 87R084, Joseph T. Prince was charged with Armed Robbery and on indictment no. 87R067, Joseph T. Prince was charged with Burglary and was sentenced on May, 12, 1987,

contrary to the laws of said State, the good order, peace and dignity thereof,

BRITT R. PRIDDY, District Attorney

0000007

From:

USA TODAY
MONDAY, MARCH 17, 2014

Page:

NEWS 3A

POLITICS

Sentencing changes spur 'odd bedfellows'

Conservatives and liberals unite to cut prison population

Martha T. Moore
USA TODAY

It was a surprise dinner invitation that made Marc Mauer of the Sentencing Project realize he had new allies in his effort to end mandatory-minimum prison sentences.

After years of working with liberal groups such as the NAACP and Human Rights Watch, Mauer found himself dining at a conservative think tank with heavyweights of the political right, including former House speaker Newt Gingrich and anti-tax activist Grover Norquist. The discussion topic: the explosion in the U.S. prison population due to federal and state laws requiring minimum sentences for even non-violent offenders.

"We had this three-hour free-flowing discussion about the need to reduce the prison population,"

Mauer said of the 2009 event. "It was striking how much agreement there was there."

Since mandatory sentencing became widespread in the 1980s and prison populations and costs began to climb, opponents have pointed to its disproportionate impacts on minorities and the poor. The political right calls the current criminal justice system an expensive government program that produces poor results.

Conservative support has given criminal justice reform a powerful bipartisan boost. Since 2010, 13 states have revised sentencing laws, including traditionally red states Arkansas, Kentucky, South Carolina, Louisiana and Georgia.

"Conservatives have long held the cards" to changing sentencing rules, says Adam Gelb, director of the Pew Charitable Trusts' Public Safety Performance Project. "They had the tough-on-crime credentials ... and it's been much easier for them to step out and say 'this isn't working and we have to find a better way.'"

It has also brought together some very odd couples. U.S. At-



H. DARR BEISER, USA TODAY

Sen. Cory Booker, D-N.J., is among those supporting a measure pending in the Senate that would reduce mandatory sentences for drug offenses.

torney General Eric Holder opposes mandatory-minimum sentences for non-violent drug offenders. So does former National Rifle Association president David Keene. Sen. Rand Paul, R-Ky., and Sen. Cory Booker, D-N.J., are among those supporting a measure pending in the Senate that would reduce mandatory sentences for drug offenses.

"It's the perfect example of odd bedfellows. This is something they agree on," says Molly Gill of the non-partisan group Families Against Mandatory Minimums.

Booker, who as mayor of Newark created a prisoner re-entry program, called it an "exciting convergence in American culture. ... It really drives my hope that we can get some real substantive change."

Conservative support for sentencing reform includes libertarian-leaning Sens. Paul and Mike Lee, R-Utah, the group Right on

Crime, founded by Norquist, and the Justice Fellowship, offshoot of the prison ministry founded by Chuck Colson, an aide to President Richard Nixon imprisoned in the Watergate break-in.

There are still those on the right and the left that are skeptical about a sentencing overhaul. Prosecutors' groups oppose it, arguing that tough sentencing laws have worked to reduce crime. Sen. Dianne Feinstein, D-Calif., was one of two Judiciary Committee votes against a related bill aimed at reducing recidivism.

Sentencing revisions face challenge in the House of Representatives. Changing tough laws can seem politically perilous. "We have not seen the last campaign mailer ... that accuses an opponent of being soft on crime," Gelb says. That kind of political attack "has been a staple of campaigns for decades now, and it's going to be a hard habit to break."