No. 14-8589

IN THE SUPREME COURT OF THE UNITED STATES

TRAVIS CLINTON HITTSON,

Petitioner,

-v-

GDCP WARDEN,
Georgia Diagnostic Prison,

Respondent.

REPLY TO RESPONDENT'S BRIEF IN OPPOSITION

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I. The *Ylst* Issue.

Respondent suggests the Eleventh Circuit erred in concluding that *Harrington v. Richter*, 562 U.S. 86 (2011), has silently abrogated the "look through" doctrine articulated in *Ylst v. Nunnemaker*, 501 U.S. 797 (1991). BIO at 17. Nonetheless, he contends, this error does not warrant this Court's review because it makes no difference in this case. According to Respondent, "as the result from the state habeas court and the Georgia Supreme Court are the same, a denial of the merits of Petitioner's claim, which the Eleventh Circuit found to be reasonable under established federal law, this petition presents nothing warranting this Court's certiorari review." BIO at 18. Respondent's argument, of course, simply begs the question, as the Eleventh Circuit's

determination to jettison the state habeas court's reasoned ruling meant that it failed to address that opinion's unreasonable factual findings and legal conclusions, and thus improperly applied deferential rather than *de novo* review to Petitioner's *Brady* claim.[1]

Moreover, Respondent's brief wholly ignores the significance of this issue. The Eleventh Circuit has now relied on the determination that *Ylst* was abrogated *sub silentio* by *Richter* to deny relief in three other cases. *See Jones v. GDCP Warden*, 746 F.3d 1170 (11th Cir. 2014); *Lucas v. Warden, Ga. Diagnostic & Classification Prison*, 771 F.3d 785 (11th Cir. 2014)*; Wilson v. Warden, Ga. Diagnostic Prison*, 774 F.3d 671 (11th Cir. 2014). Certiorari petitions, which are virtually certain to raise this issue, are currently due in *Jones* and *Lucas* on April 30, 2015, and June 19, 2015, respectively.[2] *See Jones v. Chatman*, Sup. Ct. No. 14A860; *Lucas v. Humphrey*, Sup. Ct. No. 14A1010. In the meantime, the Eleventh Circuit took the unusual step in *Wilson* of ordering Respondent to file a brief addressing this precise issue in response to the petition for *en banc* rehearing and giving the petitioner leave to file a reply. *See* Order dated March 19, 2015, in *Wilson v. Warden*, 11th Cir. No. 14-10681 (Exhibit A, attached hereto). Specifically, the Eleventh Circuit ordered the state to address the following:

> [W]hether *Ylst v. Nunnemaker*, 501 U.S. 797, 806, 111 S. Ct. 2590, 2596 (1991), requires us to "look through" the summary denial of the certificate of probable cause of the Supreme Court of Georgia to review the reasoning of the opinion of the Superior Court of Butts County or whether *Ylst* requires only that we "look through" the summary denial to decide if the Supreme Court of Georgia affirmed on the merits or on procedural grounds. *See Harrington v. Richter*, 562 U.S. 99-100, 131 S. Ct. 784-85 (2011) . . . .

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[1] *See, e.g., See, e.g., Wiggins v. Smith*, 539 U.S. 510, 531 (2003); *Williams v. Taylor*, 529 U.S. 362, 406 (2000).

[2] This issue was raised in the rehearing petitions in both cases.

Id.[3]

The supplemental briefing requested by the Eleventh Circuit in *Wilson* is now complete and a ruling that has direct bearing on this case could be issued by the court any day. Moreover, certiorari petitions raising this issue from two other federal habeas corpus cases arising from Georgia state courts are due to be filed in this Court within the next six weeks. Petitioner accordingly requests that this Court hold his Petition for Writ of Certiorari pending the Eleventh Circuit's adjudication of the rehearing application in *Wilson* and/or the filing of certiorari petitions in *Jones* and *Lucas*.

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[3] It is worth noting that Respondent's position on this issue is constantly changing, depending on what appears to be the most expeditious argument at the time. In *Wilson*, Respondent argued in opposition to rehearing that federal courts are required to "look through" a summary denial only to determine whether there was an affirmation on the merits or on procedural grounds, *see Wilson v. Warden*, Eleventh Circuit Case No. 14-10681-P, Rehearing Response Brief filed April 6, 2015, though he had previously argued to that same court that it "should 'look through' the denial of CPC to the factual and legal findings of the last court to review the claims on the merits, the state habeas court . . . ." Appellee's Brief at 11. Moreover, in several unrelated state court proceedings, Respondent asked the Supreme Court of Georgia to clarify the import of a summary denial of a habeas petitioner's application for certificate of probable cause ("CPC"), arguing that the Eleventh Circuit's approach in both this case and *Jones*, 753 F.3d 1171, improperly construes Georgia law and will create havoc in federal habeas cases. *See, e.g.*, *O'Kelley v. Chatman*, Ga. Sup. Ct. No. S14E0708, Respondent's Supplemental Response in Opposition to Application for Certificate of Probable Cause to Appeal, at 2-3 (attached to Letter, dated August 14, 2014, from Sabrina Graham, Assistant Attorney General, to John Ley, Clerk, in *Jones v. Warden*, 11th Cir. No. 11-14774) (arguing that the Eleventh Circuit's new approach will "negate all procedural default findings by state habeas courts" "nullify all factual findings relied upon by state habeas courts" and "give the federal courts what amounts to de novo review of constitutional claims" in contravention of "the intent of the AEDPA" and the United States Supreme Court). Before this Court, Respondent has taken yet a third position, that the Eleventh Circuit's approach may be ill-advised but is not incorrect.

II. The *Brady* Claim.

Respondent is correct in noting that former counsel for Petitioner entered into evidence separate copies of the Vollmer Psychiatric Report, but his efforts to characterize this as a conspiracy between habeas and trial counsel to hide the fact that trial counsel had the document all along should be rejected out of hand. *See* BIO at 9-10. That the evidence was apparently obtained from two different sources has no bearing on the facts that (1) trial counsel attempted and was unable to obtain the document prior to trial and (2) the state suppressed the evidence at trial – and continued to do so in state habeas proceedings.

Due to multiple changes of counsel and an unfortunate oversight, current counsel for Petitioner had not recognized the discrepancy in the two versions of the Vollmer Psychiatric Report prior to receiving Respondent's brief in the Eleventh Circuit Court of Appeals pointing it out, and addressed this mistake in briefing before the Eleventh Circuit. *See Hittson v. Warden*, 11th Cir. No. 12-16103-P, Reply Brief on Behalf of the Petitioner/Appellee/Cross-Appellant. Petitioner addresses this issue again before this Court in order to explain both Petitioner's error and why the error is not relevant to the resolution of his claim.

At the time the Vollmer Psychiatric Report was obtained from the Navy, in 2002, Mr. Hittson was represented by Thomas Dunn and Therese Piazza, who left the Georgia Resource Center in June 2009 and February 2008, respectively. Toward the later part of Mr. Dunn's representation of Mr. Hittson, Mr. Dunn was suffering from serious health problems, including congestive heart failure, and was not as engaged in the handling of the case as he should have

been.[4] When Mr. Dunn retired from the practice of law and left the Resource Center, Petitioner's second State Petition for Writ of Habeas Corpus had been denied and an Application for Certificate of Probable Cause to Appeal had been filed. That Application was denied on October 18, 2010, and another attorney with the Georgia Resource Center, Lynn Pearson (née Damiano), quickly stepped in and drafted a Motion for Reconsideration which was reviewed and filed by Brian S. Kammer. In late January of 2011, Roy Blankenship, represented primarily by Ms. Pearson, was issued an execution warrant. On February 4, 2011, the Board of Pardon & Paroles issued a stay pending DNA testing in Mr. Blankenship's case, which required extensive litigation throughout the following months. Due to the litigation in Mr. Blankenship's case, Kirsten A. Salchow entered into Petitioner's case in March of 2011 and quickly drafted a Petition for Writ of Certiorari which was reviewed and filed by Mr. Kammer on April 22, 2011. Admittedly, Petitioner's case was transitioned in a rushed and somewhat disorderly manner. Mr. Kammer and Ms. Salchow have continued to represent Petitioner and were appointed by the federal district court in July of 2011 and October 27, 2011, respectively.

It was in drafting the 2011 Petition for Writ of Certiorari that current counsel for Petitioner, in response to the finding by the state habeas court that the source of the Vollmer Psychiatric Report obtained by prior counsel for Petitioner was "unnamed"[5], sifted through the record and

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[4] Mr. Dunn was counsel for Mr. Hittson when, as Respondent notes, no post-hearing brief was filed in Mr. Hittson's state habeas proceedings.

[5] "Therefore, at some point prior to Petitioner discovering this report in the District Attorney's sealed file, he obtained Vollmer's psychiatric report from some unnamed source. This court has reviewed the entire record and is unable to ascertain where Petitioner [through current counsel] initially obtained this report." Doc 63-RX143 at 21.

erroneously determined that prior counsel had obtained the Vollmer Psychiatric Report only from the Navy, pursuant to a release signed by Vollmer, and from their inspection of the previously sealed District Attorney's file, not having perceived the discrepancies noted by Respondent. From that point forward, current counsel for Petitioner argued that the state habeas court's finding that Petitioner's claim pursuant to *Brady v. Maryland*, 373 U.S. 83 (1963), was defaulted, based upon the contention that previous counsel might have obtained the Vollmer Psychiatric Report from a source other than the District Attorney's File,[6] was improper based upon the following reasoning: 1) Trial counsel was duly diligent in attempting to secure all evidence relating to Petitioner's co-defendant, as evidence by numerous specific *Brady* requests and by their attempt to approach Petitioner's co-defendant, 2) Trial counsel did not have equal access to the Vollmer Psychiatric Report, as evidenced by their inability to secure a release from Petitioner's co-defendant for his medical records and, 3) Even had original state habeas counsel been able to secure a copy of the Vollmer Psychiatric Report through a source other than the District Attorney's File, a *Brady* claim could not have been perfected absent original state habeas counsel's ability to prove that the District Attorney did, in fact, have and suppress the report, *i.e.*, original state habeas counsel was

[6] "It is clear from the record before this Court that with 'reasonable diligence' trial counsel or his original state habeas counsel could have obtained Vollmer's psychiatric report from a source other than the District Attorney's Office. Petitioner's current counsel obtained Vollmer's report first from a source other than the District Attorney's file. Therefore, Petitioner has failed to prove cause to overcome the procedural default of this claim." Doc 63-RX143 at 23 (internal citations omitted).

not aware of the factual basis for a *Brady* claim and therefore could not have defaulted it. *See*, *McClesky v. Zant*, 499 U.S. 467, 498-99 (1991).[7]

When Mr. Hittson's case reached the Eleventh Circuit, Respondent argued that trial counsel must have had the Vollmer Psychiatric Report all along, and that there was therefore no *Brady* violation. The second state habeas court found—based upon the same record that was before the Eleventh Circuit—that trial counsel knew about or could have inferred the existence of the report, but did not find that trial counsel had the report. Doc 63-RX143 at 23. There is no indication, from a review of the copy of trial counsel's file that was entered into the record at Petitioner's first state habeas hearing, that the Vollmer Psychiatric Report was in trial counsel's possession.[8] Trial counsel testified before the state habeas court that they had not previously seen the Vollmer Psychiatric Report, and the state habeas court apparently found this testimony to be credible. The state habeas court held that trial counsel could, with reasonable diligence, have obtained the report, but not that trial counsel might have already had the report. *Id*.

Certainly, being unable to state what the source of the additional copy of the Vollmer Psychiatric Report was, Petitioner cannot prove that there was no possible means for previous

[7] Original habeas counsel were aware that the Vollmer Psychiatric Report existed but could not have known, on the basis of Respondent's representations, that the Vollmer Psychiatric Report was in possession of the District Attorney. Doc 75—RX 46 at 421, 422-23, 433.

[8] The Georgia Resource Center was not involved in Petitioner's first state habeas hearing. The Georgia Resource Center did receive trial counsel's file from original state habeas counsel after the first state habeas hearing, and there is no indication that the copy received after the hearing differs in any respect from what was entered into evidence. It is the practice in Georgia for counsel for Respondent to review and copy trial counsel files prior to the state habeas evidentiary hearing. Respondent apparently did not discover any indication from the trial counsel files that trial counsel had the Vollmer Psychiatric Report or Post-Arrest Letters.

counsel to obtain the report. Petitioner maintains, however, that he need not do so in order to resolve the claim. Under the circumstances of his case, the possibility that previous counsel might have secured the Vollmer Psychiatric Report through alternative means does not alter the fact that the District Attorney, in response to several general and specific requests for this material, suppressed it. Trial counsel's efforts to secure the exculpatory evidence—evidence which was proven to be in the possession of the District Court and which the District Court certainly failed to disclose—should suffice to establish Petitioner's *Brady* claim.

This Court has unambiguously stated that:

> [T]he suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution.

Brady, 373 U. S. at 87. As elaborated, in *Strickler v. Greene*, 527 U.S. 263, 281-82 (1999):

> "The evidence at issue must be favorable to the accused, either because it is exculpatory, or because it is impeaching; that evidence must have been suppressed by the State, either willfully or inadvertently; and prejudice must have ensued."

This Court has never created a requirement that a petitioner seeking to make out a claim pursuant to *Brady* prove that there were no absolutely no alternative means by which trial counsel could have found the same evidence once it is proven that the state was, in fact, in possession of the exculpatory evidence and did, in fact, suppress it.

In *Strickler,* this Court did suggest the possibility that a petitioner who failed to raise his *Brady* claim in state court collateral review may be unable establish cause for the default if the State can show "that the defendant was aware of the existence of the documents in question and knew, or could reasonably discover, how to obtain them." *Strickler*, 527 U.S. at 288 n.33. This must be placed in context. In *Strickler*, the evidence in question was actually created by the State, through interviews between law enforcement officers and a prosecution witness, and therefore,

any knowledge by the petitioner that the evidence existed was concomitant with the knowledge that the evidence was in the possession of relevant state actors. *Id.* at 273. That is not the true in Petitioner's case.

In Petitioner's case, original habeas counsel knew that the evidence was in the possession of the Navy and was attempting throughout Petitioner's first state habeas proceedings to secure the evidence from the Navy via a Freedom Of Information Act lawsuit, but did not know if the evidence was or ever had been in the possession of the District Attorney. Respondent vigorously denied that the District Attorney possessed the evidence. Doc. 75—RX 46 at 421, 422-23, 433. On this basis, per the holdings in *Strickler*, 527 U.S. at 284-86 and *Banks v. Dretke*, 540 U.S. 668, 693 (2004), Petitioner was entitled to rely upon Respondent's representations that the District Attorney did not possess the sought after evidence and Petitioner did not, therefore, default the claim, even if there may have been some alternative means of securing the evidence through further investigation.

The Eleventh Circuit has, however, articulated a requirement that trial counsel diligently attempt to secure exculpatory evidence through other means, based upon the principle that "[t]he purpose of *Brady* is to assure that the accused will not be denied access to exculpatory evidence known to the government but unknown to him.... [T]here is no *Brady* violation when the accused or his counsel knows before trial about the allegedly exculpatory information and makes no effort to obtain its production." *United States v. Cravero*, 545 F.2d 406, 420 (5th Cir.1976). *See, United States v. Griggs*, 713 F.2d 672, 674 (11th Cir.1983) (Trial counsel were able to elicit exculpatory evidence from witnesses on the stand, and trial counsel had received the names of those witnesses prior to trial; no *Brady* violation found from the prosecution's failure to disclose evidence which ultimately was elicited at trial); *LeCroy v. Sec'y, Dept. of Corrections*, 421 F.3d 1237, 1268 (11th

Cir. 2005) (No *Brady* violation found where the exculpatory material was the defendant's own medical records); *United States v. Meros,* 866 F.2d 1304, 1308-9 (11th Cir.1989) (The defense had been informed of the exculpatory material which was in the public record, no *Brady* violation); *Haliburton v. Sec'y for Dep't of Corr.*, 342 F.3d 1233, 1239 (11th Cir.2003) (The exculpatory evidence was available in an open file which defendant failed to take the initiative to view).

Each of these cases differs from that of Petitioner's in a significant way. Either the evidence was, ultimately, elicited at trial, was in the public domain, or was in the defendant's own medical records, to which he certainly had access. Importantly, in none of these cases was there evidence that trial counsel made an effort to seek out the material through typical investigative procedures, whereas in Petitioner's case, trial counsel did make an effort to investigate Vollmer's Navy and psychiatric history yet still was found not to have secured the sought after evidence. If a defendant does have a duty to diligently seek—from a different source—exculpatory evidence which is in the possession of the District Attorney, this Court should articulate a means of determining when trial counsel have been diligent *enough*. For instance, in this case trial counsel's investigation into Vollmer's background and mental health included not only requesting exculpatory evidence from the District Attorney, but also attempting to speak to the Navy doctor who diagnosed Vollmer with severe anti-social personality disorder and approaching counsel for Vollmer.

Lastly, Respondent argues that a state court's analysis of federal claims is irrelevant because AEDPA is concerned solely with the outcome, not the grounds, of the state court's ruling. This position is not supported by the statutory language. By its very terms, AEDPA implicates a state court's "application of [] clearly established Federal law," 28 U.S.C. § 2254(d)(1), and its

"determination of the facts in light of the evidence presented." 28 U.S.C. § 2254(d)(2)—in other words, the substance of what the state court actually reasoned and found.[9]

This Court's decision in *Richter* did not change this. *Richter* held that, regardless of whether the state court articulated reasons for denying the claim, a federal court must defer to the state court decision unless the petitioner satisfied the constraints of § 2254(d):

> Under § 2254(d), a habeas court must determine what arguments or theories supported or, as here, could have supported, the state court's decision; and then it must ask whether it is possible fairminded jurists could disagree that those arguments or theories are inconsistent with the holding in a prior decision of this Court. The opinion of the Court of Appeals all but ignored "the only question that matters under § 2254(d)(1)."

Richter, 562 U.S. at 102 (quoting *Lockyer* v. *Andrade*, 538 U.S. 63, 71 (2003)).

As *Richter* clearly articulated, when reviewing a reasoned state court merits ruling, a federal court "must determine what arguments or theories supported . . . the state court's decision." 562 U.S. at 102. When there is no reasoned state court merits ruling, a federal court "must determine what arguments or theories . . . could have supported, the state court's decision." *Id.* Nothing in this language suggests that a state court's reasoning is irrelevant. Nor is there anything

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[9] As the Supreme Court explained in a post-*Richter* decision:

> Our cases emphasize that review under § 2254(d)(1) focuses on what a state court knew *and did*. . . . To determine whether a particular decision is "contrary to" then-established law, a federal court must consider whether the decision "applies a rule that contradicts [such] law" *and how the decision "confronts [the] set of facts" that were before the state court*. . . . If the state-court decision "identifies the correct governing legal principle" in existence at the time, a federal court must assess *whether the decision "unreasonably applies that principle to the facts of the prisoner's case.*"

Cullen v. Pinholster, 131 S. Ct. 1388, 1399 (2011) (citations omitted) (emphasis added).

in this language that is inconsistent with the holding of *Ylst*—that a silent state court ruling is presumed to adopt the reasoning of the last reasoned state court ruling it upholds.

III. The *Estelle* Claim

Respondent argues that trial counsel had several reasons for keeping both their mental health expert and social worker off the stand and that the Eleventh Circuit so found. BIO at 10. This argument misrepresents the record and lower court findings. Trial counsel retained two mental health experts, in addition to a social worker. These experts were Dr. Prewett and Dr. Moore. As regards the testimony of Dr. Moore, Respondent's brief states the record correctly. The Eleventh Circuit found that trial counsel made no indication that they ever intended to present the testimony of Dr. Moore, for reasons apart from the potential introduction of testimony from the State's doctors, and that there was no indication that the State was ever aware of Dr. Moore's involvement. *Hittson v. GDCP, Warden*, 759 F.3d 1210, 1244 (11th Cir. 2014). As regards Dr. Prewett and the social worker, Respondent's brief does not state the record accurately. The Eleventh Circuit found, as the District Court found, that trial counsel "proffer[ed] Dr. Prewett's testimony to see if the court would let him testify to some of his findings without opening the door to the State's introduction of Drs. Coplin and Storms." *Id.* Trial counsel then proferred the testimony of their social worker, "again to see if they could have her testify without triggering rebuttal from Drs. Storms or Coplin." *Id.* at 1245. The trial court held that the testimony of either individual would result in the State being permitted to put Drs. Storms and Coplin on the stand (not only for purposes of rebuttal), and trial counsel then decided that "whatever benefit they might gain from having Dr. Prewett testify would be outweighed by the other experts' findings" and

"[f]aced with an all-or-nothing proposition" decided to present only lay witness testimony. *Id.* at 1244-45. These findings comport with Petitioner's presentation of the facts.[10]

Respondent also argues that the "trial record does not indicate what was displayed on the easel." BIO at 11. This is true, but the state habeas record does. Trail counsel testified, in state habeas proceedings, that the district attorney "wrote hillbilly and asshole on big poster boards and held them up and showed the jury." Doc 56—RX90B at 14. There is no evidence in the record to counter trial counsel's testimony regarding the poster boards and the trial record supports trial counsel's testimony. The trial record, while not explicitly detailing what the district attorney placed before the jury, confirms that there was an easel to which the district attorney repeatedly "referred" to,[11] that the district attorney had this easel placed before the jury. There is no indication that the easel, once set in place by the bailiff, was moved or that the contents thereon were altered.

CONCLUSION

Petitioner prays that this Court grant the Petition for Writ of Certiorari in order to correct the United States Court of Appeals for the Eleventh Circuit's erroneous determinations of law.

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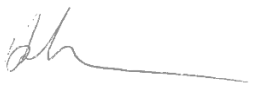
[10] Of the four reasons Respondent notes were behind trial counsel's decision not to present the testimony of Dr. Prewett, three concern the impact of testimony from Drs. Coplin and Storms. BIO at 11. These reasons are consistent with Petitioner's position and the District Court's findings that trial counsel's decision not to present the testimony of Dr. Prewett and Ms. Shults in order to avoid the testimony of Drs. Coplin and Storms. The fourth reason pertains only to the findings of Dr. Moore, whom trial counsel had no intention of presenting in any case.

[11] The trial record reflects that the district attorney requested assistance from the bailiff in positioning an easel, Doc 74-RX26B-A at 89, that he again received assistance from the bailiff in regard to the easel, *id.*at 90, that, when asking the jury to consider Petitioner's "handiwork" referred to "photographs" on the easel, *id.* at 91, and that, when asking the jury to consider Petitioner's remorse, referred again to the easel. *Id.* at 92.

This 22nd day of April, 2015.

Respectfully submitted,



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Counsel for Mr. Hittson

Exhibit A

UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

Douglas J. Mincher
Clerk of Court

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March 19, 2015

Appeal Number: 14-10681-P
Case Style: Marion Wilson, Jr. v. Warden
District Court Docket No: 5:10-cv-00489-MTT

MEMORANDUM TO COUNSEL OR PARTIES:

The Court orders the Office of the Attorney General for the State of Georgia to respond to Marion Wilson Jr.'s petition for rehearing. The Court directs the State to address whether *Ylst v. Nunnemaker*, 501 U.S. 797, 806, 111 S. Ct. 2590, 2596 (1991), requires us to "look through" the summary denial of the certificate of probable cause of the Supreme Court of Georgia to review the reasoning of the opinion of the Superior Court of Butts County or whether *Ylst* requires only that we "look through" the summary denial to decide if the Supreme Court of Georgia affirmed on the merits or on procedural grounds. *See Harrington v. Richter*, 562 U.S. 99–100, 131 S. Ct. 784–85 (2011) ("When a federal claim has been presented to a state court and the state court has denied relief, it may be presumed that the state court adjudicated the claim on the merits in the absence of any indication or state-law procedural principles to the contrary. . . . The presumption may be

overcome when there is reason to think some other explanation for the state court's decision is more likely. *See, e.g.*, *Ylst v. Nunnemaker*, 501 U.S. 797, 803, 111 S. Ct. 2590 (1991).").

The State shall respond within 21 days of our Order, and its response shall not exceed 20 pages. Counsel for Marion Wilson Jr. may, but is not required to, respond within 14 days of the service of the State's response, and Wilson's response shall not exceed 10 pages.

Sincerely,

DOUGLAS J. MINCHER, Clerk of Court

Reply to: Jan S. Camp
Phone #: (404) 335-6171

MP-1

No. 14-8589

IN THE SUPREME COURT OF THE UNITED STATES

TRAVIS CLINTON HITTSON,

Petitioner,

-v-

GDCP WARDEN,
Georgia Diagnostic Prison,

Respondent.

CERTIFICATE OF SERVICE

This is to certify that I have served a copy of the foregoing document this day by U.S. Mail, first class postage prepaid, on counsel for Respondent at the following address:

Sabrina Graham, Esq.
Assistant Attorney General
132 State Judicial Building
40 Capitol Square, S.W.
Atlanta, Georgia 30334-1300

This the 22nd day of April, 2015.

Attorney