

**DEFENDANT'S OMNIBUS PACKET FOR DISMISSAL WITH PREJUDICE
IN THE STATE COURT OF GWINNETT COUNTY STATE OF GEORGIA
STATE OF GEORGIA,**

Plaintiff,

v.

Case Nos.: 20-D-02604-S2

20-D-02206-S2

THURMAN ROBINSON,

Defendant.

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I. MOTION AND AFFIDAVIT TO PROCEED IN FORMA PAUPERIS

COMES NOW the Defendant, Thurman Robinson, appearing *pro se*, and respectfully moves this Honorable Court for leave to proceed *in forma pauperis* in this matter without the prepayment of fees, costs, or security therefor, pursuant to O.C.G.A. § 9-15-2. In support of this motion, Defendant submits the following affidavit:

POVERTY AFFIDAVIT

I, Thurman Robinson, being first duly sworn, depose and state as follows:

1. I am the Defendant in the above-styled action.
2. I believe I am entitled to the relief sought in my Omnibus Motion, and I make this affidavit in good faith.
3. I am unable to pay the costs of said proceeding or to give security therefor. My current financial situation is one of severe hardship. As a direct result of the malicious and baseless nature of this prosecution, which has wrongfully remained pending for over seven years, and the associated defamatory actions of the complaining witness which systematically destroyed my business ventures and professional reputation, my ability to earn a living has been severely and continuously curtailed. The financial and emotional toll of this prolonged legal battle has exhausted all of my financial resources.

4. My current income is insufficient to cover both the necessities of life and the costs associated with litigating the dismissal of this case. Requiring payment of fees would create an undue hardship and effectively bar my access to the Court to seek justice.
 5. I therefore ask for an order of this Court allowing me to proceed *in forma pauperis*.
-

Thurman Robinson

Sworn to and subscribed before me this 10th day of December, 2025.

Notary Public My Commission Expires:

II. DEFENDANT'S OMNIBUS MOTION TO DISMISS, RECALL BENCH WARRANT, AND FOR OTHER RELIEF

COMES NOW the Defendant, Thurman Robinson, appearing *pro se*, and respectfully moves this Honorable Court for an order dismissing the above-referenced cases with prejudice, immediately recalling the outstanding bench warrant, ordering the reinstatement of his driver's license, and dissolving the associated protective order. This motion is based on the unequivocal expiration of the statute of limitations, the flagrant and irreparable violation of the Defendant's constitutional right to a speedy trial, the complete breakdown of his Sixth Amendment right to effective assistance of counsel, and the cumulative effect of gross procedural errors and systemic misconduct that have deprived the Defendant of due process of law for nearly a decade.

A. INTRODUCTION: A SEVEN-YEAR FAILURE OF JUSTICE

This case represents a catastrophic and unconscionable failure of the justice system. For over seven years, the Defendant, Thurman Robinson, has been trapped in a state of legal purgatory by a baseless misdemeanor charge that was born of malice, initiated through perjury, and

should have been dismissed as time-barred in 2020. The State has allowed this case to languish for five years beyond the mandatory two-year statute of limitations, rendering its continuation a legal nullity. The seven-year delay is a shocking and indefensible violation of the Defendant's Sixth Amendment right to a speedy trial, causing specific, severe, and irreversible prejudice to his life and career. The outstanding bench warrant—the sole, flimsy justification for this case's continued existence—is not the result of the Defendant's defiance, but the direct product of a constitutional breakdown: the Defendant was abandoned by his court-appointed counsel, who failed to provide notice of a critical court date and then withdrew from the case, leaving his client defenseless and unaware. For years, the Defendant, acting *pro se* from across the country, has filed motions and sent letters pleading with this Court to address these manifest injustices, only to be met with silence and inaction. The cumulative weight of these errors has not only made a fair trial impossible, but it has transformed the judicial process itself into an instrument of punishment. Justice, constitutional law, and basic decency demand nothing less than the immediate and complete dismissal of this action with prejudice.

B. ARGUMENT AND CITATION TO AUTHORITY

1. The Prosecution is Unequivocally Barred by the Statute of Limitations and Must Be Dismissed With Prejudice.

Under Georgia law, the time frame for prosecuting a misdemeanor is not a suggestion; it is a strict mandate. The statute explicitly states, “[p]rosecution for misdemeanors shall be commenced within two years after the commission of the crime.” O.C.G.A. § 17-3-1(d). The alleged events underlying this case occurred in 2018. More than seven years have now passed. The State cannot lawfully proceed with this prosecution.

A statute of limitations is a fundamental safeguard against the unfairness of defending stale claims after evidence has been lost, memories have faded, and the basic ability to mount a

defense has been eroded by time. In this case, the State has allowed this matter to languish for five years beyond the statutory deadline. This is not a minor procedural defect; it is a jurisdictional flaw that strips this Court of its authority to continue the prosecution. The expiration of the statute of limitations is an absolute bar to prosecution, and dismissal with prejudice is the mandatory and only lawful remedy. See *Saliby v. State*, 212 Ga. App. 29 (1994). The Court is respectfully urged to apply this clear and controlling law and dismiss this case forthwith.

2. The Defendant's Constitutional Right to a Speedy Trial Has Been Egregiously and Irreparably Violated.

The Sixth Amendment to the U.S. Constitution and the corresponding provision of the Georgia Constitution guarantee a criminal defendant the right to a speedy trial. This is not a secondary right, but a fundamental protection designed to prevent oppressive pretrial incarceration, minimize the anxiety and concern of the accused, and limit the possibility that the defense will be impaired. A seven-year delay on a simple misdemeanor charge is a *prima facie* violation of this right. An analysis under the four-factor test established in *Barker v. Wingo*, 407 U.S. 514 (1972), demonstrates a clear and profound violation that compels dismissal.

- **Factor 1: Length of Delay.** A seven-year delay for a misdemeanor charge is not just presumptively prejudicial; it is constitutionally indefensible. It is a delay so extraordinary that it triggers the most stringent scrutiny of the other factors and weighs overwhelmingly in the Defendant's favor. This passage of time far exceeds any reasonable standard for prosecuting such a minor offense. See *Doggett v. United States*, 505 U.S. 647 (1992) (noting that excessive delay presumptively compromises the reliability of a trial).

- **Factor 2: Reason for the Delay.** The delay is entirely attributable to the State’s negligence and the Court’s own inaction. This includes the failure of the Public Defender’s office to provide notice, the Court’s failure to ensure counsel was properly in place, the State’s failure to prosecute its case in a timely manner, and the Court’s failure to rule on the Defendant’s numerous *pro se* motions seeking resolution. This occurred amidst documented dysfunction in the Gwinnett County Solicitor’s Office, reflecting a pattern of systemic delay that cannot be excused or blamed on the Defendant. The government’s negligence weighs heavily against it.
 - **Factor 3: Defendant’s Assertion of the Right.** The record shows that Mr. Robinson has repeatedly and desperately asserted his right to a resolution. Since 2020, acting *pro se* from California, he has not sat idly by. He has actively and consistently sought to bring this matter to a close by filing motions to dismiss and letters to the clerk, only to be met with systemic inertia and silence. This factor weighs heavily in his favor.
 - **Factor 4: Prejudice to the Defendant.** The prejudice caused by this seven-year ordeal is severe, specific, and irreparable. As detailed in the accompanying sworn declaration, Mr. Robinson has suffered profound and life-altering harm. He has endured seven years of extreme anxiety and the constant fear of wrongful arrest under an illegal warrant. Far more concretely, the delay has permanently destroyed two of his life’s most significant career aspirations: his lifelong dream of serving in the U.S. Military, for which he has now aged out of eligibility, and his plans to attend law school. The financial and reputational damage has been catastrophic. This is the very essence of the prejudice the Speedy Trial Clause was designed to prevent.
- The balance of these four factors weighs overwhelmingly in favor of the Defendant. The violation of his speedy trial right is undeniable, profound, and compels the dismissal of all charges with prejudice.

3. The Bench Warrant is Unlawful and Must Be Recalled as it is the Direct Product of Ineffective Assistance of Counsel.

The bench warrant, issued on or about December 1, 2020, is the sole mechanism by which this otherwise dead case has been kept on life support. However, the warrant is constitutionally infirm and void *ab initio*. It was issued because Mr. Robinson failed to appear at a hearing of which he had absolutely no notice. This failure to appear was not willful; it was the direct and unavoidable result of his court-appointed counsel's constitutionally deficient performance under the two-prong standard set forth in *Strickland v. Washington*, 466 U.S. 668 (1984).

- **Deficient Performance:** An attorney's failure to inform his client of a mandatory court appearance is not a strategic choice; it is a complete dereliction of the most basic and fundamental duty of representation. As detailed in the Defendant's declaration, his public defender, Sean Kane, never informed him of the December 1, 2020 court date via phone, email, letter, or any other means. Mr. Kane then compounded this failure by withdrawing from the case, effectively abandoning his client without notice at a critical stage. This conduct falls far below any objective standard of reasonableness.
- **Prejudice:** The prejudice resulting from this deficient performance is manifest and undeniable. But for counsel's failure to provide notice, the Defendant would not have failed to appear, and the bench warrant would never have been issued. The resulting prejudice is the illegal warrant itself, which has branded the Defendant a fugitive for five years, suspended his driver's license, and served as the anchor for this unconstitutionally prolonged prosecution.

Because the failure to appear was not willful but was instead caused by a catastrophic breakdown in the Defendant's Sixth Amendment right to representation, the warrant is void and must be recalled immediately.

C. CONCLUSION

For all the foregoing reasons—the expiration of the statute of limitations, the egregious violation of the Defendant's speedy trial rights, and the unconstitutional basis of the outstanding bench warrant—this prosecution is barred by law and the fundamental principles of constitutional due process. Defendant respectfully requests the Court grant all relief sought herein and finally bring this seven-year injustice to an end.

III. DEFENDANT'S SWORN DECLARATION IN SUPPORT OF OMNIBUS

MOTION

I, Thurman Robinson, hereby declare under penalty of perjury, pursuant to the laws of the State of Georgia and the United States, that the following is true and correct to the best of my knowledge, recollection, and belief:

1. I am the Defendant in the above-captioned criminal matter. I make this declaration based on my own personal knowledge of the events that have transpired over the last seven years, which have irrevocably altered the course of my life.
2. The charges in this case are the culmination of a malicious campaign initiated against me in 2018 by my former partner, Mark-Anthony Brown. Our relationship had ended after Mr. Brown subjected me to a pattern of harassment and a violent physical assault, during which he punched me repeatedly in the head.
3. Fearing for my safety, I sought a Temporary Protective Order (TPO) against Mr. Brown in the Gwinnett County Magistrate Court. I presented my evidence of his abuse and harassment. My legitimate plea for protection was summarily denied.

4. Immediately upon learning of my attempt to seek legal protection, Mr. Brown, with the active encouragement of his mother, Andrea Jones, retaliated. They jointly filed a petition for a TPO against me. Their petition was a work of fiction, filled with false and malicious allegations that inverted the reality of our situation, painting me, the victim, as the aggressor. Based solely on these perjured statements, an *ex parte* TPO was granted against me.
5. Within days of obtaining this fraudulent order, Mr. Brown set a trap. He knowingly went to a location he knew I would be and waited for me. When I saw him, I began recording his actions on my phone to document his continued harassment for the court. Mr. Brown then immediately called the police and falsely claimed that *I* was violating the TPO by recording *him*. This false report, made with the clear malicious intent to weaponize the legal system against me, led to my wrongful arrest for aggravated stalking and the initiation of these criminal charges. At no point did I ever violate the order; I was the one being stalked and harassed.
6. Following my arrest, I was appointed a public defender, Mr. Sean Kane. My interactions with Mr. Kane were minimal and deeply concerning. He never investigated the facts of my case and instead pressured me to accept a plea deal. I refused, as I was innocent.
7. In August 2020, to pursue career opportunities and, frankly, to escape the relentless harassment from Mr. Brown, I relocated to Los Angeles, California. Before moving, I ensured Mr. Kane had my new address, my phone number, and my email address. I made it explicitly clear that I was available and would cooperate fully with the case.
8. A court hearing was subsequently scheduled for December 1, 2020, in Gwinnett County. This was during the peak of the COVID-19 pandemic, a time of national

emergency when travel was dangerous, heavily restricted, and in many cases, outright prohibited by public health orders.

9. Mr. Sean Kane never, at any point, informed me of this court date. I received no phone call. I received no letter. I received no email. I received no communication of any kind from him or his office about this mandatory appearance. I had absolutely no idea it was scheduled.
10. I later discovered that not only did Mr. Kane fail to notify me, but he subsequently filed a motion to withdraw from my case. He abandoned me as his client without ensuring I had been notified of the hearing or that new counsel was in place to protect my rights.
11. Because I had no knowledge of the hearing, I did not appear. As a direct and unavoidable consequence of Mr. Kane's gross professional negligence and abandonment, a bench warrant was issued for my arrest for failure to appear.
12. From December 1, 2020, through 2025, I was forced to live as a fugitive for a crime I did not commit, under the constant and terrifying threat of being arrested at any moment based on an illegal warrant. My driver's license was suspended. My name was tarnished.
13. During these years, I did not remain silent. Acting *pro se* from California, with my limited resources, I fought tirelessly for justice. I filed multiple, detailed motions with this Court. I explained the lack of notice. I provided evidence of my counsel's failure. I begged for the illegal warrant to be recalled. I demanded that the case be dismissed because it was legally time-barred by the statute of limitations. For years, my pleas for due process were consistently and completely ignored by the Gwinnett County court system.

14. This seven-year ordeal has destroyed my life. It is not an exaggeration to say that it has stolen my future. I was actively and successfully pursuing enlistment in the U.S. Military, which was my lifelong dream and my path to a stable and honorable career. The active warrant and pending charge made me permanently ineligible. By the time this case is finally resolved, I will have aged out of eligibility. This opportunity, which I worked my entire life to achieve, has been permanently stolen from me by the negligence of the State and its agents.
15. Similarly, I had firm plans and had taken concrete steps to attend law school. My goal was to become an advocate for others who, like me, had been wronged by the system. The extreme financial and emotional strain of this case, coupled with the insurmountable stain of a pending criminal charge and active warrant, forced me to abandon that path and lose my chance at a legal education and career.
16. The emotional toll has been immeasurable. For seven years, I have suffered from severe anxiety, depression, and the constant fear of a knock on the door. The failure of the Gwinnett County justice system to provide me with the most basic elements of due process—notice and an opportunity to be heard—has inflicted a profound and lasting trauma upon me. This case is not just stale; its continuation has been an active and ongoing source of profound injustice for nearly a decade of my life.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 10th day of December, 2025, in Los Angeles, California.

Thurman Robinson

IV. EXHIBITS IN SUPPORT OF DEFENDANT'S OMNIBUS MOTION

EXHIBIT A: Copy of Defendant's initial petition for a TPO against Mark-Anthony Brown.

EXHIBIT B: Copy of the retaliatory TPO obtained by Mark-Anthony Brown.

EXHIBIT C: Communications (or lack thereof) from attorney Sean Kane regarding the December 1, 2020 court date.

EXHIBIT D: Court docket demonstrating the seven-year delay and lack of action on Defendant's pro se filings.

(Exhibits to be attached by Defendant upon filing)

V. PROPOSED ORDER GRANTING IN FORMA PAUPERIS STATUS

IN THE STATE COURT OF GWINNETT COUNTY STATE OF GEORGIA

STATE OF GEORGIA, Plaintiff,

v.

Case Nos.: 20-D-02604-S2 & 20-D-02206-S2

THURMAN ROBINSON, Defendant.

Upon consideration of the Defendant's Motion and Affidavit to Proceed *In Forma Pauperis*, it is hereby ORDERED that the Defendant, Thurman Robinson, is authorized to prosecute his motions in this action without being required to prepay fees or costs or give security therefor.

The Clerk of Court is directed to file all of the Defendant's pleadings and papers without cost.

SO ORDERED, this _____ day of _____, 2025.

HONORABLE SHAWN F. BRATTON Judge, State Court of Gwinnett County

VI. PROPOSED ORDER GRANTING DEFENDANT'S OMNIBUS MOTION

IN THE STATE COURT OF GWINNETT COUNTY STATE OF GEORGIA

STATE OF GEORGIA, Plaintiff,

v.

Case Nos.: 20-D-02604-S2 & 20-D-02206-S2

THURMAN ROBINSON, Defendant.

Upon consideration of the Defendant's Omnibus Motion to Dismiss, Recall Bench Warrant, and for Other Relief; the supporting Sworn Declaration of Thurman Robinson; the exhibits attached thereto; the arguments and authorities presented; and the entire record in this matter, and for good cause appearing, the Court finds that the prosecution is barred by the statute of limitations and that the Defendant's constitutional rights to a speedy trial and effective assistance of counsel have been violated.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. The Defendant's Omnibus Motion is **GRANTED** in its entirety.
2. All charges against Defendant Thurman Robinson in Case Nos. 20-D-02604-S2 and 20-D-02206-S2 are hereby **DISMISSED WITH PREJUDICE**.
3. The bench warrant issued on or about December 1, 2020, for the arrest of Defendant Thurman Robinson in connection with these cases is immediately **RECALLED AND QUASHED**. The Clerk of Court is directed to remove the warrant from all state and national databases forthwith.
4. The Georgia Department of Driver Services is **ORDERED** to immediately lift any suspension and reinstate the full driving privileges of Defendant Thurman Robinson.
5. The Temporary Protective Order entered against Defendant Thurman Robinson in connection with this matter in 2018 is hereby **VACATED and DISSOLVED**.

SO ORDERED, this _____ day of _____, 2025.

HONORABLE SHAWN F. BRATTON Judge, State Court of Gwinnett County

VII. CERTIFICATE OF SERVICE

I, Thurman Robinson, hereby certify that on this 10th day of December, 2025, I have served a true and correct copy of the foregoing **DEFENDANT'S OMNIBUS PACKET FOR DISMISSAL WITH PREJUDICE** upon the opposing party by causing it to be delivered via U.S. Mail, postage prepaid, to the following:

Office of the Solicitor General Gwinnett County 75 Langley Drive Lawrenceville, GA 30046

Thurman Robinson, *Pro Se* 608 W. Almond Street Los Angeles, CA 90220 Phone: 323-540-1855 Email: appsefilepro@gmail.com