

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

BRANDON COBB, et al., etc.,

Plaintiffs,

v.

GEORGIA DEPARTMENT OF COM-
MUNITY SUPERVISION, et al., etc.,

Defendants.

CIVIL ACTION NO.

1:19-cv-03285-WMR

**BRIEF BY DEFENDANTS OPPOSING PLAINTIFFS’
MOTION FOR PRELIMINARY INJUNCTION**

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I. INTRODUCTION

The Court should deny Plaintiffs’ motion for the “ ‘drastic’ remedy” of a preliminary injunction. Crochet v. Hous. Auth. of City of Tampa, 37 F.3d 607, 610 (11th Cir. 1994) (citation omitted). Plaintiffs cannot meet the strict legal requirements for a preliminary injunction, namely: “ ‘(1) a substantial likelihood of success on the merits; (2) a substantial threat of irreparable injury; (3) that the threatened injury to the plaintiff outweighs the potential harm to the defendant; and (4) that the injunction will not disserve the public interest.’ ” Friedenberg v. Sch. Bd. of Palm Beach Cty., 911 F.3d 1084, 1090 (11th Cir. 2018) (citations omitted).

Unlike Plaintiffs’ contentions, the Georgia Department of Community Supervision (DCS) has provided means for effective communication with each

Plaintiff in the course of his supervision by DCS. Plaintiffs cannot show that the Department or its Commissioner, Defendant Michael Nail, are engaged in ongoing violations of Plaintiffs' rights under Title II of the Americans with Disabilities Act, as amended, 42 U.S. Code § 12131, et seq., or Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. §§794, et seq. Further, any debatable actions of the Community Supervision Officers (CSO) who have supervised Plaintiffs do not warrant intrusive preliminary injunctive relief.

And Plaintiffs' long delay in seeking injunctive relief counts against their contention that they face irreparable harm. Benisek v. Lamone, 138 S. Ct. 1942, 1944 (2018) ("plaintiffs' unnecessary, years-long delay in asking for preliminary injunctive relief weighed against their request").

II. FACTUAL BACKGROUND

Defendants file with this motion several declarations disputing Plaintiffs' factual allegations. Defendants intend also to show at the hearing scheduled by the Court on Plaintiffs' motion for preliminary injunction additional evidence refuting Plaintiffs' distorted representations.

The scope of the alleged "problem" in communicating with hearing impaired offenders is much smaller than Plaintiffs' attorneys seem to think. They guess that DCS supervises over 500 "deaf or hard of hearing people." (Doc. 1, ¶¶ 59, 61(a)).

But, of the more than 200,000 offenders supervised by DCS, only approximately 40 have been identified as hearing impaired. (Exhibit G (Driver Decl.), ¶¶ 4, 8).

It is also important that approximately 45,000 of the offenders under DCS jurisdiction are in “unsupervised status” and do not communicate with DCS at all. (Exhibit G, ¶ 6). In fact, Plaintiff Jerry Coen was placed in unsupervised status May 23, 2019 and has had no contact with DCS since then. (Exhibit B (Mays Decl.), ¶ 17). Thus, there is no need for communication accommodations with them.

Each Community Supervision Officer (CSO) who currently supervises a Plaintiff describes by his or her attached declaration the history of DCS in communicating with each Plaintiff. These declarations demonstrate several important facts.

Importantly, none of the Plaintiffs has any revocation proceedings pending or has been charged with a violation of probation or parole. (Exhibit A (Mitchell Decl., re Brandon Cobb), ¶ 16; Exhibit B (Mays Decl., re Jerry Coen), ¶ 5; Exhibit C (Franklin Decl., re Herrera), ¶ 16; Exhibit D (Worley Decl., re Nettles), ¶ 15; Exhibit E (Dowdell Decl., re Wilson), ¶ 16; Exhibit F (Branch Decl., re Woody), ¶ 16). As discussed below, this alone demonstrates the absence of any need for injunctive relief.

Further, the declarations of Plaintiffs' CSOs shows that no Plaintiff has been denied an interpreter or technology needed for effective communications. The declarations of Plaintiffs CSOs show:

1. Brandon Cobb, who is supervised by CSO Mariah Mitchell, has been provided American Sign Language (ASL) interpreters and Video Relay Services (VRS). VRS makes it possible for sign language users to communicate in their native language via video conferencing. (Exhibit A (Mitchell Decl.) ¶¶ 17; Exhibit H (Burroughs-Lee Decl.), ¶ 5(b)).
2. Jerry Coen, who has been supervised by CSO Richard Mays, was assigned to unsupervised status May 23, 2019. Since then, DCS has had no contact with him and there are no ongoing communications with Coen. While Coen was being supervised by CSOs, communication occurred by writing. For example, when Coen was notified by postcard of an appointment at DCS offices, he appeared as scheduled. According to the records of DCS, Coen has never asked for an interpreter. (Exhibit B (Mays Decl.) ¶ 17).
3. Carlos Herrera, who is supervised by CSO Cody Franklin, has been provided Sorenson Video Relay Service (*see* <https://www.sorensonvrs.com/svrs>) to assist in communication. (Exhibit C (Franklin Decl.) ¶¶ 17-18). Also, on at least one occasion, according to Herrera's declaration, the offender was

provided with a qualified and certified interpreter at the Calhoun DCS Office.

(Doc. 2-3, at 5)

4. Joseph Nettles, who is supervised by Caleb Worley, did not ask DCS for an interpreter until August 26, 2019, after this lawsuit was filed. On that date, Worley specifically asked Nettles in writing if he wanted an interpreter and Nettles responded in writing that he wanted an ASL interpreter. Previously, Worley communicated with Nettles in writing, by text message, and through family members. (Exhibit D (Worley Decl.) ¶ 16).
5. Ernest Wilson is supervised by Edward Dowdell, Sr. Wilson has not asked DCS for an interpreter. He says he cannot use ASL. (Doc. 1, ¶ 11(d)). Pen and paper have been used to communicate with Wilson. At the initial interview, Wilson was able to communicate by written means and was assisted by his daughter. (Exhibit E (Dowdell Decl.) ¶ 17).
6. Jeremy Woody is supervised by Shaconna Branch. VRS was used for all communications with Woody during 10/20/2017-07/11/2018. VRS was also used 12/17/2018, 12/19/2018, 02/08/2019, 02/11/2019, 02/28/2019, 03/21/2019, 03/23/2019. In addition, since Woody has been under the supervision of DCS, he has been provided with an interpreter on numerous occasions, including 09/08/2017, 09/21/2017, 10/3/2017, 10/5/2017, 10/12/2017, 06/27/18, 07/12/18, 12/17/18, 12/19/18, 02/08/2019, 02/11/2019,

02/28/109, 03/21/2019, 05/06/2019, 05/14/2019, 07/30/2019. (Exhibit F (Branch Decl.) ¶¶ 18-19).

Moreover, DCS has available numerous options, not just those mentioned in the CSO declarations, to assist in communications with Plaintiffs. It is generally in the discretion of the assigned CSO whether to engage these other options. Some of them may not have been used in the past because, as stated above, DCS has only 40 offenders with known serious hearing impairment. Going forward, assigned CSOs may decide, where appropriate, to use some of these options that have not been previously used.

The tools available to CSOs include numerous mechanisms through Georgia Relay, which is a free service available to all persons with hearing or speech problems. The services offered by Georgia Relay are described at <https://georgiarelay.org/>. It is available free 24/7 by calling 7-1-1.

Available mechanisms for assisting in effective communication with hearing impaired offenders include:

1. Engage an interpreter paid for by DCS who will personally provide American Sign Language (ASL) translation for communications.
2. Text Telephone or Text Typewriter (TTY), through Georgia Relay, which allows users to type messages make and forth on their phones.

3. Video Relay Services (VRS), through Georgia Relay, which provides text translation for telephone communications.
4. Voice Carry-Over (VC), through Georgia Relay, which uses either a TTY (text telephone) and standard telephone or a specially designed telephone that also has a text screen. A Georgia Relay Communications Assistant (CA) and the VCO user reads those words on the text screen of his or her phone.
5. Hearing Carry-Over (HCO), through Georgia Relay, which uses a TTY or similar device. The HCO user types his or her side of the conversation, and the CA voices the typed words to the other person. When the other person speaks, the HCO user listens directly to what is being said.
6. Speech-to-Speech (STS), through Georgia Relay, which requires only standard telephone equipment. STS service is for people who have mild-to-moderate speech difficulties but who can hear what is being said over the phone. As the STS user speaks, a CA listens to the words. The CA then revoices those words to the other person. When the other person speaks, the STS user listens directly to what is being said.
7. Video Remote Interpreting Services (VRI), which is separate from Georgia Relay. It allows communications with hearing impaired supervisees by using video monitors and devices over which ASL translation occurs using a live

ASL interpreter. The users of VRI can cover field interactions and it is not limited to telephone communications.

8. CapTel®, which is separate from George Relay. It uses current voice recognition software to display the words stated by callers.
9. Communication Access Real-Time Translation (CART), which is separate from George Relay. It provides typed transcriptions of spoken words.
10. Sorenson Video Relay Service (see <https://www.sorensonvrs.com/svrs>) is also available to assist in communicating with hearing impaired probationers and parolees. It is government-funded and provided under the Telecommunications Relay Service fund (see <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>).

(Exhibit H (Burroughs-Lee Decl.) ¶¶ 4-5).

Further, DCS has a formal written policy requiring reasonable accommodation for hearing impaired offenders. It specifically references interpreters and the Georgia Relay system. The policy has been conscientiously followed by DCS. (Exhibit G (Driver Decl.) ¶¶ 9-12, Attachment 2).

Also undermining their “emergency” request for a preliminary injunction, no Plaintiff has filed a grievance with DCS regarding lack of accommodation for hearing impairment. DCS has a robust grievance procedure for offenders with a complaint “about any condition, policy, procedure, action or lack thereof that affects

the offender personally.” The policy even provides for “assistance [in] filling out a grievance form due to language barriers, illiteracy, or physical or mental disability.” No Plaintiff has ever filed a grievance complaining of lack of communications assistance or accommodation for hearing impairment. (Exhibit G (Driver Decl.), ¶¶ 14-15, Attachment 3).

III. REQUIREMENTS FOR PRELIMINARY INJUNCTIVE RELIEF

The prerequisites for preliminary injunctive relief are well-established. “A preliminary injunction may be entered when a plaintiff establishes four elements: ‘(1) a substantial likelihood of success on the merits; (2) a substantial threat of irreparable injury; (3) that the threatened injury to the plaintiff outweighs the potential harm to the defendant; and (4) that the injunction will not disserve the public interest.’ ” Friedenberg v. Sch. Bd. of Palm Beach Cty., 911 F.3d 1084, 1090 (11th Cir. 2018) (citations omitted). Even where the non-moving party has the ultimate burden of persuasion on an issue, the party moving for a preliminary injunction has the burden of production. CBS Broad., Inc. v. EchoStar Communications Corp., 265 F.3d 1193, 1202 (11th Cir. 2001). And here Plaintiffs have the burden of proof on all elements of their claims and also on the prerequisites for preliminary injunctive relief.

The requirement of a “substantial threat of irreparable injury” is critical for a plaintiff seeking a preliminary injunction. According to Wright & Miller, “Perhaps

the single most important prerequisite for the issuance of a preliminary injunction is a demonstration that if it is not granted the applicant is likely to suffer irreparable harm before a decision on the merits can be rendered.” Wright & Miller, 11A Fed. Prac. & Proc. Civ. § 2948.1 (3d ed.). The movant must show that something very bad will happen if the court does not issue the injunction before a decision on the merits. As noted earlier, a preliminary injunction is a “ ‘drastic’ remedy.” Crochet v. Hous. Auth. of City of Tampa, 37 F.3d 607, 610 (11th Cir. 1994) (citation omitted).

A fundamental rationale of a preliminary injunction is “to preserve the court's power to render a meaningful decision after a trial on the merits.” Alabama v. U.S. Army Corps of Engineers, 424 F.3d 1117, 1128 (11th Cir. 2005). In other words, a preliminary injunction is designed to maintain the status quo so that the court’s later decision on the merits will still count. University of Texas v. Camenisch, 451 U.S. 390, 395 (1981) (preliminary injunctions have the “limited purpose” of “merely preserv[ing] the relative positions of the parties until a trial on the merits can be held”).

Our Plaintiffs cannot show any of the prerequisites to preliminary injunctive relief. And they must prove all of them.

IV. PLAINTIFFS HAVE NOT SHOWN LIKELIHOOD OF SUCCESS ON THE MERITS.

The requirements that Plaintiffs must meet in order to qualify for a preliminary injunction include a showing of “substantial likelihood of success on the merits.” Friedenberg, 911 F.3d at 1090. They cannot not meet this hurdle.

Plaintiffs’ legal claims are based primarily on the ADA and the Rehabilitation Act. (Doc. 1, Counts I, II). Plaintiffs also assert a violation of the Due Process Clause of the Fourteenth Amendment in their final count. (Doc. 1, Count III).

Defendants agree with Plaintiffs that the ADA and Rehabilitation Act impose the same standards on state actors providing public services. (Doc. 2-1, at 17-18 (ECF pagination)). In the Eleventh Circuit’s words, “Discrimination claims under the ADA and the Rehabilitation Act are governed by the same standards, and the two claims are generally discussed together.” J.S., III by & through J.S. Jr. v. Houston Cty. Bd. of Educ., 877 F.3d 979, 985 (11th Cir. 2017) (citation omitted).

To establish a claim under Title II of the ADA and Section 504 of the Rehabilitation Act, each Plaintiff must show: (1) that he is a “qualified individual with a disability”; (2) that he was “excluded from participation in or . . . denied the benefits of the services, programs, or activities of a public entity” or otherwise “discriminated [against] by [] such entity”; (3) “by reason of such disability.” 42 U.S.C. § 12132; Bircoll v. Miami-Dade Cty., 480 F.3d 1072, 1083 (11th Cir. 2007); Shotz v. Cates, 256 F.3d 1077, 1079 (11th Cir. 2001).

DOR concedes it is a “public entity” within the meaning of 42 U.S.C. § 12132. *See* 42 U.S.C. § 12131 (“ ‘public entity’ means . . . any State or local government” or any “department” or “agency”).

But Plaintiffs in the present case do not show “a substantial likelihood of success on the merits” of their claims under the ADA and Rehabilitation Act. Friedenberg, 911 F.3d at 1090. Assuming that Plaintiffs are “qualified individual[s]” with a disability due to their hearing impairment, they do not show a “substantial likelihood” that they were “excluded from” or “denied the benefits” of DCS services, or that they were “otherwise discriminated against” by DCS.

As discussed in Defendants’ review of the factual background of this dispute, no Plaintiff has been revoked or charged with a violation of probation or parole. Had Plaintiffs systematically not understood the conditions of probation or parole due to poor communications, enforcement actions would have certainly have been taken against them for non-compliance. And no Plaintiff has filed a grievance against DCS for denial of communication accommodations.

Further, Defendants’ evidence shows that no Plaintiff has been denied an interpreter or technology to assist in effective communications. On various occasions, communications with Plaintiffs have been facilitated by ASL interpreters, Video Relay Services (VRS), written messages, and text messaging. And, with an appropriate policy in place, DCS has numerous other options available through

Georgia Relay and Sorenson Video Relay Service. One might quibble over whether the CSOs assigned to Plaintiffs' cases have used the panoply of available mechanisms often enough, but Plaintiffs cannot credibly establish that they have been excluded from or denied DCS's services. If that were so, there would be a record of probation violations.

Plaintiffs' argument are also flawed because they assume that Plaintiffs have the legal right to choose their own accommodations. Some Plaintiffs want two live ASL interpreters for every communication with DCS, others want various forms of technology, and one appears to want only written communications. (Doc. 1, ¶¶ 23-28). But, the Supreme Court has ruled, the remedy chosen by Congress in the ADA is "a limited one." It requires only that "the States to take reasonable measures" to make public services available to persons with disabilities. The Court has emphasized, "Title II does not require States to employ any and all means" to provide accessibility and there often are "a number of ways" to satisfy the requirements of the law. Tennessee v. Lane, 541 U.S. 509, 531-32 (2004).

Our Plaintiffs cannot show that DCS's efforts to facilitate communications with them have been unreasonable or that the means available to DCS (whether they have been used with every Plaintiff) are also unreasonable. Moreover, they cannot establish, as they must, that there is a substantial likelihood that DCS in the future will deny them reasonable accommodations.

Plaintiffs have another protection against revocation or sanctions for probation or parole violations, which further dilutes their arguments for the heavy hand of a preliminary injunction. In order for a Plaintiff to be revoked, the state would be required to prove by a preponderance of the evidence that he violated a condition of his probation or parole. Lewis v. Sims, 277 Ga. 240, 241 (2003). And, Defendants contend, the state would have to show intent. *See* Klicka v. State, 315 Ga.App. 635, 637-38 (2012). This means that a Plaintiff could not be revoked if he truly did not understand, due to alleged poor communications, the terms of his probation.

In their due process claim, Plaintiffs recklessly allege that Defendants “are violating the procedural due process rights of Plaintiffs and those similarly situated to Plaintiffs guaranteed by the U.S. Constitution.” They charge that Defendants are “failing to provide minimal due process before imposing severe punishments including re-incarceration and increased liberty restrictions.” (Doc. 1, ¶¶ 14, 82-89). Yet, Plaintiffs have not alleged a single instance in which any Plaintiff or other hearing impaired offender has been revoked or sanctioned, much less one in which there was an alleged communication problem with respect to a revocation or sanction.

To Defendants’ knowledge, no Plaintiff has been charged with a probation violation or failure to comply with the terms of probation. (Exhibit A (Mitchell

Decl., re Brandon Cobb), ¶ 16; Exhibit B (Mays Decl., re Jerry Coen), ¶ 5; Exhibit C (Franklin Decl., re Herrera), ¶ 16; Exhibit D (Worley Decl., re Nettles), ¶ 15; Exhibit E (Dowdell Decl., re Wilson), ¶ 16; Exhibit F (Branch Decl., re Woody), ¶ 16). And Plaintiffs do not allege otherwise; they allege only phantom threats.

Thus, Plaintiffs have not met their burden of showing a substantial likelihood of success on the merits of their disability or due process claims.

V. PLAINTIFFS HAVE NOT SHOWN THAT THEY ARE THREATENED WITH IRREPARABLE HARM.

Parrott-like, Plaintiffs repeat that they are subject to the “constant threat of incarceration” unless the Court intervenes. (Doc. 1, ¶¶ 1, 2, 7, 11, 33, 46, 47, 51, 57, 87, 88). This contention is hollow.

As stated earlier, Plaintiffs’ long delay in seeking preliminary injunctive relief certainly debilitates the contention that they face irreparable harm. Benisek v. Lamone, 138 S. Ct. 1942, 1944 (2018) (“plaintiffs’ unnecessary, years-long delay in asking for preliminary injunctive relief weighed against their request”); Wreal, LLC v. Amazon.com, Inc., 840 F.3d 1244, 1248 (11th Cir. 2016) (“A delay in seeking a preliminary injunction of even only a few months—though not necessarily fatal—militates against a finding of irreparable harm. A preliminary injunction requires showing ‘imminent’ irreparable harm.”).

One Plaintiff has been supervised by DCS (or its predecessor agency) since 2011. Others have been supervised since 2017. (Doc. 1, ¶ 23-28). If Plaintiffs were

indeed threatened with irreparable harm due to violations of the ADA and Rehabilitation Act, they would have sued and sought injunctive relief before July 2019. They also would have filed grievances against DCS, which they have not done.

It is also significant that most offenders supervised by DCS are probationers, not parolees. Five of the six Plaintiffs in this case are on probation, not parole. Only Cobb is on parole. (Doc. 2-1, at 4-6).

When a criminal defendant is sentenced by the trial court, the conditions of probation are stated in the sentence and the defendant has the constitutional right to be present. United States v. Ferrario-Pozzi, 368 F.3d 5, 8 (1st Cir. 2004) (“The Confrontation Clause of the Sixth Amendment guarantees criminal defendants the right to be present during sentencing.”). Thus, all probationers are informed at the time of sentencing of the conditions of their probation. Some Plaintiffs were sentenced as long ago as 2011. (Doc. 1, ¶ 26).¹

Hence, all Plaintiffs serving probation were informed by the sentencing courts of the conditions of probation. Apparently, they understood the conditions then. To Defendants’ knowledge, no Plaintiff has challenged his sentence on the grounds that he did not understand its terms.

¹Other Plaintiffs have been supervised by DCS since 2017. (Doc. 1, ¶¶ 23-28).

It is also significant that much of the allegedly poor communication described by Plaintiffs occurred while they were in the custody of the Georgia Department of Corrections (GDC) and while they interacted with local Georgia sheriffs' offices (particularly regarding sex offenders registration). Those agencies are not controlled by DCS and any communication failures by them cannot be attributed to DCS or ameliorated by an injunction against DCS.

Thus, it is apparent that Plaintiffs face no realistic threat of irreparable harm. They cannot meet this requirement for preliminary injunctive relief.

**VI. PLAINTIFFS HAVE NOT SHOWN THAT THE
BALANCE OF HARMS FAVORS PRELIMINARY
INJUNCTIVE RELIEF AND THAT SUCH RELIEF
WOULD SERVE THE PUBLIC INTEREST.**

Plaintiffs also have not satisfied the balance of harms or public interest criteria. The four requirements that a party seeking a preliminary injunction must meet include showing “that the threatened injury to the plaintiff outweighs the potential harm to the defendant” and “that the injunction will not disserve the public interest.” Friedenberg 911 F.3d at 1090. Defendants agree with Plaintiffs that these two elements in effect merge in this case. (Doc. 2-1, at 24 (ECF pagination)).

Burdensomeness to DCS as a state agency is an important factor. “The policy against the imposition of judicial restraints prior to an adjudication of the merits becomes more significant when there is reason to believe that the decree will be burdensome.” Wright & Miller, 11A Fed. Prac. & Proc. Civ. § 2948.2 (3d ed.).

Courts generally do not favor injunctions that merely require government actors to comply with the law or a statute, which is the primary relief sought in Plaintiffs' motion. (Doc. 2, ¶ 4). See N.L.R.B. v. Express Pub. Co., 312 U.S. 426, 435-36 (1941) (“But the mere fact that a court has found that a defendant has committed an act in violation of a statute does not justify an injunction broadly to obey the statute and thus subject the defendant to contempt proceedings if he shall at any time in the future commit some new violation unlike and unrelated to that with which he was originally charged.”). State agencies are already required to comply with law.

The record shows that no Plaintiff has been harmed by any alleged problem in communicating with his OCS. None has been charged with a violation of probation. Moreover, DCS has used multiple methods—including interpreters, VCS, and text-type devices—to facilitate communications with Plaintiffs. And no Plaintiff has been sufficiently aggrieved to file a grievance with DCS. There is no basis, therefore to conclude that a Plaintiff has been harmed.

A preliminary injunction would necessarily harm the administration of services by DCS. It would disrupt the processes currently in place and inevitably divert resources from security and other important mandates of the agency. For example, if DCS has to allow each Plaintiff to choose his own preferred accommodation (in some instances two interpreters for every encounter) and is

required to take interpreters or use other auxiliary aids on every field visit, DCS will be required to reallocate resources from its other priorities.

On the facts before the Court, a preliminary injunction would harm and disserve the public interest. This forms an additional basis to deny Plaintiffs' request for a preliminary injunction.

VII. CONCLUSION

For these reasons, the Court should deny Plaintiffs' motion for preliminary injunction.²

Respectfully Submitted,

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²This document has been prepared in Times New Roman (14 pt.) font, which has been approved by the Local Rules of this Court.

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CERTIFICATE OF SERVICE

I hereby certify that I have this day electronically filed the BRIEF BY DEFENDANTS OPPOSING PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the following attorneys of record:

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DECLARATION OF MARIAH MITCHELL

1. I, Mariah Mitchell, offer this declaration for the Court's consideration on Plaintiffs' motion for preliminary injunction and for all other purposes allowed by law. All statements in this declaration are within my personal knowledge.
2. During April 2015 through the present, I have been employed by the Georgia Department of Community Supervision (DCS) as a Community Supervision Officer. Before then, I was employed as _Security Officer by ABM Industries.
3. I have received the following training in supervising probationers and parolees: Basic Parole and Probation at Georgia Public Safety Training Center on 11/06/2015.

4. In my employment since April 2015, I have supervised probationers and parolees in order to monitor and facilitate their compliance with the probation conditions of their criminal sentences and the conditions of their parole.
5. My supervision of probationers and parolees requires me to perform the following duties. Conduct field visits at residences and employment locations every 30-90days according on their risk score. During these field interactions I discuss with the defendant any special conditions that they were court ordered to complete, the resources that are available to aid in the completion of those conditions, and also any other issues that they may need assistance with at the time.
6. My supervision duties may differ depending on the crimes for which the probationers and parolees have been convicted.
7. All supervisees or offenders are assigned a level of supervision. From the highest level to the lowest, they are: Specialized, High, Standard (contact), and Standard (administrative). The level of supervision governs the scope and intensity of supervision. For example, some levels require more frequent contact by the DCS Community Supervision Officer with the supervisee.

8. In the course of my career, I have supervised approximately 500 probationers and approximately 200 parolees. I have not supervised persons on the Georgia Sex Offenders Registry.
9. The documents referred to in, and attached to, this declaration are true and accurate copies of official records created or received by DCS. These records are maintained in the regular course of business and it is the regular and routine practice for DCS to maintain these records. The entries in these records were made at or near the time of the events to which they refer and were made by, or from information transmitted by, persons with knowledge. All documents referred to in, or attached to this declaration, were in effect at the times they indicate or, if no time is indicated, have been in effect during July 1, 2015 through the present. As an employee of DCS, I am familiar with the manner in which these records are created and maintained and have access to these records.
10. During my career, I have supervised only one probationers and parolees who have identified themselves as having hearing impairment.
11. Georgia Relay is a free service available to all persons with hearing or speech problems. It is available to DCS officers and hearing impaired supervisees. The services offered by Georgia Relay are described at <https://georgiarelay.org/>. It is available free 24/7 by calling 7-1-1.

12. I understand that the Sorenson Video Relay Service (see <https://www.sorensonvrs.com/svrs>) is also available to assist in communicating with hearing impaired probationers and parolees. My understanding is that this service is paid for by the government and is provided under the Telecommunications Relay Service fund (see <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>).
13. If a probationer or parolee identifies himself or herself as having hearing impairment, I and other DCS Community Supervision Officers can engage any of the services offered by Georgia Relay or the Telecommunications Relay Service fund to facilitate communications. We can also engage a qualified American Sign Language (ASL) interpreter through DCS.
14. I myself have used ASL to communicate with DCS supervisees.
15. I have supervised Plaintiff Brandon Cobb during April 2019 through the present. He is on parole currently and has been on parole since April 1, 2019. Cobb is under a criminal sentence entered in 2014 by the Superior Court of Clayton County, Georgia for aggravated assault. (Attachment 1).
16. Cobb has not been charged with any probation violations while I have supervised him. And I am not aware of any issues regarding his compliance with the terms of his probation.

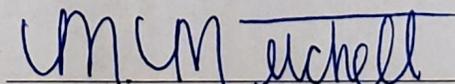
17. In Cobb's initial interview on April 2, 2019 with DCS, his sister interpreted for him. On April 15, 2019, Video Relay Services (VRS) was used by DCS to communicate with Cobb. VRS provided a female ASL interpreter for this interview. On May 16, 2019, another initial interview was conducted with Cobb at the DCS office. This time a live ASL interpreter was provided. I understand that in his declaration filed in this lawsuit, Cobb mentions other occasions when he was provided with a live ASL interpreter. (Doc. 2-2, ¶¶ 18-22, 24).

18. I do not believe I have had problems in communicating effectively with Cobb.

19. If I have difficulty effectively communicating with Cobb in the future, I will engage a qualified live interpreter, Sorenson, or one or more of the services provided by Georgia Relay or under the Telecommunications Relay Service fund.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

This the 28th day of August, 2019.



Mariah Mitchell

PAROLE CERTIFICATE



**STATE BOARD OF PARDONS AND PAROLES
ATLANTA, GEORGIA**

KNOW ALL MEN BY THESE PRESENTS:

It having been made to appear to the Georgia State Board of Pardons and Paroles that there is reasonable probability that the inmate named below WILL REMAIN AT LIBERTY WITHOUT VIOLATING THE LAWS, and it being the opinion of said Board that the release of this inmate is not incompatible with the welfare of society, and it appearing further that the Board is satisfied that this inmate will be suitably employed in self-sustaining employment or will not become a public charge on release.

Under the authority vested in the State Board of Pardons and Paroles by the laws of Georgia, it is hereby ORDERED that the inmate named below be paroled, pending good behavior under supervision, subject to the conditions of parole listed here and on the reverse side of the Order until the expiration of the confinement sentence(s).

BE IT FURTHER KNOWN that this parole will become effective only on the date stated below and after the conditions of parole are agreed to by the inmate. The Board reserves the right to withdraw the grant of all forms of relief prior to the effective date if, in its discretion, it believes it to be in the public interest to do so. Noncompliance with any condition may result in revocation of parole in accordance with Georgia Law.

NOT VALID WITHOUT BOARD SEAL



In witness whereof this Certificate bearing the Seal of the State Board of Pardons and Paroles is issued.

STATE BOARD OF PARDONS AND PAROLES

FOR THE BOARD

ORDER NUMBER: 1127187
INMATE: BRANDON LEE COBB, ZX 790219
INDICTMENT NUMBER **COURT OF CONVICTION** **OFFENSE** **COUNT**
 2013CR01132-06 CLAYTON AGGRAVATED ASSAULT 1
EFFECTIVE PAROLE DATE: 04/01/2019
EXPIRATION DATE: 12/30/2022
ISSUE DATE: 03/25/2019

COMMUNITY SUPERVISION OFFICER:

District	Name	Phone Number	Address	City	State	Zip Code
	DOUGLAS CIRCUIT Coordinating Chief STEVEN LEWIS	7704893070	CALL LISTED PHONE NO.			

PAROLE PLAN:

Type of Address: PAROLE PLAN RESIDENCE

Name: ROSS COB Relationship: MOTHER Phone: 6789514322
 Address1: [REDACTED] Address2: City: DOUGLASVILLE
 State: GA Zip Code: 30135 County: DOUGLAS

SPECIAL CONDITIONS:

- * I will be placed on electronic monitoring upon release. I understand that I will be required to pay for this service.
- * I will receive substance abuse assessments while on parole, and agree to pay all of the costs incurred for these assessments.
- * I will not have any contact whatsoever with victim(s) [REDACTED] or [REDACTED]
- * Other Stay away from [REDACTED], Jonesboro, Ga

STANDARD CONDITIONS UNDER WHICH THIS PAROLE IS GRANTED

THIS CERTIFICATE OF PAROLE WILL BECOME EFFECTIVE ONLY ON THE EFFECTIVE DATE STATED ON THE FRONT AFTER THE FOLLOWING STANDARD CONDITIONS AND ANY SPECIAL CONDITIONS ON THE FRONT ARE AGREED TO BY THE INMATE. VIOLATION OF ANY CONDITION MAY RESULT IN IMMEDIATE ARREST FOLLOWED BY PAROLE REVOCATION.

- 1. Intervention Plan/Instructions:** I will participate in the development of and comply with a rehabilitation plan designed by my community supervision officer. This plan will require me to work, to be drug tested, and may require me to attend and to pay a reasonable fee for counseling or classes. I will truthfully answer all questions and follow all written and verbal instructions from my community supervision officer or any other community supervision officer or any employee of the Department of Community Supervision or the **State Board of Pardons and Paroles**.
- 2. Law/ Immediate Notification/Searches:** I will not violate the law of any governmental unit. I will immediately notify my community supervision officer if I am arrested for any offense, including a traffic offense. My community supervision officer or any other community supervision officer may, at any time, conduct a warrantless search of my person, papers, and place of residence, automobile, or any other property under my control.
- 3. Weapon:** I will not receive, possess, transport, have under my control, attempt to purchase, or obtain transfer of any firearm, ammunition, explosives or other deadly weapons.
- 4. Leaving State and Absconding:** I will not leave my state of residence, even briefly, or change my residence without first getting permission from my community supervision officer. I will not abscond from parole supervision.
- 5. Child Support, Restitution, and Fees:** I will support all my children as required by Georgia law, make payments on any restitution, pay a monthly parole supervision fee as established by Parole Board rule, and pay a reasonable fee for electronic monitoring.
- 6. Education:** If I do not have a high school diploma or its equivalent and am unable to maintain reliable, regular employment, I will attend school to pursue a general education diploma (GED), a high school diploma, or a trade at a vocational/technical school.
- 7. Terms of Probation:** If serving a split sentence, I will abide by all terms of probation imposed by the sentencing court(s).

ACKNOWLEDGMENT AND CERTIFICATION

I have read or have had read to me the above standard Parole conditions and any special conditions on the front side of this certificate, and fully understand them and agree to comply with them. I hereby waive all extradition rights and process and agree to return to Georgia from any State or Territory of the United States or from the District of Columbia. If it becomes necessary to communicate with my community supervision officer when the officer is not available, I will contact another community supervision officer in the same office or will contact the Department of Community Supervision's Headquarters Office at Fourth Floor, East Tower, Floyd Veterans Memorial Building, 2 Martin Luther King, Jr., Drive, S.E., Atlanta, Georgia 30334. Telephone number (404) 656-0692.

WITHIN 24 HOURS OF MY RELEASE I WILL REPORT TO MY COMMUNITY SUPERVISION OFFICER, EITHER BY PERSONAL VISIT OR BY TELEPHONE.

PAROLEE BRANDON LEE COBB, ZX 790219 DATE

I hereby certify that this Statement of Conditions has been read and explained to the Parolee and he/she has agreed to them.

INSTITUTIONAL OFFICIAL DATE

Revision 06/01/2017

To be furnished to the Georgia Department of Corrections, Atlanta, Ga., by Clerks of the Superior Court of the State of Georgia at the same time notice of sentence is furnished.

FILED
CLAYTON CO., GA

SENTENCE DATA:

From the Superior Court of Clayton County, Georgia Term 2013

2014 MAY 28 AM 9:32

Name of Prisoner BRANDON LEE COBB

JACQUILINE D. WILLS
CLERK SUPERIOR COURT

IDENTITY OF PRISONER:

Race: WHITE Sex: MALE DOB: [REDACTED] SSN: [REDACTED] OTN: 88386019002

State any defects or medication required: NO

Was subject picked up from Department of Corrections to answer these charges? Yes No
If yes, which institution?

From what jail can Department of Corrections assume custody of this subject?
CLAYTON COUNTY DETENTION FACILITY

FBI No: 159994RC7 SID No: 3514270J Finger Print #:
Eye Color: BLUE Hair Color: BROWN Height: 5'11" Weight: 145lbs.
Place of Birth: JACKSONVILLE, ALABAMA

Distinguishing marks and scars: TAT R ARM(DIRTY SOUTH)
TAT L ARM(DEAF MOB)
TAT R ARM(IRISH)
TAT L HND(ITALIAN)

Last home address? [REDACTED] DOUGLASVILLE, GA 30135

Marital Status: NOT MARRIE Spouse's Name:

Name, Address, and relation of nearest relative or friend: ROSE COBB,
[REDACTED] DOUGLASVILLE, GA 30135, MOTHER

AFFIDAVIT OF CUSTODIAN

I, the undersigned custodian of the defendant, do swear and affirm that the following is true and correct to the best of my knowledge.

BRANDON LEE COBB was confined on case number(s) 2013CR01132-6 on the following dates:

Entered	7/22/2012	Departed	8/07/2012	Reason	BOOKED IN/OUT ON BOND
Entered	1/17/2014	Departed	2/03/2014	Reason	JAILED AWAITING SENTENCE/OUT ON BOND
Entered	5/15/2014	Departed		Reason	JAILED RESENTENCED

Comments: 05/15/2014: SENTENCED (EXPLANATION: INMATE WAS ORIGINALLY SENTENCED ON 1/24/14 HE MADE BOND ON 2/3/2014 WHILE ON APPEAL. HE WAS RESENTENCED ON 5/15/2014.)

Thu Kim Pho
Custodian: THU KIM PHO Clayton County, Georgia

I, the undersigned Clerk of the Superior Court, in and for said county, do hereby certify that the above is a true and complete copy of the affidavit of custodian, a part of the official record of the trial of said defendant, as appears of record and from the minutes of said court.

Given under my official signature and the seal of said court this 28 day of May 2014.
Jacqueline D. Wills
Jacqueline D. Wills



SC-6.2 Final Disposition Felony Sentence with Probation

IN THE SUPERIOR COURT OF CLAYTON COUNTY, STATE OF GEORGIA

STATE OF GEORGIA versus

BRANDON LEE COBB

CRIMINAL ACTION #: 2013CR01132-06

Clerk to complete if incomplete:

OTN(s): 88386019002
 DOB: 06/11/1988
 Ga. ID#: 3514270J

FILED IN OPEN COURT

MAY 15 2014

Judge Deborah C. Benefield

May Term of 2014

First Offender/Conditional Discharge

entered under:

- OCGA § 42-8-60 OCGA § 16-13-2
- Repeat Offender as imposed below
- Repeat Offender waived

PLEA:

- Negotiated Non-negotiated

VERDICT:

- Jury Non-jury

AMENDED
Final Disposition:
FELONY with PROBATION

The Court enters the following judgment:

Count	Charge (as indicted or accused)	Disposition (Guilty, not Guilty, Guilty-Alford, Guilty-Lesser Incl, Nolo, Nol Pros, Dead Docket)	Sentence	Fine	Concurrent/ Consecutive, Merged, Suspended
1	ASSAULT AGGRAVATED	NOT GLTY VERDICT JURY			
2	ASSAULT AGGRAVATED	FIRST OFFENDER █████	* Twenty (20) Years. * HOWEVER it is further ordered by the court: THAT upon serving Nine (9) Years of COUNT 2, the remainder of Eleven (11) Years may be served on probation.		
3	ASSAULT AGGRAVATED	NOLLE PROSSED			
4	ASSAULT AGGRAVATED	NOLLE PROSSED			

The Defendant is adjudged guilty or sentenced under First Offender/Conditional Discharge for the above-stated offense(s); the Court sentences the Defendant to confinement in such institution as the Commissioner of the State Department of Correction may direct, with the period of confinement to be computed as provided by law.

Sentence Summary: The Defendant is sentenced for a total of Twenty (20) Years, with the first Nine (9) Years to be served in confinement and the remainder to be served on probation.

The Defendant is to receive credit for time served in custody: as determined by the custodian.

1. Upon service of Nine (9) Years, the remainder of the sentence may be served on probation; PROVIDED, that the Defendant shall comply with the Conditions of Probation imposed by the Court as part of this sentence.

AP 5/16/14

Scm

GENERAL CONDITIONS OF PROBATION

The Defendant is subject to arrest for any violation of probation. If probation is revoked, the Court may order incarceration. The Defendant shall comply with the following General Conditions of Probation: 1) Do not violate the criminal laws of any governmental unit and be of general good behavior. 2) Avoid injurious and vicious habits. 3) Avoid person or places of disreputable or harmful character. 4) Report to the Probation Officer as directed and permit the Probation Officer to visit you at home or elsewhere. 5) Work faithfully at suitable employment insofar as may be possible. 6) Do not change your place of abode, move outside the jurisdiction of the Court, or leave Georgia without permission of the Probation Officer. If permitted to move or travel to another state, you agree to waive extradition from any jurisdiction where you may be found and not contest any effort by any jurisdiction to return you to this State. 7) Support your legal dependents to the best of your ability. 8) When directed, in the discretion of the Probation Officer: (a) submit to evaluation and testing relating to rehabilitation and participate in and successfully complete rehabilitative programming; (b) wear a device capable of tracking location by means including electronic surveillance or global positioning satellite systems; (c) complete a residential or nonresidential program for substance abuse or mental health treatment; and/or (d) agree to the imposition of graduated sanctions as defined by law. 9) Make restitution as ordered by the Court.

FINE SURCHARGES or ADD-ONS: The Court assesses all fine surcharges or add-ons as required by the laws of the State of Georgia and as are applicable to offense(s) for which the Defendant has been convicted.

- 1) The Court orders that: the Defendant shall pay the probation supervision fee as required by law.
- 2) If counsel was provided under the Georgia Indigent Defense Act: the Defendant shall pay the \$50 Public Defender Application Fee.
- 3) The Defendant shall pay the Crime Lab Fee Fee as required by law.

SPECIAL CONDITIONS OF PROBATION

The Defendant is advised that violation of any Condition of Probation may subject the Defendant to a revocation of probation and the Court may require the Defendant to serve up to the balance of the sentence in confinement. The Defendant shall comply with all Special Conditions of Probation: as designated on the attached Inventory of Conditions of Probation.

FIRST OFFENDER OR CONDITIONAL DISCHARGE

The Defendant consenting hereto, it is the judgment of the Court that no judgement of guilt be imposed at this time but that further proceedings are deferred and the Defendant is hereby sentenced to confinement at such institution as the Commissioner of the State Department of Corrections or the Court may direct, with period of confinement to be computed as provided by law.

Upon violation of the terms of probation, upon conviction for another crime during the period of probation, or upon the Court's determination that the defendant is or was not eligible for sentencing under the First Offender Act or for Conditional Discharge, the Court may enter an adjudication of guilt and proceed to sentence the Defendant to the maximum sentence as provided by law.

Upon fulfillment of the terms of this sentence, or upon release of the Defendant by the Court prior to the termination of this sentence, the Defendant shall stand discharged of said offense without court adjudication of guilt and shall be completely exonerated of guilt of said offense charged.

For Court's Use:

OTHER CONDITIONS OF PROBATION

IT IS FURTHER ORDERED, that the defendant pay FINES and RESTITUTION of:

Count 2	\$	100.00	Court Costs
PLUS	\$	10.00	POPIDF-A
PLUS	\$	10.00	POPIDF-B
PLUS	\$	10.00	JCSA Surcharge
PLUS	\$	5.00	LVAf-Victim's Assistance
PLUS	\$	50.00	Crime Lab
PLUS	\$	23.00	Monthly Probation Fee
PLUS	\$	9.00	Monthly Probation GCVEF

FILED IN OPEN COURT

MAY 15 2014

Judge Deborah C. Benefield

The Defendant shall pay a \$50.00 application fee for appointed counsel as provided by law.

Payments are to be paid to Georgia Department of Corrections, P.O. Box 405701, Atlanta, GA 30384-5701 or through any Western Union or JPay Money Transfer at a rate of \$ 25.00 per month beginning within 30 days after release from custody, but within one-half of sentence.

Monthly probation fee and GCVEF fee to be paid thru assigned probation office for term of probation beginning 30 days after release from custody.

All court costs, extradition costs, or costs of apprehension related to a violation of probation by defendant will be assessed against defendant.

The Defendant is to report to the State Probation Office in Clayton County within 72 hours of release.

The Hon. ASHLEY J. PALMER, Attorney at Law, represented the Defendant by: appointment.

SO ORDERED this 15th day of May, 2014.



Deborah C. Benefield
Judge of Superior Court
Clayton Judicial Circuit

FIREARMS - If you are convicted of a crime punishable by imprisonment for a term exceeding one year, or of a misdemeanor crime of domestic violence where you are or were a spouse, intimate partner, parent, or guardian of the victim, or are or were involved in another similar relationship with the victim, it is unlawful for you to possess or purchase a firearm including a rifle, pistol, or revolver, or ammunition, pursuant to federal law under 18 U.S.C. § 922(g)(9) and/or applicable state law.

Acknowledgement: I have read the terms of this sentence and had them read and explained to me. If all or any part of this sentence is probated I certify that I understand the meaning of the order of probation and the conditions of probation. I understand that violation of a special condition of probation could result in revocation of all time remaining on the period of probation.



Defendant

FILED IN OPEN COURT

MAY 15 2014

Judge Deborah C. Benefield

SC-6.5 Final Disposition Continuation of Sentence

IN THE SUPERIOR COURT OF CLAYTON COUNTY, STATE OF GEORGIA

STATE OF GEORGIA versus

BRANDON LEE COBB

CRIMINAL ACTION #: 2013CR01132-06

**Final Disposition:
CONTINUATION OF SENTENCE**

May Term of 2014

The Court enters the following judgment:

Count	Charge (as indicted or accused)	Disposition (Guilty, not Guilty, Guilty-Alford, Guilty- Lesser Incl, Nolo, Nol Pros, Dead Docket)	Sentence	Fine	Concurrent/ Consecutive, Merged, Suspended
5	ASSAULT AGGRAVATED	NOT GLTY VERDICT JURY			
6	ASSAULT AGGRAVATED: Reduced to LESSER INCLUDED OFFENSE OF RECKLESS CONDUCT	FIRST OFFENDER ██████	* Twelve (12) Months. TIME TO BE SERVED.		* Concurrent with count(s) 2
7	ASSAULT AGGRAVATED	NOT GLTY VERDICT JURY			
8	LEAVING SCENE OF ACCIDENT	GUILTY VERDICT-JURY	* Twelve (12) Months. TIME TO BE SERVED.		* Concurrent with count(s) 2 * Consecutive to count(s) 6

SO ORDERED this 15th day of May, 2014.



Deborah C. Benefield
Judge of Superior Court
Clayton Judicial Circuit

FILED IN OPEN COURT

MAY 15 2014

Judge Deborah C. Benefield

INVENTORY OF SPECIAL CONDITIONS OF PROBATION

These conditions are hereby incorporated into the Defendant's sentence by reference. The Defendant is advised that violation of any Special Condition of Probation may subject the Defendant to a revocation of the balance of the period of probation and the Defendant may be required to serve up to the balance of the sentence in confinement. (Judge to designate conditions to be applied.)

Other special condition(s).

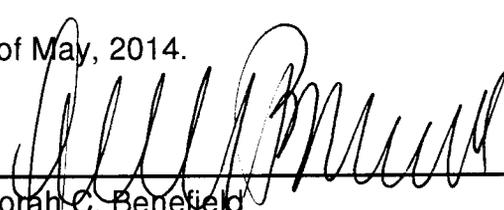
The Defendant shall abide by the following additional special condition(s): defendant must maintain full-time employment and show proof to the probation officer.

the defendant is not to have any contact with victim, victim's family, direct or indirect.

the defendant shall stay away from incident location.

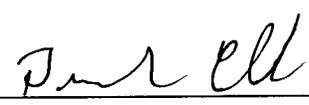
the defendant shall be required to report in person to the probation office no less than one time per month.

SO ORDERED this 15th day of May, 2014.



Deborah C. Benefield
Judge of Superior Court
Clayton Judicial Circuit

Acknowledgment: I have read the terms of this document or had them read and explained to me. I understand that violation of a special condition of probation could result in revocation of all time remaining on the period of probation.



Defendant

FILED IN OPEN COURT

MAY 15 2014

Judge Deborah C. Benefield

IN THE SUPERIOR COURT OF CLAYTON COUNTY

STATE OF GEORGIA

STATE OF GEORGIA

CASE NO. 2013CR01132-6

VS.

BRANDON LEE COBB

Defendant

FILED IN OPEN COURT

MAY 15 2014

Judge Deborah C. Benefield

VERDICT FORM

I. We, the Jury, find the defendant (not guilty) (guilty) of Count I, Aggravated Assault.
(a deadly weapon)

II. We, the Jury, find the defendant (not guilty) (guilty) of Count II, Aggravated Assault.
(discharging a firearm from a motor vehicle)

Rosmia S. Meeks
Jury Foreperson

05-15-14
Date

Case 1:13-cr-00285-WMR Document 34-1 Filed 08/20/19 Page 16 of 22

In the Superior Court of Clayton County

Final Disposition

November Term, 2013

Criminal Action No. 2013CR01132-06

STATE OF GEORGIA vs. BRANDON LEE COBB

COUNT 5	ASSAULT AGGRAVATED	NOT GLTY VERDICT JURY
COUNT 6	ASSAULT AGGRAVATED	GUILTY VERDICT-JURY
	Reduced to LESSER INCLUDED OFFENSE OF RECKLESS CONDUCT	
COUNT 7	ASSAULT AGGRAVATED	NOT GLTY VERDICT JURY
COUNT 8	LEAVING SCENE OF ACCIDENT	GUILTY VERDICT-JURY

THE FOLLOWING COUNTS ARE HEREBY NOLLE PROSSED:

COUNT 3	ASSAULT AGGRAVATED
COUNT 4	ASSAULT AGGRAVATED

THIS IS A MISDEMEANOR SENTENCE

WHEREAS, the above named defendant being before the bar of this Court and showing no reason why the sentence of the Court should not be pronounced, it is hereby ordered and adjudged that the defendant is sentenced to confinement in the Clayton County Jail or such other place as the County may provide for maintenance of county inmates:

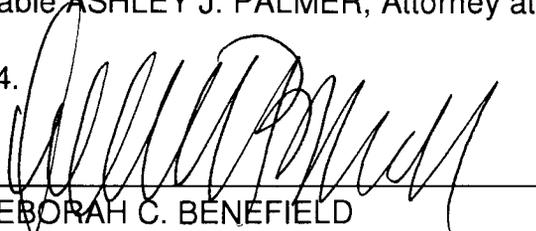
COUNT 6 Twelve (12) Months. TIME TO BE SERVED.

COUNT 8 Twelve (12) Months. TIME TO BE SERVED.

Consecutive to count(s) 6

The defendant was represented by the Honorable ASHLEY J. PALMER, Attorney at Law.

SO ORDERED, this 24th day of January, 2014.


DEBORAH C. BENEFIELD
Judge, Superior Court
Clayton Judicial Circuit

FILED IN OPEN COURT

JAN 24 2014

Judge Deborah C. Benefield

12:06pm

IN THE SUPERIOR COURT OF CLAYTON COUNTY

STATE OF GEORGIA

STATE OF GEORGIA

CASE NO. 2013CR01132-6

VS.

FILED IN OPEN COURT

BRANDON LEE COBB

JAN 17 2014

Defendant

Judge Deborah C. Benefield

VERDICT FORM

I. We, the Jury, find the defendant ~~(not guilty)~~ (guilty) of **Count I, Aggravated Assault.**
(a deadly weapon) (Sarah Phipps)

II. We, the Jury, find the defendant ~~(not guilty)~~ (guilty) of **Count II, Aggravated Assault.**
(discharging a firearm from a motor vehicle) (██████████)

III. We, the Jury, find the defendant ~~(not guilty)~~ (guilty) of **Count III, Aggravated Assault.**
(a motor vehicle) (██████████)

IV. We, the Jury, find the defendant ~~(not guilty)~~ (guilty) of **Count IV, Aggravated Assault.**
(a motor vehicle) (██████████)

OR,

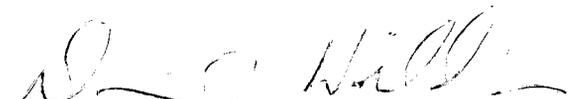
We, the Jury, find the defendant ~~(not guilty)~~ (guilty) of the lesser included offense of **Reckless Conduct.**

Gen

Verdict form
State v. Cobb, 2013CR01132-6
Page Two

V. We, the Jury, find the defendant (not guilty) **(guilty)** of **Count V, Aggravated Assault.**
(discharging a firearm from a motor vehicle) [REDACTED]

VI. We, the Jury, find the defendant **(not guilty)** (guilty) of **Count VI, Leaving the Scene of
an Accident.**



Jury Foreperson

1-17-14

Date

STATE OF GEORGIA, COUNTY OF CLAYTON

IN THE SUPERIOR COURT OF SAID COUNTY

The GRAND JURORS selected, chosen and sworn for the County of Clayton, to-wit:

- | | |
|--------------------------------------|--|
| 1. TRAVIS LAWADE VINSON - Foreperson | 14. JERRY W. WILSON |
| 2. MELANIE R. POWERS | 15. KAYE S. CRUMBLY |
| 3. HERBERT ADAMS, JR. | 16. ARTHUR LOWELL PUGH, JR. |
| 4. EMILY LYNN GUY | 17. AMANDA NICOLE FOREST |
| 5. M.E. HUTCHINSON | 18. CARLITA BAILEY TOWNS |
| 6. H.D. MOODY | 19. TONYA REED WILLIAMS |
| 7. MORRIS HUFFMAN | 20. CHERYL SNEAD FLOYD |
| 8. JIMMY NORRIS DALTON | 21. SANDY E. ROBINSON BATTLE |
| 9. SHEILA CHANTAY ROBINSON | 22. MONICA FAYE DAVENPORT |
| 10. AVERY DELANO WILSON | 23. YOSHIKO V. STILL |
| 11. ZACHARY JAMES MANN | 24. BARBARA L. MARTIN, ALT. |
| 12. BRENT EQUAN MARTIN | 25. LATOSHA JAQUETTA MILLER, ALT. |
| 13. JEREMY TRAVIS CRUTCHFIELD | 26. DEANDERA TAYUN WATSON, ALT. |

in the name and behalf of the citizens of Georgia, charge and accuse BRANDON LEE COBB with the offense of AGGRAVATED ASSAULT for that the said accused in the County of Clayton and State of Georgia, on or about the 22nd day of July, 2012, did make an assault upon the person of [REDACTED] with a deadly weapon, to wit: a certain firearm, by shooting said victim,

Count II

And the Grand Jurors aforesaid, on their oaths aforesaid in the name and behalf of the citizens of Georgia, charge and accuse BRANDON LEE COBB with the offense of AGGRAVATED ASSAULT for that the said accused in the County of Clayton and State of Georgia, on or about the 22nd day of July, 2012, did make an assault upon [REDACTED] by discharging, without legal justification, a firearm from within a motor vehicle toward the direction of said person,

Count III

And the Grand Jurors aforesaid, on their oaths aforesaid in the name and behalf of the citizens of Georgia, charge and accuse BRANDON LEE COBB with the offense of AGGRAVATED ASSAULT for that the said accused in the County of Clayton and State of Georgia, on or about the 22nd day of July, 2012, did make an assault upon the person of [REDACTED] with a deadly weapon, to wit: a certain firearm, by shooting said victim,

Count IV

And the Grand Jurors aforesaid, on their oaths aforesaid in the name and behalf of the citizens of Georgia, charge and accuse BRANDON LEE COBB with the offense of AGGRAVATED ASSAULT for that the said accused in the County of Clayton and State of Georgia, on or about the 22nd day of July, 2012, did make an assault upon [REDACTED] by discharging, without legal justification, a firearm from within a motor vehicle toward the direction of said person,

Count V

And the Grand Jurors aforesaid, on their oaths aforesaid in the name and behalf of the citizens of Georgia, charge and accuse BRANDON LEE COBB with the offense of AGGRAVATED ASSAULT for that the said accused in the County of Clayton and State of Georgia, on or about the 22nd day of July, 2012, did make an assault upon the person of [REDACTED] with a Chevrolet Blazer, a motor vehicle, an object which when used offensively against a person is likely to result in serious bodily injury by driving said vehicle in the direction of said victim,

Count VI

And the Grand Jurors aforesaid, on their oaths aforesaid in the name and behalf of the citizens of Georgia, charge and accuse BRANDON LEE COBB with the offense of AGGRAVATED ASSAULT for that the said accused in the County of Clayton and State of Georgia, on or about the 22nd day of July, 2012, did make an assault upon the person of [REDACTED] with Chevrolet Blazer, a motor vehicle which when used offensively against a person is likely to result in serious bodily injury by driving said vehicle in the direction of said victim,

Count VII

And the Grand Jurors aforesaid, on their oaths aforesaid in the name and behalf of the citizens of Georgia, charge and accuse BRANDON LEE COBB with the offense of AGGRAVATED ASSAULT for that the said accused in the County of Clayton and State of Georgia, on or about the 22nd day of July, 2012, did make an assault upon [REDACTED] by discharging, without legal justification, a firearm from within a motor vehicle toward the direction of said person,

Count VIII

And the Grand Jurors aforesaid, on their oaths aforesaid in the name and behalf of the citizens of Georgia, charge and accuse BRANDON LEE COBB with the offense of LEAVING THE SCENE OF AN ACCIDENT for that the said accused in the County of Clayton and State of Georgia, on or about the 22nd day of July, 2012, being the driver of a vehicle on Independence Drive, a public road, which was involved in an accident resulting in damage to a vehicle attended by [REDACTED] did knowingly fail to immediately stop his vehicle as close to the scene of the accident as possible and return to the scene of the accident as required by code section 40-6-270 of the official Code of Georgia,

*contrary to the laws of said State, the good order, peace and dignity thereof, TRACY GRAHAM-LAWSON
District Attorney, Clayton Superior Court, May Term, 2013.*

RETURNED IN OPEN COURT

CLAYTON SUPERIOR COURT

May Term, 2013

THE STATE

versus

BRANDON LEE COBB

FILED
CLAYTON CO., GA

2013 JUN -5 PM 2: 28

JACQUELINE B. WILLS
CLERK SUPERIOR COURT # 1622347

Tracy Bill
[Signature], Foreperson

States Witnesses:
ISAAC DANIEL PAYNE

The defendant BRANDON Lee Cobb
waives copy of indictment, list of witnesses, full panel,
formal arraignment and pleads NOT Guilty.

This 2 day of July, 2013

[Signature]
cm (Assistant) District Attorney

[Signature]
Defendant

[Signature] 603514
Defendant's Attorney BAR#

MJS

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JERRY COEN, et al., etc.,

Plaintiffs,

v.

GEORGIA DEPARTMENT OF COM-
MUNITY SUPERVISION, et al., etc.,

Defendants.

CIVIL ACTION NO.

1:19-cv-03285-WMR

DECLARATION OF RICHARD MAYS

1. I, Richard Mays, offer this declaration for the Court's consideration on Plaintiffs' motion for preliminary injunction and for all other purposes allowed by law. All statements in this declaration are within my personal knowledge.
2. During 7/1/2016 through the present, I have been employed by the Georgia Department of Community Supervision (DCS) as a Community Supervision Officer. Before then, I was employed as Juvenile Probation Specialist by Department of Juvenile Justice.
3. I have received the following training in supervising probationers and parolees:

De-escalation: Options for Gaining Compliance - 13February2019

Use of Force - 4March2019

Drug Identification - 11March2019

Mental and Emotional Wellness / Suicide Prevention: 13March2019

Fostering Positive Community Relations: 18March2019

Sexual Harassment - 30April2019_

4. In my employment since 7/1/2016, I have supervised probationers and parolees in order to monitor and facilitate their compliance with the probation conditions of their criminal sentences and the conditions of their parole.
5. My supervision of probationers and parolees requires me to perform the following duties. I only supervise High and Standard contact offenders. The High offender I am required to see (1) once every month and the contact would consist of a Residence verification, inquire about employment (if working confirm employment, if not working then inquire about steps to gain employment and may exchange information on employers that are hiring in the area), Inform the offender of the amount of his restitution/fines that they may still owe. Answer any questions that the offender may have at that time, inquire about any contact with law enforcement, use of drugs or alcohol.

Standard Offender are required to be seen every 60 - 90 days.

6. My supervision duties may differ depending on the crimes for which probationers and parolees have been convicted.
7. All supervisees or offenders are assigned a level of supervision. From the highest level to the lowest, they are: Specialized, High, Standard (contact), and Standard (administrative). The level of supervision governs the scope and intensity of supervision. For example, some levels require more frequent contact by the DCS Community Supervision Officer with the offender.
8. In the course of my career, I have supervised approximately 586 probationers and approximately 67 parolees. This has included no persons on the Georgia Sex Offenders Registry.
9. The documents referred to in, and attached to, this declaration are true and accurate copies of official records created or received by DCS. These records are maintained in the regular course of business and it is the regular and routine practice for DCS to maintain these records. The entries in these records were made at or near the time of the events to which they refer and were made by, or from information transmitted by, persons with knowledge. All documents referred to in, or attached to this declaration, were in effect at the times they indicate or, if no time is indicated, have been in effect during July 1, 2015 through the present. As an employee of DCS, I am familiar

with the manner in which these records are created and maintained and have access to these records.

10. During my career, I have supervised only one probationer or parolee who have identified themselves as having hearing impairment.

11. Georgia Relay is a free service available to all persons with hearing or speech problems. It is available to DCS officers and hearing impaired supervisees. The services offered by Georgia Relay are described at <https://georgiarelay.org/>. It is available free 24/7 by calling 7-1-1.

12. I understand that the Sorenson Video Relay Service (see <https://www.sorensonvrs.com/svrs>) is also available to assist in communicating with hearing impaired probationers and parolees. My understanding is that this service is paid for by the government and is provided under the Telecommunications Relay Service fund (see <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>).

13. If a probationer or parolee identifies himself or herself as having hearing impairment, I and other DCS Community Supervision Officers can engage any of the services offered by Georgia Relay or the Telecommunications Relay Service fund to facilitate communications. We can also engage a qualified American Sign Language (ASL) interpreter through DCS.

14.I myself have used NotePads and a Text-only phone to communicate with DCS supervisees.

15.I have supervised Plaintiff Jerry Coen during 10/31/2018 through the present. He is on probation currently and has been on probation since 2/19/2017. Coen is under a criminal sentence entered in 2008 by the Superior Court of Glynn County, Georgia for false imprisonment and burglary. (Attachment 1).

16.Coen has not been charged with any probation violations while I have supervised him. And I am not aware of any issues regarding his compliance with the terms of his probation.

17.DCS Community Supervision Officers have been able effectively to communicate with Coen in writing. He has responded to postcards and mailings notifying him to appear at the DCS office by appearing as instructed. He has not asked for an ASL interpreter. Coen was assigned to unsupervised status May 23, 2019 and DCS has not had contact with him since then.

18.I do not believe I have had problems in communicating effectively with Coen.

19.If I have difficulty effectively communicating with Coen in the future, I will engage a qualified live interpreter, Sorenson, or one or more of the services

provided by Georgia Relay or under the Telecommunications Relay Service fund.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

This the 28 day of August, 2019.



Richard Mays

IN THE SUPERIOR COURT OF GLYNN COUNTY, GEORGIA
FINAL DISPOSITION

STATE OF GEORGIA
VS

CRIMINAL ACTION NO. CR0800040-063
OFFENSE(S): FALSE IMPRISONMENT, COUNT
2; BURGLARY, COUNT 3

JERRY COEN, DEFENDANT

SEPTEMBER TERM, 2007

OFFENDER TRACKING NUMBER _____

<input checked="" type="checkbox"/> PLEA:	<input type="checkbox"/> VERDICT:	<input type="checkbox"/> OTHER DISPOSITION
<input checked="" type="checkbox"/> NEGOTIATED	<input type="checkbox"/> JURY	<input checked="" type="checkbox"/> NOLLE PROSEQUI ORDER
<input checked="" type="checkbox"/> GUILTY ON CT. 2, 5	<input type="checkbox"/> NON JURY	COUNT(S) <u>14</u>
<input type="checkbox"/> NOLO CONTENDERE ON	<input type="checkbox"/> NOT GUILTY ON	<input type="checkbox"/> DEAD DOCKET ORDER
COUNT(S) _____	COUNT(S) _____	COUNT(S) _____
<input type="checkbox"/> TO LESSER INCLUDED	<input type="checkbox"/> GUILTY OF INCLUDED	
OFFENSE(S) _____	OFFENSE(S) _____	
	ON COUNT(S) _____ (SEE SEPARATE ORDER)	

DEFENDANT WAS ADVISED OF HIS/HER RIGHT TO HAVE THIS SENTENCE REVIEWED BY THE SUPERIOR COURT'S SENTENCE PANEL

FILED
 GLYNN CO. CLERK'S OFFICE
 APR 29 2008
 SUPERIOR COURT

FELONY SENTENCE

MISDEMEANOR SENTENCE

WHEREAS, the above named defendant has been found guilty of the above-stated offense, WHEREUPON, it is ordered and adjudged by the Court that: The said defendant is hereby sentenced to confinement for a period of TEN (10) YEARS COUNT 2; FIFTEEN YEARS COUNT 3 CONCURRENT in the State Prison System or such other institution as the Commissioner of the Georgia Department of Corrections may direct, to be computed as provided by law. HOWEVER, it is further ordered by the Court:

- 1) THAT THE ABOVE SENTENCE MAY BE SERVED ON PROBATION
- 2) THAT upon service of FIVE (5) YEARS of the above sentence, the remainder of TEN (10) YEARS may be served on probation PROVIDED that the said defendant complies with the following general and other conditions herein imposed by the Court as a part of this sentence.

GENERAL CONDITIONS OF PROBATION

The defendant, having been granted the privilege of serving all or part of the above-stated sentence on probation, hereby is sentenced on probation, hereby is sentenced to the following general conditions of probation:

- 1) Do not violate the criminal laws of any governmental unit.
- 2) Avoid injurious and vicious habits - especially alcoholic intoxication and narcotics and other dangerous drugs unless prescribed lawfully.
- 3) Avoid persons or places of disreputable or harmful character.
- 4) Report to the Probation Officer as directed and permit such Officer to visit him (her) at home or elsewhere.
- 5) Work faithfully at suitable employment insofar as may be possible.
- 6) Do not change his (her) present place of abode, move outside the jurisdiction of the Court, or leave the State for any period of time without prior Permission of the Probation Supervisor.
- 7) Support his (her) legal dependants to the best of his (her) ability.
- 8) Defendant is required to submit to random drug/alcohol screens at the discretion of the Probation Office.
- 9) Submit to evaluations and testing relating to the rehabilitation and participate in and successfully complete rehabilitative programming as directed by the department.
- 10) Defendant shall pay \$23 per month probation supervisory fee beginning UPON RELEASE and each month thereafter for as long as Defendant remains under the supervision of the Georgia Department of Corrections.
- 10a) Defendant shall pay \$9.00 per month GA Crime Victims Emergency Fund Fee beginning UPON RELEASE and each month thereafter for as long as Defendant remains under the supervision of the Georgia Department of Corrections.
- 11) Defendant shall work -0- Hours Community Service at the direction of the Probation Officer.

SPECIAL CONDITIONS OF PROBATION

IT IS FURTHER ORDERED that the defendant pay fine, fees, costs and restitution as follows:

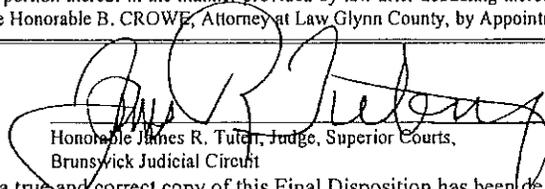
COUNT	FINE	POTF	GA.IDCF	GBI CRIME	JAIL COST	VAP FEE	ATTY. FEE	DRUG FEE	REST.	DUI/SI
CT. 2, 3	\$-0-	\$-0-	\$-0-	\$-0-	\$-0-	\$-0-	\$-0-	\$-0-	\$-0-	\$-0-

Payments are: \$-0- per month (not including fee) beginning one month after release To State Probation Office, P.O. Box 178, Brunswick, GA 31521 and each month thereafter until paid in full.

OTHER CONDITIONS: DEFENDANT CONSENTS TO REVOCATION ON CR-0600342-063. PLEA ENTERED UNDER O.C.G.A. SECTION 17-10-7-c (Georgia Recidivist Statute).

IT IS THE FURTHER ORDER of the Court, and the defendant is hereby advised that the Court may at any time, revoke any condition of this probation and/or discharge the defendant from probation. The probationer shall be subject to arrest for violation of any condition of probation herein granted. If such probation is revoked, the Court may order the execution of the sentence which was originally imposed or any portion thereof in the manner provided by law after deducting therefrom the amount of time the defendant has served on probation. The defendant was represented by the Honorable B. CROWE, Attorney at Law Glynn County, by Appointment/Employment.

SO ORDERED, this 29th day of February, 2008.


Honorable James R. Tuttle, Judge, Superior Courts,
Brunswick Judicial Circuit

Certificate of Service - This is to certify and acknowledge that a true and correct copy of this Final Disposition has been delivered in person and the defendant has been duly instructed regarding the conditions as set forth.

This _____ Day of _____ 20 _____

JOHN V. CREW, Probation Officer
Prepared by Jfrey 3/6/2008

Jerry Coen, Defendant

IN THE SUPERIOR COURT OF GLYNN COUNTY
STATE OF GEORGIA

THE STATE)

vs.)

Jerry Cohen AKA
Jerry Cohen

CASE NUMBER: CR-2007-40063

OFFENSE: CP2 False Imprisonment

~~Aggravated Assault~~

Tried/Heard at September Term, 2007, plea of guilty:

WHEREUPON, the defendant being before the Bar of this Court and showing no reason why the sentence of the Court should not be pronounced: It is considered, ordered and adjudged by the Court, that you, Jerry Cohen AKA Cohen the defendant in the above stated case, be taken from the Bar of this Court to the Jail of said County where you shall be safely kept until demanded by a guard to be sent from the authorities of this State for the purpose of conveying you to the Penitentiary or such other place as the Director of the Department of Corrections of this State may direct, and be punished by confinement and labor in said Penitentiary, or such other place or places as may be directed as aforesaid by the Director of the Department of Corrections, for TEN YEARS years to be computed from this date, provided you remain in jail and do not file any motion or other proceeding to interfere with the operation of this sentence: in case any such motion or other proceeding is filed and you remain in jail pending the same, this sentence shall be computed from the time you return to custody after a final disposition of all pending matters affecting the execution of this sentence.

This sentence is imposed upon the defendant as a repeat offender under O.C.G.A. Section 17-10-7(c), and shall run concurrent with Court 3.

It is further ordered, that the Clerk of this Court notify the Director of the Department of Corrections at Atlanta, Georgia of your conviction and sentence as required by law.

In open Court, this 29th day of February, 2008


Judge, Superior Court
Brunswick Judicial Circuit

NOTE: This was/was not a negotiated plea.

Filed in Open Court this
29th day of February 2008
Stephanie Hedger dep.
Clerk, Superior Court
Glynn County, Georgia

IN THE SUPERIOR COURT OF GLYNN COUNTY
STATE OF GEORGIA

THE STATE OF GEORGIA)

VS.)

Jerry Cohen aka Jerry Cohen)

Case Number: Ch-0900040-063

Offense: 4.3 Burglary

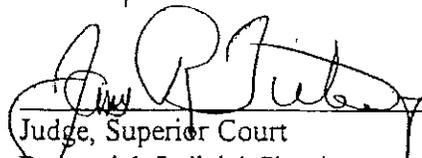
Tried/Heard at September Term, 2007, PLEA of guilty:

WHEREUPON, the defendant being before the Bar of this Court and showing no reason why the sentence of the Court should not be pronounced: It is considered, ordered and adjudged by the Court, that you, Jerry Cohen, aka Cohen, the defendant in the above stated case, be taken from the Bar of this Court to the Jail of said County where you shall be safely kept until demanded by a guard to be sent from the authorities of this State for the purpose of conveying you to the Penitentiary or such other place as the Director of the Department of Corrections of this State may direct, and be punished by confinement and labor in said Penitentiary, or other place or places as may be directed as aforesaid by the Director of the Department of Corrections, for fifteen (15) years, to be computed from this date, provided you remain in jail and do not file any motion or other proceeding and you remain in jail pending the same, this sentence shall be computed from the time you return to custody after a final disposition of all pending matters affecting the execution of this sentence.

It is specifically ordered that after serving the first ten (10) years in custody, the remaining five (5) years shall be served on probation.

It is further ordered, that the Clerk of this Court notify the Director of the Department of Corrections at Atlanta, Georgia, of your conviction and sentence as required by law. This sentence is imposed upon the defendant as a repeat offender under O.C.G.A. Section 17-10-7(c).

In open Court, this 29th day of February, 2008.



Judge, Superior Court
Brunswick Judicial Circuit

Filed in Open Court this
29th day of February, 2008
Stephanie Hedges
Clerk, Superior Court
Glynn County, Georgia

NOTE: This was / ~~was not~~ a negotiated plea.



GEORGIA DEPARTMENT OF CORRECTIONS
Brunswick Probation Office

Splitt

DATE: 02/29/08

JUDGE

COURT: SUPERIOR

COUNTY:

Camden
Applying Wayne
Jeff Davis

E.M. Wilkes III
A. Blenn Taylor
Robert L. Scoggin
James R. Tuten
Amanda F. Williams
Stephen G. Scarlett

PUBLIC DEFENDER
Hired Appt.

SOLICITOR/D.A. J.W. Miller
DEFENSE ATTY. R. Crowe

VERDICT: Jury (Non Jury)
Negotiated Plea: Yes No

DEPENDANT: Jerry Coen
ADDRESS: _____
TELEPHONE: _____
EMPLOYER: _____
SOC. SEC. #: _____
OTN# _____ RS CP DOB: _____

DOCKET NO.	OFFENSE	SENTENCE	FINE	SURCHARGE (P.O.T)	COSTS	FEE	REST.	OTHER	GU I L T	N O	F.O.A. NO	YE
<u>0800040-063</u>	<u>False Impersonation</u>	<u>10 serve</u>							<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<u>violate d.t. 2</u>								<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<u>Burglary d.t. 3</u>	<u>15 serve 10, 5 probated</u>							<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SPECIAL CONDITIONS: Conceded to revocation on CR.0600342-063. Plea entered under OCGA, Ga. Rev. Code Stat. 17-10-7(c).

DIVERSION CENTER: _____ TREATMENT CENTER: _____ COMMUNITY SERVICE: _____ ARREST DATE: _____
ALCOHOL/DRUG/MENTAL HEALTH EVAL/TREATMENT _____ ADULT EDUCATION (G.E.D.) _____ OFFENSE DATE: _____
PROBATION DETENTION: _____ Taken From Court By: SW
REPORT IMMEDIATELY to the State Probation Office, 1729 Norwich Street, Brunswick, Georgia
Phone: 912-262-3065 Date: _____ AT _____ M
YOUR FAILURE TO REPORT TO THE PROBATION OFFICE AS INSTRUCTED WILL RESULT IN A WARRANT BEING ISSUED FOR YOUR ARREST.

IN THE UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF GEORGIA
 ATLANTA DIVISION

BRANDON COBB, et al., etc.,

Plaintiffs,

v.

GEORGIA DEPARTMENT OF COM-
 MUNITY SUPERVISION, et al., etc.,

Defendants.

CIVIL ACTION NO.

1:19-cv-03285-WMR

DECLARATION OF CODY FRANKLIN

1. I, Cody Franklin, offer this declaration for the Court’s consideration on Plaintiffs’ motion for preliminary injunction and for all other purposes allowed by law. All statements in this declaration are within my personal knowledge.
2. During July 2015 through the present, I have been employed by the Georgia Department of Community Supervision (DCS) as Community Supervision Officer III (CSO). Before then, I was employed as a Probation Officer by the Georgia Department Of Corrections Probation Division.
3. I have received the following training in supervising probationers and parolees:

Places	Subject Matter	Date
GEORGIA DEPT OF COMMUNITY SUPERVISION	DBM03G HUMAN TRAFFICKING (DCS)	08/13/19

GEORGIA DEPT OF COMMUNITY SUPERVISION	ILF01G SEXUAL HARASSMENT	04/25/19
GEORGIA CORRECTIONS ACADEMY TIFT COLLEGE	NBS13G SEX OFFENDER MANAGEMENT	04/10/19
DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY	IDO00D OLEORESIN CAPSICUM	04/02/19
DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY	IDG12G TASER UPDATE	04/02/19
DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY	UFM01F BACK-UP WEAPON QUALIFICATION	03/11/19
DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY	UFR00F FIREARMS REQUALIFICATIONS	03/11/19
GEORGIA DEPT OF COMMUNITY SUPERVISION	DYE00G CULTURAL AWARENESS (Gov. Initiative)	02/28/19
GEORGIA DEPT OF COMMUNITY SUPERVISION	DDU04G Use of Force - 2 Hr. Version (DCS)	02/28/19
DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY	INP04G DEPT OF COMM SUPV ANNUAL IN- SERVICE	02/19/19
GEORGIA DEPT OF COMMUNITY SUPERVISION	DYM05G DE-ESCALATION OPTIONS FOR GAINING COMPLIANCE (GPSTC)	02/12/19
DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY	IQM33G Enhanced Supervision Program - Peer Coach Training (DCS)	01/16/19
DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY	INP04G DEPT OF COMM SUPV ANNUAL IN- SERVICE	10/17/18
DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY	SIF05F FIREARMS INSTRUCTOR TRAINING	09/28/18
DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY	IBS09G SEX OFFENDER MANAGEMENT	09/10/18
DEPARTMENT OF COMMUNITY SUPERVISION	NOG95G GA PROFESSIONAL ASSOC OF COMMUNITY SUPERVISION (GPACS)	08/31/18

ACADEMY		
DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY	NOG95G GA PROFESSIONAL ASSOC OF COMMUNITY SUPERVISION (GPACS)	08/30/18
DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY	NOG95G GA PROFESSIONAL ASSOC OF COMMUNITY SUPERVISION (GPACS)	08/30/18
DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY	NOG95G GA PROFESSIONAL ASSOC OF COMMUNITY SUPERVISION (GPACS)	08/30/18
DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY	NOG95G GA PROFESSIONAL ASSOC OF COMMUNITY SUPERVISION (GPACS)	08/29/18
DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY	SII01G INSTRUCTOR TRAINING COURSE	08/24/18
GEORGIA DEPT OF COMMUNITY SUPERVISION	DDU02G USE OF FORCE (DCS ONLINE)	06/11/18
DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY	IDG12G TASER UPDATE	05/01/18
DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY	UFR00F FIREARMS REQUALIFICATIONS	05/01/18
GEORGIA DEPT OF COMMUNITY SUPERVISION	DYE00G CULTURAL AWARENESS (Gov. Initiative)	04/30/18
DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY	IDA02D EXPANDABLE BATON INSERVICE	03/21/18
GPSTC ACADEMY	DCD02G ELDER ABUSE (GPSTC ONLINE)	03/19/18
GEORGIA DEPT OF COMMUNITY SUPERVISION	DYM05G DE-ESCALATION OPTIONS FOR GAINING COMPLIANCE (GPSTC)	03/19/18
GEORGIA DEPT OF COMMUNITY SUPERVISION	DXM01G Medication Assisted Treatment - Alternatives in Battling the Opioid Epidemic	03/19/18
GEORGIA DEPT OF COMMUNITY SUPERVISION	INP04G DEPT OF COMM SUPV ANNUAL IN- SERVICE	02/06/18
DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY	DGB01G GCIC SECURITY AWARENESS TRAINING	01/19/18

DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY	IQS07G ENHANCED SUPERVISION PROGRAM (DEPT OF COMMUNITY SUPV)	01/12/18
GEORGIA DEPT OF COMMUNITY SUPERVISION	DYM06G AUTISM SPECTRUM DISORDER TRAINING (DCS)	01/03/18
GPSTC ACADEMY	DBI04G EYEWITNESS IDENTIFICATION (GPSTC ONLINE)	10/16/17
GEORGIA DEPT OF COMMUNITY SUPERVISION	INP04G DEPT OF COMM SUPV ANNUAL IN- SERVICE	10/05/17
DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY	IGB31G CJIS NETWORK OPERATOR RE- CERTIFICATION EXAM	09/28/17
DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY	IBS09G SEX OFFENDER MANAGEMENT	09/27/17
DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY	NOG95G GA PROFESSIONAL ASSOC OF COMMUNITY SUPERVISION (GPACS)	09/01/17
DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY	NOG95G GA PROFESSIONAL ASSOC OF COMMUNITY SUPERVISION (GPACS)	08/31/17
DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY	NOG95G GA PROFESSIONAL ASSOC OF COMMUNITY SUPERVISION (GPACS)	08/31/17
DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY	NOG95G GA PROFESSIONAL ASSOC OF COMMUNITY SUPERVISION (GPACS)	08/31/17
DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY	NOG95G GA PROFESSIONAL ASSOC OF COMMUNITY SUPERVISION (GPACS)	08/31/17
DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY	NOG95G GA PROFESSIONAL ASSOC OF COMMUNITY SUPERVISION (GPACS)	08/31/17
GEORGIA SHERIFFS' ASSOCIATION	ANQ23G GSA SEX OFFENDER REGISTRY CONFERENCE	08/17/17
DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY	INP04G DEPT OF COMM SUPV ANNUAL IN- SERVICE	07/20/17
DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY	INP04G DEPT OF COMM SUPV ANNUAL IN- SERVICE	07/19/17
DEPARTMENT OF	UFR00F FIREARMS REQUALIFICATIONS	05/23/17

COMMUNITY SUPERVISION ACADEMY		
GA POST COUNCIL	DBI04G EYEWITNESS IDENTIFICATION (GPSTC ONLINE)	03/22/17
GPSTC ACADEMY	DCD02G ELDER ABUSE (GPSTC ONLINE)	02/28/17
GPSTC ACADEMY	DYE00G CULTURAL AWARENESS (Gov. Initiative)	02/28/17
GA POST COUNCIL	DCD02G ELDER ABUSE (GPSTC ONLINE)	02/02/17
GPSTC ACADEMY	DCR00G USE OF FORCE & DE-ESCALATION OPTIONS FOR GAINING COMPLIANCE (Gov. Initiative)	01/31/17
DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY	IBS09G SEX OFFENDER MANAGEMENT	11/15/16
GPSTC ACADEMY	DCD02G ELDER ABUSE (GPSTC ONLINE)	10/31/16
GPSTC ACADEMY	DCD04G Response-Suspected Strangulation in Domestic Violence (GPSTC ONLINE)	10/31/16
DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY	IDG02G TASER	09/14/16
DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY	IOG15G ELECTRONIC MONITORING	08/16/16
DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY	IBS04G SEX OFFENDER TRAINING	08/10/16
DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY	NOG95G GA PROFESSIONAL ASSOC OF COMMUNITY SUPERVISION (GPACS)	08/05/16
DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY	NOG95G GA PROFESSIONAL ASSOC OF COMMUNITY SUPERVISION (GPACS)	08/04/16
DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY	NOG95G GA PROFESSIONAL ASSOC OF COMMUNITY SUPERVISION (GPACS)	08/04/16
DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY	NOG95G GA PROFESSIONAL ASSOC OF COMMUNITY SUPERVISION (GPACS)	08/04/16
DEPARTMENT OF COMMUNITY SUPERVISION	NOG95G GA PROFESSIONAL ASSOC OF COMMUNITY SUPERVISION (GPACS)	08/04/16

ACADEMY		
DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY	NOG95G GA PROFESSIONAL ASSOC OF COMMUNITY SUPERVISION (GPACS)	08/03/16
GA POST COUNCIL	NBC32G CHILD SEXUAL ABUSE PREVENTION	07/28/16
DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY	INP04G DEPT OF COMM SUPV ANNUAL IN- SERVICE	06/28/16
GEORGIA BUREAU OF INVESTIGATION	IBC04G INTERNET CRIMES AGAINST CHILDREN	06/17/16
DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY	IFM22F USE OF DEADLY FORCE	03/25/16
DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY	UFR00F FIREARMS REQUALIFICATIONS	03/25/16
DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY	IGB29G SECURITY AND INTEGRITY OF CHRI (2 HR)	02/05/16
DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY	NBS13G SEX OFFENDER MANAGEMENT	10/07/15
GDC OPERATIONS AT TIFT COLLEGE/INACTIVE	IGB30G CJIS NETWORK OPERATOR TRAINING	09/30/15
GEORGIA CORRECTIONS ACADEMY TIFT COLLEGE	INC08G GEORGIA D.O.C. SPECIALIZED TRAINING	09/03/15
GEORGIA CORRECTIONS ACADEMY TIFT COLLEGE	NOG71G BASIC MANAGEMENT TRAINING V	07/23/15
GEORGIA CORRECTIONS ACADEMY TIFT COLLEGE	NOA45G BASIC MANAGEMENT TRAINING IV	07/02/15
GEORGIA CORRECTIONS ACADEMY TIFT COLLEGE	NOA45G BASIC MANAGEMENT TRAINING IV	07/02/15
GEORGIA CORRECTIONS ACADEMY TIFT COLLEGE	INC07G PROBATION DIV. INSERVICE TRAINING	06/29/15
GEORGIA CORRECTIONS ACADEMY TIFT COLLEGE	NOA42G BASIC MANAGEMENT TRAINING I	06/11/15
GEORGIA CORRECTIONS ACADEMY TIFT COLLEGE	DGM04G GDC PROBATION ANNUAL IN-SERVICE (Includes Use of Deadly Force)	05/21/15
GEORGIA PUBLIC SAFETY	DCD02G ELDER ABUSE (GPSTC ONLINE)	03/31/15

TRNG CENTER POLICE		
GEORGIA CORRECTIONS ACADEMY TIFT COLLEGE	AFM08F SAFE & EFFECTIVE USE OF PRIMARY HANDGUN	02/24/15
GEORGIA CORRECTIONS ACADEMY TIFT COLLEGE	IFR02F FIREARMS REQUAL & USE OF DEADLY FORCE (2 Hrs)	02/24/15
GEORGIA PUBLIC SAFETY TRNG CENTER POLICE	DCD02G ELDER ABUSE (GPSTC ONLINE)	12/31/14
GA POST COUNCIL	NOM02G RISK-NEED-RESPONSIVITY (RNR) MODEL	08/08/14
GEORGIA CORRECTIONS ACADEMY TIFT COLLEGE	INC00G GA. DEPT. OF CORRECTIONS INSERVICE	07/02/14
GEORGIA CORRECTIONS ACADEMY TIFT COLLEGE	INC00G GA. DEPT. OF CORRECTIONS INSERVICE	07/01/14
GEORGIA CORRECTIONS ACADEMY TIFT COLLEGE	AFM08F SAFE & EFFECTIVE USE OF PRIMARY HANDGUN	06/09/14
GEORGIA CORRECTIONS ACADEMY TIFT COLLEGE	IFR02F FIREARMS REQUAL & USE OF DEADLY FORCE (2 Hrs)	06/09/14
GEORGIA CORRECTIONS ACADEMY TIFT COLLEGE	IAA01G CAREER DEVELOPMENT PROGRAM OVERVIEW	04/16/14
GEORGIA CORRECTIONS ACADEMY TIFT COLLEGE	IGB13G SECURITY AND INTEGRITY OF CHRI (4 HR)	04/15/14
GA. PUBLIC SAFETY TRAINING CENTER	SGV00G OVERVIEW OF POST COUNCIL (RECERT REQMNT)	10/24/13
DOUGLAS COUNTY SHERIFF'S OFFICE	IGD00G GENERAL DRUG TOPICS	10/15/13
GEORGIA CORRECTIONS ACADEMY TIFT COLLEGE	IGB20G GCIC INQUIRY TERMINAL OPERATOR CERTIFICATION	10/03/13
GEORGIA CORRECTIONS ACADEMY TIFT COLLEGE	IGW08G MENTAL HEALTH PROBATION OFC SPECIALIST	09/12/13
NORTH CENTRAL GEORGIA	AGW01G CRISIS INTERVENTION TEAM TRAINING	07/26/13
GEORGIA CORRECTIONS ACADEMY TIFT COLLEGE	PAV14G GRADUATED AFTER APRIL 1-NO WAIVER NECESSARY	05/30/13
GEORGIA CRIME INFORMATION CENTER	IGB08G HOW TO READ A "RAP" SHEET	02/27/13
GEORGIA CORRECTIONS ACADEMY TIFT COLLEGE	INC08G GEORGIA D.O.C. SPECIALIZED TRAINING	11/07/12
	IGB13G SECURITY AND INTEGRITY OF CHRI (4 HR)	11/01/12

4. I have also served as an instructor on Firearms, requalification, pre-basic training.
5. In my employment since October 2012, I have supervised probationers and parolees in order to monitor and facilitate their compliance with the probation conditions of their criminal sentences and the conditions of their parole.
6. My supervision of probationers and parolees requires me to perform the following duties. The following are the minimum requirements. To see Standard offenders face to face once every 90 days and to verify employment as well as residence. To see High offenders once face to face each month and verify employment as well as residence. To see Specialized cases twice a month face to face and to verify employment as well as residence. All contacts may have a collateral contact whether in person or over the telephone. All contacts conditions, special conditions, substance abuse, contact with law enforcement, and general life questions may be discussed.
7. My supervision duties may differ depending on the crimes for which the probationers and parolees have been convicted. For example, for sex-offenders who are on the Georgia Sex Offenders Registry, my duties are to

ensure they are registering with the Sheriff's Office of that county, abiding by the laws or proximity laws that apply to their crime commit date, and complying with any and all special conditions.

8. All supervisees or offenders are assigned a level of supervision. From the highest level to the lowest, they are: Specialized, High, Standard (contact), and Standard (administrative). The level of supervision governs the scope and intensity of supervision. For example, some levels require more frequent contact by the CSO with the offender.
9. In the course of my career, I have supervised approximately 500 probationers and approximately 30 parolees. This has included approximately 200 persons on the Georgia Sex Offenders Registry.
10. The documents referred to in, and attached to, this declaration are true and accurate copies of official records created or received by DCS. These records are maintained in the regular course of business and it is the regular and routine practice for DCS to maintain these records. The entries in these records were made at or near the time of the events to which they refer and were made by, or from information transmitted by, persons with knowledge. All documents referred to in, or attached to this declaration, were in effect at the times they indicate or, if no time is indicated, have been in effect during July 1, 2015 through the present. As an employee of DCS, I am familiar

with the manner in which these records are created and maintained and have access to these records.

11. During my career, I have supervised one probationer or parolee who have identified themselves as having hearing impairment.

12. Georgia Relay is a free service available to all persons with hearing or speech problems. It is available to DCS officers and hearing impaired supervisees. The services offered by Georgia Relay are described at <https://georgiarelay.org/>. It is available free 24/7 by calling 7-1-1.

13. If a probationer or parolee identifies himself or herself as having hearing impairment, I and other DCS Community Supervision Officers can engage any of the services offered by Georgia Relay to facilitate communications. We can also engage a qualified American Sign Language (ASL) interpreter through DCS.

14. I myself have used Sorenson Visual Relay Service, the offender's sister, and paper and pen to communicate with DCS supervisees.

15. I have supervised Plaintiff Carlos Herrera during June 26, 2018 through the present. He is on probation currently and has been on probation since May 22, 2018. Herrera is under a criminal sentence entered in 2014 by the Superior Court of Gordon County, Georgia for child molestation. (Attachment 1).

16. Herrera has not been charged with any probation violations while I have supervised him. And I am not aware of any issues regarding his compliance with the terms of his probation.

17. I have used Sorenson Video Relay Service (*see* <https://www.sorensonvrs.com/svrs>) to assist in communicating with Herrera. My understanding is that this service is paid for by the government and is provided under the Telecommunications Relay Service fund (*see* <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>).

18. Also, on at least one occasion, according to Herrera's declaration in this case (Doc. 2-3, at 5), he was provided with a qualified and certified interpreter at the Calhoun DCS Office.

19. I do not believe I have had problems in communicating effectively with Herrera. I have also used body language, simple hand gestures, and head movements in order to communicate with Herrera.

20. If I have difficulty effectively communicating with Herrera in the future, I will engage Sorenson, or one or more of the services provided by Georgia Relay or under the Telecommunications Relay Service fund.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

This the 28 day of August, 2019.


Cody Franklin

**PROBATION DIVISION
CASE HISTORY / FIELD SHEET**

Level _____
Date of Comp _____

GDC# 1001336186		OTN 88390082745		SSN [REDACTED]		SID GA4280470J		
NAME HERRERA, CARLOS			FBI 662298VD8			OTHER		
ALIAS			DIRECTIONS					
ADDRESS [REDACTED] ROME, GA 30161								
PHONE NUMBER 706-237-0626		SCARS, TATTOOS, ETC			HEIGHT	WEIGHT	EYES	HAIR
RESIDENCE COUNTY OR ST FLOYD		CODE	BIRTH STATE OR COUNTRY	CODE	DATE OF BIRTH [REDACTED]	RACE 5	SEX M	
DISABILITIES EXPLAIN:						LANGUAGE:		
PHYSICAL						PRIMARY:		
MENTAL						ENGLISH		
ALCOHOL						SECONDARY		
DRUGS								
LAST SCHOOL & LOCATION			GRADE COM.	MILITARY	DATES	MARITAL STAT	NO. DEPEND	
OFFENSES			DOCKET NO.	SENT LENGT	COUNTS	CODE	SENT. DATE	
CHILD MOLESTATION (5 CTS)			24286	30 YRS	5		06/19/2014	
							START DATE	
							05/22/2013	
							END DATE	
							05/21/2043	
SENTENCE DESCRIPTION & SPECIAL CONDITIONS:						PLEA or TRIAL	FOA?	
30 YRS SERVE 5 YRS BAL ON PROB.; CTS 5/22/13-6/18/14						P	N	
SEX OFFENDER CONDITONS								
COURT		COUNTY	CODE	JUDGE	DISTRICT ATTORNEY		DEFENSE ATTORNEY	
2		GORDON		SCOTT SMITH	STEWART BRATCHE		ED DETTMAR	
RESTITUTION	FINE/SURCH	ATTY FEE	DRUG EDUC	CRIME LAB	IND. FEE	TOTAL DUE	PAYMENT	
	\$1,200.00	\$350.00		\$50.00	\$100.00	\$1,700.00	\$40.00	
PROBATION FEE			BEGINNING				COMMUNITY SERVICE	
\$32.00							TOTAL HOURS	DATE COMP
CO-DEFENDANTS & DISPOSITIONS								
EXPLANATION OF CRIME						CLASS CODE	TYPE CASE	
DATA COLL	<input checked="" type="checkbox"/> NEW CASE		TERMINATION REASON:			TYPE PRE-SENTENCE		
	<input type="checkbox"/> TRANSFER		TERMINATION DATE:			PSYCHOLOGICAL EXAM IN LAST 3 YEARS:		
	<input type="checkbox"/> REACTIVATE							
	<input type="checkbox"/> MODIFY					CIRCUIT:		CIRCUIT NUMBER:
	<input type="checkbox"/> ADD SENTENCE					CHEROKEE		09
<input type="checkbox"/> TERMINATION					OFFICE		OFFICE NUMBER	
DATE		SUPERVISOR NUMBER		SUPERVISOR NAME:				
06/19/14						CALHOUN		
						3		

requires sign language

requires sign language

SID GA 4280470J OTN 88 390082745
FBI 662298VD8
DATE OF SENTENCE 4/19/14

JUDGE Scott Smith

DISTRICT ATTORNEY Bracher

DEFENSE ATTORNEY Pentmar

NAME Carlos Herrera 1001336184

ADDRESS [REDACTED]
X Rome GA 30161

PHONE X 706-237 0626

SS X [REDACTED] DOB X [REDACTED]
RACE [REDACTED] SEX M

OFFENSE child molestation

OFFENSE DATE 5/20/15 5/20/13 TYPE OF DRUG MA

SENTENCE LENGTH child molestation
20 yrs serv 5 (30 yrs serv 5)
(10yr parole chance)

SPECIAL CONDITIONS SPS

FOA YES NO ✓

APPOINTMENT DATE AND TIME open release

May be made a copy of other things
Dora Ross
mail to mail office address

SC-6.2 Final Disposition Felony Sentence With Probation

IN THE SUPERIOR COURT OF Gordon COUNTY, STATE OF GEORGIA

STATE OF GEORGIA versus

Carlos Herrera

Clerk to complete if incomplete:

OTN(s): _____

DOB: _____

Ga. ID#: _____

CRIMINAL ACTION #:

24286

my Term of 20 14

Final Disposition:
FELONY with PROBATION

First Offender/Conditional Discharge entered under:

PLEA:

VERDICT:

O.C.G.A. § 42-8-60 O.C.G.A. § 16-13-2

Negotiated Non-negotiated

Jury Non-jury

Repeat Offender as imposed below

Repeat Offender waived

The Court enters the following judgment:

Count	Charge (as indicted or accused)	Disposition (Guilty, Not Guilty, Guilty-Alford, Guilty-Lesser Incl, Nolo, No Pros, Dead Docket)	Sentence	Fine	Concurrent/ Consecutive, Merged, Suspended
1	child molestation	Guilty	20 years 5	1,000	
2	child molestation	Guilty	10 years		C/K to 1
3	child molestation	Guilty	5 years		C/K to 1
4	child molestation	Guilty	5 years		C/K to 1

The Defendant is adjudged guilty or sentenced under First Offender/Conditional Discharge for the above-stated offense(s); the Court sentences the Defendant to confinement in such institution as the Commissioner of the State Department of Corrections may direct, with the period of confinement to be computed as provided by law.

Sentence Summary: The Defendant is sentenced for a total of 30 years, with the first 5 years to be served in confinement and the remainder to be served on probation; or to be served on probation.

The Defendant is to receive credit for time served in custody: from 5/22/13; or as determined by the custodian.

1. The above sentence may be served on probation provided the Defendant shall comply with the Conditions of Probation imposed by the Court as part of this sentence.

2. Upon service of 5 years, the remainder of the sentence may be served on probation; PROVIDED, that the Defendant shall comply with the Conditions of Probation imposed by the Court as part of this sentence.

3. The Court sentences the Defendant as a recidivist under O.C.G.A.:

§ 17-10-7(a); § 17-10-7(c); § 16-7-1(b); § 16-8-14(b); or § _____.

SC-6.5 Final Disposition Continuation of Sentence

NOTE: May be used to continue any final disposition form when needed

IN THE SUPERIOR COURT OF Gordon COUNTY, STATE OF GEORGIA

STATE OF GEORGIA versus

Carlos Herrera

CRIMINAL ACTION #:

24286
may

Term of 20 14

Final Disposition:
CONTINUATION OF SENTENCE

The Court enters the following judgment:

Count	Charge (as indicted or accused)	Disposition (Guilty, Not Guilty, Guilty-Alford, Guilty- Lesser Incl, Nolo, Nol Pros, Dead Docket)	Sentence	Fine	Concurrent/ Consecutive, Merged, Suspended
5	child molestation	Guilty	5 years		C/C w/1
6	child molestation	NP			
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19		statute			

SO ORDERED this 19 day of June, 20 14.

D. Scott Smith
Judge of Superior Court Cherokee Judicial Circuit

D. Scott Smith
(print or stamp Judge's name)

GENERAL CONDITIONS OF PROBATION

The Defendant is subject to arrest for any violation of probation. If probation is revoked, the Court may order incarceration. The Defendant shall comply with the following General Conditions of Probation: 1) Do not violate the criminal laws of any governmental unit and be of general good behavior. 2) Avoid injurious and vicious habits. 3) Avoid persons or places of disreputable or harmful character. 4) Report to the Probation Officer as directed and permit the Probation Officer to visit you at home or elsewhere. 5) Work faithfully at suitable employment insofar as may be possible. 6) Do not change your place of abode, move outside the jurisdiction of the Court, or leave Georgia without permission of the Probation Officer. If permitted to move or travel to another state, you agree to waive extradition from any jurisdiction where you may be found and not contest any effort by any jurisdiction to return you to this State. 7) Support your legal dependents to the best of your ability. 8) When directed, in the discretion of the Probation Officer: (a) submit to evaluations and testing relating to rehabilitation and participate in and successfully complete rehabilitative programming; (b) wear a device capable of tracking location by means including electronic surveillance or global positioning satellite systems; (c) complete a residential or nonresidential program for substance abuse or mental health treatment; and/or (d) agree to the imposition of graduated sanctions as defined by law. 9) Make restitution as ordered by the Court.

FINE SURCHARGES or ADD-ONS: The Court assesses all fine surcharges or add-ons as required by the laws of the State of Georgia and as are applicable to offense(s) for which the Defendant has been convicted.

- 1) The Court orders that: the Defendant shall pay the probation supervision fee as required by law; or the probation supervision fee is waived.
- 2) If counsel was provided under the Georgia Indigent Defense Act: the Defendant shall pay the \$50 Public Defender Application Fee; or the Public Defender Application Fee is waived.
- 3) If counsel was provided at public expense: the Defendant shall pay attorney's fees of \$ 350 to Gordon County; or attorney's fees are waived.
- 4) The Defendant shall pay the Crime Lab Fee as required by law.

SPECIAL CONDITIONS OF PROBATION

The Defendant is advised that violation of any Special Condition of Probation may subject the Defendant to a revocation of probation and the Court may require the Defendant to serve up to the balance of the sentence in confinement. The Defendant shall comply with all Special Conditions of Probation: as designated on the attached Inventory of Special Conditions of Probation; or as follows: (*import conditions to be imposed from Inventory of Special Conditions of Probation*).

FIRST OFFENDER OR CONDITIONAL DISCHARGE

(If designated by the Court)

The Defendant consenting hereto, it is the judgment of the Court that no judgment of guilt be imposed at this time but that further proceedings are deferred and the Defendant is hereby sentenced to confinement at such institution as the Commissioner of the State Department of Corrections or the Court may direct, with the period of confinement to be computed as provided by law.

Upon violation of the terms of probation, upon conviction for another crime during the period of probation, or upon the Court's determination that the Defendant is or was not eligible for sentencing under the First Offender Act or for Conditional Discharge, the Court may enter an adjudication of guilt and proceed to sentence the Defendant to the maximum sentence as provided by law.

Upon fulfillment of the terms of this sentence, or upon release of the Defendant by the Court prior to the termination of this sentence, the Defendant shall stand discharged of said offense without court adjudication of guilt and shall be completely exonerated of guilt of said offense charged.

For Court's Use:

The Hon. Ed deHonor, Attorney at Law, represented the Defendant by:
 employment; or appointment.

SO ORDERED this 19 day of JUNE, 2019.

[Signature]
Judge of Superior Court
Cherokee Judicial Circuit

D. Scott Smith
(print or stamp Judge's name)

Jara Zapp, dep

FIREARMS – If you are convicted of a crime punishable by imprisonment for a term exceeding one year, or of a misdemeanor crime of domestic violence where you are or were a spouse, intimate partner, parent, or guardian of the victim, or are or were involved in another similar relationship with the victim, it is unlawful for you to possess or purchase a firearm including a rifle, pistol, or revolver, or ammunition, pursuant to federal law under 18 U.S.C. § 922(g)(9) and/or applicable state law.

Acknowledgment: I have read the terms of this sentence or had them read and explained to me. If all or any part of this sentence is probated I certify that I understand the meaning of the order of probation and the conditions of probation. I understand that violation of a condition of probation could result in revocation of all time remaining on the period of probation.

12/19
Carlos Herrera
Defendant

1. The Defendant shall produce from time to time upon oral or written request by a Probation Officer, a law enforcement officer, or official of a Georgia DHS-approved substance abuse or mental health provider a breath, spittle, urine and/or blood specimen for analysis for the presence of drugs including alcohol. The Defendant shall waive evidentiary foundation for admissibility of the laboratory results.
Should any substance prohibited or controlled by any law of the State of Georgia or the United States be detected in any specimen provided by the probationer in accordance with Special Condition #1, unless detected substance is ingested pursuant to a physician's prescription which has been submitted to probationer's Probation Officer as set forth in Special Condition #5, or should any alcoholic beverage be consumed or purchased in violation of Special Condition #3, probationer shall be immediately incarcerated as a probation violator.
2. The Defendant shall submit to a search of person, residence, papers, vehicle, and/or effects at any time day or night without a search warrant, whenever requested to do so by a Probation Officer or other law enforcement officer upon reasonable cause to believe that the Defendant is in violation of probation or otherwise acting in violation of the law, and the Defendant shall specifically consent to the use of anything seized as evidence in any judicial proceedings or trial.
3. Probationer, for the duration of this probation, shall not ingest any alcoholic beverages whatsoever, nor shall probationer purchase beer, wine or spirituous liquors.
4. All arrests for any reason, shall be reported within 24 hours to Probation Officer.
5. Probationer shall attend and participate in such socialization programs as may be requested by any Probation Officer and shall abide by all rules, regulations, and directions of any such requested program including any and all assignments, class attendance, homework as scheduled or directed under and pursuant to such assignment.
The Defendant shall provide a release which allows the Probation Office to have access to all medical, clinical, treatment, attendance or work records, and for driving and criminal history.
6. Obey all reasonable and lawful instructions of the Probation Officer, including curfews established by the Probation Officer.
7. Additional special conditions which are set out on previous pages of this Sentence are by reference specifically incorporated herein.
8. Do not possess a firearm or any other offensive weapon.
9. The Defendant shall abide by the following additional special condition(s):

 - sex offender conditions attached

I HAVE READ ALL OF THE GENERAL AND SPECIAL CONDITIONS OF PROBATION AS SET OUT IN THE FOREGOING. I UNDERSTAND EACH AND EVERY GENERAL AND SPECIAL CONDITION OF PROBATION AND I UNDERSTAND THE CONSEQUENCES OF ANY FAILURE ON MY PART TO ABIDE BY THE GENERAL AND SPECIAL CONDITIONS OF MY PROBATION. I FREELY AND VOLUNTARILY ACCEPT THE ABOVE RULES AND SPECIAL CONDITIONS AND AGREE TO ABIDE BY THEM AS A CONDITION OF MY BEING ALLOWED TO SERVE MY SENTENCE ON PROBATION. I HAVE RECEIVED A COPY OF THIS SENTENCE AND INSTRUCTIONS REGARDING THE GENERAL AND SPECIAL CONDITIONS OF PROBATION.

SIGNED, this _____ day of _____, 20____ Carls Henry
PROBATIONER/DEFENDANT

This is to certify that a true and correct copy of this sentence of probation has been delivered in person to the defendant and he has been duly instructed regarding the conditions as set forth above and this sentence has been read and explained to the probationer.

SIGNED, this _____ day of _____, 20____ [Signature]
State of Georgia v. Henry
Criminal Action # 24256
Attachment 1

THE STATE OF GEORGIA

IN THE Superior COURT

VS

OF Gordon COUNTY, GA.Carlos HerreraDOCKET NO. 24286**SPECIAL CONDITIONS OF PROBATION**

The above Defendant, as an additional condition of probation, is assigned to Sex Offender Supervision and is to abide by the special conditions set forth in this document. Non-compliance with any ordered conditions will be considered sufficient cause to warrant disciplinary action or revocation of probation. Acknowledgement and acceptance of the applicable conditions will be indicated by the initials of the Defendant.

- CH 1. **Contact with Minors/Incidental contact With Minors.** You shall have no contact, whether directly in person or indirectly through any means of communication or through employment, volunteer activity or otherwise with any child under the age of eighteen (18), including your own children, nor with any person unable to give consent because of mental or emotional limitations. Neither shall you attempt contact with the aforementioned except under circumstances approved in advance and in writing by the Court. If you have incidental contact with children, you will be civil and courteous to the child and immediately remove yourself from the situation. You will discuss the contact at your next meeting with your Community Supervision Officer.
- CH 2. **Residence with a Minor.** You shall not reside with any child under the age of eighteen (18), including your own children, unless approved in advance and in writing by the Court.
- CH 3. **Residence change.** Any change of residence must receive prior approval by the Community Supervision Officer.
- CH 4. **Victim contact.** You shall have no contact with the victim, including correspondence, telephone contact, any form of electronic communication, or communication through a third party except under circumstances approved in advance and in writing by the Court. You shall not enter onto the premises, travel past, or loiter near where the victim resides.
- CH 5. **Employment.** Your employment must be approved by your supervising Community Supervision Officer.
- CH 6. **Images of Minors.** Except as authorized by the court or the Community Supervision Officer, you shall not create, possess, access or control any type of photograph, video, rendering, or digital imagery of any minor.
- CH 7. **Relationships.** You shall not date or marry anyone who has children under the age of eighteen (18), unless approved in advance and in writing by the Community

Supervision Officer in consultation with the treatment provider or the sentencing court. You are required to notify any such person of your criminal history.

- CH 8. **Sexually oriented material.** You shall not possess or subscribe to any sexually oriented or sexually stimulating material to include mail, computer or television, nor patronize any place where such material or entertainment is available.
- CH 9. **900 Numbers and Post Office Boxes.** You shall not utilize "900" telephone numbers neither shall you rent a post office box without prior written permission from your Community Supervision Officer.
- CH 10. **Curfews.** You shall abide by any curfew imposed by the Community Supervision Officer.
- CH 11. **Evaluation and treatment.** You shall attend and actively participate in sex offender evaluation and treatment at a program approved by the Community Supervision Officer. You will abide by the rules of the treatment program and successfully complete the program to the satisfaction of the Community Supervision Officer and the treatment provider. You shall not change treatment programs without prior approval of the Community Supervision Officer. You will be financially responsible for all evaluations and treatment unless other arrangements have been made by your Community Supervision Officer or treatment provider.
- CH 12. **Polygraph/plethysmograph.** You shall submit, at your own expense, to any program of psychological or physiological assessment at the direction of the Community Supervision Officer or treatment provider. This includes the polygraph and/or the plethysmograph to assist in treatment, planning and case monitoring.
- CH 13. **Release of information.** You shall sign Releases of Information to allow the Community Supervision Officer or designee to communicate with other professionals involved in your treatment program and to allow all professionals involved to communicate with each other. This will include a release of information to the therapist of the victim.
- CH 14. **Search.** You shall submit to a search of your person, property, residence or vehicle at any time of the day or night, with or without consent or a search warrant whenever requested to do so by a Community Supervision Officer or any other peace officer. You specifically consent to the use of any contraband seized as evidence in a probation violation proceeding.
- CH 15. **Alcohol.** You shall not purchase, possess, or consume alcoholic beverages.
- CH 16. **Drugs.** You shall not take into your body any controlled substance or mind altering drug except pursuant to a legal doctor's prescription.

- CH 17. **Drug Screens.** You will submit to, and if necessary pay for, breath, urine blood or saliva tests for analysis for the possible presence of a prohibited drug or alcohol.
- CH 18. **Driving log.** You will keep a driving log and make it available to your supervising Community Supervision Officer as requested.
- CH 19. **Driving.** You will never drive alone, especially through parks, playgrounds, school zones, or other areas where children are commonly known to be.
- CH 20. **Hitchhiking.** You shall not hitchhike or pick up hitchhikers.
- CH 21. **Other special conditions.**

Ordered at _____, Georgia, this ____ day of _____, 20 ____.

 Judge, Superior Court

This is to certify that a true and correct copy of these additional conditions of supervision has been delivered in person to the defendant and he/she has been duly instructed regarding same.

This 23rd day of May, 20 18.

[Signature]
 Community Supervision Officer

Carly Hennessy
 Offender



Department of Community Supervision

District 7

210 S. King Street

Calhoun, GA 30701

706-624-1414 Phone 706-624-1420 Fax

Michael W. Nail
Commissioner

PAYMENT INSTRUCTIONS OF COURT ORDERED MONIES

NAME: Carlos Herrera DOCKET NUMBER: 24286

As a condition of your probation, are you to pay \$ 1200 fine and surcharges,
\$ _____ Restitution, \$ 350 Attorney Fees, \$ 100 Indigent Fee, and
\$ _____ Court related cost, at the rate of \$ 40.00 per Week beginning
6-1-18.

Also, you are ordered to pay a one time Crime Lab Fee of \$ 50 and a monthly
probation fee of \$ 32 beginning 6-1-18. These payments are payable
by Money Order or J Pay money transfer Only to GDC - Probation/Parole. Please include
your GDC number with your payment.

JPay
PO Box 820810
Pembroke Pines, FL 33082

Failure to pay as ordered is a violation of the conditions of your sentence of probation. If
for any reason you are unable to pay, you should contact the Department of Community
Supervision Office (at above address) at once.

Failure to contact the Department of Community Supervision Office and failure to follow
instructions will result in a warrant for your arrest.

I have received a copy of these instructions and understand.

Carlos Herrera
Probationer

5-23-2018
Date

[Handwritten signature]

5-23-18



**DEPARTMENT OF COMMUNITY SUPERVISION
AUTHORIZATION FOR RELEASE OF PROTECTED
HEALTH INFORMATION**

HUMAN RESOURCES FORM Version 001 01/25/2017

I do hereby authorize a review disclosure a review and a full disclosure of all records concerning myself to any duly authorized agent of the Department of Community Supervision, whether such records are of a public, private, or confidential nature.

The intent of this authorization is to give my ongoing consent for full and complete disclosure of all records of my driver's history, criminal history, educational background, military personnel records, records of military service, records of financial or credit institutions (including records of loans), records of commercials or retail credit agencies (including credit reports and/ or rating), records of the Department of Revenue, treatment and/or consultation, including hospitals, clinics, private practitioners, and the U.S. Veterans Administration: employment and pre-employment records (including background reports, polygraph reports and charts, efficiency rating; complaints or grievances filed by or against me), and records of local, state, and federal criminal justice agencies. I understand that any information obtained by personal history background investigation, which is developed directly or indirectly, in whole or in part, upon this release authorization, will be used in determining my suitability and continuing suitability for employment. I authorize the disclosure of the aforementioned personal information to any person(s) deemed by the Department of Community Supervision to be a participant in the determination process of employment suitability. I also certify that any person(s) who may furnish such information; and I do hereby release said person(s) from any and all liability which may be incurred as a result of furnishing such information.

A photocopy of this release form will be valid as the original form, even though the photocopy does not contain my original signature.

I have read and fully understand the contents of this Authorization for Release of Protected Health Information.

Full Name (Printed):	Carlos Herrera		
Signature:	Carlos Herrera	Date:	5-23-18
Address: (Include city, state, zip)			
Date of Birth:	[REDACTED]	M/F	Male
Social Security Number:	[REDACTED]	Race:	

DEPARTMENT OF COMMUNITY SUPERVISION

AUTHORIZATION FOR RELEASE OF INFORMATION

Carlos Herrera

NAME OF PROBATIONER

DATE OF BIRTH

SOCIAL SECURITY NUMBER

I hereby acknowledge the Department of Community Supervision Office and the Cherokee Judicial Circuit to release any information in my files to any of the following agencies or to obtain from these agencies any information that they may have in their files on me. These agencies include all Local, State or Federal Law Enforcement Agencies: The Department of Family and Children's Services; The Child Support Recovery Unit, Drug and Alcohol and Mental Health Services and Educational Facilities which I have attended or plan to attend; any agencies for which I may be required to do Community Service Work; and any and all agencies or persons that may be consulted to assist in my rehabilitation, to assure that the terms of my probation are being met, or to investigate possible violations of the law or my probation.

Carlos Herrera

SIGNATURE OF PROBATIONER

5-23-2018

DATE

[Signature]

SIGNATURE OF COMMUNITY SUPERVISION OFFICER

DATE

USE THIS SPACE ONLY IF PROBATIONER WITHDRAWS CONSENT

DATE THIS CONSENT IS REVOKED BY PROBATIONER

SIGNATURE OF PROBATIONER



GEORGIA DEPARTMENT OF COMMUNITY SUPERVISION
CASE HISTORY / FIELD SHEET / INTAKE PACKET

IIIB01-000402
Attachment 2
3/01/04

ACKNOWLEDGMENT Of Prohibition Against Receiving, Shipping, Possessing, Transporting Or Attempting to Purchase A Firearm

I (Name) Carlos Herrera (DOB) [REDACTED] (SSN) [REDACTED]

acknowledge that I have read, or had read me, and understand that:

- a. I have been convicted of a felony offense, or
- b. I am currently serving a sentence imposed under First Offender Act for a felony offense or
- c. I have been convicted of a misdemeanor crime of domestic violence

and as a result of this action, I am prohibited by GA. Law (O.C.G.A. 16-11-131 and 41-8-60 through 65) and/or Federal Law (USC: 18 USC 921 through 925) from receiving, shipping, possessing, transporting or attempting to purchase a firearm. This includes any handgun, rifle, shotgun or other weapon, which will or can be converted to expel a projectile by the action of an explosion or electrical charge. I also acknowledge that of I am a convicted felon, I am prohibited by Federal Law from receiving, shipping, possessing, transporting or attempting to purchase ammunition.

Possession of a firearm or ammunition means that I may not have a firearm or ammunition in my actual physical control (i.e. in my pants pocket) or within my area of access and control (i.e. in the glove box of my car). I may not possess a firearm or ammunition either by myself or jointly with another person.

If I receive, ship, possess, transport, or attempt to purchase a firearm or ammunition I will be guilty of a state and/ or federal felony crime.

I understand that this document can be used as evidence in a court of law during probation revocation or criminal proceedings.

Carlos Herrera 5-23-2018
Signature Date

[Signature] 5-23-18
Witness Date

CSU III
Position or Title



GEORGIA DEPARTMENT OF COMMUNITY SUPERVISION
CASE HISTORY / FIELD SHEET / INTAKE PACKET

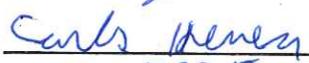
IIB-0009
Attachment-01
1/01/04
(1 of 1)

INSTRUCTIONS TO OFFENDERS

1. Cooperate with Probation/Surveillance Officer and answer all questions honestly.
2. As a condition of supervision, the offender is subject to unscheduled urine testing for drug useage at such times as ordered to submit to these by DCS Officer. Alco-sensor tests will be administered to test for alcohol usage.
3. Offender is advised that failure to provide a urine specimen within two hours of the request may be considered a technical violation of probation. Refusal to submit to such testing or tampering with urine sample is considered a technical violation of probation.
4. Any positive result can lead to revocation or such lesser penalty as may be appropriate.
5. Offender must provide the name(s) of all over-the-counter and prescribed medication taken 3 weeks prior to the drug test.
6. Upon teating positive for a drug, the Offender may submit a written request within three days of the initial drug test for a Gas Chromatography/ Mass Spectrometry confirmation test to be conducted at his/her expense (prepaid by money order) by a Department of Corrections approved laboratory. Department approval money orders are the only acceptable means of pre-payment.

ACKNOWLEDGMENT

I, the undersigned, have read or had read to me the above information and understand these instructions. I Understand that the Court will be informed if I fail to cooperate or provide false, incomplete, or misleading information.


 _____ Probation/ Surveillance Officer

 _____ Signature of Offender
 5-23-18 _____ Date

Retention Schedule: Original will be kept in the Offender's file.



**DEPARTMENT OF COMMUNITY SUPERVISION
MANDATORY SUBMISSION TO A POLYGRAPH AS A
CONDITION OF PROBATION**

FIELD OPERATIONS DIVISION FORM Version 001 07/19/20

COUNTY:	Gordon
OFFENDER:	Carlos Herrera
CASE NO:	

It is hereby ORDERED that as a further condition of Defendant's probation that he/she will be required from time to time to take polygraph examinations at times and places and in a manner directed by Defendant's Community Supervision Officer. The examinations will be conducted at the Defendant's expense. This Court FINDS, based on the information presently available, that requiring Defendant to take polygraph examinations as a condition of his/her probation serves a valid interest of this State by assisting in the protection of the public safety and promoting the rehabilitation of the Defendant.

The Defendant is hereby NOTIFIED that by accepting probation and this specific condition of probation, Defendant waives his/her Fifth Amendment right to object to the polygraph examination or any question presented to him/her by the polygraph examiner. Furthermore, if he/she should refuse to take any polygraph examination, answer all questions presented to him/her or otherwise fail fully to cooperate in taking polygraph examinations as directed by his/her community supervision supervisor, then Defendant's probation will be revoked.

By accepting this condition of probation, Defendant AGREES and STIPULATES that the results of the polygraph and responses to questions presented and any evidence obtained as a result of the polygraph may be admitted in any hearing considering the revocation of Defendant's probation or other civil proceeding. The Defendant is NOTIFIED further that the results of a polygraph or answers to questions presented as a part of a polygraph examination are inadmissible in any criminal proceeding.

SO ORDERED, this day of _____, 20__.

Judge, Superior Court

As evidenced by my signature, I accept the above conditions of probation.

This 23rd day of May, 2018.

Signature of Defendant:	Carlos Herrera
Signature of Officer:	J. A.

BILL OF INDICTMENT

GEORGIA, GORDON COUNTY

IN THE SUPERIOR COURT OF SAID COUNTY

The Grand Jurors Selected, Chosen and Sworn for the County Aforesaid, To-Wit:

- 1. CHRISTOPHER LEE DUPREE, FOREPERSON
- 2. CASSIE R. CRUMP
- 3. MELISSA WALSTON
- 4. JOSHUA G. SMITH
- 5. TADD I. COCHRAN
- 6. ROBERT E. WELLS
- 7. JAMES SUTHERLAND
- 8. NICOLE L. SIKES
- 9. ~~SHELIA GONZALEZ-BOTELLO~~
- 10. BARBARA L. PATE
- 11. MICHAEL CHAD WATKINS
- 12. JUDY A. JACKS
- 13. CYNTHIA J. CLINES
- 14. LAURIE C. BLAIR
- 15. CRYSTAL L. JOHNS
- 16. MARGARET L. GREENE
- 17. WALTER WILSON
- 18. JENNIFER TILLEY HAYES
- 19. ~~JAMES DANIEL WILSON~~
- 20. KRYSTAL N. ANDERSON
- 21. TRAVIS W. MACKEY
- 22. BECKY B. MATHEWS
- 23. SHELIA E. THOMPSON

IN THE NAME AND ON BEHALF OF THE CITIZENS OF GEORGIA, CHARGE AND ACCUSE

CARLOS HERRERA

with the offense of CHILD MOLESTATION, O.C.G.A. § 16-6-4(a)

for that the said accused between the 15th day of August, 2012, and the 11th day of May, 2013, the exact date of the offense being unknown to the Grand Jury and in the County aforesaid did unlawfully then and there

COMMIT AN IMMORAL AND INDECENT ACT TO [REDACTED] A CHILD UNDER THE AGE OF 16 YEARS, WITH THE INTENT TO AROUSE AND SATISFY THE SEXUAL DESIRES OF SAID ACCUSED, BY TOUCHING THE GENITAL AREA OF SAID CHILD WITH THE GENITAL AREA OF SAID ACCUSED, SAID OFFENSE BEING SEPARATE AND DISTINCT FROM THE OFFENSE ALLEGED IN COUNT 3 OF THIS INDICTMENT,

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

PRESENTMENT

Rosemary M. Greene, District Attorney
Cherokee Judicial Circuit

Carrie Smith
Gordon County Sheriff's Office
Prosecutor

PAGE 1 OF 6

BILL OF INDICTMENT

GEORGIA, GORDON COUNTY

IN THE SUPERIOR COURT OF SAID COUNTY

THE GRAND JURORS AFORESAID IN THE NAME AND BEHALF OF THE CITIZENS OF
GEORGIA, FURTHER CHARGE AND ACCUSE

CARLOS HERRERA

COUNT 2

with the offense of CHILD MOLESTATION, O.C.G.A. § 16-6-4(a)

for that the said accused between the 15th day of August, 2012, and the 11th day of May, 2013,
the exact date of the offense being unknown to the Grand Jury and in the County aforesaid did
unlawfully then and there

COMMIT AN IMMORAL AND INDECENT ACT TO [REDACTED] A CHILD UNDER
THE AGE OF 16 YEARS, WITH THE INTENT TO AROUSE AND SATISFY THE SEXUAL
DESIRES OF SAID ACCUSED, BY TOUCHING THE GENITAL AREA OF SAID CHILD
WITH THE HAND OF SAID ACCUSED, SAID OFFENSE BEING SEPARATE AND
DISTINCT FROM THE OFFENSE ALLEGED IN COUNT 4 OF THIS INDICTMENT,

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

PRESENTMENT

Rosemary M. Greene, District Attorney
Cherokee Judicial Circuit

Carrie Smith
Gordon County Sheriff's Office
Prosecutor

PAGE 2 OF 6

BILL OF INDICTMENT

GEORGIA, GORDON COUNTY

IN THE SUPERIOR COURT OF SAID COUNTY

THE GRAND JURORS AFORESAID IN THE NAME AND BEHALF OF THE CITIZENS OF
GEORGIA, FURTHER CHARGE AND ACCUSE

CARLOS HERRERA

COUNT 3

with the offense of CHILD MOLESTATION, O.C.G.A. § 16-6-4(a)

for that the said accused between the 15th day of August, 2012, and the 11th day of May, 2013,
the exact date of the offense being unknown to the Grand Jury and in the County aforesaid did
unlawfully then and there

COMMIT AN IMMORAL AND INDECENT ACT TO [REDACTED] A CHILD UNDER
THE AGE OF 16 YEARS, WITH THE INTENT TO AROUSE AND SATISFY THE SEXUAL
DESIRES OF SAID ACCUSED, BY TOUCHING THE GENITAL AREA OF SAID CHILD
WITH THE GENITAL AREA OF SAID ACCUSED, SAID OFFENSE BEING SEPARATE
AND DISTINCT FROM THE OFFENSE ALLEGED IN COUNT 1 OF THIS INDICTMENT,

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

PRESENTMENT

Rosemary M. Greene, District Attorney
Cherokee Judicial Circuit

Carrie Smith
Gordon County Sheriff's Office
Prosecutor

PAGE 3 OF 6

BILL OF INDICTMENT

GEORGIA, GORDON COUNTY

IN THE SUPERIOR COURT OF SAID COUNTY

**THE GRAND JURORS AFORESAID IN THE NAME AND BEHALF OF THE CITIZENS OF
GEORGIA, FURTHER CHARGE AND ACCUSE**

CARLOS HERRERA

COUNT 4

with the offense of CHILD MOLESTATION, O.C.G.A. § 16-6-4(a)

for that the said accused between the 15th day of August, 2012, and the 11th day of May, 2013,
the exact date of the offense being unknown to the Grand Jury and in the County aforesaid did
unlawfully then and there

COMMIT AN IMMORAL AND INDECENT ACT TO [REDACTED] A CHILD UNDER
THE AGE OF 16 YEARS, WITH THE INTENT TO AROUSE AND SATISFY THE SEXUAL
DESIRES OF SAID ACCUSED, BY TOUCHING THE GENITAL AREA OF SAID CHILD
WITH THE HAND OF SAID ACCUSED, SAID OFFENSE BEING SEPARATE AND
DISTINCT FROM THE OFFENSE ALLEGED IN COUNT 2 OF THIS INDICTMENT,

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

PRESENTMENT

**Rosemary M. Greene, District Attorney
Cherokee Judicial Circuit**

**Carrie Smith
Gordon County Sheriff's Office
Prosecutor**

PAGE 4 OF 6

BILL OF INDICTMENT

GEORGIA, GORDON COUNTY

IN THE SUPERIOR COURT OF SAID COUNTY

THE GRAND JURORS AFORESAID IN THE NAME AND BEHALF OF THE CITIZENS OF
GEORGIA, FURTHER CHARGE AND ACCUSE

CARLOS HERRERA

COUNT 5

with the offense of CHILD MOLESTATION, O.C.G.A. § 16-6-4(a)

for that the said accused between the 15th day of August, 2012, and the 11th day of May, 2013,
the exact date of the offense being unknown to the Grand Jury and in the County aforesaid did
unlawfully then and there

COMMIT AN IMMORAL AND INDECENT ACT IN THE PRESENCE OF [REDACTED]
A CHILD UNDER THE AGE OF 16 YEARS, WITH THE INTENT TO AROUSE AND
SATISFY THE SEXUAL DESIRES OF SAID ACCUSED, BY MASTURBATING IN THE
PRESENCE OF SAID CHILD,

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

PRESENTMENT

Carrie Smith
Gordon County Sheriff's Office
Prosecutor

Rosemary M. Greene, District Attorney
Cherokee Judicial Circuit

PAGE 5 OF 6

BILL OF INDICTMENT

GEORGIA, GORDON COUNTY

IN THE SUPERIOR COURT OF SAID COUNTY

THE GRAND JURORS AFORESAID IN THE NAME AND BEHALF OF THE CITIZENS OF
GEORGIA, FURTHER CHARGE AND ACCUSE

CARLOS HERRERA

COUNT 6

with the offense of CHILD MOLESTATION, O.C.G.A. § 16-6-4(a)

for that the said accused between the 28th day of May, 2012, and the 11th day of May, 2013, the
exact date of the offense being unknown to the Grand Jury and in the County aforesaid did
unlawfully then and there

COMMIT AN IMMORAL AND INDECENT ACT TO [REDACTED] A CHILD
UNDER THE AGE OF 16 YEARS, WITH THE INTENT TO AROUSE AND SATISFY THE
SEXUAL DESIRES OF SAID ACCUSED, BY TOUCHING THE GENITAL AREA OF SAID
CHILD WITH THE HAND OF SAID ACCUSED,

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

PRESENTMENT

Rosemary M. Greene, District Attorney
Cherokee Judicial Circuit

Carrie Smith
Gordon County Sheriff's Office
Prosecutor

PAGE 6 OF 6

CHARGES

Ct. 1: CHILD MOLESTATION
O.C.G.A. 16-6-4(a)

Ct. 2: CHILD MOLESTATION
O.C.G.A. 16-6-4(a)

Ct. 3: CHILD MOLESTATION
O.C.G.A. 16-6-4(a)

Ct. 4: CHILD MOLESTATION
O.C.G.A. 16-6-4(a)

Ct. 5: CHILD MOLESTATION
O.C.G.A. 16-6-4(a)

Ct. 6: CHILD MOLESTATION
O.C.G.A. 16-6-4(a)

WARRANT NO: 20138131, 20138197,
20138198, 20138199,
20138200

The Defendant _____

waives copy of Bill of Indictment and list of
witnesses, also waives being formally arraigned
and pleads _____ guilty.

This _____ day of _____, 2013.

_____ Defendant

_____ Defendant's Attorney

BILL OF INDICTMENT

No: 24286

Gordon Superior Court
September Term, 2013

THE STATE
vs.
CARLOS HERRERA

True BILL

Chris Dymally
Foreperson

ROSEMARY M. GREENE,
District Attorney

Carrie Smith,
Gordon County Sheriff's Office
Prosecutor

Minute Book _____ Page _____

We, the Jury, find the Defendant

This _____ day of _____, 2013.

_____ Foreperson

FILED
Clerk Superior Ct., Gordon County
SEP 12 2013
Grant Walraven
Clerk

GEORGIA SEX OFFENDER REGISTRATION NOTIFICATION FORM



.....*Asterisk denotes required fields (if applicable)

Offender Information

*Last Name		*First Name		*Middle Name		Probation Yes/No	*Fingerprints Yes/No	DNA Yes/No	*Photograph Yes/No
HERRERA		CARLOS				YES	NO	YES	YES
*Date of Birth	Place of Birth	*Age	*Sex	*Race	*Height	*Weight	*Hair Color	*Eye Color	*Social Security Number
	GEORGIA	46	MALE	WHITE	5'2"	215	BROWN	Brown	
Driver's License Number	Driver's License State	*Vehicle Make		*Vehicle Model		*Vehicle Color	*Vehicle Year	*Vehicle Tag Number	
N/A	N/A	N/A		N/A		N/A	N/A	N/A	

Offender's Additional Information

Name(s)				
N/A				
Scars/Marks/Tattoos				
N/A				
Date(s) of Birth			Social Security Number(s)	
N/A			N/A	
Vehicle Make	Vehicle Model	Vehicle Color	Vehicle Year	Vehicle Tag Number
N/A	N/A	N/A	N/A	N/A

Offense Information (which requires registration)

*Crime(s)							
CHILD MOLESTATION							
Date of Offense	Date of Arrest	*Prison Release Date	*Probation Start Date	*Parole Start Date	SID Number	FBI Number	GDC ID Number
8/15/12and5/11/13	N/A	5/21/18	5/22/18	NA	42804704	662298VD8	1001336186
*Date of Conviction	Court of Conviction	Case Number	Sex of Victim	Age of Victim	County of Conviction		State of Conviction
8/12/13	SUPERIOR	24286	N/A	N/A	GORDON		GEORGIA

GEORGIA SEX OFFENDER REGISTRATION NOTIFICATION FORM

Place of Employment

*Name of Employer	*Address	*County	*City	*State	*Zip Code	*Date of Employment
N/A	N/A	N/A	N/A	N/A	N/A	N/A

Institute of Higher Learning

*Name of Institution	*Address	*County	*City	*State	*Zip Code
N/A	N/A	N/A	N/A	N/A	N/A

Permanent Place of Residence of Homelessness

*Complete Street Address of Location Where You Sleep (if Homeless) for Prison Address Prior to Release	*County	*City	*State	*Zip Code
[REDACTED]	FLOYD	ROME	GEORGIA	30165
Complete Mailing Address or P.O. Box	County	City	State	Zip Code

Temporary Place of Residence (If applicable)

Complete Street Address	*County	*City	*State	*Zip Code
Central State Prison 4600 Fulton Mill Road	BIBB	MACON	GEORGIA	31208
Complete Mailing Address or P.O. Box	County	City	State	Zip Code

Place of Residence (Complete only if no permanent address provided)

Motor Vehicle or Trailer	Mobile or Manufactured Home	Vessel, Live-Aboard Vessel or Houseboat	
Vehicle Identification Number	Mobile Home Location Permit Number	Hull Identification Number	Manufacturer's Serial Number
License Tag Number	Mobile or Manufactured Home Owner Name and Address	Name of Vessel or Houseboat	Registration Number
Description of Motor Vehicle or Trailer (Including Make, Model, Color Scheme)	Description of Mobile or Manufactured Home (Including Make, Model, Color Scheme and Where Home is Located on Property)	Description of Vessel, Live-Aboard Vessel or Houseboat (Including Make, Model, Color Scheme)	

GEORGIA SEX OFFENDER REGISTRATION NOTIFICATION FORM

REGISTRATION INFORMATION FOR ALL SEX OFFENDERS

Pursuant to O.C.G.A § 42-1-12(a) (16), "Required registration information" means:

- (A) Name; social security number; age; race; sex; date of birth; height; weight; hair color; eye color; fingerprints; and photograph;
- (B) Address within this state or out of state, and, if applicable in addition to the address, a rural route address and a post office box;
- (C) If the place of residence is a motor vehicle or trailer, the vehicle identification number, the license tag number, and a description, including color scheme, of the motor vehicle or trailer;
- (D) If the place of residence is a mobile home, the mobile home location permit number; the name and address of the owner of the home; a description, including the color scheme of the mobile home; and, if applicable, a description of where the mobile home is located on the property;
- (E) If the place of residence is a manufactured home, the name and address of the owner of the home; a description, including the color scheme of the manufactured home; and, if applicable, a description of where the manufactured home is located on the property;
- (F) If the place of residence is a vessel, live-aboard vessel, or houseboat, the hull identification number; the manufacturer's serial number; the name of the vessel, live-aboard vessel, or houseboat; the registration number; and a description, including color scheme, of the vessel, live-aboard vessel, or houseboat;
- (F.1) If the place of residence is the status of homelessness, information as provided under paragraph (2.1) of subsection (f) of this Code section;
- (G) Date of employment, place of any employment, and address of employer;
- (H) Place of vocation and address of the place of vocation;
- (I) Vehicle make, model, color, and license tag number;
- (J) If enrolled, employed, or carrying on a vocation at an institution of higher education in this state, the name, address, and county of each institution, including each campus attended, and enrollment or employment status; and
- (K) The name of the crime or crimes for which the sexual offender is registering and the date released from prison or placed on probation, parole, or supervised release.

Pursuant to O.C.G.A § 42-1-12(f), Any sexual offender required to register under this Code section shall:

- (1) Provide the required registration information to the appropriate official before being released from prison or placed on parole, supervised release, or probation;
- (2) Register in person with the sheriff of the county in which the sexual offender resides within 72 hours after the sexual offender's release from prison or placement on parole, supervised release, probation, or entry into this state;
- (2.1) In the case of a sexual offender whose place of residence is the status of homelessness, in lieu of the requirements of paragraph (2) of this subsection, register in person with the sheriff of the county in which the sexual offender sleeps within 72 hours after the sexual offender's release from prison or placement on parole, supervised release, probation, or entry into this state and provide the location where he or she sleeps;
- (3) Maintain the required registration information with the sheriff of each county in which the sexual offender resides or sleeps;
- (4) Renew the required registration information with the sheriff of the county in which the sexual offender resides or sleeps by reporting in person to the sheriff within 72 hours prior to such offender's birthday each year to be photographed and fingerprinted;
- (5) Update the required registration information with the sheriff of the county in which the sexual offender resides within 72 hours of any change to the required registration information, other than where he or she resides or sleeps if such person is homeless. If the information is the sexual offender's new address, the sexual offender shall give the information regarding the sexual offender's new address to the sheriff of the county in which the sexual offender last registered within 72 hours prior to any change of address and to the sheriff of the county to which the sexual offender is moving within 72 hours prior to establishing such new address. If the sexual offender is homeless and the information is the sexual offender's new sleeping location, within 72 hours of changing sleeping locations, the sexual offender shall give the information regarding the sexual offender's new sleeping location to the sheriff of the county in which the sexual offender last registered, and if the county has changed, to the sheriff of the county to which the sexual offender has moved; and
- (6) Continue to comply with the registration requirements of this Code section for the entire life of the sexual offender, excluding ensuing periods of incarceration.

GEORGIA SEX OFFENDER REGISTRATION NOTIFICATION FORM

INITIAL	PROVISION	
CH	A.	According to the provisions of O.C.G.A § 42-1-12, you are hereby notified that you must register in person as a sex offender in the State of Georgia for life unless relieved of that requirement by a court of competent jurisdiction.
CH	B.	To comply with your initial registration requirements, you must report within 72 hours of your release from prison, placement on probation, parole or supervised release or entry into the State of Georgia to the appropriate Sheriff's Office of the county where you reside.
CH	C.	If you are released from prison for another offense during the time that you are required to register for a sex offense, then you must notify the Sheriff of the county where you last registered within 72 hours after such release.
CH	D.	You must provide a street or route address for your place of residence. A post office box does not constitute an address. If you are homeless, you must provide a description of the place you sleep.
CH	E.	If the place of residence is a motor vehicle or trailer, provide the vehicle identification number, the license tag number, and a description, including color/ color scheme, of the motor vehicle or trailer, and where the motor vehicle or trailer is located.
CH	F.	If the place of residence is a mobile home, provide the mobile home location permit number, the name and address of the owner of the home, a description including the color scheme of the mobile home and if applicable, a description of where the mobile home is located on the property.
CH	G.	If the place of residence is a manufactured home, provide the name and address of the owner of the home, a description including the color scheme of the manufactured home, and if applicable, a description of where the manufactured home is located on the property.
CH	H.	If the place of residence is a vessel, live-aboard vessel, or houseboat, provide the hull identification number, the manufacturer's serial number, the name of the vessel, live-aboard vessel, or houseboat, the registration number, and a description including color scheme of the vessel, or houseboat.
CH	I.	You must register all addresses.
CH	J.	You are required to register with the sheriff's office of the county where you reside within 72 hours prior to your birthday each year to be photographed and fingerprinted.
CH	K.	If you have been determined to be a sexually dangerous predator, you will remain on the registry for life and you must register with the sheriff of the county of residence 72 hours prior to your birthday each year and 6 months following your birthday to update your registration information.
CH	L.	You shall not intentionally photograph a minor without the consent of the minor's parent or guardian.
CH	M.	If you have been determined to be a sexually dangerous predator, you will be required to wear an electronic monitoring system for the remainder of your life as well as <i>pay for the monitoring fee</i> .
CH	N.	If you are enrolled, employed or practice a vocation at an institution of higher education in this state, you must provide the name, address, and county of each institution including each campus attended and your position or enrollment status, as well as any change in enrollment, employment, or vocation status to the sheriff.
CH	O.	If you are homeless, you must register in person to the sheriff of the county where you sleep within 72 hours after release from prison or placement on parole, supervised release probation or entry into this state and provide the location where you are sleeping.
CH	P.	If you are homeless, you must report in person to the sheriff of the county where you sleep within 72 hours of changing your sleeping location.

GEORGIA SEX OFFENDER REGISTRATION NOTIFICATION FORM

INITIAL	PROVISION	
CH	Q.	If you are homeless, you must report in person to the sheriff of the county where you are registered within 72 hours of changing your sleeping location, and to the sheriff of the county where you moved your sleeping location within 72 hours of moving.
CH	R.	You must re-register with the sheriff's office in person within 72 hours prior to your birthday; 72 hours prior to any change of address; within 72 hours of change of employment or school status.
CH	S.	Regardless if your new residence address is within your county or outside your county (even temporary), you must give the new address to the sheriff of the county with whom you last registered within 72 hours prior to moving and to the sheriff of the county to which you are moving 72 hours prior to moving.
CH	T.	You must register in any state where you are employed, volunteer, practice a vocation, or are a student.
CH	U.	If you move to another state, you are required to report to the sheriff's office you last registered within the State of Georgia within 72 hours prior to moving and to the designated law enforcement agency in your new state of residence within 72 hours.
CH	V.	You are subject to all registration requirements if you move to Georgia from any other place and are required to register as a sex offender in another jurisdiction.
CH	W.	Persons who are sentenced under the first offender act are subject to the registration requirements until the offender successfully completes the requirements as set forth by the court.
CH	X.	At this time, the laws concerning registration of sex offenders can be found in the Official Code of Georgia Annotated, Section 42-1-12 through 42-1-19.
CH	Y.	You must meet certain criteria to petition the court for release from registration and/or residency/employment restrictions. See O.C.G.A. § 42-1-19.
Residency / Employment / Loitering Restrictions		
CH	Z.	If your date of offense was committed prior to June 4, 2003, there are no residency or employment restrictions unless required through probation or parole, however, you must adhere to all registration requirements. {O.C.G.A. § 42-1-17}
CH	AA.	If your date of offense was committed between June 4, 2003 – June 30, 2006, you cannot reside within 1,000 feet of any child care facility, school, or areas where minors congregate (public & private parks, recreation facilities, playgrounds, skating rinks, neighborhood centers, gymnasiums, and similar facilities providing programs or services directed towards persons under 18 years of age). {O.C.G.A. § 42-1-17}
CH	BB.	If your date of offense was committed between July 1, 2006 – June 30, 2008, you cannot reside within 1,000 feet of any child care facility, church, school, areas where minors congregate (public & private parks, recreation facilities, playgrounds, skating rinks, neighborhood centers, gymnasium, school bus stops, and public & community swimming pools). {O.C.G.A. § 42-1-16}
CH	CC.	If your date of offense was committed between July 1, 2006 – June 30, 2008, you cannot be employed at any child care facility, church, school, or any business or entity that is located within 1,000 feet of said location. {O.C.G.A. § 42-1-16}
CH	DD.	If your date of offense was committed between July 1, 2006 – June 30, 2008, and you are a sexually dangerous predator, you cannot be employed at any child care facility, church, school, area where minors congregate (public & private parks, recreation facilities, playgrounds, skating rinks, neighborhood centers, gymnasium, school bus stops, and public & community swimming pools) or any business or entity that is located within 1,000 feet of said location. {O.C.G.A. § 42-1-16}
CH	EE.	If your date of offense was committed between July 1, 2006 – June 30, 2008, you cannot loiter at any child care facility, school, or areas where minors congregate (public & private parks, recreation facilities, playgrounds, skating rinks, neighborhood centers, gymnasium, school bus stops, and public & community swimming pools). {O.C.G.A. § 42-1-16}

GEORGIA SEX OFFENDER REGISTRATION NOTIFICATION FORM

CH	FF.	If your date of offense was committed on July 1, 2008 or after, you cannot reside within 1,000 feet of any child care facility, church, school, areas where minors congregate (public & private parks, recreation facilities, playgrounds, skating rinks, neighborhood centers, gymnasium, school bus stops, public libraries, and public & community swimming pools). {O.C.G.A. § 42-1-15}
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INITIAL	PROVISION	
CH	GG.	If your date of offense was committed on July 1, 2008 or after, you cannot be employed/volunteer at any child care facility, church, school, or any business or entity that is located within 1,000 feet of said location. {O.C.G.A. § 42-1-15} A volunteer is defined in O.C.G.A § 42-1-15 (a) (4).
CH	HH.	If your date of offense was committed on July 1, 2008 or after, and you are a sexually dangerous predator, you cannot be employed/volunteer at any child care facility, church, school, area where minors congregate (public & private parks, recreation facilities, playgrounds, skating rinks, neighborhood centers, gymnasium, school bus stops, public libraries, and public & community swimming pools) or any business or entity that is located within 1,000 feet of said location. {O.C.G.A. § 42-1-15}
CH	II.	If your date of offense was committed on July 1, 2008 or after, loitering is prohibited at any child care facility, school, or areas where minors congregate (public & private parks, recreation facilities, playgrounds, skating rinks, neighborhood centers, gymnasium, school bus stops, public libraries, and public & community swimming pools). {O.C.G.A. § 42-1-15}
Travel		
CH	JJ	Under the Adam Walsh Child Protection and Safety Act of 2006, 18 U.S.C. § 2250, if you fail to comply with registration requirements and are involved in interstate travel, you may be subject to federal prosecution.
International Travel		
CH	KK	Under SORNA (34 U.S.C. § 20914 (a) (7)) registered sex offenders must provide certain information about "intended travel... outside of the United States" and to comply with the United States Attorney General's direction about the time and manner for reporting such information. Therefore, the registered sex offender <i>should report in person</i> to the sheriff of the county in which the sexual offender resides at least 21 days before traveling outside the United States and complete a travel notification document containing travel information including expected departure and return dates, flight number airport of departure, cruise port of departure, or any other means of intended travel. 18 U.S.C. § 2250 (b) criminalizes situations where an individual has failed to provide the advance notice of international travel.
Additional Information		
CH	LL.	If you violate a sex offender statute, you may be found guilty of a felony and may be punished by imprisonment for up to 30 years.
CH	MM.	The current laws concerning sex offender registration can be found on the Georgia Secretary of State's website (www.legis.state.ga.us), the District Attorney's Office, and many other places.
CH	NN.	The Georgia legislature meets at least once each year, usually beginning in January, and each time the legislature meets the laws concerning sex offender registration in Georgia can be changed. Most of those changes take effect July 1; however, some changes take effect as soon as the legislation is signed by the Governor.
CH	OO.	It is <i>my duty</i> to always be aware of the current laws concerning my requirement to register as a sex offender and I understand that ignorance of the law is no excuse for my failure to abide by the laws concerning the registration of sex offenders
CH	PP.	Every state in the United States has a sex offender registry; however, each state's laws are different and should I ever leave the State of Georgia, it is my duty to familiarize myself with the laws of the state where I live. Ignorance of the law is no excuse for my failure to abide by the laws concerning the registration of sex offenders in any state where I live

GEORGIA SEX OFFENDER REGISTRATION NOTIFICATION FORM

<div style="font-size: 2em; font-family: cursive;">CH</div>	QQ.	If you are arrested on any charges, you <i>should</i> report in person to the sheriff's office which you were last registered immediately upon release, to update your registration and inform the sheriff's office of your whereabouts. {Not mandated by law but it is the offender's responsibility to report changes. 0811}
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I have read, or had read to me, this registration notification form and understand its contents.

CARLOS HERRERA	Carlos Herrera	5/17/18
Offender's Name (Print)	Offender's Signature	Date
PASHION CHAMBERS		5/17/18
Witness Name (Print)	Witness Signature	Date
CENTRAL STATE PRISON	478-757-2633	
Name of Witnessing Agency (Print)	Telephone Number for Witnessing Agency	

The purpose of this form is to provide the necessary information for the registration of sexual offenders in the State of Georgia. The information contained within this form is not intended to provide legal advice to any person required to register as a sexual offender.

GEORGIA SEX OFFENDER REGISTRATION NOTIFICATION FORM



THE PENALTY

O.C.G.A. § 42-1-12

(n) Any individual who:

- (1) Is required to register under this Code section and who fails to comply with the requirements of this Code section;
- (2) Provides false information; or
- (3) Fails to respond directly to the sheriff of the county where he or she resides or sleeps within 72 hours prior to such individual's birthday shall be guilty of a felony and shall be punished by imprisonment for not less than one nor more than 30 years; provided, however, that upon the conviction of the second offense under this subsection, the defendant shall be punished by imprisonment for not less than five nor more than 30 years.

I have read, or had read to me, this registration notification form and understand its contents.

5/17/18
Date

CARLOS HERBERT
Offender's Name (Print)

Carlos Herbert
Offender's Signature

APRIL 12 1977
Offender's Date of Birth

PASHION CHAMBERS
Witness Name (Print)

[Signature]
Witness Signature

CENTRAL STATE PRISON
Name of Witnessing Agency (Print)

478-757-2633
Telephone Number for Witnessing Agency



**DEPARTMENT OF COMMUNITY SUPERVISION
PROXIMITY LAW RESTRICTIONS WORKSHEET**

FIELD OPERATIONS DIVISION FORM Version 001 07-06-20

What day was the registrable crime COMMITTED?

- This is NOT the date of the SENTENCE.
- This information should be in the Count of Indictment or the Accusation that resulted in the conviction.
- If the Indictment or Accusation on the relevant Count contains a range of dates, use the EARLIEST date.

Date crime was COMMITTED: 8-15-12

Date is before 6/4/2003: NO PROXIMITY LAW RESTRICTIONS

Date is between 6/4/2003 and 6/30/2006: Use Code § 42-1-17

Date is between 7/1/2006 and 6/30/2008: Use Code § 42-1-16

Date is on or after 7/1/2008: Use Code § 42-1-15

The Proximity Law is separate from any Special Conditions of Probation. Regardless of the changes to the Proximity Law, all Special Conditions of Probation imposed by the Court REMAIN IN EFFECT (including any restrictions on where the offender may live, who the offender may live with, where the offender may go, and where the offender may work).

Crime Committed Before 6/4/2003	
Residency Restrictions:	None
Employment Restrictions:	None

Crime Committed Between 6/4/2003 and 6/30/2006: Use Code § 42-1-17	
Residency Restrictions:	The offender shall not reside with 1000 feet of any child care facility, school or area where minors congregate.
Child care facility means: <ul style="list-style-type: none"> • Public and private pre-kindergarten facilities, • Day-care centers and preschool facilities (Note: the definition for the time frame does not include "child care learning center" or "long term care facilities for children")	
School means:	

<ul style="list-style-type: none"> • Public and private kindergartens, • Elementary school • Secondary school <p>Area where minors congregate means:</p> <ul style="list-style-type: none"> • All public and private parks and recreation centers; • Playgrounds; • Skating rinks; • Neighborhood centers; • Gymnasiums • Similar facilities providing programs or services directed towards persons under 18 years of age. <p>Note: Restricted areas do not include school bus stops, swimming pools, public libraries or churches.</p>	
Employment Restrictions:	None

Crime Committed Between 7/1/2006 and 6/30/2008: Use Code § 42-1-16	
<u>Residency Restrictions:</u>	The offender shall not reside within 1000 feet of a child care facility, church, school or area where minors congregate.
<p>Child care facility means:</p> <ul style="list-style-type: none"> • All public and private pre – Kindergarten facilities • Day-care centers • Child care learning facilities • Preschool facilities • Long-term care facilities for children <p>Church means:</p> <ul style="list-style-type: none"> • Place of public religious worship <p>School means:</p> <ul style="list-style-type: none"> • Public and private kindergarten • Elementary school • Secondary school <p>Area where minors congregate means:</p> <ul style="list-style-type: none"> • All public and private parks and recreation facilities • Playgrounds • Skating rinks • Neighborhood centers • Gymnasiums • Public and community swimming pools 	
<u>Employment Restrictions:</u>	The offender shall not be employed at a child care facility, school or church or at any business or entity located within 1000 feet of a child care facility, school or church.
<u>PREDATOR:</u>	Additional employment restrictions for a PREDATOR: If the offender has been declared a Sexually Dangerous Predator the offender shall not be employed by any business or entity that is located within 1,000 feet of an area where minors congregate.

Crime Committed on or after 7/1/2008: Use Code § 42-1-15	
<u>Residency Restrictions:</u>	The offender shall not reside within 1000 feet of a child care facility, church, school or area where minors congregate.
<p>Child care facility means:</p> <ul style="list-style-type: none"> • All public and private pre – Kindergarten facilities • Day-care centers • Child care learning facilities • Preschool facilities • Long-term care facilities for children <p>Church means:</p> <ul style="list-style-type: none"> • Place of public religious worship <p>School means:</p> <ul style="list-style-type: none"> • Public and private kindergarten • Elementary school • Secondary school <p>Area where minors congregate means:</p> <ul style="list-style-type: none"> • All public and private parks and recreation facilities • Playgrounds • Skating rinks • Neighborhood centers • Gymnasiums • Public libraries • Public and community swimming pools 	
<u>Employment Restrictions:</u>	<p>The offender shall not be employed or volunteer (as defined) at a child care facility, school or church or at any business or entity located within 1000 feet of a child care facility, school or church. If the offender has been declared a Sexually Dangerous Predator, the offender shall not be employed by or volunteer at any business within 1000 feet of area where minors congregate.</p> <p>Volunteer – to engage in an activity in which one could be, and ordinarily would be, employed for compensation, and which activity involves working with, assisting, or being engaged in activities with minors; provided, however, that such term shall not include participating in activities limited to persons who are 18 years of age or older or participating in worship services or engaging in religious activities or activities at a place of worship that do not include supervising, teaching, directing, or otherwise participating with minors who are not supervised by an adult who is not an individual required to register pursuant to Code Section 42-1-12.</p>

TIM BURKHALTER, SHERIFF



Tom Caldwell, IV
Chief Deputy

Tommy McGuire
Major, Field Operations

Robert G. Sapp, CJA
Major, Jail Operations

Courthouse & Enforcement
#3 Government Plaza
Rome, Georgia 30161
(706) 314-0710

Jail & Administration
2526 New Calhoun Highway
Rome, Georgia 30161
(706) 291-4111

May 22, 2018

To Whom It May Concern:

Carlos Herrera appeared at the Floyd County Sheriff's Office on this date to register as a sex offender. Due to potential conflict with his probation being in Gordon County as well as language barriers we were unable to register Mr. Herrera in Floyd County at this time. He has been instructed to contact Gordon County Probation to determine where he needs to register as a sex offender. This letter is to verify that Mr. Herrera has attempted to be in compliance with the rules of the Sex Offender Registry within his 72 hours from release of prison. If Gordon County approves his transfer of probation to Floyd County then he is to come back to the Floyd County Sheriff's Office to register as a sex offender.

Deputy Anthony Cromer
SOR Unit
Office (706) 314-6212
Mobile (706) 252-4487
Email cromerj@floydcountyga.org

"THE FLOYD COUNTY SHERIFF'S OFFICE. + POSITIVE IN OUR COMMUNITY"

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

BRANDON COBB, et al., etc.,

Plaintiffs,

v.

GEORGIA DEPARTMENT OF
COMMUNITY SUPERVISION, et
al., etc.,

Defendants.

CIVIL ACTION NO.

1:19-cv-03285-WMR

DECLARATION OF CALEB WORLEY

1. I, Caleb Worley, offer this declaration for the Court's consideration on Plaintiffs' motion for preliminary injunction and for all other purposes allowed by law. All statements in this declaration are within my personal knowledge.
2. During 07/01/2015 through the present, I have been employed by the Georgia Department of Community Supervision (DCS) as a Community Supervision Officer. Before then, I was employed as a Probation Officer by the Georgia Department of Corrections.
3. I have received the following training in supervising probationers and parolees: On 09/28/2012 I graduated from the Georgia Department of

Corrections and State Board of Pardons and Parole Basic Probation/Parole Officer Training Academy in Forsyth, Georgia at the Georgia Public Safety Training Center. On 10/05/2012 I attended Basic Community Service Coordinator Training at the Georgia Public Safety Training Center in Forsyth, Georgia. On 11/06/2012 I attended an annual training for Community Service Coordinators at the Georgia Public Safety Training Center in Forsyth, Georgia. On 06/13/2013, 08/27/2014, 08/28/2014, 05/21/2015, 06/16/2015, 06/01/2016, 06/02/2016, 08/17/2017, 10/05/2017, 12/31/2017, and 01/09/2018 I completed Annual Inservice Training over various topics to include, but not limited to, situational awareness, defensive tactics, radio communications, etc., from my Department at various locations throughout the state of Georgia that it was offered. On 10/17/2013 and 10/13/2016 I attended Domestic Violence Training at the Waycross Judicial Circuit training. On 10/09/2013, 03/25/2014, 03/27/2015, 03/16/2016, 02/07/2017, 04/26/2018, and 05/24/2019 I attended and passed firearms requalifications and use of deadly force training from the Department of Community Supervision and Department of Corrections held at various locations throughout the state of Georgia. On 06/04/2015, 07/30/2015, and 10/08/2015 I passed and

completed Basic Management Training from the Department of Corrections at various locations throughout the state of Georgia. On 10/13/2015 I attended and passed a Basic Sex Offender Management Training Course at the Georgia Public Safety Training Center in Forsyth, Georgia. On 02/10/2016, 11/15/2016, 09/27/2017, and 09/24/2018 I attended annual sex offender management training from the Department of Community Supervision at various locations throughout the state of Georgia. On 01/27/2016 I attended and passed electronic monitoring training at the Georgia Public Safety Training Center in Forsyth, Georgia. On 07/28/2016 I attended A.L.E.R.R.T. Active Shooter Training held by the Georgia State Patrol at the Patterson Police Department in Patterson, Georgia. On 09/21/2016, 04/26/2018, and 05/24/2019 I attended Taser Certification and re-certifications by the Department of Community Supervision at various locations throughout the state of Georgia. On 02/03/2017, 02/28/2018, and 01/31/2019 I completed training for de-escalation for gaining compliance training held online by the Georgia Public Safety Training Center in Forsyth, Georgia. On 11/06/2017, 02/05/2018, and 01/31/2019 I completed Cultural Awareness training held online by the Department of Community Supervision and the Georgia

Public Safety Training Center located in Forsyth, Georgia. On 12/31/2014, 12/31/2016, 02/03/2017, and 01/11/2018 I completed Elder Abuse training held online by the Georgia Public Safety Training Center and the Department of Community Supervision in Forsyth, Georgia. On 01/05/2018 I attended Autism Spectrum Disorder Training held online by the Department of Community Supervision. On 03/02/2018 I attended a quarterly training for the Internet Crimes Against Children Task Force on Jekyll Island, Georgia. On 03/12/2018 I attended and completed Expandable Baton Inservice training.

4. In my employment since 04/16/2012, I have supervised probationers and parolees in order to monitor and facilitate their compliance with the probation conditions of their criminal sentences and the conditions of their parole.
5. My supervision of probationers and parolees requires me to perform the following duties. For Sex Offense Caseload offenders I am required to make a minimum of one unscheduled face to face field interaction and one scheduled or video chat interaction each month. I am also required to walk through each residence a minimum of one time a month. One quarterly comprehensive search is required. For High Caseload Offenders I am

required to make one face to face field interaction each month or one video chat interaction each month. However, video interactions may not take place in consecutive months. Standard Caseload Offenders I am required to make one face to face office, face to face field, or video interaction every 90 days. During an interaction it is discussed if the offender has come into contact with any law enforcement personnel since the last interaction for good or bad reasoning, if the offender has made a monthly payment as required, if the offender has maintained full time employment or if currently unemployed what tactics are being taken to become employed, have there been any contact with children if conditions prevent contact, and talk about how each offender's day to day life is going to find out if there are any external factors that may contribute to offender possibly relapsing or becoming noncompliant with conditions of supervision.

6. My supervision duties may differ depending on the crimes for which the probationers and parolees have been convicted. For example, for sex-offenders who are on the Georgia Sex Offenders Registry, my duties are to make a minimum of one un-scheduled face to face field interaction and one scheduled or video chat interaction each month. I am also required

to walk through each residence a minimum of one time a month. One quarterly comprehensive search is required.

7. All supervisees or offenders are assigned a level of supervision. The level of supervision governs the scope and intensity of supervision. For example, as explained above, some levels require more frequent contact by the Community Supervision Officer with the supervisee.
8. In the course of my career, I have supervised approximately 600-900 probationers and approximately 40 parolees. This has included approximately 120 persons on the Georgia Sex Offenders Registry.
9. The documents referred to in, and attached to, this declaration are true and accurate copies of official records created or received by DCS. These records are maintained in the regular course of business and it is the regular and routine practice for DCS to maintain these records. The entries in these records were made at or near the time of the events to which they refer and were made by, or from information transmitted by, persons with knowledge. All documents referred to in, or attached to this declaration, were in effect at the times they indicate or, if no time is indicated, have been in effect during July 1, 2015 through the present. As an employee of

DCS, I am familiar with the manner in which these records are created and maintained and have access to these records.

10. During my career, I have supervised approximately 2 probationers and parolees who have identified themselves as having hearing impairment.
11. Georgia Relay is a free service available to all persons with hearing or speech problems. It is available to DCS officers and hearing impaired supervisees. The services offered by Georgia Relay are described at <https://georgiarelay.org/>. It is available free 24/7 by calling 7-1-1.
12. I understand that the Sorenson Video Relay Service (see <https://www.sorensonvrs.com/svrs>) is also available to assist in communicating with hearing impaired probationers and parolees. My understanding is that this service is paid for by the government and is provided under the Telecommunications Relay Service fund (see <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>).
13. If a probationer or parolee identifies himself or herself as having hearing impairment, I and other DCS supervisors can engage any of the services offered by Georgia Relay or the Telecommunications Relay Service fund

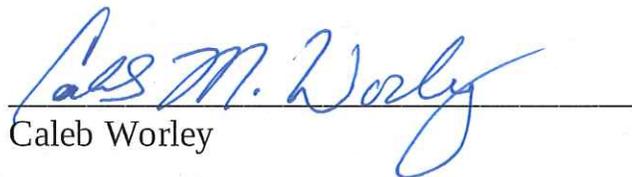
to facilitate communications. We can also engage a qualified American Sign Language (ASL) interpreter through DCS.

14. I have supervised Plaintiff Joseph Nettles during 10/16/2015 through 08/01/2017 and from 01/03/2018 through the present. He is on probation currently and has been on probation since 09/05/2011. Nettles is under a criminal sentence entered in 2003 by the Superior Court of Brantley County, Georgia for cruelty to children. (Attachment 1).
15. Nettles has not been charged with any probation violations while I have supervised him. And I am not aware of any issues regarding his compliance with the terms of his probation.
16. I understand that Nettles' criminal defense attorney has told Nettles he should ask for an ASL interpreter, but Nettles had not asked me for an interpreter until a field contact on 08/26/2019 when I specifically asked him in writing if he wished to have an interpreter and he responded in writing that he requested an ASL interpreter. I have not had any problems in effectively communicating with Nettles. I have communicated effectively with him through his mother, writing messages, text messaging, FaceTime with Nettles' adult daughter and son present, and gestures.

17. If I have difficulty effectively communicating with Nettles in the future, I will engage a qualified ASL interpreter or one or more of the services available through Georgia Relay.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

This the 28th day of August, 2019.


Caleb Worley

New Sentence Checklist

Name: Nettles, Joseph Scott Date Received: 11/24/03
Number: EF 538829

AKA: _____

Number of Pages: 14

County of Conviction: 013

DNA OFFENSE 2801

Folder Imaged? Yes No

Imaged by: KS date 12-5-03

Admissions

Initials

Date

Pre-Admit

ak

12/2

Validity Review

||

12/3

Initial Assignment

||

12/4

Computations

Remarks:

postal

PRISONERS PERSONAL HISTORY SHEET

To be furnished to the Georgia Department of Corrections, Atlanta, Ga., by Clerks of the Superior Court of the State of Georgia at the same time notice of sentence is furnished. (As provided in Ga. Code Title 77, Section 309 (c).)

SENTENCEDATA:

From Superior Court of BRANTLEY County JANUARY Term XX 2003
 Name of Prisoner JOSEPH SCOTT NETTLES
 Crime for which convicted SEE ATTACHED FINAL DISPOSITION SHEET
 Sentence SEE ATTACHED FINAL DISPOSITION SHEET of Conviction 9-6-01, revoked 8-12-03
 Was motion for new trial filed? NO If so, what date was motion finally disposed of? -----
 Was appeal made to higher Court? NO If so, what date was remittitur of Appellate Court made judgment of this Court? ----

I, the undersigned Clerk (Deputy Clerk) of the above noted Court, do hereby certify that the above information is true and accurate as appears of record and from the minutes of said Court.

Given under my official signature and the Seal of said Court this 19th day of NOVEMBER, XX 2003

Cynthia P. Crews
 (DEPUTY) Clerk of the Superior Court

IDENTITY OF PRISONER:

Race: White Sex: Male DOB: [REDACTED] SSN: [REDACTED] OTN: -----

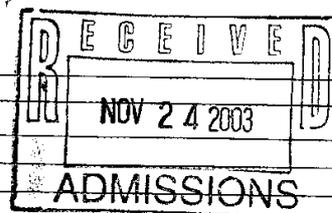
FBI No. ----- S.I.D. No. ----- Finger Print # -----

Eye Color Brown Hair Color Black Height 5'8" Weight 180

Place of Birth Georgia Distinguishing marks and scars -----

Is prisoner in good physical and mental condition? ----- State any defects or medication required Deaf

Last home address? [REDACTED] Hoboken, GA 31543
 Marital Status Separated Spouse's Name Tonya L. Nettles
 Name, Address, and relation of nearest relative or friend Betty Nettles (Mother)
[REDACTED]
Hoboken, GA 31542



Occupation Construction

NOTE: Highlighted Areas Must Be Completed

Was subject picked up from Department of Corrections to answer these charges? NO
 If yes, which institution?

If subject was previously convicted, attach copy of FBI record or give dates of convictions, crimes, lengths of sentences, where he was convicted, when and how he was released.

From what jail can Department of Corrections assume custody of this subject? Brantley County Jail

Robert C. Harmon
 Signature

Sheriff
 Title

AFFIDAVIT OF CUSTODIAN

Georgia, Brantley County

I, the undersigned custodian of the defendant do swear and affirm that the following information is true and correct to the best of my knowledge.

Joseph Scott Nettles
Name of Defendant

If defendant was confined in a hospital or other institution prior to date sentence was imposed please indicate date entered _____ and date released _____.

If subject was released on bond or escaped, indicate date departed _____ and date returned _____.

The defendant spent a total of 129 days in jail, Central State Hospital or other institution prior to date sentence was imposed.

NOTE: On probated sentences received after July 1, 1970 enter jail time prior to subjects release on probation.

COMMENTS: _____

Robert C. Thomas
(Custodian of Defendant)

Sworn to and subscribed before me this
13 day of Aug. ~~19~~ 2003

Sheriff

(Title) Brantley Co. Sheriff's Office
(Department)

Georgia, BRANTLEY County.

I, the undersigned ~~(Clerk)~~ (Deputy Clerk) of the SUPERIOR Court, in and for said county, do hereby certify that the above is a true and complete copy of affidavit of custodian, a part of the official record of the trial of said defendant, as appears of record and from the minutes of said court.

Given under my official signature and the seal of the said court this 19TH day of NOVEMBER ~~19~~ 2003

Cynthia P. Crews
(Deputy Clerk)

(Seal)

IMPORTANT: The custodian of the defendant shall forward the original and one copy of this document to the Clerk of the Court. The Clerk of the Court shall retain the original and shall forward one (1) certified copy of this document to The Georgia Department of Corrections along with the sentence(s), commitment history, etc., in each case.

(Authority: Ga. L. 1956, pp.161, 171 as amended (Ga. code ann. sec. 77-309); Ga. L. 1970, pp. 692-693)

Date Filed Nov. 14, 2003
Hour Filed 10:00 Am
By Lynetha G. Crews
CLERK SUPERIOR COURT
BRANTLEY COUNTY, GEORGIA

IN THE SUPERIOR COURT OF BRANTLEY COUNTY
STATE OF GEORGIA

THE STATE OF GEORGIA DOCKET NO. 98R-120

VS

Joseph Scott Nettles OFFENSE: Cts.1.2: Child Molestation
Cts.3.4: Cruelty to Children

ORDER OF COURT ON PETITION FOR ADJUDICATION
OF GUILT AND IMPOSITION OF SENTENCE

WHEREAS, pursuant to notice given to the defendant, a full hearing having been conducted by this court on the date aforesaid and the Court having determined that the terms of probation had been violated as set forth in the following particulars:

Defendant failed to pay court ordered monies as directed by Probation Officer. On 04-14-03, between the hours of 3:00 p.m. and 10:00 p.m., defendant committed the offense of child molestation on a juvenile at [redacted] Folkston, GA.

NOW THEREFORE, it is ordered and adjudged that the defendant be adjudged guilty of said offense for which he received First Offender Probation, and it is further ordered and directed that the defendant be sentenced in accordance with the law to serve twenty (20) years, serve ten (10) years, balance probated in the Brantley County Jail, the Public Works Camp, or such other place as the Commissioner of Corrections may direct subject, however, to the further provision that:

Defendant to be given credit for time served on First Offender Probation from 09-06-01 until 08-12-03. Said sentence scheduled to expire on 09-05-2021.

IT IS FURTHER ordered and directed that the Clerk of Court file this Order in said case and made proper entry in the records of a guilty conviction and imposition of sentence, and that a copy of this Order be forwarded to the Georgia Crime Information Center and a copy forwarded to the Identification Division of the Federal Bureau of Investigation.

ORDERED this 12th day of August, 2003.

No Restitution Owed

Dwayne H. Gillis
THE HONORABLE Judge, Dwayne H. Gillis
Brantley County Superior Court
Waycross Judicial Circuit

/gl

This is to certify that a true and correct copy of this
Disposition has been delivered in person to the defendant and
he/she instructed regarding the conditions as set forth above.

This 12th day of November, 2003.


Larry Bryant, Probation Officer II
Waycross Judicial Circuit

Copy received and instructions regarding conditions acknowledged.

This 12th day of November, 2003.

Refused to sign. (12)
Probationer Joseph Scott Nettles


Interpreter

OTN: 68002001

ADJUDICATED GUILTY

IN THE SUPERIOR COURT OF BRANTLEY COUNTY, GEORGIA

FINAL DISPOSITION

THE STATE

VS.

JOSEPH SCOTT NETTLES

CRIMINAL ACTION NO. 98R-120

OFFENSE(S) CTS 1,2: CHILD MOLESTATION
CTS 3, 4: CRUELTY TO CHILDREN

January

TERM, 20 03

XX PLEA:

- NEGOTIATED
- GUILTY ON COUNT(S) 3
- NOLO CONTENDERE ON COUNT(S) _____
- TO LESSER INCLUDED OFFENSE(S) _____
- ON COUNT(S) _____

□ VERDICT:

- JURY
- NON JURY
- GUILTY ON COUNT(S) _____
- NOT GUILTY ON COUNT(S) _____
- GUILTY OF INCLUDED OFFENSE(S) OF _____ ON COUNT(S) _____

XX OTHER DISPOSITION:

- NOLLE PROSEQUI ORDER ON COUNT(S) 1,2
- DEAD DOCKET ORDER ON COUNT(S) _____
- MERGED CT 4 WITH CT 3

□ DEFENDANT WAS ADVISED OF HIS/HER RIGHT TO HAVE THIS SENTENCE REVIEWED BY THE SUPERIOR COURT SENTENCE REVIEW PANEL.

XX FELONY SENTENCE

□ MISDEMEANOR SENTENCE

WHEREAS, the above-named defendant has been found guilty of the above-stated offense, WHEREUPON, it is ordered and adjudged by the Court that: the said defendant is hereby sentenced to confinement for a period of CT 3: TWENTY YEARS TO SERVE TEN YEARS IN PRISON, AND TEN YEARS ON in the State Penal System or such other institution as the Commission of the Georgia Department of Corrections may direct, to be computed as provided by law. PROBATION HOWEVER, IT IS FURTHER ORDERED BY THE COURT: TO RECEIVE CREDIT FOR TIME SERVED SINCE

- 1) THAT the above sentence may be served on probation APRIL 16, 2003 UNTIL PRESENT.
- 2) THAT upon service of 10 YEARS of the above sentence, the remainder of 10 YEARS may be served on probation PROVIDED that the said defendant complies with the following general and other conditions herein imposed by the Court as a part of this sentence.

XX GENERAL CONDITIONS OF PROBATION

The defendant, having been granted the privilege of serving all or part of the above-stated sentence on probation, hereby is sentenced to the following general conditions of probation:

- 1) Do not violate the criminal laws of any governmental unit.
- 2) Avoid injurious and vicious habits - especially alcoholic intoxication and narcotics and other dangerous drugs unless prescribed lawfully.
- 3) Avoid persons or places of disreputable or harmful character.
- 4) Report to the Probation Officer as directed and permit such Officer to visit him(her) at home or elsewhere.
- 5) Work faithfully at suitable employment insofar as may be possible.
- 6) Do not change his(her) present place of abode, move outside the jurisdiction of the Court, or leave the state for any period of time without prior permission of the Probation Officer.
- 7) Support his (her) legal dependants to the best of his(her) ability.
- 8) Do not buy, consume or possess any alcoholic beverages, illegal narcotics, illegal drugs or marijuana and do not go to any place where alcoholic beverages, malt beverages, illegal narcotics, illegal drugs or marijuana are sold or dispensed.
- 9) Defendant is directed to attend all alcohol, drug training and counseling and pay for all costs involved as directed by Probation Officer.
- 10) Defendant shall submit to a search of his(her) person, houses, papers and/or effects as those terms of the fourth amendment of the United States Constitution are defined by the court, any time of the day or night, with or without a search warrant whenever requested to do so by a probation officer or any law enforcement officer and shall submit to breath, urine and /or blood specimen for analysis of the possible presence of a prohibited drug or alcohol when instructed by the Probation Staff or any law enforcement officer and pay for all costs involved as directed by Probation Staff.
- 11) Not to have in his(her) possession any kind of firearms or deadly weapon.
- 12) Agree to waive extradition from any jurisdiction where he(she) may be found and not contest any effort by any jurisdiction to return him/her to the State of Georgia.
- 13) Defendant is jointly and severally liable for any restitution ordered.

XX SPECIAL CONDITIONS OF PROBATION

NO UNSUPERVISED CONTACT WITH [REDACTED] ABIDE BY ANY JUVENILE COURT DECISION REGARDING CHILDREN. NO UNSUPERVISED CONTACT WITH ANY MINOR. IN ADDITION, NO CONTACT WITH [REDACTED]

FILED IN OFFICE, THIS 14th DAY OF November, 2003 Cynthia P. Crews DEPUTY CLERK
Sented 9-6-01, Revoked 8-12-03
White - Clerk Canary - District Attorney Pink - Probation Office Goldenrod - Defendant

IN THE SUPERIOR COURT OF BRANTLEY COUNTY, GEORGIA

STATE VS. JOSEPH SCOTT NETTLES

CASE NO. 98R-120

PAGE 2

OTHER CONDITIONS OF PROBATION

It is further ordered that the defendant pay:	COUNT 1	COUNT 2	COUNT 3	COUNT 4	COUNT 5
FINE.....	_____	_____	_____	_____	_____
COURT COSTS.....	_____	_____	\$100.00	_____	_____
POPTF Surcharge (10% of fine+CC up to \$50)....	_____	_____	10.00	_____	_____
COUNTY JAIL FUND (10% of fine+CC).....	_____	_____	10.00	_____	_____
DUI Victim's Surcharge (10% of fine+CC up to \$25).....	_____	_____	_____	_____	_____
DUI Spinal Injury Fund (10% of fine+CC).....	_____	_____	_____	_____	_____
COUNTY DRUG FUND (50% of fine+CC).....	_____	_____	_____	_____	_____
LVAPF Surcharge (5% of fine+CC).....	_____	_____	5.00	_____	_____
ONE TIME FEE...(\$50 felony/ \$25 misdemeanor)	_____	_____	_____	_____	_____
LAW LIBRARY FEE.....	_____	_____	_____	_____	_____
ATTORNEY FEES.....	_____	_____	_____	_____	_____
*RESTITUTION.....	_____	_____	TO BE DETERMINED	_____	_____
OTHER.....	_____	_____	_____	_____	_____
TOTAL TO CLERK:	_____	_____	125.00 + attorney fee when determine	_____	_____

THIS TO BE PAID IN MANNER AS DIRECTED BY PROBATION OFFICER. THE DEFENDANT IS ALSO ORDERED TO PAY A PROBATION FEE OF ~~\$25.00~~ PER MONTH BEGINNING OCTOBER 01, 2001. THIS TO BE PAID IN MANNER DIRECTED BY PROBATION OFFICER

*RESTITUTION TO BE PAID TO: _____

IT IS THE FURTHER ORDER OF THE COURT AND THE DEFENDANT IS HEREBY ADVISED THAT THE COURT MAY AT ANY TIME REVOKE ANY CONDITIONS OF THIS PROBATION AND/OR DISCHARGE THE DEFENDANT FROM PROBATION. THE PROBATIONER SHALL BE SUBJECT TO ARREST FOR VIOLATIONS OF ANY CONDITION OF PROBATION HEREIN GRANTED. IF SUCH PROBATION IS REVOKED, THE COURT MAY ORDER THE EXECUTION OF THE SENTENCE WHICH IS ORIGINALLY IMPOSED OR ANY PORTION THEREOF IN THE MANNER PROVIDED BY LAW AFTER DEDUCTION THEREFROM THE AMOUNT OF TIME THE DEFENDANT HAS SERVED ON PROBATION.

THE DEFENDANT WAS REPRESENTED BY THE HONORABLE MARTIN EAVES ATTORNEY AT LAW, WARE COUNTY, BY EMPLOYMENT/APPOINTMENT.

So Ordered this 12TH Day of AUGUST, 2006 ³ Dwayne H. Gillis
 ORIGINALLY SENTENCED SEPTEMBER 6, 2001 Superior Court Judge, Brantley County

CERTIFICATE OF SERVICE: THIS IS TO CERTIFY AND ACKNOWLEDGE THAT A TRUE AND CORRECT COPY OF THIS SENTENCE HAS BEEN DELIVERED IN PERSON TO THE DEFENDANT AND HE/SHE HAS BEEN DULY INSTRUCTED REGARDING THE CONDITIONS AS SET FORTH.

This 12th Day of November, 2008

Jay B...
 PROBATION OFFICER

Joseph Scott Nettles
 DEFENDANT

White - Clerk Canary - District Attorney Pink - Probation Office Goldenrod - Defendant

RECORDED IN FINAL RECORD BOOK #11, PAGES 306-307 THIS 6TH DAY OF DECEMBER, 2001.

IN: 68002001

IN THE SUPERIOR COURT OF BRANTLEY COUNTY, GEORGIA

FINAL DISPOSITION

THE STATE

CRIMINAL ACTION NO. 98R-120

VS.

OFFENSE(S) Cts.1,2: Child Molestation
Cts. 3,4: Cruelty To Children

Joseph Scott Nettles

January **TERM, 20** 01

PLEA:

- NEGOTIATED
- GUILTY ON COUNT(S) 3
- NOLO CONTENDERE ON COUNT(S) _____
- TO LESSER INCLUDED OFFENSE(S) _____
- ON COUNT(S) _____

VERDICT:

- JURY
- NON JURY
- GUILTY ON COUNT(S) _____
- NOT GUILTY ON COUNT(S) _____
- GUILTY OF INCLUDED OFFENSE(S) OF _____
- ON COUNT(S) _____

OTHER DISPOSITION:

- NOLLE PROSEQUI ORDER ON COUNT(S) 1,2
- DEAD DOCKET ORDER ON COUNT(S) _____
- Merged Ct.4 with Ct.3

DEFENDANT WAS ADVISED OF HIS/HER RIGHT TO HAVE THIS SENTENCE REVIEWED BY THE SUPERIOR COURT REVIEW PANEL.

FIRST OFFENDER TREATMENT

WHEREAS, the above named defendant has been found guilty of the above-stated offense, and WHEREAS, said defendant has not previously been convicted of a felony nor availed himself/herself of the provision of the First Offender Act (Ga Laws 1968, p.324). NOW, THEREFORE, the defendant consenting hereto, it is the judgment of the Court that no judgment of guilt be imposed at this time, but that further proceedings are deferred and defendant is hereby sentenced to confinement for the period of _____ and/or placed on probation for the period of Ct.3: Ten (10) years from this date provided that said defendant complies with the following general and special conditions herein imposed by the Court as part of this sentence. PROVIDED, further, that upon violation of the terms of probation, the Court may enter an adjudication of guilt and proceed to sentence defendant to the maximum sentence provided by law. Upon fulfillment of the terms of probation, or upon release of the defendant by the Court prior to the termination of the period thereof, the defendant shall stand discharged of said offense charged and shall be completely exonerated of guilt of said offense charged. Let a copy of this Order be forwarded to the Office of the State Probation System of Georgia, and the Identification Division of the Federal Bureau of Investigation.

GENERAL CONDITIONS OF PROBATION

The defendant, having been granted the privilege of serving all or part of the above-stated sentence on probation, hereby is sentenced to the following general conditions of probation:

- 1) Do not violate the criminal laws of any governmental unit.
- 2) Avoid injurious and vicious habits - especially alcoholic intoxication and narcotics and other dangerous drugs unless prescribed lawfully.
- 3) Avoid persons or places of disreputable or harmful character.
- 4) Report to the Probation Officer as directed and permit such Officer to visit him/her at home or elsewhere.
- 5) Work faithfully at suitable employment insofar as may be possible.
- 6) Do not change his/her present place of abode, move outside the jurisdiction of the Court, or leave the state for any period of time without prior permission of the Probation Officer.
- 7) Support his (her) legal dependants to the best of his/her ability.
- 8) Do not buy, consume or possess any alcoholic beverages, illegal narcotics, illegal drugs or marijuana and do not go to any place where alcoholic beverages, malt beverages, illegal narcotics, illegal drugs or marijuana are sold or dispensed.
- 9) Defendant is directed to attend all alcohol, drug training and counseling and pay for all costs involved as directed by Probation Officer.
- 10) Defendant shall submit to a search of his/her person, houses, papers and/or effects as those terms of the fourth amendment of the United States Constitution are defined by the court, any time of the day or night, with or without a search warrant whenever requested to do so by a probation officer or any law enforcement officer and shall submit to breath, urine and/or blood specimen for analysis of the possible presence of a prohibited drug or alcohol when instructed by the Probation Staff or any law enforcement officer and pay for all costs involved as directed by Probation Staff.
- 11) Not to have in his/her possession any kind of firearms or deadly weapon.
- 12) Agree to waive extradition from any jurisdiction where he/she may be found and not contest any effort by any jurisdiction to return him/her to the State of Georgia.
- 13) Defendant is jointly and severally liable for any restitution ordered.

SPECIAL CONDITIONS OF PROBATION

No unsupervised contact with [redacted] Abide by any Juvenile Court decision regarding children. No unsupervised contact with any minor.

FILED IN OFFICE, THIS

6th DAY OF Sept. 2001
White - Clerk Canary - District Attorney

Cynthia P. Crews
Pink - Probation Office Goldenrod - Defendant

DEPUTY CLERK

CT

IN THE SUPERIOR COURT OF BRANTLEY COUNTY, GEORGIA

STATE VS. Joseph Scott Nettles

CASE NO. 98R-120

PAGE 2

OTHER CONDITIONS OF PROBATION

It is further ordered that the defendant pay:	COUNT 1	COUNT 2	COUNT 3	COUNT 4	COUNT 5
FINE.....	_____	_____	_____	_____	_____
COURT COSTS.....	_____	_____	100.00	_____	_____
POPTF Surcharge (10% of fine+CC up to \$50)....	_____	_____	10.00	_____	_____
COUNTY JAIL FUND (10% of fine+CC).....	_____	_____	10.00	_____	_____
DUI Victim's Surcharge (10% of fine+CC up to \$25).....	_____	_____	_____	_____	_____
DUI Spinal Injury Fund (10% of fine+CC).....	_____	_____	_____	_____	_____
COUNTY DRUG FUND (50% of fine+CC).....	_____	_____	_____	_____	_____
LVAPF Surcharge (5% of fine+CC).....	_____	_____	5.00	_____	_____
ONE TIME FEE...(\$50 felony/ \$25 misdemeanor)	_____	_____	_____	_____	_____
LAW LIBRARY FEE.....	_____	_____	_____	_____	_____
ATTORNEY FEES.....	_____	_____	To be determined	_____	_____
*RESTITUTION.....	_____	_____	_____	_____	_____
OTHER.....	_____	_____	_____	_____	_____
TOTAL TO CLERK:	_____	_____	125.00 + attorney fee when determined		

THIS TO BE PAID IN MANNER AS DIRECTED BY PROBATION OFFICER. THE DEFENDANT IS ALSO ORDERED TO PAY A PROBATION FEE OF \$23.00 PER MONTH BEGINNING October 01, 2001 THIS TO BE PAID IN MANNER DIRECTED BY PROBATION OFFICER.

*RESTITUTION TO BE PAID TO: _____

IT IS THE FURTHER ORDER OF THE COURT AND THE DEFENDANT IS HEREBY ADVISED THAT THE COURT MAY AT ANY TIME REVOKE ANY CONDITIONS OF THIS PROBATION AND/OR DISCHARGE THE DEFENDANT FROM PROBATION. THE PROBATIONER SHALL BE SUBJECT TO ARREST FOR VIOLATIONS OF ANY CONDITION OF PROBATION HEREIN GRANTED. IF SUCH PROBATION IS REVOKED, THE COURT MAY ORDER THE EXECUTION OF THE SENTENCE WHICH IS ORIGINALLY IMPOSED OR ANY PORTION THEREOF IN THE MANNER PROVIDED BY LAW AFTER DEDUCTION THEREFROM THE AMOUNT OF TIME THE DEFENDANT HAS SERVED ON PROBATION.

THE DEFENDANT WAS REPRESENTED BY THE HONORABLE Jimmy Boatright ATTORNEY AT LAW, Ware COUNTY, BY EMPLOYMENT APPOINTMENT.

So Ordered this 6th Day of September, ~~2000~~ 2001

 Dwayne H. Gillis Superior Court Judge, Brantley County

CERTIFICATE OF SERVICE: THIS IS TO CERTIFY AND ACKNOWLEDGE THAT A TRUE AND CORRECT COPY OF THIS SENTENCE HAS BEEN DELIVERED IN PERSON TO THE DEFENDANT AND HE/SHE HAS BEEN DULY INSTRUCTED REGARDING THE CONDITIONS AS SET FORTH.

This 13th Day of September, 2001

Boyan D. Cunniff
 PROBATION OFFICER

Joseph D. Nettles
 DEFENDANT

White - Clerk Canary - District Attorney Pink - Probation Office Goldenrod - Defendant

COUNT ONE: True **BILL**

In the name and behalf of the citizens of Georgia, charge and accuse **JOSEPH SCOTT NETTLES** with the offense of **CHILD MOLESTATION**, For that the said accused between the **1st day of January, in the year Nineteen Hundred and Ninety-seven, and the 9th day of February, in the year Nineteen Hundred and Ninety-eight**, the exact dates being unknown to this Grand Jury at this time, in the County aforesaid, did then and there unlawfully an immoral and indecent act, to-wit: accused did hold said victim against accused's groin and slide said victim back and forth across his genital area, simulating sexual intercourse, to and in the presence of [REDACTED] a female child under fourteen (14) years of age, and said act done with the intent to arouse and satisfy the sexual desires of said accused, and said act in violation of O.C.G.A. §16-6-4.

COUNT TWO: True **BILL**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, further charge and accuse **JOSEPH SCOTT NETTLES** with the offense of **CHILD MOLESTATION**, For that the said accused between the **1st day of January, in the year Nineteen Hundred and Ninety-seven, and the 9th day of February, in the year Nineteen Hundred and Ninety-eight**, the exact dates being unknown to this Grand Jury at this time, in the County aforesaid, did then and there unlawfully an immoral and indecent act, to-wit: accused did hold said victim against accused's groin and slide said victim back and forth across his genital area, simulating sexual intercourse, to and in the presence of [REDACTED] a female child under fourteen (14) years of age, and said act done with the intent to arouse and satisfy the sexual desires of said accused, and said act in violation of O.C.G.A. §16-6-4.

COUNT THREE: True **BILL**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, further charge and accuse **JOSEPH SCOTT NETTLES and TONYA LOUISE NETTLES** with the offense of **CRUELTY TO CHILDREN**, For that the said accused between the **1st day of January, in the year Nineteen Hundred and Ninety-seven, and the 9th day of February, in the year Nineteen Hundred and Ninety-eight**, the exact dates being unknown to this Grand Jury at this time, in the County aforesaid, did aid and abet each other and together, as parties to a crime, did then and there unlawfully, being ^{the} parents and having immediate charge of [REDACTED] a female child under fourteen (14) years of age, maliciously cause cruel mental pain to said child by involving said child in acts of sexual gratification and simulated sexual intercourse with Joseph Scott Nettles; and Tonya Louise Nettles knew of said acts and did nothing to prevent said acts or report said acts to the proper authorities, and said child was aware Tonya Louise Nettles knew of this and had done nothing; and Joseph Nettles had threatened to harm said victim if she told anyone of his acts, in violation of O.C.G.A. §16-5-70.

AB
9-8-98

COUNT FOUR: Drue **BILL**

And the Grand Jurors aforesaid, in the name and behalf of the citizens of Georgia, further charge and accuse **JOSEPH SCOTT NETTLES and TONYA LOUISE NETTLES** with the offense of **CRUELTY TO CHILDREN**, For that the said accused between the **1st day of January, in the year Nineteen Hundred and Ninety-seven, and the 9th day of February, in the year Nineteen Hundred and Ninety-eight**, the exact dates being unknown to this Grand Jury at this time, in the County aforesaid, did aid and abet each other and together, as parties to a crime, did then and there unlawfully, being adults having immediate charge of [REDACTED] a female child under fourteen (14) years of age, maliciously cause cruel mental pain to said child by involving said child in acts of sexual gratification and simulated sexual intercourse with Joseph Scott Nettles; and Tonya Louise Nettles knew of said acts and did nothing to prevent said acts or report said acts to the proper authorities, in violation of O.C.G.A. §16-5-70, Contrary to the laws of said State, the good order, peace, and dignity thereof.

WITNESSES FOR THE STATE 98R-120

✓ T.E. Stalvey-GBI; Kingsland

✓ Lamar DePratter-Brantley S.O.

✓ [REDACTED] Hoboken [REDACTED]

✓ [REDACTED] Hoboken [REDACTED]

✓ Earl Nettles-[REDACTED] Hoboken (458-2013)

✓ Betty Nettles-[REDACTED] Hoboken (458-2013)

✓ [REDACTED] Hoboken [REDACTED]

✓ Joey Edgy-Brantley DFACS (462-6171)

✓ Gloria Boyett-Brantley DFACS (462-6171)

✓ [REDACTED] [REDACTED]

✓ Dr. P.J. Collipp-[REDACTED] Jesup (427-9378)

IN THE SUPERIOR COURT OF BRANTLEY COUNTY

STATE OF GEORGIA

JANUARY TERM, 1998

STATE OF GEORGIA

v.
JOSEPH SCOTT NETTLES
TONYA LOUISE NETTLES

*INDICTMENT NUMBER 988-120
COUNTS 1-2: CHILD
* MOLESTATION
COUNTS 3-4: CRUELTY TO
* CHILDREN

THE GRAND JURORS SELECTED, CHOSEN, AND SWORN FOR THE COUNTY
AFORESAID, TO-WIT:

- 1. Floyd Holt, Foreman
- 2. Lulu H. Wilson
- 3. Marvin R. Lee, Jr.
- 4. ~~Jack S. Dowling, Jr.~~
- 5. ~~Jimmy E. Fender~~
- 6. Joseph S. Groover
- 7. ~~Denise A. Brooks~~
- 8. Joseph P. Dixon
- 9. Annette D. Campbell
- 10. Ray D. Griffin
- 11. Roy Jordan
- 12. Stephani E. Joiner
- 13. ~~Sandra A. Winters~~
- 14. Eula M. Crews
- 15. Macy A. Harrell
- 16. Horace L. Godfrey
- 17. Joe B. Daniels
- 18. Gloria R. Boyett
- 19. ~~Douglas L. Brand~~
- 20. George R. Dryden
- 21. ~~Tina M. Moody~~
- 22. Kathie S. Burgess
- 23. Ester M. Townsend

Gregory M. Lee — Alternate
Warren H. Rehberg, Jr. — Alternate

Received in Open Court and
Filed in Office, this 15th day
of September, 19 98.

Floyd Holt
FOREMAN

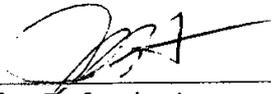
J. E. Stalvey
PROSECUTOR

Cynthia P. Crews, Dep.
M. ANTHONY HAM 10
Clerk of Superior Court 169-173

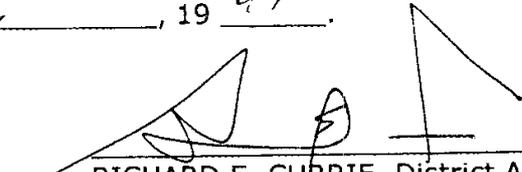
[Signature] [Signature] CADA
RICHARD E. CURRIE, District Attorney
Waycross Judicial Circuit

The Defendant, **JOSEPH SCOTT NETTLES**, on waiving formal arraignment, being served a copy of the Bill of Indictment and a List of Witnesses and pleads not guilty.

This 18 day of February, 19 99.



Attorney for Defendant



RICHARD E. CURRIE, District Attorney

The Defendant, **JOSEPH SCOTT NETTLES**, desiring to withdraw his plea of not guilty, hereby waives the right to trial by jury and pleads ~~guilty~~ ^{under the} to 3 §4 merged into 1st offense Act one count of Cruelty to

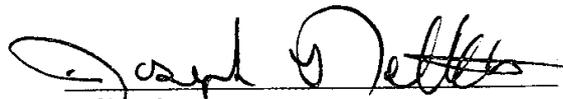
This 6 day of September, 19 2001. Children



Attorney for Defendant



RICHARD E. CURRIE, District Attorney



Defendant

COUNTS 1 & 2 are hereby
not pressed and dismissed by
the State

We, the Jury, find the Defendant, **JOSEPH SCOTT NETTLES**:

Count One: _____

Count Two: _____

Count Three: _____

Count Four: _____

This _____ day of _____, 19 _____.

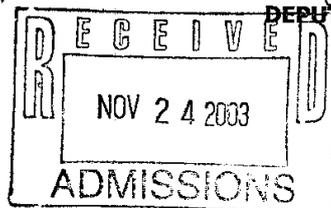
FOREPERSON

STATE OF GEORGIA
OFFICE OF THE CLERK OF SUPERIOR COURT
COUNTY OF BRANTLEY

THIS IS TO CERTIFY THAT THE ATTACHED PAGES CONTAIN A TRUE
AND CORRECT COPY OF THE ORDER OF COURT ON PETITION FOR
ADJUDICATION OF GUILT AND IMPOSITION OF SENTENCE, FINAL
DISPOSITION SHEETS, AND INDICTMENT IN THE CASE OF THE
STATE OF GEORGIA VS JOSEPH SCOTT NETTLES, CASE NO 98R-120
OF THE ORIGINALS WHICH ARE OF RECORD IN THE OFFICE OF
THE CLERK OF SUPERIOR COURT.

WITNESS MY HAND AND OFFICIAL SEAL THIS 19th day of
NOVEMBER, 2003.

Cynthia P. Crews
CYNTHIA P CREWS
DEPUTY CLERK



IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

ERNEST WILSON, et al., etc.,

Plaintiffs,

v.

GEORGIA DEPARTMENT OF COM-
MUNITY SUPERVISION, et al., etc.,

Defendants.

CIVIL ACTION NO.

1:19-cv-03285-WMR

DECLARATION OF EDWARD DOWDELL, SR.

1. I, Edward Dowdell, Sr., offer this declaration for the Court's consideration on Plaintiffs' motion for preliminary injunction and for all other purposes allowed by law. All statements in this declaration are within my personal knowledge.
2. During 07/01/2015 through the present, I have been employed by the Georgia Department of Community Supervision (DCS) as a Community Supervision Officer. Before then, I was employed as State Probation Officer by Department of Correction.
3. I have received the following training in supervising probationers and parolees:

07/25/1	ICM04G How Being Trauma Informed Improves	4	DEPARTMENT OF
9	CJS Responses (DCS)		COMMUNITY

			SUPERVISION ACADEMY
07/12/1 9	NKG09G GA. GANG INVESTIGATORS' ASSOC. CONF.	2 4	MORROW POLICE DEPARTMENT
06/14/1 9	DLC02G Sentence Computation (DCS)	1	GEORGIA DEPT OF COMMUNITY SUPERVISION
04/16/1 9	ILF01G SEXUAL HARASSMENT	1	GEORGIA DEPT OF COMMUNITY SUPERVISION
04/01/1 9	IDO00D OLEORESIN CAPSICUM	2	DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY
04/01/1 9	IDG12G TASER UPDATE	2	DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY
04/01/1 9	UFR00F FIREARMS REQUALIFICATIONS	2	DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY
02/28/1 9	DYM05G DE-ESCALATION OPTIONS FOR GAINING COMPLIANCE (GPSTC)	1	GEORGIA DEPT OF COMMUNITY SUPERVISION
02/13/1 9	DBM04G AT-RISK ADULTS (GPSTC)	3	GPSTC ACADEMY
02/06/1 9	DDU04G Use of Force - 2 Hr. Version (DCS)	2	GEORGIA DEPT OF COMMUNITY SUPERVISION
01/31/1 9	DYE00G CULTURAL AWARENESS (Gov. Initiative)	2	GEORGIA DEPT OF COMMUNITY SUPERVISION
11/27/1	INC12G PROBATION OPTIONS	3	DEPARTMENT OF

8	MANAGEMENT (DEPT OF COMM SUPV)		COMMUNITY SUPERVISION ACADEMY
09/18/1 8	INP04G DEPT OF COMM SUPV ANNUAL IN- SERVICE	3	DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY
09/10/1 8	IBS09G SEX OFFENDER MANAGEMENT	3	DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY
07/20/1 8	NKG09G GA. GANG INVESTIGATORS' ASSOC. CONF.	2 8	MORROW POLICE DEPARTMENT
06/13/1 8	UFR00F FIREARMS REQUALIFICATIONS	2	DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY
06/13/1 8	IDG12G TASER UPDATE	2	DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY
06/05/1 8	NBC62G CHILD ABDUCTION REACTION	1 6	GA POST COUNCIL
05/21/1 8	IGA00G GANGS	8	MORROW POLICE DEPARTMENT
04/30/1 8	DYM05G DE-ESCALATION OPTIONS FOR GAINING COMPLIANCE (GPSTC)	1	GEORGIA DEPT OF COMMUNITY SUPERVISION
03/20/1 8	IDA02D EXPANDABLE BATON INSERVICE	8	DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY
03/14/1 8	DXM01G Medication Assisted Treatment - Alternatives in Battling the Opioid Epidemic	2	GEORGIA DEPT OF COMMUNITY

			SUPERVISION
03/13/1 8	DDU02G COMPUTER BASED TRAINING DEFENSIVE TACTICS USE OF FORCE	1	GEORGIA DEPT OF COMMUNITY SUPERVISION
03/01/1 8	DYE00G CULTURAL AWARENESS (Gov. Initiative)	2	GEORGIA DEPT OF COMMUNITY SUPERVISION
01/17/1 8	DYM06G AUTISM SPECTRUM DISORDER TRAINING (DCS)	1	GEORGIA DEPT OF COMMUNITY SUPERVISION
11/30/1 7	DCD02G ELDER ABUSE (GPSTC ONLINE)	1	GPSTC ACADEMY
10/06/1 7	INP04G DEPT OF COMM SUPV ANNUAL IN- SERVICE	1	GEORGIA DEPT OF COMMUNITY SUPERVISION
09/27/1 7	IBS09G SEX OFFENDER MANAGEMENT	6	DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY
09/15/1 7	DYE00G CULTURAL AWARENESS (Gov. Initiative)	2	GPSTC ACADEMY
09/01/1 7	NOG95G GA PROFESSIONAL ASSOC OF COMMUNITY SUPERVISION (GPACS)	4	DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY
08/31/1 7	NOG95G GA PROFESSIONAL ASSOC OF COMMUNITY SUPERVISION (GPACS)	1	DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY
08/31/1 7	NOG95G GA PROFESSIONAL ASSOC OF COMMUNITY SUPERVISION (GPACS)	1	DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY
07/24/1	INP04G DEPT OF COMM SUPV ANNUAL IN-	8	DEPARTMENT OF

7	SERVICE		COMMUNITY SUPERVISION ACADEMY
07/21/1 7	INP04G DEPT OF COMM SUPV ANNUAL IN- SERVICE	8	DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY
07/14/1 7	NKG09G GA. GANG INVESTIGATORS' ASSOC. CONF.	2 4	MORROW POLICE DEPARTMENT
06/29/1 7	IGA02G BLOODS OVERVIEW (DCS)	2	DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY
06/29/1 7	IGA03G DCS VALIDATION PROCESS	1	DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY
06/29/1 7	IGA05G PORTAL STG VALIDATION TOOL DEPLOYMENT & PRACTICALS	2	DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY
06/29/1 7	IGA04G GANG INTERVIEWING (DCS)	2	DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY
04/06/1 7	UFR00F FIREARMS REQUALIFICATIONS	2	DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY
03/16/1 7	DCR00G USE OF FORCE & DE-ESCALATION OPTIONS FOR GAINING COMPLIANCE (Gov. Initiative)	5	GPSTC ACADEMY
11/30/1 6	DCD02G ELDER ABUSE (GPSTC ONLINE)	1	GPSTC ACADEMY

11/15/1 6	IBS09G SEX OFFENDER MANAGEMENT	5	DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY
09/22/1 6	IDG02G TASER	8	DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY
04/28/1 6	INP04G DEPT OF COMM SUPV ANNUAL IN- SERVICE	8	DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY
04/27/1 6	INP04G DEPT OF COMM SUPV ANNUAL IN- SERVICE	8	DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY
04/22/1 6	AKG03G GANG INVESTIGATORS COURSE	4 0	GEORGIA PUBLIC SAFETY TRNG CENTER POLICE
03/02/1 6	UFR00F FIREARMS REQUALIFICATIONS	2	DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY
03/02/1 6	IFM22G USE OF DEADLY FORCE	2	DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY
02/19/1 6	IGB29G SECURITY AND INTEGRITY OF CHRI (2 HR)	2	DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY
02/10/1 6	IBS04G SEX OFFENDER TRAINING	8	DEPARTMENT OF COMMUNITY SUPERVISION ACADEMY

11/09/1 IOG15G ELECTRONIC MONITORING
5

7 GEORGIA
CORRECTIONS
ACADEMY TIFT
COLLEGE

4. In my employment since 12/2012, I have supervised probationers and parolees in order to monitor and facilitate their compliance with the probation conditions of their criminal sentences and the conditions of their parole.
5. In 2012, I began my career as a surveillance officer and a probation officer II- High Case officer in Walton County. In 2014, I was promoted to a Sex Offender Officer- SPS III and I currently primarily work in Newton County.
6. My supervision duties may differ depending on the crimes for which probationers and parolees have been convicted. For example, for sex-offenders who are on the Georgia Sex Offenders Registry, my duties are that I counsel probationers or parolees via office visits, employment visits, telephone inquiries, community contacts and correspondence. I also inform offenders of their requirements of supervision, such as office visits, restitution payments, or educational and employment stipulations. I actively supervise offenders so that they may integrate into the community successfully.

7. All supervisees or offenders are assigned a level of supervision. From the highest level to the lowest, they are: Specialized, High, Standard (contact), and Standard (administrative). The level of supervision governs the scope and intensity of supervision. For example, some levels require more frequent contact by the DCS Community Supervision Officer with the supervisee.
8. In the course of my career, I have supervised approximately 350 probationers and approximately 25 parolees. This has included approximately 340 persons on the Georgia Sex Offenders Registry.
9. The documents referred to in, and attached to, this declaration are true and accurate copies of official records created or received by DCS. These records are maintained in the regular course of business and it is the regular and routine practice for DCS to maintain these records. The entries in these records were made at or near the time of the events to which they refer and were made by, or from information transmitted by, persons with knowledge. All documents referred to in, or attached to this declaration, were in effect at the times they indicate or, if no time is indicated, have been in effect during July 1, 2015 through the present. As an employee of DCS, I am familiar with the manner in which these records are created and maintained and have access to these records.

10. During my career, I have supervised approximately 2 probationers and parolees who have identified themselves as having hearing impairment.
11. Georgia Relay is a free service available to all persons with hearing or speech problems. It is available to DCS officers and hearing impaired supervisees. The services offered by Georgia Relay are described at <https://georgiarelay.org/>. It is available free 24/7 by calling 7-1-1.
12. I understand that the Sorenson Video Relay Service (see <https://www.sorensonvrs.com/svrs>) is also available to assist in communicating with hearing impaired probationers and parolees. My understanding is that this service is paid for by the government and is provided under the Telecommunications Relay Service fund (see <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>).
13. If a probationer or parolee identifies himself or herself as having a hearing impairment, I and other DCS Community Supervision Officers can engage any of the services offered by Georgia Relay or the Telecommunications Relay Service fund to facilitate communications. We can also engage a qualified American Sign Language (ASL) interpreter through DCS.
14. I myself have used interpreter through parnest, texting and by writing on paper to communicate with DCS supervisees.

15. I have supervised Plaintiff Ernest Wilson during 11/08/2017 through the present. He is on probation currently and has been on probation since 11/03/2017. Wilson is under a criminal sentence entered in 2007 by the Superior Court of Jasper County, Georgia for child molestation. (Attachment 1).

16. Wilson has not been charged with any probation violations while I have supervised him. And I am not aware of any issues regarding his compliance with the terms of his probation.

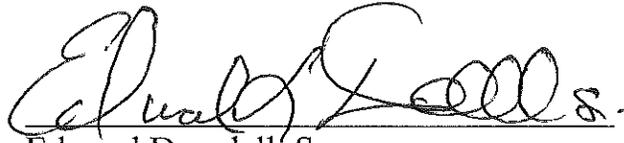
17. Pen and paper have been used by DCS to communicate with Wilson. At the initial interview, Wilson was able to communicate by written means and was assisted by his daughter. Wilson has never asked DCS for an interpreter.

18. I do not believe I have had problems in communicating effectively with Wilson.

19. If I have difficulty effectively communicating with Wilson in the future, I will engage a qualified live interpreter, Sorenson, or one or more of the services provided by Georgia Relay or under the Telecommunications Relay Service fund.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

This the 28th day of August, 2019.



Edward Dowdell, Sr.

GEORGIA DEPARTMENT OF CORRECTION

SENTENCE COMPUTATION FORM

OR4SB

SUMMARY REPORT

XXX

P

REPORT REASON: NEW SENTENCE

PAGE : 1 OF 02
AS OF: 01/11/2008

ROUTE TO: GA DIAG & CLASS PRIS

NAME : WILSON, ERNEST ID#: EF/0000645654 RACE: WHITE SEX: M
 ALIAS: 1. WILSON, ERNEST COLEMAN GDC ID#: 00001263375
 2. WILSON, ERNEST COLMAN DOB: [REDACTED] SSN : [REDACTED]
 3. _____ FBI NO: 289317R4 SID : 02327858W
 4. _____
 5. _____ EDUCATION: _____ VOCATION: _____
 6. _____ BC REJ REASON: _____

CURRENT INSTITUTION: GA DIAG & CLASS PRIS SB441: N RECID: _ SB440: N

ADMISSION TYPE: COURT CMMT CURRENT SECURITY: DIAGNOSTIC

PREVIOUS CASE NUMBERS: 1. _____ 2. _____ 3. _____
 4. _____ 5. _____ 6. _____
 7. _____

REC'D JAN 14 2008

DATES:

 MAXIMUM RELEASE DATE : 11/06/2017 ADMISSION DATE : 11/29/2007
 TENTATIVE PAROLE DATE : _____ INITIAL ASSIGNMENT ORDER: 11/27/2007
 PAROLE REVOCATION DATE: _____ LAST ARRIVE DATE : 11/29/2007
 LAST RECAPTURE DATE : _____
 ESCAPE DATE : _____ *ESCAPE INSTITUTION*: _____

Recid: N

2007-11-7
3-4
 2010-15-7
 2011-3-7

Mar. 2011
Aut. Kalig.

S L

GEORGIA DEPARTMENT OF CORRECTION

SENTENCE COMPUTATION FORM

SUMMARY REPORT

REPORT REASON: NEW SENTENCE

PAGE : 02 OF 02
AS OF: 01/11/2008

NAME : WILSON, ERNEST GDC ID#: 00001263375 ID#: EF/0000645654

COMPUTATION DETAIL SUMMARY

COURT NAME/ CASE NUMBER	COURT TYP/ OFFENSE / SENTENCE TEXT	CRIME COMMITTED DATE	DATE SENTENCED	ADJ	-SENTENCE- ADJUSTED BEGIN DATE	ADJUSTED END DATE
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JASPER 05CR10290 (CTS 1-3)	SUPERIOR CHILD MOLESTATION 20Y SV 10Y (30TS-00) B/P	03/20/2005	11/14/2007		11/07/2007	11/06/2017
----------------------------------	--	------------	------------	--	------------	------------

lea. ct. cc)

lcf 11/7/07)

to: 10 yrs.

PRISONERS PERSONAL HISTORY SHEET

To be furnished to the Georgia Department of Corrections, Atlanta, Ga, by Clerks of the Superior Court of the State of Georgia at the same time notice of sentence is furnished.

SENTENCE DATA:

From Superior Court of Jasper County November Term 19 2007
Name of Prisoner Ernest Coleman Wilson

IDENTITY OF PRISONER

NOTE: BOXED AREA MUST BE COMPLETED

Form with fields for Race (W), Sex (M), DOB, SSN, OTN (125871126), State any defects or medication required (Deaf), Was subject picked up from Department of Corrections to answer these charges? (No), If yes, which Institution?, From what jail can Department of Corrections assume custody of this subject? (Jasper County Jail)

FBI No. 289317R4 S.I.D. No. GA2329858W Finger Print #
Eye Color Green Hair Color Red/Grey Height 600 Weight 180
Place of Birth Georgia Distinguishing marks and scars Tattoo-Right Shoulder-E.W.

Last home address [Redacted] Porterdale, Ga. 30070
Marital Status Married Spouse's Name Sandee Wilson
Name, Address, and relation of nearest relative or friend Sandee Wilson - wife
[Redacted] Porterdale, Ga. 30070

AFFIDAVIT OF CUSTODIAN

I, the undersigned custodian of the defendant, do swear and affirm that the following is true and correct to the best of my knowledge.

Name of defendant Ernest Coleman Wilson

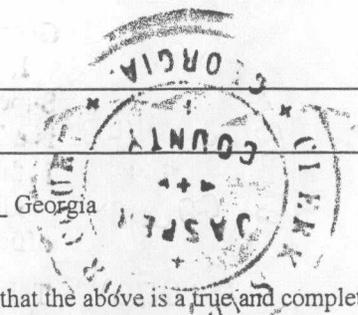
was confined on case number(s) OSC10-290 on the following dates:

Entered 11-07-07 Departed Reason
Entered Departed Reason
Entered Departed Reason

Offender Processing
NOV 21 2007
Received

COMMENTS:

Charles Roper, Sheriff
Custodian by Lt. Ann Baxter
Jasper County Georgia



I, the undersigned (Deputy) Clerk of the Superior State Court, in and for said county, do hereby certify that the above is a true and complete copy of the affidavit of custodian, a part of the official record of the trial of said defendant, as appears of record and from the minutes of said court.

Given under my official signature and the seal of said court this 19th day of November 2007
Lynnda Haines (Deputy) Clerk

Attachment 1

Offender Processing
NOV 5 4 50 07
RECEIVED

Georgia, Jasper County
I, the undersigned Clerk of the
Superior Court Certify that the within
is a True copy of the same as recorded
in this office.

Given under my hand and seal of
office.

This 19th day of Nov 2007
Kennell Burn Dep. Clerk

VS.
Ernest Wilson
AKA:
JOB: [REDACTED] SS#: *** [REDACTED]
D.B.T.S.#
ID#

OFFENSE(S)
Ct. 1 Child Molestation
& 2 Child Molestation
& 3 Child Molestation

PLEA VERDICT OTHER DISPOSITION
NEGOTIATED JURY GUilty ON NOLLE PROSEQUI ORDER
GUilty ON COUNT(S) NON-JURY COUNT(S) 1, 2, 3 ON COUNT(S)
GUilty TO LESSER INCLUDED OFFENSE(S) NOT GUilty ON COUNT(S) DEAD DOCKET ORDER ON
ON COUNT(S) COUNT(S) ADJUDICATION OF GUILT UNDER
NOLO CONTENDERE ON GUilty OF LESSER INCLUDED OFFENSE(S) FIRST OFFENDER ACT ON
COUNT(S) ON COUNT(S) COUNT(S)

DEFENDANT WAS ADVISED OF HIS/HER RIGHT TO HAVE THIS SENTENCE REVIEWED BY THE SUPERIOR COURTS SENTENCE REVIEW PANEL
 FELONY SENTENCE MISDEMEANOR SENTENCE

WHEREAS, the above-named defendant has been found guilty of the above-stated offense, WHEREUPON, it is ordered and adjudged by the Court that: The said defendant is hereby sentenced to confinement for a period of Ct. 1 20yrs (twenty) All to run concurrent with each
Ct 2 20yrs (twenty) other
Ct 3 20yrs (twenty)

in the State Penal System or such other institution as the Commissioner of the State Department of Corrections or Court may direct, to be computed as provided by law. HOWEVER, it is further ordered by the Court:

THAT the above sentence may be served on probation
 THAT upon service of 10yrs of the above sentence, the remainder of said sentence may be served on probation PROVIDED that said defendant complies with the following general and other conditions herein imposed by the Court as a part of this sentence.

GENERAL CONDITIONS OF PROBATION

The Defendant, having been granted the privilege of serving all or part of the above-stated sentence on probation, is sentenced to the following general conditions of probation.

1. Do not violate the criminal laws of any governmental unit.
2. Avoid injurious and vicious habits -especially alcoholic intoxication and narcotics and other dangerous drugs unless prescribed lawfully.
3. Avoid persons or places of disreputable or harmful character.
4. Report to the Probation-Parole Supervisor as directed and permit such Supervisor to visit him/her at home or elsewhere.
5. Work faithfully at suitable employment insofar as may be possible.
6. Do not change his/her present place of abode, move outside the jurisdiction of the Court, or leave the State for any period of time without prior permission of the Probation Supervisor.
7. Support his/her legal dependents to the best of his/her ability.
8. Defendant shall from time to time upon oral or written request by any Probation Officer or any other law enforcement officer in the United States, produce a breath, urine and/or blood specimen for analysis for the possible presence of any substance prohibited or controlled by any law of the State of Georgia or of the United States.
9. Defendant shall submit to a search of his/her person, property, residence, or vehicle at any time of the day or night with or without consent or search warrant, whenever requested by a Probation Officer or any other peace officer and specifically consents to the use of any contraband seized as evidence in a probation violation proceeding. court
10. Defendant shall not carry, own or otherwise possess any firearms.
11. Defendant shall attend and participate in such counseling, treatment or educational program as may be directed by Probation staff and shall abide by all rules and regulations and directions of any such program.
12. By accepting the probation sentence herein, Defendant waives extradition from any other State or country and agrees to return to this State for any probation revocation hearing brought as a result of his/her future violation of any conditions herein.
13. Abide by curfew established by the Probation Officer.

The defendant is remanded to a State Probation Boot Camp/ Detention Center/ Diversion Center pursuant to order incorporated herein by reference _____ to _____ days
The defendant is ordered to serve _____ under Intensive Probation Supervision pursuant to order incorporated herein by reference.

The defendant is ordered to perform _____ hours of community service.

This sentence shall be terminated upon payment in full of all costs, completion of community service, and recommendation of Probation Officer.

OTHER CONDITIONS OF PROBATION: IT IS FURTHER ORDERED that the defendant pay the following as directed by the Probation Officer: a fine in the amount of 3000.00, plus \$50 or 10%, whichever is less, to POPIDF(A) & \$ 3000.00 10% to POPIDF(B) pursuant to O.C.G.A. 15-21-73, \$ 300.00 10% to Jail Fund pursuant to O.C.G.A. 15-21-93, \$ 150.00 5% to Victim Assistance Program pursuant to O.C.G.A. 15-21-131, \$ _____ 50% to Drug Fund pursuant to O.C.G.A. 5-21-100, \$ 50 Crime Lab Fee, \$ 3200 monthly probation supervision fee, \$ _____ Atty. fees, \$ 5.00 Law Library Fee pursuant to O.C.G.A. 36-15-9, and restitution \$ _____

28 \$50 GPDSC 228
stayaway from [REDACTED] their immediate family; and their Grandparents;
For DUIs only: \$ _____ 10% (whichever is less), \$ _____ Publication Fee (2nd or more DUI only)

IT IS THE FURTHER ORDER OF the Court, and the defendant is hereby advised that the Court may, at any time, revoke any conditions of this probation and/or discharge the defendant from probation. The probationer shall be subject to arrest for violation of any condition of probation herein granted. If such probation is revoked, the Court may order the execution of the sentence which was originally imposed or any portion thereof in the manner provided by law after deducting therefrom the amount of time the defendant has served on probation.

The defendant was represented by the Honorable Charles Taylor Attorney at Law, Greene County, by (Employment)(Appointment)

and ordered this 14 day of November, 20 07 J Dee Parrott Judge, Jasper Superior Court

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of this Sentence of Probation has been delivered in person to the defendant and he/she instructed regarding the conditions as set forth above.

This 14 day of November, 20 07
Valarie Ford
Probation Officer

Copy received and instructions regarding conditions acknowledged.
[Signature]
Probationer

This 14 day of November, 20 07
Jynda Hesses
Deputy Clerk

Filed in Open Court, this 14 day of November, 20 07 Attachment 1

Georgia, Jasper County

I, the undersigned Clerk of the Superior Court Certify that the within is a True copy of the same as recorded in this office.

Given under my hand and seal of office.

This 19th day of NOV 2007
Kennell Burns Dep. Clerk

WITNESSES FOR THE STATE:

S.A. Ricky Harvey, GBI
Patricia George
Misty McWilliams

**JASPER COUNTY, GEORGIA
IN THE SUPERIOR COURT OF JASPER COUNTY**

The Grand Jurors selected, chosen and sworn for Jasper County, to wit:

Eric Arena, Foreman

James M. Hauther

Lisa M. Fuller

Joe K. Davis

Charles D. Watson

Margaret C. Watson

Phyllis Cunard

Mitchell O. Andrews

Rob H. Alexander

Kedric L. Brannon

Beth F. Berg

Kathy O. Britt

Amy G. Key

Deborah E. Marsh

Marietta B. Moore

Michael J. Bridges

COUNT 1: In the name and behalf of the citizens of Georgia, charge and accuse **ERNEST WILSON** with the offense of **CHILD MOLESTATION (O.C.G.A. §16-6-4)** for that the said **ERNEST WILSON** on March 20, 2005 in Jasper County, Georgia, did then and there unlawfully, commit an immoral and indecent act, to-wit: pulled down the pants of [REDACTED] a child under the age of 16 years, with the intent to arouse the sexual desires of the accused, contrary to the laws of the State of Georgia, the good order, peace, and dignity thereof.

COUNT 2: And the grand jurors aforesaid, on their oaths aforesaid, in the name and behalf of the citizens of Georgia, further charge and accuse **ERNEST WILSON** with having committed the offense of **CHILD MOLESTATION (O.C.G.A. §16-6-4)** for that the said **ERNEST WILSON** on March 20, 2005 in the State and County aforesaid, did then and there unlawfully, commit an immoral and indecent act, to-wit: intentionally exposed his penis to [REDACTED] a child under the age of 16 years, with the intent to arouse the sexual desires of the accused, contrary to the laws of the State of Georgia, the good order, peace, and dignity thereof.

COUNT 3: And the grand jurors aforesaid, on their oaths aforesaid, in the name and behalf of the citizens of Georgia, further charge and accuse **ERNEST WILSON** with having committed the offense of **CHILD MOLESTATION (O.C.G.A. §16-6-4)** for that the said **ERNEST WILSON** on March 20, 2005 in the State and County aforesaid, did then and there unlawfully, commit an immoral and indecent act, to-wit: fondled the vaginal area of [REDACTED] a child under the age of 16 years, with the intent to arouse the sexual desires of the accused, contrary to the laws of the State of Georgia, the good order, peace, and dignity thereof.

Jasper County Superior Court

Special Presentment

August Term, 2005

FREDRIC D. BRIGHT
DISTRICT ATTORNEY
OCMULGEE JUDICIAL CIRCUIT

Jasper County Superior Court
The undersigned Clerk of the
Court do hereby certify that the within
is a true copy of the same as recorded
in the office of the Clerk of the
Court and seal of
the Court
This 20th day of August 2005
[Signature] Dep. Clerk

Georgia, Jasper County

I, the undersigned Clerk of the
Superior Court Certify that the within
is a True copy of the same as recorded
in this office. *3 pages*

Given under my hand and seal of
office.

This *19th* day of *NOV* 20 *07*
Kennell Bunn Dep. Clerk

Criminal Action Number OSCR10-290

**IN THE SUPERIOR COURT OF JASPER COUNTY
STATE OF GEORGIA
August Term, 2005**

THE STATE OF GEORGIA

V.

ERNEST WILSON

**CT 1: CHILD MOLESTATION
CT 2: CHILD MOLESTATION
CT 3: CHILD MOLESTATION**

TRUE (All 3 counts) Bill
E.H., Foreperson

Special Presentment

FREDRIC D. BRIGHT,
District Attorney

INDICTMENT

The defendant, **ERNEST WILSON**, having been advised of his constitutional rights, waives formal arraignment, waives copy of indictment, and pleads Guilty.

This the 21 day of Feb, 2006.

Sheely
Assistant District Attorney

Brown
Defendant's Attorney

WAIVE PRESENCE
Defendant

We, the jury, find the defendant, **ERNEST WILSON**, Guilty.

This the 14 day of November, 2007.

Rebecca J. Miller
Foreperson

Returned in open court by the grand jury bailiff, announced by the court, and filed in office this 25th day of October 2005

Lynnda Jones
Clerk / Deputy Clerk, Jasper County Superior Court

**ADDITIONAL SPECIAL CONDITIONS OF PROBATION
SEX OFFENDER CONDITIONS**

The State of Georgia, * IN THE SUPERIOR COURT
*
VS. * OF JASPER COUNTY, GA.
*
Ernest Wilson * DOCKET NO. 05CR10-290

The above Defendant, as an additional special condition of probation, is assigned to Sex Offender Supervision and is to abide by the special conditions set forth in this document. Any noncompliance with any ordered conditions will be considered sufficient cause to warrant disciplinary action or revocation of probation. Acknowledgment and acceptance of the applicable conditions will be indicated by the initials of the Defendant.

- 1. **Sex Offender Registration.** You must register as a sex offender with the local sheriff within 72 hours after being placed on community supervision with the Probation Division of the Georgia Department of Corrections. You must also register within 72 hours each time you change your residence. This is mandated by O.C.G.A. 42-1-12, Sex Offender Registration. Failure to do so will not only constitute a violation of your probation but also constitutes a criminal offense under the laws of the State of Georgia.
- 2. **Neighborhood Registration.** You must, through written correspondence, notify your immediate neighbors, defined as anyone living within a half-mile radius, in any direction, as to your status as a convicted sex offender. You shall submit said correspondence to your probation officer for approval as to content within fifteen (15) days of your changing residences.
- 3. **School Registration.** You must, through written correspondence, notify all elementary, middle, and high schools within the county of your residence, as to your status as a convicted sex offender. You shall submit said correspondence to your probation officer for approval as to content within fifteen (15) days of your changing residences.
- 4. **Residence change.** Any change of residence must receive prior approval by the probation officer.
- 5. **Victim Contact.** You shall have no contact with the victim, including correspondence, telephone contacts, any form of electronic communication, or communication through a third party except under circumstances approved in advance and in writing by the Court. You shall not enter onto the premises, travel past, or loiter where the victim resides or attends school.

FILED IN OFFICE THIS 14th DAY OF Nov., 2007 AT 4:15 PM
Linda Hester, Dep
DAN JORDAN, CLERK
JASPER SUPERIOR COURT

- ✓ 6. **Contact with Minors via Motor Vehicle.** You shall not drive any motor vehicle in any neighborhood other than the one of your residence without approval in advance from your probation officer.
- ✓ 7. **Contact with Minors.** You shall have no contact, whether directly in person or indirectly through any means of communication, with any child under the age of eighteen (18), including your own children, nor with any person unable to give consent because of mental or emotional limitations. Neither shall you attempt contact with the aforementioned except under circumstances approved in advance and in writing by the Court.
- ✓ 8. **Collective Contact with Minors.** You shall not go to or loiter near schoolyards, parks, playgrounds, swimming pools, arcades or other places primarily used by children under the age of eighteen (18) unless approved in advance in writing by the Court.
- ✓ 9. **Incidental Contact with Minors.** If you have incidental contact with children, you will be civil and courteous to the child and immediately remove yourself from the situation. You will discuss the contact at your next meeting with you probation officer.
- ✓ 10. **Residence with a Minor.** You shall not reside with any child under the age of eighteen (18), including your own children, unless approved in advance and in writing by your treatment provider.
- ✓ 11. **Relationships.** You shall not date or marry anyone who has children under the age of eighteen (18), unless approved in advance and in writing by the probation officer in consultation with the treatment provider or the sentencing court. You are required to notify any such person of your criminal history.
- ✓ 12. **Contact with Minors Through Employment or Volunteer Work.** You shall not be employed or participate in any volunteer activity, including church related functions, where you have contact with children under the age of eighteen (18) except under circumstances approved in advance and in writing by the probation officer in consultation with the treatment provider or the court.
- ✓ 13. **Employment.** You shall be employed a minimum, on a part-time basis, defined as at least thirty (30) hours a week. You shall not be unemployed for more than six (6) months upon termination, completion, or resignation from your previous employer without approval by your probation officer or the Court. Your employment must be approved by your supervising probation officer.
- ✓ 14. **Images of Minors.** Except as authorized by the court, or the probation supervisor, you shall not create, possess, access or control any type of photograph, video, rendering, or digital imagery of any minor.

- ✓ 15. **Sexually Oriented Material.** You shall not possess or subscribe to any sexually oriented or sexually stimulating material to include mail, computer or television, nor patronize any place where such material or entertainment is available. You shall submit to a search of your residence, automobile, work-space and computer to ensure compliance with this condition.
- ✓ 16. **900 Numbers.** You shall not utilize "900" telephone numbers.
- ✓ 17. **Evaluation and Treatment.** You shall attend and actively participate in sex offender evaluation and treatment at a program approved by the probation officer. You will abide by the rules of the treatment program and successfully complete the program to the satisfaction of the probation office and the treatment provider. You will be financially responsible for all evaluations and treatment unless other arrangements have been made by your probation officer or treatment provider.
- ✓ 18. **Treatment Program Changes.** You shall not change treatment programs without prior approval of the probation officer.
- ✓ 19. **Polygraph.** You shall submit, at your own expense, to any program of psychological or physiological assessment at the direction of the probation officer or treatment provider. This includes the polygraph to assist in treatment, planning and case monitoring.
- ✓ 20. **Release of Information.** You shall sign Releases of Information to allow the probation officer to communication with other professionals involved in your treatment program and to allow all professionals involved to communicate with each other. This will include a release of information to the therapist of the victim, if applicable.
- ✓ 21. **Search.** You shall submit to a search of your person, property, residence or vehicle at any time of the day or night, with or without consent or a search warrant whenever requested to do so by a probation officer or any other peace officer. You specifically consent to the use of any contraband seized as evidence in a probation violation proceeding.
- ✓ 22. **DNA Testing.** Probationers convicted of any offense defined in O.C.G.A. 16-6-1, 16-6-2, 16-6-3, 16-6-4, 16-6-5.1, 16-6-6, 16-6-7, or 16-6-22 shall have a sample or his/her blood drawn for DNA analysis as required by O.C.G.A. 24-4-60. Probation will bear the expense of having the blood drawn.
- ✓ 23. **Drug Screens.** You will submit to, and if necessary pay for, breath, urine, blood or saliva tests for the analysis for the possible presence of a prohibited drug or alcohol.

- 24. **Drugs.** You shall not take into your body any controlled substances or mind altering drugs except pursuant to a legal doctor's prescription.
- 25. **Alcohol.** You shall not purchase, possess, or consume alcoholic beverages.
- 26. **Curfews.** You shall abide by any curfew imposed by the probation officer.
- 27. **Post Office Box.** You will not rent a post office box without permission in advance and in writing from your probation officer.
- 28. **Probation Status.** You will serve your entire sentence under active probation supervision with no provision for early termination or inactive supervision.
- 29. **Sexual Violent Offender Status.** You will allow your file to be submitted to the Sexual Offender Registry Board for determination as to your status as a sexual predator pursuant to O.C.G.A. 42-1-12.
- 30. **Other Special Conditions:** Defendant is banished from the 8 counties of the Ocmulgee Judicial Circuit: Baldwin, Greene, Hancock, Jasper, Jones, Morgan, Putnam, and Wilkinson Counties.

Ordered at Monticello, Georgia, this 14 day of November, 2007.

Jdee Parrott
Judge, Superior Courts
Ocmulgee Judicial Circuit

This is to certify that a true and correct copy of these additional special conditions of probation have been delivered in person to the defendant and he has been duly instructed regarding the same.

This 14 day of November, 2007.

Valerie Ford
Probation Officer

[Signature]
Defendant

Dep. Clerk

Georgia, Jasper County
I, the undersigned Clerk of the
Superior Court Certify that the within
is a True copy of the same as recorded
in this office. 4 pages
Given under my hand and seal of
office.

This 19th day of Nov 20 07
Kennell Bunn Dep. Clerk

IN THE SUPERIOR COURT OF JASPER COUNTY

STATE OF GEORGIA

STATE OF GEORGIA

vs.

Criminal Action No. 05CR10-290

ERNEST WILSON,
Defendant.

Charges: Ct. 1: Child Molestation
Ct. 2: Child Molestation
Ct. 3: Child Molestation

VERDICT

COUNT 1: CHILD MOLESTATION

On this count, we the jury find the Defendant:

Not Guilty
 Guilty of Child Molestation

COUNT 2: CHILD MOLESTATION

On this count, we the jury find the Defendant:

Not Guilty
 Guilty of Child Molestation

COUNT 3: CHILD MOLESTATION

On this count, we the jury find the Defendant:

Not Guilty
 Guilty of Child Molestation

This 14th day of November, 2007.

Georgia, Jasper County

I, the undersigned Clerk of the Superior Court Certify that the within is a True copy of the same as recorded in this office.

Given under my hand and seal of office.

This 19th day of Nov 2007
Kennell Bunn Dep. Clerk

Rebecca J. Miller
Foreperson's signature

Rebecca J. Miller
Foreperson's printed name

FILED IN OFFICE THIS 14th DAY OF Nov, 2007 AT 4:15 pm
Linda Haines, Dep.

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

BRANDON COBB, et al., etc.,

Plaintiffs,

v.

GEORGIA DEPARTMENT OF
COMMUNITY SUPERVISION, et
al., etc.,

Defendants.

CIVIL ACTION NO.

1:19-cv-03285-WMR

DECLARATION OF SHACONNA BRANCH

1. I, Shaconna Branch, offer this declaration for the Court's consideration on Plaintiffs' motion for preliminary injunction and for all other purposes allowed by law. All statements in this declaration are within my personal knowledge.
2. During 11/1/2015 through the present, I have been employed by the Georgia Department of Community Supervision (DCS) as a Community Supervision Officer. Before then, I was employed as a Corrections Officer by the Georgia Department of Corrections.

3. I have received the following training in supervising probationers and parolees: 320 hours of Basic Community Supervision Officer Training completed 06/02/2016 at GSPTC in Forsyth Georgia.
4. In my employment since 11/1/2015, I have supervised probationers and parolees in order to monitor and facilitate their compliance with the probation conditions of their criminal sentences and the conditions of their parole.
5. My supervision of probationers and parolees requires me to perform the following duties. Probationers and parolees report differently based on their supervision level. Some are visited at their residence in an unannounced setting, others are scheduled for appointments in office every 90 days and others are allowed to call in once a month to report any changes. Ensuring that probationers and parolees are abiding by the conditions of their probation which can include paying restitution, having no contact with victims, co-defendants, or specific places, ensuring that the defendants complete court ordered programs, conducting residence verifications, employment verifications, random drug screens, ensuring payments are addressed.

6. My supervision duties may differ depending on the crimes for which the probationers and parolees have been convicted. For example, for sex-offenders who are on the Georgia Sex Offenders Registry, my duties are to ensure that the defendant resides at the address that is registered. ensure that probationers and parolees register annual at least 72 hours before their birthday. Conducting Criminal History checks at least twice annually. I'm also responsible for addressing any sex offender special conditions of the probationer or parolee which could include no contact or unsupervised contact with minors, sex offender treatment, polygraphs, no sexual material, quarterly searches of residences, ensuring no contact with any victims,
7. All supervisees or offenders are assigned a level of supervision. From the highest level to the lowest, they are: Specialized, High, Standard (contact), and Standard (administrative). The level of supervision governs the scope and intensity of supervision. For example, some levels require more frequent contact by the DCS Officer with the offender.
8. In the course of my career, I have supervised approximately 300 probationers and approximately 100 parolees. This has included approximately 58 persons on the Georgia Sex Offenders Registry.

9. The documents referred to in, and attached to, this declaration are true and accurate copies of official records created or received by DCS. These records are maintained in the regular course of business and it is the regular and routine practice for DCS to maintain these records. The entries in these records were made at or near the time of the events to which they refer and were made by, or from information transmitted by, persons with knowledge. All documents referred to in, or attached to this declaration, were in effect at the times they indicate or, if no time is indicated, have been in effect during July 1, 2015 through the present. As an employee of DCS, I am familiar with the manner in which these records are created and maintained and have access to these records.
10. During my career, I have supervised approximately 2 probationers and parolees who have identified themselves as having hearing impairment.
11. Georgia Relay is a free service available to all persons with hearing or speech problems. It is available to DCS officers and hearing impaired supervisees. The services offered by Georgia Relay are described at <https://georgiarelay.org/>. It is available free 24/7 by calling 7-1-1.
12. I understand that the Sorenson Video Relay Service (see <https://www.sorensonvrs.com/svrs>) is also available to assist in

communicating with hearing impaired probationers and parolees. My understanding is that this service is paid for by the government and is provided under the Telecommunications Relay Service fund (see <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>).

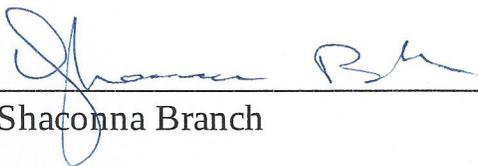
13. If a probationer or parolee identifies himself or herself as having hearing impairment, I and other DCS Community Supervision Officers can engage any of the services offered by Georgia Relay to facilitate communications. We can also engage a qualified American Sign Language (ASL) interpreter through DCS.
14. I myself have used Sorenson Video Relay Service and in-person interpreter, text messages, and pen and paper to communicate with DCS supervisees.
15. I have supervised Plaintiff Jeremy Woody during 3/1/2019 through the present. He is on probation currently and has been on probation since 08/18/2017. Woody is under a criminal sentence entered in 2013 by the Superior Court of Hall County, Georgia for Cruelty to Children (Three Counts). (Attachment 1).

16. Woody has not been charged with any probation violations while I have supervised him. And I am not aware of any issues regarding his compliance with the terms of his probation.
17. Since Woody has been under the supervision of DCS, he has been provided with a qualified and certified interpreter. According to DCS records, this includes 09/28/17, 10/31/18 and 08/08/19.
18. DCS Community Supervision Officers have also used Video Relay Services (VRS) to communicate with Woody. VRS was used for all communications with Woody during 10/20/2017-07/11/2018. VRS was also used 12/17/2018, 12/19/2018, 02/08/2019, 02/11/2019, 02/28/2019, 03/21/2019, 03/23/2019.
19. In addition, DCS Community Supervision Officers have used a telephone interpreter to communicate with Woody 09/08/2017, 09/21/2017, 10/3/2017, 10/5/2017, 10/12/2017, 06/27/18, 07/12/18, 12/17/18, 12/19/18, 02/08/2019, 02/11/2019, 02/28/109, 03/21/2019, 05/06/2019, 05/14/2019, 07/30/2019. I have used Sorenson Video Relay Service (see <https://www.sorensonvrs.com/svrs>) to assist in communicating with Woody.

20. On other occasions, the records of DCS do not reflect the manner in which communications occurred with Woody.
21. I do not believe I have had problems in communicating effectively with Woody.
22. If I have difficulty effectively communicating with Woody in the future, I will engage a qualified live interpreter, Sorenson, or one or more of the services provided by Georgia Relay or under the Telecommunications Relay Service fund.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

This the 28th day of August, 2019.



Shaonna Branch

IN THE SUPERIOR COURT OF HALL COUNTY
NORTHEASTERN JUDICIAL CIRCUIT
STATE OF GEORGIA

ACCUSATION

WITNESSES

CASE NO. 13CR347 C
January Term, 2013

Chatree D. Sridej, Oakwood Police Department

THE STATE OF GEORGIA

vs.

JEREMY J. WOODY

OFFENSE(S): CRUELTY TO CHILD, SECOND DEGREE
(FELONY) - 3 counts

FILED
MAY 1 2013
2013 APR 30 PM 1:46
WELLS

The Defendant herein waives formal arraignment/indictment
by grand jury and pleads:
GUILTY NOT GUILTY NOLO CONTENDERE
This 30th day of April, 20 13.

The Defendant herein waives formal arraignment/indictment
by grand jury and pleads:
GUILTY NOT GUILTY NOLO CONTENDERE
This ____ day of _____, 20 ____.

Jeremy J. Woody
Defendant

Defendant

[Signature]
Attorney for Defendant

Attorney for Defendant

By: [Signature]
Assistant District Attorney

By: _____
Assistant District Attorney

OBTS

COUNT ONE

13CR347C

I, LEE DARRAGH, District Attorney of the Northeastern Judicial Circuit of Georgia, on behalf of the people of the State of Georgia, charge and accuse **JEREMY J. WOODY** with the offense of **CRUELTY TO CHILD, SECOND DEGREE (FELONY)**, for that the said accused in the County of Hall and State of Georgia, between the **fifteenth day of September, 2011, and the first day of October, 2011**, did with criminal negligence cause [REDACTED] a child under the age of 18, cruel mental pain by exposing his penis to said child in violation of O.C.G.A. § 16-5-70(c), contrary to the laws of this State, the good order, peace and dignity thereof.

FILED
2019 SEP 30 PM 1:46
CLERK OF SUPERIOR COURT
HALL COUNTY, GA
M

COUNT TWO

I, LEE DARRAGH, District Attorney of the Northeastern Judicial Circuit of Georgia, on behalf of the people of the State of Georgia, charge and accuse **JEREMY J. WOODY** with the offense of **CRUELTY TO CHILD, SECOND DEGREE (FELONY)**, for that the said accused in the County of Hall and State of Georgia, between the **fifteenth day of September, 2011, and the first day of October, 2011**, did with criminal negligence cause [REDACTED] a child under the age of 18, cruel mental pain by touching the vaginal area of said child in violation of O.C.G.A. § 16-5-70(c), contrary to the laws of this State, the good order, peace and dignity thereof.

13CR347C

COUNT THREE

I, LEE DARRAGH, District Attorney of the Northeastern Judicial Circuit of Georgia, on behalf of the people of the State of Georgia, charge and accuse **JEREMY J. WOODY** with the offense of **CRUELTY TO CHILD, SECOND DEGREE (FELONY)**, for that the said accused in the County of Hall and State of Georgia, between the **fifteenth day of September, 2011, and the first day of October, 2011**, did with criminal negligence cause [REDACTED] a child under the age of 18, cruel mental pain by kissing said child on the lips in violation of O.C.G.A. § 16-5-70(c), contrary to the laws of this State, the good order, peace and dignity thereof.

FILED
MAY 1 2019
2019 APR 30 PM 1:46
CLERK OF SUPERIOR COURT
HALL COUNTY, GEORGIA
m

13CR347C

IN THE SUPERIOR COURT OF HALL COUNTY, STATE OF GEORGIA

STATE OF GEORGIA
 VERSUS
 JEREMY J. WOODY

FILED
 2013 APR 30 PM 1:46

CRIMINAL ACTION#: 2012DA000567C

January Term of 2013



DOB: [REDACTED]
 GA ID #: [REDACTED]
 OTN(s): [REDACTED]

FELONY SENTENCE
 WITH PROBATION

PLEA: Negotiated **Non-negotiated** VERDICT: Jury Non-jury

The Court enters the following judgment:

Count	Charge (as indicted or accused)	Disposition (GUILTY, Not GUILTY, Nolo, Lesser Included, Nol Pros, Dead Docket)	Sentence	Total Fine (See fine worksheet for breakdown)	Concurrent / Consecutive Merged
1	Cruelty Child 2nd F	GUILTY	3 Years to serve plus 2 Years on probation	\$2,550.00	Concurrent
2	Cruelty Child 2nd F	GUILTY	5 Years on probation	\$0.00	Consecutive Count 1
3	Cruelty Child 2nd F	GUILTY	5 Years on probation	\$0.00	Consecutive Count 2

The Defendant is adjudged guilty of the above-stated offense(s); the Court sentences the Defendant to confinement in such institution as the Commissioner of the State Department of Corrections or the Court may direct, with the period of confinement to be computed as provided by law.

Total Sentence: The Defendant is sentenced for a total of 15 Years with the first 3 Years to be served in confinement and the remainder to be served on probation.

The Defendant is to receive credit for time served from MAY 15, 2012, TO MAY 30, 2012, AND JUNE 2, 2012 TO PRESENT.

- 1. The above sentence may be served on probation provided the Defendant shall comply with the Conditions of Probation imposed by the Court as part of this sentence.
- 2. Upon service of 3 Years, the remainder of the sentence may be served on probation; PROVIDED, that the Defendant shall comply with the Conditions of Probation imposed by the Court as part of this sentence.
- 3. The Court sentences the Defendant as a recidivist under O.C.G.A.:
 § 17-10-7(a); § 17-10-7(c); § 16-7-1(b); § 16-8-14(b); § _____

130R347C

GENERAL CONDITIONS OF PROBATION

The Defendant is subject to arrest for any violation of probation. If probation is revoked, the Court may order incarceration. The Defendant shall comply with the following General Conditions of Probation: 1) Do not violate the criminal laws of any governmental unit and be of general good behavior. 2) Avoid injurious and vicious habits. 3) Avoid persons or places of disreputable or harmful character. 4) Report to the Probation Officer as directed and permit the Probation Officer to visit you at home or elsewhere. 5) Work faithfully at suitable employment insofar as may be possible. 6) Do not change your place of abode, move outside the jurisdiction of the Court, or leave Georgia without permission of the Probation Officer. If permitted to move or travel to another state, you agree to waive extradition from any jurisdiction where you may be found and not contest any effort by any jurisdiction to return you to this State. 7) Support your legal dependents to the best of your ability. 8) Submit to evaluations and testing relating to rehabilitation and participate in and successfully complete rehabilitative programming as directed by the Probation Officer. 9) Make restitution as ordered by the Court.

FINE SURCHARGES or ADD-ONS: The Court assesses all fine surcharges or add-ons as required by the laws of the State of Georgia and as are applicable to offense(s) for which the Defendant has been convicted.

- 1) The Defendant shall pay a probation supervision fee of \$32.00 per month to the Probation Office beginning 30 days from 04/30/2013 or, if the defendant is in custody, within 30 days of his/her release from custody. If attached, see Restitution Order for additional conditions and explanation.
- 2) If counsel was provided under the Georgia Indigent Defense Act: (X) the Defendant shall pay the \$50 Public Defender Application Fee; (___) the Defendant shall pay attorney's fees of \$ _____.

SPECIAL CONDITIONS OF PROBATION

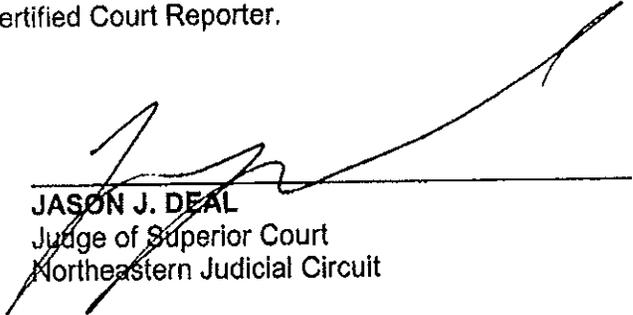
The Defendant is advised that violation of any Special Condition of Probation may subject the Defendant to a revocation of probation and the Court may require the Defendant to serve up to the balance of the sentence in confinement. The Defendant shall comply with the following Special Conditions of Probation:

- 1) The Defendant shall pay restitution in the amount of \$ _____ through the Probation Office for the benefit of the victim(s), _____, at a rate to be approved by the Court or the Probation Officer.
- 2) The Defendant shall report to the Probation Office at Gainesville State Probation Office, 1002 Aviation Blvd, Gainesville, GA, 30501, Georgia by no later than 30 days from 04/30/2013 or, if the defendant is in custody, within 72 hours of his/her release from custody.
- 3) The Defendant shall perform 40 hours of community service at the direction of the Probation Officer, to be completed within 365 days of this date, with transportation to be provided by the Defendant.
- 4) The Defendant is sentenced under the provisions of Probation Options Management System (POMS) with maximum penalty of _____ days in a Probation Detention Center.
- 5) **(Other Special Conditions - Imported from Inventory of Special Conditions, or Sex Offender Special Conditions, or Special Conditions for Conviction of an Offense Against a Minor or a Dangerous Sexual Offense, or Special Conditions for Violation of O.C.G.A § 16-5-90 or § 16-5-91)**

13CR317C

The Hon. ANDY MADDOX, Attorney at Law, of Hall County, represented the Defendant, by Appointment. The Hon. SHIV SACHDEVA represented the State. The Interpreter was ADRIANNA CLEGG. The proceedings were reported by KEN BARRETT, Certified Court Reporter.

SO ORDERED this 30th day of April, 2013.



JASON J. DEAL
Judge of Superior Court
Northeastern Judicial Circuit

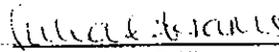
FIREARMS - If your disposition involves a crime punishable by imprisonment for a term exceeding one year, or of a misdemeanor crime of domestic violence where you are or were a spouse, intimate partner, parent, or guardian of the victim, or are or were involved in another similar relationship with the victim, it is unlawful for you to possess or purchase a firearm including a rifle, pistol, or revolver, or ammunition, pursuant to federal law under 18 U.S.C. § 922(g)(9) and/or applicable state law.

APPEAL. You have the right to appeal your conviction and sentence by filing a written notice of appeal with the Clerk of Superior Court within 30 days from today. If you are not able to pay the cost of an appeal or for an attorney, you may request that the Court waive the filing fee and appoint appellate counsel.

HABEAS CORPUS. Pursuant to O.C.G.A. § 9-14-42 and O.C.G.A. § 40-13-33, you have a right to file a habeas corpus action if there has been a substantial denial of your constitutional rights under the State of Georgia or U.S. Constitution. Any action brought pursuant to these code sections must be filed within 180 days for traffic offenses, one year in the case of misdemeanor offenses, or within four years in the case of felony offenses. The time for filing begins running upon judgment of conviction becoming final by conclusion of direct review [Appeal] or the expiration of time for seeking such review [30 days from sentencing or ruling on motion for new trial or order granting out of time appeal].

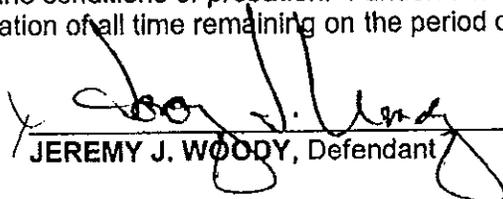
Certificate of Service: This is to certify that on this date a true and correct copy of this sentence order has been delivered in person to the Defendant, JEREMY J. WOODY, and the Defendant has been instructed regarding all conditions set forth above.

This 30th day of April, 2013.



Probation Officer

Acknowledgment: I have been provided with a copy of the sentence. I have read the terms of this sentence or had them read and explained to me. If all or any part of this sentence is probated I certify that I understand the meaning of the order of probation and the conditions of probation. I understand that violation of a special condition of probation could result in revocation of all time remaining on the period of probation.



JEREMY J. WOODY, Defendant

13CR347C

INDEX OF SPECIAL CONDITIONS

1. Intensive Probation Supervision
2. Detention Center, Diversion Center or Boot Camp: enter and complete
3. Regional Substance Abuse Treatment (RSAT) Facility: enter and complete
4. Day Reporting Center: enter and complete
- JJD** 5. Fourth Amendment waiver; consent to use at trial
- JJD** 6. Provide bodily specimen for testing; waive evidentiary foundation for admissibility
- JJD** 7. Limited or no contact condition
8. No harassment or threats toward specific person(s)
9. Family Violence Intervention Program (FVIP): enter and complete
- JJD** 10. Provide records release: medical, treatment, work, driving, criminal history
- JJD** 11. Undergo evaluation and treatment: mental health, substance abuse, etc.
12. Attend 12-step meetings
13. Obtain high school diploma, GED, or training certificate
14. Abide by curfew
- JJD** 15. Barred from County or Circuit
16. Surrender driver's license
17. Ignition interlock
18. Electronic monitoring device: voice, electronic, GPS, SCRAM
19. Probation may be made administrative or may terminate
- JJD** 20. Provide DNA sample: certain Title 16 offenses - O.C.G.A. § 24-4-60
- JJD** 21. Sex Offender special conditions
- JJD** 22. Dangerous/Sex Offense Against Minor special conditions - O.C.G.A. § 42-8-35(b)
23. Stalking or Aggravated Stalking special conditions - O.C.G.A. §§ 16-5-90 & 16-5-91
24. No contact with criminal street gang activity
25. Special probation for drug offense - O.C.G.A. §§ 16-13-30(b),(d), 16-13-31; 42-8-35.2
26. Obligation to testify truthfully
- JJD** 27. Avoid use or being in presence of alcohol, drugs
28. Undergo evaluation for contagious communicable disease
- JJD** 29. Other special condition(s) defined by Court

13CR347C

INVENTORY OF SPECIAL CONDITIONS

5. **Fourth Amendment waiver.** The Defendant shall submit to a search of person, residence, papers, vehicle, and/or effects at any time of day or night without a search warrant, whenever requested to do so by a Probation Officer or other law enforcement officer upon reasonable cause to believe that the Defendant is in violation of probation or otherwise acting in violation of the law, and the Defendant shall specifically consent to the use of anything seized as evidence in any judicial proceedings or trial.
6. **Specimen; admissibility.** The Defendant shall produce from time to time upon oral or written request by a Probation Officer, a law enforcement officer, or official of a Georgia DHS-approved substance abuse or mental health provider personnel a breath, spittle, urine and/or blood specimen for analysis for the presence of drugs including alcohol. (X) The Defendant shall waive evidentiary foundation for admissibility of the laboratory results.
7. **Limited or no contact.** The Defendant shall: (___) stay _____ yards away from (___) have no violent contact with (X) have no contact of any kind, in person, or by telephone, mail, or otherwise, with _____ (X) or with his/her family members (___) and the Defendant shall not enter the premises of _____.
10. **Records release.** The Defendant shall provide a release which allows the Probation Office to have access to all medical, clinical, treatment, attendance or work records, and for driving and criminal history.
11. **Evaluation and treatment.** The Defendant shall provide verification of evaluation and/or treatment for: (___) mental health (X) substance abuse (___) clinical evaluation (___) anger management (___) cognitive skills training (___) educational training or (___) _____ at a State- or Court-approved provider at his/her own expense, and shall cooperate and comply with all rules and regulations of the treatment or program, including any aftercare deemed necessary.
15. **Bar order.** The Defendant shall not enter the confines of: _____ County or the NORTHEASTERN Judicial Circuit during the period of probation for any reason whatsoever.
20. **DNA sample.** The Defendant has committed a Title 16 felony offense enumerated in O.C.G.A. § 24-4-60 and shall provide a DNA sample in accordance with that statute.
21. **Sex Offender special conditions.** The Defendant is subject to Special Conditions of Probation as a sex offender. These conditions are described more fully on separate pages which are incorporated into this sentence by reference.
22. **Dangerous/Sex Offense against Minor special conditlons.** The Defendant is subject to Special Conditions of Probation as a person who has been convicted of a criminal offense against a minor or a dangerous sexual offense as defined in O.C.G.A. § 42-1-12. These conditions are described more fully on a separate page which is incorporated into this sentence by reference.
27. **Avoid alcohol, drug use.** The Defendant shall: (X) not consume alcoholic beverages, and not use narcotics or dangerous drugs unless lawfully prescribed (X) not associate with anyone who uses or possesses illegal drugs (X) not occupy any residence or vehicle where alcohol or illegal drugs are present (X) not consume alcohol and operate a motor vehicle (___) not go to establishments that serve alcohol.
29. **Other Special Conditlon(s).** The Defendant shall abide by the following additional special conditions.

13CR347C

Verify Prescriptions. IT IS FURTHER ORDERED AND ADJUDGED that the Defendant shall not take into his/her body any substance prohibited or controlled by any law of the United States of America or State of Georgia without a valid, current, written prescription from a licensed physician which shall be submitted to the Probation Officer PRIOR to ingestion.

Fines and Fees timeline. IT IS FURTHER ORDERED AND ADJUDGED that the Defendant shall begin paying any fines and fees ordered in this sentence within 30 days of 04/30/2013 or, if the defendant is in custody, within 30 days of his/her release from custody.

Community Service timeline. IT IS FURTHER ORDERED AND ADJUDGED that the Defendant shall begin performing community service as ordered in Special Condition #3 within 60 days of 04/30/2013 or, if the defendant is in custody, within 60 days of his/her release from custody. The Defendant shall perform community service at a minimum rate of 8 hours per week until complete.

Evaluation(s) timeline. IT IS FURTHER ORDERED AND ADJUDGED that the Defendant shall complete the evaluation(s) ordered within Inventory of Special Conditions #11 within 60 days of 04/30/2013 or, if the defendant is in custody, within 60 days of his/her release from custody. The Defendant's Probation Officer shall provide the Defendant with an appointment date.

Treatment timeline. IT IS FURTHER ORDERED AND ADJUDGED that the Defendant shall begin any treatment ordered as part of Inventory of Special Conditions #11 within 30 days of completing their evaluation and shall complete said treatment within 12 months of 04/30/2013 or, if the defendant is in custody, within 12 months of his/her release from custody.

Other. TWO YEARS OF CUSTODIAL SENTENCE TO BE SUSPENDED UPON DEFENDANT'S ENTRANCE INTO AND SUCCESSFUL COMPLETION OF A 12 MONTHS RESIDENTIAL TREATMENT PROGRAM FOR ALCOHOL TREATMENT THAT IS APPROVED BY PROBATION; DEFENDANT IS TO HAVE NO UNSUPERVISED CONTACT WITH MINORS; IF HE SUCCESSFULLY COMPLETES ALL TERMS OF HIS SENTENCE, THE LAST FIVE YEARS ON PROBATION CAN BE SUSPENDED;

SO ORDERED this 30th day of April, 2013.



ASON J. DEAL
Judge of Superior Court
Northeastern Judicial Circuit

13CR347C

SEX OFFENDER SPECIAL CONDITIONS OF PROBATION

These conditions are hereby incorporated into the Defendant's sentence by reference. The Defendant is advised that violation of any Special Condition of Probation may subject the Defendant to a revocation of the balance of the period of probation and the Defendant may be required to serve up to the balance of the sentence in confinement. (Judge to initial conditions to be applied)

1. JJD **CONTACT WITH MINORS.** You shall have no contact, whether directly in person or indirectly through any means of communication, with any child under the age of eighteen (18), including your own children, nor with any person unable to give consent because of mental or emotional limitations. Neither shall you attempt contact with the aforementioned except under circumstances approved in advance and in writing by the Court. If you have incidental contact with children, you will be civil and courteous to the child and immediately remove yourself from the situation. You will discuss the contact at your next meeting with your Probation Officer. *unsupervised JJ*
2. JJD **RESIDENCE WITH A MINOR.** You shall not reside with any child under the age of eighteen (18), including your own children, unless approved in advance and in writing by the Court.
3. JJD **RESIDENCE CHANGE.** You shall not change your residence without receiving prior approval by your Probation Officer.
4. JJD **VICTIM CONTACT.** You shall have no contact with the victim, including correspondence, telephone contact, any form of electronic communication, or communication through a third party except under circumstances approved in advance and in writing by the Court. You shall not enter the premises, travel past, or loiter near where the victim resides.
5. JJD **EMPLOYMENT.** Your employment must be approved by your Probation Officer.
6. JJD **IMAGES OF MINORS.** Except as authorized by the Court or the Probation Officer, you shall not create, possess, access or control any type of photograph, video, rendering, or digital imagery of any minor.
7. JJD **RELATIONSHIPS.** You shall not date or marry anyone who has a child or children under the age of eighteen (18), unless approved in advance and in writing by the Probation Officer in consultation with the treatment provider or the sentencing Court. You are required to notify any such person of your criminal history.
8. JJD **SEXUALLY ORIENTED MATERIAL.** You shall not possess or subscribe to any sexually oriented or sexually stimulating material to include mail, computer, or television, nor patronize any place where such material or entertainment is available.

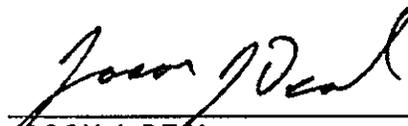
13CR347 C

- 9. **900 NUMBERS AND POST OFFICE BOXES.** You shall not utilize "900" telephone numbers. You shall not rent a post office box without permission in advance and in writing from your Probation Officer.
- 10. **CURFEWS.** You shall abide by any curfew imposed by the Probation Officer.
- 11. **EVALUATION AND TREATMENT.** You shall attend and actively participate in sex offender evaluation and treatment at a program approved by the Probation Officer. You will abide by the rules of the treatment program and successfully complete the program to the satisfaction of the Probation Officer and the treatment provider. You will be financially responsible for all evaluations and treatment unless other arrangements have been made by your Probation Officer or treatment provider.
- 12. **POLYGRAPH/PLETHYSMOGRAPH.** You shall submit, at your own expense, to any program of psychological or physiological assessment at the direction of the Probation Officer or treatment provider. This includes the polygraph and/or the plethysmograph to assist in treatment, planning, and case monitoring.
- 13. JJD **RELEASE OF INFORMATION.** You shall sign Releases of Information to allow the Probation Officer to communicate with other professionals involved in your treatment program and to allow all professionals involved to communicate with each other. This will include a release of information to the therapist of the victim.
- 14. JJD **SEARCH.** You shall submit to a search of your person, property, residence, or vehicle at any time of the day or night, with or without consent or a search warrant, whenever requested to do so by a Probation Officer or any other peace officer. You specifically consent to the use of any contraband seized as evidence in a probation violation proceeding.
- 15. JJD **ALCOHOL.** You shall not purchase, possess, or consume alcoholic beverages.
- 16. JJD **DRUGS.** You shall not take into your body any controlled substance or mind altering drug except pursuant to a legal doctor's prescription.
- 17. JJD **DRUG OR ALCOHOL SCREENS.** You shall submit to, and if necessary pay for, breath, urine, blood, or saliva tests for analysis for the possible presence of a prohibited drug or alcohol.

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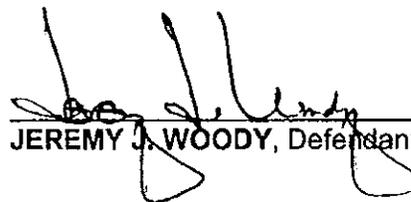
- 18. **DRIVING LOG.** You shall keep a driving log and make it available to your supervising Probation Officer as requested.
- 19. **DRIVING.** You shall never drive alone, especially through parks, playgrounds, school zones, or other areas where children are commonly known to be.
- 20. **HITCHHIKING.** You shall not hitchhike or pick up hitchhikers.
- 21. **OTHER SPECIAL CONDITION(S).** The Defendant shall abide by the following other special conditions.
Classification. You shall seek Classification by the Sexual Offender Registration Review Board within six months of your release from custody, if you were not assessed prior to your release.
Other.

SO ORDERED this 30th day of April, 2013.



JASON J. DEAL
Judge of Superior Court
Northeastern Judicial Circuit

Acknowledgment: I have been provided with a copy of this Sex Offender Special Conditions of Probation document. I have read the terms of this document or had them read and explained to me. I understand that violation of a special condition of probation could result in revocation of all time remaining on the period of probation.



JEREMY J. WOODY, Defendant

13CR347C

SPECIAL CONDITIONS OF PROBATION FOR CONVICTION OF AN OFFENSE AGAINST A MINOR OR A DANGEROUS SEXUAL OFFENSE

These conditions imposed by O.C.G.A. § 42-8-35(b) are hereby incorporated into the Defendant's sentence by reference. The Defendant is advised that violation of any Special Condition of Probation may subject the Defendant to a revocation of the balance of the period of probation and the Defendant may be required to serve up to the balance of the sentence in confinement.

(X) The Defendant may not enter or remain at victim's school, place of employment, residence, or church at times when the victim is present, ~~nor shall the Defendant loiter or remain in areas where minors congregate, such as child care facilities, churches, or schools as defined in O.C.G.A. § 42-1-12.~~

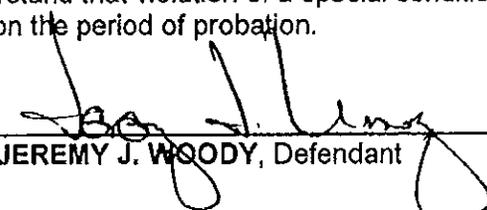
(X) ~~The Defendant shall wear a tracking device and shall pay fees for the use of the device to the Probation Office.~~

(X) The Defendant shall be subject to and shall allow viewing and recording of all incoming and outgoing e-mail, history of websites visited, content accessed, and any other Internet-based communication.

(X) The Defendant shall submit to periodic unannounced inspections of the contents of his/her computer(s) or any other device that accesses the Internet or retrieves, copies, stores, or removes data.

(X) The Defendant is prohibited from seeking election to a local board of education.

Acknowledgment: I have been provided with a copy of this document. I have read the terms of this document or had them read and explained to me. I understand that violation of a special condition of probation could result in revocation of all time remaining on the period of probation.



JEREMY J. WOODY, Defendant

13 CR 347 C

IN THE SUPERIOR COURT OF HALL COUNTY, STATE OF GEORGIA

STATE OF GEORGIA
 VERSUS
 JEREMY J. WOODY

CRIMINAL ACTION#: 2012DA000567C
 January Term of 2013

FINE CALCULATION WORKSHEET

Count	Base Fine	County Jail Fund (10% of Fine)	Victim Asst Program Fund (5% of Fine)	POPIDF (10% of Fine / \$50 Max)	POPIDF2 (10% of Fine)	DUI Surcharge (10% of Fine / \$26 Max)	Drug Surcharge (50% of Fine)	Brain and Spinal Injury Fund (10% of Fine)	Driver Ed Training Fund (5% of Fine)
1	\$2,000.00	\$200.00	\$100.00	\$50.00	\$200.00				

Fine Subtotals:

\$2,000.00 \$200.00 \$100.00 \$50.00 \$200.00 \$0.00 \$0.00 \$0.00 \$0.00

Fine Grand Total:

\$2,550.00

In addition to the fine amounts listed above, the Defendant, JEREMY J. WOODY, is ordered to pay **COURT COSTS** in the amount of \$135.00 (\$100.00 plus \$20.00 toward the Peace Officer's Training Fund, \$10.00 toward the County Jail Fund and \$5.00 toward the Victim Assistance Program Fund), a **GBI CRIME LAB FEE** of in the amount of \$50.00 for Felony Probation cases, and any and all fines or fees or restitution as listed in the aforementioned sentence. All Court ordered monies will be paid by the Defendant, JEREMY J. WOODY, as directed by the Probation Officer.

Certificate of Service: This is to certify that on this date a true and correct copy of this document, Fine Calculation Worksheet, has been delivered in person to the Defendant, JEREMY J. WOODY, and the Defendant has been instructed regarding the fine amounts as set above.

This 2nd day of April, 2013.

[Signature]
 Probation Officer

Acknowledgment: I have been provided with a copy of this document, Fine Calculation Worksheet. I have read the terms of this document or had them read and explained to me.

This 2nd day of April, 2013.

[Signature]
 JEREMY J. WOODY, Defendant

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

BRANDON COBB, et al., etc.,

Plaintiffs,

v.

GEORGIA DEPARTMENT OF COM-
MUNITY SUPERVISION, et al., etc.,

Defendants.

CIVIL ACTION NO.

1:19-cv-03285-WMR

DECLARATION OF WILLIAM DRIVER

1. I, William Driver, offer this declaration for the Court's consideration on Plaintiffs' motion for preliminary injunction and for all other purposes allowed by law. All statements in this declaration are within my personal knowledge.
2. During 2015 through the present, I have been employed by the Georgia Department of Community Supervision (DCS) as a Deputy Director of Operations. Before then, I was employed as the Field Operations Manager for the Southeast Area by the former Probation Division of the Ga. Department of Corrections.
3. I have received the following training in relation to my job as Deputy Director of Operations. I received the following management training during my career from different governmental entities. I completed Basic

Management Training through the Georgia Department of Corrections (GDOC) in September 2003. This class is designed to transition line staff into managers with basic skills. In April 2008 I completed the Chief's Pre-Command Course through GDOC. This course was to develop frontline managers into Chief Probation Officers by teaching more focused areas such as Performance Management, skills in dealing with stakeholders and being responsible for the operation of a circuit. In August 2008 I completed the Corrections Leadership Institute taught by the Carl Vinson Institute of the University of Georgia. This course taught advanced management and leadership skills. In May 2010 I graduated from Columbus State University Masters program with a Masters of Public Administration and from the Georgia Law Enforcement Command College. These courses are designed to develop leaders in law enforcement and teach a wide variety of areas of focus from Communications to Strategic Planning. The last major management course I attended for my job was National Institute of Corrections Executive Management Program. I completed the program in 2017. It is designed to develop managers and leaders on an executive scale and to give participants an overall higher view of management.

4. As a Deputy Director of Operations at DCS, I manage DCS Officers and non-sworn staff on the eastern side of the state. I accomplish this through

five District Directors who report directly to me and they supervise the Chief Community Supervision Officers that run the daily operations of the Judicial Circuits within my span of control. DCS presently supervises over 200,000 probationers and parolees in Georgia. This includes approximately 7,500 persons on the Georgia Sex Offenders Registry.

5. Supervision duties of DCS Officers may differ depending on the crimes for which the probationers and parolees have been convicted. For example, for sex-offenders who are on the Georgia Sex Offenders Registry, the duties are outlined in the Department of Community Supervision policy 3.144 entitled Sex Offender Registration and Supervision. A copy of this policy is attached. (Attachment 1).
6. All supervisees or offenders are assigned a level of supervision. From the highest level to the lowest, they are: Specialized, High, Standard and a subset of the standard level called Contact level. These contact cases are the lowest risk level and are only required to call in once per month. All these levels make up our actively supervised caseloads. The remaining cases are placed in administrative status, in warrant status or on unsupervised status. These cases are known as our inactive status cases. Warrant status is self-explanatory and administrative cases are those that are currently incarcerated in alternatives to prison such as Detention Centers, Integrated Treatment

Facilities, private treatment facilities, etc. These cases have been removed from the community for a short term and will be returning to our supervision. The last level of supervision are cases that have been placed on unsupervised status. This makes up approximately 45,000 cases. These cases have met all qualifications as set forth by law and require no contacts with the offender unless there is a violation of conditions found. The level of supervision governs the scope and intensity of supervision. For example, some levels require more frequent contact by the DCS Community Supervision Officer with the supervisee.

7. The documents referred to in, and attached to, this declaration are true and accurate copies of official records created or received by DCS. These records are maintained in the regular course of business and it is the regular and routine practice for DCS to maintain these records. The entries in these records were made at or near the time of the events to which they refer and were made by, or from information transmitted by, persons with knowledge. All documents referred to in, or attached to this declaration, were in effect at the times they indicate or, if no time is indicated, have been in effect during July 1, 2015 through the present. As an employee of DCS, I am familiar with the manner in which these records are created and maintained and have access to these records.

8. Presently, approximately 40 probationers and parolees under the supervision of DCS have identified themselves as having hearing impairment. Six of them are Plaintiffs in this lawsuit.
9. Georgia Relay is a free service available to all persons with hearing or speech problems. It is available to DCS officers and hearing impaired supervisees. The services offered by Georgia Relay are described at <https://georgiarelay.org/>. It is available free 24/7 by calling 7-1-1.
10. The Sorenson Video Relay Service (see <https://www.sorensonvrs.com/svrs>) is also available to assist in communicating with hearing impaired probationers and parolees. My understanding is that this service is paid for by the government and is provided under the Telecommunications Relay Service fund (see <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>).
11. If a probationer or parolee identifies himself or herself as having hearing impairment, DCS Community Supervision Officers can engage any of the services offered by Georgia Relay or the Telecommunications Relay Service fund to facilitate communications. They can also engage a qualified American Sign Language (ASL) interpreter through DCS.

12.DCS has adopted the attached policy (Attachment 2) regarding Interpreters and the Georgia Relay program. The policy provides “procedures for communicating with hearing impaired individuals and individuals with language barriers.” The policy specifies: “Language interpretation services should be utilized when necessary to ensure that offenders understand their conditions, alleged violations of those conditions, and the sanctioning process.” In addition to authorizing live interpreters the policy states that DCS “utilizes the services of the Georgia Public Service Commission’s Georgia Relay program to help communicate with those who are deaf, hard of hearing or speech disabled.”

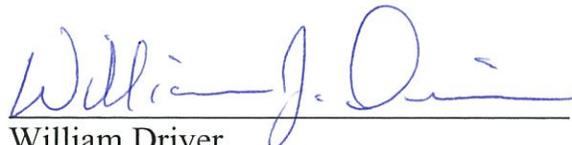
13.None of the Plaintiffs in this lawsuit has any pending probation violations and none presently has any charges.

14.If a probationer or parolee has a problem in supervision, he or she may submit a Grievance. The procedure for this process is outlined in DCS policy 3.104 entitled Offender Grievances. A copy of this policy is attached. (Attachment 3). If a hearing impaired probationer or parolee is denied an interpreter or services to assist in communication, he or she may submit a Grievance and upon review may be provided the requested interpreter or services.

15. None of the Plaintiffs in this case has submitted a formal grievance alleging denial of an interpreter or hearing technology.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

This the 28th day of August, 2019.



William Driver



Department of Community Supervision Policy & Procedure Statement

Title:	Sex Offender Registration and Supervision	Policy Number:	3.144
Effective Date:	May 15, 2017	Page:	1 of 11
Last Revision:	April 1, 2019	Authority:	Field Operations / Commissioner
Forms/Attachments:	Specialized Intake Checklist , Sex Offender Emergency Management Plan , Sex Offender Treatment Referral , Sex Offender Special Conditions-Probation , Victim Notification , Proximity Law Restrictions Worksheet , Head of Household , Special Condition 1000' Restrictions- Parole , Computer Special Conditions- Probation ; Mandatory Polygraph Submission ; Case History Dissemination Form , Georgia Sex Offender Registration Notification ; SBPP Sex Offender Special Conditions - Restricted Internet ; SBPP Sex Offender Special Conditions - Internet Allowed		

I. INTRODUCTION AND SUMMARY: This policy and procedure statement provides guidelines and procedures regarding registration and supervision of offenders that are designated as sexual offenders and that are placed on Specialized Supervision. Each district within the Department of Community Supervision (DCS) shall have designated Community Supervision Officers (CSO) who shall be responsible for supervising sexual offenders and ensuring compliance with this policy and procedure statement.

II. AUTHORITY: The Commissioner of the Department is vested with the authority to issue and approve all necessary directions, instructions, orders and rules applicable to employees of the Department. O.C.G.A. § 42-3-5(b). Statutorily mandated registration, residency, employment and loitering requirements for sexual offenders subject to this policy and procedure statement are found in OCGA §§42-1-12 through 42-1-19.

III. DEFINITIONS:

Homeless Sex Offender - A sex offender that does not have a place to reside. Examples would be those sex offenders residing in a “tent city,” under a bridge, or behind an abandoned house or business.

Potential Homeless Sex Offenders - A sex offender that currently has a place to live, but could lose their residency in the near future. Examples of those would be sex offenders who are residing in a shelter or with family members and may be asked to leave in the near future.

Sexual Offender - An individual who has been convicted of a criminal offense against a victim who is a minor or any dangerous sexual offense; who has been convicted under the laws of another state or territory, under the laws of the United States, under the Uniform Code of Military Justice, or in a tribal court of a criminal offense against a victim who is a minor or a dangerous sexual offense; or who is required to register pursuant to OCGA §42-1-12(e).

Sexually Dangerous Predator - A sexual offender who was designated as a sexually violent predator between July 1, 1996 and June 30, 2006; or a sexual offender who is determined by the Sexual Offender Registration Review Board (SORRB) to be at risk of perpetrating any future dangerous sexual offense. Sexually Dangerous Predators, like other offenders shall be supervised according to the conditions imposed by the Court or Parole Board.

Specialized Supervision - Supervision of the highest risk cases consisting of offenders with special risks and needs, including but not limited to, sexual offenders. Specialized Supervision assignments are based on the nature of the offense, special conditions of supervision, and whether an offender is subject to the sexual offender registration requirements set forth in OCGA 42-1-12.

IV. STATEMENT OF POLICY AND APPLICABLE PROCEDURES:

A. Individuals Required by Law to Register

1. Individuals that are convicted on or after July 1, 1996 of a criminal offense against a victim who is a minor;
2. Individuals that are convicted on or after July 1, 1996 of a dangerous sexual offense;
3. Individuals that have previously been convicted of a criminal offense against a victim and may be released from prison or placed on parole, supervised release or probation on or after July 1, 1996;
4. Individuals that have previously been convicted of a sexually violent offense or dangerous sexual offense and may be released from prison or placed on parole, supervised release, or probation on or after July 1, 1996;
5. Individuals that are residents of Georgia who intend to reside in this state and who are convicted under the laws of another state or the United States, under the Uniform Code of Military Justice or in a tribal court of a sexually violent offense, a criminal offense against a victim who is a minor on or after July 1, 1999, or a dangerous sexual offense on or after July 1, 1996; or
6. Individuals that are nonresidents of Georgia who change their residence from another state or territory of the United States or any other place to Georgia who is required to register as a sexual offender under federal law, military law, tribal law, or the laws of another state or territory or who has been convicted in this state of a criminal offense against a victim who is a minor or any dangerous sexual offense.

Offenders Not Required by Law to Register:

- An offender convicted of a misdemeanor sex offense.
- An offender who was convicted in juvenile court of a sex offense.
- An offender with an Order from the Superior Court stating no registration required.

B. Registration Process

1. The Georgia Department of Corrections (GDC) will begin registration process prior to the offender's release. No sexual offender shall be released from prison or placed on parole, supervised release, or probation until the

appropriate official has provided the Georgia Bureau of Investigation (GBI) and the sheriff's office in the county where the offender will reside with the required registration information; and the sexual offender's name has been added to the list maintained by the GBI and the sheriff's office.

2. Offenders ordered to straight probation who are required to register (refer to the Registration Guide) should be registered within 72 hours of sentencing, utilizing the following process:

a. The Specialized CSO shall explain the sexual offender registration requirements to the offender and have the offender read (or be read) the Georgia Sex Offender Registration Notification (SORN). This notice must be signed by the offender then witnessed and dated.

b. The CSO shall obtain a photo of the offender.

c. The CSO shall forward a copy of the SORN by email or fax to the GBI. This process should be completed on the same day that the form is signed and the process has been completed in accordance with OCGA 42-1-12. A photo will be attached to the registration information and transmitted to the GBI. The CSO shall retain a copy in the offender's case file and the offender shall be given a copy.

d. The CSO shall obtain and distribute a DNA sample in accordance with the DNA Collection Policy.

3. For Sex Offender Registration, DCS is an entering agency only. If the offender has to update the registration, communication must be made with the local Sheriff's Office. The Sheriff's Office is an updating agency. All sexual offenders shall be registered electronically except in cases where the offender's FBI number is unavailable or the system for electronic registration is inoperable; In such situations, contact the Sex Offender Administration Unit (SOAU) for assistance.

4. The CSO shall verify registration of sexual offenders every six (6) months by accessing the GBI Sex Offender Registry. A GCIC/NCIC record check must be completed biannually (twice per year) to monitor for any new arrests.

5. Offenders who are not required to register, but are issued the Parole Board's sexual offender Special Conditions of Supervision — identified on the parole certificate by "Special Conditions of Supervision Attached Hereto" — may be required to comply with specified 1000' restrictions as indicated on their parole certificate with the wording "All 1000' restrictions apply."

B. Residence and Employment Restrictions as per GA Law

Any offender in violation of §42-1-15, §42-1-16 or §42-1-17 shall be given seven (7) days to find a residence in compliance. The offender shall provide the proposed

residence address to the CSO who shall have seven (7) days to approve the new residence. Upon approval the offender shall have ten (10) days to complete their move and notify the Sheriff's Office within 72 hours after moving into the new residence. See Proximity Worksheet.

C. Interstate Compact Registration Requirements

CSOs shall adhere to the Sex Offender Registration Process and instruct the offender to report to the sheriff's office in the county of residence within 72 hours of arrival. All registration requirements and supervision components apply to sexual offenders convicted in other states but who reside and are being supervised in Georgia. Likewise, Georgia offenders who transfer out of state must comply with registration and special supervision instructions in the receiving state.

D. Specialized Sex Offender Caseload Composition

Throughout the supervision period, all designated sexual offender cases shall be supervised under the Specialized supervision level, as defined by the Offender Supervision Requirements policy.

- All cases required to register according to §O.C.G.A.42-1-12.
- All offenders sentenced for an active offense required by §O.C.G.A. 42-1-12 to register, but are not required to register due to date of conviction or order of the Court.
- All cases court-ordered to attend sexual offender treatment and/or undergo a sexual offender evaluation shall be supervised as a specialized case until treatment has been successfully completed.
- All offenders that have been classified as a Sexually Dangerous Predator.
- Any offender with a prior conviction for a sex offense that requires lifetime registration.
- Any individual on parole with 1000" Restrictions/Special Conditions.

E. Intake and Caseload Management

The Specialized sentence will consist of all documents provided by the court. AOC Sex Offender Special Conditions, AOC Sex Offender Conditions - Minor Victim or Sexually Dangerous Offense and/or AOC Sex Offender Special Conditions - OCGA 16-5-90 or 16-5-91 should be utilized and must be case specific. The Specialized Intake Checklist and Sex Offender Emergency Management Plan shall be completed on all specialized cases. The Sex Offender Emergency Management Plan must be reviewed annually with the offender. The Specialized Intake Checklist provides all pertinent information that is required to be completed on specialized sexual offender cases.

- Complete the Sex Offender Registration electronically and adhere to the Sex Offender Registration Policy.

If an offender is detained by Immigration and Customs Enforcement (ICE), the CSO shall note on the SORN and register the offender to 180 Spring Street SW Atlanta, GA 30303.

The Georgia Department of Corrections begins communication concerning sex offender releases within 45 days of the release date or as soon as a parole date is obtained. Utilizing discretion, if a sex offender, releasing to probation/parole supervision is a sexually dangerous predator or otherwise considered high risk, contact the Sex Offender Administration Unit to discuss proposed travel arrangements. If deemed necessary DCS can make case specific travel arrangements to the supervising circuit.

F. Sex Offender Residence Planning

If the best interest of a biological child warrants the termination of the sexual offender's parental rights, the CSO shall report the matter to the Division of Family and Children Services (DFCS) and then cooperate fully with DFCS to accomplish this objective.

1. The DCS Officer will adhere to the special conditions of supervision as they relate to minors residing in the residence as outlined in the Court Ordered Sex Offender Special Conditions or the Board of Pardons and Parole Sex Offender Special Conditions. If an officer has concerns about specific offenders living with minors, the DCS Officer shall utilize discretion and seek approval from the court for any recommended adjustments to the special conditions.
2. Sex offenders are not allowed to reside in a residence with another convicted felon or sexual offender that is not a member of their immediate family unless approved by CCSO.
3. A visual inspection of the residence shall be made on all cases to ensure that the residence will be compatible with the supervision instructions. Residence plans shall not be acceptable if the Head of Household will not comply with the instructions or other concerns exist, such as proximity restrictions.
4. If the court has ordered that a sexual offender can only reside with minors that are biological or legally adopted children, the offender must prove the relationship, either with a birth certificate for the child naming them as the father/mother or a valid court order authenticating the same.
5. For homeless sex offenders, the assigned CSO should reach out to local resources ensuring the sex offender is not only referred, but actually linked with resources. This may require the CSO to assist in establishing appointments and transporting the sex offender to the resource provider. Should the CSO exhaust all local resources, and the circuit has a Community Coordinator (CC) and a Housing Coordinator (HC), then the CSO should set a date for a staffing between the CC, HC, CSO, and sex offender.
6. Potential homeless sex offenders should also be given priority in regards to assisting them in locating housing that is more permanent. The urgency for housing for this class is not as great; however, at any moment this offender can also become homeless. This class of offender should be provided resources and contact names and numbers should they become homeless. They should be

advised that should they need assistance, they can also be referred to the CC and the HC.

7. Although homeless sex offenders are assigned to one specific CSO, the entire Sex Offender CSO Team should be aware of the status of all homeless sex offenders and their residence. When visiting homeless sex offenders it is highly recommended the visit is made by a team of two (2) officers to ensure safety of the officers, and to add to the surveillance concept of supervising sex offenders. The sex offender Administration Unit should be contacted for assistance if there is disagreement as to the appropriateness of the transfer.

G. 1000' Restrictions - Special Conditions of Parole

For those offenders issued the Special Condition of Parole "All 1000' restrictions apply" as indicated on their Verified Parole Plan and Certificate of Release, the 1000' Restrictions - Special Conditions Parole form shall be presented for their signature at the initial interview.

H. Electronic Surveillance (Refer to the Electronic Surveillance Policy.)

Sexual offenders may be mandated to Electronic Surveillance by the Parole Board or the Court. Voice Recognition Curfew Monitoring may be used as an alternative to GPS for sex offenders other than Sexually Dangerous Predators at the discretion of the CCSO or Designee.

1. Waiving Electronic Surveillance for Sex Offenders under Parole Supervision

CCSOs have the authority to "suspend" the imposition of special conditions of parole after release and also to reinstate the condition(s) if it is later determined to be necessary.-The justification for the suspension and/or reinstatement of the special condition must be documented in the case notes by the CCSO. The offender should be advised that the special conditions have been suspended and can be reinstated should such action be warranted. The reinstated special condition(s) may not be modified without Parole Board approval.

2. Removal of Sex Offenders from Electronic Surveillance

After 12 months of continuous monitoring (GPS and/or VR), the CCSO and/or designee shall review all sexual offender cases, excluding Sexually Dangerous Predators, to determine whether to continue the electronic surveillance of the offender. The review shall be documented in the case management system and shall include:

- Current Offense (Severity Level),
- Family Support, Residence Stability,
- Employment Stability,
- Behavior Since Release,
- Compliance with Treatment Requirements,
- Counselor's Recommendation,
- Fee Status,

- Overall Progress and Conduct under Supervision

EM equipment shall be removed from all offenders including Sexually Dangerous Predators at the end of the supervision period.

I. Residence/Employment Investigations, Verification, and/or Approval

The Transfer Process and a face-to-face residence verification shall be completed within ten (10) calendar days of receipt of transfer request by the supervising CSO.

1. The CSO shall verify that the residence and employment is in compliance with Georgia Proximity Laws according to the crime commit date during the initial investigation. See Proximity Worksheet.
2. The CSO shall conduct a face-to-face residence interaction with an adult primary resident and a Head of Household Agreement shall be signed.
3. For homeless offenders, the CSO shall complete a residence investigation or verification at the physical location where the offender declares his/her sleeping location.
4. Prior approval of the proposed residence is required if the offender is moving, released from incarceration, transferring, etc.

J. Treatment Referrals/Treatment Compliance/Progress

1. DCS Approved Sex Offender Treatment Provider List shall be used;
2. Offender shall sign the Offender Release of Information Form.
3. The Sex Offender Treatment Referral shall be completed and sent to the provider of the offender's choice along with the police report, indictment, and sentence sheet.
4. Compliance and progress shall be monitored monthly and documented in Case Management. All written reports or correspondence from Therapists must be maintained in the electronic file until proof of offender's death.
5. Status Reports shall be submitted by the Sex Offender Treatment Providers to the CSO no later than the 15th of the month and maintained electronically.

K. Polygraph Examinations

Offenders are responsible for all costs related to polygraph examinations. There are three types of Polygraph Examinations:

- **Full Disclosure or Sexual History Examination**

This examination is typically administered after an offender has been in

treatment from three to six months. The primary purpose of this examination is to ensure complete disclosure by the offender of his sexual history.

- **Specific Issue Examination**

This examination evaluates a specific behavior, allegation, or event either at the onset of, or during supervision and treatment. It is also used when an offender is either in complete denial or maintains that he did not commit the crime of conviction.

- **Maintenance or Monitoring Examination**

The primary function of this examination is to verify the offender's compliance with treatment and supervision conditions. Maintenance or monitoring examinations are administered on a periodic basis, usually every six months.

1. For all offenders, the DCS Approved Polygraph Examiner Directory shall be used and the Case History Dissemination Form shall be completed and sent to the provider of the offender's choice prior to each examination.

2. Each offender supervised with the special instructions shall submit to a polygraph within three (3) months of release, a subsequent polygraph every six (6) months thereafter while under sex offender treatment, and a specific issue polygraph whenever there is a suspicion of violations after treatment is completed. The CSO, in consultation with the treatment provider and polygraph examiner shall decide whether the first polygraph is a disclosure or a maintenance examination.

3. Copies of the written reports for polygraph examinations shall be maintained in the electronic file. All written reports or correspondence from Polygraph Examiners must be maintained in the electronic file until proof of offender's death.

4. Deceptive findings on a polygraph examination are not in and of themselves a violation of supervision but can be admitted in a revocation hearing as corroborating evidence and considered in determining the intensity and severity of the violations of the conditions of supervision.

5. An offender's failure to take a polygraph examination as directed can be reported as a violation of supervision.

L. Documentation/Case Plan Development/ Monitoring

1. The CSO shall document the initial entry including all actions, referrals and the offender's supervision level.

2. The CSO shall develop a Case Plan specific to the offender and should include (but is not limited to) the following:

- 1000' Restrictions - Special Condition Parole

3. Employment verification shall be obtained according to supervision requirements. The form of verification is determined by professional discretion. For example, pay stubs, employer statements, or any other appropriate means.

M. Victim Notification

1. Contact with the victim or victim's guardian shall be made within 30 days of initial intake of the offender by the supervising CSO by mailing or faxing the Victim Notification.

2. When a Victim Notification Letter is returned to the Chief CSO in the sentencing circuit requesting notification of any changes in the status of the supervised offender, the letter shall be placed in the offender's file and it must noted: "Victim Notification Required."

N. Intrastate Transfer of Sex Offenders Between Circuits

1. The intake process is completed by the sending CSO prior to transfer. Contact with the CCSO or designee in the receiving circuit to review the case prior to transfer and provide the proposed address if the offender is required to register according to §O.C.G.A. 42-1-12 and special conditions. The residence shall be in compliance prior to forwarding the offender's case to the receiving circuit.

- Instruct the offender to report to the receiving office as directed by the receiving officer.
- Complete Electronic Transfer.
- Within ten (10) business days the receiving officer shall verify the address for compliance and intake shall be set up within 5 business days of acceptance.

2. Utilizing discretion, homeless transfers can be completed if the Chief or his/her designee in both the sending and receiving office agree to the transfer and the sheriff's office in the receiving area is willing to accept the homeless case if the offender is a sex offender.

3. Homeless sex offenders can be transferred to another circuit if it has been determined that the transfer is in the best interest of the Offender and public safety. Considerations should be given to resources, family support, etc. The Sex Offender Administration Unit should be contacted for assistance if there is disagreement as to the appropriateness of the transfer.

O. Interstate Compact Transfer of Sex Offender

1. Sex offenders requesting transfers in or out of state shall be processed in accordance with procedures outlined in the Interstate Compact Policy.

If a sexual offender transfers to Georgia from another state, the CSO must forward the offender's information to the SOAU for review by SORRB who shall determine if the offender shall be designated as a Sexually Dangerous Predator. The special conditions from the sending state, as well as Georgia's special conditions shall be enforced.

2. If a registered sex offender has been approved for international travel, the CSO must forward the travel permit to the Sex Offender Point of Contact at the Sheriff's Office in the county where the offender resides no less than 21 days prior to the date of travel. The offender must report to the Sheriff's Office with a travel itinerary no less than 21 days prior to the date of travel.

P. Searches

1. A CSO shall visually inspect the offender's residence a minimum of once per month and will be knowledgeable about the offender's living arrangements.

2. Officers shall conduct a comprehensive search of the offender's residence at least once every quarter. If the offender is the sole resident of the home, the entire residence may be searched. If the offender lives with another person, searches should be limited to common areas and the personal space where the offender lives.

3. Any computer or cell phone used by the offender should also be searched. Evidence of violations should be downloaded onto a portable flash drive if available.

4. The CSO shall instruct the offender to make credit card and telecommunication bills available on a monthly basis. These bills allow the CSO to monitor internet access, internet purchases, cable, satellite, and pay-for-view use in addition to all paid phone calls, which include 900 numbers.

Q. Natural Disaster

In the event of a natural disaster or emergency situation, a sexual offender's whereabouts shall be verified by physically locating the offender, establishing contact with the offender via telecommunications, or collateral interactions with family members/employers/local law enforcement.

R. Removal From Registry

An individual required to register under §O.C.G.A. 42-1-12 may petition the Superior Court for release from registration requirements and from any residence or employment restrictions per §O.C.G.A. 42-1-19 if:

1. Has completed all prison, parole, supervised release, and probation for the offense which requires registration and;
 - a. Is confined to a Hospice Facility, skilled nursing home, residential care facility for the elderly, or nursing home;
 - b. Is totally and permanently disabled;
 - c. Is otherwise seriously physically incapacitated due to injury or illness;

- d. Ten years has elapsed since the offender has completed all prison, parole, supervised release and probation for the offense which required registration; or
- e. The offender has a Level I risk assessment classification.

2. Was sentenced for a crime that became punishable as a misdemeanor on or after July 1, 2006;

3. Is required to register solely because he or she was convicted of kidnapping or false imprisonment of a minor and such offense did not involve a sexual offense against a minor or the attempt to commit a sexual offense against a minor;

4. Has completed all prison, parole, supervised release, and probation for the offense which required registration.

5. Deceased: Forward the death certificate of the sex offender to the SOAU for removal from the registry.

S. Retention Schedule

The following items should be scanned in the electronic file:

- Sentence
- Indictment and Arrest Report
- Special conditions
- Parole Certificate
- Emergency Plan
- Victim Notification
- Head of Household
- SORN
- Completed sexual offender checklist
- Status Reports
- Polygraph Results
- Travel Permits
- Electronic Monitor Documents
- SORRB Letters

After scanning all documents and verifying that the forms are visible in the portal the original forms can be destroyed and the electronic file will be maintained for the life of the offender.



Department of Community Supervision Policy & Procedure Statement

Title:	Interpreters	Policy Number:	3.103
Effective Date:	November 15, 2015	Page:	1 of 2
Last Revision:	January 1, 2019	Authority:	Field Operations / Commissioner
Forms/Attachments:	N/A		

I. INTRODUCTION AND SUMMARY: This policy explains how Department of Community Supervision employees shall be familiar with procedures for communicating with hearing impaired individuals and individuals with language barriers.

II. AUTHORITY: The Commissioner of the Department is vested with the authority to issue and approve all necessary directions, instructions, orders and rules applicable to employees of the Department. O.C.G.A. § 42-3-5(b).

III. DEFINITIONS:

Hearing Impaired Person - Any person whose hearing is totally impaired or whose hearing is so seriously impaired as to prohibit the person from understanding oral communications when spoken in a normal conversational tone.

Qualified Interpreter - Any person certified as an interpreter by the National Registry of Interpreters for the Deaf or the State of Georgia Commission on Interpreters or approved as an interpreter by the Georgia Registry of Interpreters for the Deaf or Bridging the Gap.

IV. STATEMENT OF POLICY AND APPLICABLE PROCEDURE:

Procedure Statement - Language interpretation services should be utilized when necessary to ensure that offenders understand their conditions, alleged violations of those conditions, and the sanctioning process. Any request for interpretation service must be pre-approved by the applicable District Director.

A. Georgia Relay Program

The Department utilizes the services of the Georgia Public Service Commission's Georgia Relay program to help communicate with those who are deaf, hard of hearing or speech disabled. To activate the Georgia Relay system 24 hours a day, seven days a week, dial 7-1-1.

B. Arrest of Hearing Impaired Person

Under Georgia Code 24-9-103, the Georgia Department of Human Resources is

required to provide a qualified interpreter whenever a hearing impaired person is taken into custody for allegedly violating any criminal law or ordinance of the state or any political subdivision thereof. This request must be initiated by the arresting officer with approval of the Chief Community Supervision Officer (CCSO) or designee. Once approval is received, the CCSO will contact Budget to schedule the services.

C. Arrest of Non-English Speaking Person

In the event that an offender does not speak English and interpretation is needed, it is permissible to enlist the assistance of another DCS employee, other law enforcement officer or other third party as appropriate. If not available, the employee should submit a written request for an interpreter via email to their CCSO or Designee. This request will be forwarded through the appropriate channels and requires approval from the Division Director or his/her designee. The request will outline the type of interpreter, location, the date and estimated length of time the service is needed. Once approval of the request is received, the CCSO will contact Budget to schedule the service.

D. Initial Interview/Intake

If an interpreter is necessary to address ADA compliance during the initial interview/intake from court or prison, the employee should submit a written request via email to their CCSO or Designee. This request will be forwarded through the appropriate channels and requires approval from the Division Director or his/her Designee. Once approval is received, the CCSO will contact Budget to schedule the service. If an interpreter is necessary for ADA compliance, it is not permissible to use another CSO, or other law enforcement officer for this purpose.

E. Revocation Hearings

If indigent and the individual is deaf or a language barrier is in place, the employee should submit a written request via email to their CCSO or Designee. This request will be forwarded through the chain of command and requires approval from the Division Director or his/her Designee. Once approval is received, the CCSO will contact Budget to schedule the service.



Department of Community Supervision Policy & Procedure Statement

Title:	Offender Grievances	Policy Number:	3.104
Effective Date:	December 1, 2015	Page:	1 of 3
Last Revision:	N/A	Authority:	Field Operations / Commissioner
Forms/Attachments:	Record of Offender Grievance , Offender Grievance Form		

I. INTRODUCTION AND SUMMARY: A grievance process is available to all offenders. Offenders shall be informed of the grievance process during the initial intake. All grievances shall be reviewed and resolved in compliance with departmental policy.

II. AUTHORITY: The Commissioner of the Department is vested with the authority to issue and approve all necessary directions, instructions, orders and rules applicable to employees of the Department. O.C.G.A. § 42-3-5(b).

III. DEFINITIONS:

Grievance - An official statement of complaint over something believed to be wrong or unfair.

IV. STATEMENT OF POLICY AND APPLICABLE PROCEDURES:

The Department of Community Supervision (DCS) shall maintain a grievance procedure available to all offenders which provides a forum for their complaints and the resolution of the complaints.

A. Notice to Offenders

1. All offenders under the supervision of DCS shall be notified of the grievance procedure during the initial interview. No offender may be denied access to this process. [Grievance Forms](#) shall be made available to all offenders upon request. An Offender who alleges sexual abuse or misconduct will be referred to the Office of Professional Standards. Offenders who need assistance filling out a grievance form due to language barriers, illiteracy, or physical or mental disability will be provided with assistance upon request.
2. Retaliation against an offender for filing a grievance is strictly prohibited.
3. DCS encourages offenders to try to resolve complaints on an informal basis before filing a grievance; however, an offender is not required to attempt an informal resolution before filing a grievance.

B. Grievances

1. Grievable Issues - An offender may file a grievance about any condition, policy, procedure, action or lack thereof that affects the offender personally.
2. Non Grievable Issues - An offender may not file a grievance about matters that do not affect the offender personally - matters over which DCS has no control, including parole decisions, sentences, court decisions, any matters established by the laws of the state, or any disciplinary actions.
3. Grievances must be legibly filed on DCS's [Grievance Form](#). Grievances including threats, profanity, insults, or racial slurs that are not a part of the incident in which the complaint is based will be rejected. The offender may write on an extra page if an additional page is needed. Only one issue or incident can be reported per grievance form. The offender must sign and date the grievance form and submit it to the Chief Community Supervision Officer (CCSO) or designee. If the grievance involves the CCSO, it must be submitted to the Coordinating Chief or to the District Director if the Coordinating Chief is involved.
4. The grievance can be rejected by the CCSO or designee (or District Director in cases where the grievance is filed against the CCSO) if it fails to meet the minimum requirements.
5. Grievances will be addressed at the lowest possible level, usually by the Coordinating Chief.
6. Grievances filed outside of Field Operations to include central office will be completed as outlined above and submitted to the immediate supervisor in that Division. The immediate supervisor can reject the grievance if it fails to meet minimum requirements.

C. Processing

1. **CCSO Responsibilities:** The CCSO has thirty (30) calendar days from date the offender submitted the grievance to deliver a decision to the offender. A ten (10) day calendar extension may be granted; however, the offender must be advised in writing of the extension prior to the expiration of the original thirty (30) calendar days.

Once the grievance is accepted, the CCSO or designee will thoroughly investigate the complaint in a manner that is appropriate for the situation. This may include interviewing the offender, interviewing witnesses, taking

statements, and obtaining documents. Upon the completion of the investigation, the CCSO or designee must write a complete report, attach all supporting documentation and submit it to the Coordinating Chief. The summary must contain:

- a. Summary of the facts surrounding the offender's complaint.
- b. The written statements from the offender, employee (if grievance involves an employee), and witnesses.
- c. The conclusion and recommendation for resolution.

2. **Coordinating Chief Responsibilities:** The report, recommendation, and the original grievance will be reviewed by the Coordinating Chief for approval or disapproval. The Coordinating Chief will make a final decision and document the basis of that decision in writing. The Coordinating Chief will send the final decision to the CCSO. The CCSO will provide the offender with the decision and have the offender sign acknowledgement of receipt. An electronic copy of the grievance and report including final decision will be maintained by the Coordinating Chief in an electronic file shared with the District Director and Circuit managers at the Coordinating Chief's discretion.

D. Referral for Internal Investigation

All offender grievances involving sexual assault, physical force, or actions involving non compliance with departmental policy shall be forwarded to the Office of Professional Standards. The grievance shall become an investigation in the Office of Professional Standards and conducted in compliance with departmental policy. The grievance process shall end upon the offender being notified that the grievance has been submitted to the Office of Professional Standards.

E. Confidentiality of Grievance

1. All paper copies of grievances and related documentation shall be scanned and saved electronically as outlined above. Grievance information may be made available to employees only to the extent needed for processing the grievance or finalizing the grievance process.
2. When a grievance is filed in reference to a different circuit office or division, the Coordinating Chief at the offender's current supervising office or the immediate supervisor receiving the grievance, shall scan and email the documents to the receiving Coordinating Chief for resolution.

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

BRANDON COBB, et al., etc.,

Plaintiffs,

v.

GEORGIA DEPARTMENT OF COM-
MUNITY SUPERVISION, et al., etc.,

Defendants.

CIVIL ACTION NO.

1:19-cv-03285-WMR

DECLARATION OF QUINTINA BURROUGHS-LEE

1. I, Quintina Burroughs-Lee, offer this declaration for the Court's consideration on Plaintiffs' motion for preliminary injunction and for all other purposes allowed by law. All statements in this declaration are within my personal knowledge.
2. During October 2016 through the present, I have been employed by the Georgia Department of Community Supervision (DCS) as a Day Reporting Center Officer. Before then, I was employed as County Clerk by Rockdale County, Clerks Office.
3. I have received the following training in supervising probationers and parolees: DCS-Basic Community Supervision Officer Training: 6/1/2017, GPSTC-De-Escalation Options for Gaining Complinnace: 2/23/2019, DCS-

Specialized Mental Health Training: 12/05/2018, GPTSCP At-risk Adults: 11/20/2018.

4. Georgia Relay is a free service available to all persons with hearing or speech problems. It is available to DCS Community Supervision Officers (CSO) and hearing impaired supervisees. The services offered by Georgia Relay are described at <https://georgiarelay.org/>. It is available free 24/7 by calling 7-1-1.
5. I am aware of the following options available to DCS to facilitate communication with hearing impaired probationers and parolees:
 - a. Engage an interpreter paid for by DCS who will personally provide American Sign Language (ASL) translation for communications.
 - b. Text Telephone or Text Typewriter (TTY), through Georgia Relay, which allows users to type messages make and forth on their phones.
 - c. Video Relay Services (VRS), through Georgia Relay, which makes it possible for sign language users to communicate in their native language via video conferencing.
 - d. Voice Carry-Over (VC), through Georgia Relay, which uses either a TTY (text telephone) and standard telephone or a specially designed telephone that also has a text screen. A Georgia Relay Communications

Assistant (CA) and the VCO user reads those words on the text screen of his or her phone.

- e. Hearing Carry-Over (HCO), through Georgia Relay, which uses a TTY or similar device. The HCO user types his or her side of the conversation, and the CA voices the typed words to the other person. When the other person speaks, the HCO user listens directly to what is being said.
- f. Speech-to-Speech (STS), through Georgia Relay, which requires only standard telephone equipment. STS service is for people who have mild-to-moderate speech difficulties but who can hear what is being said over the phone. As the STS user speaks, a CA listens to the words. The CA then revoices those words to the other person. When the other person speaks, the STS user listens directly to what is being said.
- g. Video Remote Interpreting Services (VRI), which is separate from Georgia Relay. It allows communications with hearing impaired supervisees by using video monitors and devices over which ASL translation occurs using a live ASL interpreter. The users of VRI can cover field interactions and it is not limited to telephone communications.

- h. CapTel®, which is separate from George Relay. It uses current voice recognition software to display the words stated by callers.
- i. Communication Access Real-Time Translation (CART), which is separate from George Relay. It provides typed transcriptions of spoken words.
- j. Sorenson Video Relay Service (see <https://www.sorensonvrs.com/svrs>) is also available to assist in communicating with hearing impaired probationers and parolees. My understanding is that this service is paid for by the government and is provided under the Telecommunications Relay Service fund (see <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>).

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

This the 28 day of August, 2019.



Quintina Burroughs-Lee