



**Facts &
Transparency:
Speaker Ralston's use
of Legislative Leave**



AGENDA

About Me

Why I Investigated Further

Why it's important to fight for transparency and accountability

What I did & What I found

What has happened since





About Me

15 YR Resident of Georgia

US Marine

Intelligence: Desert Storm, DIA, Mogadishu

Former FBI Special Agent

Public Corruption

17 Years business executive

Own and operate 2 successful businesses based in Georgia

Financially independent



Why I Investigated Further

- 1. I was in disbelief of what had been reported by the media. (AJC/WSB: February 13, 2019)**
- 2. I wanted to see the actual documents for myself.**
- 3. I felt the people of Georgia deserved to have a conversation about this that was driven by the facts, not by the media or a narrative constructed by those whose actions were being questioned.**

Ralston Statements: February 25, 2019

“But an examination of all the facts causes me to REJECT in the strongest possible way, any accusation or insinuation that I have abused or misused my position. But I come back to perception becoming a reality.”

“Not all the continuances were requested by me.”

“Not one time in all my legal career, particularly during the period beginning in 2010 has a judge or a prosecutor in the circuits which I practice questioned my need for legislative leave.”

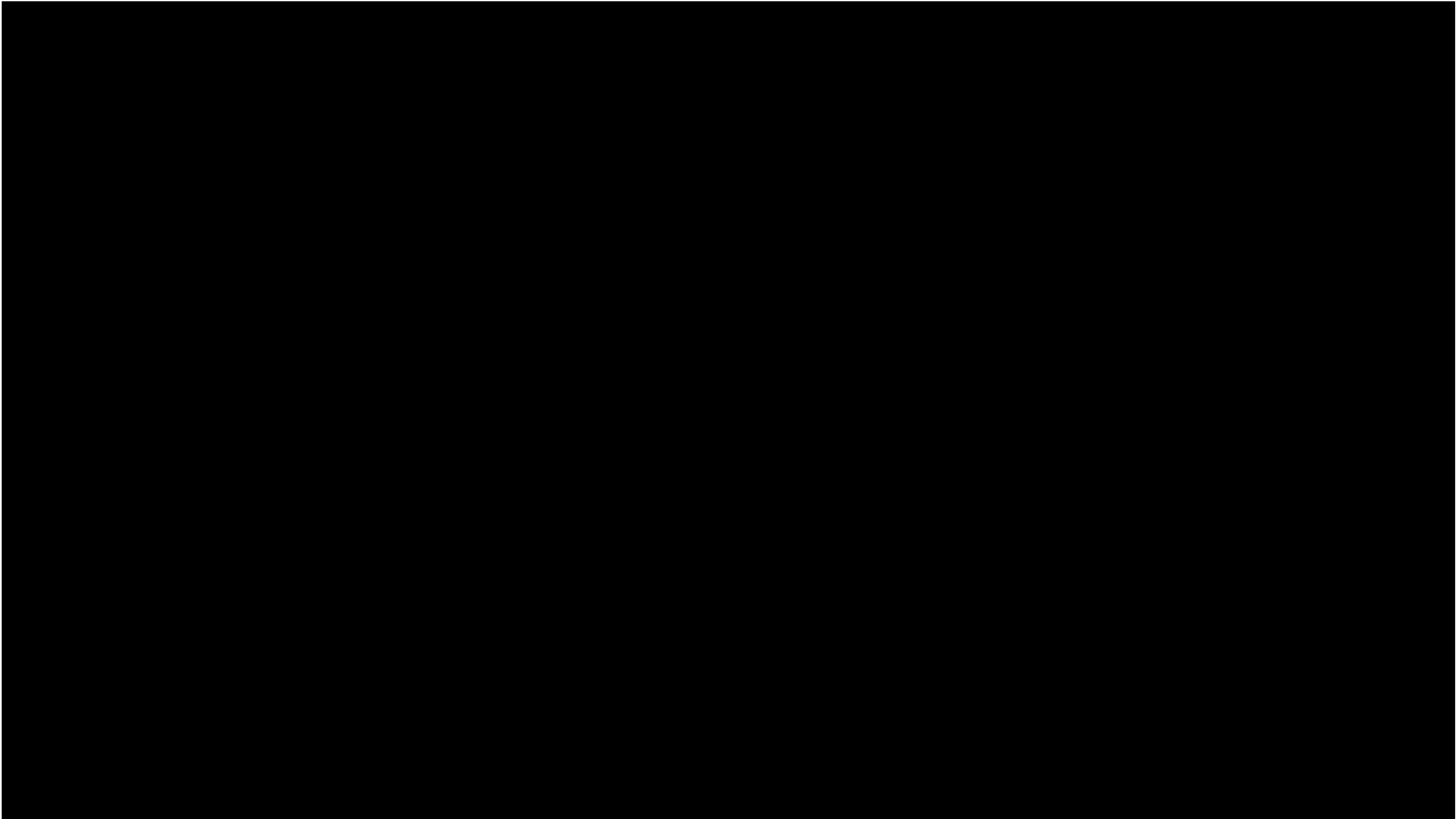
“As a lawyer I have zero control over a court calendar.”



Why we must Question Authority

“It is the first responsibility of every citizen to question authority.” – Benjamin Franklin







Amanda H. Mercier

Judge Amanda H. Mercier was appointed to the Georgia Court of Appeals by Governor Nathan Deal and took office on January 4, 2016. In 2018 she was elected to serve a full six year term after an uncontested election. Prior to her appointment to the Court of Appeals, Judge Mercier was appointed to the Superior Court in the Appalachian Judicial Circuit on July 15, 2010 by Governor Sonny Perdue. In 2012, the voters of the Appalachian Judicial Circuit, which includes Fannin, Gilmer, and Pickens Counties, elected Judge Mercier to serve a full four year term after an uncontested election.

Judge Mercier was born in Cleveland, Tennessee in 1975. She is the daughter of Tim and Sandra Mercier. Judge Mercier spent her youth on her family's farm, Mercier Orchards, where she worked summers and after school until she graduated from college. It was on her family's farm that she

After deciding to return home to Georgia after law school, Judge Mercier returned to her hometown of Blue Ridge, where she began her career in private practice with the Law Office of David E. Ralston.

States Attorney's Office for the Northern District of New York. Judge Mercier became a member of the Syracuse Chapter of the Order of the Coif in 2001.

After deciding to return home to Georgia after law school, Judge Mercier returned to her hometown of Blue Ridge, where she began her career in private practice with the Law Office of David E. Ralston. Judge Mercier practiced both criminal and civil litigation from 2001 until her appointment as a Superior Court Judge in 2010. During that time, she was actively involved as a defense attorney in the first accountability court in the Appalachian Judicial Circuit. She has served a term as the president of the Appalachian Judicial Circuit Bar Association. In addition to her full time private practice, Judge Mercier also was a part time solicitor for Ellijay City Court.



Filed in office of Clerk of Superior Court
Gilmer County Georgia (By: Glenda Sue Johnson)
Time: 8:50 A M Date: 3/11/15
Glenda Sue Johnson
Glenda Sue Johnson, Clerk

IN THE SUPERIOR COURT OF GILMER COUNTY
STATE OF GEORGIA

STATE OF GEORGIA)

V.)

██████████)
DEFENDANT)

Court Number

2011CR-164

MOTION TO NOLLE PROSEQUI

COMES NOW, the State of Georgia, by and through the District Attorney's Office for the Appalachian Judicial Circuit, and moves that a nolle prosequi be entered in the above-styled case. Due to the amount of time that has passed since this case's inception, evidence has become stale, witnesses have become unavailable, and recollections have faded. Continuing to pursue this case is not in the best interest of Justice nor the expenditure of public funds.

This 4th day of March, 2015.

[Signature]
Assistant District Attorney
Appalachian Judicial Circuit

ORDER

The case referenced above in the "MOTION TO NOLLE PROSEQUI" is hereby **ORDERED** nolle prossed.

This 4th day of March, 2015.

[Signature]
Judge Superior Court
Gilmer County, Georgia
Appalachian Judicial Circuit

Court Number

2011CR-164

_____, 2015.
[Signature]
Judge Superior Court
Gilmer County, Georgia
Appalachian Judicial Circuit

DUI - 6/7/11 - 3/11/15: 8 continuances

DUI - Delayed 8 times. Case period: 6/7/11 - 3/11/15

1

LAW OFFICES
OF
DAVID E. RALSTON
POST OFFICE BOX 1838
152 ORVIN LANCE DRIVE • SUITE B
BLUE RIDGE, GEORGIA 30513
(706) 632-2221 • FAX: (706) 632-6193

DAVID E. RALSTON

AMANDA H. MERCIER

February 9, 2010

Honorable Fred A. Bishop, Jr., Senior Judge
Appalachian Judicial Circuit
Fannin County Courthouse
Blue Ridge, Georgia 30513

VIA HAND DELIVERY

Re: Fannin County Superior Court
Criminal Jury Trial Calendar
Calendar Call - February 11, 2010
Criminal Jury Trial Calendar - March 8, 2010

Dear Judge Bishop:

Please be advised that I am in receipt of an Order scheduling a criminal jury trial calendar call on February 11, 2010 for a criminal jury trial calendar beginning March 18, 2010 in Fannin County Superior Court.

Please be advised that I represent the following defendants on this calendar:

1. State v. Steven Scott Henry, Case No. 2008R-346
2. State v. Danny Reid Ross, Case No. 2009R-119

Please be advised that I am hereby requesting a continuance of both of these cases from both of the above referenced calendars, pursuant to the terms and provisions of O.C.G.A. Section 17-8-26. As a member of the Georgia House of Representatives, I will be required to be in attendance at the 2010 session of the Georgia General Assembly on those dates.

Please do not hesitate to let me know if you should have any questions.

Very truly yours,

David E. Ralston by ahm
David E. Ralston
w/ express conse

RECEIVED FEB 09 2010

2

2011 R 270

LAW OFFICES
OF
DAVID E. RALSTON
P.O. BOX 1838
190 MCKINNEY STREET
BLUE RIDGE, GEORGIA 30513
(706) 632-2221 • FAX (706) 632-6193

DAVID E. RALSTON

CLINT G. BEARDEN

April 22, 2013

Honorable Amanda H. Mercier, Judge
Appalachian Judicial Circuit
Fannin County Courthouse
400 West Main Street, Suite 300
Blue Ridge, GA 30513

RE: Fannin County Superior Court
Arraignment Calendar - April 25, 2013

Dear Judge Mercier:

Please be advised that I am in receipt of arraignment notices scheduling arraignments in the cases listed below on April 25, 2013 in Fannin County Superior Court.

Please be advised that I represent each of these Defendants.

The cases scheduled for arraignment in which I am involved on that date are as follows:

- 1) State v. Steven Scott Henry, Case No. 2008-SU-R-346;
- 2) State v. Danny Reid Ross, Case No. 2009-SU-R-248;
- 3) State v. Lewis Paul Arthur, Case No. 2011-SU-R-270;
- 4) State v. John M. Lindstrom, Case No. 2010-SU-R-75.

Please be advised that I am hereby requesting a continuance of the arraignment in each and every one of the above cases, pursuant to the terms and provisions of O.C.G.A. Section 17-8-26. Pursuant to this code section, I hereby certify to the Court that my legislative duties and obligations require that I be elsewhere on that date.

FILED IN OFFICE 12:40 AM/PM
THIS 23 DAY OF APR, 2013

COMPUTER 5/7/13

DANA O. CHASTAIN
CLERK OF SUPERIOR COURT

1

LAW OFFICES
OF
DAVID E. RALSTON

AMANDA H. MERCIER

AMANDA H. MERCIER

Fannin County Courthouse
Blue Ridge, Georgia 30513

VIA HAND DELIVERY

at the following defendants on this calendar

Case No. 2008R-346

Case No. 2009R-119

Please be advised that I am hereby requesting a continuance of both of these cases from both of the above referenced calendars, pursuant to the terms and provisions of O.C.G.A. Section 17-8-26. As a member of the Georgia House of Representatives, I will be required to

Very truly yours,

David E. Ralston by ahm
David E. Ralston
w/ express consen

2

2011 R 270

LAW OFFICES
OF
DAVID E. RALSTON
P.O. BOX 1838
190 MCKINNEY STREET
BLUE RIDGE, GEORGIA 30513
(706) 632-2221 • FAX (706) 632-6193

DAVID E. RALSTON

CLINT G. BEARDEN

April 22, 2013

Honorable Amanda H. Mercier, Judge
Appalachian Judicial Circuit
Fannin County Courthouse
400 West Main Street, Suite 300
Blue Ridge, GA 30513

Honorable Amanda H. Mercier, Judge
Appalachian Judicial Circuit
Fannin County Courthouse
400 West Main Street, Suite 300
Blue Ridge, GA 30513

Dear Judge Mercier:

Dear Judge Mercier:

Please be advised that I represent each of these Defendants.

Please be advised that I represent each of these Defendants.

Case No. 2008-SU-R-346;

Case No. 2009-SU-R-248;


COMPUTER 5/7/13

DANA O. CHASTAIN
CLERK OF SUPERIOR COURT



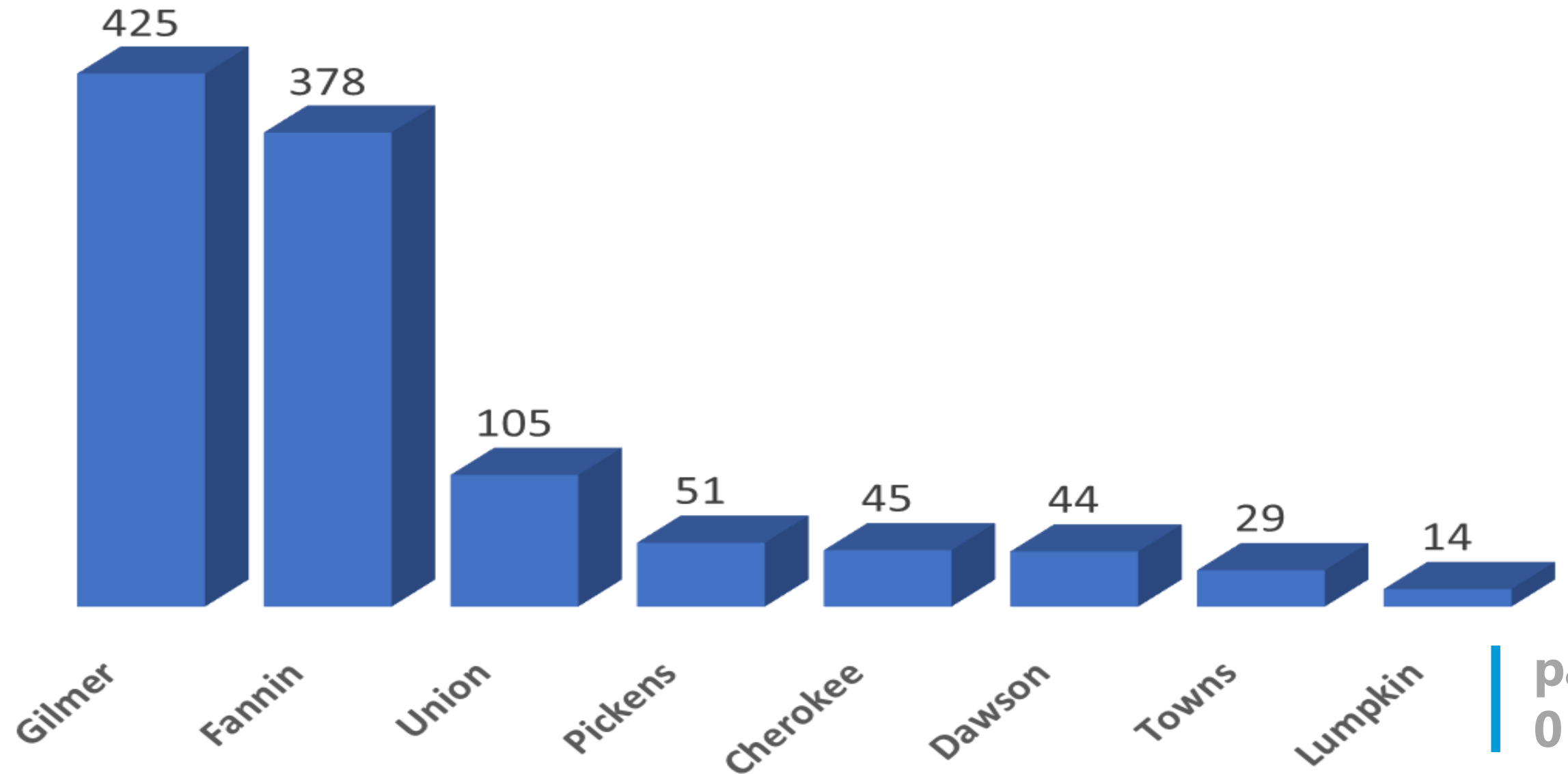
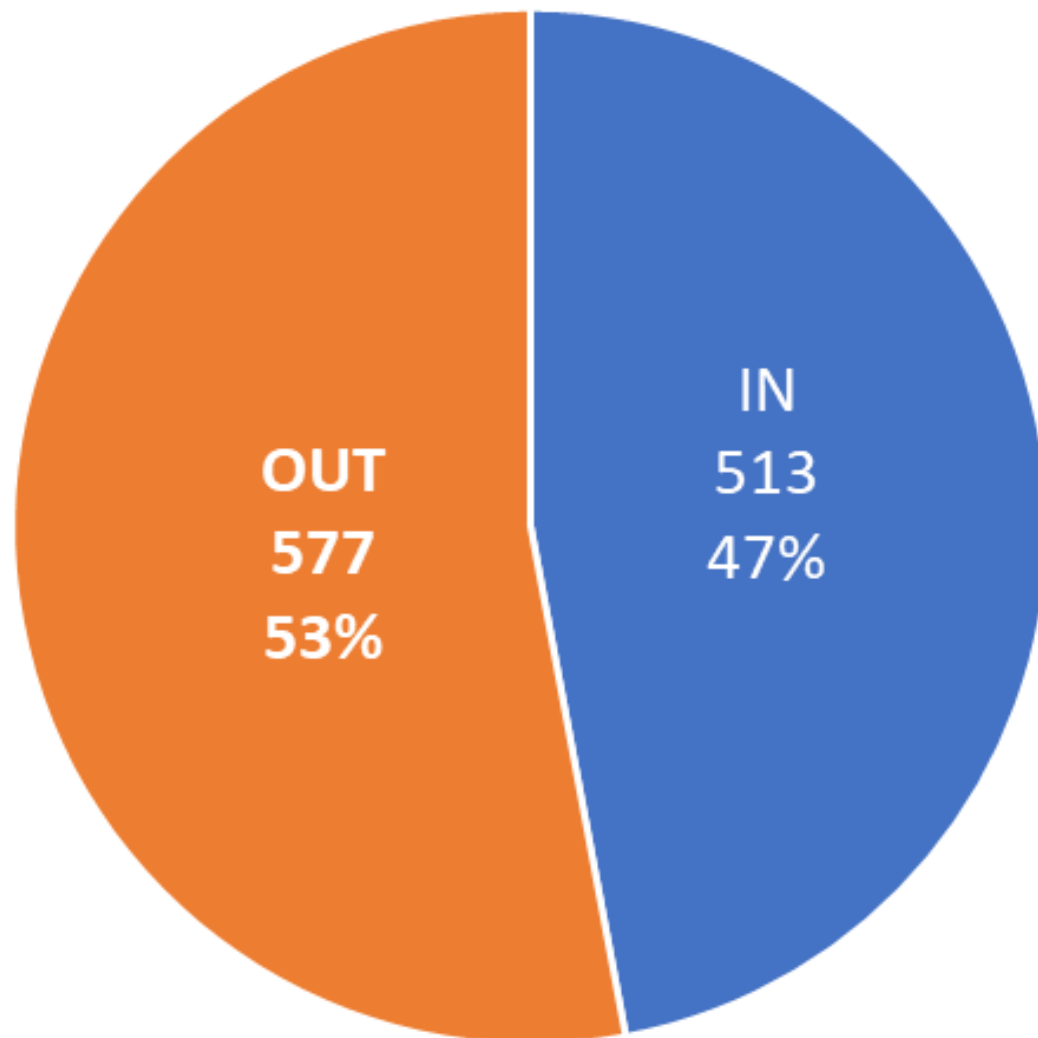
What I did. What I found.

Simple:

- 1) Traveled to 8 Georgia courthouses**
 - 2) copied publicly available documents from Ralston's case files**
 - 3) recorded and analyzed the data.**
- 

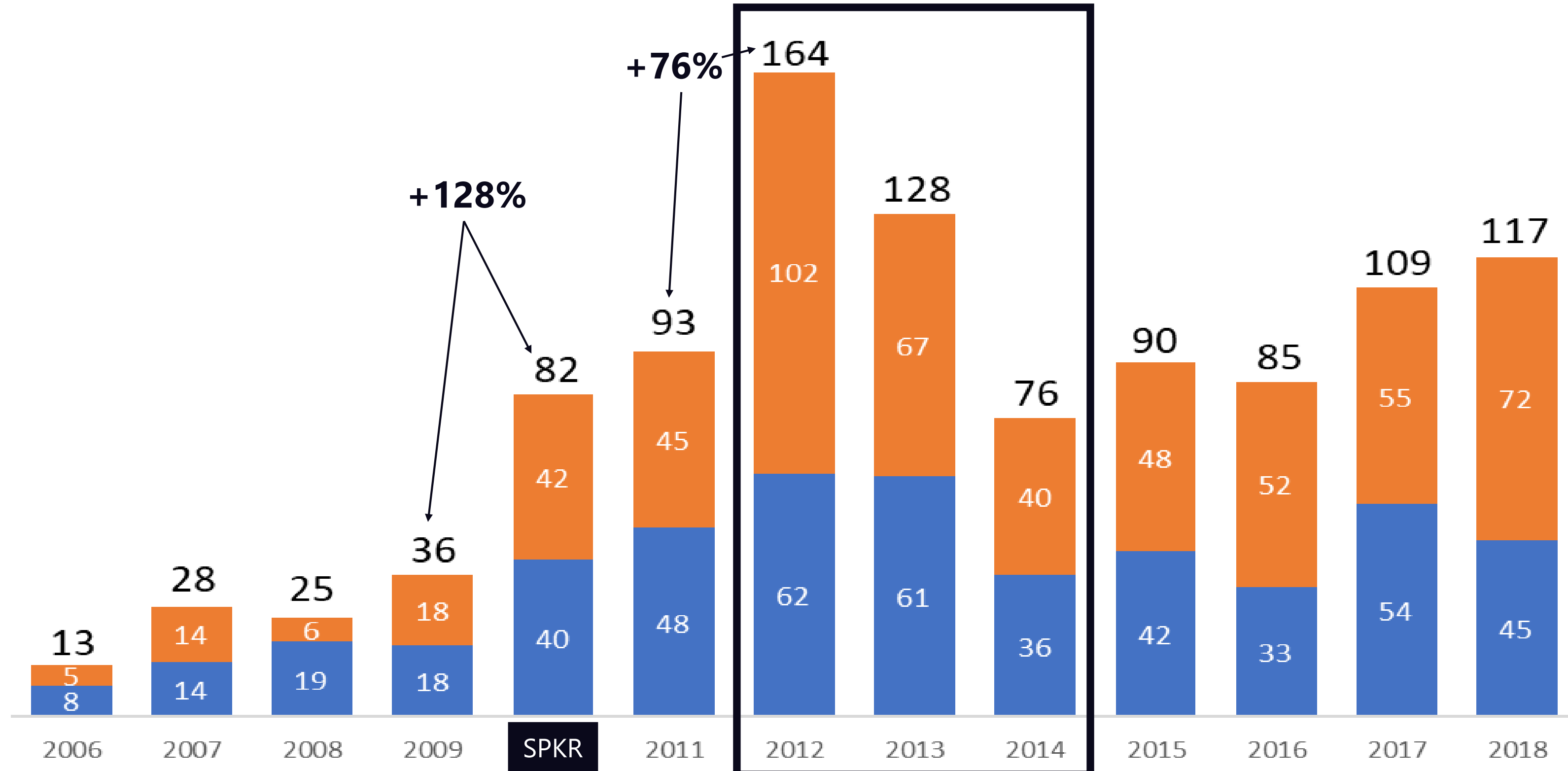
Findings

1,091 Legislative Continuances by Speaker Ralston
279 Cases: 137 (49.1%) Civil, 142 (50.9%) Criminal



analysis & observations: 2006 – 2018

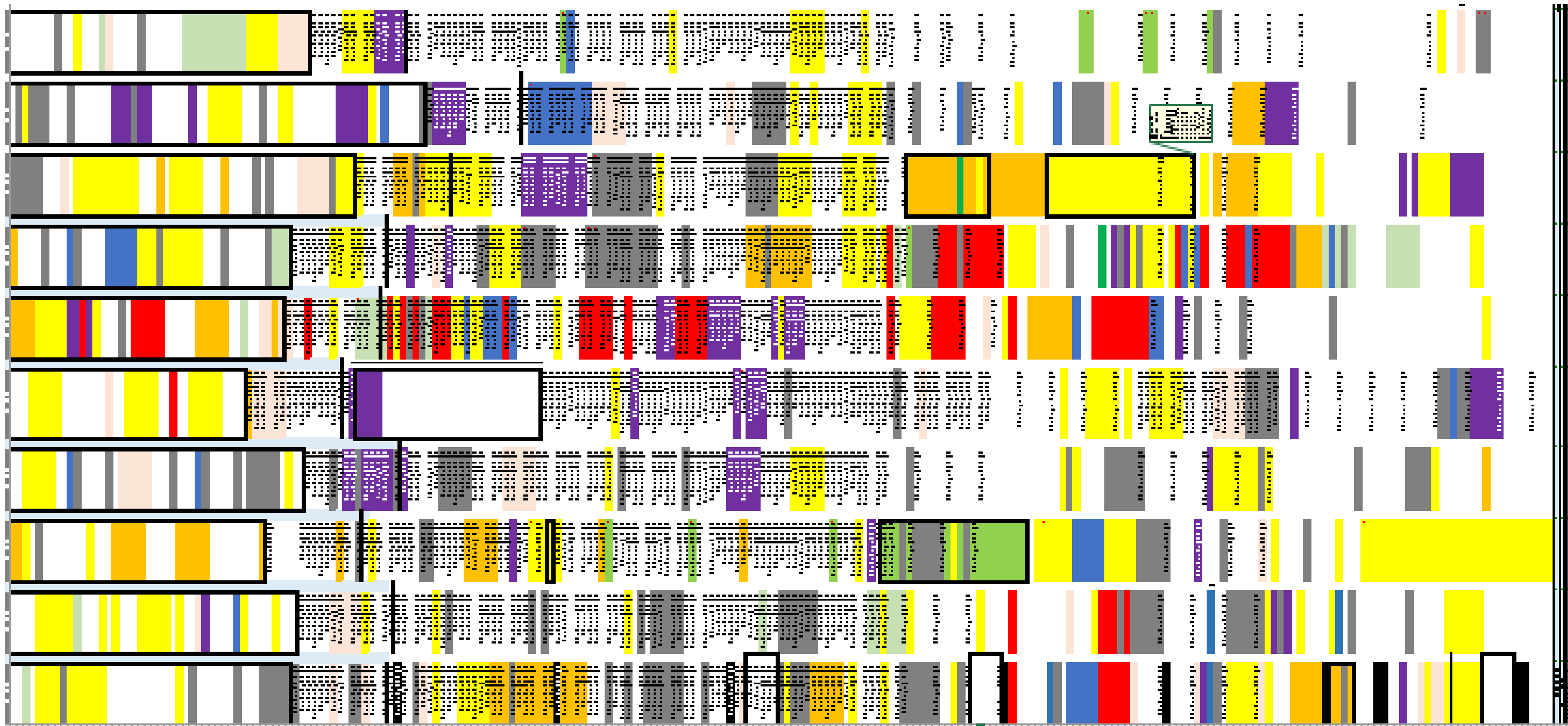
- ~523 Out Of Session since becoming speaker



analysis & observations:

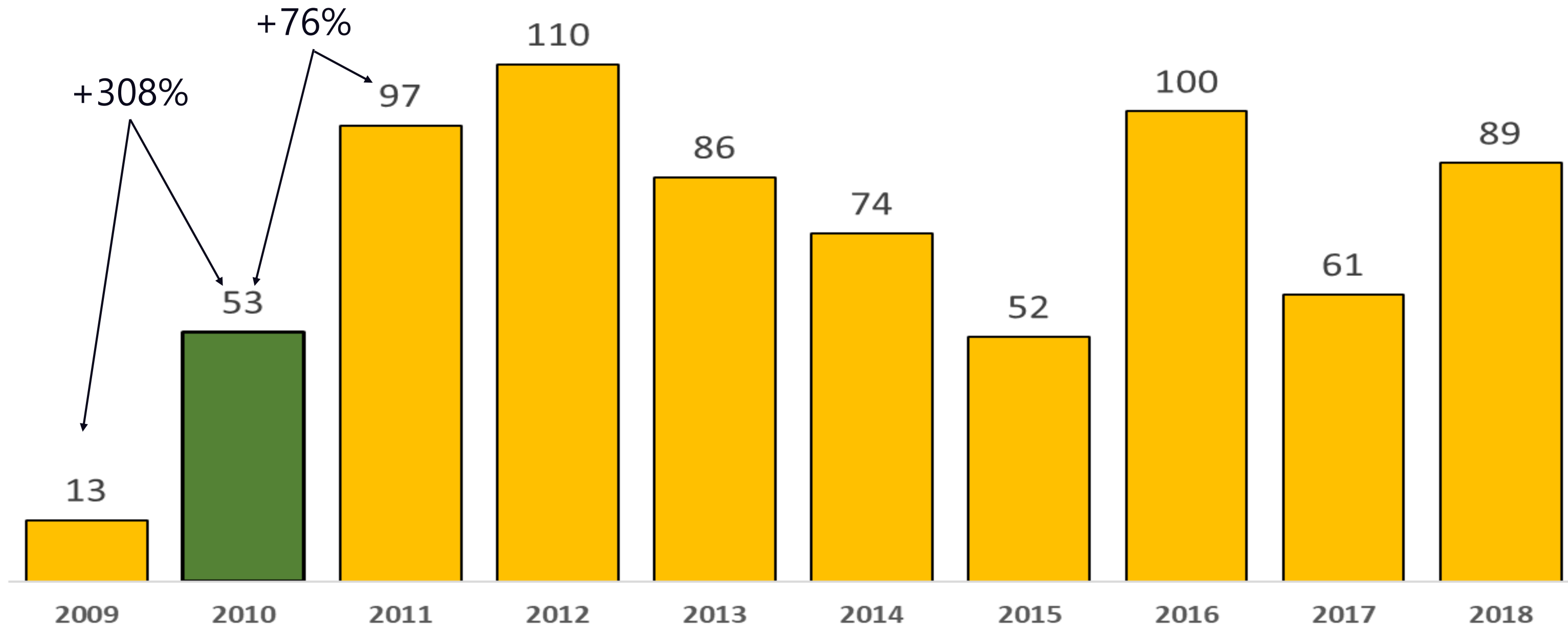
-
- April 5, 2012** WSBTV 'Speaker responds to criticism in deadly crash case'
-
- April 9, 2012** WSBTV 'More cases delayed by House Speaker's legislative leave'
-
- May 7, 2013** WSBTV 'House speaker uses law to delay vehicular homicide case, again'
-
- Aug 19, 2013** WSBTV 'Family: No justice after delayed sentencing in fatal crash'
-
- Aug 29, 2013** Gilmer Times 'News Coverage Affects Death Case Perception'
-
- 2014** Challenged in primary, campaign ad from May 2014 details alleged abuse of legislative leave to delay Amanda Moesher's case.

Tracking legislative leave (2009-2018)



Findings

722 Out-of-session days of continuances: 2010-2018
-2018: 87 days to tend to case-load, and only 3 intact weeks



Legislative Leave Requests: Session Adjourned

- 2015 Session Adjourned **April 2**
- 3-week period ended **April 23**
- Indicates anticipating in being in either the session or the 3-week period on **May 4, 2015**

DAVID E. RALSTON
P.O. BOX 1838
BLUE RIDGE, GEORGIA 30513
(706) 632-2221 • FAX (706) 632-6193

DAVID E. RALSTON
February 3, 2015
CLINT G. BEARDEN

Hon. Amanda H. Mercier, Judge
Appalachian Judicial Circuit
400 West Main St., Suite 300
Blue Ridge, GA 30513

RE: Fannin County Superior Court
Civil Jury Trial Calendar -
May 4, 2015

Dear Judge Mercier:

Please be advised that I represent the Defendants in the cases of Community & Southern Bank vs. Ronald D. Coleman Enterprises, Inc., et al., Civil Action No. 2014-SU-V-347 and Community & Southern Bank vs. Sisson, Civil Action No. 2014-SU-V-481.

Please be advised that I am hereby requesting a continuance of these cases from the trial calendar for the week of May 4, 2015, pursuant to the terms and provisions of O.C.G.A. Section 9-10-150. As a member of the Georgia General Assembly, I anticipate being in the 2015 Session of the General Assembly at that time, or being within the 3-week period from final adjournment.

2015 Session
adjourned on
4/2/15. 3 week
period expired
4/24/15.

David R. Ralston *leg 8/4*
upon consent

RECEIVED FEB 04 2015
leg



LAW OFFICES
OF
DAVID E. RALSTON
P.O. BOX 1838
190 MCKINNEY STREET
BLUE RIDGE, GEORGIA 30513
(706) 632-2221 • FAX (706) 632-6193

DAVID E. RALSTON

CLINT G. BEARDEN

July 31, 2013

Hon. Shannon G. Wallace
Office of the District Attorney
Cherokee County Justice Center
90 North St., Suite 390
Canton, GA 30114

VIA FAX (770) 479-3105

RE: State vs. Derek Jason Key
Indictment No. 09-CR-662

State vs. Megan Kathleen Lawrence
Indictment No. 12-CR-0446

Dear Shannon,

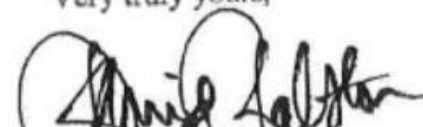
Please be advised that I am in receipt of a notice scheduling a calendar call in the above cases for August 8, 2013 for a criminal jury trial calendar for the week of August 19, 2013.

Please be advised that I am hereby requesting that both of these cases be continued from both the August 8, 2013 calendar call and the criminal jury trial calendar for the week of August 19, 2013, pursuant to the terms and provisions of O.C.G.A. Section 17-8-26.

As a member of the Georgia General Assembly, I hereby certify that my legislative duties and obligations will require that I be away from the practice of law and be elsewhere on those dates.

Please do not hesitate to let me know if you should have any questions.

Very truly yours,


David E. Ralston

PATTY BAKER, CLERK

2013 AUG -2 PM 2:11

DER/jrh

FILED IN OFFICE
CLERK OF SUPERIOR COURT
CHEROKEE COUNTY, GA

Legislative Leave: Contradictions

July 31, 2013

Legislative Leave Continuance – Cherokee Cty
Requests continuance for “the week of August
19, 2013”

ing a calendar call in the above
e week of August 19, 2013.

Filed in office of Clerk of Superior Court
Gilmer County, Georgia (By: [Signature])
Time: 10:35 A.M. Date: 8-19-13
[Signature]
Clerk of Superior Court

IN THE SUPERIOR COURT OF FANNIN COUNTY
STATE OF GEORGIA

State of Georgia, Plaintiff *
VS *
Walter Emery Layson, Defendant *
INDICTMENT/ACCUSATION NO:
2006-CR-360-RB

PLEA OF GUILTY/NOLO CONTENDERE

The Defendant in the above-styled case hereby withdraws his/her plea of not guilty and enters his/her plea of guilty/nolo contendere to Counts Counts 2&4, pursuant to Alford v. North Carolina

This 19th day of August, 2013.

[Signature]
Defendant
[Signature]
Defendant's Attorney

MOTION TO NOLLE PROSEQUI

COMES NOW the State of Georgia and moves that a nolle prosequi be entered upon the following Counts in the above captioned case:

- Count 1- 40-6-393(b) Homicide by Vehicle Second Degree
- Count 3- 40-6-393(b) Homicide by Vehicle Second Degree

This 19th day of August, 2013.

[Signature]
(Assistant) District Attorney

ORDER

The Counts referenced in the Motion to Nolle Prosequi are hereby ORDERED nol prossed pursuant to the negotiated plea.

This 19 day of August, 2013.

[Signature]
Judge, Superior Courts

Legislative Leave: Contradictions

August 19, 2013
Plea Agreement – Gilmer County
Ralston is present on August 19, 2013

This 19th day of August, 2013.

Findings: Extended Periods of Legislative Leave

- November 22, 2016
- Notice of Leave Allowance
- Requests leave for November 21, 2016 – March 31, 2017 (131 days)

LAW OFFICES
OF
DAVID E. RALSTON
POST OFFICE BOX 1838
266 ORVIN LANCE DRIVE • SUITE 107
BLUE RIDGE, GEORGIA 30513
(706) 632-2221 • FAX: (706) 632-6193

DAVID E. RALSTON

CLINT G. BEARDEN

November 22, 2016

Hon. Brenda S. Weaver, Chief Judge
Appalachian Judicial Circuit
P.O. Box 545
Jasper, GA 30143

RE: Community & Southern Bank vs.
Hensley & Mosley
Gilmer County Superior Court
Civil Action No. 2011-CV-859-BW

Filed in office of Clerk of Superior Court
Gilmer County Georgia (By: *[Signature]*)
Time: *9:17* M Date: *11/28/16*
[Signature]
Glenda Sue Johnson, Clerk

Dear Judge Weaver:

Please be advised that I represent the Plaintiff in the above case, which is pending for your review.

I am in receipt of Plaintiff's Documents to these Defendants. I am hereby advised that I will be on legislative leave beginning November 21, 2016 in preparation for the 2017 Session of the Georgia General Assembly. I hereby certify to the Court, pursuant to this Code Section, that my legislative duties and obligations will require that I be elsewhere on each of the dates beginning with that date through final adjournment of the Session. This Code Section operates, among other things, as a stay on discovery during this period of time.

advised that I will be on legislative leave, pursuant to O.C.G.A. Section 9-10-150 beginning November 21, 2016 in preparation for the 2017 Session of the Georgia General Assembly. I hereby certify to the Court, pursuant to this Code Section, that my legislative duties and obligations will require that I be elsewhere on each of the dates beginning with that date through final adjournment of the Session. This Code Section operates, among other things, as a stay on discovery during this period of time.

Please do not hesitate to let me know if you should have any questions.

Very truly yours,

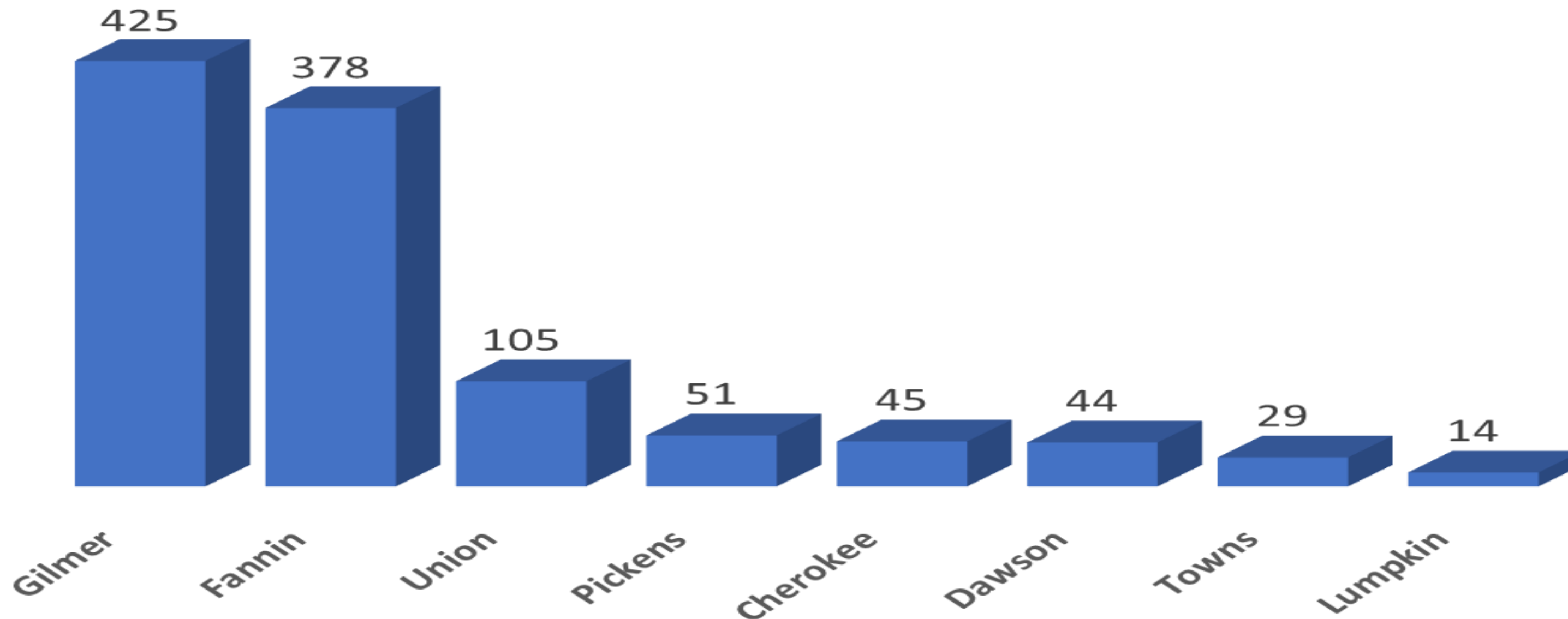
[Signature]
David E. Ralston

DER/jrh

Findings: Ralston's February 22, 2019 Statements

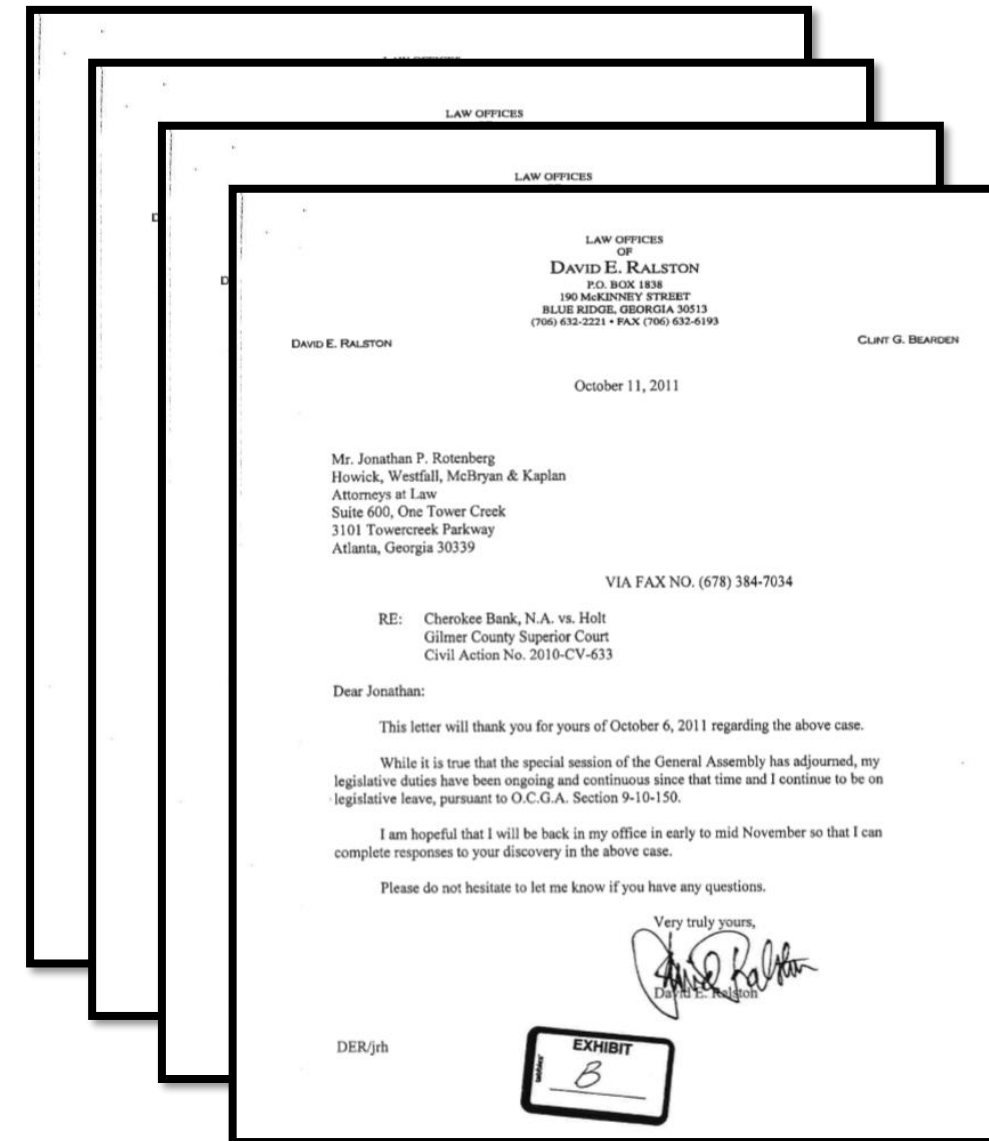
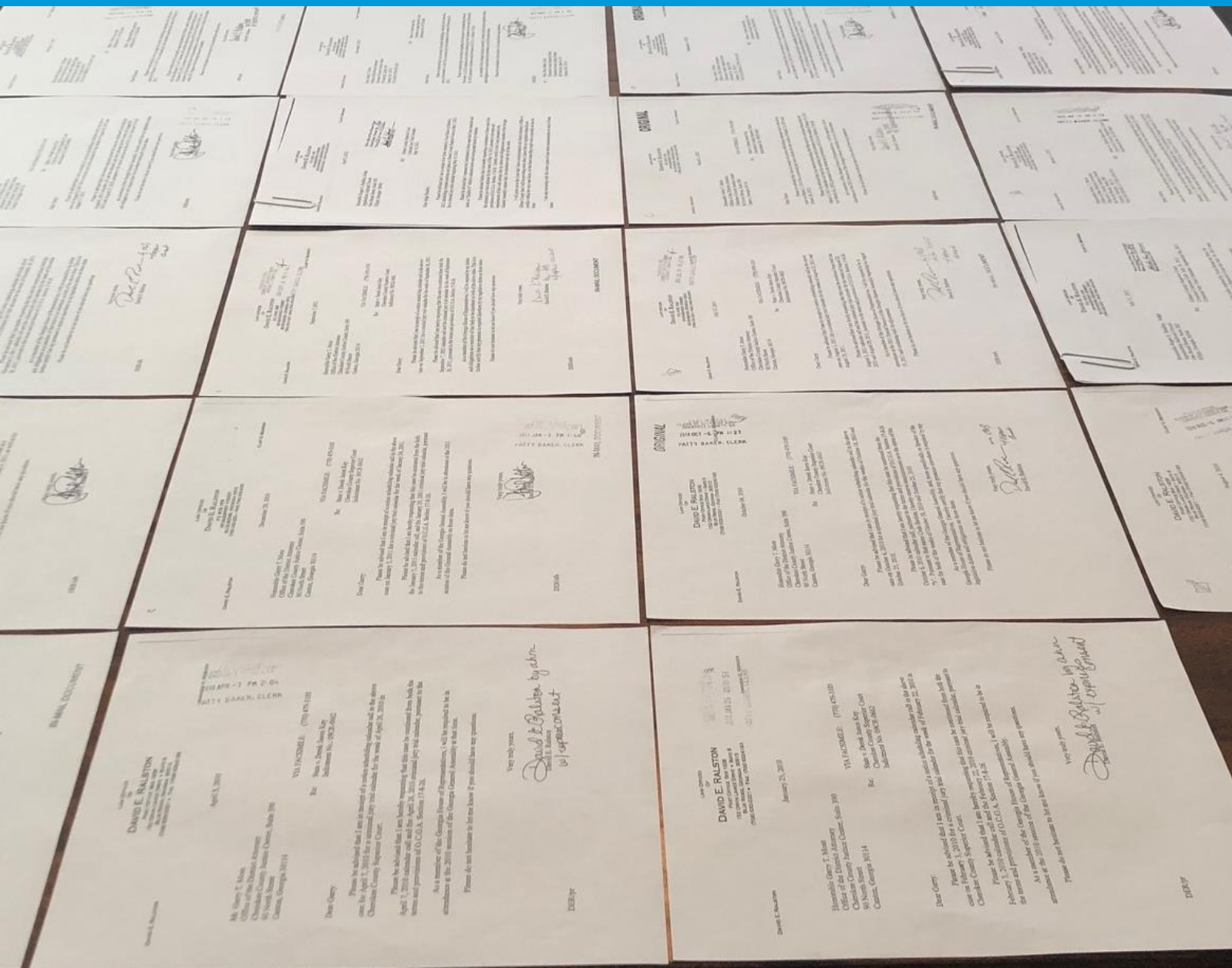
"Not all the continuances were requested by me."

TRUE: But....at least 1,091 were. Perhaps 5-10 X opposing counsel.



Findings: Ralston's February 22, 2019 Statements

"As a lawyer I have zero control over a court calendar."
1,091 examples suggests otherwise.



Findings: Ralston's February 22, 2019 Statements

44

Towns County, Georgia
Entered
10-15-15
Cecil Dye
Clerk Superior Court

IN THE SUPERIOR COURT OF TOWNS COUNTY
STATE OF GEORGIA

HERTZ EQUIPMENT RENTAL CORP.,)
Plaintiff,)
v.)
[REDACTED])
Defendant.)

CIVIL ACTION FILE No.:
13-CV-17-SG

ORDER ON PLAINTIFF'S MOTION FOR CONTEMPT

This matter having come before the Court on Plaintiff Hertz Equipment Rental Corp.'s Motion For Contempt, which motion was served by mail on August 20, 2015, the Court finding no response to that Motion has been filed with the Court or served on Plaintiff's counsel, the time for a response to be filed and served under Uniform Superior Court Rule 6.2 (30 days from date of service) having expired, and the Court having reviewed the accompanying papers presented by Plaintiff, Plaintiff is entitled to entry of an Order on its Motion as provided therein:

IT IS HEREBY ORDERED AND ADJUDGED that the Motion of Plaintiff, Hertz Equipment Rental Corporation, for Contempt against Defendant, Dale Shope Construction, Inc. and Defendant's Attorney, David Ralston, is **GRANTED** as follows:

1. Defendant, [REDACTED], and its counsel, Attorney David Ralston are jointly obligated to pay Plaintiff's attorneys' fees associated with the Motion for Contempt in the amount **\$2,275** plus any additional fees and expenses incurred after the submission of this motion and brief;

2. Defendant, [REDACTED], and its counsel, Attorney David Ralston, are held to be in contempt of court for willful disobedience of this Court's Order Granting Plaintiff's Motion to Compel Discovery. The Court enters these specific findings in support of this holding:

my legal career, particularly during the time I have had a judge or a prosecutor in the courtroom questioned my need for legislative

contempt noun

con-tempt | \kən-'tem(p)t \

Definition of *contempt*

1 a : the act of despising : the state of mind of one who despises : DISDAIN
// glared at him in *contempt*

b : lack of respect or reverence for something
// acting with *contempt* for public safety

2 : the state of being despised

3 : willful disobedience to or open disrespect of a court, judge, or legislative body
// *contempt* of court

Findings: October 7, 2015 CONTEMPT OF COURT

44

Towns County, Georgia
Entered
10-15-15
Cecil Dye
Clerk Superior Court

IN THE SUPERIOR COURT OF TOWNS COUNTY
STATE OF GEORGIA
HERTZ EQUIPMENT RENTAL CORP.,)

by legal career, particularly during the

2. Defendant, [REDACTED], and its counsel, Attorney David Ralston, are held to be in contempt of court for willful disobedience of this Court's Order Granting Plaintiff's Motion to Compel Discovery. The Court enters these specific findings in support of this holding:

4. As additional sanctions, in the event the outstanding discovery is not provided within ten calendar days of entry of this Order, the court will issue warrants for the arrests of [REDACTED], as owner, principal officer and responsible party for Defendant, and David Ralston, as attorney for

Motion to Compel Discovery. The Court enters these specific findings in support of this holding:

Findings: October 7, 2015 CONTEMPT OF COURT

August 20th, 2015 Motion for Contempt

up could justify a separate and independent holding of contempt by him as well as his client. This is an important opportunity for the Court to demonstrate that Mr. Ralston in particular, and legislators in general, may not take advantage of the broad freedom they are given by legislative leave by disregarding the duty to report such leave to the court (when it is outside the regular session) and to avoid using their leave privilege to effectively put other parties in limbo for extended periods

Findings: Opposing Counsel Pushes Back!

January 19th, 2011 Objection to Co-Counsel – David Ralston
Attorney R. Ridgely Rairigh, Jr

-5-

This case was originally filed on September 12th, 2008, and the parties have been fully represented in this action for over two years. The movants can think of no reason for Mr. Ralston's involvement in this case other than as a deliberate delay tactic. The Petitioner/Respondent-in-Counterclaim, [REDACTED], cannot use her property to the fullest extent and is being denied her enjoyment and use of her property in a deliberate and malicious manner. Because of the delay based upon Mr. Ralston's involvement has greatly prejudiced and harmed the movants to the extent that this Honorable Court must act to ensure that this case is heard without further delay.

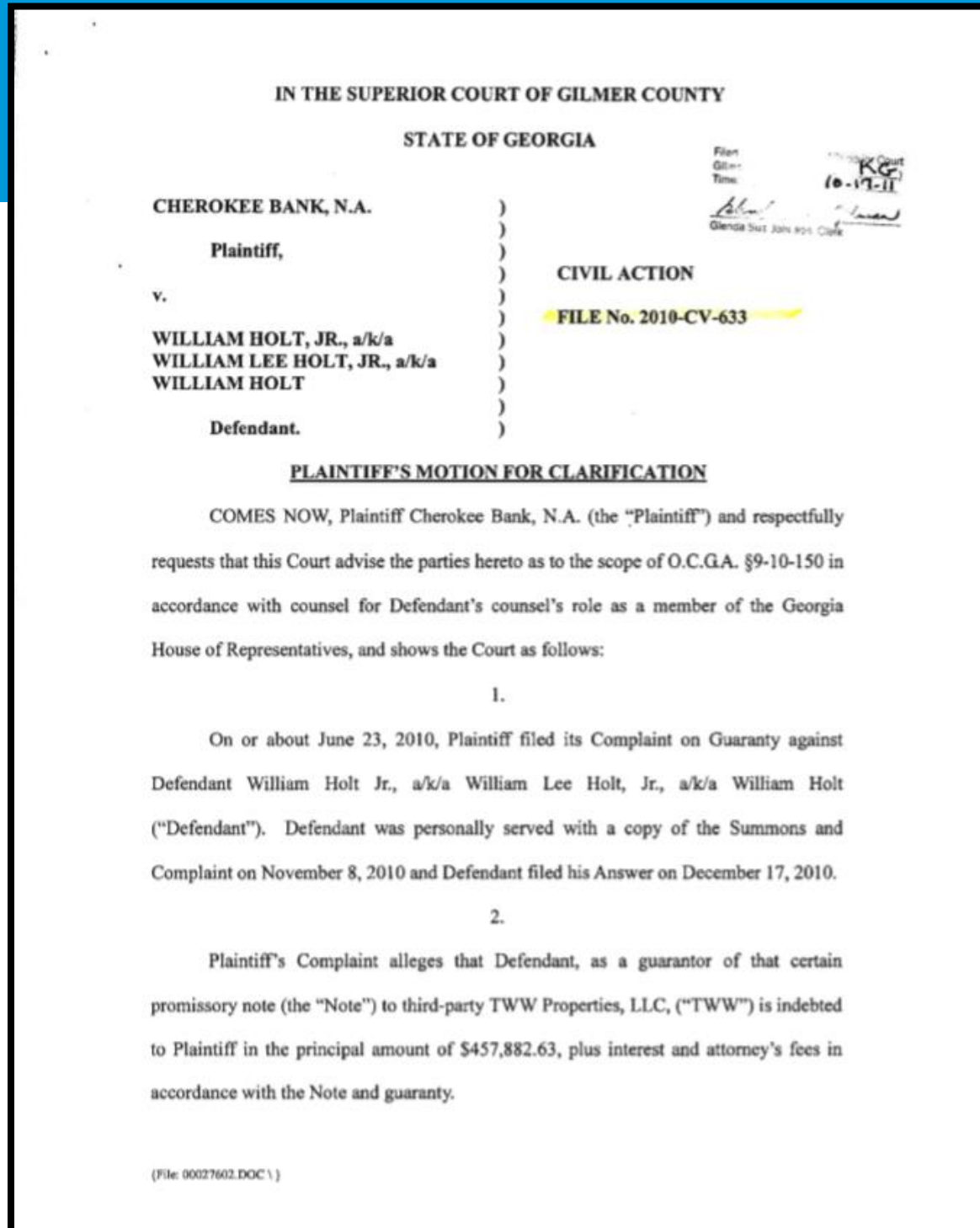
Findings: Opposing Counsel Pushes Back!

June 21, 2011 Letter to Judge Brenda Weaver
Attorney Simon Bloom

While Plaintiff respects the busy nature of Mr. Ralston's position, Plaintiff questions whether Mr. Ralston is honoring the spirit in which O.C.G.A. § 9-10-150 was enacted. Based on the history of his use of this privilege in this case, if the Court continues to honor it, this case will never go to trial. In addition to the stays imposed during sessions, Mr. Ralston has used the statute to delay discovery twice, causing the parties to re-schedule depositions; delay the Court-ordered mediation; and remove the case from a previous trial calendar. Apparently, Mr. Ralston markets his ability to indefinitely delay the resolution of cases as a way to attract more clients.

Findings: Opposing Counsel Pushes Back

October 14, 2011 Motion for Clarification Attorney Susan Howick



Plaintiff further shows that the continued delay of this case has damaged and continues to damage Plaintiff, and Plaintiff requires the intervention of this Court in order to avoid further delay in this matter.

WHEREFORE, for the reasons set forth herein Plaintiff prays that this honorable Court advise the parties as to the proper scope of O.C.G.A. §9-10-150, order Defendant to respond to the Discovery Requests by October 24, 2011 or in a reasonable time

Findings: Opposing Counsel Pushes Back

November 27, 2017 letter to Judge Priest (Fannin)
Attorney Tania Trumble

“DESPITE THE LEGISLATURE NOT BEING IN SESSION MR. RALSTON HAS ONCE AGAIN CLAIMED LEGISLATIVE LEAVE. WHILE I APPRECIATE MR. RALSTON’S SERVICE, **IT APPEARS THAT MR. RALSTON CANNOT BALANCE HIS LEGISLATIVE DUTIES AND HIS REPRESENTATION OF HIS CLIENTS.** MY CLIENT WAS NAMED AS A DEFENDANT AND HAS BEEN UNABLE TO DEFEND THIS MATTER DUE TO MR. RALSTON’S COMPLETE FAILURE TO PROSECUTE THIS CASE.”

“**THIS CONTINUED DELAY IS PATENTLY UNFAIR TO MY CLIENTS...**”

Findings: Prosecution Dismissing Charges due to Time

March 23, 2015 Motion to Nolle Prosequi Asst. DA Frank Wood

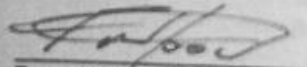
IN THE SUPERIOR COURT OF FANNIN COUNTY
STATE OF GEORGIA

STATE OF GEORGIA) Court No. Docket 2009R-058
V.)
[REDACTED])
Defendant)

MOTION TO NOLLE PROSEQUI

COMES NOW the State of Georgia and moves that a nolle prosequi be entered in the above captioned case: The Constitutional Right of Due Process, specifically that of the right to a speedy trial, requires that all cases brought by the State be resolved in a timely fashion. This right is heightened when the crime charged is a misdemeanor. Delays in excess of twenty-seven (27) months have been found to be prejudicial against a defendant's right to a speedy trial. *State v. Yates*, 223 Ga. App. 403 (1996). Due to the age of the present case, the Constitution demands that this case be dismissed.

This 20th day of March, 2015.

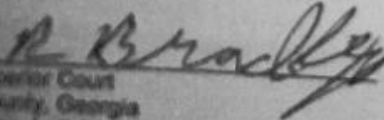

Frank Wood
Assistant District Attorney
Georgia Bar No. 613873

ORDER

The Courts referenced in the MOTION TO NOLLE PROSEQUI are hereby ORDERED nolle prossed. IF A BENCH WARRANT was issued in this case, it is hereby RECALLED.

This 23 day of MAR 15

FILED IN OFFICE 2:24 PM
THIS 25 DAY OF Mar 2015
DREW C. CHRISTIAN
CLERK OF SUPERIOR COURT, FANNIN CO, GA
COMPUTER 3/26/15
SCANNED 3/26/15


Judge Superior Court
Fannin County, Georgia
Appellate Judicial Circuit

“THE CONSTITUTIONAL RIGHT OF DUE PROCESS, ESPECIALLY THAT OF THE RIGHT TO A SPEEDY TRIAL, REQUIRES THAT **ALL CASES BROUGHT BY THE STATE BE RESOLVED IN A TIMELY FASHION.** THIS RIGHT IS HEIGHTENED WHEN THE CRIME CHARGED IS A MISDEMEANOR. DELAYS IN EXCESS OF TWENTY-SEVEN (27) MONTHS HAVE BEEN FOUND TO BE PREJUDICIAL AGAINST A DEFENDANT’S RIGHT TO A SPEEDY TRIAL. STATE V. YATES, 223 GA. APP. 402 (1996). **DUE TO THE AGE OF THE PRESENT CASE, THE CONSTITUTION DEMANDS THAT THIS CASE BE DISMISSED.**” — Frank Wood, Asst. District Attorney

Findings: Prosecution Dismissing Charges due to Time

March 4, 2015 Motion to Nolle Prosequi (x5) Asst. DA Frank Wood

Filed in office of Clerk of Superior Court
Gilmer County Georgia (By: *Frank Wood*)
Time: 7:50 P.M. Date: 3/11/15
Armando A. Oliver
Glenda Sue Johnson, Clerk

IN THE SUPERIOR COURT OF GILMER COUNTY,
STATE OF GEORGIA

STATE OF GEORGIA)
) Court Number
V.) 2011CR-164
[REDACTED])

MOTION TO NOLLE PROSEQUI

COMES NOW, the State of Georgia, by and through the District Attorney's Office for the Appalachian Judicial Circuit, and moves that a nolle prosequi be entered in the above-styled case. Due to the amount of time that has passed since this case's inception, evidence has become stale, witnesses have become unavailable, and recollections have faded. Continuing to pursue this case is not in the best interest of Justice nor the expenditure of public funds.

This 4th day of March, 2015.

Frank Wood
Assistant District Attorney
Appalachian Judicial Circuit

ORDER

The case referenced above in the "MOTION TO NOLLE PROSEQUI" is hereby
ORDERED nolle prossed.

This 4th day of March, 2015.

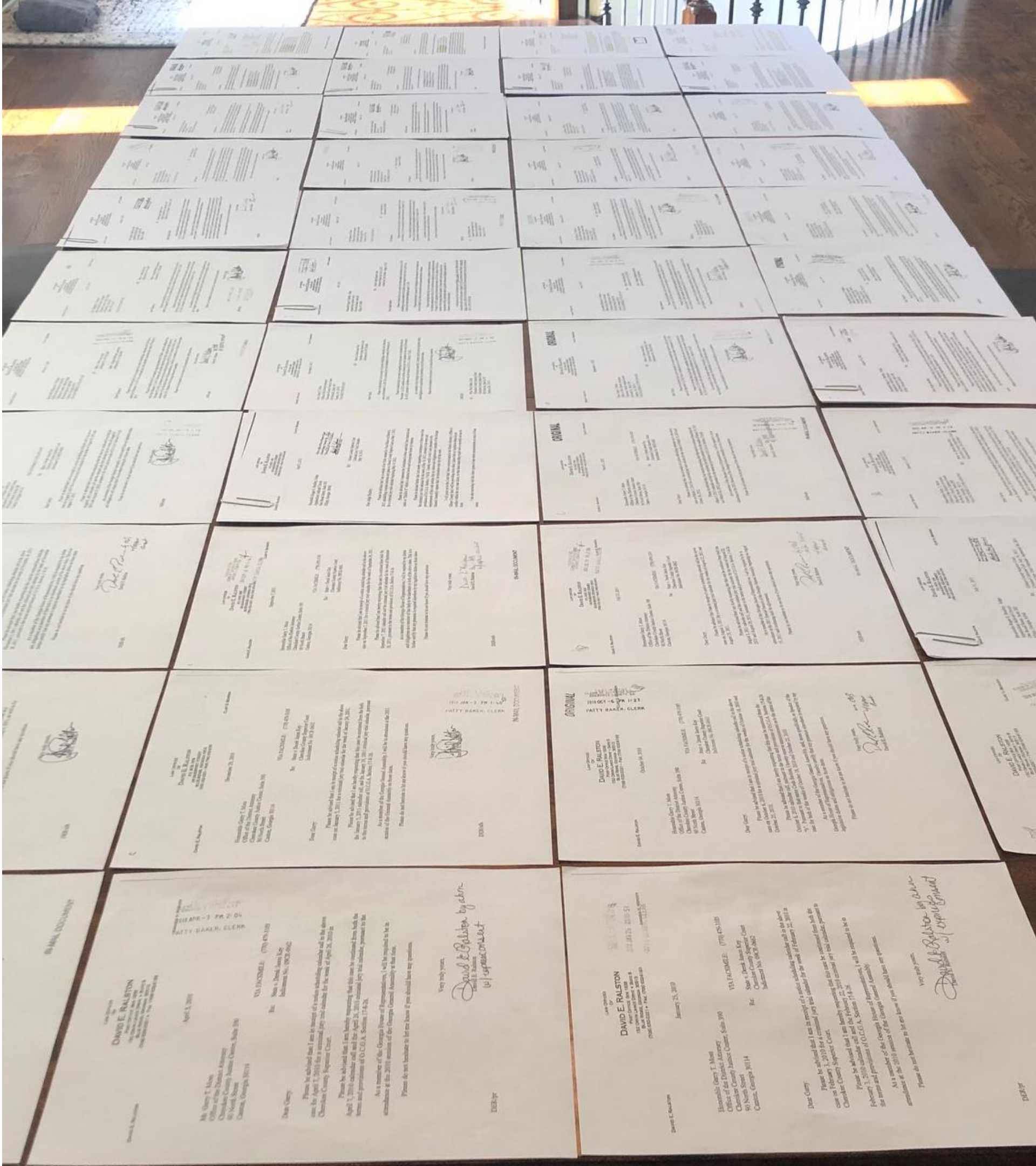
Armando A. Oliver
Judge Superior Court
Gilmer County, Georgia
Appalachian Judicial Circuit

MOTION TO NOLLE PROSEQUI

COMES NOW, the State of Georgia, by and through the District Attorney's Office for the Appalachian Judicial Circuit, and moves that a nolle prosequi be entered in the above-styled case. Due to the amount of time that has passed since this case's inception, evidence has become stale, witnesses have become unavailable, and recollections have faded. Continuing to pursue this case is not in the best interest of Justice nor the expenditure of public funds.

This 4th day of March, 2015.

DUI - 6/7/11 - 3/11/15: 8 CONTINUANCES



State v. Key

Aggravated Child Molestation;
Enticing a Child for sexual purposes;
Transmitting Sexually Explicit
Material to a Child under 16

Age of Case: 9.8 Years
Total Continuances: 44

May 16, 2019

AJC

Atlanta. News. Now.

[News](#) [Politics](#) [County By County](#) [Things To Do](#) [Life](#) [Sports](#) [Subscribers Only](#) | [ePaper](#)

 [Log In](#)

Charges dropped against
Ralston client accused of
luring teen boys



Photo: The Atlanta Journal-Constitution

July 18, 2019

After Ralston delayed case for years, preacher admits groping 14-year-old





Photo: The Atlanta Journal-Constitution

The victim in his case, ex-fiancé Jydon Carpenter, said if she ever gets a court date, she'll be there. After Shell's arrest, she sought help from a domestic abuse shelter and received treatment for PTSD. She wants closure.

Advertisement

Ad closed by Google

[Report this ad](#)

[Why this ad? ▸](#)

| Conclusion

Thank You